Docket: T1340/7008

CANADIAN HUMAN RIGHTS TRIBUNAL

B E T W E E N:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA and ASSEMBLY OF FIRST NATIONS

Complainants

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

ATTORNEY GENERAL OF CANADA
(Representing the Minister of Indigenous Services Canada)

Respondent

- and -

CHIEFS OF ONTARIO,
AMNESTY INTERNATIONAL and
NISHNAWBE ASKI NATION

Interested Parties

AFFIDAVIT OF CINDY BLACKSTOCK

I, Cindy Blackstock, of the City of Ottawa, in the Province of Ontario, **SOLEMNLY AFFIRM THAT:**

1. I begin by honouring all of the First Nations children and youth, past and present, and the Nations, families and friends who love them including honouring the children of all diversities who stood with First Nations children to call for justice during these proceedings. This is a human rights case that mattered – it has changed countless First Nations children's lives for the better and bended the long arc of discrimination towards the loving justice in this plan.

2. I am Gitxsan, a professor at McGill University's School of Social Work, and the Executive Director of the complainant, the First Nations Child and Family Caring Society of Canada ("**the Caring Society**"). As such, I have personal knowledge of the matters hereinafter deposed to, save and except for those matters stated to be on information and belief and where so stated, I believe them to be true.

3. The Caring Society is a national non-profit organization that works to ensure the safety and well-being of First Nations children, youth and families through reconciliation-based education initiatives, public policy campaigns and providing quality resources to support communities. Through this work, the Caring Society champions culturally based equity for First Nations children and their families so that they can grow up safely at home, be healthy, achieve their dreams, celebrate their language and culture and be proud of who they are. More information about the Caring Society is found on the "About Us" page of our website, at fncaringsociety.ca/about.

Recognition of This Moment

4. First Nations, First Nations youth in and from care, Residential School Survivors, 60's Scoop Survivors and the families of Murdered and Missing Indigenous Women, Girls and LGBTQAI+ persons are united in the purpose of ensuring that this generation of First Nations children and those yet unborn will live free of Canada's discrimination and be given a fair opportunity to build on the multi-generational strength of their ancestors and communities to address the multi-generational harms wrought from Canada's woeful conduct.

5. The late Elder, Elmer Courchene, who appeared before the Tribunal, taught us that when it comes to children, justice is not enough. Every child deserves loving justice – infusing law and policy with love, spirit and humanity. That is why this submission was blessed at a Winter Solstice Ceremony and is wrapped in the phrase "we love you" translated into First Nations languages. National Children's Chiefs Commission Knowledge Holder Judy Wilson worked with Deborah Foxcroft and Elders to craft a Winter Solstice Prayer for Children to honour the children on the occasion of this submission. I personally attended a Winter Solstice Ceremony in Tk'emlúps te Secwepemc Territory to honour the children and the Loving Justice Plan.

My Background

4. I am Gitxsan. I grew up in the bush and small communities primarily in northern British Columbia and have over 40 years of experience in child and family services, including work as a front-line social worker and, since 2002, have been the Caring Society's Executive Director. My work has focused on addressing discriminatory practices against First Nations children, youth, and families by Indigenous Services Canada and its predecessors since 1997.

5. The Caring Society's mission statement is to provide active reconciliation-based education, policy guidance, research, advocacy and support to promote the safety and wellbeing of First Nations children, young people, families, communities and Nations.

6. I have a PhD in social work from the University of Toronto (2009), a Master of Jurisprudence in children's law and policy from Loyola University Chicago (2016), a Master of Management from McGill, and a BA in Psychology from UBC. I have also received over 20 honorary doctorates.

7. In 2023, I received the World Children's Prize for advancing equity and rights for First Nations and Indigenous children globally—a recognition made especially meaningful by millions of children voting worldwide. My collaborative efforts have earned over 90 awards, including the Royal Society of Canada's Indigenous Engagement Prize (2025), the SSHRC Gold Medal (2022), Amnesty International's Ambassador of Conscience Award, the Law Society of Upper Canada's Human Rights Award and admission to the Order of Canada. Most rewarding, however, is seeing children thrive after receiving the support they deserve. I affirm this affidavit in support of the Caring Society's and the Assembly of First Nations' ("AFN") national plan to end discrimination within the FNCFS Program and prevent its recurrence (for First Nations not subject to the Ontario Final Agreement "OFA").

The Loving Justice Plan for Long-Term Reform of First Nations Child and Family Services

8. Since the Tribunal directed the Caring Society and the AFN to develop a national FNCFS long-term reform plan in 2025 CHRT 80, I have been directly involved in the conceptualization, development and refinement of the plan. I am proud to attach the resulting plan, titled the Loving

Justice Plan for Long-Term Reform of First Nations Child and Family Services ("Loving Justice Plan" or "Plan") as **Exhibit 1** to my affidavit.

9. Regrettably, despite repeated invitations to collaboration on a unified plan, Canada refused to do so (other than a brief meeting on December 10, 2025, noted at the end of my affidavit), and indeed repeatedly rejected the value of any discussions with the Complainants and sought to minimize contact with the National Children's Chiefs Commission ("NCCC") to two brief meetings.

10. The Loving Justice Plan centers First Nations perspectives and First Nations rights and their children's rights. It was created in close collaboration with the NCCC, the AFN and numerous First Nations, First Nations child and family service experts, Elders and young people across Canada (excluding Ontario). The incredible efforts of First Nations, Elders, youth, and First Nations' regional experts to conduct engagement sessions over a short period of time to inform the Loving Justice Plan was inspiring and representative of the deep love that First Nations have for their children. Over 100 submissions were received, including 64 submissions by groups numbering up to 91 persons.

11. Canada did not participate in this plan, nor did it provide any funding. The regional engagements relied completely on financial and in kind contributions by the Caring Society, Our Children; Our Way (a non-profit organization representing the 24 First Nations, Inuit and Métis Delegated Aboriginal Agencies in British Columbia, which has been providing secretariat support to the NCCC) and in-kind donations by First Nations, First Nations child and family service experts and allies.

12. The Loving Justice Plan aims to permanently end Canada's systemic discriminatory conduct in First Nations child and family services on-reserve and in the Yukon, while respecting First Nations' right to self-determination, in a manner consistent with Canada's domestic and international human rights commitments. Consistent with the direction by the Tribunal and First Nations, the Plan provides a national foundation of minimum standards and effective mechanisms to ensure Canada's accountability whilst providing for regional variations to meet local needs and realities. Relying on the national engagement submissions arising from 2025 CHRT 80 and the best evidence available, the Plan seeks to demonstrate how its implementation will clearly and

effectively permanently cease the systemic racial discrimination identified by the Tribunal. The Plan sets out the mechanisms, and supporting evidence, underlying the measures that will permanently end Canada's discrimination. These are described narratively throughout the Loving Justice Plan.

13. The Loving Justice Plan intends to be responsive to the individual circumstances of First Nations, including by incorporating distinct regional variations to address distinct community circumstances, culture and language, while addressing Canada's systemic discriminatory conduct recognized by the Tribunal and First Nations. The Loving Justice Plan provides narrative descriptions of First Nations perspectives on FNCFS reforms and refers to evidence from First Nations-led research where applicable.

14. In keeping with the Tribunal's direction in 2025 CHRT 80 to strive for excellence rather than perfection and the First Nations value of humility, the proposed plan is intended to be responsive to the changing needs of children and families and better information, data, and experience. Therefore, the Plan includes First Nations led governance mechanisms that are transparent and accountable to First Nations along with regional and national policy and practice secretariates. Measuring outcomes for children, youth and families is essential to understanding their evolving needs, the efficacy of various interventions, and to detect any recurrence of Canada's discrimination at the earliest possible stage.

15. The Loving Justice Plan is organized into nine themes, presented as chapters, each of which groups a series of proposed measures that are essential elements to remedy Canada's discriminatory conduct. These measures, which include explanations and the rationales that inform the proposed measures, are all intended to reflect the nine non-exhaustive parameters set out in paragraph 113 of 2025 CHRT 80. The measures, and accompanying rationales, rely and build upon the Tribunal's current orders and prior rulings in this matter, where applicable. They also rely on a variety of sources including: direction by First Nations in Assembly via resolutions, the Truth and Reconciliation Commission, Final Report on Murdered and Missing Indigenous Women and Girls, applicable legislation and jurisprudence, domestic and international human rights laws, norms and principles such as the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Convention on the Rights of the Child, research and evidence and the views

of Indigenous youth. In keeping with the proportionality principle discussed by the Tribunal in recent rulings, the evidence highlighted in the Loving Justice Plan is kept to the essential points underlying the measures.

16. The Loving Justice Plan also contains detailed deadlines at the outset of many of the measures. The Plan also adopts clear, measurable targets, being the Measuring to Thrive Indicators, included as Appendix J of the Institute of Fiscal Studies and Democracy, First Nations child and family services: Phase 2 Report.

17. Critically, the plan is designed to align with public finance evidence accrued over decades of study and experience.

Process Leading up to the Loving Justice Plan

18. In 2025 CHRT 80, the Panel directed the Caring Society and the AFN to consult with the NCCC to develop an evidence-based, comprehensive National FNCFS long-term reform plan.

19. The NCCC is a non-incorporated association vested with the authority and the mandate to carry out the long-term reform work to end Canada's discrimination on behalf of rights-holding First Nations.

20. The Chiefs-in-Assembly established the NCCC in October 2024 at a Special Chiefs Assembly convened for the purpose of considering the draft Final Agreement on long-term FNCFS reform negotiated by Canada, the AFN, Chiefs of Ontario and Nishnawbe Aski Nation. On October 17, 2025, Chiefs-in-Assembly rejected the draft Final Agreement by overwhelmingly defeating Draft Resolution 01/2024: Our Children, Our Future. Instead, First Nations in Assembly overwhelmingly adopted a new transparent and inclusive approach to ending Canada's discriminatory conduct in AFN Resolution 60/2024: Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle.

21. The vote on Draft Resolution 01/2024, which took place on October 17, 2024, was 147 in favour, 267 opposed and one abstention (I consulted CPAC's archived video "AFN Special Chiefs Assembly: Day 2 – October 17, 2024" from time code 8:57:00 to 8:58:20 to verify the results of the vote). I was present for this vote.

22. The vote on AFN Resolution 60/2024, which took place on October 18, 2024, was 186 in favour, seven opposed and ten abstentions (I consulted CPAC's archived video "AFN Special Chiefs Assembly: Day 3 – October 18, 2024" from time code 2:12:10 to 2:12:25 to verify the results of the vote). I was present when this resolution was adopted.

23. The Chiefs-in-Assembly mandated the NCCC to openly and transparently oversee and provide strategic direction, in accordance with their resolutions, to permanently end Canada's systemic discrimination in First Nations Child and Family Services and Jordan's Principle, including all related negotiations and litigation. At the December 2024 Special Chiefs' Assembly, the Chiefs-in-Assembly passed AFN Resolutions 88/2024, 89/2024, 90/2024. These resolutions affirmed the NCCC's authority and mandate and approved in principle the NCCC's governance structure established in AFN Resolution 60/2024.

24. Chiefs-in-Assembly provided further direction regarding FNCFS long-term reform at the AFN's Annual General Assembly in September 2025. Notably, Draft Resolution 50/2025: Regional First Nations Child and Family Services Reform Agreements, was defeated by a vote of 54 in favour, 153 opposed and 11 abstentions (I consulted CPAC's archived video "AFN 2025 Annual General Assembly: Day 2" from time code 7:03:00 to 7:03:41 to verify the results of the vote). While I was present at the September 2025 Annual General Assembly, I was not present for this vote.

25. The NCCC's Terms of Reference were approved at the Annual General Assembly held from September 3-5 2025, in AFN Resolution 03/2025.

26. First Nations located in all the Provinces and Territories in Canada, outside Ontario, have appointed Commissioners, Alternates, and experts to the NCCC.

27. Currently the NCCC is composed of 23 First Nations' Commissioners and Alternate Commissioners, appointed through self-determined regional First Nations processes. The vast majority of Commissioners also serve as Chiefs of their respective First Nations. Each Commissioner appoints regional child and family service experts who work collectively to uphold the NCCC mandate.

28. In line with the Tribunal's orders in 2025 CHRT 80, the Caring Society, NCCC and AFN have engaged First Nations, First Nations child and family service experts, youth, the prospective interested parties, other stakeholders and drawn on existing expertise to develop the Loving Justice Plan. I adopt the content of the Caring Society's monthly reports regarding activities conducted pursuant to 2025 CHRT 80 and their descriptions of those engagement efforts.

29. In September 2025, the Caring Society also contacted all the proposed interested parties who sought leave to participate in this proceeding, and established plans to engage with the Assembly of Seven Generations to ensure the voices of young people were included.

30. Late in the evening on September 19, 2025, I saw a social media post by the Honourable Mandy Gull-Masty, P.C., M.P., Minister of Indigenous Services, announcing Canada's judicial review of 2025 CHRT 80. Shortly thereafter, I learned that the Caring Society and the AFN were served with the application for judicial review. While Canada's pursuit of further litigation may have diverted time, attention and effort away from the Loving Justice Plan, the Caring Society has remained committed to fulfilling the Tribunal's direction to develop a plan to permanently end Canada's discrimination in First Nations Child and Family Services without delay.

31. Throughout September 2025, I collaborated with the NCCC and AFN to create an engagement guide to support First Nations Leadership, experts and youth to participate in the national engagement to inform the Loving Justice Plan. The engagement guide is composed of nine themes identified from AFN resolutions, the CHRT orders, existing research, a partial review of long-term reform measures by the National Advisory Committee in 2023/24, and the Accountability in our Lifetime report by the Assembly of Seven Generations. The guide also invited participants to name additional themes that they identified as important to permanently ending the discrimination.

32. The NCCC and Caring Society ensured that engagement materials and resources were available in both French and English. Webinars featured simultaneous translation and bilingual NCCC and Caring Society members were available to facilitate participation.

33. Consistent with the direction of First Nations in Assembly in Resolution 60/2024, the NCCC includes First Nations that are not members of the Assembly of First Nations. For example,

First Nations in Alberta, many of whom are not members of AFN, are represented on the National Children's Chiefs Commission and their experts are active participants in the NCCC technical team.

34. In early October 2025, the Caring Society finalized and circulated engagement materials amongst First Nations leadership, regional experts and interested parties, in both English and French, and in several formats (i.e. online, fillable PDF and fillable Word) to accommodate diverse internet access among First Nations. The Caring Society and NCCC distributed these engagement materials via QR codes, handouts, presentations, and briefing notes.

35. Due to the lack of funding, I understand that First Nations and First Nations child and family service experts in the regions supported engagement sessions through existing meetings and online platforms using existing resources. The Caring Society participated in regional sessions hosted in Yukon, British Columbia, Alberta, Manitoba, New Brunswick, and Saskatchewan as well as plenary sessions at the AFN's Annual General Assembly in September 2025 and a plenary at the AFN's Special Chiefs Assembly in December of 2025.

36. On October 24, 2025, the Caring Society hosted a session with legal counsel and client representatives from the First Nations organizations that sought interested party status in this proceeding to provide an update on the regional consultations.

37. That same day, the Caring Society joined a webinar with simultaneous translation hosted by the NCCC, with over 200 attendees, to answer questions about the engagement materials and process.

38. In keeping with Indigenous data sovereignty, the NCCC is the trustee of the submissions received via the regional engagement process.

39. In partnership with the NCCC, the Caring Society worked alongside a research scholar with expertise in research methods, who is affiliated with a major university, to design and implement a data analysis methodology for the national engagement results that accords with best practices and achieves the aims set out in 2025 CHRT 80.

40. Over the course of the consultation and engagement process directed pursuant to 2025 CHRT 80, the Caring Society did not receive any funding support or capacity funding from Canada. Indeed, in its November 4, 2025, update, Canada said it would not fund the Caring Society or AFN's activities in bringing forward the Loving Justice Plan. The lack of funding meant that the Caring Society and others had to contribute their own resources and that First Nations and First Nations child and family service experts had to draw on their resources to participate in the engagement sessions.

41. The NCCC has contributed significant expertise and effort to the national engagement process but, until very recently, had no funding. Their incredible dedication to children spurred delegates at the Loving Justice Conference to launch a crowd funding event that raised approximately $55,000.

42. The lack of funding or in-kind support from Canada meant that there was no funding for dedicated regional engagement sessions. First Nations Leadership and experts in the regions had to rely on their own resources to host engagement sessions and submit their engagement reports. While my technical colleagues at the NCCC and I are proud of the overall participation in the national engagement, there is little doubt that dedicated funding would have yielded higher participation rates, particularly among First Nations with limited financial resources.

Supportive Evidence related to the Loving Justice Plan

43. The Caring Society is committed to evidence based public policy for First Nations children, youth and families. Good quality research, evidence, and outcome data are key to ensuring that remedies to Canada's discrimination benefit First Nations children, youth and families and that outcome data can detect the recurrence of discrimination at its earliest stage. This commitment dates to my personal participation in the Joint National Policy Review on First Nations Child and Family Services (2000) and the Wen:de series of reports in 2005 and the positions adopted by the Caring Society throughout these proceedings. This evidence-based approach is consistent with the direction by First Nations-in-Assembly and the Tribunal's decisions.

44. A commitment to evidence-based public policy is also consistent with the First Nations value of humility. While no solution is ever perfect, evidence, and accountability mechanisms for

Canada, help optimize success for children and to identify and minimize the imperfections and course correct as required.

45. In addition to the regional engagement feedback, the Loving Justice Plan integrates a panorama of sources including the First Nations data from the Canadian Incidence Study on Reported Child Abuse and Neglect (CIS-2019), the Institute for Fiscal Studies and Democracy studies on First Nations child and family services, the Engage First Study on small population First Nations in child and family services, recommendations from the Expert Advisory Committee (EAC) on reforming ISC, recommendations from the Assembly of Seven Generations (an Indigenous youth group), the Truth and Reconciliation Commission and the Final Report of the National Inquiry into Murdered and Missing Indigenous Women and Girls (and LGBTQAI persons).

46. The minimum standards established by the Tribunal's orders and the direction by First Nations-in-Assembly were essential pillars of the plan as well as observance of Canada's domestic and international obligations to First Nations and First Nations children through human rights instruments, norms and legislation including *An Act Respecting First Nations, Metis and Inuit children, Youth and Families*, S.C. 2019, c. 24, the *Indigenous Languages Act*, S.C. 2019, c. 24, the United Nations Declaration on the Rights of Indigenous Peoples (as implemented in Canada via the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14), and the United Nations Convention on the Rights of the Child. For ease of reference, the documents referenced in the Loving Justice Plan (aside from statutes and caselaw) are appended to this affidavit. Attached hereto and marked as exhibits are:

a. Alexander Holburn, Beaudin & Lang LLP, Legal opinion to IFSD dated August 31, 2018 (**Exhibit 2**)

b. Assembly of Seven Generations, "Accountability in our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth" (2021) (**Exhibit 3**)

c. Assembly of Seven Generations, "Recommendations for the Long-Term Reform of First Nations Child and Family Services: Literature Scan" (17 December 2025) (**Exhibit 4**)

d. Auditor General of Canada, "Emergency Management in First Nations Communities, Report 8" (2022) (**Exhibit 5**)

e. Barbara Fallon, Rachael Lefebvre et al, "First Nations Canadian Incidence Study on Reported Child Abuse and Neglect", (2019) (**Exhibit 6**)

f. Canadian Bar Association, "Rights of the Child on Children's Access to Justice and Effective Remedies" (26 August 2024) (**Exhibit 7**)

g. Canada Foundation for Innovation, "Research in Canada, for Canada: A Value Proposition" (September 2023) (**Exhibit 8**)

h. Chandler, M.J., & Lalonde, C. (1998). Cultural continuity as a hedge against suicide in Canada's First Nations. Transcultural psychiatry, 35(2), 191–219 (**Exhibit 9**)

i. Chart of NCCC Proposals for Resolving Outstanding Issues with the 2024 Draft Final Agreement on FNCFS Long-Term Reform (received as an attachment to correspondence from the NCCC dated 21 February 2025) (**Exhibit 10**)

j. Court Challenges Program, Funding Guidelines (1 October 2024) (**Exhibit 11**)

k. Department of Justice Canada, "Article 12 of the Convention on the Rights of the Child and Children's Participatory Rights in Canada" (**Exhibit 12**)

l. Directive 20-1 (**Exhibit 13**)

m. EngageFirst Management Consultants, "Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report" (May 2025) (**Exhibit 14**)

n. Expert Advisory Committee for the Reform of Indigenous Services Canada: Summary Report of Activities, Observations and Advice (Spring 2022 to Spring 2024) (**Exhibit 15**)

o. Expert Advisory Committee FSA Recommendations (15 December 2025) (**Exhibit 16**)

p. First Peoples' Cultural Council, "Costing Models for Language Maintenance, Revitalization and Reclamation in Canada", dated May 2018 (**Exhibit 17**)

q. First Nations-in-Assembly Resolutions

    i. 42/2018: *Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)* (**Exhibit 18**)

    ii. 40/2022: *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle* (**Exhibit 19**)

    iii. 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle* (**Exhibit 20**)

iv. 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services* (**Exhibit 21**)

v. 87/2024: *Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement* (**Exhibit 22**)

vi. 88/2024: *Implementing the Chiefs' Direction to End Canada's Discrimination in First Nations Child and Family Services* (**Exhibit 23**)

vii. 89/2024: *Renewing Negotiations Toward Long-Term Reform of First Nations Child and Family Services and Jordan's Principle* (**Exhibit 24**)

viii. 90/2024: *Safeguarding First Nations Children and Holding Canada Accountable for its Canadian Human Rights Tribunal Legal Obligations* (**Exhibit 25**)

ix. National Children's Chiefs Commission Terms of Reference (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*) (**Exhibit 26**)

r. Global Affairs Canada, "Advancing Human Rights" (24 January 2024) (**Exhibit 27**)

s. Government of Canada, Child Rights Impact Assessment (**Exhibit 28**)

t. Government of Canada definitions of Intra- and Intergenerational Equity:

i. In the environmental context (**Exhibit 29**)

ii. In the context of Labour Markets, Social Institutions, and the Future of Canada's Children (**Exhibit 30**)

iii. In the context of the Department of Justice's priorities regarding the Implementation of UNDRIP (**Exhibit 31**)

u. Indian and Northern Affairs Canada, *First Nations Child and Family Services National Program Manual* (May 2005) (**Exhibit 32**)

v. Indigenous Services Canada, Jordan's Principle guidance on the best interest of a child (23 December 2024) (**Exhibit 33**)

w. Institute of Fiscal Studies and Democracy, First Nations child and family services: Phase 1 Report (**Exhibit 34**)

x. Institute of Fiscal Studies and Democracy, First Nations child and family services: Phase 2 Report (**Exhibit 35**)

y. Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025) (**Exhibit 36**)

z. Institute of Fiscal Studies and Democracy, First Nations not affiliated to a First Nations child and family (FNCFS) services agency: Defining a baseline (4 April 2024) (**Exhibit 37**)

aa. Inter-Agency Standing Committee, "With Us and For Us: Working With and For Young People in Humanitarian and Protracted Crises", UNICEF and the Norwegian Refugee Council for the Compact for Young People in Humanitarian Action, (2020) (**Exhibit 38**)

bb. Maastricht Principles on the Human Rights of Future Generations (3 February 2023) (**Exhibit 39**)

cc. Measuring to Thrive Framework (**Exhibit 40**)

dd. NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024) (**Exhibit 41**)

ee. Naiomi Metallic et. Al, *Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report* (31 March 2022) (**Exhibit 42**)

ff. National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice (**Exhibit 43**)

gg. N. Sikka et al "Indigenous Centered Conflict Resolution Processes in Canada", March 2021, posted as a resource document on the National Aboriginal Land Managers' Association website (**Exhibit 44**)

hh. Ontario Association of Children's Aid Societies, 2025 Pre-Budget Submission dated January 24, 2025 (**Exhibit 45**)

ii. Ontario Human Rights Commission, "Chapter 9 – Accountability and monitoring mechanisms: gaps in data management, performance review, and public transparency" (**Exhibit 46**)

jj. Ontario Human Rights Commission, "Anti-Racism and Organizational Change: A Guide for Employers" (23 October 2023) (**Exhibit 47**)

kk. Pan-American Health Organization, *Just Societies: Health Equity and Dignified Lives. Executive Summary of the Report of the Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas. Revised Edition* (Washington: Institute of Health Equity, 2019) (**Exhibit 48**)

ll. Prime Minister Stephen Harper's Apology to Survivors of Indian Residential Schools (11 June 2008) (**Exhibit 49**)

mm. Rome Declaration on Safeguarding Seven Generations in times of Food, Social, and Ecological Crises (2023), made at the UN Global Indigenous Youth Forum, hosted

by the Food and Agriculture Organization of the United Nations in October 2023 (**Exhibit 50**)

nn. Truth and Reconciliation Commission of Canada, "Calls to Action" (2015) (**Exhibit 51**)

oo. UNICEF, "In Focus: Access to justice for children" (October 2024) (**Exhibit 52**)

pp. UNICEF, Canada criteria for child rights impact assessments, "What is a Child Rights Impact Assessment?" (**Exhibit 53**)

qq. United Nations Committee on Economic, Social and Cultural Rights concluding observations on the sixth periodic report of Canada, March 23, 2016, E/C 12/CAN/CO/6 (**Exhibit 54**)

rr. United Nations Committee on the Rights of the Child, *General Comment 11* (**Exhibit 55**)

ss. United Nations Committee on the Rights of the Child, *General Comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change*, 93rd Sess., U.N. Doc. CRC/C/GC/26 (2023) (**Exhibit 56**)

tt. United Nations, *Convention on the Rights of the Child* (**Exhibit 57**)

uu. Wen:de Reports

i. J. Loxley, F. Wien and C. Blackstock, "Bridging Econometrics and First Nations Child and Family Service Agency Funding: Phase One Report: Report to the National Policy Review National Advisory Committee" (December 2004) (**Exhibit 58**)

ii. First Nations Child and Family Caring Society of Canada, "Wen:de - We Are Coming to the Light of Day" (2005) (**Exhibit 59**)

iii. J. Loxley, L. DeRiviere, et al., "Wen:de - The Journey Continues: The National Policy Review on First Nations Child and Family Services Research Project: Phase Three" (1st ed) (2005) (**Exhibit 60**)

Approval of the Loving Justice Plan by the NCCC

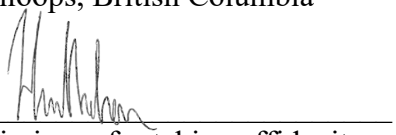
47. On December 22, 2025, I received a letter from Chief Pauline Frost, Chair of the NCCC, confirming the NCCC's support for the Loving Justice Plan. A true copy of Chief Frost's letter is attached to my affidavit as **Exhibit 61**.

Communications with the Minister of Indigenous Services in December 2025

48. In the days leading up to the filing of the Loving Justice Plan, Minister Gull-Masty reached out to discuss the upcoming deadline for filing long-term reform plans. That meeting took place, virtually, on December 10, 2025, including Regional Chief Verreault-Paul, two representatives of the NCCC, and me. Regional Chief Verreault-Paul, Chief Frost and I wrote to Minister Gull-Masty to follow-up on this meeting on December 15, 2025. A true copy of our joint letter to the Minister is attached to my affidavit as **Exhibit 62**.

49. Hours before the deadline for filing the plans ordered in 2025 CHRT 80, Minister Gull-Masty responded. While the letter is dated December 21, 2025, it was received on December 22, 2025. A true copy of the Minister's letter, addressed to Regional Chief Verreault-Paul, Chief Frost and me, is attached to my affidavit as **Exhibit 63**.

AFFIRMED BEFORE ME over video teleconference on this 22nd day of December 2025, in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*. The Commissioner was in Ottawa, Ontario and the affiant was in Kamloops, British Columbia



Commissioner for taking affidavits

CINDY BLACKSTOCK

Henna Mohan
LSO#: 90494W

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4.	Assembly of Seven Generations, "Recommendations for the Long-Term Reform of First Nations Child and Family Services: Literature Scan" (17 December 2025)
5.	Auditor General of Canada, "Emergency Management in First Nations Communities, Report 8" (2022)
6.	Barbara Fallon, Rachael Lefebvre et al, "First Nations Canadian Incidence Study on Reported Child Abuse and Neglect", (2019)
7.	Canadian Bar Association, "Rights of the Child on Children's Access to Justice and Effective Remedies" (26 August 2024)
8.	Canada Foundation for Innovation, "Research in Canada, for Canada: A Value Proposition" (September 2023)
9.	Chandler, M.J., & Lalonde, C. (1998). Cultural continuity as a hedge against suicide in Canada's First Nations. Transcultural psychiatry, 35(2), 191–219
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18.	42/2018: *Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)*

19.	40/2022: *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*
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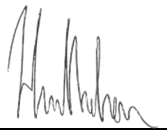
63.	Letter from Honourable Gull-Masty dated December 21, 2025

This is Exhibit "1" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

The Loving Justice Plan: First Nations Child and Family Services (Outside Ontario)

Filed pursuant to 2025 CHRT 80

December 22, 2025

Caring Society

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Honouring

A. Honouring Statement: the voices of Indigenous youth

"The irony is that discriminating against Indigenous children and youth is an unnecessary expense for Canadians. Underfunding basic needs of Indigenous children and families actually costs governments more money in the long term than investing in the solutions. Canada has ignored the red flags for far too long by ignoring Indigenous voices and in some cases, directly invested in the discrimination against Indigenous children and youth. It is painful for survivors to imagine how their lives could have been if their well-being was honoured and respected but Canadians now have an opportunity to correct the inequalities and invest in bright and beautiful futures of all First Nations children and youth. It is not too late and hope is still alive that First Nations children and youth can not only survive but they can thrive."[1]

B. Honouring Statement from the National Children's Chiefs Commission

In every child lies the promise of a better tomorrow: it is our collective responsibility to breathe life into that promise. This Plan begins with children because the work of ending Canada's discrimination in First Nations Child and Family Services must be guided by the sacred place children hold in First Nations law, knowledge systems, languages, cultures—and in our hearts.

In this moment, we must remember how and why we came to be in this place. First Nations families have endured centuries of deliberate colonial policies designed to eradicate our cultures, languages, and worldviews. In targeting our children, these policies struck at the very heart of our Nations. Children were removed, harmed, and disconnected, while First Nations laws and systems of care were disregarded and displaced. This harm did not end in the past; it continues through ongoing discriminatory colonial child welfare policies that separate children from their families and communities

In First Nations knowledge systems, children are understood to arrive with inherent powers: gifts from the spirit world that bring a purity of vision and knowledge to teach those willing to listen from their souls. The failure to protect these inherent gifts, and the betrayal of trust that follows, is among the deepest traumas a family can endure. When children are

[1] Fayant, Gabrielle, and Ashley Bach, A Follow-up Report of First Nations Youth of First Nations Youth in Care Advisors in Care Advisors, December 2021.

harmed, displaced, or disconnected, it is not only the child who suffers; the strength of families, clans, and Nations is diminished.

Our vision for the future is clear and enduring: that First Nations control our own lives and living conditions, live with dignity, and raise our children within our own laws, languages, and knowledge systems. Healing the wounds inflicted upon families is essential to realizing this vision. We must look to our resilient past and glean guidance from our stories of old, our myths, legends, and our ancestral teachings to forge a beautiful tomorrow. First Nations kinship systems are grounded in sacred responsibilities to teach, to care for one another, and to maintain balance for children and for those not yet born. They have always provided the pathway to well-being.

The spirit of this Plan comes from the children themselves. They have taught us about justice, fairness, forgiveness, and unconditional love. We honour First Nations children by affirming their right, in community with their Nations, to live their cultures, speak their languages, and be raised within their own systems of law, care, and belonging. In doing so, we affirm that protecting children's inherent gifts renews families, strengthens Nations, and upholds the collective responsibilities that carry the promise of generations yet to come.

C. Honouring Statement from Francis Verrault-Paul Regional Chief of the AFNQL and AFN Executive Portfolio Holder - Child and Family Services

This work is about our children and the sacred responsibility we carry as Nations. For generations, decisions were made about our children without us, and those decisions tore apart families, communities, and the threads of our cultures. Today, we stand at a turning point. These reforms are not just technical changes—they are a promise to our children that we will never allow discrimination to define their lives again.

As an Innu child, as an athlete and today as a leader, I have seen the strength and resilience of our families. I have also seen the harm caused when systems fail to recognize our rights, our dignity and humanity. The Canadian Human Rights Tribunal told the truth: Canada's discrimination was not an accident—it was systemic, and it lasted for decades. That truth must guide every step forward. We cannot settle for partial measures or temporary fixes. Our children deserve more than justice—they deserve loving justice, rooted in their languages, cultures, and communities.

Honouring this commitment means listening to the voices of those who have lived through these failures—youth who aged out of care without support, parents who fought to keep

their families together, and Elders who remind us that every child carries the spirit of their Nation. It means building systems that reflect who we are, not who others think we should be. It means funding that is fair, predictable, and based on need—not politics. It means an accountability process that is real, transparent, and enforced.

We must also remember that reconciliation is not a word on paper; it is action—real, positive action—rooted in the lessons of our past, and reaching forward to shape a better future. It is the courage to challenge old mindsets and dismantle structures that perpetuate harm. It is the humility to admit mistakes and the determination to turn forward with purpose to build what must endure. These reforms will only succeed if they are guided by our laws, our knowledge, and our vision for the future—a future where every child grows up safe, loved, and proud of who they are.

To the children: you are the heart of this work. You are not statistics or case files—you are sacred beings with dreams and gifts. We honour you by ensuring that the systems around you reflect your worth and protect your rights. We honour you by demanding that Canada does better—not someday, but now. And we honour you by standing together, as Nations, to make sure that this promise is kept for generations to come.

D. Honouring Statement from An lilxhl Majagalee, Dr. Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada

Elder Elmer Courchene said, “children deserve more than justice – they deserve loving justice.” Loving Justice is the full bloom of humility, spirit, love, wisdom, courage, respect, honesty and truth for every First Nations child and youth.

As Panel Chair Marchildon, Member Lustig and the late Member Belanger said in 2016 CHRT 2, “this decision concerns children.” It concerns the children, youth and families who came before and passed on the strength of our ancestors' teachings despite experiencing heartbreaking harms, including death, at the hands of a country that consistently describes itself as a global leader and defender of human rights. When Prime Minister Harper apologized to residential school survivors on behalf of Canada, he said “the burden of this experience has been on your shoulders for far too long, the burden is properly ours as a government and as a country. There is no place for the attitudes that gave rise to residential schools to ever prevail again.”

As Canada fought to continue its discrimination at the beginning of the hearings in 2013 and, despite brief glimmers of progress, continues to fight today, I have always believed that if the forces for Loving Justice prevail and the children win the case—the government wins too. Because, as the diversity of children, youth and caring adults who attended the hearings—along with Spirit Bear—have always known, when First Nations children receive loving justice, the country does too.

Loving Justice has inspired the many, many individuals and groups like the National Children's Chiefs Commission and the Assembly of First Nations who have supported the Caring Society in bringing this complaint to devote thousands of hours in pursuit of the transformational justice that First Nations children have received—and will continue to receive—through this process. Their families have generously supported these efforts by sharing their time and commitment with our children, youth, and families, for which we remain deeply grateful.

Today and every day, caring people work directly with First Nations children, youth and families to love and support them through the perils of colonial trauma. They include cultural workers, social workers, child and youth workers, alternative care providers, prevention workers, band representatives, mental wellness and addictions professionals. We honour and thank you all.

Reconciliation embraces the challenge of learning from the past but finds its full meaning in what we do next. The ancestors have done their work, the children have done their work, and we have done ours. The incredible Elder and National Film Board documentary film maker, Alanis Obomsawin, has seen it all unfold from behind her camera and now longs to tell the end of the story so, what will Canada do next?

In the words of Maaxw Gibuu (Mary Teegee-Gray):

> "Tender is the heart of a child. Their heart doesn't understand politics, policies or prejudices. Their heart isn't aware of decisions made on their behalf, except when it breaks.
>
> Chief Dan George once said, "A child does not question the wrongs of grown ups, he suffers them".
>
> The sacred work of caring for our children is a gift bestowed upon us by our Creator. We honour those who have chosen to use their Creator given talents, tools and gifts to make this world a better place – one tender heart at a time.

We must never forget that we are the ancestors those not yet born will speak of, and for all those who have contributed to this great and important sacred work, they will speak your name in reverence and with love.”

1. A teaching from the Hon. Murray Sinclair[2]

Our children are the ongoing prize in the cultural war that Canada declared against us over 150 years ago. Canada may believe that the war is over, but until the automatic weapons it created as part of that war, have been taken from their hands or altered in fundamental ways, or disabled totally, the war continues of its own momentum.

The Child Welfare System, the Youth Justice System and the Educational System all function from the inherent, fundamental, belief, that we as parents in our own communities do not have the right to birth, raise, educate, discipline and protect our children from Canada's inherent racism.

Canada believes fervently in the benevolence of its policies and fails to accept its own failings, because we are the faces of those failings. They treat us poorly because we are not like them, and they ignore our wounds and the deaths that result from their actions – past and present – because we are not like them.

We are asked to help Canada do better – to be better – and we willingly accept that challenge because Canada must change. But the struggle to create the change that Canada must undergo will be resisted and it will be a constant repetition of "two steps forward, one step back", or sometimes three. It will not be easy.

What our leaders must realize is that we too must change. We must stop playing the victim's role of looking to our abuser for the help we need. We must accept the challenge of standing up and walking on our own two feet. And we must walk to the beat of our own drum.

We must demand that our leaders show the leadership necessary to strengthen our communities.

We must demand that our leaders show the leadership necessary to strengthen our families.

We must demand that our leaders show the leadership necessary to strengthen our children.

We need leaders to fight that ongoing battle with the enemies on the outside of our walls, and we need leaders who will fight the enemies who are inside the walls. Our traditions have taught us that.

[2] Published on Senator Sinclair's website on 28 December 2017. Also published in Macleans Magazine on 11 January 2018.

Our children do not set out in life to fail. They want to be someone. We have to be the someones they want to be.

We have to tell them about those of us who have come from the same ground they stand upon, who have the same kinds of community, parents and history that they have, and who look just like them, who are someone.

We have to make them believe in us and we have to train them how to become someone and we have to let them try.

…then we have to create the blankets with which we can wrap them when they stumble and fall, and we have to love them enough to help them get up and walk again.

No one escapes this world unhurt and unharmed. We will all be bruised at some point. But our traditions have sustained the warrior spirit inside us for thousands of years and they hold the key to our future. We will not survive by being better at the whiteman's game than the white man. We will survive by being the best Anishinaabe we can be. Tell them I said this.

2. Introduction

The Loving Justice Plan is organized according to the engagement themes outlined in the National Engagement Guide, namely: 1) purpose, principles and definitions, 2) governance, 3) enforcement and durability, 4) funding commitments and arrangements, 5) accountability, 6) regional variations, 7) reform of Indigenous Services Canada, 8) research and outcome data, and 9) transitions and readiness. These themes were identified based on the direction of First Nations Rights Holders, Tribunal orders, and the best available evidence dating back nearly 30 years.

The content of each theme is informed by the wisdom of First Nations Elders and Knowledge Keepers, youth, and First Nations child and family service experts who participated in the 105 engagement sessions held across Canada pursuant to 2025 CHRT 80. Sixty-four of the submissions were for groups – of up to 91 participants. The National Children's Chiefs Commission and the First Nations Child and Family Caring Society engaged with First Nations leaders and Rights Holders, Elders, youth and First Nations Child and Family Service (FNCFS) experts to gather their perspectives on the components of this Plan. The "What We Heard" sections that follow provide summaries and illustrative quotations of the feedback shared during those engagements.

Their collective wisdom is critical to enabling regional variations to meet local needs, while building upon a national approach to long-term reform that sets fundamental minimum human rights standards and accountability mechanisms to permanently stop Canada's discrimination in First Nations child and family services.

These reforms, in tandem with regional variations to reflect distinct cultures, languages and realities, will apply to First Nations child and family services excepting First Nations consenting to the application of the Ontario Final Settlement Agreement or its successors. Many First Nations that have affirmed, or are seeking to affirm, their own jurisdiction in child and family services in whole or in part are entitled to the benefits of these reforms as a minimum standard which ought to be upwardly adjusted to reflect the requirements of the respective First Nations law(s).

While recognizing the scope of the complaint, we urge Canada to take measures over and above those contemplated by this plan to extend these reforms and support substantively equitable and culturally appropriate First Nations Child & Family Services to all First Nations children wherever they reside, including off-reserve and in the Northwest Territories.

Throughout its process, the Loving Justice Plan demonstrates the love that First Nations have for their children, youth and families. There was no funding for this process, yet First

Nations governments and their experts joined with the National Children's Chiefs Commission and the Co-Complainants (the Caring Society and the Assembly of First Nations) to ensure the voices of Rights Holders are respected and the rights of their children, youth and families are upheld.

3. Purpose, Principles and Definitions

A. Purpose

Measure: Outlining Purpose, Scope and Interpretation

The Loving Justice Plan presents reforms intended to provide enduring protection for generations of First Nations children, youth, and families against Canada's systemic discrimination in First Nations Child and Family Services (FNCFS)— discrimination that was substantiated in the 2016 CHRT 2 decision and subsequent rulings. These reforms are grounded in a decade's worth of evidence collected since 2016 CHRT 2, as well as numerous earlier studies and recommendations, including the Royal Commission on Aboriginal Peoples, the Joint National Policy Review and the Wen:De reports, all of which were cited by the Tribunal in that landmark ruling. While Jordan's Principle will be managed through a separate process, it will be considered wherever its provisions intersect with child and family services.

In accordance with the principles of intergenerational equity and substantive equality, Canada (Indigenous Services Canada and any successor department) is obligated to ensure that its actions result in effective, needs-based, and culturally appropriate outcomes that prioritize the best interests of First Nations children, youth and families. This includes upholding human rights as minimum standards, complying with relevant legislation and regulations, and supporting the distinct rights of First Nations and their children.

Where a measure in this plan has more than one interpretation, the interpretation most consistent with the spirit of the Tribunal's orders including substantive equality and best interests of the child will prevail.

Rationale:

- CHRT Decisions/Jurisprudence
  - 2016 CHRT 2 at paras 463–465
  - 2018 CHRT 4 at paras 236(2) and 413(2)
  - 2021 CHRT 41 at paras 348 and 545(2)
  - *Ontario v Association of Ontario Midwives*, 2020 ONSC 2839 at para 189
- First Nations-in-Assembly Resolutions
  - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clause 3

- 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(a) and (c)
- 87/2024: *Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement*
- National Children's Chiefs Commission Terms of Reference, s. 4(B) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)

B. Principles

What We Heard:

Engagement participants provided broad support for long-term reform principles that include: intergenerational equity, cultural continuity, culturally-based safety and well-being of children. Participants noted that principles should be clearly defined to ensure they are interpreted as intended. Several participants described the holistic and interconnected nature of wellness. This view of physical, emotional, spiritual and cognitive wellness invokes mind, body, spirit and heart, along with connections to community, family, cultural teachings, First Nations languages, and, especially, the land. Long-term reform, and its underlying principles, should reflect this concept of wellness.

> *"A holistic concept rooted in the child's identity, culture, language, and community connections, not limited to safety or welfare in isolation."*

> *"Recognizing the interconnection of physical, emotional, cognitive, and spiritual wellness in the life of a child, family, and community."*

Participants called for clear, plain language definitions of key terms and the principles. Definitions should be developed in consultation with First Nations and should reflect unique First Nations perspectives. Key terms like "safety" "well-being" "family" and "best interests of the child" should not be imposed by Canada and, instead, must be based on the realities, knowledge systems and priorities articulated by First Nations themselves.

> *"They need to be built and written by each Nation, and what the Nation's understanding of these terms may be. Not Canada's understanding."*

> *"Participants stressed that key terms should appear directly within any long-term reform Final Agreement, plan, or order, rather than only being referenced*

elsewhere. Without definitions, participants cautioned, core ideas risk being interpreted inconsistently or diluted in implementation."

How funding is tied to definitions—especially colonial definitions—is a key concern among engagement participants. This plays out most prominently with terms like "on-reserve/off-reserve" or "ordinarily resident on reserve." The on/off-reserve distinction is widely seen as itself rooted in racism and the *Indian Act*, inconsistent with Canada's constitutional obligations towards First Nations, First Nations self-determination and self-governance, and generating additional discrimination wherever it is allowed to stand. Several participants noted that many people would live on-reserve if they could, but lack of housing, services and opportunities has forced them off-reserve. Losing access to substantively equal child and family services as a result of living off-reserve is experienced as deeply unfair.

First Nations children and youth identify with Aboriginal and Treaty Nations. They do not identify with Indian Act definitions about status Indians, or who lives on-reserve and who does not. They assert that their constitutional and statutory rights are not restricted to a reserve, traditional or treaty homeland, but remain with them no matter where they choose to live. This identity goes with them wherever they go or live. They want their nationhood, their clans, their families to come together to reclaim and restore their nation-to-nation relationships. First Nations governance and institutions in the field of family and children's services are the way of the future.

"Families have left reserve for housing, education, and health. These families should still be the responsibility of the Nations in which they are members."

"I would like to see 'normally resident on reserve' include 'eligible to reside on reserve.' We know that there are housing shortages in most, if not all, First Nations communities. Restricting services to children and families who would reside on reserve if housing was available is unfair."

"Because of second generation cut offs, even though they live on reserve they may not have membership with the band. We are still responsible for them.

Participants identified a number of terms and principles requiring careful definitions: "best interests of the child"; "child"; "family"; "kKin"; "cultural continuity"; "culturally based safety"; "intergeneration equity"; "substantive equality"; "well-being"; "structural drivers".

Effective & Durable Remedies

1. All First Nations children, youth and families have the right, individually and collectively, to be free of all forms of discrimination and have access to effective remedies.

Rationale:

- Constitutional provisions
    - *Constitution Act, 1982*, Article 35, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11
    - *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, Article 132, reprinted in RSC 1985, Appendix II, No 5.

- Legislation
    - *Canadian Human Rights Act*, RSC 1985, c H-6, s. 2
    - *Indigenous Languages Act*, SC 2019, c 23, Preamble and s. 6
    - *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24, ss 9(3)(b)–(d)
    - *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Preamble, Annex: Preamble, Articles 2 and 22(2)
    - *United Nations Convention on the Rights of the Child*, Articles 2, 3, 12 and 19
    - *Interpretation Act*, RSC 1985, c I-21, s. 8.3
- CHRT Decisions
    - 2016 CHRT 10 at paras 15–16
    - 2017 CHRT 14 at para 29
    - 2018 CHRT 4 at para 387
    - 2021 CHRT 41 at para 18
    - 2022 CHRT 41 at para 227
- First Nations-in-Assembly Resolutions
    - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(g)
    - National Children's Chiefs Commission Terms of Reference, s. 4(L) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
- Research and Evidence
    - Canadian Bar Association, "Rights of the Child on Children's Access to Justice and Effective Remedies" (26 August 2024)
    - UNICEF, "In Focus: Access to justice for children" (October 2024)

- Maastricht Principles on the Human Rights of Future Generations, s. 30 (3 February 2023)

2. The order in 2016 CHRT 2 at para 481 that Canada "cease its discriminatory practices and reform the FNCFS Program [...] to reflect the findings in this decision" is a permanent injunction against Canada to cease its discriminatory conduct in First Nations child and family services. The permanent nature of this order upholds intra-generational equity and intergenerational equity and protects First Nations children and families for generations to come.

Rationale:

- Legislation
  - *Department of Indigenous Services Act*, SC 2019, c. 29, s 336 at Preamble, ss. 6(2)(a), 7(a),10(2),13
- CHRT Decisions
  - 2016 CHRT 2 at para 481
  - 2018 CHRT 4 at paras 34–43
  - 2019 CHRT 7 at paras 45–55
  - 2021 CHRT 41 at para 37
  - 2022 CHRT 8 at para 34
  - 2025 CHRT 80 at paras 59–64
- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(a) and (c)
- Research and Evidence
  - Indigenous Services Canada, "Jordan's Principle guidance on the best interest of a child" (23 December 2024)
    - Highlights the "intergenerational impacts of colonization, such as the impacts of the Indian Residential Schools system and 60's scoop"
  - Prime Minister Harper, "Statement of apology to former students of Indian Residential Schools" (11 June 2008)
    - CHRC Book of Documents, Vol. 3, Tab 10: the apology recognized that "in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow" and "[n]ot only did you suffer these abuses as children, but as you became parents, you were powerless to protect your own children from suffering the same experience".

- Truth and Reconciliation Commission of Canada, "Calls to Action" (2015), numbers 1(v) and 3
- The Rome Declaration on Safeguarding Seven Generations in times of Food, Social, and Ecological Crises (2023), made at the UN Global Indigenous Youth Forum, hosted by the Food and Agriculture Organization of the United Nations in October 2023, at pp 2–3
    - "We demand justice, reparation and restoration for historical and intergenerational damages, recognizing the value of our knowledge and wisdom, custom and languages, including our food systems and the territories where life flourishes."
- Maastricht Principles on the Human Rights of Future Generations, s. 2, 5–7, 9, 13, (3 February 2023)
- Expert Advisory Committee, FSA Recommendations" (15 December 2025), p 1
- United Nations Committee on the Rights of the Child, "*General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change"*, 93rd Sess., U.N. Doc. CRC/C/GC/26 (2023) at paras. 63–67. While in the environmental context, the UN Committee on the Rights of the Child stated: "While the rights of children who are present on Earth require immediate urgent attention, the children constantly arriving are also entitled to the realization of their human rights to the maximum extent."
- *United Nations Convention on the Rights of the Child*, Article 2
- Government of Canada definitions of Intra- and Intergenerational Equity
    - In the environmental context: **Intergenerational equity:** includes the importance of meeting the needs of the present generation without compromising the ability of future generations to meet their own needs.
    - In the context of Labour Markets, Social Institutions, and the Future of Canada's Children
    - In the context of the Department of Justice's priorities regarding the Implementation of UNDRIP (prevention and mitigation of generational harms caused by the forcible removal of Indigenous children).

Positive Outcomes for First Nations Children, Youth, Young Adults and Families

The Reformed FNCFS will be structured and implemented to achieve the following outcomes for First Nations children.

3. Holistic and culturally based safety and physical, emotional, spiritual and cognitive well-being for First Nations children, youth, young adults, and families, including preserving the child's cultural identity and connections to the language and territory of the First Nations group to which the child belongs;

Rationale:

- CHRT Decisions/Jurisprudence
  - 2016 CHRT 2 at para 106
  - *Varley v Canada (Attorney General)*, 2025 FC 753 at paras 130–134
  - *Fisher River Cree Nation v Canada (Attorney General)*, 2025 FC 561 at para 75
  - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at para 113
  - *Reference to the Court of Appeal of Quebec in relation to An Act respecting First Nations, Inuit and Métis children, youth and families*, 2022 QCCA 185 at paras 476-485
  - *Brown v Canada (Attorney General)*, 2017 ONSC 251 at paras 7, 52–53
  - *Kina Gbezhgomi Child and Family Services v M.A.*, 2020 ONCJ 414 at paras 42-43
- First Nations-in-Assembly Resolutions
  - 40/2022: *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, clause 1
  - National Children's Chiefs Commission Terms of Reference, ss. 4(A), (F) and (G) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
    - Pp 168 & 169 "Both indicators [of the existing FNCFS program] are focused on the safety of children with no consideration of their overall well-being."
  - Truth and Reconciliation Commission of Canada, "Calls to Action", number#5
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 4, 5, 6,7.

4. Substantive equality, striving for equality in outcomes rather than providing formally equal treatment, in keeping with the following:

i. The rights and distinct needs of a First Nations child impacted by historic and contemporary disadvantage are to be considered to promote the child's ability to live the life they wish to have;

ii. The rights and distinct needs of a First Nations child with a disability are to be considered to promote the child's participation, to the same extent as other children, in the activities of their family or the First Nations group, community, or people to which they belong;

iii. A First Nations child must be able to exercise their rights and benefits, including those conferred under the Reformed FNCFS, including the right to have their views and preferences considered in decisions that affect them, and they must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;

iv. A First Nations child's family member must be able to exercise their rights and benefits, including those conferred under the Reformed FNCFS, including the right to have their views and preferences considered in decisions that affect them, and they must be able to do so without discrimination, including discrimination based on sex or gender identity or expression;

v. The First Nation must be able to exercise without discrimination its rights, including those conferred under the Reformed FNCFS, including the right to have the views and preferences of the First Nation considered in decisions that affect that First Nation.

Rationale:

- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, ss. 9(3)(a)–(c)
- CHRT Decisions/Jurisprudence
  - 2016 CHRT 2 at paras 404, 455, 459, 465
- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 3
- Research and Evidence
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 5.

- Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A performance budget approach to well-being", (2020)
- Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
- First Nations Child and Family Caring Society of Canada, "Wen:de – We are Coming to the Light of Day Reports", (2005)

5. The Best Interests of the First Nation Child are safeguarded, including the following factors to determine the best interests of the child:

i. Primary consideration shall be given to ensuring the funding structure (including Canada's design, management and control of FNCFS and all elements of Canada's decision-making regarding FNCFS funding) protects the child's right to holistic and culturally based safety and well-being.

ii. The child's right to live up to their full potential, in line with their right to grow up with a sense of belonging, a sense of attachment, and access to basic necessities tied to personal dignity, including housing, health, education, and food security;

iii. The child's cultural, linguistic, religious, spiritual knowing and being, and their inherent right be connected to traditional territory and to the land, generally;

Rationale:

- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, ss. 9(2)(c), 9(2)(d), 10(3)(a), 11(a)
  - *Convention on the Rights of the Child*, arts. 6, 27, and 30
  - *General Comment 11: United Nations Committee on the Rights of the Child*, sections 30–33: "When State authorities including legislative bodies seek to assess the best interests of an indigenous child, they should consider the cultural rights of the indigenous child and his or her need to exercise such rights collectively with members of their group"
- Research and Evidence
  - Truth and Reconciliation Commission of Canada, "Calls to Action", number 1(ii)

- Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 4,5,6.
- The Rome Declaration on Safeguarding Seven Generations in times of Food, Social, and Ecological Crises (2023), made at the UN Global Indigenous Youth Forum, hosted by the Food and Agriculture Organization of the United Nations in October 2023, at pp 2–3

6. The actual and changing FNCFS-delivery needs of First Nations children, youth, young adults, families, and communities, as First Nations and their child, youth and family service experts define their own needs, are met.

Rationale:

- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, s. 10(3)(b)
  - *Indigenous Languages Act*, S.C. 2019, c. 23, Preamble, s. 6
- CHRT Decisions
  - 2016 CHRT 2 at paras 315, 347–348, 389, 422, 425–426, 448, 451–455, 458, 462–465, 482
  - 2016 CHRT 16 at paras 18, 33–34, 38–41, 47, 60
  - 2018 CHRT 4 at paras 63–67, 121, 143, 154, 163, 201, 206, 208, 222, 240, 252, 258, 264, 411, 416–418, 421, 436-437, 449
  - 2022 CHRT 8 at para 34, 76, 109, 145, 149
- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(h), (j)(ii) and (k)
  - 40/2022: *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, clause 1
  - National Children's Chiefs Commission Terms of Reference, ss. 4(B) and (F) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)

7. The actual and evolving FNCFS delivery needs of First Nations children, youth, and families are defined by First Nations and their child, youth, and family service experts in a manner that is sustainable to ensure long-term positive outcomes for First Nations children. These needs take into account the distinct circumstances of First Nations communities, historical and ongoing disadvantage, and the structural drivers of child maltreatment and family crisis—many of which Canada is responsible for—including poverty, substance abuse, inadequate housing, and the loss of language and culture.

Rationale:

- CHRT Decisions
  - 2016 CHRT 2 at paras 344, 388, 455, 462–465
  - 2016 CHRT 16 at paras 18, 33, 38, 160(A)(2)
  - 2018 CHRT 4 at paras 163, 237, 264–265
- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(k)
- Research and Evidence
  - Truth and Reconciliation Commission of Canada, "Calls to Action", numbers 1(i)-(v), 2 and 5
  - Prime Minister Harper's apology on behalf of Canadians for the Indian Residential Schools system (11 June 2008)
    - "The government now recognizes that the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on Aboriginal culture, heritage and language."
    - "The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country. There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever prevail again. You have been working on recovering from this experience for a long time and in a very real sense, we are now joining you on this journey."

8. The child's participation, views and preferences inform FNCFS-delivery, giving due weight to the child's age and maturity, unless they cannot be ascertained.

Rationale:

- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, ss.9(3)(b) and 10(3)(e)
  - *United Nations Convention on the Rights of the Child*, Article 12
- Research and Evidence
  - Department of Justice Canada: "Article 12 of the Convention on the Rights of the Child and Children's Participatory Rights in Canada"
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation, p 2, Recommendations 2, 3, 9, 10.

9. Cultural and linguistic continuity are established as essential to the holistic and culturally based safety and well-being of First Nations children, youth, families and communities, including the following:

   i. The restoration and transmission of the languages, cultures, spirituality, practices, customs, traditions, ceremonies, and knowledges of First Nations peoples is integral to cultural continuity;

   ii. A child's best interests are often promoted when the child resides with members of his or her family, the culture of the First Nations group, community, or people to which he or she belongs is respected, and the child is connected to their traditional territory;

   iii. Child and family services provided in relation to a First Nations child are to be provided in a manner that does not contribute to the assimilation of the First Nations group, community or people to which the child belongs or to the destruction of the culture of that Indigenous group, community or people;

   iv. Where a child is in alternative care, supports must be provided to ensure the child's needs are met including connection to culture and language and;

   v. The characteristics and challenges of the region in which a First Nations child, a First Nations family or a First Nations group, community or people is located are to be considered.

Rationale:

- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, s 9(2)
  - *United Nations Declaration on the Rights of the Indigenous Peoples Act*, S.C. 2021, c. 14,
    - Preamble
    - Annex, Articles 8(1), 8(2), 12, 13, 14(3), 22
- CHRT Decisions
  - 2016 CHRT 2 at paras 457–465
  - 2018 CHRT 4 at para 21
- Research and Evidence
  - Truth and Reconciliation Commission of Canada, "Calls to Action", numbers 1(ii) and 5

- Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation, Recommendations 4, 6, 8.

Reconciliation and Human Rights

Canada's conduct in the design, management and control, implementation and evaluation of the Reformed FNCFS will recognize a positive obligation and be aligned with the following:

10. Canada's commitments to reconciliation require fundamental changes to FNCFS consistent with the Truth and Reconciliation Commission Final Report and Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice related to the child and family services.

Rationale:

- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, Preamble
- CHRT Decisions/Jurisprudence
  - 2018 CHRT 4 at paras 61, 77
  - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at paras 21 and 44
- First Nations-in-Assembly Resolutions
  - National Children's Chiefs Commission Terms of Reference, s. 4(H) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
- Research and Evidence
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation, Recommendations 5, 9, p 8
  - United Nations Committee on Economic, Social and Cultural Rights concluding observations on the sixth periodic report of Canada (23 March 2016) E/C 12/CAN/CO/6, paras 35–36

11. The *United Nations Declaration on the Rights of Indigenous Peoples Act* affirms the Declaration as a universal international human rights instrument with application in Canadian law and provides a framework for the Government of Canada's implementation of the Declaration;

Rationale:

- Legislation
  - *United Nations Declaration on the Rights of Indigenous Peoples Act,* S.C. 2021, c. 14, s. 4
- Jurisprudence
  - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at paras 4-5
  - *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 at paras 78, 126-129
- First Nations-in-Assembly Resolutions
  - 89/2024: *Renewing Negotiations Toward Long-Term Reform of First Nations Child and Family Services and Jordan's Principle*, clause 3
  - National Children's Chiefs Commission Terms of Reference, s. 5 (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
- Research and Evidence
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 2, 7, 8.

12. Canada recognizes that the honour of the Crown guides the conduct of the Crown, and is the measure against which that conduct is assessed, in all its dealings with First Nations peoples, including FNCFS reform, giving rise to the duty to consult and the duty of purposive and diligent implementation.

Rationale:

- CHRT Decisions/Jurisprudence
  - 2016 CHRT 2 at paras 104–110
  - 2017 CHRT 14 at paras 116–120
  - *Haida Nation v British Columbia*, 2004 SCC 73 at para 16
  - *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, 2005 SCC 69 at para 33
  - *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40 at paras 26, 44-45
  - *Ontario (Attorney General) v Restoule*, 2024 SCC 27 at paras 254–263
  - *Quebec (Attorney General) v Pekuakamiulnuatsh Takuhikan*, 2024 SCC 39 at paras 185–192
  - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at paras 63–65

    - *St. Theresa Point First Nation v Canada*, 2025 FC 1926 at paras 125–127
- First Nations-in-Assembly Resolutions
    - 90/2024: *Safeguarding First Nations Children and Holding Canada Accountable for its Canadian Human Rights Tribunal Legal Obligations*, clause 4
    - 88/2024: *Implementing the Chiefs' Direction to End Canada's Discrimination in First Nations Child and Family Services*, clause 3
    - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 5

13. Canada recognizes that all relations with First Nations peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

Rationale:

- Constitutional Provisions
    - Constitution Act, 1982, s 35, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.
- Legislation
    - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, ss. 8(a), 18(1)
    - *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021 c. 14, Annex, Preamble, articles 3 and 9
        - The right of Indigenous peoples to self-determination under article 3, has a direct impact on many areas that are directly addressed in the Convention of the Rights of the Child ("CRC"). This includes legislation concerning child and family services (Article 20 of the CRC). Indigenous self-determination facilitates the development of child welfare legislation that ensures Indigenous children are not separated from their families and communities except as a last resort (Declaration, Article 22(2)). While the CRC does not explicitly reference self-determination, implementing CRC rights for Indigenous children *requires* respect for Indigenous self-government as outlined in UNDRIP.
- Jurisprudence
    - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at paras 4–6, 56–66

- *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at para 130
- *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 at para 78, 126–129
- *R v Desautel*, 2021 SCC 17 at para 86

- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 5
  - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clause 3
  - 87/2024: *Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement*
  - 40/2022: *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, clause 2

14. Consistent with the standard of free, prior and informed consent, Canada recognizes that First Nations are in the best position to determine the legal mechanisms, instruments, information, resources and processes to affirm jurisdiction, in whole or in part, over matters relating to their children, youth and families, and require complete and accurate information in order to do so. Canada must recognize and take positive measures to support and affirm the self-determined legal mechanism(s) that First Nations choose to exercise their jurisdiction in relation to child and family services.

Rationale:

- Constitutional Provisions
  - *Constitution Act, 1982* s 35, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.
- Legislation
  - *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, Preamble, ss. 8(a) and 18(1)
  - *Department of Indigenous Services Act*, S.C. 2019, c. 29, s. 336, s 7
- CHRT Decisions/Jurisprudence
  - 2021 CHRT 41 at para 237
  - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at paras 23, 50, citing Hon. Seamus O'Regan, P.C.,

M.P., Minister of Indigenous Services in House of Commons debate on third reading of Bill C-92
    - *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at paras 92–134
- First Nations-in-Assembly Resolutions
    - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(b)
    - National Children's Chiefs Commission Terms of Reference, s. 4(B)(i) (approved in 03/2025: *Approving Terms of Reference for FNCFS and Jordan's Principle Tables*)
- Research and Evidence
    - Expert Advisory Committee, "FSA Recommendations" (15 December 2025), Recommendation #2, p 2
    - Truth and Reconciliation Commission,"Calls to Action", numbers 1(iv)

Accountability & Transparency

15. The starting premise for long-term reform must be accountability, openness and transparency. All negotiations and information relating to implementation of these reforms should be, to the maximum extent possible, transparent. Transparency ensures accountability. Transparency and accountability, together, help end discrimination and prevent its reoccurrence.

Rationale:

- First Nations-in-Assembly Resolutions
    - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clause 1(a) and (d)
    - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clauses 3, 9
- Research and Evidence
    - OHRC, "Chapter 9 – Accountability and monitoring mechanisms: gaps in data management, performance review, and public transparency"
        - For anti-discrimination policies and procedures to make real change, there must be strong accountability mechanisms in place that are used with transparency, which in turn promotes public confidence (in the context of anti-black racism within Ontario's police force).
    - Global Affairs Canada, "Advancing Human Rights" (24 January 2024)

        - Importance placed on transparency and accountability in advancing human rights, as evidenced by GAC's tool for evaluating funding applications for Canadian funding on international development initiatives.
    - OHRC, "Anti-Racism and Organizational Change: A Guide for Employers" (23 October 2023)
        - For "maintaining changes and improvements long-term, a culture of framework and accountability is needed" (in the context of preventing systemic discrimination and racism in the workplace).
    - Assembly of Seven Generations, "Accountability in our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth" (2021).
        - "Accountability mechanisms must lay the groundwork for harm prevention, from domestic abuse to systemic violence, in order to address the structural interventions that are required to move towards the holistic well-being of Indigenous youth."
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 2, 5, 10, p 8
    - Expert Advisory Committee, "FSA Recommendations" (15 December 2025), Recommendation #3, p 2–3

C. Definitions

a. **"Access to Justice"** means positive, public and effective measures to disclose all effective judicial remedies to redress any recurrence of discrimination and access to sufficient quality resources, including funding for legal fees, to give effect to such remedies.

b. **"AFN"** means the Assembly of First Nations.

c. **"Alternative Care"** means a person(s) or entity who has primary responsibility for providing the day-to-day care of an Indigenous child, other than the child's parent, including in accordance with the customs or traditions of the Indigenous group, community or people to which the child belongs.

d. "**Block funding**" means funds provided for child and family service purposes under a contribution agreement or statute to be used by service providers with flexibility to meet needs in communities. Carry forwards are allowed and unexpended funds can be retained. Associated terms and conditions should align to the spirit and intent of the Reformed Funding Approach and uphold

the Orders.

e. **"Canada"** means His Majesty the King in Right of Canada and his successors including as represented by Indigenous Services Canada (ISC) and its successors.

f. **"Capacity"** means the adequate supports, financial and human resources, time, and infrastructure required to ensure a First Nation(s), First Nations child and family service agency or other First Nations authorized FNCFS provider to design and operate FNCFS and related services, interventions and is consistent with the Act and provincial or First Nations child and family services legislation and corollary legislation.

g. "**Capital"** means the long-term investments related to infrastructure that supports the delivery of FNCFS. This includes: construction, maintenance and operation of buildings, acquisition of vehicles and recapitalization (i.e., provision to replace an existing structure at the end of its natural life).

h. **"Caring Society"** means the First Nations Child and Family Caring Society of Canada.

i. "**Child maltreatment**" means all types of physical and/or emotional maltreatment, sexual abuse, neglect, negligence, and commercial and other exploitation, which results in actual or potential harm to the child's safety, including culturally based safety, and well-being, best interests, development, and/or dignity in the context of a relationship of responsibility, trust or power.

j. **"Child Participation**" means (a) a child's rights under *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, including the right to have their views and preferences considered in decisions that affect the child, without discrimination, including discrimination based on sex or gender identity or expression; and (b) consideration of the rights and distinct needs of a child with a disability in order to promote the child's participation, to the same extent as other children, in the activities of the child's family or the Indigenous group, community or people to which the child's belongs.

k. **"Child removal"** means the placement of a child in alternative care pursuant to applicable child and family services legislation including but not limited to children placed in care by court order or through agreements with the child's guardian(s) and the child and family service authority designated

under provincial/territorial or First Nations law.

l. **"Complainants"** means the Caring Society and the AFN.

m. **"Culturally Appropriate"** means reflective and responsive to the distinct First Nation(s) culture, including language, of the child and their family.

n. **"Effective Remedies**" means process and outcomes to stop Canada's discrimination, prevent its recurrence and restore the dignity of those affected including, but not limited to, (a) equal and effective access to justice (b) adequate, effective and prompt reparation for harm related to the discrimination and (c) access to relevant information concerning violations and reparation mechanisms.

o. **"Emergencies"** means a serious event that raises the level of risk to the physical, emotional and psychological safety and well-being of First Nations children, youth and families requiring immediate and effective responses.

p. "**Expert Advisory Committee** (EAC)" means an independent and public committee of multi-disciplinary experts formed by 2022 CHRT 4 and funded by Canada to assess and publicly comment on the causes and conditions of Canada's discriminatory conduct and associated remedies.

q. "**Family**" includes a person whom a child considers to be a close relative or whom the First Nations group, community, or people to which the child belongs considers, in accordance with the customs, traditions or customary adoption practices of that Indigenous group, community or people, to be a close relative of the child.

r. **"First Nations"** means a government authorized by First Nations citizens but excludes First Nations who are subject to the Ontario Final Agreement.

s. **"First Nations Child and Family Services (FNCFS)"** means services to protect First Nations children and youth from maltreatment and to support families to safely care for their children, including primary, secondary and tertiary prevention services, early intervention services, least disruptive measures, child protection, guardianship services, kinship and customary care, alternative care, respite care, post-majority care, reunification, adoption, custom adoption, and dispute resolution that ensure the full enjoyment of the national standards in an *Act Respecting First Nations, Métis, and Inuit children, youth and families*. It also includes services and products required to enable child and family services such as,

but not limited to: (1) development of Indigenous child and family services laws, (2) governance, (3) legal, (4) research (including data collection and analysis), (5) human resources, (6) capital resources (i.e.: buildings, vehicles, information technology), (7) communication technology, office equipment/supplies, (8) standards, and (9) design and evaluation to deliver such services and (10) supports for kinship and customary and alternative care providers.

t. **"First Nations Child and Youth Rights Impact Assessment"** An evaluation carried out by the National FNCFS Technical Table that will review and publicly report on the child and youth rights impacts of all federal proposed legislation, budgets, policy, agreements and conduct related to First Nations child and family services prior to it coming into force except where prohibited by law.

u. "**First Nation not affiliated with a FNCFSA**" means a First Nation that receives statutory child and family services from a province/territory and/or non-Indigenous child and family service provider and is not affiliated with a FNCFSA.

v. "**First Nations child**" means a First Nations person or persons who, under applicable provincial or territorial law, is under the age of which an individual ceases to be a child, and includes the following:

    i. The child is registered or eligible to be registered under the *Indian Act*, as amended from time to time;

    ii. The child has one parent/guardian who is registered or eligible to be registered under the *Indian Act*;

    iii. The child is recognized by their First Nation; or

    iv. The child is ordinarily resident on-reserve.

w. **First Nations Child and Family Service Experts (FNCFS Experts)** means persons, groups or organizations recognized by First Nations as having expertise in child and family service practice and/or policy and/or evaluation and other related areas.

x. "**First Nations Child and Family Service Agency**" (FNCFSA) means an agency authorized by and affiliated with one or more First Nations and delegated or authorized, in whole or in part, pursuant to provincial or other authorities to provide legislated child and family services, and also includes

any service provider, other than a First Nation, that was funded to deliver child and family services (including non-delegated prevention services) by Canada under FNCFS in any of fiscal years 2022-2023, 2023-2024, 2024-2025, or 2025-2026.

y. "**First Nations providing child and family services pursuant to their own laws**" means First Nations providing child and family services, in whole or in part, in accordance with their own laws and the regime implemented under *An Act Respecting First Nations, Métis and Inuit children, youth and families* and/or other mechanisms recognizing their inherent, Aboriginal, Treaty, and/or self-government rights.

z. **"First Nations Representative"** means a person or group that is authorized by a First Nation to make representations on behalf of the First Nation in child and family service matters.

aa. **"First Nations Representative Services"** means the research and development of an inventory of a range of services provided across regions to support First Nations children and families in contact with the child and family services sector, including by providing guidance and advocacy and making representations in civil proceedings in respect of the provision of child and family services to a First Nations child.

bb. "**First Nations young person**" means a person who is between the age of majority as set out in the relevant, First Nations, provincial, or territorial law and 25 years of age (or such older age as may be set out in the applicable First Nations, provincial or territorial law) and includes:

    i. The youth reside on or off reserve or in the Yukon and is registered or eligible to be registered under the Indian Act, R.S.C., 1985, c. I-5, as amended from time to time;

    ii. the youth have one parent or guardian who is registered or eligible to be registered under the Indian Act, R.S.C., 1985, c. I-5;

    iii. the youth reside on or off reserve or in the Yukon and is recognized by their First Nation; or

    iv. the youth is ordinarily resident on-reserve.

cc. "**Fully Reformed Funding Approach**" means a funding approach that adopts the Reformed Funding Approach as a funding base, adjusted

annually for inflation and population, for FNCFSAs, First Nations not affiliated with a FNCFSA, and other service providers, which will also have the capacity to track Measuring to Thrive indicators and adjust funding upwards to address increases in need. The Fully Reformed Funding Approach will adjust to the actual needs and distinct circumstances of First Nations children over time and address any recurrence of discrimination. Implementation of this approach is not currently possible given the lack of child-specific data collection and analysis supports but will be possible if the Reformed Funding Approach is fully implemented and baseline child-specific data is collected, analyzed and published.

dd. **"Funding at Actuals"** means funding that is based on the actual cost of the product, asset or service (also referred to as "actuals").

ee. **"Funding Commitment**" means any resources, including financial resources payable or provided by Canada or its agents to fulfill the Purpose of these reforms.

ff. **"Funding Mechanism"** means any arrangement including associated policies and conduct intended to transfer funding from the Government of Canada or its agents to another entity for the purposes of FNCFS.

gg. "**Inflation**" means a minimum annual adjustment of 2% adjusted upwards to the Consumer Price Index (CPI) where it exceeds 2%.

hh. "**Intergenerational Equity**" means positive duty on Canada to give due regard to the best interests and rights of future generations of First Nations children and the long term implications of its conduct including the rights of future generations to fully enjoy their to grow up as members of their Nation, the enjoyment of their culture and language(s), their rights to land and the minimum standards afforded to them in the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples, the Canadian Human Rights Act and other legal human rights standards and instruments.

ii. **"Least Disruptive Measures"** means statutory secondary and tertiary prevention services required by the Act and/or provincial or First Nations child and family service legislation to address child maltreatment risk factors, including **Structural drivers,** for child(ren) who experience, or are likely to experience, a high risk of child maltreatment and services to children and families to support a child in alternative care's safe

reunification with their family, including extended family.

jj. "**Measuring to Thrive**" means a set of indicators developed by FNCFS experts with the IFSD to define and monitor child and family service outcomes for the well-being of First Nations children, youth, families, and communities.

kk. **"Minimum Base Funding"** means the minimum funding required to deliver First Nations child and family services.

ll. **"National Oversight Council"** means a First Nations-led body, constituted and mandated by rights holders, established to provide ongoing oversight and strategic direction for the implementation, operationalization and governance of the Reformed FNCFS. It will consist of representatives appointed by First Nations from each region through their own self-determined processes, including Elders/knowledge-keepers and youth representatives. A core mandate will be to oversee and guide the design, management, and control of the reformed FNCFS ensuring that the implementation of reform is aligned with the principles and attains long-term positive outcomes for First Nations children.

mm. **"National Secretariat"** means non-political technical secretariat functions to collect regional and national data on First Nations children, youth, and families relevant to First Nations Child and Family Services, conduct and disseminate research, best practices, and professional and public education.

nn. "**National Technical Advisory Committee**" means one or more Technical Expert Advisory Committee(s) on First Nations Child and Family Services approved by the National Oversight Council to provide advice on the design, implementation and evaluation of First Nations child and family services.

oo. "**Non-reallocation**" means pursuant to 2018 CHRT 4 at para. 422 Canada must not reallocate funds from other social programs, especially housing, to fund its obligations pursuant to the Orders and related agreements.

pp. **"Orders"** means decisions and orders made by the Tribunal or Courts respecting First Nations Child and Family Caring Society et al. v. Attorney General of Canada T1340/7008.

qq. **"Ordinarily Resident on-Reserve"** means that the individual or their caregiver:

i. maintains a primary residence on-reserve;

ii. usually lives on-reserve but is temporarily residing off-reserve for purposes related to health, education, poor housing, or to access other services that are not available on-reserve; or

iii. wishes to live on-reserve and is on a waiting list to secure housing on-reserve.

rr. "**Population served**" includes all residents on-reserve (regardless of status) and in the Yukon and persons off-reserve who meet the substantive equality-informed definition of being Ordinarily Resident On-Reserve.

ss. **"Post Majority Services"** means services, supports and products provided to a First Nations Young Person who was in care as of the day they reached the age of majority and are eligible for post majority services.

tt. **"Public Funding Review"** a review to be completed every five years by an independent, non-political expert who is qualified in public finance and has experience working on matters relating to First Nations and First Nations child and family services in order to ensure that the Reformed Funding Approach, and ISC's related conduct, are meeting the needs of First Nations children and is adequate for First Nations service providers to meet statutory child and family services requirements.

uu. "**Reformed Funding Approach**" means evidence-informed, First Nations-led, transparent, multi-year, performance-informed funding structure(s) that shall support and promote the substantive equality and best interest rights of First Nations children, youth, and families receiving, or eligible to receive, child and family services. Funding levels shall be calibrated to achieve substantive equality and shall be determined based on the actual needs of First Nations children, youth, and families, based on the following considerations:

i. Funding shall be culturally appropriate and enable holistic services targeting the structural drivers, focused on prevention and based on the actual needs of First Nations children, youth, and families, taking full account of the unique circumstances of the respective First Nation(s), including their historical, cultural, and geographical needs and circumstances.

ii. Funding shall address, through culturally based child and

family services, the structural drivers and root causes of the over-representation of First Nations children and youth encountering the child and family service system.

iii. Funding shall not be subject to downward adjustments or other adverse conduct by Canada and will be determined pursuant to an evidence-based approach linking a multi-year, performance informed, flexible funding structure (block approach that permits the service-provider to reinforce successes in prevention by re-investing protection savings arising from reduction of the rate of children in care into still greater prevention activities) that permits needs-based and bottom-up budgeting to support well-being, as informed by the Measuring to Thrive framework, which was developed through community-driven evidence-informed research.

iv. Funding shall ensure that outcome data on First Nations children, youth, and families can be collected and analyzed to monitor for the recurrence of discrimination, inform child and family services interventions, and calibrate resources to any increased need.

v. Funding Mechanisms and related policies, practices and mechanisms shall be measured against the Purpose and Principles of the Loving Justice Plan, and Canada's legal obligations.

vv. **"Regional Variations"** mean variations that meet or exceed the Reformed Funding Approach and address variations due to region-specific considerations that require accommodation to address ongoing discrimination

ww. "**Remoteness**" means a variable factor measured on a continuum and describes the lived circumstances of First Nations communities for whom issues of access (by road network, by ice road only, by air only, or otherwise), geography, and context exacerbate challenges faced by all First Nations, including increasing the costs associated with child and family services. Remoteness is generally associated with geographic distance from, and access to, service centres (often defined based on population size and density), which affects the costs of shipping goods as well as costs

related to personnel, including travel, and living costs.

xx. "**Reunification"** means any process to reunite children and youth in alternative care or formerly in alternative care with their family, extended family or First Nation.

yy. "**Retaliation"** Any conduct by Canada or its agents, including economic retaliation and other conduct inconsistent with the *United Nations Declaration on the Right and Responsibility of Individuals, groups, and Organs of Society that seek to protect Universally Protected Human Rights and Fundamental Freedoms* that seeks to frustrate the efforts of peaceful human rights defenders to uphold the human rights of First Nations children, youth, young adults and families set out in these reforms and/or related to First Nations Child and Family Caring Society of Canada et al. v Attorney General of Canada T1340/7008.

zz. "**Special Purpose Allotment**" (SPA) means a specific authority in the Treasury Board Transfer Policy designed to protect funds from departmental internal vote transfers as with authority to carry over funding across fiscal years.

aaa. "**Structural drivers**" mean factors that are largely out of a caregiver or caregivers' control, including factors linked to Canada's conduct, which reinforce, perpetuate or exacerbate disadvantage for First Nations children, youth, and their families and/or which contribute to the overrepresentation of First Nations children and youth in the child and family service system, including:

i. poverty;

ii. poor housing;

iii. exclusion factors like racism, systemic racism, and colonialism; and

iv. multi-generational trauma, manifested as substance misuse and intimate partner violence.

bbb. "**Transition Period**" means the period during which an FNCFS Agency or First Nation undergoes the process of changing from the current state to a desired future state.

ccc. "**Tribunal**" means the Canadian Human Rights Tribunal.

ddd. “**Young Adult”** means a First Nations person aged between the age of majority in the jurisdiction of their residency up to and including age 25 eligible for post-majority services.

4. Governance

What We Heard:

Engagement participants stated very clearly that First Nations Rights Holders are central to decision-making regarding children, youth and families. Rights Holders are responsible for the safety and well-being of children and families and must actively participate in governance processes to ensure that reform reflects First Nation ways. Among Rights Holders, the voices of Elders and youth with lived experience in care deserve particular consideration. Both are seen as providing important perspectives grounded in personal experience and wisdom and should play an advisory role in governance.

> *"A future governance model should be grounded in decision-making authority that flows from Rights Holders."*
>
> *"First Nations Rights Holders must be at the centre of the ongoing governance of long-term reform and the implementation of any final orders from the Tribunal. They play a foundational role."*
>
> *"Create mechanisms that enable rights holders to participate meaningfully in governance processes. Recognize their role as community experts and ensure they have significant influence in the reform decision-making process"*
>
> *"Elders should guide reform as knowledge keepers and moral authorities, grounding system changes in Indigenous law, tradition, and relational accountability."*
>
> *"Youth who have experienced the system firsthand must be meaningful contributors to the governance of reform, not token representatives. Their lived experience provides the most authentic insight into where systems fail and what supports create stability."*

Participants provided clear guidance on the essential role their Chiefs play in governance. As elected and traditional leaders, Chiefs are expected to represent community views and to implement the decision-making authority of Rights Holders in governance processes (e.g., approving mandates and governance structures, establishing strategic priorities).

> *"Chiefs are the recognized political voice of their individual communities and must remain central to governance."*
>
> *"[Chiefs'] inclusion is essential, as they offer important perspectives on the needs of First Nation children, families and communities."*

Participants expressed widespread support for the National Children's Chiefs Commission to play a key role in governance. Some participants cautioned against allowing the NCCC to replace the decision-making authority of Rights Holders. Indeed, the structure of the NCCC (i.e., regionally representative, accountable to communities, focused on child and family well-being) leaves it well-positioned to stand as the main oversight body and to serve as the link between national reform and regional and community realities.[3]

> *"The NCCC should serve as the core accountability, oversight, and reform body responsible for ensuring that Canada meets its legal obligations under CHRT 80 and implements the principle of substantive equality."*
>
> *"The NCCC is dedicated to the best interests of the child and should remain a central partner."*
>
> *"NCCC should lead the role in governance long-term, reporting to the FN rights holders."*
>
> *"The National Children's Chiefs Commission has an important role but it must be understood carefully and respectfully within the broader landscape of self-determination. Their role should not replace or overshadow the authority of individual First Nations Rights Holders. Instead, their responsibility should be to support, amplify, and protect the direction that Nations set for themselves."*

Participants noted that the valuable roles of FNCFS experts and expert tables include gathering, generating and sharing information, as well as in coordination, analysis and interpretation. There is widespread agreement that experts should play an advisory role in governance, without straying into the decision-making roles. The work of the Caring Society, in particular, is valued and respected: the Caring Society is seen as a strong advocate and an excellent source of evidence-based information. There was support for a range of technical tables, including regional technical tables and secretariats and an emphasis on including frontline experts to ensure reform decisions are informed by real operational experience.

> *"Technical tables play a supporting, advisory, and facilitative role in long-term reform, but they must never replace or override the authority of First Nations Rights Holders or Nations themselves."*
>
> *"All existing tables should be able to speak into the process. If they are doing work on behalf of our children we need to hear from them"*

[3] To note: The NCCC does not have an ongoing mandate to participate in governance; however, the NCCC can seek that mandate or serve as a transitional body and as a model for a newly-constituted national oversight body.

"The Caring Society should remain the human rights conscience and research partner of the reform process."

A. Measure: Key Organizations and Actors Overseeing the Reformed FNCFS

Implementation Timeline: Within six months of plan approval

A First Nations-led governance structure will support, guide and oversee the implementation and ongoing functions of long-term reform of FNCFS. The governance structure described in this Chapter 4 will include regional and national bodies working in a fully coordinated manner with a mandate to ensure all First Nations children have access to culturally based and substantively equal child and family services.

National governance bodies will include:

1. The **National Oversight Council** will be created, mandated and guided by First Nations Rights Holders. Subject to the sovereign will of Rights Holders, the National Oversight Council will be comprised as follows:

    a. Representatives appointed by each region through their own self-determined processes;
    b. Elder/knowledge holder and Youth representatives; and
    c. Representatives of the Complainants

    Subject to the sovereign will of Rights Holders, the National Oversight Council's role will notably include:

    d. Ensure Canada's accountability including its obligation to permanently cease all discriminatory conduct in FNCFS;
    e. Oversight of all aspects of the design, management and control of FNCFS or the Reformed Funding Approach (and any successor); and
    f. Consultation with, and reporting to, First Nations through national and regional processes; and
    g. Foster and promote Canada's observance of international and domestic human rights law, instruments and norms including, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations

Convention on the Rights of the Child and the Organization of American States, American Declaration on the Rights of Indigenous Peoples.

Canada shall fund the National Oversight Council and upon request of the National Oversight Council, take positive and effective measures to ensure the National Oversight Council can discharge its mandate.

Where there are ongoing legal proceedings related to the Tribunal's orders, the National Oversight Council will collaborate with the Complainants to ensure Canada permanently ceases its discriminatory conduct.

Rationale:

- First Nations-in-Assembly Resolutions
  - 60/2024: *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle*, clause 3
- Research and Evidence
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation, Recommendation 10.

2. The **National FNCFS Technical Table** will be comprised of the First Nations Child and Family Caring Society of Canada and FNCFS experts appointed by each region, and will:

   a. Coordinate with regional technical tables to provide advice to the National Oversight Council;
   b. Review existing and proposed legislation, budgets, regulations, operational bulletins, policy, agreements and conduct related to FNCFS and provide recommendations to the National Oversight Council;
   c. Develop, implement, disseminate and evaluate the Child and Youth Impact Assessment Tool described in Chapter 5, Measure C
   d. Review data and research from the National Secretariat to inform recommendations to the National Oversight Council;
   e. Support the participation of youth and young adults, including youth and young adults with lived experience in alternative care;
   f. Contract additional expertise as necessary;
   g. Support capacity-building of Regional Technical Tables;

h. Support First Nations pursuing jurisdiction in child and family services upon request; and
i. Other duties required to discharge the purpose and principles.

Canada shall fund, upon request of the National FNCFS Technical Table, positive and effective measures to ensure the National FNCFS Technical Table, can discharge its mandate. The National FNCFS Technical Table will develop models for the National FNCFS Secretariat and mechanisms for coordinating with Regional Secretariats and provide recommendations to the National Oversight Council.

3. The **National FNCFS Secretariat** functions will be fulfilled by one or more apolitical and independent First Nations-led non-profit organization(s) recommended by the National Oversight Council and authorized by Rights Holders outside the Ontario FSA. The National Secretariat will:

    a. Collect, analyze and disseminate non-identifying First Nations child and family services outcome data consistent with Measuring to Thrive;
    b. Be a national convening and knowledge mobilization centre for holistic policy, practice and evaluation of First Nations child and family services, capital, custom adoption, post-majority services and First Nations representative services honouring First Nations languages and publishing in English and French;
    c. Provide secretariat support to the National Oversight Council and the National FNCFS Technical Table;
    d. Support capacity-building of Regional Secretariats;
    e. Support the participation of youth and young adults, including youth and young adults with lived experience in alterative care;
    f. Support Public Funding Review;
    g. Working with the National Oversight Council, foster and promote Canada's observance of international and domestic human rights law, instruments and norms including, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Convention on the Rights of the Child and the Organization of American States, American Declaration on the Rights of Indigenous Peoples;
    h. Support dispute resolution and accountability processes; and
    i. Other duties required to discharge the purpose and principles.

Canada shall fund the National Secretariat, and, upon request of the National Secretariate take positive and effective measures to ensure the National Secretariate can discharge its mandate. Canada shall not, otherwise, interfere in the National Secretariat's governance, operations or decision-making or works, nor use funding or administrative measures to influence or fetter or retaliate against the National Secretariat's governance, operations, work or findings unless otherwise required by law.

Rationale:

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
        - An expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS. The IFSD report includes:
        - Pages 369–456 provides a paper describing the rationale, mandate, structure and cost of the secretariat.
        - Rationale for measuring to thrive indicators found at pp 350–353
            - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)
    - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at p 9
        - The Secretariat should be apolitical.
        - No endorsement of a National Secretariat only, instead endorsement of regional and National Secretariat approach.
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 1, 2, 3, 4, 5 and pp 7–8.

Regional governance bodies will include:

1. **Regional Technical Tables** will be comprised of FNCFS experts within each region. Wherever possible, existing regional technical tables will fulfill the regional technical functions–with funding from Canada for additional capacity building as needed. Regional Technical Tables will:

a. Review existing and proposed legislation, budgets, regulations, policy, agreements and conduct related to FNCFS and provide region-specific recommendations to the National FNCFS Technical Table;
b. Review data and research from the applicable Regional Secretariat to inform recommendations;
c. Support the participation of youth and young adults, including youth and young adults with lived experience in alterative care
d. Contract additional expertise as needed;
e. Report to regional First Nations;
f. Meet with regional ISC representatives; and
g. Other duties required to discharge the purpose and principles.

Canada shall fund the Regional Technical Tables and, upon request of the Regional Technical Tables, take positive and effective measures ensure the Regional Technical Table can discharge its mandate. Canada shall not, otherwise, interfere in the Regional Technical Table's governance, operations or decision-making or works, nor use funding or administrative measures to influence or fetter or retaliate against the Regional Technical Table's governance, operations, work or findings unless otherwise required by law.

2. **Regional Secretariats** will be comprised of one or more apolitical and independent First Nations-led non-profit organization(s) authorized by First Nations within each region. Wherever possible, existing regional secretariats (or similar organizations) will fulfill the regional secretariat functions–with funding from Canada for additional capacity and service delivery as needed. Regional Secretariats will:

    a. Support needs assessments related to First Nations child and family services;
    b. Support FNCFS Agencies and First Nations in the design, delivery and evaluation of prevention services to build capacity to deliver service-outcome data consistent with Measuring to Thrive;
    c. Support FNCFS Agencies and, as applicable, First Nations in the design delivery and evaluation of child protection services, including coordination with prevention, to deliver service-outcome data consistent with Measuring to Thrive;

d. Support FNCFS Agencies and, as applicable, First Nations in the design, delivery and evaluation of alternative care placements and arrangements, custom adoption, post majority and band representative services;
e. Support the participation of youth and young adults, including youth and young adults with lived experience in alterative care;
f. Support and coordinate interjurisdictional FNCFS service delivery;
g. Share regional data with the National Secretariat;
h. Be a regional convening and knowledge mobilization centre for holistic policy and practice;
i. Provide secretariat support to the Regional Technical Table; and
j. Other duties required to discharge the purpose and principles.

Canada shall fund the Regional Secretariats and, upon request of the Regional Secretariats, take positive and effective measures ensure the Regional Secretariats can discharge their mandate. Canada shall not, otherwise, interfere in the Regional Secretariats' governance, operations or decision-making or works, nor use funding or administrative measures to influence or fetter or retaliate against the Regional Secretariats' governance, operations, work or findings unless otherwise required by law.

Rationale:

- First Nations-in-Assembly Resolutions
    - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(l)
- Research and Evidence
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 1, 2, 3, 4, 5 and pp 7–8.

Canada will recognize and fully cooperate with the governance structure described in this Chapter 4 and will provide adequate and sustained funding to realize and maintain this structure. Canada will support, including by participating and providing information as appropriate, but it shall not interfere in the National and/or Regional Secretariat's operations or decision-making, nor use funding or administrative measures to influence or penalize the Secretariats' work or findings. Canada will consult with the National Oversight Council to establish statutory provisions recognizing the oversight authority of the governance structure.

Youth Engagement: Truth and Reconciliation Commission Call to Action 66

The governance mechanisms noted above will make provision for youth involvement in long-term reform of FNCFS. The public good would, however, be served by providing a means for youth to be directly involved in this work, as recognized by Truth and Reconciliation Commission Call to Action 66. Recognizing the scope of this complaint, Canada is strongly encouraged, above and beyond the measures proposed in this plan, to work with Indigenous youth, including youth in and from alternative care, to fund an Indigenous youth organization and foundation.

- Research and Evidence
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 1, 2 and 9.

B. Measure: Oversight of the Design, Management and Control of FNCFS

Implementation Timeline: Within six months of establishment of governance mechanisms

Canada will meaningfully consult with the Complainants and take positive and effective measures to substantively implement the recommendations of the National Oversight Council regarding all aspects of the design, management and control of FNCFS.

This will include all new measures required to reform FNCFS and all existing and proposed legislation, budgets, regulations, policy, operational bulletins, agreements and conduct related to FNCFS. If the National Oversight Council determines that any current measures associated with First Nations Child and Family Services (FNCFS) and Jordan's Principle do not align with the established Principles, and until a formal Jordan's Principle governance structure is in place, Canada is committed to promptly withdrawing those measures. Furthermore, Canada will collaborate with the National Oversight Council to develop new measures that uphold the Principles and reflect meaningful consultation.

Canada must implement recommendations from the National Oversight Council to permanently cease its discriminatory conduct or, in the alternative, within 15 business days provide credible evidence that its current or proposed conduct is fully aligned with the Purpose and Principles. Where Canada's evidence that it is aligned with the Purpose and Principles is in dispute, and/or implementation of recommendations is unduly delayed or recommendations are partially implemented or not implemented, recourse will be had to the Enforcement and Durability measures described in Chapter 5.

C. Measure: Moratorium on, and Redress of Existing and Planned Operational Bulletins and related mechanisms designed and implemented without consultation

Implementation Timeline: Upon plan approval (review with complainants pending implementation of governance mechanisms)

Canada shall cease the design or implementation of policies and conduct including through operational bulletins and funding mechanisms without consultation with the Complainants and National Oversight Council and/or NCCC. Unless otherwise agreed to in writing by the NCCC and Complainants, Canada must withdraw operational bulletins and other policy or conduct related to FNCFS that were developed and/or implemented without consultation with First Nations, pending review by the National Oversight Council and the National FNCFS Technical Table.

Rationale:

- Legislation
    - *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Annex, Articles 15(2) and 19
- CHRT Decisions/Jurisprudence
    - 2018 CHRT 4 at paras 233 and 251
    - *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 at paras 78, 126–129, 160–163
- Research and Evidence
    - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 7.

5. Enforcement and Durability

What We Heard:

Engagement participants expressed significant mistrust that Canada will voluntarily end its discrimination or abide by the Tribunal's orders: participants consistently cited Canada's history of non-compliance and emphasized the need for enforceable oversight until discrimination is demonstrably ended.

> *"Any long-term reform plan must include tools to enable the comprehensive oversight of reform implementation. Canada's history of non-compliance with the Tribunal's orders, such as the ongoing failure to address the significant backlog of Jordan's Principle requests, demonstrates the need for strong oversight and accountability mechanisms in relation to reform implementation."*

When asked about enforcement mechanisms, participants expressed support for both continued Tribunal oversight (with clear criteria for ending the Tribunal's jurisdiction) and an alternative dispute resolution mechanism. Participants identified several parameters to ensure the efficacy of any alternative dispute mechanism including: independence and the capacity to make enforceable orders regarding both systemic and specific failures in FNCFS and Jordan's Principle. The alternative dispute resolution mechanism should be grounded in First Nations law and legal traditions and be built on an expert-informed, rights-based design with a built-in non-discrimination assessments and protections from retaliation. Timeliness is important: the alternative dispute resolution mechanism should offer immediate relief in cases of urgent child-specific harms and timely responses in all other cases. The ADR should be responsive to unique circumstances, transparent and accountable, and subject to mandatory period reviews.

> *"The CHRT must play an active and ongoing role in overseeing the implementation of the reform until an independent dispute resolution mechanism is in place. The Tribunal's neutrality is essential to prevent Canada from reinstating discriminatory practices once the Tribunal is no longer involved."*

> *"Canada must comply with CHRT Orders as legally required. This is a Canadian process set up by Canada. If Canada can not comply how does it expect others to respect it."*

> *"If ongoing Tribunal oversight is not possible, accountability should be ensured through Nation-led dispute resolution processes. These processes would be co-*

designed by First Nations, grounded in their laws, languages, and cultural practices, and structured to monitor compliance, limit external discretion, and prevent discrimination. By placing authority and accountability in the hands of the Nations themselves, children, families, and communities are protected, and reforms are implemented in ways that are culturally safe, enforceable, and self-determined."

A. Measure: Effect of the Reforms on Canada's Human Rights Obligations

These reforms do not constitute a limitation or waiver of Canada's human rights obligations including through 2016 CHRT 2.

Rationale:

- CHRT Decisions
  - 2022 CHRT 41 at paras 178–179
  - 2025 CHRT 80 at paras 68–70

B. Measure: Scope of the Continued Jurisdiction of the Tribunal

The Tribunal has authority to retain its jurisdiction until such time as the Reformed FNCFS has been fully complied with, so as to consider and decide any dispute arising from its implementation. In the event that the Tribunal retains jurisdiction, the National Oversight Counsel will collaborate with the Complainants to ensure Canada's discrimination regarding FNCFS permanently ceases and does not recur including through Canada's conduct respecting Jordan's Principle.

In order for the Reformed FNCFS to be fully complied with and the Tribunal to consequently cease its jurisdiction over First Nations Child and Family Services, Canada must:

i. demonstrate to the satisfaction of the Tribunal, based on submissions from the Complainants that are informed by the views of the Expert Advisory Committee and the National Oversight Council, that the discriminatory conduct has stopped;

ii. demonstrate to the satisfaction of the Tribunal, based on submissions from the Complainants that are informed by the views of the Expert Advisory Committee and the National Oversight Council, that the discrimination will not recur;

iii. fully implement the Reformed Funding Approach;

iv. amend provincial/territorial agreements in alignment with the Orders in a manner that ensures full consultation with respective First Nations and/or First Nations service providers;

v. implement and maintain effective quality control measures to detect and effectively remedy the recurrence of discrimination;

vi. implement and maintain effective and accessible complaints and dispute resolution mechanisms that are as effective as or improve upon the Tribunal, has the capacity and authority to address systemic cases and order and enforce effective remedies including those required to prevent and effectively respond to all forms of retaliation.

Rationale:

- CHRT Decisions
  - 2017 CHRT 14 at paras 27–34
  - 2018 CHRT 4 at paras 48–52
- Jurisprudence
  - *McKinnon v Ontario (Ministry of Correctional Services) (No. 3)*, 1998 CanLII 29849 (ON HRT) at para 354
  - *Ontario v McKinnon*, 2002 CanLII 46519 at para 313:
    - I shall remain seized of these matters until such time as this entire series of orders has been implemented and the complainant's remedial right to full compliance with the *Code* in respect of future practices has been satisfied in substantial conformity with the orders as read in the context of the findings, conclusions and reasons found in this decision and in the April 1998 decision of this Board. If the complainants and Canada are unable to agree with respect to any of the matters regarding which their common approval is required, or if there are any other matters relating to the implementation of these orders that are in dispute or appear to require clarification, I am to be contacted without delay so that I may hear and decide such matters [emphasis added].
  - *Ontario v McKinnon*, 2004 CanLII 47147 (ONCA) at para 2
  - *McKinnon v Ontario (Correctional Services)*, 2007 HRTO 4 at para 551
  - *Walden v Canada (Treasury Board and Human Resources and Skills Development Canada)*, 2016 CHRT 19, 2018 CHRT 20, 2023 CHRT 13 (matters heard by Member Garfield, in the decade following a 2012 Memorandum of Agreement, which itself followed liability (2007 CHRT 56)

and remedy (2009 CHRT 16) decisions by Member Jensen (as she then was), who retained jurisdiction over the complaint).

    - As noted by the Commission on its November 9, 2020 submissions in this matter regarding the Compensation Process (at para 16), in the consent order resolving the *Walden* matter, "the Tribunal retained jurisdiction to deal with any "… dispute or controversy surrounding the meaning or interpretation of the Agreement, or its implementation or fulfillment…" – whether brought by a party, or by a non-complainant individual claiming eligibility." (citing *Walden et al v Attorney General of Canada*, Consent Order dated July 31, 2012 at para 4 (CHRT File Nos. T1111/9205, T1112/9305, T1113/9405).

- Research and Evidence
    - Naiomi Metallic et. al, "Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report" (31 March 2022), p 40: Discussion of the Tribunal's eventual relinquishing of jurisdiction

Guidance from the Tribunal following a Dispute/Complaint

The Tribunal shall retain jurisdiction over the complaint in relation to FNCFS for a minimum of five (5) years from the date of its FNCFS long-term reform order and thereafter until Canada has demonstrated sustained compliance (that is independently verified) with the National FNCFS Reforms and the risk of recurrence of discrimination has been eliminated. In the event that the complainants and Canada are able to agree to an effective dispute resolution mechanism as part of the FNCFS reforms, the complainants and Canada shall only return to the Tribunal for assistance following the full adjudication of a dispute using that mechanism.

Subject to Canada's compliance with the FNCFS Reforms, following the five (5) year supervision role of the Tribunal, the complainants and Canada shall report to the Tribunal regarding the Initial Five-Year term and seek guidance and direction regarding the Tribunal's ongoing jurisdiction in relation to the FNCFS Reforms. For clarity, the Tribunal's reasons and findings made in all existing orders shall continue and the FNCFS Reforms have no impact on any of the Tribunal's orders in relation to Jordan's Principle.

Rationale:

- Research and Evidence
    - Naiomi Metallic et. al, "Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report" (31 March 2022), *at* p 40: Discussion of the Tribunal's eventual relinquishing of jurisdiction

C. Measure: Child and Youth Impact Assessment Tool

Implementation Timeline: Within 18 months of plan approval

Before Canada makes any decisions to change the Reformed FNCFS, unless otherwise directed in the Loving Justice Plan, the National FNCFS Technical Table will review and publicly report, via the National Oversight Council, on the child and youth rights impacts of all federal proposed legislation, budgets, policy, agreements and conduct related to First Nations child and family services prior to it coming into force, except where prohibited by law. Canada will have a positive obligation to bring any such decision-making to the National FNCFS Technical Table's attention prior to implementation.

The National FNCFS Technical Table will develop, implement and evaluate the Child and Youth Impact Assessment Tool in collaboration with youth and young adults with lived experience in child and family services and Elders/Knowledge keepers, as well as the Regional Technical Tables, the Complainants and the National Oversight Council.

Rationale:

- Research and Evidence
    - Modified version of existing government tool: Child Impact Assessment
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 10
    - *United Nations Convention on the Rights of the Child*, Article 3
    - UNICEF, "What is a Child Rights Impact Assessment?", Canada criteria for child rights impact assessments

D. Measure: Complaint and Dispute Resolution Mechanisms

Implementation Timeline: Within three months of plan approval (subject to agreement by Canada)

To the extent that Canada fails to abide by the reforms, the complainants, the National Oversight Council and funding recipients must have direct and responsive recourse to a process grounded in Indigenous law, First Nations processes and loving justice, that ensures compliance in a manner that accounts for children's safety, physical, emotional, spiritual and cognitive well-being, and best interests and cultural continuity, and is informed by the human-centered aspects of dispute resolution, including love and compassion. At a minimum, this must include an independent, non-complex and effective,

credible, national complaints mechanism.

Consistent with the Tribunal's recognition that it may be acceptable for a decision-maker to encourage parties to engage third party arbitration as part of an attempt to reach agreement on an issue, even where the decision-maker does not have the jurisdiction to order binding arbitration (2021 CHRT 6 at para 130), this plan proposes a Dispute Resolution Mechanism ("DR Mechanism") that reflects the minimum standards of the Tribunal orders and incorporates access to justice, and loving justice principles, for both systemic complaints (brought by the complainants) and individual complaints (brought by funding recipients), including those of an urgent nature. It is recognized that while an effective alternative dispute measure would reduce the need for the complainants and Canada to call on the Tribunal's jurisdiction "in order to resolve a dispute that negotiation fails to resolve" (2021 CHRT 6 at para 130).

However, Canada's cooperation would be required in order to implement such a measure. As a result, this plan provides high-level principles that would be applicable for such a DR Mechanism. The details of any DR Mechanism to support this plan would be developed after Canada's cooperation has been confirmed.

This mechanism must be principled, public, accessible, rooted in First Nations legal traditions and laws, and include the following features:

i. **Enforceable**: The DR process must be transparent, accessible, and enforceable in court with clear, specific and actionable orders.

ii. **Based on the paramountcy of human rights**: The DR must offer First Nations parties and claimants at least the same level of protection as Canadian and International human rights regimes, so as not to treat them as second-class rights bearers as they have been in the past. Canada must not be allowed to "contract out" of human rights in the reforms.

    1. **Primary principles**: Human right norms, the best interests of the First Nations child and the terms of the Fully Reformed Funding Approach, as endorsed by orders of the Tribunal, must prevail in any disputes.

    2. **Protection against retaliation**: Robust protections against retaliation must be available to anyone engaged in the DR process. This includes provisions for injunctive relief, compensation and effective measures to stop retaliation and prevent its recurrence.

iii. **Honourable character and demonstrated impartiality and independence requirement**: Adjudicators, staff, and agents will be selected by the Complainants and Canada based on recommendations from the National Oversight Council and must be honourable with demonstrated experience in adjudicating matters respecting Indigenous children, youth, young adults and families. They have an obligation to carry out their duties with the highest level of independence and integrity.

iv. **Conflict of Interest**: Adjudicators, staff, and agents must not have served in a federal, provincial/territorial, or municipal political capacity in the prior five years and are required to disclose any perceived or actual conflicts of interest to the Complainants and Canada.

v. **Available effective remedies**: The DR mechanism must have the capacity to order Canada to make procedural and substantive decisions, order Canada to take any reasonable effective action (including interim), provide funding or other remedies.

vi. **Limitations**: The DR mechanism would not have the capacity to amend Tribunal orders related to FNCFS reforms, reduce existing funding or funding entitlement of service providers, reduce the overall funding commitment in the FNCFS Reforms, nor implement changes to the funding structure of the FNCFS Reforms.

vii. **Reflect First Nations Perspectives**: The procedure adopted in the DR mechanism would adopt and embody the principles and values of respect, restitution, reconciliation, responsibility and interconnectedness.

viii. **Reflect Youth Perspectives**: The procedure adopted in the DR mechanism would support and welcome the participation, views and expertise of youth, including youth with lived experience of placement in alternative care.

Except for requirements under the *Privacy Act* or the confidentiality provisions of provincial, federal or First Nations child and family services legislation, only a First Nations litigant may request the confidentiality of procedures, hearings, documents or decisions when it is in the best interest of the child.

The decision-maker in the DR Mechanism would be selected by agreement between the complainants and Canada following discussions in collaboration and consultation with the National Oversight Council.

Rationale:

- CHRT Orders
  - 2025 CHRT 6 at paras 515–551
- Research and Evidence
  - Naiomi Metallic et. al, "Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report" (31 March 2022), pp 77–78: Recommendation for a National Indigenous Child and Family Tribunal as a dispute resolution mechanism.
  - Truth and Reconciliation Commission, "Calls to Action" number 50
  - National Inquiry into Missing and Murdered Indigenous Women and Girls, Call for Justice 1.7 Final Report
  - Expert Advisory Committee, "FSA Recommendations" (15 December 2025), Recommendation #11, at p 6-7
  - N. Sikka et al "Indigenous Centered Conflict Resolution Processes in Canada" (March 2021), posted as a resource document on the National Aboriginal Land Managers' Association website
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 10

E. Measure: Funding for Judicial Reviews

Implementation Timeline: By the commencement of the Reformed FNCFS Approach

In the event that there is no DR Mechanism, the reformed FNCFS would require Canada to establish an adequate litigation fund to ensure access to justice, under the supervision of the National Oversight Council, to enable FNCFS Agencies and First Nations to review federal decisions made pursuant to these reforms before a court or Tribunal of competent jurisdiction. The amount of funding provided per challenge would be subject to budgetary approval by the National Oversight Council, with the maximum amount of funding available, per challenge, being consistent with the amount available, per challenge, for human rights litigation under the Court Challenges Program as of April 1, 2026.

Rationale:

- Research and Evidence

- Naiomi Metallic et. al, "*Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report*" (31 March 2022), *at* p 78: Recommendation for funding of legal services for Indigenous Children and Families.
- Court Challenges Program, Funding Guidelines (1 October 2024)
- Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 10 and pp 7 and 9

6. Funding Commitments and Arrangements

What We Heard:

Engagement participants described numerous funding challenges—both in the funding amount and how the funding flows—that often have a direct impact on services and ultimately on children and their families. Bureaucratic and constantly shifting funding processes and requirements result in service gaps and operational challenges. Some of the key challenges include: significant delays in funding approvals and disbursements; failure to approve work plans or confirmation of funding amounts, and unexpended funds in a timely way or provide clear reasons for not approving workplans in whole or in part. Changes in Canada's policy without notice, that often applies retroactively and burdensome reporting requirements.

> *"Problems with flows and rules: unpredictable approvals, unilateral bulletins and eligibility shifts, thin and confusing templates, uncertainty about surpluses, missing capital envelopes, and limited mechanisms for kinship providers. Fixes: time-bound approvals with clear criteria, stable terms and carry-forward rules, explicit capital with replacement cycles, flexible kinship supports at actuals, and transparent notice whenever terms change."*
>
> *"Delays in ISC payments were described as chronic, leaving agencies to carry costs for extended periods while waiting for reimbursement. Individual First Nations are often forced to front costs for child and family services, which was described as unsustainable. Such funding delays and/or shortfalls repeatedly occur even though an agency has consistently demonstrated the funding need, year after year."*
>
> *"Provide long-term funding guarantees to allow agencies to plan, hire, and deliver services without fear of retroactive denials or program instability."*
>
> *"Some participants described the approval process as opaque and unpredictable — regional ISC staff frequently lack authority to approve expenditures, and requests are escalated to ISC Headquarters with no clear timeline or feedback."*
>
> *"The consequences of these shortfalls are not abstract; they directly affect the well-being and safety of the children and youth we serve."*

Participants described chronic shortfalls in capital funding, with extensive delays and ISC-imposed funding caps leaving First Nations and their agencies without the facilities they need

for programming and service delivery. Lack of housing is a persistent and widespread problem driving families into contact with child protection services.

> *"We have some small renovations that we have the capacity to do quickly, but the eligibility requirements for prevention funds coupled with the lengthy application requirements for capital funds are interfering with our ability to move forward."*
>
> *"Lack of housing is bringing children into care when they have appropriate caregivers in the family they just don't have somewhere to live."*

Prevention funding is well established as a core component of FNCFS but remains inadequate in many cases. The splitting of prevention funding across First Nations and FNCFS Agencies has disrupted the work of many agencies and failed to provide time or resources to build capacity among First Nations. Many First Nations that do have the capacity to deliver prevention services are constrained by a lack of operational funding. The population-based formula for prevention funding can be insufficient in cases such as supporting children with complex needs to remain in the care of their families; or providing addictions treatment to parents to support families staying safely together or reunifying.

> *"The Nation cannot cover staffing & operations with the current prevention funding. Typically, one staff person delivers all prevention service: need to add staffing costs to the per capita allotment of prevention funds."*
>
> *"Addictions is a big expense when it comes to programming, if preventative treatment is needed to ensure family reunification, there should be additional funding available (our smaller First Nations should not be put in a position to have to choose who is attending treatment service)."*

A. Measure: Limiting the Restricting Influence of Other Canadian Legislation

Canada shall not rely on the *Financial Administration Act* or any other federal act as a basis for failure to expend any Funding Commitment or to fail to fully implement the nature, scope, and purpose of the Reformed Funding Approach, ensuring that the Reformed Funding Approach is interpreted and implemented in a manner that reflects the quasi-constitutional nature of the *Canadian Human Rights Act*, and the remedies made thereunder.

Consistent with the Tribunal's orders to safeguard multiple generations of First Nations children from Canada's discrimination and recognizing the rights of First Nations children and the inherent right of self-determination, including self-government, over children and families, the Reformed Funding Approach will not be time limited and will not be dependent on government political decision makers. To uphold the honour of the Crown and permanently cease its discriminatory conduct, Canada must systematically design, administer and evaluate this funding, including funding mechanisms, as a non-discretionary obligation constrained by the inherent rights of First Nations and the constitutional and human rights of First Nations children, youth and families.

First Nations prefer a statutory funding mechanism that is co-developed between First Nations and Canada to achieve the durability and protection required by these reforms to safeguard children and families from Canada's discriminatory conduct in First Nations Child and Family Services.

The Reformed Funding Approach will be the minimum standard for Canada's funding of child and family services and provide the flexibility to improve upon its key components pursuant to the needs identified by First Nations and FNCFS service providers.

No policy, conduct or other mechanism, including funding mechanisms, may be adopted in respect of Funding Commitments for FNCFS which could reasonably result in a lower level of funding or adverse funding structures than contemplated by these reforms.

Rationale:

- CHRT Decisions
    - 2018 CHRT 4 at paras 40–48
    - 2021 CHRT 41 at paras 373–377
    - 2025 CHRT 6 at paras 463–468
- Research and Evidence
    - Expert Advisory Committee, "FSA Recommendations" (15 December 2025), Recommendation #1, at pp 1–2
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 4, 5, 6, 7

B. Measure: Protecting FNCFS Funding

Implementation Date: Immediately upon plan approval.

Canada shall not reallocate funding from other First Nations programs (e.g., housing or education), services, claims or initiatives to achieve the Purpose.

Consistent with the Tribunals' non-reallocation order (2018 CHRT 4), Canada must not engage or require First Nations not affiliated to a FNCFS Agency and/or FNCFS Agencies or any other entity to engage in the practice of reallocation. Canada shall not repeat its practice of reallocating funding from other First Nations to address shortfalls in FNCFS.

Child and family services are essential services for First Nations. As recognized by the Court of Appeal of Quebec, responsibility for funding is a crucial issue related to First Nations child and family services, which has not been addressed by the *Act respecting First Nations, Inuit and Métis children, youth and families*. The Reformed Funding Approach requires safeguarded and guaranteed funding allocations through statutory measures. However, it is recognized that the Tribunal does not have the jurisdiction to order Parliament to enact legislation. In the absence of such legislation; however, Canada should be required to place funds related to the implementation of this plan in a Special Purpose Allotment with authority to carry over to future fiscal years to avoid the money being used for other government priorities.

Rationale:

- Jurisprudence
    - 2022 QCCA 185 at paras 165 and 271–279
- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "First Nations not affiliated to a First Nations child and family (FNCFS) services agency: Defining a baseline" (4 April 2024)

Special Purpose Allotment Approach

In the absence of a statutory funding mechanism, Canada shall restrict any and all funding commitments to achieve the Purpose in a Special Purpose Allotment.

Rationale:

- CHRT Decisions
    - 2018 CHRT 4 at para 391

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
        - In a fee-for-service model (i.e., ISC pays bill for activity), power rests with ISC: ISC reallocates resources within the department and different priorities because funding is not infinite, nor is it protected (through a SPA) for FNCFS (p 24)

Statutory Approach

- The Reformed Funding Approach calls for, and should be supported by, legislation co-developed by First Nations, and Canada, in consultation with the National Oversight Council, that enshrines effective statutory funding to embed the funding purpose, principles, structures, and levels as minimum standards to be adjusted annually on the basis of population and inflation, as well as funding review mechanisms.

Rationale:

- Research and Evidence
    - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 20: Support for the idea of statutory funding to ensure that discrimination does not recur.
    - Expert Advisory Committee, FSA Recommendations (15 December 2025), Recommendation #1, pp 1-2

C. Measure: Reformed FNCFS Funding

Implementation Timeline: Next fiscal year after plan approval (so long as at least six months' lead-time)

Overview: Capacity-Based Funding Approach

Present State:

FNCFS Agencies have been funded through a variety of funding sources at the federal level since the Decision on the Merits, including Budget 2016 and Budget 2018 funding, actuals-based funding through 2018 CHRT 4, and additional per capita and top-up based funding released in FY 2022-2023 and 2023-2024 (much of which has been shared with First Nations).

There have been no adjustments to the baseline funding model that was implemented in

Budgets 2016 and 2018 to account for the actual cost of providing services based on the actuals claims from 2018/19 through 2024/25.

This funding approach as implemented by ISC is not stable or predictable and is highly dependent on ISC's discretion. While claims on actuals have provided important information regarding the real needs of FNCFS Agencies, a "claims-based" funding mechanism does not fully capture the needs of First Nations and FNCFS Agencies due to ISC operational, reimbursement and cash-flow policies and conduct, which prevent full implementation of needs-based programs and services (i.e., First Nations and FNCFS Agencies do not have the funds they need, when they need them).

Most unaffiliated First Nations have received Community Wellbeing Jurisdiction Initiative funding since Budget 2018, followed by per capita prevention funding following 2021 CHRT 12, as well as percentage-based top-up related funding from FY 2023/24 forward. However, it is unclear how many unaffiliated First Nations were funded under CWJI to do jurisdictional initiatives versus prevention. Moreover, Unaffiliated First Nations do not have access to a First Nations-based protection service provider, and receive protection services via the applicable provincial or territorial government through funding mechanisms with Canada.

All First Nations have received some or all of the per capita prevention funding amount introduced in FY 2022/23 and some or all of the percentage-based top-ups introduced in FY 2023/24.

Funding for First Nations has generally not been accompanied by clarity regarding the range and scope of service delivery, governance or financial responsibilities associated with the funding or time and capacity to develop the services and associated infrastructure and coordinate with the province/territory in the provision of FNCFS services. Such guidelines must be developed in consultation with affected First Nations, in partnership with the National Oversight Council and the Caring Society.

<u>"Future State":</u>

First Nations not served by a delegated FNCFS service provider are required to be funded in accordance with community need and informed by evidence. Such funding must ensure First Nations have adequate time to build capacity, including a culturally informed skilled workforce, to meet the needs of their children, youth, and families.

FNCFS Agencies to operate with block funding pursuant to the IFSD Phase III recommendations adjusted to FY 2024/25 levels, with access to funding at actuals as a backstop for a period of five years, with a funding review in Year 3 to make required adjustments. The actuals backstop recognizes that, across Canada, service providers

have operated on a wide variety of funding mechanisms and, in many cases, have not had access to capacity building funding. It also recognizes that the split in prevention funding levels between two service providers has led to uncertainty regarding the effectiveness of integrated service delivery (see IFSD Phase 3, Figure 13).

Under the "backstop actuals" system, the National Oversight Council must be notified of any requests that are outstanding for more than 30 calendar days. Requests outstanding for more than 30 calendar days will also be eligible for interim funding pending ISC's decision-making. Denials must include ISC's evidence and rationale confirming that denial respects the Purpose and Principles of the FNCFS Reforms.

Some level of actuals-based funding will be required to continue for maintenance in the case of First Nations children coming into care with complex needs that exceed the ordinary cost of maintenance placements (e.g.: Fetal Alcohol Spectrum Disorder, severe mental health needs) as such placements involve per-child costs that are orders of magnitude greater than those for non-complex placements.

Consistent with the honour of the Crown and the developmental process for FNCFS Agencies in Directive 20-1, First Nations to be provided with capacity building funding and time to design and build capacity to enable their prevention delivery model and other services. This will include a clear definition of the prevention services and other services, if applicable, to be provided within that service delivery model, and an understanding of how Least Disruptive Measures (secondary and tertiary prevention) will be funded within the protection service provider's budget and coordinated with the First Nation's service model. Applicable FNCFS services needs will be provided by a First Nations authorized service provider until First Nations capacity is established.

For First Nations that have an existing prevention delivery model and capacity to deliver that model, or once the First Nation's capacity building and evaluation process is complete, per capita prevention funding will follow the service provider, according to the service delivery model adopted by the First Nation, with a clear definition of coverage of Least Disruptive Measures (secondary and tertiary prevention) within the protection service provider's budget.

Rationale:

- Jurisprudence
    - *St. Theresa Point First Nation v Canada*, 2025 FC 1926 at para 171
        - An example of Canada's provisioning of on-reserve housing, with a high degree of federal discretion, and in a manner similar to the "Present State" above.

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025), Figure 13 and Appendix H: Maintenance
    - Ontario Association of Children's Aid Societies, "*2025 Pre-Budget Submission*"(24 January 2025) at pp 8–9 (Access to Highly Specialized, Intensive Out-of-Home Care & Live-in Treatment)
    - EngageFirst Management Consultants, "Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report" (May 2025), at p 50

Baseline Budget

Baseline budget: The budget considered sufficient for the delivery of needs-based child and family services, as defined by the relevant First Nation, in keeping with mandated legislation, including provincial/territorial legislation, the national standards contained in the *Act respecting First Nations, Inuit and Métis children, youth and families* and in any applicable First Nations legislation. Baseline funding will cover the actual costs of core operations related to the child and family service provider in question (prevention, protection, or both). For FNCFS Agencies providing protection services, baseline funding will also provide for protection service costs (e.g., intake, maintenance payments, etc.). This amount will be increased annually to adjust for population growth and inflation.

As noted in the description of the "future state" above, for the first five years of the Reformed Funding Approach FNCFS Agency and First Nation baseline budgeted will be backstopped by a funding at actuals process to provide for sufficient funding to meet community needs in special circumstances (e.g., circumstances, whether anticipated or unanticipated, that cause the cost of required services to exceed the amount of funding provided via the Baseline Budget).

Rationale:

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
        - Figures - Five-year national projections estimate the total system cost to be $17.5B with IFSD's recommended scenario (p 41)
            - Baseline budget - Total federal expenditures for the delivery of CFS as reported by FNCFS agencies
        - See Table 9 and Figure 12 (p 36); Table 10 pp 38–39.

- See pp 98 and 104.

Functional Funding Adjustment Factors

Functional Funding Adjustment Factors (referred to as "top ups" in the IFSD reports) are tied to the specific purpose of child and family services and are not intended to remedy community-wide needs in these areas:

i. information technology
ii. results and data collection
iii. poverty fund
iv. capacity development fund
v. emergency fund
vi. maintenance allocation
vii. prevention
viii. geography/remoteness
ix. inflation with a 2% base adjusted annually upwards to the Consumer Price Index
x. population
xi. insurance and liability coverage
xii. cultural continuity

Rationale:

- Legislation
  - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, s 9(2)
- CHRT Decisions
  - 2016 CHRT 2 at paras 106, 151
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
    - Prevention - $2,500 per person resident on-reserve, adjusted for population and inflation since fiscal year 2022/23 (p 34)
      - Resources to deliver activities and services to stop or reduce the risk of child maltreatment.
      - Three levels of prevention that are mutually reinforcing:
        - Primary: Public health measures to prevent child maltreatment and public education on how to report child maltreatment

        - Secondary: A child and/or family are at high risk of child maltreatment
        - Tertiary: A child is at risk of child maltreatment or alternatively is in care and efforts to reunify the child with their families are undergo (it is expected that at least secondary and tertiary services are being delivered by FNCFS agencies)
    - See commentary in the overview regarding the capacity-based approach to service delivery
- Information technology (IT) - 5.5% of the baseline budget
    - Allocation for hardware and software, based on not-for-profit industry standards (p 34).
    - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 25: Agreement for 6% of the baseline otherwise.
- Results and data collection – 5% of the baseline budget
    - Allocation to support data collection and analysis. Data is essential for control and improved decision-making, in particular to allow for early warnings or signs of challenges and to highlight successes (p 35).
    - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 27: Consensus is for 5%
- Poverty Fund – 5% of the difference between regionally relevant MBM and total after-tax median household income (p 35)
    - Provides resources to mitigate the impacts of deprivation as a driver of contact with protection.
    - Figure 41, pp 112–113.
    - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 27: Eliminate 3% as a possibility and reconsider 5 and 7%
- Maintenance allocation – 3% of baseline budget (pp 35, 106 and 110)
    - Contingency amount to mitigate changing costs of child maintenance (over and above inflation) within the regular course of business
    - Variability in maintenance expenditures to otherwise be managed by the protection service provider within their block funding, subject to maintenance expenses arising from special

circumstances, which are beyond the usual cost of doing business (e.g.: complex needs, specialized homes, sudden increase in the number of children coming into care), which are to be reimbursed at actuals
        - See analysis in Appendix H "Maintenance" (pp 337-338)
    - Geography/remoteness – 15% scaled average of CAF applied to all FNCFS agencies (p 34)
        - 15% scaled average of Cost Adjusted Factor (CAF). Remoteness can impact FNCFS agency operations and budgets. The remoteness/ geography component should be recognition of the differentiated costs of delivering and acquiring needed services in different geographic contexts (beyond year-round road access alone), acknowledging that some of these costs will already be factored into a service provider's Baseline Budget due to interim funding at actuals in prior fiscal years.
        - Page 256 (Figure 3 – Geographic Zone distribution – i.e. accessibility)
    - Inflation with a 2% base adjusted annually upwards to the Consumer Price Index (p 35)
        - Adjustment to correct for changes in purchasing power, based on Consumer Price Index (CPI) inflation in order to reflect changes in the costs of goods and services.
        - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), p 33: 2% as the floor with CPI as the adjustor for real time costs.
- EngageFirst Management Consultants, "Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report" (May 2025), at p 35–36
- Measuring to Thrive Framework (Appendix J to Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A performance budget approach to well-being" (2020), at pp 387–390)
    - Connection to culture and language are essential indicators of well-being for children and families
- Cultural continuity:
    - Determined the impacts Canada's discriminatory practices on First Nations languages and cultures as well as cultural continuity

being a protective factor in the physical, emotional, cognitive and spiritual well-being and best interests of First Nations children. Cultural continuity, and specifically First Nations language knowledge, are associated with dramatic reductions in youth suicide and adverse outcomes.
        - Depending on community readiness, this may be funded as a primary prevention item pending development of a cultural-continuity specific funding adjustment factor developed in the first five years of the Reformed Funding Approach.
    - Chandler, M. J., & Lalonde, C., "Cultural continuity as a hedge against suicide in Canada's First Nations" (1998). Transcultural psychiatry, 35(2), at pp 191–219
        - Cultural continuity is a protective factor against mental health issues. Language is foundational to culture.
    - Douglas Hallett, Michael J. Chandler & Colette E. Lalonde, "Aboriginal Language Knowledge and Youth Suicide" (2007) 22 Cognitive Development 392
    - Michel J Chandler & Christopher Lalonde, "Cultural Continuity as a Protective Factor Against Suicide in First Nations Youth" (2008) 10:1 Horizons (Special Issue: Aboriginal Youth, Hope or Heartbreak: Aboriginal Youth and Canada's Future) 6 First Peoples' Cultural Council, "Costing Models for Language Maintenance, Revitalization and Reclamation in Canada", (May 2018)
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 3, 4,5, 6,10

Population

Following the enactment of *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24, the federal and provincial Crown are bound to act on the basis that First Nations' inherent right to self-government has constitutional status and that, from a jurisdictional standpoint, this right includes the jurisdiction of First Nations in relation to child and family services. There is no geographic limitation to Parliament's statutory affirmation of this right, such that, subject to the terms and adequacy of funding, First Nations and Agencies may provide child and family services to their members wherever they reside (as per minimum standards set out in *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24).

In correspondence on September 12, 2025 and October 3, 2025, the Panel addressed the

scope of the complaint regarding First Nations children residing off-reserve being limited to Jordan's Principle and not to First Nations children receiving child and family services more generally. This plan has been prepared in keeping with that direction. However, nothing in this plan is intended to support or permit conduct on Canada's part in implementing Jordan's Principle off-reserve in a way that increases, in any way, the likelihood of First Nations children either coming into contact with the child and family services sector or being brought into care, or that fetters their reunification with their homes, families and communities.

It bears noting that consistent and strong feedback during the regional engagement process following the Tribunal's ruling in 2025 CHRT 80, however, noted that many First Nations individuals do not live off-reserve by choice, but rather face limited ability to remain on-reserve for systemic reasons, including lack of housing and other services (including education, health, mental health, and specialized services for children with complex needs). Indeed, many of the same structural forces that drive contact with the child and family services system drive families away from reserves.

This plan's approach to population served seeks to respect the Panel's October 3, 2025 direction on scope by focusing on a substantive equality-based definition to the population that is "Ordinarily Resident On-Reserve". As the Panel noted in its 2016 Decision on the Merits, FNCFS have always applied to First Nations children and families ordinarily resident on-reserve. In the 2005 National Program Manual, the definition of "ordinarily resident on-reserve" acknowledges that individuals may continue to be ordinarily resident on-reserve where they maintain a primary residence on-reserve "may be absent for a period of time for purposes related to education, health, or other services that are unavailable in the reserve community where the child lives".

This plan proposes a substantive-equality-based definition of "ordinarily resident on-reserve" to include those who wish to live on-reserve and are on a waiting list to secure housing on-reserve. This recognizes the breadth of service gaps that lead First Nations individuals to leave their Nations' territory.

In addition to the above-noted considerations, ISC's Indian Registration System ("IRS") does not capture the entire population served, in particular given members moving on- or off-reserve in ways that are not reflected in the IRS, nor does it reflect anticipated addition of members due to legislative changes related to eligibility for *Indian Act* status. In particular, any approach to population adopted must be responsive to the potential elimination of the second generation cut-off rule in s. 6(2) of the *Indian Act*, which is currently under consideration by Parliament given the repeal of subsections 6(2) and (2.1) of the *Indian Act* by clause 4(5) of Bill S-2: *An Act to amend the Indian Act (new registration*

entitlements), which received Third Reading in the Senate on December 4, 2025 (63 Senators voting in favour, no Senators voting against, and eight Senators abstaining) and received First Reading in the House of Commons on December 10, 2025. If Bill S-2 passes in its current form, as has been called for by the Chiefs in Assembly, many minor children who reside on-reserve and are subject to the second-generation cut-off would be eligible to be added to the IRS.

Funding must not rely solely on the per capita formulas, especially those tied to the IRS. With the guidance of the National Oversight Council and the National FNCFS Reform Technical Table, the complainants and Canada must work towards a population framework within the first three years of the FNCFS Reforms, such as a First Nations-led census, to estimate the actual population served.

Rationale:

- Constitutional Provisions
    - *Constitution Act, 1982*, ss 35, 52(1), being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
    - *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 91(24), reprinted in RSC 1985, Appendix II, No 5
- Legislation
    - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24
    - *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Annex, Article 32
- CHRT Decisions/Jurisprudence
    - 2016 CHRT 2 at paras 52–58
    - *Dickson v Vuntut Gwitchin First Nation*, 2024 SCC 10 at paras 363 and 368 (per Martin and O'Bonsawin JJ)
    - *Corbiere v Canada (Minister of Indian and Northern Affairs)*, [1999] 2 SCR 203 at para 19
    - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families,* 2024 SCC 5, at paras 60, 63, 65, 66, 107
- Research and Evidence
    - October 3, 2025 direction from the Panel regarding the scope of the complaint
    - Indian and Northern Affairs Canada, "First Nations Child and Family Services National Program Manual" (May 2005), at p 51

- Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
  - Population - IRS population by Band (p 35)
  - Changes in population size impact service delivery. Population and projections should use the Indian Registry Service (IRS) by Band. See Table 35 (p 116) for projected population growth
- NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at pp 18–19
  - Non-status children must be included in the population count because they are considered part of the community vis a vis the family living on-reserve (e.g. some family members are eligible for status, and some aren't). First Nations will serve the children in the community regardless of status.
  - Service population extends beyond those who live in community at the moment, e.g. those who have moved away for various reasons but still remain part of the community. This is needed to promote connections.
  - IRS based population creates conditions for discrimination.
- EngageFirst Management Consultants, "Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report" (May 2025), at pp 27, 35–37

Insurance and Liability Coverage

Canada shall provide sufficient funding to ensure FNCFS service providers including FNCFS Agencies are able to purchase adequate liability insurance.

Canada will be the insurer of last resort for all First Nations Child and Family Services, their employees, agents, and advisors (including Elders, Knowledge Keepers, and youth) when the First Nations Child and Family Services provider is unable to access insurance or access adequate levels of insurance to safeguard against tort actions or other claims arising from good-faith actions or decision making.

Rationale:

- Research and Evidence
  - Alexander Holburn Beaudin & Lang LLP, "Legal Opinion to IFSD" (31 August 2018), at p 6
    - "Notwithstanding a mandatory insurance coverage provision in a

provincial delegation agreement, each of the provinces is subject to the non-delegable duty doctrine, which provides that a party upon whom the law has imposed a strict statutory duty to do a positive act cannot escape liability simply by delegating the work"

- Similar logic applies at the National level

Emergency Plan Funding

Canada shall fund First Nations child and family service providers to develop and execute emergency response plans specific to children, youth, young adults and families in coordination with affected First Nations. These plans will contain measures to prevent emergencies and mitigate harm related to unforeseeable events beyond the service providers control such as:

a. actions of military, naval, or civil authority, the King's or a public enemy, war, revolution, political disturbance, and terrorism;
b. civil disturbance;
c. expropriation, acts of restraints of a governmental body or authority, and failure to obtain a requisite permit or authorization from a governmental authority by reason of any statute, law, or Order-In-Council, or any regulation or order passed or made pursuant thereto or by reason of the order or direction of any administrator, controller, or board, or any governmental department or officer or other authority, or by reason of not being able to obtain any permission or authority required thereby;
d. unusual delay by common carriers;
e. sabotage, rebellion, vandalism, riot, blockade, insurrection, strike, lockout, and explosion;
f. power failure and non-availability of labour, materials service, equipment, goods, or utility
g. epidemic and quarantine including substance misuse;
h. fire;
i. pandemics; and
j. significant class action payments to vulnerable people as a result of Canada's conduct.

Canada shall provide sufficient and additional resources, including funding, to prevent and respond to unforeseeable events.

Rationale:

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
        - Emergency Fund – 2% of the baseline budget (p 35)
            - Recommendations summarized on p 335
    - Report of the Auditor General of Canada, "Emergency Management in First Nations Communities, Report 8, (2022)" at paras 8.13, 8.44, 8.47, 8.67, 8.68.
    - Inter-Agency Standing Committee, "With Us and For Us: Working With and For Young People in Humanitarian and Protracted Crises", UNICEF and the Norwegian Refugee Council for the Compact for Young People in Humanitarian Action, (2020) online, at pp 34–39, 100–103

Funding at Actuals or with Actuals as a Backstop

Additional funding will be required in the following areas:

i. capital, maintenance, and capital replacement (actuals)
ii. First Nations representative services (actuals)
iii. post-majority services (including reunification services), supports, and products (actuals, to provide the range of services identified by the National FNCFS Technical Table and Regional Technical Tables, and not the narrower range of services presently approved under ISC Operational Bulletins)
iv. development of new FNCFS Agencies (actuals)
v. regional and national technical secretariats (actuals)
vi. planning funds (to achieve substantive equality for those affected by Directive 20-1 until 2016 or were not receiving FNCFS funding pursuant as of 2016 or later) (actuals as a backstop)
vii. funds for special circumstances (e.g., costs for very high needs of children in care) (actuals as a backstop with limited ISC discretion, as constrained by the purpose and principles of the Loving Justice Plan and CHRT orders)

IFSD's recommended budget framework does not include a funding methodology for post-majority services or First Nations representative services, both of which will be funded at actual costs. The list above similarly includes other expenditures that, due to a lack of reliable data, will be funded at actuals, or for which actuals will be used as a backstop. Any amounts exceeding the percentage of the baseline budget allocated for planning funds

(5% for results and data) and special circumstances (3% for maintenance allocation) will be funded at actuals to account for the uncertainty inherent in governance and predicting the costs required to care for children with complex needs. In addition, the development of new FNCFS agencies will be funded at actuals for a minimum of five years, as explained above, to allow new agencies the time required to build sufficient capacity. The at-actuals funding model will be maintained until the first public review of the reformed FNCFS, to facilitate necessary adjustments.

Rationale:

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
        - Capital, maintenance and capital replacement
            - Table 42 (pp 121–122) provides the assumptions of the bottom-up capital calculations; Table 43 discusses asset types (p 122)
            - Full analysis regarding capital funding (pp 233–242)
        - First Nations representative services
            - Appendix B3 (pp 215–220) provides a breakdown of costs for First Nations Representative Services
        - Post-majority services, supports and products
            - Estimations of costs of post-majority supports (pp 225–227)
            - Development of new FNCFS Agencies
            - Directive 20-1 recognized that service providers would require time to be able to take on services (see Directive 20-1, section 6.4: "The expansion of First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the takeover of existing services"). Directive 20-1 contemplated multiple ramp-up phases for a new service provider: pre-planning, planning, and start-up (see Directive 20-1, section 7).
        - Regional and national technical secretariats
            - An expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS.

The call for the body has been documented by IFSD in its work since 2018 with FNCFS providers (p 43)

- Pages 366–456 provides a paper describing the rationale, mandate, structure and cost of the secretariat.

- Planning Funds
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025):
    - Results and data collection – 5% of the baseline budget
      - Allocation to support data collection and analysis. Data is essential for control and improved decision-making, in particular to allow for early warnings or signs of challenges and to highlight successes (p 35).
  - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at p 27: Consensus is for 5%
- Special Circumstances
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
    - Maintenance allocation – 3% of baseline budget (pp 35, 106 and 110)

- Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3,4,5,8.

D. Measure: Funding for Regional Organizations, Agencies and Technical Secretariats

Implementation Timeline: Upon plan approval

Canada shall negotiate honourably and in good faith with First Nations outside the Ontario FSA and with First Nations national and regional organizations (including, but not limited to, the **National Oversight Council**, the National FNCFS Technical Table, the National FNCFS Secretariat, Regional Technical Tables, and Regional Secretariats) to adequately, and on an ongoing basis, fund regional technical secretariats and a national apolitical technical secretariat to support the delivery of First Nations child and family services to a

standard that enables First Nations, First Nations child and family service providers to discharge their mandates in keeping with the Principles.

Rationale:

- CHRT Decisions
  - 2018 CHRT 4 at para 265
  - 2025 CHRT 80 at para 110
- First Nations-in-Assembly Resolutions
  - 42/2018: *Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)*
- Research and Evidence
  - Funding National Secretariat
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
      - An expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS. The call for the body has been documented by IFSD in its work since 2018 with FNCFS providers (p 43)
      - Pages 369–456 provides a paper describing the rationale, mandate, structure and cost of the secretariat.

Regional Organizations

Canada shall establish an annual fund to be allocated to Regional Technical Tables and Regional Secretariats (see Chapter 4, above) in a manner directed by the National Oversight Council to build capacity, establish new organizations where no existing entity can assume the Regional Secretariat role, collect and analyze regional child and family services data and support best practices to deliver child and family services in whole or in part, including by providing training.

Rationale:

- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025), Appendix K: First Nation-led Secretariat Analysis

Capacity Development for New Service Providers (Agencies and First Nations)

Canada shall fund the development of First Nations and First Nations Agencies. This funding includes but is not limited to the provision of child and family services by First Nations pursuant to their own laws, the establishment of new First Nations Agencies, and expansion of service provision at existing First Nations and First Nations Agencies to include, among other things, the delegation to provide protection services. This funding is intended to enable and provide the necessary capacity to discharge their responsibilities, including pursuant to the applicable child and family services and related legislation and regulations.

Canada shall fund the development of First Nations and First Nations Agencies in a manner that attains long-term positive outcomes for First Nations children and their families and supports First Nations providing services under their own laws to exercise their legislative authority effectively, consistent with the honour of the Crown and with the Crown's fiduciary relationship with First Nations children.

Canada provided prevention funding to unaffiliated First Nations without providing sufficient funding and time to develop and implement those services. This means that there is wide variation in the capacity of unaffiliated First Nations to deliver or expand prevention services to meet the changing needs of their children, youth and families in a manner consistent with the rights of First Nations children, the honour of the Crown, and *An Act Respecting First Nations, Métis and Inuit children, youth and families* and the Tribunal's orders. Capacity funding is required to enable unaffiliated First Nations and new agencies to develop or expand capacity to consult with their communities and experts to design and implement the range of prevention services they self-determine as necessary to meet their needs. Such capacity funding shall be based on actuals for at least five years.

Rationale:

- Jurisprudence
    - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5, at para 63
- Legislation
    - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, s 20(2)(c)
- Research and Evidence
    - Directive 20-1 recognized that service providers would require time to be able to take on services (see Directive 20-1, section 6.4: "The expansion of

First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the takeover of existing services"). Directive 20-1 contemplated multiple ramp-up phases for a new service provider: pre-planning, planning, and start-up (see Directive 20-1, section 7).

- IFSD First Nations not affiliated to a First Nations child and family (FNCFS) services agency: Defining a baseline (4 April 2024)
- EngageFirst Management Consultants, "Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program: Final Report" (May 2025), at pp 4, 19, 26, 47 and 50
- Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 4,5,6,7,8.

First Nations Child & Family Wellbeing Research Fund

Canada shall establish a First Nations-led national research fund focused on First Nations child and family wellbeing. The fund will support research capacity to: identify and address the structural drivers of contact with child protection services among First Nations families; distinguish preventable service failures from protection concerns; assess whether long-term reforms address structural drivers; and demonstrate sustained compliance with Tribunal orders.

The research fund will support First Nations-led efforts to ensure policies are supported by adequate evidence and prevent the persistence of discriminatory outcomes. The fund will support First Nations-led efforts to:

1. identify and prioritize research focuses related to child and family well-being;
2. develop First Nations–specific solutions, integrating Indigenous Knowledge and leading research;
3. explore emerging and under-examined areas of inquiry that address First Nations-specific challenges through creative, culturally grounded approaches that centre Indigenous worldviews and responsibly leverage new technologies;
4. develop a First Nation approach to collect data and information about child and family wellbeing; and
5. develop a robust evaluation and accountability framework to ensure discrimination is eliminated and does not re-emerge through policy design, implementation, or system practices.

Rationale:

- CHRT Orders
  - 2016 CHRT 16 at paras 150–152
  - 2018 CHRT 4 at paras 259, 264
  - 2022 CHRT 8 at paras 74–86
- Legislation
  - *Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, s 20(2)(c)
- Research and Evidence
  - Canada Foundation for Innovation, "*Research in Canada, for Canada: A Value Proposition*" (September 2023)

E. Measure: Transition from Funding at Actuals

Funding at actuals as articulated in Chapter 6, Measure C, will continue for a minimum of three years or until such time as the Public Funding Review recommendations are implemented.

ISC shall reimburse claims for FNCFS Agencies' actual costs for intake and investigations, legal fees, building repairs, child service purchase, and small agency costs incurred in the last fiscal year of funding at actuals that are submitted on or before September 20 of the following fiscal year. Where funding requests are received after September 20, ISC will consider any exceptional circumstances relating to the late submission.

For the Initial Five Years, First Nations, except for First Nations in Ontario, shall have access to reimbursement for their actual costs for First Nation Representative Services equivalent to the actual costs available pursuant to 2018 CHRT 4, including but not limited to:

a. salaries, benefits, workplace safety and costs to support the delivery of child and family services;

b. human resources recruitment, training or professional development;

c. paraprofessional and professional fees;

d. general delivery costs such as non-medical travel costs, accommodations, transportation or meals for First Nations Representatives to support the

delivery of services;

e. delivery costs and family support services including prevention services and services for those involved with the child and family services system; and

f. overhead, administrative costs (office rent, computer, information technology, utilities, insurance to help support FNRS services).

FNCFS service providers must be provided with a model budget of their funding allocation under the Reformed Funding Approach for their assessment and approval and will determine the timing of their transition to the Reformed FNCFS, in consultation with their First Nations, when they are ready. A minimum of 12 months must be provided to ensure adequate time to transition.

Data from the First Nations Canadian Incidence Study on Reported Child Abuse and Neglect (2019) indicate the significant and interdisciplinary needs of First Nations children, youth and families coming to the attention of child and family services. Funding at actuals will ensure these needs are met while creating a costing track record to inform future funding approaches.

The transition to the Reformed Funding FNCFS will take several years and additional resources, requiring Canada to fund and implement transition measures as recommended in IFSD reports on First Nations Child and Family Service Agencies and First Nations not affiliated with a First Nations agency. Transition will take approximately 3–5 years for FNCFS Agencies and 5–10 years for First Nations without existing capacity and new agencies to deliver services.

Rationale:

- CHRT Decisions
  - 2018 CHRT 4 at para 421
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
    - Based on collaborator feedback, existing service providers will be better positioned to implement changes in 2 to 5 years, whereas those without existing services can take 10 to 15 years for operational stability. Service providers are shaped by their contexts and are distinguishable through several characteristics, e.g., remoteness, operational sophistication, size of the population served, etc. (p 56)
    - Challenges to transition described in p 62, Figure 19.

        - Figure 15, gives a chart on the transition readiness of several actors (p 55)
    - NAC First Nations Caucus: Draft Phase 3 Recommendation Discussion Guide (March 2024), at pp 1, 5
        - First Nations in consultation with the Agencies decides if/when they will move to the reformed approach.
        - Consider First Nations and Agencies being provided with budgets with both scenarios to inform decision making.
    - Barbara Fallon, Rachael Lefebvre et al, "First Nations Canadian Incidence Study on Reported Child Abuse and Neglect", (2019)
    - Directive 20-1
        - The Directive recognized that service providers would require time to be able to take on services (see Directive 20-1, section 6.4: "The expansion of First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the takeover of existing services"). Directive 20-1 contemplated multiple ramp-up phases for a new service provider: pre-planning, planning, and start-up (see s. 7).

Post-Majority Supports

Post-majority support services shall continue at their actual cost pursuant to 2022 CHRT 8 until such time that effective evidence informed funding mechanism, based on services needed to ensure substantive equality, is provided by a body appointed by the National Oversight Council and approved by the Tribunal consistent with the Purpose and Principles.

Canada must continue to fund post-majority supports for First Nations young persons from care (including those aging out of care and those reaching the age of majority while subject to youth agreements) from the age of majority up to and including age 25 at actual cost, consistent with 2022 CHRT 8 and Assembly of First Nations Resolution 84/2023.

Post-majority support funding following the Initial Five-Year term shall be determined in accordance with the Public Funding Review but shall not be less than the highest amount received in any given fiscal year. That approach shall align with the principles of needs-based funding, be culturally appropriate and shall recognize the distinct realities of First Nations.

Rationale:

- CHRT Decisions
  - 2022 CHRT 8 at paras 41–60
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025), at pp 225–227
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 5, 8.

Capital Funding

Capital funding and all related requests shall continue at actual cost for a minimum of five years, pursuant to 2021 CHRT 41, until such time as an effective capital funding mechanism, which includes planning, building, operations, and recapitalization is developed based on evidence from First Nations and First Nations-authorized service providers, is reviewed by First Nations capital and service delivery experts, and is approved by the National Oversight Council and by the Tribunal.

Any new capital funding mechanism must be evidence based and consistent with the purpose and principles of this plan, the honour of the Crown, cultural appropriateness, and substantive equality, taking into full account the distinct circumstances of the child's First Nation and community.

The capital funding mechanism cannot create delays, gaps or denials that perpetuate the discrimination that Canada was ordered to stop.

Canada must undertake positive efforts to ensure the prompt completion of projects and shall not unreasonably delay capital projects due to administrative procedures, particularly in rural and remote regions where building supply routes are restricted.

A First Nation or FNCFS Agency's determination of their need shall be presumed valid.

Canada has the burden of proof to demonstrate, with evidence, that the proposed capital project is not needed, or only partially needed, for the delivery of child and family services.

If Canada's position is that it will not fund the full cost of a capital project that a First Nation or FNCFS Agency determined that it needs to deliver child and family services, or if it requires more than thirty business days from the receipt of a request to make a determination, Canada must inform the First Nation or FNCFS Agency in writing why the project is being delayed, deferred, or denied in whole or in part. A request that outstanding

for more than thirty business days will be deemed denied and referred to the National FNCFS Technical Table and the National Oversight Council.

In the event that a DR Mechanism is established as contemplated in Chapter 5, Measure D, any denial of capital funding, in whole or in part, may be referred to the proposed DR Mechanism.

In the event of a dispute regarding capital costs, Canada shall release interim funding to the First Nation and the FNCFS Agency sufficient to ensure that the delivery of child and family services is not interrupted or adversely affected while the dispute is resolved.

Rationale:

- CHRT Decisions
  - 2021 CHRT 41 at paras 142, 174, 184, 213, 294, 475
  - 2025 CHRT 80 at paras 107 and 114
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
    - Table 42 provides the assumptions of the bottom-up capital calculations (pp 121–122); Table 43 discusses asset types (p 122)
    - Full work up (pp 233–242)
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 4, 5

First Nations Representative Services

Canada shall fund First Nations Representative Services at actual cost until at least 180 days from the time that an effective evidence-based funding mechanism is approved by the body appointed by the National Oversight Council and approved by the Tribunal consistent with the Principles.

Rationale:

- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025) at pp 215–220: breakdown of costs for First Nations Representatives
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 10

7. Accountability

What We Heard:

Feedback regarding accountability addressed both Canada's accountability for ending its systemic discrimination in FNCFS, and accountability of First Nations and their FNCFS agencies for prudent management of FNCFS funding. Participants called for an end to Canada's unilateral decision-making—this was a clear and consistent theme. Instead, decisions related to policy and funding (and any aspect of FNCFS) must be made transparently and in consultation with First Nations. All decisions must be clearly communicated to anyone impacted by the decision. After decades of willful and reckless systemic discrimination, there is little trust that Canada will remain accountable. Instead, the view is that Canada will require continuing independent oversight with statutory authority. Suggestions for fulfilling that role included: dispute resolution mechanisms and ombudspersons. Participants also made numerous comments about inter- and intragovernmental accountability and the need for clear mechanisms to prevent jurisdictional and funding gaps.

> *"Staff also noted that accountability requires ISC to communicate clearly and engage First Nations and service providers before developing or implementing policy changes. They emphasized that unilateral decision-making reduces transparency and undermines accountability, and that meaningful engagement must form part of any responsible and accountable funding system."*
>
> *"ISC's history of unilateral decision-making and policy changes without notice has damaged trust and created instability in service delivery. Accountability, they emphasized, cannot rely solely on policy commitments—it must be legally enforceable and transparent."*
>
> *"Participants supported establishing a First Nations-led ombudsperson or commissioner with legal authority to monitor compliance, investigate breaches, and hold Canada accountable."*
>
> *"Accountability must include clear mechanisms that prevent jurisdictional and funding gaps between federal and provincial systems from continuing to harm First Nations families."*

With respect to the accountability of FNCFS funding recipients, participants noted that current reporting requirements are paternalistic, overly burdensome, repetitive, and punitive. The

burden of reporting can divert resources from service-delivery to administrative tasks with little perceived value. This should be replaced with outcomes-based reporting focused on metrics that are useful and relevant to First Nations and their service providers. Some participants suggested narrative reporting supported by independent financial audits. Others focused on reciprocal accountability where funding recipients report on their use of funds and Canada, in turn, must demonstrate that funding flows appropriately and is sufficient to meet the needs of First Nations children and families. Finally, participants emphasized that strong relationships between First Nations leadership and their child and family services agencies are essential for accountability to children and families.

> *"ISC must be held accountable for ensuring that funding for First Nations child and family services is sufficient, timely, and responsive to agency and community needs. They stated that accountability mechanisms should require ISC to operate within an outcomes-based model, in which ISC must demonstrate that funding is flowing appropriately and that the needs of agencies—and therefore the needs of children and families—are being met."*
>
> *"Identify a high level outcomes framework agreed-upon between ISC and First Nations in the region. From this, Nations can adapt individual indicators to suit their priorities, services, and culture."*
>
> *"Reports should highlight progress, challenges, and outcomes, and include the voices of First Nations children, youth, and families."*

A. Measure: ISC's Discretion to be Constrained by the Principles in this Plan

As the primary funder of FNCFS activities outlined within this plan, Canada's capacity to realize the projected outcomes will depend on its exercise of discretionary decision-making authority as described herein (for example, in responding to actuals-based requests, funding capital costs, and providing "special circumstances" funding). The Plan also grants Canada the discretion to implement proposed measures including appointing an Ombudsperson, establishing a dispute resolution mechanism, and allocating implementation funding into a Special Purpose Allotment.

To the extent that Canada retains discretionary powers under the Loving Justice Plan, Canada must exercise its discretion in a manner consistent with the purpose and principles outlined in the Loving Justice Plan, as well as the minimum standards in the

Tribunal's orders and its related legal obligations to First Nations and First Nations children.

Rationale:

- Jurisprudence
  - *Cully v Canada (Attorney General)*, 2025 FC 1132 at paras 5, 35, 55, 84
  - *Powless v Canada (Attorney General)*, 2025 FC 1227 at para 45 (aff'd in 2025 FCA 226 at para 9)
- Research and Evidence
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 10

B. Measure: Review of Material Changes to Funding Arrangements

Any material changes in respect of fiscal arrangements respecting the funding of provision of child and family services must, in collaboration with affected First Nations, be reviewed for adequacy of the quantum and method of funding no fewer than once every three years.

The Minister will in consultation with the National Oversight Council publish an annual report on its compliance with the terms of these reforms and publicly and prominently post the report and any response to the annual report that the National Oversight Council wishes to make.

Rationale:

- See transparency principles in Chapter 3.

C. Measure: Funding Arrangements with Provincial/Territorial Governments Providing Services to Unaffiliated First Nations

There are approximately 172 unaffiliated First Nations located largely, but not exclusively, in British Columbia and the Yukon. These First Nations are united in their love and dedication to their children and very diverse in terms of context, needs and existing capacity to deliver child and family services. Unaffiliated First Nations shall be supported to choose the child and family service delivery model that best suits their needs and context.

There are also partially delegated First Nations child and family service agencies that rely on the provinces for the delivery of certain aspects of child and family services.

Given the inter-relationship between protection and prevention services, unaffiliated First Nations and partially delegated FNCFS Agencies and their affiliated First Nations require detailed and accurate information regarding the protection services being provided by provincial and territorial service providers, the terms and funding on which those services are being provided, and the outcomes to which the federal and provincial/territorial governments have agreed.

Canada must, in consultation with affected First Nations, ensure its agreements with provinces/territories and others to provide child and family services achieve the Purpose and Principles of these reforms. First Nations will be provided resources sufficient to participate in such consultations and will have access to Regional Tables and Regional Secretariats for assistance in performing this work.

Rationale:

- CHRT Decisions
  - 2021 CHRT 12 at para 35
- Research and Evidence
  - IFSD First Nations not affiliated to a First Nations child and family (FNCFS) services agency: Defining a baseline (4 April 2024) at pp 5–7, 22 and 90–91
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendations 3, 10

D. Measure: Public Reporting

Implementation Timeline: Within 30 days of plan approval

To ensure access to information relevant to the violation of rights and remedies, Canada shall publish on a prominent and accessible platform the causes and conditions resulting in Canada's discrimination substantiated in 2016 CHRT 2 and related orders, any remedies Canada has implemented to address the causes and conditions and associated outcomes.

Rationale:

- CHRT Decisions
  - 2017 CHRT 14 at paras 111–112
  - 2018 CHRT 4 at paras 391–394

E. Measure: Data Collection

Canada shall ensure that it provides the National Secretariat and Regional Secretariats with all data collected regarding First Nations child and family services, nationally (to the National Secretariat) and in each region (to the Regional Secretariats), calibrated to the Measuring to Thrive framework to ensure that funding is needs-based. Such data shall be collected in an accountable and ethical manner, in keeping with the principles of Ownership Control, Access, and Possession (OCAP).

Rationale:

- CHRT Decisions
  - 2018 CHRT 4 at para 265
- First Nations-in-Assembly Resolutions
  - 42/2018: *Data Sovereignty and the Ownership, Control, Access and Possession (OCAP)*
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025) at pp 350–353: Rationale for measuring to thrive indicators
    - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)
  - EAC FSA Recommendations (15 December 2025), Recommendation #8, p 5
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 3, 10

8. Regional Variations

What We Heard:

Engagement participants strongly supported the need for regional variations: long-term reforms must address local and regional realities, including: geography, population size, specific needs, transportation barriers, service availability, and existing capacity and infrastructure—or lack thereof.

The engagement reemphasized the criticality that funding and reform must reflect specific cultural and linguistic needs, and respect diverse First Nations governance and service delivery models.

> "*The unique needs in our region cannot be addressed through standardized funding or reporting templates. Reform must be flexible, Nation-driven, and reflective of the realities of remote communities, ensuring that every child and family no matter where they live has access to culturally safe, consistent, and life-saving supports."*
>
> *"The realities of remoteness and poverty profoundly shape service delivery and the well-being of children and families. These factors increase operational costs, limit access to resources, and constrain the agency's ability to deliver prevention-focused and family-centred services."*
>
> *"Long-term reform must ensure that funding and regional support are scaled for equity, not size, so that every child, regardless of their community's population, receives consistent and culturally grounded care."*

There was also strong support for establishing FNCFS technical hubs that support community accountability, connection-building and coordination. Some participants described existing hubs in their regions. Others remarked on the absence of such organizations in their regions, but they did see value in the potential role to support their capacity and strengthen coordination.

> *"The absence of such a hub means that much of this work is done "off the side of the desk," creating inconsistent capacity and limiting our ability to respond collectively to regional challenges or engage effectively in national reform processes. A First Nations–mandated technical hub would significantly strengthen implementation, accountability, and sovereignty-based decision-making across the region."*

Participants highlighted training; recruitment and retention/workforce development; and increased opportunities for knowledge, information and culturally relevant resource sharing as key areas where regional support would be beneficial.

> *"We need to focus on workforce development by recruiting and retaining a more diverse workforce that reflects the children and families we serve. This includes training and support for professionals who are already in the field, ensuring they have the cultural awareness to understand and address the specific needs of these populations"*

To support negotiation and implementation of federal/provincial/territorial funding arrangements, the engagement identified a number of capacity building and regional support needs. This included specific capacity building funding, technical, legal and negotiation support— with recommendations for regional support for accessing shared services, coordination and consultation assistance.

Furthermore, for successful negotiations for regional variations, the participants highlighted the importance of establishing a federal-provincial coordination mechanism; having a willing, transparent partner at the table; and the need to prevent interruption to service delivery.

> *"First Nations in our region need dedicated negotiation capacity, including legal, financial, and policy expertise that is mandated by and accountable to our Nations—not federal systems."*

A. Measure: Negotiation of Regional Variations

Implementation Timeline: Within six months of plan approval

Canada is required to negotiate, in good faith and in line with the honour of the Crown, regional variations with First Nations and Agencies to identify modifications that meet or exceed the Reformed Funding Approach and to address variations that require accommodation to address ongoing discrimination.

This plan is mindful of the experience of ISC's "jurisdiction-by-jurisdiction" approach with the EPFA, pursued with "ready and willing First Nations and provincial/territorial partners" (2016 CHRT 2 at para 443), which incorporated many of the failings of Directive 20-1 and did not contain measures or mechanisms to address changing circumstances after the EPFA had been implemented. Instead, this plan takes the same approach as

past Tribunal orders in this matter, setting a strong core approach to FNCFS reforms that can be varied to meet distinct regional needs and circumstances.

As a result, these regional variations will be supported by the Purpose and Principles outlined in these reforms, consider inequities due to the prior funding model, be sufficiently responsive to emergencies and ensure measures that are culturally appropriate and respond to the distinct community circumstances of the region.

Unless it has been advised that the relevant First Nation or region wishes to negotiate a new approach Canada must also continue to implement existing regional approaches that are:

(a) Effective;

(b) Supported by the relevant First Nations; and

(c) Consistent with the long-term reform measures in this plan and/or the CHRT orders.

To ensure that negotiations are conducted in good faith, Canada must report, on a monthly basis, to the National Oversight Council on the progress of regional agreement negotiations over the first six months of the Tribunal's FNCFS long-term reform order to ensure that negotiations are conducted in good faith.

In any region for which regional plans are not submitted by Canada to the National Oversight Council by six months following the Tribunal's FNCFS long-term reform order, that region may submit a plan detailing the regional variations required, to be raised by the complainants with the Tribunal as part of the Tribunal's continuing supervision of the first five years of the implementation of this plan.

Rationale:

- CHRT Decisions
  - 2016 CHRT 2 at paras 278–293, 311, 330–331, 386–387, 425, 443, 458, 461, 463
  - 2018 CHRT 4 at paras 236 and 413
  - 2021 CHRT 41 at para 545
  - 2025 CHRT 80 at paras 18, 26, 110, 113
- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(h) and 1(k)

- Research and Evidence
    - Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3,4,5, 6,8,10 and p 7

B. Measure: Canada’s Obligation to Develop Regional Plans

Consistent with UNDRIP, Canada is required to meaningfully support affected First Nations for consultation in the development of federal/provincial agreements and related mechanisms including funding agreements and amendments thereto that affect them and their citizens (see Chapter 7, Measure B). Further, Canada must ensure said agreements ensure that children, youth and families in those nations receive the full enjoyment of *An Act Respecting First Nations, Métis and Inuit children, youth and families* and the Tribunal’s orders.

Consistent with Chapter 7, Measure B (Funding Arrangements with Provincial/Territorial Governments Providing Services to Unaffiliated First Nations), Regional Secretariats shall manage pools of capacity funding to support the development of regional approaches and region-specific capacity building. Regional Technical Tables may assist in developing a capacity building work-plan, while FNCFS Agencies in a region may contribute to the regional pools where sufficient funding is available at the Agency level, and may also become eligible for capacity funding as well depending on regional priorities.

Rationale:

- Legislation
    - *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C 2021, c. 14, Annex
        - “Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child”.
- Jurisprudence
    - *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at paras 4–5
    - *Gitxaala v British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 at paras 78, 126–129
- Research and Evidence

- Chart of NCCC Proposals for Resolving Outstanding Issues with the 2024 Draft Final Agreement on FNCFS Long-Term Reform (21 February 2025), Proposal #5

C. Measure: Review of Existing Provincial / Territorial Agreements

Canada must disclose and publish current Provincial/Territorial Agreements on its website within 30 days of implementation of the Reformed FNCFS Approach and publish any amendments or new Provincial/Territorial Agreements within 14 days of being entered into.

Canada shall further ensure that, within 30 days of the Order, affected First Nations are contacted and provided the necessary resources to fully participate in the revisioning of existing Federal-Provincial and Federal-Territorial Agreements, in alignment with the Orders. Where the province will not meet with affected First Nations and Canada to revise existing agreements, Canada shall enter into an agreement with the First Nation to fund services to a standard provided for in the Order.

Canada shall ensure that all Provincial/Territorial Agreements include a provision requiring the provinces/territories to collect and share data with First Nations service providers and the Secretariats on First Nations children, youth, and families calibrated to the Measuring to Thrive framework to ensure that funding is needs-based. Such data shall be collected in an accountable and ethical manner, in keeping with the principles of Ownership Control, Access, and Possession (OCAP).

Such revised agreements must be filed with the Tribunal for its approval and posted publicly.

Rationale:

- First Nations-in-Assembly Resolutions
  - 61/2024: *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*, clauses 1(n)
- Research and Evidence
  - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025): Rationale for measuring to thrive indicators found at pp 350–353
    - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)

9. Reform Indigenous Services Canada

What We Heard:

The feedback from regional engagements indicates that the so-called "old mindset" that created and sustained systemic discrimination remains intact with Indigenous Services Canada.

Participants describe the persistence of top-down, paternalistic approaches that disregard First Nations' expertise and needs. A lack of respect for First Nations cultures, knowledge and ways of being remains prevalent, and ISC makes unilateral decisions, notably around funding and policies, without consideration or accountability of the impact to First Nations.

> *"There is a lack of cultural understanding within ISC that contributes to ineffective interventions, as policies are often applied without considering the unique cultural and community contexts of First Nations"*

> *"The rigidity of ISC's policies often prevents communities from developing community-driven solutions. Indigenous peoples have long advocated for child welfare systems that are rooted in cultural practices and community-led care, but ISC frequently bypasses or undermines this approach"*

Participants noted the lack of accountability measures as a key area of concern. Despite ISC having high expectations for agencies and communities, including extensive administrative and reporting requirements, ISC do not maintain the same level of accountability for itself. Agencies and Nations experience lengthy wait times on applications and responses to correspondence; challenges with ISC staffing and regional structures; miscommunication; and jurisdictional barriers.

> *"Our community has faced persistent challenges working with ISC, rooted in long-standing patterns of inconsistent decision-making, bureaucratic barriers, and a failure to uphold its own stated principles. ISC routinely imposes strict accountability and documentation requirements on First Nations while not holding itself to the same standards"*

> *"ISC also engages in jurisdictional buck-passing, refusing services by claiming another program should fund them, even when no such program is accessible to families in remote communities"*

Instead of reforming the department, some participants argued that ISC should be fully dismantled. Other recommendations focused on the need for oversight. Permanent, independent and legally binding mechanisms were identified as needed to sustain reforms, measure outcomes, and uphold the rights of First Nations children and families.

> *"Real change requires structural reform and enforceable accountability."*

> *"A permanent, independent oversight mechanism is essential to sustain accountability, measure outcomes, and uphold the principles of substantive equality and self-determination in child and family services."*

Participants shared potential indicators of meaningful departmental reform, including: consistent behavioural shifts grounded in respect, transparency, accountability, rights-based and relational approaches. This would require a significant departure from current ways in which ISC engages with First Nations. Participants also indicated that ISC would need to acknowledge their past and ongoing discriminatory practices, including public recognition of the harm caused by systemic racism embedded within policies and operations.

> *"Shift its relationship from compliance oversight to trust-based partnership and shared accountability"*

> *"A shift from resistance to receptivity by encouraging openness to change, active listening, and genuine engagement with First Nations perspectives and solutions"*

Systems-level indications around accountability were also of high importance to participants. Transparent and inclusive decision-making; and meaningful action by ISC to implement recommendations, orders and commitments with public reporting was emphasized as needed. In tandem with this, was the reiteration that funding commitments and structures must be predictable, timely, and based on need; along with the removal of systemic barriers, including challenges with coordination across governments, and the decolonization of policies and procedures.

> *"A reformed ISC would no longer impose top-down decisions from bureaucrats in Ottawa but would instead operate from a model where decisions, priorities, and resource allocations come directly from First Nations communities."*

> *"ISC will only be seen as having corrected its old mindset when its actions—not its statements—demonstrate a fundamental shift away from colonial, paternalistic*

decision-making toward true partnership, accountability, and respect for First Nations sovereignty."

Well-being outcomes for children, youth, family and communities were also largely underscored as the foundation to knowing when reform has been successful and discrimination has ended.

> *"Success will be defined not by compliance or bureaucratic efficiency, but by the well-being of Indigenous children and the strength of their families and Nations."*
>
> *"Safety being seen through the speaking of languages, the dancing, the singing. The ability for youth to feel passionate and inspired… to live out their dreams and their goals…they need to feel inspired to move forward and get the good work done."*

There was also strong support for establishing a child well-being commissioner or ombudsperson role guided by First Nations cultures, laws and teaching and focused on child rights. Participants emphasized the importance of the ombudsperson as an independent body, separate from ISC.

A. Measure: Comprehensive Reform of ISC

Implementation Timeline: Within three months of plan approval

Reform of ISC is required to address systemic discrimination and the "old mindset" identified by the Tribunal in order to prevent the recurrence of discrimination in the provision of FNCFS, as found by the Tribunal.

Pursuant to 2022 CHRT 8, an Expert Advisory Committee (the EAC) has been formed to oversee the implementation of an evidence-informed work plan to prevent the recurrence of discrimination, and that Canada shall undertake reasonable measures to begin implementing the workplan.

Canada shall provide sufficient and sustainable funding for the EAC to discharge its mandate as approved by First Nations.

The EAC shall operate in an independent, public and transparent manner to respond to the reasons and guidance of the Tribunal in 2022 CHRT 8 and previous rulings including 2016 CHRT 2. The EAC shall develop its own Terms of Reference, which shall be public.

The EAC shall be independent and provide reports directly to Chiefs in Assembly and to the Tribunal on its work and views of Canada's risk of recidivism and the sufficiency of

safeguards to detect and address discrimination.

The work of the EAC in reforming ISC and developing accountability measures within ISC must itself be transparent and independent.

Canada shall implement the EAC's recommendations made in its Summary Report for Spring 2022 to Spring 2024 relevant to FNCFS, being to:

> (1) draw on the EAC's expertise on the design and implementation of an independent third-party evaluation, immediate and long-term reform measures for ISC, and "cultural competency" policies, education and training;
>
> (2) shift language from "cultural competency" to "cultural humility" for ISC's employee training;
>
> (3) develop a critical incident reporting and monitoring system for Jordan's Principle;
>
> (4) support the creation of an external Ombudsperson to provide accountability and oversight;
>
> (5) support and endow Indigenous Youth Organizations;
>
> (6) Include Assembly of Seven Generations in the Third-Party Evaluation; and
>
> (7) Implement the EAC's recommendations on the "Honouring our Journey" survey and on ISC's development and implementation of its own Human Resources division.

Canada shall also implement the EAC's recommendations made in its December 2025 Report entitled "FSA Recommendations", being to:

(1) replace annual parliamentary appropriation requirements with guaranteed multi-year statutory funding;
(2) Establish a binding Indigenous-led joint governance body with decision-making authority;
(3) Implement mandatory transparency requirements for all ISC funding decisions;
(4) Remove proposal-based and competitive funding mechanisms;
(5) Resolve structural deficiencies created by layering the 1965 Canada-Ontario Agreement;
(6) Reform prevention funding to align with First Nations-Defined needs and conditions;
(7) Strengthen the Program Assessment Process to close discretionary loopholes;
(8) Embed Indigenous data sovereignty and Indigenous-defined accountability

throughout the FSA;

(9) Remove all clauses allowing ISC to unilaterally revise governance, performance, or accountability appendices;

(10) Recognize and formally include the National Oversight Council in FSA governance; and

(11) Strengthen dispute resolution mechanisms to align with accountability standards.

Rationale:

- CHRT Decisions
  - 2022 CHRT 8 at para 172 (Order #6)
- Research and Evidence
  - OHRC, "Chapter 9 – Accountability and monitoring mechanisms: gaps in data management, performance review, and public transparency"
    - The lack of an independent monitoring/evaluation system for assessing discriminatory behavior indicated "a lack of accountability" (here, in the context of anti-black racism amongst police officers).
  - Global Affairs Canada, "Advancing Human Rights" (24 January 2024)
    - Importance placed on transparency and accountability in advancing human rights, as evidenced by GAC's tool for evaluating funding applications for Canadian funding on international development initiatives.
  - Expert Advisory Committee for the Reform of Indigenous Services Canada, "Summary Report of Activities, Observations and Advice" (Spring 2022 to Spring 2024)
  - Expert Advisory Committee FSA Recommendations (15 December 2025)
  - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 3, 10

10. Research and Outcome Data

What We Heard:

Participants provided widespread support for data collection and program evaluation to guide system improvement and to ensure that the needs of children, youth, families and communities are met. There is also clear support that this work should be focused on outcomes—particularly on outcomes that matter to First Nations.

While research was identified to be of significant value, participants shared that there is a lack of capacity, tools and funding to collect meaningful outcome data, to effectively evaluate the impact of child and family services, and ultimately to inform policy and funding decisions. Participants described the high cost of data systems, overstretched service-delivery staff and access to information (including at the provincial level) as additional key challenges.

> *"Our region currently has very limited capacity to collect or report non-identifying child outcome data. We do not have a culturally appropriate evaluation framework, dedicated staff time, or the technical systems needed to gather consistent information—especially in remote communities with unreliable internet access."*

> *"We currently have very limited capacity to analyze data at the community or service-provider level. Staff are focused on frontline work, and there is no dedicated analyst, regional data hub, or culturally grounded framework to guide interpretation of information. Because our datasets are inconsistent and often incomplete, we are not able to transform raw information into meaningful insights that could inform policy, practice, or long-term planning."*

To build research and data collection capacity, participants called for dedicated data and evaluation staff, training and mentorship in data literacy, shared regional data systems and First Nations-led structures that align with community priorities and cultural frameworks. The importance of dedicated, sustainable funding for this work—without drawing on funding for service delivery— was also emphasized.

> *"Enhanced collaboration and capacity-building in this area would ensure that evaluation is not seen as a compliance exercise but as a shared learning process that guides service improvement and promotes community-driven accountability."*

> *"Communities would benefit from practical, user-friendly tools and technical support to help measure needs and outcomes in ways that reflect local realities and First Nations worldviews"*.

Participants expressed support for First Nations-led, independent secretariats, to support data collection and analysis— particularly at the regional level. This would include support for accessing resources, training and tools; and assistance with coordination— an area that many shared challenges with.

Participants also shared that it is critical for data collection and analysis processes to be transparent, accountable and First Nations-led, highlighting the need for culturally grounded indicators and frameworks. The importance of respecting data sovereignty and the principles of ownership, control, access, and possession (OCAP) was also raised as a key need which regional and national secretariats could support.

> *"A regional secretariat, led by First Nations, would help gather consistent non-identifying data, identify best practices, and keep governments accountable"*

> *"A regional technical body could assist with developing common indicators, aligning data standards, and strengthening community capacity, while respecting OCAP® principles and community control."*

Limited capacity for (non-identifying) data collection and analysis were also identified as challenges—participants noted the need for specific funding for resources and dedicated positions to support this work; and raised issues around barriers to data collection and the need for inter-jurisdictional coordination. The importance of OCAP-aligned, community owned data system(s) and upholding data sovereignty was also underscored.

A. Measure: Periodic Reviews to Adjust Funding Based on Needs

Implementation Timeline: Within three years of Reformed FNCFS Approach

The Reformed Funding Approach will include a review mechanism that allows FNCFS service providers to adjust their funding, once transitioned, calibrated to need, as defined by First Nations. The review mechanism will allow for adjustments needed in emergency and urgent situations as well as longer term adjustments based on community health and well-being. It will also address any recurrence of discrimination.

Public Funding Reviews are to be completed every five years by an independent, non-political expert who is qualified in public finance and has experience working on matters relating to First Nations and First Nations child and family services, recommended by the

National FNCFS Technical Table and selected by the National Oversight Council. The Public Funding Review will ensure the Reformed Funding Approach, and ISC's related conduct, are meeting the needs of First Nations children and is adequate for First Nations service providers to meet statutory child and family services requirements. ISC will be required to provide aggregate data to the qualified expert for the purposes of conducting this review within 10 days of any data request and will fully cooperate with the review. First Nations and First Nations service providers, including FNCFSA and non-affiliated FNs, will be consulted in the funding review. Data collected through Measuring to Thrive and other evidence will be considered in the Public Funding Review.

The draft report resulting from the Public Funding Review will be provided to First Nations and FNCFS experts, including the National FNCFS Technical Table and Regional Technical Tables, for expert review and comment before being presented to the First Nations in Assembly and First Nations not represented by the AFN in both official languages for approval. Canada will table the report resulting from the Public Funding Review in Parliament and will publicly and specifically respond to any recommendations within 60 days of the final funding report being approved by First Nations in Assembly. Canada will undertake positive measures to implement the recommendations and is obligated to implement recommendations to remediate the recurrence of discrimination.

Rationale:

- Research and Evidence
    - Institute of Fiscal Studies and Democracy, "Funding First Nations child and family services (FNCFS): A blueprint for program reform" (2025)
        - Suggests the Measuring to Thrive Framework to conduct a similar review
            - Best practices suggest the following steps: It starts with a conceptual model of child development and the factors the influence healthy development: the child, the child's family, the child's community, and the investments made to support healthy development. The *Measuring to Thrive* framework provides the groundwork for the measurement model and the accountability framework (p 126)
            - Case Studies of use of Measuring to Thrive framework from a pilot project (Figures 47, 49, 50) (pp 139, 142, 144)
    - NAC First Nations Caucus, "Draft Phase 3 Recommendation Discussion Guide" (March 2024), at p 12
        - Non-identifying aggregate data available on a national level endorsed.

- A baseline on data collection is required – needs to be available at all levels (e.g. community upwards)
- Community-specific well-being indicators.
- Decouple data consistency with the census and bring more in line with other First Nations data projects (indices, language, identifiers).
- Start 5-year review process at year 3 – data is key to supporting true need's based funding.

B. Measure: Oversight of the Public Funding Review Process

Implementation Timeline: Within four months of Public Funding Review Recommendations

The National FNCFS Technical Table shall oversee and recommend an organization to the National Oversight Council to conduct the Public Funding Review. The National Oversight Council shall consider and review the National Technical Advisory Committee's recommendation and seek input from affected First Nations and their experts regarding the selection process for the organization to conduct the Public Funding Review.

The National Technical Advisory Committee shall oversee the organization conducting the Public Funding Review and, on the advice of the National Oversight Council, may provide guidance on matters including, but not restricted to:

a. the design and methods of the Public Funding Review;
b. relevant information, research, reports, and experts; and
c. the participation of First Nations service providers, knowledge holders, and experts in the Public Funding Review process.
d. Indigenous research ethics and data Ownership, Control, Access and Possession (OCAP)

The Public Funding Review will be transparent, inclusive, and accountable including publicly posting the study methods, sample sizes and criteria, findings and recommendations. The organization conducting the Public Funding Review shall seek information from Provincial and Territorial governments providing child and family services for Non-Agency First Nation and First Nations with partially delegated protection service providers and will solicit and consider input from the following groups:

a. First Nations
b. FNCFS Service Agencies and other FNCFS Service Providers;

c. The National FNCFS Technical Table; and
d. Other individuals or groups identified by the National Oversight Council.

Rationale:

- Research and Evidence
    - NAC First Nations Caucus, "Draft Phase 3 Recommendation Discussion Guide" (March 2024), at p 12
        - Non-identifying aggregate data available on a national level endorsed.
        - A baseline on data collection is required – needs to be available at all levels (e.g. community upwards)
        - Community-specific well-being indicators.
        - Decouple data consistency with the census and bring more in line with other First Nations data projects (indices, language, identifiers).
    - Global Affairs Canada, "Advancing Human Rights" (24 January 2024)
        - Demonstrates the Government of Canada's importance placed on transparency and accountability in advancing human rights, as evidenced by GAC's tool for evaluating funding applications for Canadian funding on international development initiatives.
    - Assembly of Seven Generations, "Recommendations for the Long-Term Reform of FNCFS: Literature Scan", Recommendation 3, 10

E. C. Measure: Dispute Resolution in the Funding Review Process

If there is a dispute regarding whether or how any recommendations resulting from the Public Funding Review are to be implemented, that dispute will return to the Tribunal pursuant to its retained jurisdiction unless a DR Mechanism is established as contemplated in Chapter 5, Measure D.

Rationale:

- CHRT Orders
    - 2018 CHRT 4 at para 53
    - 2020 CHRT 20 at para 119
    - 2023 CHRT 44 at paras 6, 215, 225
    - 2025 CHRT 6 at paras 237, 602
    - 2025 CHRT 80 at paras 14, 61, 75–76, 113–114
- Research and Evidence
    - Naiomi Metallic et. al, *Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report* (31 March 2022), at pp

77–78: Recommendation for a National Indigenous Child and Family Tribunal as a dispute resolution mechanism.

- Assembly of Seven Generations, “Recommendations for the Long-Term Reform of FNCFS: Literature Scan”, Recommendation 3, 10

i huenemetin
Ywänonhwe' Kwano
pinocīyak Kisâkeeyawak awâsi
niidadhan Yaaʔakukʷin suuw'a Xw
gīnimin Kisaginim kina Gesaluleg
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omolpa Siipinuu'm hl
osni Tebi Engussi Skaize Ni
t Kesalulek Koselomulpon Tsh
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Nits'idosni Tebi Engussi Skaize Nisâkihâwasonân Nakhwat'iiniidadhan Ya
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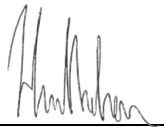
Caring Society

fncaringsociety.com

This is Exhibit “2” referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

APPENDIX B

Liability Insurance Opinion

August 31, 2018

VIA E-MAIL

Reply to: Eileen E. Vanderburgh
Direct Line: 604.484.1732
Direct Fax: 604.484.9732
E-mail: evanderburgh@ahbl.ca
Matter No.: 1137549

Institute of Fiscal Studies and Democracy (IFSD)
115 Séraphin-Marion Private #107
Ottawa, Ontario
K1N 6N5

Attention: Helaina Gaspard, Ph.D., Director, Governance & Institutions

Dear Sirs/Mesdames:

Re: Legal Opinion regarding First Nations Child and Family Services (FNCFS)

We write to provide IFSD with a legal opinion on matters related to the delegation of Child and Family Services to First Nations agencies as outlined in our letter of July 31, 2018.

OVERVIEW OF OUR OPINION

In Part I, we provide our assessment of the scope of any legal obligation of the provinces to provide insurance coverage for agencies delegated to provide child welfare services within each province. We conclude that none of the provinces in Canada are statutorily required to provide insurance coverage to child welfare agencies. However, it appears that some provinces include provisions in their delegation agreements that require child welfare agencies to carry liability insurance coverage as a condition of performing delegated services to children. Liability insurance issues between those provinces and their respective delegated child welfare agencies are therefore governed by the principles of contract law.

In Part II, we provide an overview of market-based, third-party liability insurance products available to First Nations child welfare agencies in Canada, and the approximate cost of these insurance products. We focus our inquiry on coverage for physical and sexual abuse claims because, based on our review of the jurisprudence, physical and sexual abuse claims tend to form the basis of actions brought against child welfare agencies.

Our overview of market-based insurance products is based on the information provided to us by IFSD and information from brokers used by IFSD's partner organizations. As such, we have not provided an exhaustive overview in this part, but rather, a sample of the type of coverage available to child welfare agencies.

In terms of the cost of third-party liability insurance, we conclude that the premium payable for an insurance product will be influenced by the nature of the work performed by a

particular agency, the risk-management protocols followed by the agency, and the number and type of staff employed by the agency. Generally however, the premiums range from $5000 for a small organization to $100,000 for a larger organization. The average premium in Canada is around $20,000 for $5,000,000 coverage.

In Part III, we provide an overview of the key liability judgments pertaining to children harmed while in the care, custody or control of a federal, provincial or other child welfare organization. We provide a breakdown of the general heads of damages in these cases and an explanation of the compensation principle, which informs the quantum of all damage awards. We also set out the various legal bases on which an agency may be found liable, whether pursuant to the doctrine of vicarious liability, or by way of direct liability for negligence or breach of a fiduciary duty. Lastly, we set out a range of damage awards, in present day values, to assist child welfare agencies with determining how much third-party liability coverage may be necessary for their services.

I. REVIEW OF PROVINCIAL CHILD WELFARE LEGISLATION

Canada has a decentralized child welfare system. Each province has its own child welfare legislation, which applies to all child and family service agencies, both on and off reserve.

We have reviewed the relevant child welfare legislation in each of the ten provinces. None of the provinces are expressly required by their respective statutes to provide liability insurance to child welfare agencies that are delegated to administer child welfare services, either on or off reserve.

A. British Columbia

In British Columbia, the Master Insurance Program offers commercial general liability insurance to foster parents *only* who perform services on behalf of the Province or a delegated Aboriginal agency. Under the Master Insurance Program, foster parents have $2,000,000 liability coverage per occurrence for claims that arise from incidents that occur during the provision of foster care services. This coverage insures foster parents against personal injury, bodily injury and third party property damage.

The third party coverage includes any person outside the foster family, including the foster child. For example, if the foster parent *accidently* injured the foster child or anybody else outside the family, those claims would be covered. Similarly, *property* belonging to other people is covered under this policy if the foster parent accidentally damaged it in carrying out the foster care services.

The Master Insurance Plan does not provide coverage to First Nations child welfare agencies directly; however, agencies may be added to the plan, by agreement, at the sole discretion of the Ministry of Children & Family Development.

B. Saskatchewan

In Saskatchewan, the *Child and Family Services Act*, SS 1989-90, c C-7.2 provides that child welfare service agreements must contain a clause that requires welfare agencies to carry insurance coverage satisfactory to the minister (s. 62.1(1)(f)). We have reviewed the sample agreement IFSD provided for our consideration (the "Agreement").

The Agreement provides as follows:

> Q. INSURANCE, LIABILITY AND INDEMNIFICATION
>
> 1. The purpose and objective:
>
> 1.1 The Parties acknowledge the risks and responsibilities associated with providing services to children and families. While it is the intention to deliver services which are beyond criticism, it is recognized that claims, which are beyond the control of the Parties, may nonetheless be made and that there are potential costs associated with defending such claims and with the imposition of any liability.
>
> 1.2 The Parties further recognize that in some circumstances such as Case Transfers it may be difficult to separate the acts or omissions of the Parties in the event of an assessment of liability.
>
> 1.3 The Parties further acknowledge that the paramount consideration in all matters shall be the best interests of the child and the welfare of the families that they serve.
>
> 1.4 The Parties therefore agree that is prudent that the [the Agency and First Nation] avail themselves of any limits upon liability which may be available to them in law and that they further require insurance to cover those instances when claims may be made against them.
>
> 1.5 Further, the Parties recognize that it is appropriate to agree to indemnify the other Party in those instances when a claim is made against one Party however liability is ultimately assessed against the other Party.

Additionally, the Agreement includes indemnification provisions, whereby the parties agree to indemnify each other, their officers, employees and agents from and against all claims, actions, damages, costs and expenses arising from any act or omission by the other party, its officers, employees and agents, which contravenes Saskatchewan law or which causes injury to any person (including death) or damages or loss to property where that act or omission is related to the performance or purported performance of the Agreement.

The Agreement also expressly provides that the agency is entitled to rely on the immunity protection set out in section 79 of *The Child and Family Services Act* and that the standard of care expected of the agency shall be no greater than that which is found in section 79 of the act. Section 79 currently provides as follows:

> 79(1) No action lies or shall be instituted against the minister, the ministry, a peace officer or any officer or employee of the ministry or agent of the minister, where the minister, ministry, peace officer, officer, employee or agent is acting pursuant to

> the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.
>
> 79(2) An agency, or any officer or employee of an agency, is entitled to the same protection provided to the minister in subsection (1).

As we explain in Part III below, immunity provisions such as section 79 provide a statutory defence to negligence claims in the sense that, in the absence of a finding of bad faith, actions against officers, agents or employees of the Minister cannot succeed. Section 79 limits liability for negligence to cases where bad faith in the performance of a statutory duty is alleged and established by a plaintiff.

With respect to insurance coverage, the Agreement requires the agency to purchase and maintain throughout the term of the Agreement, public liability, property damage and directors liability insurance against claims for personal injury, death or damage to property, arising out of the operations of the agency under the Agreement, or as a result of any of the acts or omissions of the agency, it's officers, employees or agents.

In particular, the agency is required to carry insurance that:

(a) names Saskatchewan, it's officers, employees and agents as Additional Insureds;

(b) includes a cross-liability clause;

(c) provides coverage for premises and operations, blanket contractual, extended bodily injury, broad form property damage, non-owned automobile, as well as any applicable errors and omissions or professional liability coverage;

(d) provide one million dollars per occurrence minimum limits for third party liability; and

(e) contains a clause which states that the insurers will not cancel, materially alter or cause the policy to lapse without giving 30 days prior notice in writing to Saskatchewan.

Effectively, the Agreement provides that the agency is required to carry its own insurance and, additionally, is required to indemnify the Province of Saskatchewan for liability arising out of its own acts or omissions or the acts of omissions of its employees, agents and officers, not protected by the immunity clause. We have not reviewed any delegation agreements between other provinces and agencies; however, it is likely that similar liability,

insurance, contribution and indemnity and immunity provisions would be included in agreements of the same nature.

C. Delegation Agreements Generally

Notwithstanding a mandatory insurance coverage provision in a provincial delegation agreement, each of the provinces is subject to the non-delegable duty doctrine, which provides that a party upon whom the law has imposed a strict statutory duty to do a positive act cannot escape liability simply by delegating the work: *Lewis (Guardian ad litem of) v. British Columbia*, [1997] 3 SCR 1145. This ensures that the government responsible for performing certain statutory duties will retain its obligation to perform those duties and to ensure the adequate performance of the same. In the case of a breach of non-delegable child welfare duties, the government will be legally liable for damages that flow from the breach even if the duties were delegated as authorized by the statute: *B. (M.) v. British Columbia*, 2003 CSC 53.

When the courts find a government liable to a plaintiff, the Crown proceedings statute of Canada and each of the ten provinces provides for the payment of the judgment to the plaintiff. Pursuant to these statutes, the government must pay the judgment amount. Each statute requires the Treasurer or Minister of Finance, as the case may be, to pay out of the Consolidated Revenue Fund the amount due by the Crown under a court order. In Ontario and in British Columbia, the duty to pay a debt includes out-of-court settlements.[1]

Despite the government's legal liability for non-delegable duties, a child welfare agency may be contractually liable for the judgment debt in cases where a delegation agreement contains an indemnification clause as set out above.

II. AGENCY ABILITY TO ACCESS LIABILITY INSURANCE

A. First Nations Child Welfare Agency Insurance

In Canada, Aon Reed Steenhouse Inc. ("Aon") appears to be the primary broker for liability insurance for First Nations child welfare agencies. We contacted a commercial account executive at Aon in Saskatchewan to discuss insuring agreements for First Nations child welfare agencies generally. He advised us that any First Nations group in Canada can access Aon's program of insurance automatically. The program includes commercial general liability, health care professional service liability and sexual and physical abuse liability; however, not all First Nations groups will qualify for the sexual and physical abuse coverage. To obtain sexual and physical abuse coverage, First Nations groups must establish that they have strict protocols in place to manage the risk of such abuse. A First Nations group that has the requisite protocols can access sexual and physical abuse coverage that extends to circumstances where the group's protocols fail or where abuse is alleged but unproven.

Our contact advised us that the First Nations liability insurance program usually covers employees of the named insured, including registered professionals etc., except where the policy contains exclusions to the contrary. In general, the program will cover the agency

[1] Hogg, Peter W., and Patrick J. Monahan, *Liability of the Crown*, 3rd ed, Scarborough, Ont.: Carswell, 2000, 52-54.

against liability for the acts of others but it does not cover direct liability judgments where there are findings of criminal or intentional wrongdoing. In cases of criminal or intentional wrongdoing, the insurer would agree to defend allegations up to the point that there is a guilty finding, after which it would cease to offer coverage.

As with any insurance product, the premiums payable for the First Nations liability insurance program is largely determined by the specific insurance needs of a particular agency and can vary greatly depending on the nature of the services provided by the agency. For example, the premiums can range from $5000 for a small organization to $100,000 for a larger organization with the average premium being around $20,000. Similarly, the coverage limits in this program range from $5,000,000 to $10,000,000.

B. Professional Liability Coverage offered by Associations

Separate and apart from agency liability insurance, many professional associations, including the Canadian Association of Social Workers, the Canadian Psychological Association and the Canadian Counselling and Psychotherapy Association offer their members professional liability insurance. BMS Canada Risk Services Ltd. ("BMS") appears to the primary broker for these professional liability policies.

Professional regulators in Canada, such as the board of registration for social workers in British Columbia (established by the *Social Workers Act,* SBC 2008, c. 31) and the Council of the College of Social Workers and Social Service Workers in Ontario (established by the *Social Work and Social Service Work Act,* 1998 SO 1998, c. 31) are authorized by statute to require registrants and members to carry professional liability insurance. In British Columbia for example, the *Health Professions Act,* RSBC 1996, c. 183 authorizes the colleges responsible for the regulation of the various health professions, including psychiatry and psychology, to establish requirements respecting professional liability insurance. The effect of these statutes is to require registered professionals to carry professional liability insurance often in addition to the insurance carried by a child welfare agency.

We spoke with a portfolio manager at BMS and were advised that typically, child welfare agencies carry professional liability insurance for the agency. Agency professional liability policies can include coverage for employees, whether registered with a regulatory body or not, depending on the needs of the agency. Our contact at BMS was not able to provide us with a range of premiums for agency professional liability policies because, as with Aon, the premiums vary significantly depending on the number of professionals, number of employees, the nature of the work of the agency, and the type of professionals employed to do the work of the agency. We note that through the Canadian Association of Social Workers (and BMS) social workers can obtain professional liability coverage for $105/year.

C. The Manitoba Policy

To assist us with determining the cost range for liability insurance premiums, ISFD provided us with a Public Entity Casualty Policy issued to a First Nations child welfare agency in Manitoba (the "Manitoba Policy"). The Manitoba Policy provides an example of the policy wording for Children's Aid Society Liability as well as an example of the premiums and coverage limits for physical and sexual abuse policies.

The Manitoba Policy grants $5,000,000 liability coverage for all damages arising out of one accident or occurrence or series of accidents or occurrences from one cause, except in the case of claims containing any allegations of actual or threatened abuse. Abuse claims are limited to $2,000,000 liability coverage.

Abuse is defined in the Manitoba Policy as sexual abuse, physical abuse, psychological or emotional abuse, molestation or harassment including corporal punishment. For clarity, the following definitions are included in the limit of liability:

> **"Physical Abuse"** means wilful and deliberate misconduct;
>
> Causing or permitting another person to suffer unjustifiable pain or suffering, or
>
> Causing or permitting another person to be placed in a situation in which his or her life or limb likely would be endangered or his or her health likely would be impaired.
>
> **"Sexual Abuse"** means any conduct constituting a sexual offence under the Criminal Code of Canada including sexual assault offences resulting from physical contact.

The total premium for the Children's Aid Society Liability is $68,012. We have not reviewed the declarations page for this policy and, therefore, we are unable to provide an overview of who might be covered under this policy. For example, it is unclear whether this policy includes registered health care professionals (i.e. social workers, psychiatrists, psychologists and/or counsellors) and/or support staff such as office and janitorial staff and volunteers. As we were advised by BMS and Aon, the premium payable by an agency will be largely influenced by the extent to which the agency requires coverage for its operations.

In addition to the Manitoba Policy, IFSD provided us with details about various policies held by First Nations child welfare agencies across Canada. The annual premiums range from $58,000 for umbrella liability insurance, to $10,700 for health care professional insurance with $5,000,000 coverage. The premiums appear to be as low as $5000 for general liability; however, as illustrated above, the specific wording of each of these insurance policies, which we have not reviewed, will determine what coverage is available to the agency.

III. LIABILITY JUDGMENTS

A. Damages Generally

When a child welfare agency is liable to a plaintiff for harm caused by the agency, or someone acting on behalf of the agency, the plaintiff is entitled to full compensation for pecuniary losses, both past and future and, with respect to non-pecuniary losses, to compensation that is fair and reasonable in the circumstances: *Andrews v. Grand & Toy Alberta Ltd.* (1978), 83 DLR (3d) 452 (SCC).

(a) Pecuniary Damages

Pecuniary damages are awarded to compensate a plaintiff for losses that have monetary value. For example, they include: (a) special damages such as pre-trial cost of care, pre-

trial loss of working capacity and other pre-trial out-of-pocket expenses; (b) future loss of earning capacity; and (c) future cost of care such as counselling, therapy, medical treatments and prescriptions. Typically, in cases involving harm to children, pecuniary damages can be hard to establish in law, because the plaintiff's losses must be causally related to the conduct at issue in order for the losses to be compensable.

(b) Non-Pecuniary Damages

In addition to pecuniary damages, where liability has been established, the plaintiff will be entitled to compensation that is fair and reasonable for non-pecuniary damages, which are awarded to compensate a plaintiff for losses that cannot be monetarily quantified. Non-pecuniary damages include pain, suffering and loss of enjoyment of life: *Wilhelmson v. Dumma,* 2017 BCSC 616 at para 169.

In Canada, non-pecuniary damages are currently capped at approximately $367,000, an amount that is adjusted for inflation each year. In *Andrews, supra*, the Supreme Court of Canada explained that the cap on non-pecuniary damages is necessary because no amount of money will ever truly compensate a person for the loss of happiness and therefore, full compensation for lost happiness will never be possible.

When assessing the quantum of non-pecuniary damages, courts will look at the plaintiff's individual circumstances to determine the plaintiff's personal need for solace. This will have a major influence on where the award is eventually placed, whether that is inside or outside the customary range for the nature of the plaintiff's specific injuries. The following is a non-exhaustive list of factors used to quantify an award for general damages: (a) age of the plaintiff; (b) nature of the injury; (c) severity and duration of pain; (d) degree of disability; (e) emotional suffering; (f) loss or impairment of life; (g) impairment of family; (h) marital and social relationships; (i) impairment of physical and mental abilities; and (j) loss of lifestyle.

(c) Aggravated and Punitive Damages

Aggravated damages are non-pecuniary in nature and are often awarded in cases where the damage to the plaintiff was aggravated by the manner in which the conduct at issue was committed. Generally, aggravated damages are awarded to compensate a plaintiff for injury to dignity and pride. Punitive damages are also available to a plaintiff in cases where a person's wrongful conduct was intentional, high-handed, arrogant, and where the conduct demonstrates a reckless disregard for the plaintiff's rights, resulting in damage to the plaintiff's pride, self-respect and reputation.

Our review of the case law below includes damages payable for pecuniary losses; however, for the purpose of establishing a range of damages payable by child welfare service providers, we focus primarily on non-pecuniary damages because pecuniary damages require a contextual analysis of the specific factual circumstances of the plaintiff.

(d) Joint and Several Liability

When more than one person or legal entity is found liable to a plaintiff, the law considers each of the liable parties fully responsible to the plaintiff for the full amount of the loss. The plaintiff is therefore generally entitled to pursue payment of the damage award from either or both of the liable parties.

B. Basis for Liability of an Agency

In Canada, child welfare agencies face exposure to liability under the doctrine of vicarious liability, in negligence and for breach of a fiduciary duty.

(a) Vicarious Liability

Under the doctrine of vicarious liability, employers are held liable for the tortious conduct of their employees whether or not the tortious conduct was intentional or based in negligence: *Bazley v. Curry*, [1999] 2 SCR 534.

In *B. (K. L.)*, 2003 SCC 51, the Court explained that vicarious liability, unlike direct liability, is imposed on the theory that the person may properly be held responsible where the risks inherent in his or her enterprise materialize and cause harm, provided that liability is both fair and useful (at para 18). Accordingly, a plaintiff must demonstrate that the relationship between the tortfeasor and the person against whom liability is sought is sufficiently close as to make a claim for vicarious liability appropriate. Second, a plaintiff must demonstrate that the tort is sufficiently connected to the tortfeasor's assigned tasks that the tort can be regarded as a materialization of the risks created by the enterprise.

The concept of liability in the absence of fault was described by the Supreme Court of Canada in *John Doe v. Bennett*, 2004 SCC 1:

> 17 ...The doctrine of vicarious liability imputes liability to the employer or principal of a tortfeasor, not on the basis of the fault of the employer or principal, but on the ground that as the person responsible for the activity or enterprise in question, the employer or principal should be held responsible for loss to third parties that result from the activity or enterprise.

In *Bazley*, the seminal case on vicarious liability, a non-profit organization was held liable for the sexual abuse of one of its employees. The organization operated residential facilities for children and employed individuals to act as substitute parents authorized to do everything a parent would do, from general supervision to bathing children, and tucking children in at bedtime. In assessing the application of vicarious liability to intentional tortious conduct, the Supreme Court of Canada determined that a key determination in child welfare cases will be whether the employer's enterprise increased the opportunity for the employee to commit a wrong, and whether the enterprise fostered power-dependency relationships that materially enhanced the risk of harm.

In *Blackwater v. Plint*, 2005 SCC 58, former students of a residential school claimed damages for sexual abuse and other harm perpetrated by employees of the school, against the federal government and the church that ran the school. At trial, a dormitory supervisor was found liable to six of the plaintiffs for sexual assaults. The federal government was held to be vicariously liable for the assaults, together with the church. Non-pecuniary damages, including aggravated damages, were awarded as follows as against the federal government and the church jointly:

Frederick Leroy Barney	$145,000
R.F.	$85,000
R.J.	$20,000
D.S.	$10,000
M.W. (1)	$125,000
M.W. (2)	$15,000

Similarly, in *W. (D.) v. Canada (Attorney General),* 1999 SKQB 187, a student at a residential school operated by the federal government was sexually assaulted by the administrator of the school. Years after the student left the school, he commenced an action against the administrator and the federal government. He claimed against the government directly on the basis that it had negligently failed to properly evaluate, monitor and investigate the administrator and on the basis that it had breached its fiduciary duty to him by failing to prevent the administrator's conduct. The court found that the government did not have the requisite knowledge of the administrator's conduct to support direct liability or breach of fiduciary duty, but found that it was vicariously liable nonetheless. The court awarded damages against the federal government and the administrator jointly in the amount of $69,500 for pre-trial loss of earning capacity, $65,000 for non-pecuniary damages, and $10,000 for aggravated damages. Additionally, the court awarded punitive damages in the amount of $ 25,000.00 against the administrator.

(b) Intentional Torts

Vicarious liability often arises where the perpetrator of an intentional tort is deceased or impecunious. Intentional torts in the child welfare context can include assault and battery, intentional infliction of mental suffering, false imprisonment and breach of privacy.

(i) Assault and Battery

Assault and battery are typically claimed against the perpetrator of the violence, in addition to the perpetrator's employer and/or the province. Assault and battery are defined as causing another person to apprehend the infliction of immediate harmful or offensive force on her person coupled with the actual infliction of that harmful or offensive force: *M.K. v. M. H.,* [1992] 3 SCR 6 at para 25.

(ii) Intentional Infliction of Mental Suffering

Intentional infliction of mental suffering is often pleaded alongside assault and battery, but can constitute its own claim. For example, if a person is intimidated and sexually harassed through repeated telephone calls or emails, or if a person witnesses violence perpetrated on another person, that person may have a claim for intentional infliction of mental harm: *S. J. v. Clement* (1995), 122 DLR (4^{th}) 449 at 531 and *Boothman v. Canada*, [1993] 3 FC 381.

(iii) False Imprisonment

While less common, claims for false imprisonment can arise in the context of providing care to children. In the case of *Y. (A.D.) v. Y (M.Y.)*, [1994] 5 WWR 623, the son was physically and emotionally abused by his parents. He was often punished by being locked in his

bedroom, meals were passed into him to eat and he was forced to use a hole in the wall to urinate and defecate.

In *Y. (A.D.) v. Y (M.Y.),* the plaintiff recovered $85,000 in non-pecuniary damages, $125,000 for loss of future earning capacity, and $50,000 in punitive damages, for a total of $260,000 for assault, battery, false imprisonment and intentional infliction of mental harm.

(iv) Breach of Privacy

Breach of privacy varies across the provinces according to the relevant statutes. In British Columbia for example, the tort is constrained by the *Privacy Act*, RSBC 1996, c. 373, and there is no common law equivalent of the tort: *Ari v. Insurance Corporation of British Columbia*, 2015 BCCA 468. In Ontario, however, the court has recognized the existence of a common law cause of action for breach of privacy: *Jones v. Tsige*, 2012 ONCA 32. In the child welfare context, breach of privacy can arise, for example, if a person surreptitiously observes or video-records a child while they undress or shower: *L. (T.K.) v. P. (T.M.),* 2016 BCSC 789.

Notably, the government may not be vicariously liable for torts committed by foster parents against foster children in their care because foster parents are generally not, in their daily affairs, acting "on account of" or on behalf of the government: *B. (K. L.) v. British Columbia*, 2003 SCC 51 and *G. (E. D.) v. Hammer*, 2003 SCC 52. Whether vicarious liability will attach in certain circumstances requires a consideration of the relationship at issue and the nature of the duties imposed by the statutory regime at issue.

(c) Negligence

Negligence is the most commonly pleaded cause of action giving rise to direct liability for child welfare agencies. Generally, to make out a claim in negligence, the plaintiff must establish: (a) that the defendant owed the plaintiff a duty of care; (b) that the defendant breached the duty of care; (c) that the plaintiff suffered damages which were a reasonably foreseeable consequence of the breach; and (d) that the defendant's breach caused those damages. In most provinces, the plaintiff must also establish that the defendant acted in bad faith in performing the particular duty of care at issue.

With the exception of Alberta, each province has included a variation of Section 79 of Saskatchewan's *Child and Family Services Act* (the immunity provision discussed above) in its child welfare legislation. For example, in British Columbia, section 101 of the *Child, Family, and Community Service Act*, RSBC 1996, c 46 provides as follows:

> 101 No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of:
>
> (a) a power, duty or function conferred under this Act, or
>
> (b) a power, duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred under this Act.

In Ontario, the *Child, Youth and Family Services Act*, 2017, SO 2017, c. 14 provides that:

> 34(6) No Crown liability
>
> No action or other proceeding shall be instituted against the Crown in right of Ontario for any act or omission of a society or its members, officers, employees or agents.
>
> ...
>
> 37. No personal liability
>
> No action shall be instituted against a member of the board of directors or an officer or employee of a society for any act done in good faith in the execution or intended execution of the person's duty or for an alleged neglect or default in good faith in the execution of that duty.

By comparison, in Manitoba, the immunity provision is narrower in that it applies only to directors of the First Nations of Northern Manitoba Child and Family Services Authority; the Southern First Nations Network of Care (formerly the First Nations of Southern Manitoba Child and Family Services Authority); the Metis Child and Family Services Authority; and the General Child and Family Services Authority.

Section 10 of *The Child and Family Services Authorities Act*, SM 2002 c 35 provides:

> 10 No action for damages may be commenced against a director of a board for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other Act.

There is no parallel provision in *The Child and Family Services Act*, SM 1985-1986, c 8, which sets out the duties required of the authorities named above.

Subject to the variations in scope between the provinces, these immunity provisions enable the court strike a plaintiff's claim in negligence unless the plaintiff properly pleads that the agency and/or its employee acted in bad faith in the performance of the duty set out in the legislation. In cases where bad faith is pleaded, the agency and/or employee will be entitled to rely on good faith as a statutory defence, such that, if the duty was performed in good faith, the defendant may not be liable to the plaintiff notwithstanding a breach of the duty: *Lowery v. Saskatchewan,* 2008 SKQB 115 at para 57 and *D. (M.L.) v. British Columbia (Ministry of Children and Family Development),* 2014 BCSC 1104 at para 54.

The presence or absence of good faith is an important consideration in determining whether the standard of care has been breached: *M. (B.) (Litigation Guardian of) v. M. (R.),* 2009 BCCA 413 at para 54. In British Columbia, for example, the courts have found that a high degree of negligence can amount to bad faith in certain circumstances: *H. (C.) v. British Columbia,* 2004 BCCA 385.

In negligence, whether a defendant in an action owes the plaintiff a duty of care will be determined by: (a) the common law; (b) the defendant institution's internal codes or policy statements, which articulate the standard of conduct that inform the reasonable expectations of the parties; and, (c) the applicable legislation: *J. (A.) v. D. (W.),* [1999] 11 WWR 82 (Man QB). However, commonly pleaded negligence claims against child welfare service providers (including provincial and federal governments) include a failure to apprehend, a failure to supervise and/or negligent supervision, negligent placement and negligent performance of specific statutory duties.

In *B. (K. L.) v. British Columbia,* 2003 SCC 51, four siblings were placed into two foster homes by the province of British Columbia after they were removed from the care of their biological parents. The siblings were subjected to harsh and arbitrary discipline measures in both foster homes. They alleged that the province was negligent because the social workers failed to visit the home for several months after the placement, they failed to investigate prior concerns with the placement, they placed double the recommended number of children in the home and they failed to investigate the reported unhappiness of the children in the home.

The Supreme Court of Canada held that the province owed the siblings a duty of care to place them in adequate foster homes and to supervise their stay under the *Protection of Children Act.* Finding that it is reasonably foreseeable that some people, if left in charge of children, will use excessive physical and verbal discipline the Court held that the province was liable to the siblings on the basis of direct negligence.

Damages were assessed globally for each of the siblings. In each of the cases, the judge considered the harm the siblings had suffered prior to being placed in the foster homes. She awarded $25,000, $15,000, $10,000 and $13,000 based on the individual experiences of each sibling.

In *K. (K.A.) (Litigation Guardian of) v. British Columbia*, 2011 BCSC 1391, six of eleven children brought a claim against the Province for failing to apprehend them from the care of their parents when it was, or should have been, apparent to the Province that the siblings needed to be removed from the home. At trial, the Province admitted liability. The Court particularized the damage awards as follows.

CHILD 1		**CHILD 2**	
Non-pecuniary damages	$80,000	Non-pecuniary damages	$120,000
Future care costs		Future care costs	
Assisted living	$170,000	Substance abuse treatment	$30,000
Substance abuse treatment	$ 30,000	Psychological treatment	$25,000
Psychological treatment	$ 25,000	Education assistance	$10,000
Employment assistance	$ 8,000	Employment assistance	$ 5,000
Total	$233,000	Total	$70,000
Future loss of earning capacity	$50,000	Future loss of earning capacity	$80,000
Total	**$363,000**	**Total**	**$270,000**

CHILD 3		**CHILD 4**	
Non-pecuniary damages	$95,000	Non-pecuniary damages	$30,000
Future care costs		Future care costs	
Substance abuse treatment	$25,000	Psychological treatment	$10,000
Psychological treatment	$35,000		
Education assistance	$20,000	**Total**	**$40,000**
Employment assistance	$ 5,000		
Total	$85,000		
Future loss of earning capacity	$95,000		
Total	**$275,000**		
CHILD 5		**CHILD 6**	
Non-pecuniary damages	$15,000	Non-pecuniary damages	**$20,000**
Future care costs			
Psychological treatment	$ 5,000		
Total	**$20,000**		

In *M. (K.M.) v. Roman Catholic Episcopal Corp. of the Diocese of London in Ontario*, 2011 ONSC 2143, the plaintiff was sexually assaulted by a priest for a period of time when she was between 7 and 10 years old. The diocese admitted vicarious liability and was also found to be directly liable. The plaintiff recovered $190,000 in general damages.

(d) Breach of Fiduciary Duty

Although the breach of a fiduciary duty is a commonly pleaded claim in child welfare cases, it is much more difficult for a plaintiff to establish. A fiduciary duty is a trust-like duty, involving duties of loyalty and an obligation to act in a disinterested manner that puts the recipient's interest ahead of all other interests: *B. (K.L.) v. British Columbia*, *supra* at para 49. A fiduciary duty has, at its core, an undertaking of loyalty on the part of the fiduciary to act in the best interests of the beneficiary: *Perez v. Galambos,* 2009 SCC 48 at para 69.

In *B. (K.L.),* the Court explained that:

> 38 ...The government, through the Superintendent of Child Welfare, is the legal guardian of children in foster care, with power to direct and supervise their placement. The children are doubly vulnerable, first as children and second because of their difficult pasts and the trauma of being removed from their birth families. The parties agree that, standing in the parents' stead, the Superintendent has considerable power over vulnerable children, and that his placement decisions and monitoring may affect their lives and well-being in fundamental ways.

Concern for the best interests of the child informs the fiduciary relationship of a parent or a person standing in the place of a parent. The duty imposed is to act loyally, and not to put one's own or others' interests ahead of the child's in a manner that abuses the child's trust or exploits their vulnerability.

In *M. (F.S.) v. Clarke*, [1999] B.C.J. No. 1973, the plaintiff brought a claim against his former dormitory supervisor after he was repeatedly sexually assaulted while he was a student residential school operated by the defendant Diocese. The plaintiff had informed the bishop at the Diocese about the abuse, but the Diocese took no action against the supervisor.

The only issue at trial was whether the Diocese was liable to the plaintiff for the supervisor's abuse. Damages were agreed to by the parties. In reaching her conclusion, the judge reiterated the three general characteristics required to establish a fiduciary duty: (a) the fiduciary must have scope for the exercise of some discretion or power; (b) the fiduciary can unilaterally exercise that power or discretion so to affect the beneficiary's legal or practical interests; and (c) the beneficiary must be particularly vulnerable. In applying this test, the judge concluded that the Diocese had breached its fiduciary duty to the plaintiff because it took no action after the plaintiff disclosed the abuse.

SUMMARY OF OUR OPINION

- Provincial child welfare legislation does not expressly require a province to provide insurance coverage to child welfare agencies; however some provinces appear to have included provisions in delegation agreements that require agencies to carry liability insurance coverage as a condition of exercising delegated authority to care for children.

- First Nations child welfare agencies in Canada can access market-based, third-party liability insurance products. We recommend that each child welfare agency seeking insurance coverage consult with an insurance broker to determine which insurance products are best suited to meet the individual needs of the agency.

- Damages for liability in child welfare cases, whether for intentional torts or for negligent conduct, vary depending on the losses established. The range for non-pecuniary damages is a minimal award of $12,500 to the current maximum available at law of $367,000. In addition, our case review shows pecuniary damages ranging from $10,000 to $300,000.

- First Nations child welfare agencies, as employers, are exposed to liability under the doctrine of vicarious liability, as well as liability based in negligence (subject to any relevant statutory immunity provisions), and for breaches of their fiduciary duty to children in their care.

- Depending on the nature of the claim, a First Nations child welfare agency may share liability with the province and/or the federal government from which the authority to provide services is delegated. Ultimately, the specific facts of each case will determine the quantum payable to the particular plaintiff and the degree of liability of each named defendant in the action.

We look forward to discussing any questions you may have at your convenience.

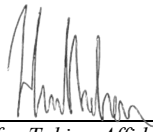
Yours truly,

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Per:

Eileen E. Vanderburgh
Partner
EEV/NJK

This is Exhibit "3" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

ASSEMBLY OF SEVEN GENERATIONS

Accountability in Our Lifetime:

A Call to Honour the Rights of Indigenous Children and Youth

Gabrielle Fayant and Carrington Christmas

Edited by Brittany Mathews

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ACKNOWLEDGEMENTS

We want to acknowledge that it takes a community to conduct ethical engagement with Indigenous youth. It is important that not only are Indigenous youth engaged in the gathering but that Indigenous youth are also the researchers, writers, note takers, helpers and facilitators of each engagement. Additionally, it is important that Indigenous youth have support from adult allies which speaks to doing things in a holistic and community-driven way.

We would like to acknowledge the First Nations Child & Family Caring Society (Caring Society) and Assembly of Seven Generations (A7G) for leading this work and seeing the importance of listening and hearing Indigenous youth voices.

Thank you to Gabrielle Fayant (A7G), Carrington Christmas for taking the lead on the overall project and Brittany Mathews (Caring Society) for supporting the project.

Thank you to Alyssa Carpenter (Western Arctic Youth Collective), Jessica Bolduc (4Rs Youth Movement) and Larissa Crawford (Ancestors Future) for helping design the gathering and for providing guidance on how to move forward with this work.

"The day that I can see Indigenous youth achieve the standard of living and the quality of life that is enjoyed by the rest of the Canadian society and its youth, is when I will believe reconciliation has been achieved."

— SURVEY RESPONDENT, The Roadmap on the Implementation of TRC Call to Action 66, page 43[1]

1 https://static1.squarespace.com/static/599307a5f5e231b361442225/t/5c675b67e79c705013d3a8ae/1550277485617/FINAL+%282%29-+Indigenous+Youth+Voices+-+Roadmap+to+TRC+66+-+Compressed.pdf

Thank you to Madeleine Kelly and Harmonie Eshkawkogan from A7G for being amazing note takers which supported the writing of this report.

Thank you to Tiaré Jung from Drawing Change for breathing life into this report with the beautiful illustration of the gathering which supports visual learners in a way that written reports cannot.

Thank you to our mental health supports, Elaine Kicknosway and Ali McConnell.

And lastly, thank you so much to all the youth that participated in this initial gathering that offered their wisdom and knowledge which guided this report.

ABOUT

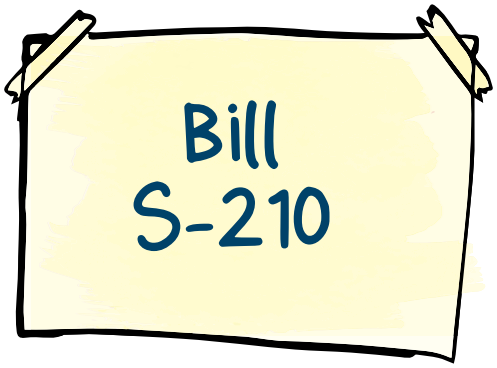
A7G

Assembly of Seven Generations (A7G) is an Indigenous owned and youth-led, non-profit organization focused on cultural support and empowerment programs and policies for Indigenous youth while being led by traditional knowledge and Elder guidance. A7G also holds weekly, seasonally and annual programs and events on Algonquin territory such as a weekly drop-in, language drop-in and annual Round Dances. A7G has also worked on national reports and facilitated gatherings such as the *A Roadmap to the Truth and Reconciliation Commission Call to Action #66* and *A Way Forward in Conducting Research With and by Indigenous Youth*.

Caring Society

The First Nations Child & Family Caring Society of Canada is a national nonprofit organization ensuring that First Nations children and their families have culturally based, and equitable opportunities to grow up safely at home and in their communities, be healthy, get a good education and be proud of who they are and where they come from.

BACKGROUND



For decades, First Nations have called for Canada to respect the sacredness of their children and youth by upholding the best interests of the child, substantive equality and cultural continuity. This call has been echoed in numerous reports including, but not limited to, the Royal Commission on Aboriginal Peoples (1996), the Joint National Policy Review (2000), the Wen: De Reports (2005), the Truth and Reconciliation Commission (2005), *A Roadmap to the Truth and Reconciliation Commission Call to Action #66* (2018) and the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019).

In June 2020, Bill S-217 (now S-210) was introduced by Senator Rosemary Moodie for the creation of an Office of the Commissioner for Children and Youth in Canada. The Bill proposes the establishment of an appointed Commissioner for Children and Youth to promote, monitor and report on the implementation of Canada's obligations under the United Nations Convention on the Rights of the Child.[2] The Bill also proposes the creation of an Assistant Commissioner, which the Commissioner must consider appointing for the purpose of ensuring focus on matters related to First Nations, Metis and Inuit children and youth.

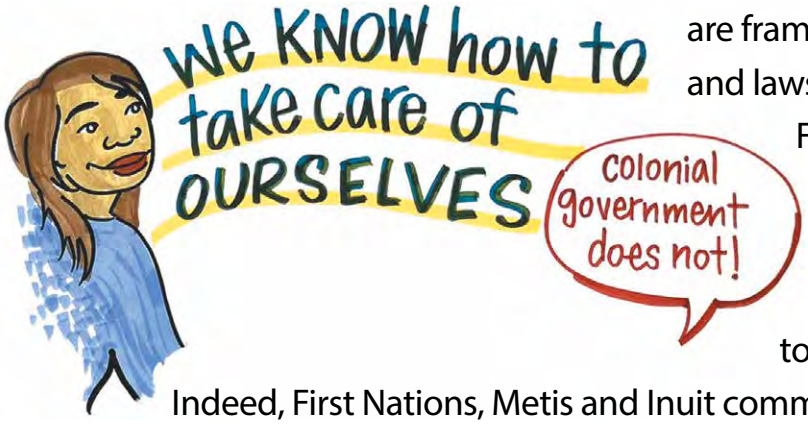
Why and Intentions

It is unclear how and if Bill S-210 contemplates the unique experiences of First Nations, Metis and Inuit children and youth, and how a Bill of this nature would uniquely impact the lives of First Nations, Metis and Inuit children and youth. The Bill does not contemplate Canada's long-standing human rights violations against Indigenous children and youth, as substantiated by the Canadian Human Rights Tribunal (2016 CHRT 2), the Truth and Reconciliation Commission and the National Inquiry into

2 https://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=10873559

Missing and Murdered Indigenous Women and Girls. The Bill proposes the establishment of a Commissioner, and potentially an Assistant Commissioner, that would collaborate, advocate and promote the rights of First Nations, Metis and Inuit children and youth. However, it is unclear, given Canada's historical and ongoing Indigenous child rights violations, whether a Commissioner or Assistant Commissioner is sufficient in addressing Canada's human rights violations. The Bill also does not consider a mechanism for First Nations, Metis and Inuit peoples to appoint or approve one or more Indigenous Assistant Commissioner(s).

Furthermore, the Bill fails to acknowledge how best interests of children are framed by western experiences and laws. It does not consider how First Nations, Metis and Inuit peoples consider and safeguard the best interests of their children according to their own laws and practices.



Indeed, First Nations, Metis and Inuit communities have actively worked to safeguard their children since time immemorial. The Bill assumes that First Nations, Metis and Inuit children could only "benefit" from Canadian human rights law, when in reality, First Nations, Metis and Inuit communities have actively worked to safeguard their children in the face of serious human rights violations perpetrated by Canada.[3]

In 2018, through researching the implementation of TRC Call to Action 66, Indigenous Youth Voices called on the federal government to begin working closely with Indigenous youth to create a Code of Ethics and Network Panel, as well as develop a Research and Translation team. Unfortunately, these recommendations were never acknowledged, which speaks to Canada's long-standing practice of shelving or ignoring calls for

3 Many of these insights and critiques were formulated and offered by the Caring Society. We acknowledge their work in offering a foundation for this report's intentions.

accountability on behalf of and from Indigenous young people. These are a few recommendations and examples of actions that could be taken to achieve justice for Indigenous youth and children. The functions of these teams would be as follows:[4]

Code of Ethics and Network Panel

A Code of Ethics will be developed as a framework for funding community-based youth organizations more equitably and effectively. This Code of Ethics will encompass the key learnings from our (IYV) research on the current priorities of Indigenous youth and the needs of community-based youth organizations. We will also develop a bank of Indigenous youth leaders across the Indigenous Youth Voices Network who are willing to act as selection committee panel members for funders. These youth would inform the disbursement of any Crown-Indigenous Relations and Northern Affairs Canada funds that implicate Indigenous youth, and the co-development of the Indigenous Youth Voices Government of Canada Fund. Provincial, territorial, and municipal governments, Indigenous governments and organizations, corporations, and foundations could also contact Indigenous Youth Voices to request selection committee members to be involved with their funding delivery processes.

Research and Knowledge Translation

The Indigenous Youth Voices Research Team will focus on collecting, organizing, and disseminating existing research and new research being done related to Indigenous youth needs and priorities. Far too often, Indigenous communities are being researched with little to no control over how that research is being done and what

4 https://static1.squarespace.com/static/599307a5f5e231b361442225/t/5c675b67e79c705013d3a8ae/1550277485617/FINAL+%282%29-+Indigenous+Youth+Voices+-+Roadmap+to+TRC+66+-+Compressed.pdf

it is being used for, and so we see this as being a positive step in having more control and understanding of research processes. This work could include developing a database of reports and literature in these areas to be shared with individuals, community-based organizations, funders, governments, and academia. It will also involve developing and facilitating knowledge translation strategies that can help to ensure that knowledge is making its way to the community level and not being trapped on shelves or only within academic spaces. Similar to the Aboriginal Healing Foundation, the Research Team could also advise on the non-profit Capacity Building work (outlined next), offering insights to community groups on program evaluation techniques that are often a significant barrier to groups accessing sustainable funding.

As stated in the above excerpt from the Roadmap to TRC Call to Action #66, there has been an ongoing need for a code of ethics and a higher standard within the federal government when making decisions on behalf of Indigenous youth and children. The Code of Ethics and Network Panel offers insight into ways that Canada could be accountable for its decision making that has an impact on Indigenous young people. Additionally, there is a need for more appropriate research and transparency from governments when conducting research on Indigenous youth and children. In 2019, Indigenous Youth Voices created a report that lists the requirements, as developed by Indigenous youth, on ethical research with and by Indigenous youth as mentioned in the 2018 Roadmap.[5] The call for the federal government to be more accountable and ethical in their relationships with Indigenous youth and children is ongoing and has not been answered to date.

5 https://fncaringsociety.com/sites/default/files/indigenous_youth_voices-_a_way_forward_in_conducting_research_with_and_by_indigenous_youth.pdf

In keeping with the code of ethics and research requirements, a gathering was held in December 2020 with the intention of hearing from Indigenous youth and grassroots groups across Canada specifically about meaningful accountability for Indigenous children and youth within the Bill and beyond.

Environmental Scan

Children's commissioners have been established in close to 60 countries around the world with broad mandates to promote child rights, raise awareness and monitor progress in children's issues.[6]

An environmental scan was completed to review child and youth frameworks from other countries to support the discussions during the gathering and provide participants with examples of what a Commissioner for Children and Youth could look like within Canada.

National Child Participation Framework, South Africa

Within this framework child participation is a fundamental right of children. Child participation refers to the active involvement of children in the decisions, processes, programmes and policies that affect their lives. The framework is to guide all levels of government, civil society and sectors to promote meaningful participation. Additionally, it advocates that children are entitled to have a voice in decisions that affect their lives such as household and family, school, child protection, courses, health settings, community or local government and national policy. Child participation leads to better protection of children, raises public awareness on the needs of children and builds accountability across both society and governments as a whole.

6 https://childrenfirstcanada.org/news/2020/6/16/children-first-canada-welcomes-introduction-of-bill-in-senate-of-canada-calling-for-federal-commissioner-for-children-and-youth

Getting it Right for Every Child: A National Policy Framework to Promote Children's Well-Being in Scotland

This framework represents a shift from welfare to wellbeing, and aims to improve children's wellbeing via early intervention, universal service provision, and multiagency coordination across organizational boundaries. Focusing on promoting and improving the wellbeing of all children, this framework shifts away from top-down implementation toward the creation of broad policy frameworks administered at the local level and has a requirement for information sharing across organization boundaries enshrined in the statute. The framework acknowledges that there is a lack of consensus around the definition and measurement of child wellbeing, and that there should be a common interpretation practice framework based around it that is used across all agencies.[7]

Child and Youth Wellbeing Strategy, New Zealand

The strategy has nine principles to guide its development and implementation, and to inform the overarching framework for the government and others to align with. Developed with input from 10,000 New Zealanders, including over 6,000 children and youth, the vision for the strategy is that New Zealand is the best place in the world for children and young people. Within the strategy are six high-level and interconnected wellbeing outcomes, that signpost the social, economic and environmental factors needed for child and youth wellbeing. Māori language and culture are woven throughout the strategy's essence, and grounds its principles, outcomes and the wellbeing indicators.[8]

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7 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4911714/

8 https://childyouthwellbeing.govt.nz/resources/child-and-youth-wellbeing-strategy-html#child-9

METHODOLOGY

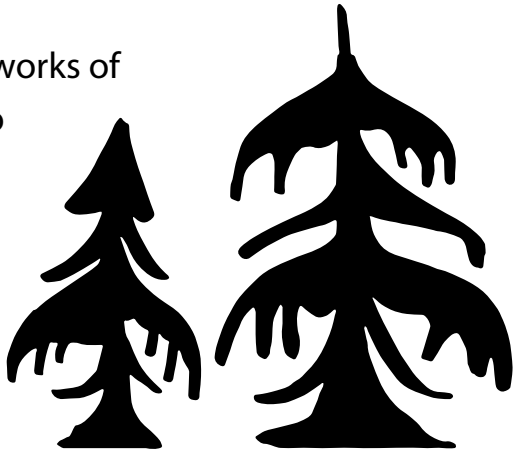
The method used to gather insight from Indigenous youth regarding Bill S-210 follows the requirements and standards created by Indigenous Youth Voices in 2019 entitled *A Way Forward in Conducting Research With and by Indigenous Youth*.

The seven requirements are:

- Accessibility
- Indigenous Youth Leading and Developing Research
- Holistic Approaches
- Indigenous Youth Defined Research Ethics
- Reciprocity
- Culturally-Led and Culturally Specific
- Support the Implementation of TRC Call to Action 66

These requirements were honoured by creating a diverse organizing committee, creating a safe and inclusive space for youth to share, inviting knowledge keepers and adults while centring discussions for youth leadership, creating a community agreement, having mental health supports, offering a respectable honorarium amount for participants and creating opportunities for youth to lead conversations, participate in research and writing of this report.

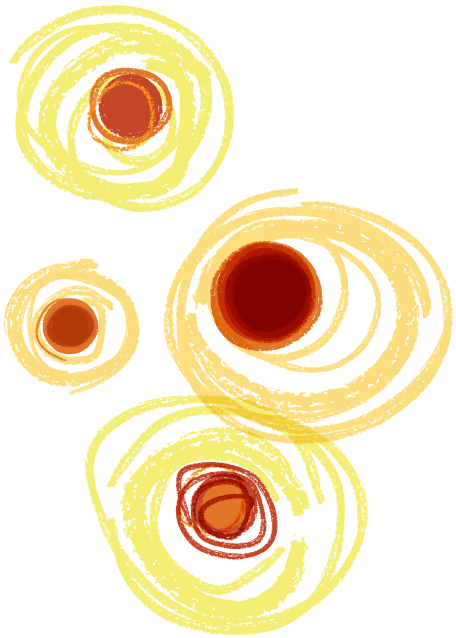
Relying on the expertise of grassroots youth networks of community leaders such as Alyssa Carpenter also ensured that there was a strong representation of Northern youth voices during the gathering. Northern youth indicated that there is a great need for Northern youth and their communities to be included in decision making that ultimately affects their communities.



The initial gathering was planned with the advice and expertise of Indigenous youth and community leaders. The gathering was led and developed by Indigenous youth. Also Indigenous youth led the research and writing of this report because Indigenous youth will be the ones that will either benefit or be disadvantaged from the creation of Bill S-210.

One of the most important parts of working together as a community is creating a standard and ethic for how we will work together. This helps set a tone of respect and understanding for the community that has come together to work on a project. It also creates a standard that the community is accountable to. Below is the Community Agreement that participants created together:

- Accessible Language (plain English, for example)
- Be Truthful
- One Speaker at a Time
- Reciprocity
- Honour Each Others Personal Experiences
- Respect
  - Respect Pronouns
  - Respect Each Other's Idea and Thoughts
  - Respect Confidentiality
- Take Frequent Breaks
- Lead With Kindness
- Acknowledge Each Other When Sharing
- Create Time and Space for Everyone to Share
- Sharing Trauma is not a Requirement
- Practise Consent
- Challenge When Needed
- Ask for Help
- Be Deadly!



Participants were presented with Bill S-210, the Briefing from the Caring Society, literature regarding Indigenous Child and Youth Advocacy as well as International Child and Youth friendly frameworks before continuing on to participate in facilitated breakout rooms.

Consent is a very important part of research and engagement with Indigenous youth. Indigenous youth were invited to participate in this gathering by their peers and from community members who have built relationships of trust. Prior to engaging and gathering any information from Indigenous youth, all participants were asked if they felt comfortable moving forward with the breakout sessions and if they felt that an Indigenous Youth Accountability Mechanism was needed, be that in a commissioner model or another model. All answered with an overwhelming yes, and we proceeded with the consent of all the participants. Mental health supports were also a part of the gathering because even though consent is given, there is a responsibility from the researchers and facilitators to ensure that there are supports especially if the discussions are triggering and/or very personal.

QUESTIONS ASKED

Indigenous youth were invited to participate in three breakout rooms to answer the following questions: Define Accountability, What Does Accountability Look Like? and Application of Accountability. Defining accountability from the perspective of Indigenous youth may look drastically different than defining accountability for non-Indigenous youth due to historical and contemporary injustices perpetrated by the Canadian government itself. After defining accountability, participants were asked to envision what their understandings of accountability could look like in action. Lastly, participants were then asked to think about existing models and best practises of accountability.

INITIAL SUMMARY

All of the participants in the gathering agreed that there is a strong need for an Indigenous Youth Accountability Mechanism. However, it became clear in the gathering that Indigenous youth do not see the values and principles of Indigenous communities reflected in Bill S-210, nor do they believe their needs and rights will be addressed through this Bill. Some initial concerns regarding Bill S-210 that were raised are: Indigenous youth and children seemed to be an afterthought, a lack of understanding of Indigenous rights which have been held by our communities since time immemorial, a lack of authority to hold governments accountable and individuals holding a national child commissioner role which may not support the diversity requirements and needs of Indigenous communities. These concerns, as well as requirements to move forward, will be examined further in this report.

Participants had in-depth conversations about what accountability means to them, how it should look moving forward and types of mechanisms they might want to see. This is the start of many important conversations to be had on the topic of accountability. Youth indicated that they would like to see regional conversations and to establish an ongoing network to share best practises and critical discussions on the topic of accountability.

The following page is an illustrated report of the discussions that took place.

In response to proposed Bill 2S10 - Assembly of Seven Generations Youth Dialogue, Dec 21, 2020

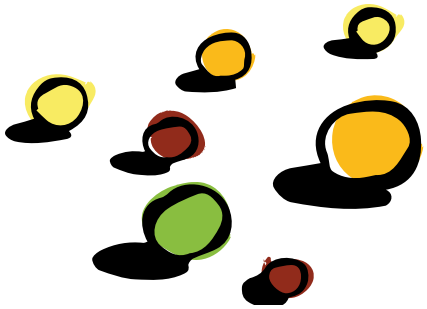
LIVE GRAPHIC RECORDING
Tiaré Jung | Drawing Change

THEMES

Define Accountability

Indigenous youth defined six determinants of what accountability should look and feel like for them and their communities. These six determinants of accountability are as follows and are further elaborated on in this section.

- Responsibility
- Safety
- Respect
- Reciprocity
- Relational
- Integrity



Indigenous youth have chosen to use accountability rather than "rights promoter," which is listed as one of the mandates of the Child Commissioner. This is because Canada is long overdue in honouring inherent Indigenous rights, as demonstrated by generations and over 150 years of reports and recommendations that Indigenous peoples have provided to Canadians. Indigenous youth and children need action and it is urgent.

Despite Canadian Human Rights Tribunal rulings, Canada continues to discriminate against First Nations children and youth specifically.[9] These human rights violations are founded and it is beyond the point of advocacy, rights promotion and the power to report. There must be accountability for those in positions of power that demonstrate prejudice and racism towards Indigenous peoples as well as accountability for the decades of broken promises on behalf of Canadian governments. The bleak reality is that government inaction and its ongoing violations of the rights of Indigenous youth and children, has resulted in harms and

9 https://fncaringsociety.com/sites/default/files/2020_chrt_36_information_sheet_jr_update.pdf

high mortality rates in Indigenous communities.[10] In 2019, the Canadian Human Rights Tribunal found that Canada continues its "willful and reckless" discrimination against First Nations children in ways that harms First Nations children and families, and contributes to the deaths of some First Nations children.[11]

Responsibility

Being accountable cannot be a gesture or a good idea that will be implemented incrementally. Instead, governments and organizations need to look at accountability as a responsibility. If governments and organizations feel they are responsible for the safety and wellbeing of Indigenous children and youth then preventative measures would be put in place to create safety before harm is even a question.

Safety

While safety and protection is recognized as a basic child right, Indigenous youth and children continue to experience discrimination at the hands of governments and are left without this very basic right to live.[12] During the gathering, safety was an important focus. Indigenous youth and children should feel safe in their everyday lives, this includes access to safe

10 https://www150.statcan.gc.ca/n1/pub/82-003-x/2019012/article/00001-eng.htm

11 https://fncaringsociety.com/publications/victory-first-nations-children-and-families-tribunal-orders-compensation-2019-chrt-39

12 https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

drinking water, safe living conditions, safe food, safe health and mental health services and they should feel safe when speaking out about their concerns.

UN Declaration on the Rights of the Child, Article 6 states:

1 Parties recognize that every child has the inherent right to life.

2 Parties shall ensure to the maximum extent possible the survival and development of the child.[13]

Respect

Indigenous youth and children are the experts of their lives and they wanted to be treated as such. Exploiting and tokenizing Indigenous youth and children is disrespectful. Not allowing Indigenous peoples to speak their traditional languages on their homelands is disrespectful.

Reciprocity

Reciprocity is a foundational philosophical view of many Indigenous nations. This is a land-based philosophical perspective that has lived with many Indigenous nations for thousands of years and it continues to live in Indigenous communities today. Reciprocity means sharing in good faith and giving back when needed. The relationship between Indigenous communities and governments is often extractive.[14] Research and consultations need to be reciprocal.

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13 https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

14 https://fncaringsociety.com/sites/default/files/indigenous_youth_voices_a_way_forward_in_conducting_research_with_and_by_indigneous_youth.pdf

"Relationship-building and a sense of reciprocity must be the cornerstone of research. Indigenous youth made it clear that researchers must have a sense of responsibility and accountability that extends beyond the limitations of a specific research project. This includes building trusting and meaningful relationships before research begins to ensure that relationships are maintained past the end of the research. Indigenous youth see this as an important mechanism in ensuring that researchers begin to value and define youth for their resilience and successes."

— Ethical Research Engagement with Indigenous Youth: Seven Requirements[15]

Relational

Relationships are vital. The fate and wellbeing of Indigenous children and youth are often subject to whomever is in power. Therefore, the federal government must commit to centring its relationships with Indigenous communities and the wellbeing of Indigenous children and youth over electoral terms and mandates. A part of transforming relationships between Indigenous and non-Indigenous peoples and nations must involve accountability, justice and equity. Indigenous youth and communities have been carrying the weight of reconciliation and repairing the damages done by colonization for decades. Indigenous youth today want to see those that have enabled harm toward their communities meet them at least half way towards their goals.

To build an accountability mechanism, it's important to build relationships. Relationships have to develop past memoranda and contracts, relationships are similar to how one builds a good reputation.

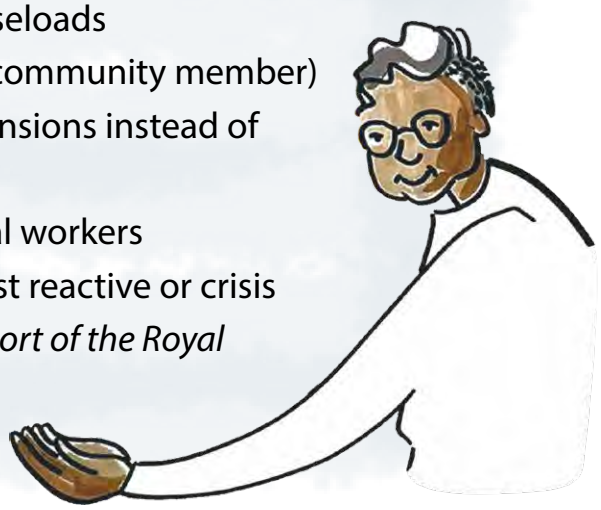
15 https://yellowheadinstitute.org/wp-content/uploads/2020/04/iyv-factsheet-research-with-indigenous-youth-1.pdf

Trust and consistency are very important to maintain good relationships and reputation but these are often disregarded due to the constantly changing government mandates and leadership.

A prime example of this is Indigenous youth who have been impacted by the child welfare system. While Canadians consider reconciliation for the Residential School era, ongoing oppression and violence is happening in the removal of Indigenous children and youth and being institutionalized in the child welfare system. Many of these young people experience a sense of deep loss and disconnection, racism and abuse due to the lack of accountability and justice within the child welfare system.

***A few indicators of justice and accountability, defined by a group of First Nations Youth In Care in a 2019 report entitled* Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors were:**

- cultural competency of social services and follow-up audits of competency led by Indigenous youth in care
- accountability for foster families who are not treating youth well and liability for abuse experienced by youth in care
- more social workers with smaller caseloads
- a community notary (trusted Elder/community member) to help mediate family issues and tensions instead of restraining orders
- more engagement of youth by social workers
- more preventative measures (not just reactive or crisis management) as detailed in the *Report of the Royal Commission on Aboriginal Peoples*[16]



16 https://www.a7g.ca/uploads/9/9/9/1/99918202/38228_chrt_compensation_report_v5_final.pdf

Integrity

Integrity speaks highly to prevention of harm and abuse. Individuals moving forward with a youth accountability mechanism must have a deep sense of integrity. Integrity is a hard value to gauge, however some suggestions were presented by Indigenous youth to gauge an individual's integrity:

- Centring children and youth
- Centring survivors (residential school survivors, Sixties Scoop survivors, sexual abuse survivors, survivors of child welfare, etc.)
- Indigenous-led
- Community appointed
- Honesty
- Highly recommended by children and youth
- Ability to receive feedback and improve from criticism

These values and attitudes are an ethical standard for a potential accountability mechanism and these ethics must be upheld in a very sensitive way so that Indigenous youth can trust the accountability process.

WHAT DOES ACCOUNTABILITY LOOK LIKE?

Many Indigenous youth and communities feel that they have never seen the federal, provincial or territorial governments being held accountable, despite the generations of reports, legal decisions and human rights findings.[17] The Canadian government is seen doing business as usual despite findings of discrimination against First Nations children.[18] All levels of government have failed to address in any substantive way the Truth and Reconciliation Commission's findings of cultural genocide and calls to transform its relationships with Indigenous peoples.[19] Indigenous peoples have very little faith in existing colonial methods and models of accountability without mechanisms to hold governments responsible. There is a foundation of trust that is needed before a process of accountability can take place.

There have been countless reports, inquiries, recommendations, calls to action, agreements and treaties made between Indigenous peoples and all levels of governments that have been ignored or forgotten. Indigenous youth are concerned that the proposed National Child Commissioner will simply be building upon broken and discriminatory relationships, especially when the Bill does not consider ways that the Commissioner itself and any recommendations it makes would be binding and promote accountability. The way forward is not only focusing on the problems that exist today, but addressing how the problems were created due to a continued lack of accountability within government policies.

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17 https://fncaringsociety.com/history-inequity

18 https://fncaringsociety.com/i-am-witness

19 https://yellowheadinstitute.org/trc/

A few reports that have full lists of reports, recommendations as well as treaties and agreements between the Crown and Indigenous Nations are:

A Roadmap to the Truth and Reconciliation Commission Call to Action #66, Section 3.3, Review of Select Literature, pages 44–47[20]

Land Back: Indigenous Youth Leading the Way in Indigenous Sovereignty, A Timeline of Unhonoured Treaties and Broken Promises, pages 6–11[21]

Accountability for Indigenous youth means a mechanism that accepts the truths of Indigenous youth and holds perpetrators of harmful behaviours accountable. Harm is often caused by a system or person that abuses the power they have over someone or a group of people with little to no recourse. Any accountability mechanism must consider the systemic ways that a person, institution or system holds power over the people it harms. Furthermore, accountability cannot simply "react" after a harm is caused or experienced. Accountability mechanisms must lay the groundwork for harm prevention, from domestic abuse to systemic violence, in order to address the structural interventions that are required to move towards the holistic wellbeing of Indigenous youth.

20 https://static1.squarespace.com/static/599307a5f5e231b361442225/t/5c675b67e79c705013d3a8ae/1550277485617/FINAL+%282%29-+Indigenous+Youth+Voices+-+Roadmap+to+TRC+66+-+Compressed.pdf

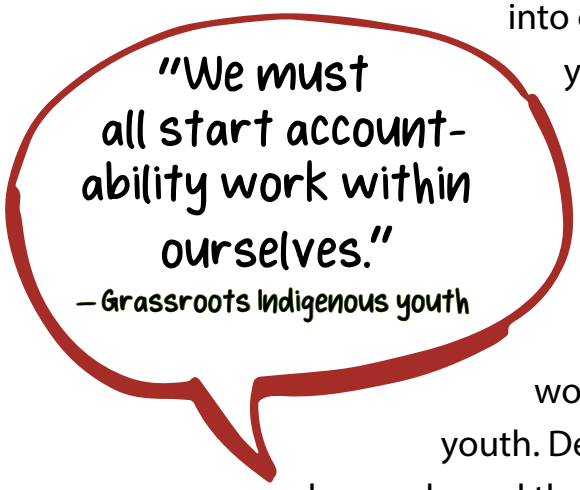
21 https://www.a7g.ca/uploads/9/9/9/1/99918202/reimagine_playbook_0.pdf

Best practices of accountability have to be led by Indigenous communities. Each community is unique, with specific needs, protocols and histories. Accountability must be designed specifically by each community; however, communities should come together to advocate for federal and provincial accountability.

Indigenous youth also spoke to the need to hold their own communities accountable. Many existing political structures are built from a colonial lens and therefore inherently carry many harmful aspects of colonization within themselves. The same standards of accountability have to also be applied to Indigenous communities and organizations.

Application of Accountability

Due to the traumatic histories and current realities of Indigenous youth, grassroots groups do not trust that the Canadian government will take into consideration the barriers of Indigenous youth when developing projects, supports or services. Grassroots Indigenous groups continue to be overburdened and overwhelmed with the real world trauma they encounter in their work and are left understaffed to take on the work of meaningfully supporting Indigenous youth. Despite the amount of reports that have been released that highlight the needs of Indigenous youth and what is required for engagement to be meaningful, the government continues to utilize numbers-based approaches over long-term impacts to define and measure success. Relying on the number of people reached (quantitative data) or how funding is spent to measure the success of a program continues to perpetuate colonial values as the standard for Indigenous peoples. Furthermore, government employees



lack cultural understanding of Indigenous ways of knowing and being, and enter communities for a short period of time for reporting purposes and do not follow up with the community.

So, how can government and organizations be held accountable for measuring success without replicating harmful powerful dynamics? It starts with:

1. **Recognizing that Indigenous youth are more than a number or a price tag.** Measuring success within federal systems requires approaches that move beyond numbers and data towards qualitative methods that measure wellbeing of Indigenous youth in outcomes. This must be integrated into all frameworks, programs and policies. Space needs to be intentionally created for grassroots groups to have equal voices within the development and delivery of every government program, with qualitative measures being community-driven. Representation of Indigenous youth within these systems needs to be not only funded but meaningfully supported. Policies and programs need to decolonize the idea that there is a monetary value for Indigenous youth and look at the quality of life and improvement for them, their families, and communities. In order for Indigenous communities to move beyond "reaction mode," the government must shift from one-time funding opportunities towards funding that supports intergenerational approaches that fosters community wellness.

2. **Grassroots Indigenous-led education and training.** Despite ongoing efforts to educate and train government agencies, organizations and educational institutions, there continues to be

a lack of understanding and follow-up on education and training sessions. Indigenous youth would like to have more control over this training as well as evaluations for agencies, organizations and institutions that undergo cultural sensitivity training or anti-oppression training. Training and education should be led and delivered by Indigenous youth themselves and not rely on National Indigenous Organizations as this is a conflict of interest in many cases.

It is important to acknowledge that Indigenous people feel that we must move beyond education and training. While this is a good first step, action must follow. One example of this is the Youth Services Evaluations[22] that A7G is currently conducting with youth-serving organizations. Evaluations are a way to see how well an agency or organization is doing after they have done training. This is a step towards accountability and evaluating how well an agency or organization is meeting the needs of Indigenous youth and children.

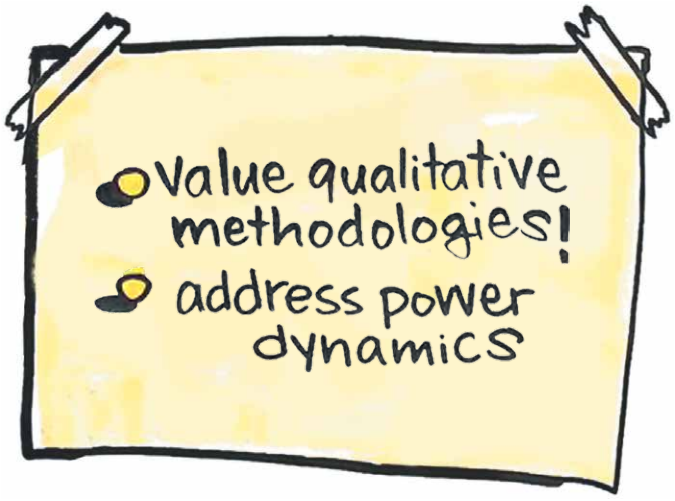
This also brings us back to the requirements from the Roadmap to the TRC Call to Action #66, in particular the Code of Ethics and Network Panel. The Panel is intended to recommend Indigenous youth experts on specific topics, these experts would then be recommended to agencies and organizations to improve their relationships with Indigenous youth and children. This Panel would also be recommended to advise on areas such as policy changes, funding

22 https://www.a7g.ca/uploads/9/9/9/1/99918202/79002_youth_services_eval_overview_v4.pdf

proposals and program development. This gives space and room for Indigenous youth to better guide the work that affects them. Having Indigenous youth work together as a network or collective group eliminates the burden of tokenization and offers better support to youth that might feel uncomfortable in colonial spaces.

If culture and language is valued then the principles and values of Indigenous communities must be the end result of this work.

3. **Indigenizing approaches to community engagement and relationship building.** Evaluations of the success of programs policies, and services must be developed by and for Indigenous communities. Government agencies must ask themselves "what are we doing wrong?" and listen to the feedback from Indigenous youth on changes needed for meaningful engagement that goes beyond checking off a box. Governments and organizations need to list short- and long-term actions items with how the community and youth will be involved in implementing them, and any next steps should be specific and identified with Indigenous youth, with reasonable time frames established. To ensure effective changes are made, active evaluation needs to take place on what is being implemented and if it is working as the needs of Indigenous youth and communities is fluid and ever changing.



4. **Cross collaboration between organizations.** Grassroots groups should lead the work and facilitate future discussions, holding space to bring people together as a living form of accountability that doesn't operate in silos, but spreads across different regions, organizations, and communities. Organizations need to shift from viewing one another as competition and work together more authentically, sharing wise practices on ways to accomplish each other's goals and meet the needs of Indigenous youth.

REQUIREMENTS TO MOVE FORWARD

The message and direction from Indigenous youth during the gathering was clear. A National Children's Commissioner in its current proposed state would not address the concerns or needs of Indigenous children and youth. However, despite the longstanding legacy of broken promises from the Canadian government, Indigenous youth are still hopeful. Indigenous youth are hesitant yet continue to be open to working on repairing relationships. The following are the requirements for moving forward to determine the best model of accountability for Indigenous youth.

- Establish a network of best practises, led by grassroots youth leaders and groups from different regions, in the spirit of TRC Call to Action 66.

  This looks like:
  - Indigenous communities defining and measuring what success means to them.
  - Educating Indigenous youth on their rights as Indigenous young peoples.
  - Ensuring there is space for Indigenous youth to participate in matters that affect them.
  - Decentralizing power and moving towards non-hierarchical leadership.
  - Creating a network that centralizes the safety and wellbeing of Indigenous youth and children.
  - Grassroots youth leading education and training with the Code of Ethics Panel.
  - Research led and developed by Indigenous youth and children in keeping with the Research and Knowledge Translation and the report, *A Way Forward in Conducting Research With and by Indigenous Youth*.
  - Must include Northern and rural youth and children as well as gender-diverse and LGBTQ2S+ youth and children.

- A call to action to Canadian governments (including the Senate) to read, understand and implement existing reports, recommendations, treaties and literature by Indigenous communities and youth.

  This looks like:

  - Addressing existing reports, inquiries before making new ones.
  - More action and movement on existing reports, recommendations, etc. especially those coming directly from community and Indigenous youth and children.
  - Actions directly from recommendations and call to actions from reports listed in this report as well as and follow up from those recommendations and calls to action.
  - Open communication with those implementing actions.

- Accountability and justice from harmful systems and structures.

  This looks like:

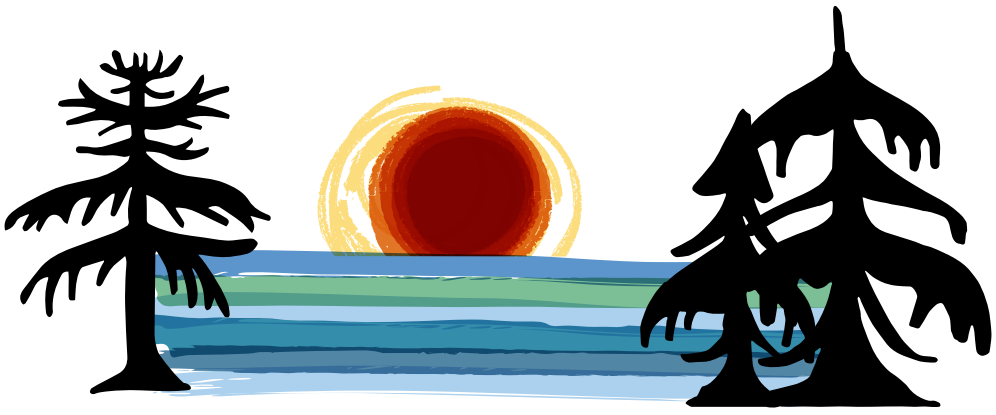
  - Legislative changes to address systemic racism and inequities.
  - Halting known problematic systems.
  - Youth wellbeing, best interests and improvement is centered. Limiting the wellbeing of youth based on government financial considerations and budgets is deprioritized.
  - Federal government fully commits to making systemic and lifelong change, not placing a price tag on Indigenous childhoods.
  - Move beyond election mandates (four-year mandates) to measure progress and commit to goals.

- Prior to establishing a National Children's Commissioner, Indigenous youth must be ethically engaged in the decision making process.

  This looks like:
  - Holding regional gatherings with Indigenous youth.
  - Research following the guidelines from A Way Forward: Ethical Engagement with and by Indigenous Youth.
  - Discussions regarding a National Children's Commissioner are not predetermined.
  - Indigenous youth and children need space to determine what the best Youth Accountability Mechanism will look like.

CLOSING WORDS

This is just the beginning of important work that must continue. Indigenous youth and children deserve justice and reparations for the harm that continues to impact daily lives. Indigenous youth deserve accountability and responsibility from the federal government, as well as all levels of government. The federal government has a deep responsibility to meaningfully engage in this accountability work, however it must be led by Indigenous youth and children and their trusted allies. Therefore, it is the intentions of A7G, the Caring Society, and all youth involved in this initial report that we continue building relationships amongst ourselves and ensure that we continue fighting for the rights of Indigenous children and youth to be respected and honoured.



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ASSEMBLY OF SEVEN GENERATIONS

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Assembly of Seven Generations

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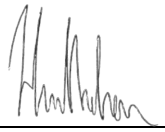
This is Exhibit “4” referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

ASSEMBLY OF SEVEN GENERATIONS

December 17, 2025

Recommendations for the Long-Term Reform of First Nations Child & Family Services: Literature Scan

By: Gabrielle Fayant

Assembly of Seven Generations (A7G), an Ottawa-based Indigenous grassroots youth group, provides the following recommendations based on a literature scan of previous reports on the well-being and rights of First Nations children and young people. These ten recommendations will be instrumental in supporting youth in participating in any long-term reform of the First Nations Child and Family Services (FNCFS), and in ending Canada's discrimination now and forever. We are honoured to contribute to the long-term reform of FNCFS, alongside many other First Nations youth, Elders, knowledge-keepers, leaders, and experts.

We focused on themes of governance, accountability, and post-majority supports, drawing insights from three foundational reports to make recommendations: *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors* (2019), *A Follow-up Report of First Nations Youth in Care Advisors* (2021), and *Accountability in Our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth* (2021).

While this initial literature scan provides a framework of existing recommendations, further work is required to ensure grassroots First Nations youth, particularly youth in and from care, can provide further insights. While the recommendations align well with the theme of governance, additional work with youth is needed to ensure they can contribute their expertise to the development of the best possible governance framework for the long-term reform of FNCFS. Furthermore, we welcome the opportunity to bring youth together to form recommendations on the definitions and principles underpinning long-term reform. To that end, A7G developed a youth engagement guide to facilitate further discussions with First Nations young people, should there be an opportunity.

The ten recommendations below are ones that Indigenous youth have called for to ensure we are the last generation of young people who need to fight for accountability, fight to have our rights upheld and honoured, so that we may thrive with cultures and languages.

Literature Scan of A7G Reports

Findings from *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors*[1]

Youth in Care Canada, supported by the First Nations Child and Family Caring Society and the Assembly of First Nations, held a gathering on October 25, 2019, on Unceded

[1] Bach, Ashley, and Gabrielle Fayant. *Justice, Equity and Culture: The First-Ever YICC Gathering of First Nations Youth Advisors*. November 2019. a7g.ca/uploads/9/9/9/1/99918202/38228_chrt_competo discuss furthernsation_report_v5_final.pdf.

Algonquin territory, now called Ottawa. Sixteen First Nations youth with lived experience in child welfare systems discussed experiences in child welfare and how the system needs to improve, as well as their preliminary thoughts about the compensation for First Nations children and youth and their families that the Canadian Human Rights Tribunal ordered. Known as Youth Advisors, they discussed child welfare reform and what it would take for Indigenous youth to feel heard and feel important.

1. Recommendation: Form a collective of First Nation Youth Advisors in and from care

This was the first national-level gathering of its kind for First Nations youth in and from care. The Youth Advisors identified a need for time and space to discuss further and understand the long-term reform of child welfare. They recommended that a collective of First Nations Youth Advisors in and from care be established to, at a minimum:

- share best practices;
- share updates;
- continue advocating for reform;
- host more policy round tables across the country; and
- advise on court rulings, contribute to policy development and share testimonies.

The establishment of a collective of First Nation Youth Advisors in and from care is key to the long-term reform of FNCFS and for any implementation.

Findings from *Children Back, Land Back: A Follow-Up Report of First Nations Youth In Care Advisors*[2]

Building on the first Youth in Care Advisors gathering, this report emphasizes the need for ongoing collaboration and communication, as well as for forming a collective of advisors. The report was especially timely given the negotiations stemming from the Canadian Human Rights Tribunal rulings, which ordered Canada to immediately stop its discrimination against First Nations children and youth and prevent it from happening again. The report highlighted the importance of including First Nations youth perspectives in decisions that directly impact their lives.

> "This report will clearly state solutions and recommendations from First Nations children and youth themselves because who else would know the problems and solutions better than those that have experienced child welfare first-hand."[3]

This report recommends the creation of a national network for Indigenous youth currently in care and those who have transitioned out. Originally proposed at the 2019 Gathering of First Nations Youth in Care, this recommendation remains a priority. Youth Advisors from the 2019 and 2021 gatherings emphasized the need to maintain connections, share experiences, and actively engage in decision-making processes that shape child welfare policy, recognizing their lived experience as essential expertise.

[2] Fayant, Gabrielle, and Ashley Bach. A Follow-up Report a Follow-up Report of First Nations Youth of First Nations Youth in Care Advisors in Care Advisors. December 2021. https://www.a7g.ca/uploads/9/9/9/1/99918202/79004_land_back_report_v5f.pdf.
[3] Fayant and Bach, 6.

2. Recommendation: Create a Youth in Care Accountability Mechanism

The relationship between Indigenous youth and Canada is deeply strained due to broken trust and Canada's discriminatory provisions in child welfare systems. To ensure justice and accountability, an Indigenous youth-led mechanism should be established to oversee complaints, support access to Jordan's Principle, review child welfare services, uphold ethical standards, and have the authority to enforce systemic reforms. This mechanism must include all Indigenous youth, not just those under the age of majority. This is consistent with the needs of young people aging out of the child welfare system.

3. Recommendation: Establish an Ethical Indigenous Youth Standard, accompanied by accountability and reviews

There must be an accessible complaints process for Indigenous youth, children, and families to report inappropriate behaviour, abuse, or racism by service providers. Individuals working with Indigenous youth and families, including public servants, social workers, policy makers, police officers, group home staff, and others, must:

- Complete mandatory training on anti-racism, colonial history, contemporary colonialism, child welfare impacts on Indigenous communities, and cultural competency specific to the territory and nations they serve.
- Undergo security screening, including a reliable security clearance and a vulnerable persons check.
- Require regular evaluations of service providers (e.g., foster homes, group homes) conducted by Indigenous youth in or from care.

4. Recommendation: Keep families together by properly funding the basic needs of families

Indigenous youth and children are significantly overrepresented in care systems, primarily due to chronic underfunding of essential family needs. This systemic issue undermines family stability and perpetuates cycles of separation. To address this, Indigenous families must have equitable access to culturally relevant supports and services that strengthen families and prevent unnecessary child removal. This ensures that Indigenous families have the resources and culturally grounded supports necessary to remain together, thrive, and reduce the disproportionate number of children in care.

Key areas of support must include:

- Basic Needs: Safe and proper housing, clean water, food, and clothing.
- Health and Wellness: Mental health services, trauma-informed care, peer-to-peer supports, and addiction counselling.
- Family and Child Support: Kinship care, daycares, nurseries, doulas, and midwives.
- Education and Skills Development: Parent training (including for disabilities), post-secondary education, employment and trades programs, and cooking classes.
- Cultural and Community Connections: Access to land, ceremonies, coping skills, hobbies, and sports.
- Emergency support: prevent evictions, respond to family emergencies, etc.

5. Recommendation: Fair and equitable funding focused on supporting children and youth living with their families and in their communities.

There must be a transition from reactive measures to preventive measures. The report highlighted participants recalling being removed from their families due to poverty while being placed with a non-Indigenous family, who were offered compensation to look after them. If there is funding to cover the removal of Indigenous youth and children from their families, then there is funding to keep families together. Funding models must shift to prioritize the well-being of Indigenous youth and children, focusing on keeping families together rather than institutionalization. Investments should be equitable, culturally relevant, and aimed at enabling Indigenous peoples to thrive—not merely survive.

6. Recommendation: Restoring and preserving access to Indigenous cultures and languages

Community and cultural connections while in care are absolutely integral for the well-being of Indigenous children and young people. Over half of the respondents in the report identified access to culture as a fundamental support. To safeguard access to Indigenous culture and languages, efforts should focus on:

- Maintaining family connections, including traditions and land-based knowledge.
- Providing access to Indigenous youth groups, especially those led by Indigenous youth.
- Ensuring cultural engagement, such as ceremonies, language learning, and mentorship from Elders and knowledge keepers.
- Facilitating community visits and land-based activities on traditional territories.
- Creating safe spaces for cultural learning and community interaction, including areas for living, eating, and socializing.

7. Recommendation: A moratorium and evaluation of discriminatory and problematic programs and policies

Government policy is a key tool for protecting Indigenous children and youth. Programs and policies impacting children and youth must be evaluated to identify and eliminate discriminatory mindsets, policies, and practices. This includes strengthening anti-discrimination laws, adding funding and anti-discrimination clauses to child and family services policies and laws, and implementing preventative measures. Indigenous children and youth should be actively involved in these evaluations.

8. Recommendation: Indigenous youth must have access to family reunification services and supports to transition to adulthood after they age out of child welfare

Indigenous youth must have access to programs to ensure they can successfully reconnect with family and transition into adulthood with stability, cultural identity, and well-being. The report identified two critical supports, family reunification services and post-majority supports, that are either unavailable, inaccessible or underfunded.

Reconnecting with family and community after child welfare should be the youth's choice, but the systems that removed them must take responsibility for facilitating reunification. Reconnecting with family and community should not be at the expense of the youth who were placed in child welfare. There must be supports which fund youth to

visit their communities and traditional territories, (re)connect with their families, and manage the mental impact of this reunification.

The decision to transition into adulthood after child welfare must be made in consultation with the youth, based on their readiness. Comprehensive supports are essential, including a social safety net, access to safe housing, life skills training, financial support, continuous healthcare, education support, and cultural and community reconnection.

9. Recommendation: Youth-led foundation to support youth-led community-based programs and projects

Consistent with Truth and Reconciliation Commission Call to Action 66, Canada must invest in an endowment to establish a foundation led by Indigenous youth in and from care, alongside their allies, with additional funding from public and private donors. The foundation would fund community-based healing and cultural restoration projects and provide emergency financial assistance for youth in urgent situations.

[4]

[4] Fayant and Bach, 34.

Findings from *Accountability in Our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth*[5]

The Assembly of Seven Generations worked with Indigenous young people to discuss what accountability means to them. Indigenous youth chose to use accountability rather than "rights promoter" because Canada is long overdue in honouring inherent Indigenous rights, as demonstrated by generations and over 150 years of reports and recommendations that Indigenous peoples have provided to Canada outlining how to end discrimination and perpetuating harm against Indigenous children and youth.

> "For decades, First Nations have called for Canada to respect the sacredness of their children and youth by upholding the best interests of the child, substantive equality and cultural continuity."[6]

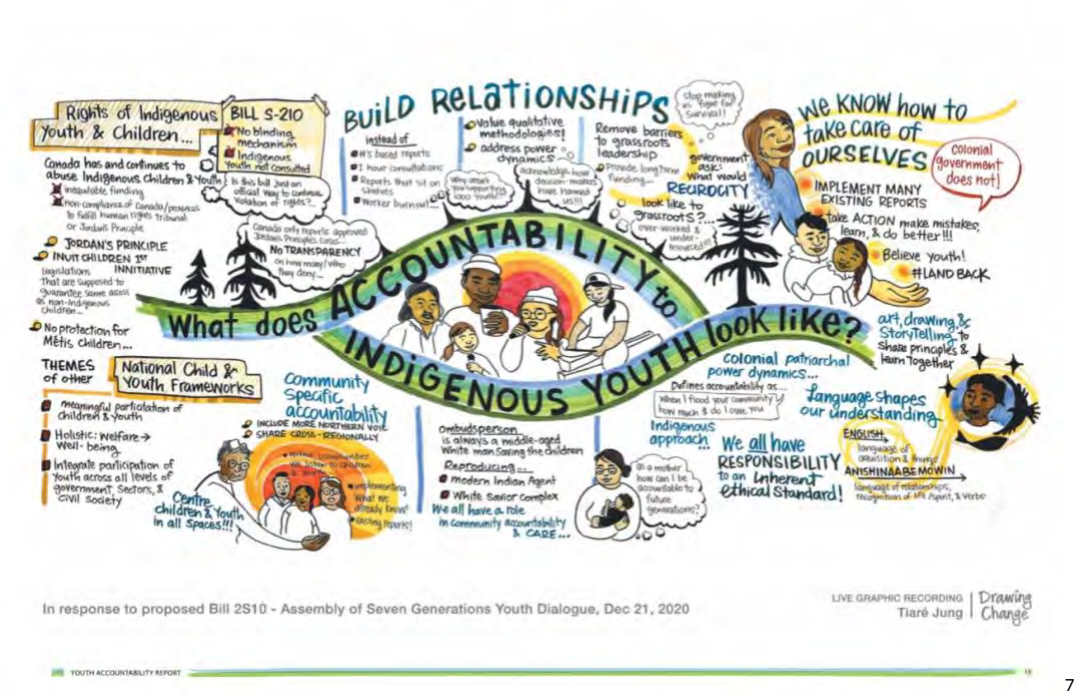
10. Recommendation: Establish an accountability mechanism

An accountability mechanism is urgently needed that includes Indigenous youth, youth-defined values, and reflects Indigenous cultures, languages, and knowledges. Accountability for Indigenous youth means a mechanism that accepts the truths of Indigenous youth and holds perpetrators of harmful behaviours and discrimination accountable. The accountability mechanism must have the authority to issue binding orders against the Canadian government to ensure that discrimination against First Nations children and youth stops and never occurs again.

Indigenous youth defined six determinants of what accountability should look and feel like for them and their communities:

- Responsibility
- Safety
- Respect
- Reciprocity
- Relational
- Integrity

[5] Fayant, Gabrielle, and Carrington Christmas. Accountability in Our Lifetime: A Call to honour the Rights of Indigenous Children and Youth. February 2021. https://www.a7g.ca/uploads/9/9/9/1/99918202/accountability_in_our_lifetime.pdf.
[6] Fayant and Christmas, 4.



[7]

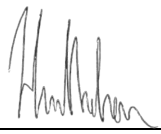
[8]

[7] Fayant and Christmas, 15.
[8] Fayant and Bach, 31.

Conclusion

A7G is honoured to contribute to the long-term reform of FNCFS, alongside First Nations youth, Elders, knowledge keepers, leaders and experts, to end Canada's discrimination now and forever. These ten recommendations reflect a shared vision: that this will be the last generation of First Nations youth that will have to fight for accountability and the recognition of their inherent rights.

This is Exhibit "5" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

2022 Reports of the Auditor General of Canada to the Parliament of Canada

Report 8—Emergency Management in First Nations Communities—Indigenous Services Canada

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Introduction

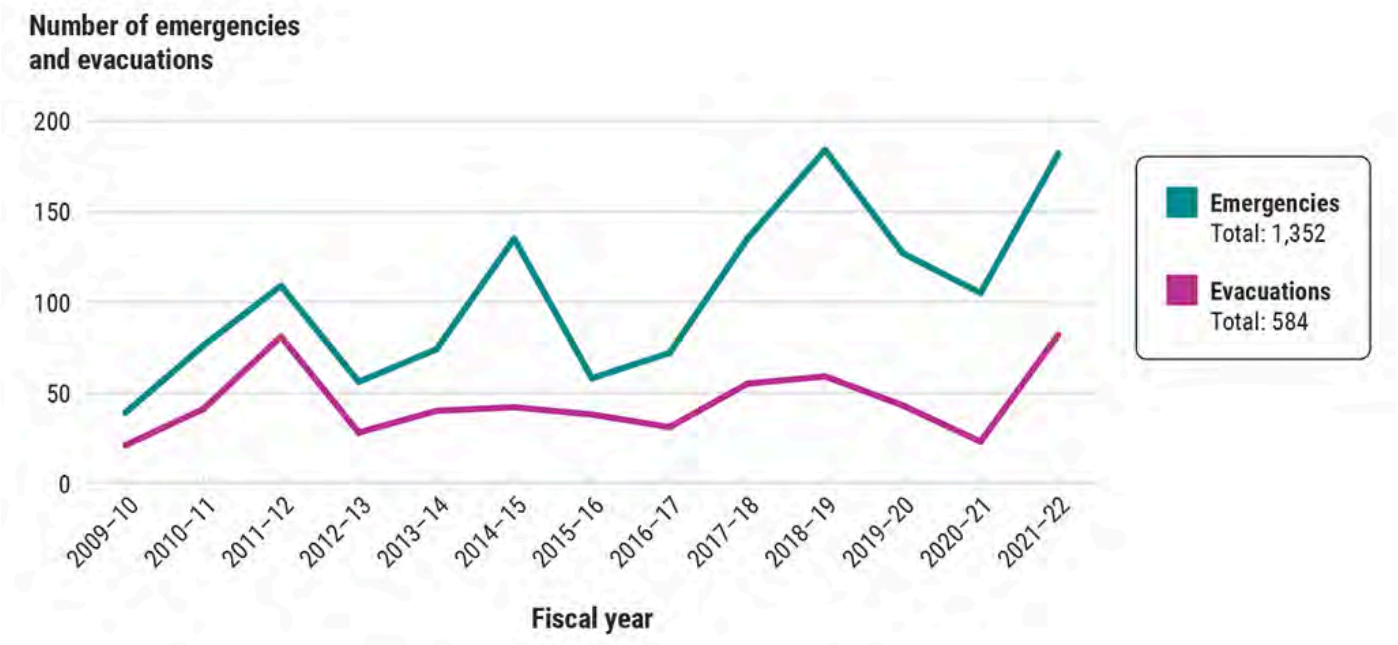
Background

Growing number of emergencies in First Nations communities

8.1 Emergencies such as floods, wildfires, landslides, and severe weather events are happening more often and with greater intensity throughout Canada. These emergencies disproportionately affect First Nations communities—groups of First Nations people living on **reserves** [1]—because of their relative remoteness and socio-economic circumstances. In addition, many First Nations communities were relocated from their traditional lands to flood- and wildfire-prone areas. First Nations communities are also more likely to be evacuated than non-Indigenous communities.

8.2 Over the last 13 years, First Nations communities experienced more than 1,300 emergencies leading to more than 580 evacuations affecting more than 130,000 people. Some of these people were evacuated more than once for different emergencies (Exhibit 8.1).

Exhibit 8.1—The number of emergencies and evacuations in First Nations communities (2009–10 to 2021–22 fiscal years)



Note: The data for emergencies covers floods, wildfires, landslides, and severe weather events.

Source: Indigenous Services Canada's Incident Database

▼ **Exhibit 8.1—text version**

This line graph shows the number of emergencies and evacuations in First Nations communities for the 2009–10 to 2021–22 fiscal years. During this period, there were 1,352 emergencies and 584 evacuations. The number of emergencies and evacuations by fiscal year are as follows.

Fiscal year	Emergencies	Evacuations
2009–10	39	21
2010–11	76	41
2011–12	109	81
2012–13	56	28
2013–14	74	40
2014–15	135	42
2015–16	58	38
2016–17	72	31
2017–18	135	55
2018–19	184	59
2019–20	127	43
2020–21	105	23
2021–22	182	82

8.3 The number of emergencies and evacuations is expected to keep growing across Canada because of the effects of climate change. In An Emergency Management Framework for Canada (2007), the federal government committed to improving its understanding of risk and to taking more actions to help all communities across Canada prepare for and mitigate the impact of emergencies.

Roles and responsibilities

8.4 **First Nations communities.** First Nations communities are responsible for using local resources to prepare for and respond to emergencies. If the situation is beyond the community's capacity to respond, it can ask for help from the federal government, provincial governments, and non-governmental organizations, such as the Canadian Red Cross.

8.5 **Indigenous Services Canada.** The department is responsible for ensuring that First Nations communities receive emergency management services, including emergency planning, flooding prevention (such as sandbagging), and wildfire suppression. During an emergency, the department is also responsible for providing advice and support as requested by the affected First Nation and province.

8.6 The department does not provide direct emergency response services to First Nations communities. The department negotiates emergency management service agreements with provinces or other service providers, such as the Canadian Red Cross, to provide emergency services in First Nations communities. These agreements are intended to clarify roles and responsibilities, support preparedness training and capacity building, and ensure that First Nations receive coordinated emergency response and recovery services.

8.7 Over the last 4 fiscal years (2018–19 to 2021–22), Indigenous Services Canada spent about $828 million on emergency management supports for First Nations communities:

- About $754 million was provided through the Emergency Management Assistance Program, which reimburses First Nations, provinces, and other service providers for the costs of responding to emergencies in First Nations communities. The program also funds First Nations to help them prepare for and mitigate emergencies through activities such as developing community risk assessments and community emergency management plans, flood mapping, and training.
- About $74 million was provided through the First Nation Infrastructure Fund, which funds infrastructure projects in First Nations communities, including mitigation projects, such as building culverts and dikes, to reduce the impact of emergencies.

8.8 The federal government has emphasized the importance of reconciliation and the renewal of a nation-to-nation relationship between Canada and Indigenous communities that is based on the recognition of Indigenous rights, respect, cooperation, and partnership. As part of the reconciliation process that the federal government has begun with Indigenous peoples, Indigenous Services Canada has committed to working in partnership with First Nations to transfer services to them.

Focus of the audit

8.9 This audit focused on whether Indigenous Services Canada provided the emergency management support needed by First Nations communities. We examined the department's activities related to floods, wildfires, landslides, and severe weather events because these are the most prevalent types of emergencies affecting First Nations communities. Our audit looked at First Nations communities in the provinces and not in the territories because almost all on-reserve First Nations communities are located in the provinces.

8.10 This audit is important because emergencies have significant health, environmental, and economic effects on the people affected, ranging from psychosocial trauma to lost economic opportunities. Once emergencies and evacuations are over, their effects continue to be felt by communities because it can take years to fully restore services and infrastructure.

8.11 More details about the audit objective, scope, approach, and criteria are in **About the Audit** at the end of this report.

Findings and Recommendations

Overall message

8.12 Overall, Indigenous Services Canada did not provide the support First Nations communities needed to manage emergencies such as floods and wildfires, which are happening more often and with greater intensity.

8.13 We found that the department's actions were more reactive than preventative, despite First Nations communities identifying many infrastructure projects to mitigate the impact of emergencies. The department had a backlog of 112 of these infrastructure projects that it had determined were eligible but that it had not funded. The department is also spending 3.5 times more money on responding to and recovering from emergencies than on supporting the communities to prevent or prepare for them. Until these projects are completed, First Nations communities are likely to continue to experience emergencies that could be averted by investing in the right infrastructure.

8.14 Many issues have not improved since we first identified them in our 2013 audit of emergency management on reserves. For example, Indigenous Services Canada still had not identified which First Nations communities were the least likely to be able to manage emergencies. Doing so would allow the department to target investments in these communities, such as building culverts and dikes to prevent seasonal floods, and to help avoid some of the costs of responding to and recovering from emergencies.

8.15 The department also did not know whether First Nations received services that were culturally appropriate and comparable to emergency services provided in municipalities of similar size and circumstance because it did not identify or consistently monitor the services or level of services to be provided to First Nations.

Preparing for and mitigating emergencies

Indigenous Services Canada did not meet First Nations' needs in preparing for and mitigating emergencies

What we found

8.16 We found that Indigenous Services Canada spent 3.5 times more on responding to emergencies than on supporting First Nations communities to prepare for them. We also found that the department had not addressed problems with preparedness and mitigation that we identified almost a decade ago, when we audited this topic in 2013. For example, the department did not conduct a risk assessment to identify the First Nations communities most vulnerable to emergencies. The department did not update outdated departmental and regional emergency management plans or develop regional emergency management plans in 3 of its regions.

8.17 We found that funding for structural mitigation projects identified by First Nations did not meet First Nations' needs. The department determined that there were 112 projects eligible for funding, but they were still unfunded. The department told us that it had insufficient funding to cover all eligible structural mitigation projects. First Nations communities are likely to continue to experience emergencies that could be prevented or mitigated by building the infrastructure.

8.18 We also found that capacity needs of First Nations communities were not identified. For example, although the department provided funding to First Nations for about 190 full-time or part-time **emergency management coordinators** [2], it did not know how many more were needed for First Nations to have the capacity to manage emergencies.

8.19 The analysis supporting this finding discusses the following topics:

- Highest-risk First Nations communities not identified or prioritized for resources
- First Nations' structural mitigation needs not met
- Non-existent or out-of-date departmental emergency management plans
- First Nations' emergency management coordinator needs not identified

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Why this finding matters

8.20 This finding matters because it is likely that Indigenous Services Canada is incurring significant costs to respond to—and help First Nations communities recover from—emergencies that could have been mitigated or avoided. First Nations will continue to be more vulnerable to emergencies if they are not adequately supported to prepare for and mitigate emergencies.

8.21 First Nations are the first line of defence until help can come from provincial or other service providers, and so addressing capacity gaps is critical. Local community members are also well positioned to manage emergencies in their communities because of their familiarity with the land and knowledge of traditional practices. Building local capacity should improve preparedness, reduce the impact of emergencies, and enhance the long-term resilience of communities.

Context

8.22 Preparedness and mitigation activities are proactive actions that can prevent or reduce the impact of emergencies. For example, clearing vegetation by removing branches and trees can prevent or reduce the intensity and spread of wildfires. Studies point to the fact that it is more cost-effective to spend money on mitigation and preparedness efforts than to respond to emergencies when they occur. Indigenous Services Canada supports First Nations in implementing both infrastructure and non-infrastructure mitigation projects.

8.23 Under the *Emergency Management Act* (2007), the Minister of Indigenous Services is responsible for identifying risks that are within or related to the Minister's area of responsibility, including those related to critical infrastructure. Under the act and the 2009 Federal Policy for Emergency Management, ministers are required to prepare emergency management plans with regard to those risks and to maintain, test, and implement the plans.

8.24 To meet this requirement, Indigenous Services Canada developed the 2017 National On-Reserve Emergency Management Plan. This departmental plan requires its regional offices to develop, update, test, and implement regional emergency management plans. According to the department, these regional plans are important for a number of reasons, including because they are intended to reflect regional variations in approaches to emergency management and specific risks related to the type of emergencies in the region.

8.25 Our 2013 audit of emergency management on reserves, and Indigenous Services Canada's 2013 and 2017 internal audits of the Emergency Management Assistance Program, identified problems with how the department manages preparedness and mitigation activities. These audits found that the department's failure to implement a risk-based approach limited its ability to plan and strategically invest in First Nations mitigation and preparedness activities. These earlier audits also found that the department's regional emergency management plans either did not exist or were out of date.

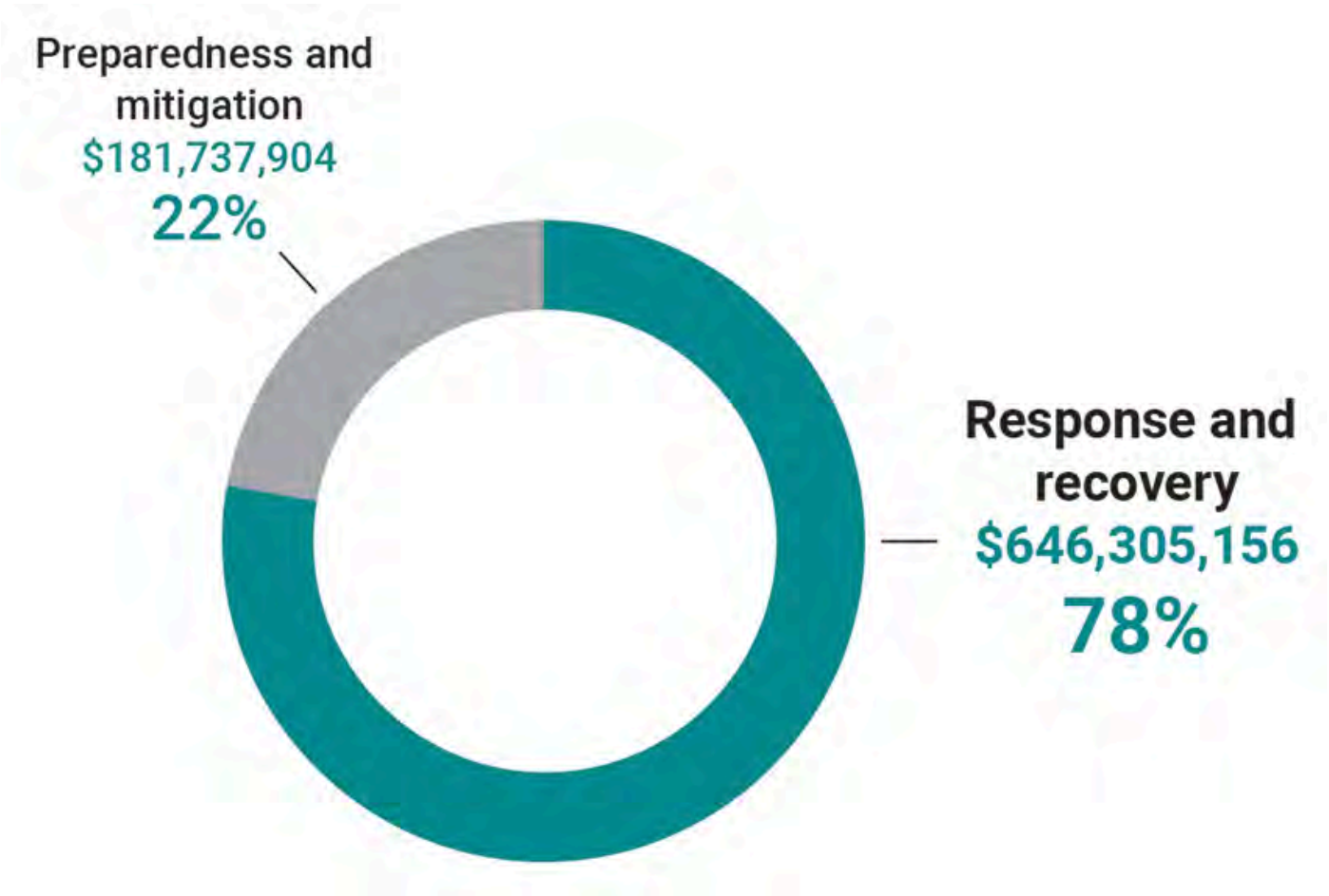
Analysis to support this finding

Highest-risk First Nations communities not identified or prioritized for resources

8.26 According to Public Safety Canada's 2019 Emergency Management Strategy for Canada, for every $1 invested in preparedness and mitigation, $6 can be saved in emergency response and recovery costs. Indigenous Services Canada recognizes that greater investments in preparedness and mitigation initiatives reduce the impact of emergencies for First Nations communities.

8.27 While Indigenous Services Canada's spending on preparedness and mitigation increased from the 2018–19 to 2021–22 fiscal years, we found that its total spending on response and recovery activities in that period ($646 million) was 3.5 times its spending on preparedness and mitigation activities ($182 million) (Exhibit 8.2).

Exhibit 8.2—Indigenous Services Canada spent 3.5 times more on response and recovery activities than on preparedness and mitigation activities (2018–19 to 2021–22 fiscal years)



Source: Based on financial data provided by Indigenous Services Canada

▼ **Exhibit 8.2—text version**

This donut chart shows the amount of money that Indigenous Services Canada spent on response and recovery activities and on preparedness and mitigation activities from the 2018–19 to 2021–22 fiscal years.

During this period, the department spent $646,305,156, or 78%, on response and recovery and $181,737,904, or 22%, on preparedness and mitigation. The department thus spent 3.5 times more money on response and recovery activities than on preparedness and mitigation activities.

8.28 To target funding effectively, Indigenous Services Canada must understand the risks facing First Nations communities. We found that the department did not implement a risk-based approach to manage emergencies as required under the *Emergency Management Act* and the 2009 Federal Policy for Emergency Management. This finding was identified in our 2013 audit and in the department's 2013 and 2017 internal audits. A risk-based approach involves identifying, analyzing, and evaluating risks in First Nations communities, as well as determining the actions needed to address these risks. A comprehensive understanding of risks can help

reduce the likelihood and impact of emergencies by allowing the department to make informed decisions on program planning and where to invest in preparedness and mitigation activities.

8.29 We found that Indigenous Services Canada did not use information about the risks faced by First Nations and the capacity of First Nations to respond to emergencies. The department provides funding for First Nations communities to develop community vulnerability assessments and emergency management plans. These assessments and plans are important because they help First Nations prepare for and mitigate emergencies by identifying risks and outlining how they will be managed. Department officials told us that, in the spirit of supporting First Nations self-governance, they did not require First Nations to provide this information to the department. In our view, this information would allow the department to target its preparedness and mitigation funds to the communities with the greatest need.

8.30 We also found that Indigenous Services Canada did not make use of data or information from other sources to identify First Nations communities at the highest risk of not being able to manage emergencies, such as

- the Indigenous Emergency Management Capability Inventory, led by Public Safety Canada and the Assembly of First Nations
- Crown-Indigenous Relations and Northern Affairs Canada's climate vulnerability assessments

8.31 The department's preparedness and mitigation programs are proposal-based. This approach allows First Nations to identify the activities that they believe are the most impactful. However, this approach does not ensure that First Nations at the highest risk of experiencing emergencies receive funding, since not all First Nations communities have the capacity to apply for funding. For example, between the 2018–19 and 2021–22 fiscal years, 13 First Nations communities were evacuated 3 or more times. We found that 4 of these 13 communities did not apply for funding for non-structural mitigation and preparedness—such as flood mapping and emergency management training. It was unclear to us why these communities did not apply for funding despite being highly affected by emergencies. As a result, the department may not have been funding the communities that needed it the most.

8.32 **Recommendation.** Indigenous Services Canada should work with First Nations to implement a risk-based approach to inform program planning and decisions on where to invest in preparedness and mitigation activities to maximize support to communities at highest risk of being affected by emergencies.

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

First Nations' structural mitigation needs not met

8.33 The First Nation Infrastructure Fund has, until March 2024, a dedicated annual budget of $12 million to fund structural mitigation projects. These projects are aimed at preventing or reducing the impact of emergencies, such as by building culverts and dikes to prevent seasonal floods. In addition, the department can use infrastructure funds outside this dedicated budget when these funds are available. We found that from the 2018–19 to 2021–22 fiscal years, Indigenous Services Canada spent $73.9 million on structural mitigation projects in First Nations communities.

8.34 We found that 102 structural mitigation projects were either completed (58) or in progress (44). We also examined the department's database to determine the status of project proposals submitted by First Nations to mitigate the impact of emergencies. We found that the department had a backlog of 72 structural mitigation project proposals that it had not yet reviewed to determine whether they were eligible for funding. The majority (65%, or 47 of the 72) of these unreviewed project proposals were submitted between the 2018–19 and 2021–22 fiscal years.

8.35 Furthermore, the department determined that an additional 112 projects were eligible but did not fund them. As of April 2022, 74 of the 112 eligible projects had been in the department's backlog for more than 5 years, and 4 had been eligible and in the backlog for nearly a decade (Exhibit 8.3 and Exhibit 8.4). The department estimated that these 112 projects had a total cost of at least $291 million. We noted that this was an underestimate because 43 of the 112 projects did not have an associated cost. According to the department, no action was taken on these projects because of funding shortfalls. With the current First Nation Infrastructure Fund annual budget of $12 million, it would take over 24 years for the department to fund these projects—setting aside the projects that had not been costed and any new proposals. As a result, First Nations communities are likely to continue to experience emergencies that could be prevented or mitigated by building the infrastructure. Exhibit 8.5 provides an example of an affected community.

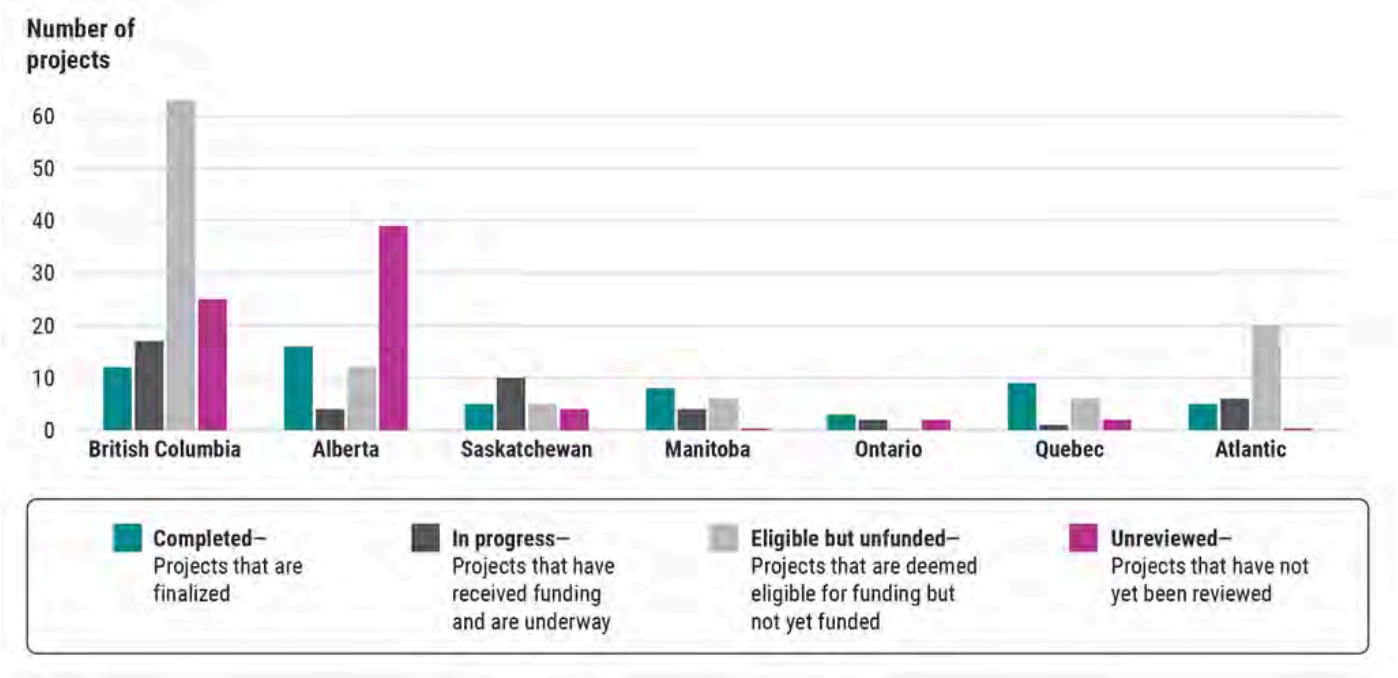
Exhibit 8.3—As of April 2022, 39% of structural mitigation projects were eligible but waiting for funding

Project status	Number (percentage *) of structural mitigation projects
Completed	58 (20%)
In progress	44 (15%)
Eligible but unfunded	**112 (39%)**
Unreviewed	72 (25%)
Total	**286**

* Because of rounding, percentages do not total 100.

Source: Based on information provided by Indigenous Services Canada

Exhibit 8.4—The greatest unmet structural mitigation needs were in British Columbia and Alberta



Source: Based on information provided by Indigenous Services Canada

▼ **Exhibit 8.4—text version**

This bar chart shows the number of structural mitigation projects in each region by status. A project can have one of the following statuses:

- completed, which means projects that are finalized
- in progress, which means projects that have received funding and are underway
- eligible but unfunded, which means projects that are deemed eligible for funding but not yet funded
- unreviewed, which means projects that have not yet been reviewed

The greatest unmet structural mitigation needs were in British Columbia and Alberta.

The number of projects by region and status is as follows.

Region	Completed	In progress	Eligible but unfunded	Unreviewed
British Columbia	12	17	63	25
Alberta	16	4	12	39
Saskatchewan	5	10	5	4
Manitoba	8	4	6	0
Ontario	3	2	0	2
Quebec	9	1	6	2
Atlantic	5	6	20	0

Exhibit 8.5—First Nations homes were damaged while a community waited for funding for a project to address flooding risk

Indian Island First Nation in New Brunswick experienced 9 floods, 2 severe weather events, and 1 wildfire between the 2009–10 and 2021–22 fiscal years.

In 2015, the community submitted a proposal to Indigenous Services Canada to raise 9 homes above flood levels to mitigate the impact of flooding in the community. While Indigenous Services Canada determined that this proposal was eligible for funding in 2015, according to the department, it could not fund the proposal because of funding shortfalls. The department was unable to provide us with the estimated cost of this proposal.

In April 2018, the community experienced flooding that damaged homes and led to a partial evacuation. As a result of this flood, the department estimated it would cost about $1.7 million in recovery funding for the First Nation to repair, rebuild, and raise about 15 homes. According to the department, as of April 2022, the work on these homes was still underway. The damage to people's homes and the disruption to their lives caused by this emergency might have been mitigated or averted had the department funded the community's proposal.

8.36 **Recommendation.** Indigenous Services Canada should work with First Nations communities to address the backlogs of eligible but unfunded structural mitigation projects and of unreviewed structural mitigation projects to effectively allocate resources to reduce the impact of emergencies on First Nations communities.

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

Non-existent or out-of-date departmental emergency management plans

8.37 We found that Indigenous Services Canada did not have an updated emergency management plan as required under the *Emergency Management Act*. Public Safety Canada's guidance recommends that departments update their emergency management plans every 2 years or following important changes to mandates or roles and responsibilities. The department's current emergency management plan, finalized in June 2017, had not been updated to reflect the department's current mandate and approach to working with First Nations. Departmental plans are important for clarifying roles and responsibilities and setting the course of action for helping First Nations manage the growing risks related to emergencies.

8.38 The department also requires each of its regions to develop a region-specific emergency management plan and update it at least every 2 to 5 years depending on the region. We found that only 4 of the 7 regions developed regional emergency management plans. Of these 4 regional plans, all were outdated, and none aligned with the department's emergency management plan. Similar findings were identified in our 2013 audit and in the department's 2013 and 2017 internal audits.

8.39 **Recommendation.** Indigenous Services Canada should, on the basis of an assessment of risks, regularly update outdated departmental and regional emergency management plans and take immediate action to develop regional emergency

management plans for the 3 regions that do not have them. These plans should be used to make informed decisions and take concrete actions to assist First Nations communities with managing the risks related to emergencies.

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

First Nations' emergency management coordinator needs not identified

8.40 Indigenous Services Canada received $43.6 million over 5 fiscal years (2019–20 to 2023–24) to build emergency management capacity in First Nations and will receive $13 million annually starting in the 2024–25 fiscal year. Since 2019, the Emergency Management Assistance Program has focused on addressing capacity gaps in First Nations communities by providing funding to First Nations to hire emergency management coordinators. The department does not directly hire these individuals. Emergency management coordinators work in First Nations communities, for tribal councils representing several First Nations communities, or for First Nations organizations.

8.41 We found that from the 2019–20 to 2021–22 fiscal years, Indigenous Services Canada provided a total of $26.9 million to First Nations communities and organizations for about 190 full-time or part-time emergency management coordinators. However, the department did not identify how many additional emergency management coordinators were needed by First Nations.

8.42 **Recommendation.** Indigenous Services Canada, in collaboration with First Nations, should determine how many emergency management coordinator positions are required and allocate funding for these positions on the basis of risk and need to ensure that First Nations have sustained capacity to manage emergencies.

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

Responding to emergencies

Indigenous Services Canada did not ensure response services met the needs of First Nations communities

What we found

8.43 We found that Indigenous Services Canada did not ensure that emergency services met the needs of First Nations communities. The department did not establish emergency service agreements that covered all First Nations communities. We also found that the department did not know whether First Nations received services that were culturally appropriate and comparable to services provided in municipalities of similar size and circumstance because it did not define or consistently monitor the services or level of services to be provided to First Nations.

In addition, the department had not established multilateral emergency management service agreements between it, First Nations, and provinces or other service providers.

8.44 We also found that the department did not address issues identified after evacuations, including improving access to essential services like mental health supports and health care. The department also did not integrate the impact on marginalized groups, including Indigenous elders, women, and youth, into how emergency services were planned and delivered in First Nations communities.

8.45 The analysis supporting this finding discusses the following topics:

- Not all First Nations communities covered by emergency management service agreements
- Some evacuation needs not met
- Lack of knowledge of whether emergency management commitments are being met
- Impact on marginalized groups not integrated into program delivery

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Why this finding matters

8.46 This finding matters because the lack of service agreements in provinces increases the risk that some First Nations communities will not receive emergency services when they need them the most. Not having service agreements can also create ambiguity and confusion between the various stakeholders about their roles and responsibilities and can lead to delays in First Nations receiving supports during an emergency. Timely response is critical during emergencies because human lives and infrastructure are at risk.

8.47 Agreements need to clearly identify the services and the level of services to be provided, so that First Nations communities receive emergency services that are comparable to non-Indigenous communities and are culturally appropriate. Evacuees need access to essential services, such as mental health supports, health care, security services, and child and family services, for their safety and well-being.

Context

8.48 Indigenous Services Canada's objective is to ensure that First Nations communities have access to emergency services that are comparable to those available to non-Indigenous communities. The department does this by negotiating emergency management service agreements with provincial governments and other service providers, like the Canadian Red Cross. According to the department, comparable service means comparable to municipalities of similar size and circumstance. In addition, Indigenous Services Canada has committed to providing services in a culturally appropriate manner. Culturally appropriate emergency management services include access to traditional foods, traditional counselling and healing services, and translation services.

8.49 During an emergency, it may become dangerous to stay in the community because of conditions such as rising flood waters or smoke from wildfires. In these situations, the First Nation Chief and Council may decide that it is necessary to evacuate some or all members of the community to protect their health and well-being.

8.50 Evacuations are a critical emergency response service in First Nations communities. According to a 2017 study by Indigenous Services Canada, First Nations communities are about 18 times more likely than non-Indigenous communities to be evacuated during an emergency because of their remoteness, location in fire- and flood-prone areas, aging infrastructure, and challenging socio-economic situations.

8.51 Evacuations involve coordination among a number of parties, including Indigenous Services Canada, provincial or other service providers, First Nations, and the municipalities that often host evacuees. Host communities play an essential role by providing accommodations and services to First Nations evacuees. Evacuees require a range of services, including transportation, food, and health care. Indigenous Services Canada reimburses the costs of evacuations if there is consensus among the department, First Nation, and service provider about the need to evacuate.

Analysis to support this finding

Not all First Nations communities covered by emergency management service agreements

8.52 We found that Indigenous Services Canada did not have service agreements across all jurisdictions with provinces or other service providers to provide emergency services in First Nations communities. The department signed emergency management service agreements in 6 provinces (British Columbia, Alberta, Manitoba, Ontario, Quebec, and Prince Edward Island) and wildfire agreements in 6 provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Quebec). The lack of service agreements in certain provinces increases the risk that some First Nations communities will not receive emergency services when they are most needed. In addition, the lack of agreements can create ambiguity and confusion between the various stakeholders about their roles and responsibilities and lead to delays in First Nations receiving services during an emergency. This issue was identified in our 2013 audit and in the department's 2013 and 2017 internal audits. After almost a decade, many jurisdictions still did not have the emergency management service agreements needed to protect the health and safety of First Nations communities.

8.53 We found that 1 of the 6 wildfire agreements was signed more than 30 years ago and had not been updated since. This agreement may not have reflected changes, such as the increasing costs to deliver services. We also found that 4 of the 6 wildfire agreements did not include all First Nations communities in the relevant province. In some cases, communities were not included in the agreements because of their distance from wildfire suppression resources, such as fire stations. For example, the wildfire agreement between Indigenous Services Canada and Saskatchewan did not include more than half (38 of 70) of the First Nations communities in the province. Consequently, communities that were not included in agreements may not have had access to such services as wildfire suppression.

8.54 We examined the department's progress in establishing multilateral emergency management service agreements. According to Indigenous Services Canada, in recognition of Indigenous peoples' right to self-determination, the department's approach was shifting from bilateral emergency management service agreements between the department and provinces to multilateral agreements that

included First Nations. The intent of these multilateral agreements is to ensure that First Nations are included as full and equal partners in emergency management activities and decisions that affect their communities.

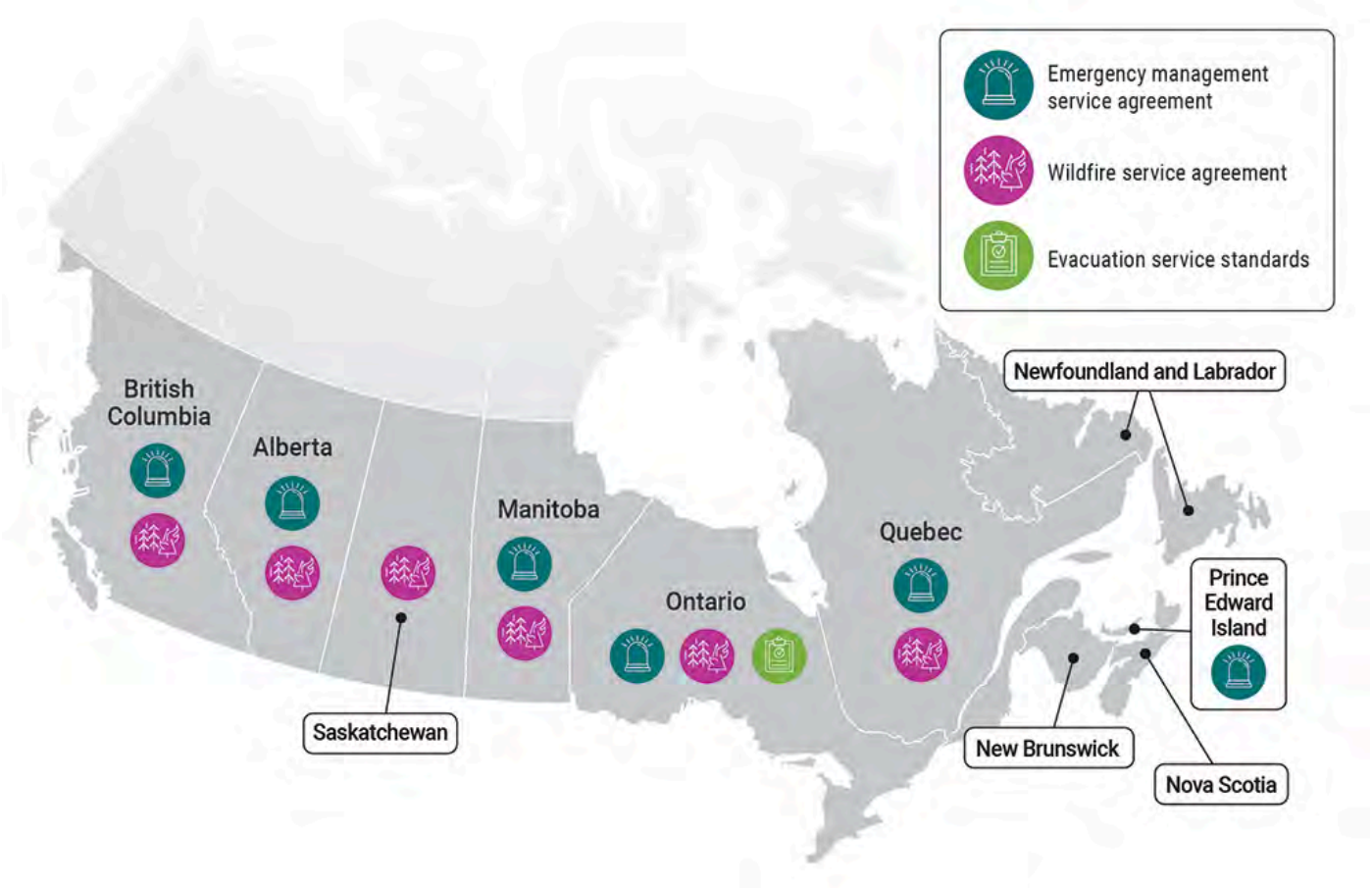
8.55 In Budget 2019, the department was allocated about $1.4 million over 3 years to support First Nations–led engagement on multilateral emergency management service agreements between Indigenous Services Canada, First Nations communities, and provinces or other service providers. As of April 2022, although the department had spent almost $790,000, we found that no multilateral agreements were established. The department told us the lack of progress in establishing these agreements was because the **coronavirus disease (COVID-19)** [3] pandemic made it difficult to engage with First Nations communities, provinces, and other service providers. Our recommendation regarding emergency management service agreements appears at paragraph 8.62.

8.56 While no multilateral emergency service agreements had been established, the department signed 2 arrangements in British Columbia between First Nations, the province, and the department. While these arrangements outlined shared goals and priorities for collaboration, they did not contain provisions for emergency services, which should be in multilateral emergency management service agreements.

Some evacuation needs not met

8.57 We found that Indigenous Services Canada established mutually agreed-upon evacuation service standards with service providers in only 1 province (Exhibit 8.6). These standards provided details not included in the emergency management service agreement between the department and the province. The department and the province of Ontario developed standards for services to First Nations evacuees, including security services, food, child and family services, mental health and health care, emergency clothing, and transportation. The standards also included direction about how to handle specific situations, such as how to evacuate individuals in health-care facilities and long-term care facilities, and the enforcement of court orders.

Exhibit 8.6—Indigenous Services Canada did not establish emergency management service agreements and standards in all provinces



▼ **Exhibit 8.6—text version**

This map of Canada shows in which provinces Indigenous Services Canada established emergency management service agreements, wildfire service agreements, and evacuation service standards.

The department established emergency management service agreements in British Columbia, Alberta, Manitoba, Ontario, Quebec, and Prince Edward Island.

The department established wildfire service agreements in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, and Quebec.

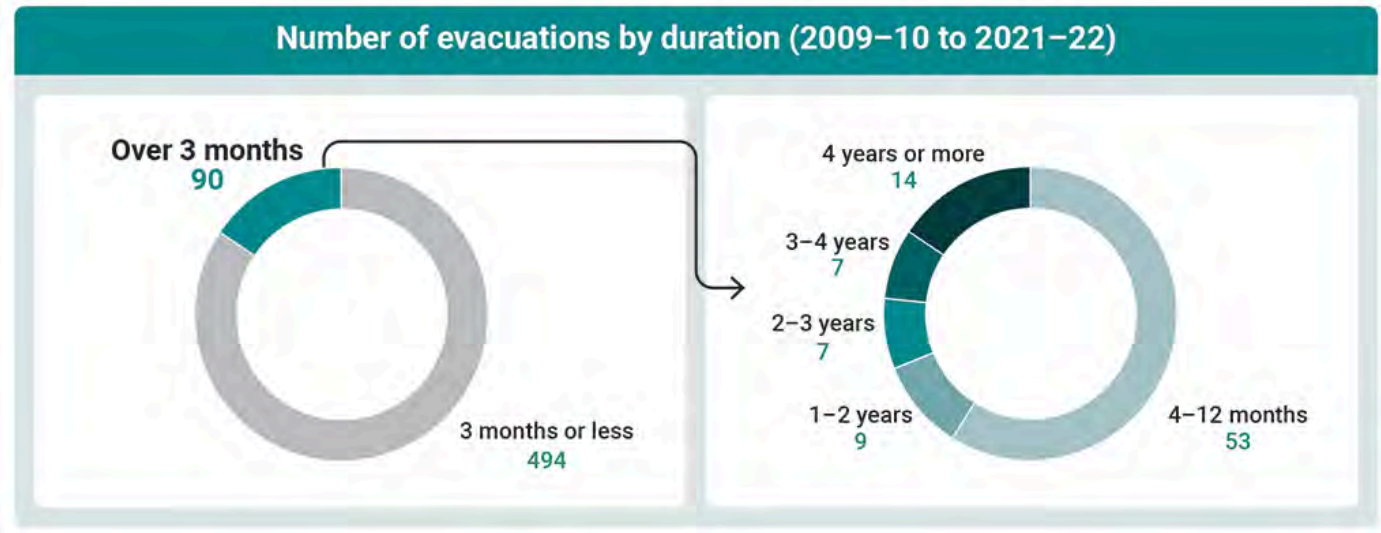
The department established evacuation service standards in Ontario.

8.58 We found that the department did not address issues identified after evacuations, including access during evacuations to essential services, such as mental health, health care, education, and child and family services.

8.59 We found that only 2 of the department's 7 regions had determined the number of evacuees that host communities could accommodate. Not having space available in host communities increases the risk that evacuees will be sent to host communities farther away or in another province, potentially separating families and communities.

8.60 As a result of a number of factors, including the effects of climate change and aging infrastructure, evacuations of First Nations communities are becoming more frequent and longer. We found that between the 2009–10 and 2021–22 fiscal years, 268 communities were evacuated a total of 584 times. While the majority of these evacuations lasted less than a month, about 15% (90) of evacuations were over 3 months long, and some lasted multiple years. Indigenous Services Canada considers an evacuation of more than 3 months to be long-term. The longest evacuation affects members of the Peguis First Nation in Manitoba. In 2011, this community was evacuated because of flooding. Over 10 years later, 86 residents were still unable to return home because of insufficient housing. The longer evacuations lasted, the greater the impact on individuals, families, and the community (Exhibit 8.7).

Exhibit 8.7—Between the 2009–10 and 2021–22 fiscal years, 90 evacuations of First Nations communities lasted longer than 3 months



Note: Indigenous Services Canada considers an evacuation of more than 3 months to be long-term.

Source: Indigenous Services Canada's Incident Database

▼ **Exhibit 8.7—text version**

This donut chart shows the number of evacuations of First Nations communities by duration for the 2009–10 to 2021–22 fiscal years.

During this period, 90 evacuations of First Nations communities lasted for over 3 months, while 494 evacuations lasted for 3 months or less.

Of the 90 evacuations that lasted over 3 months, 53 lasted for 4 to 12 months, 9 lasted for 1 to 2 years, 7 lasted for 2 to 3 years, 7 lasted for 3 to 4 years, and 14 lasted for 4 years or more.

8.61 We found that in April 2020, during the COVID-19 pandemic, Indigenous Services Canada provided Emergency Management Assistance Program funding for First Nations to remain on their land during emergencies rather than evacuate to a host community. This initiative had the dual objective of reducing the negative

impact of evacuations and of reducing potential exposure to the coronavirus. According to the department, funding First Nations to stay on their land is also more cost-effective than evacuating to a host community. This initiative also reduced the need for space in host communities to accommodate evacuees. Exhibit 8.8 provides an example of how a department-funded initiative improved outcomes for members of a community in northern Ontario.

Exhibit 8.8—Indigenous Services Canada funded a cost-effective community-driven initiative for evacuations during the COVID-19 pandemic

Kashechewan First Nation is in northern Ontario on the western coast of James Bay. The on-reserve population in 2019 was 1,825 band members. Kashechewan is a fly-in community without an all-season road. The closest urban community is Timmins, about 460 kilometres away.

Every year since 2012, the community has been evacuated because of flooding or as a precaution because of the risk of spring flooding. Typically, the community was evacuated to host communities in northern Ontario.

In both 2020 and 2021, community members were evacuated because of the risk of flooding. Rather than staying in a host community, the First Nation requested and received funding from Indigenous Services Canada to remain on their land and move to higher ground on their traditional hunting camps. Each of these evacuations lasted about 6 weeks. While they were living on their land, members participated in safe and culturally relevant activities, such as traditional community food harvesting and gathering, intergenerational knowledge sharing, and Indigenous language education.

The cost of the 2 evacuations in 2020 and 2021 was about $140 per person per day compared with about $235 per person per day to evacuate to host communities in 2018 and 2019.

8.62 **Recommendation.** Indigenous Services Canada should, in collaboration with First Nations, provincial governments, and other service providers, ensure that First Nations communities receive the emergency management services they need by

- establishing emergency management service agreements and wildfire agreements in all jurisdictions that include all First Nations
- establishing mutually agreed-upon evacuation service standards in the jurisdictions that lack such standards
- increasing support for First Nations–led approaches to emergency management

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

Lack of knowledge of whether emergency management commitments are being met

8.63 One of Indigenous Services Canada's objectives is to ensure that First Nations have access to emergency services comparable to those available in municipalities of similar size and circumstance in their respective province. The department also aims to provide services that are culturally appropriate. We found that, despite these commitments, the department did not define what comparable meant or include provisions for culturally appropriate services in service agreements. As a result, the department did not know whether it was meeting its commitment to ensure that First Nations communities had access to comparable emergency services and culturally appropriate services.

8.64 We also found that the department did not receive reports on the services provided to First Nations communities for 5 of the 12 service agreements. These reports would inform the department about the services provided to First Nations. The department could also monitor performance through lessons-learned exercises conducted following emergencies to identify areas for improvement. We found that lessons-learned exercises were not completed after each emergency. When they were completed, it was not clear how recommendations were addressed to improve service delivery. Completing lessons-learned exercises following emergencies and addressing deficiencies was a long-standing issue identified in our 2013 audit and the department's 2013 and 2017 internal audits.

8.65 In addition, we found that the department could not assess the contribution of its emergency management responsibilities to achieve the United Nations' Sustainable Development Goals (Exhibit 8.9).

Exhibit 8.9—Performance indicators did not measure progress against the United Nations' Sustainable Development Goals

In September 2015, Canada committed to achieving the United Nations' 2030 Agenda for Sustainable Development. We examined the actions of Indigenous Services Canada in support of 5 of the United Nations' Sustainable Development Goals that are relevant to emergency management. Indigenous Services Canada indicated that its emergency management activities were related to or aligned with Sustainable Development Goals 1, 3, 9, 11, and 13:

- Goal 1—End poverty in all its forms everywhere.
- Goal 3—Ensure healthy lives and promote well-being for all at all ages.
- Goal 9—Build resilient infrastructure, promote sustainable industrialization and foster innovation.
- Goal 11—Make cities inclusive, safe, resilient and sustainable.
- Goal 13—Take urgent action to combat climate change and its impacts.

We found that most of the department's performance indicators tracked spending to measure its progress against the goals. (An indicator is a measure that provides information to monitor, track, and report on performance and progress toward targets. An indicator relies on consistent data collection and is used to measure progress over time against benchmarks or baselines.) Spending is not a good measure because it does not mean that results are being achieved. Without better performance indicators, the department could not assess progress in achieving the Sustainable Development Goals

End poverty in all its forms everywhere.

Source: United Nations [1]

Ensure healthy lives and promote well-being for all at all ages.

Source: United Nations

Build resilient infrastructure, promote sustainable industrialization and foster innovation.

Source: United Nations

Make cities inclusive, safe, resilient and sustainable.

Source: United Nations

Take urgent action to combat climate change and its impacts.

Source: United Nations

8.66 **Recommendation.** Indigenous Services Canada should develop performance indicators to allow the department to measure progress against the United Nations' Sustainable Development Goals and use these indicators to track and report publicly on progress.

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

Impact on marginalized groups not integrated into program delivery

8.67 First Nations communities and populations are often particularly vulnerable to emergencies because of their geographic remoteness, low population density, infrastructure, and socio-economic gaps. Indigenous Services Canada's **gender-based analysis plus** [4] determined that Indigenous elders, women, and youth were even more likely to be negatively affected by emergencies. For example, Indigenous Services Canada identified an increased risk of physical and sexual violence against women during emergencies. We found that the department did not address gender-based analysis plus considerations in how emergency services were planned for and delivered in First Nations communities.

8.68 **Recommendation.** Indigenous Services Canada should, in collaboration with First Nations, provincial governments, and other service providers, ensure that First Nations communities receive the emergency management services they need by

- defining what is meant by comparable services for First Nations in relation to those available to municipalities of similar size and circumstance in each jurisdiction
- monitoring the services provided to First Nations to ensure that they are comparable to services provided to non-Indigenous communities, are culturally appropriate, and address the needs of marginalized groups
- identifying and addressing shortcomings by monitoring emergency management service agreements and conducting lessons-learned exercises

The department's response. Agreed.

See **Recommendations and Responses** at the end of this report for detailed responses.

Conclusion

8.69 We concluded that Indigenous Services Canada did not provide the support First Nations communities needed to manage emergencies such as floods and wildfires. The department did not identify the First Nations communities at the highest risk of not being able to manage emergencies so it could better target funding to build local capacity. It spent 3.5 times more on responding to and recovering from emergencies than on supporting First Nations communities to prevent and prepare for them.

8.70 Indigenous Services Canada did not have service agreements across all jurisdictions with provinces or other service providers to provide emergency services in First Nations communities. Without agreements that cover all First Nations, there is a risk that some communities will not receive the emergency response services they need. In particular, the lack of detailed service standards for evacuations in most provinces increased the risk that essential services, such as mental health supports and health care, were not available during evacuations. Many of our findings were identified almost a decade ago, when we audited this topic in 2013.

About the Audit

This independent assurance report was prepared by the Office of the Auditor General of Canada on the support Indigenous Services Canada provided to First Nations communities to manage emergencies. Our responsibility was to provide objective information, advice, and assurance to assist Parliament in its scrutiny of the government's management of resources and programs, and to conclude on whether Indigenous Services Canada's emergency management support for First Nations communities complied in all significant respects with the applicable criteria.

All work in this audit was performed to a reasonable level of assurance in accordance with the Canadian Standard on Assurance Engagements (CSAE) 3001—Direct Engagements, set out by the Chartered Professional Accountants of Canada (CPA Canada) in the CPA Canada Handbook—Assurance.

The Office of the Auditor General of Canada applies the Canadian Standard on Quality Control 1 and, accordingly, maintains a comprehensive system of quality control, including documented policies and procedures regarding compliance with ethical requirements, professional standards, and applicable legal and regulatory requirements.

In conducting the audit work, we complied with the independence and other ethical requirements of the relevant rules of professional conduct applicable to the practice of public accounting in Canada, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality, and professional behaviour.

In accordance with our regular audit process, we obtained the following from entity management:

- confirmation of management's responsibility for the subject under audit
- acknowledgement of the suitability of the criteria used in the audit
- confirmation that all known information that has been requested, or that could affect the findings or audit conclusion, has been provided
- confirmation that the audit report is factually accurate

Audit objective

The objective of this audit was to determine whether Indigenous Services Canada provided the support First Nations communities needed to manage emergencies.

Scope and approach

This audit examined Indigenous Services Canada's supports to First Nations to manage emergencies related to floods, wildfires, landslides, and severe weather events, as these are the most prevalent types of emergencies affecting First Nations communities. Our audit looked at First Nations communities in the provinces, and not in the territories, because almost all on-reserve First Nations communities are located in the provinces.

The audit focused on Indigenous Services Canada's Emergency Management Assistance Program and the First Nation Infrastructure Fund.

The audit team interviewed responsible Indigenous Services Canada officials at national headquarters and in regional offices and analyzed documents and relevant databases. The audit team met with selected stakeholders, including representatives from First Nations communities and organizations, as well as representatives of provincial governments that act as emergency service providers through agreements with Indigenous Services Canada.

We did not examine the department's supports to help First Nations recover from emergencies through its building back better strategy. As well, we did not examine Indigenous Services Canada's supports to First Nations to manage health emergencies. We also did not audit the performance of non-federal organizations, including provincial governments, First Nations communities and organizations, and non-governmental organizations.

Criteria

We used the following criteria to determine whether Indigenous Services Canada provided the support First Nations communities needed to manage emergencies:

Criteria	Sources

Criteria	Sources
Indigenous Services Canada provides support to First Nations to prepare for and mitigate emergencies affecting First Nations communities.	• *Emergency Management Act* • *Department of Indigenous Services Act* • National On-Reserve Emergency Management Plan, Indigenous and Northern Affairs Canada, 2017 • All Hazards Risk Assessment Methodology Guidelines 2012–2013, Public Safety Canada • Contributions for Emergency Management Assistance for Activities on Reserve, Indigenous Services Canada • Transfer Payment Program Terms and Conditions: Contributions to Support the Construction and Maintenance of Community Infrastructure, Indigenous Services Canada • First Nation Infrastructure Fund Program Guide, Indigenous Services Canada, 2021 • Federal Policy for Emergency Management: Building a Safe and Resilient Canada, Public Safety Canada • Emergency Management Strategy for Canada: Toward a Resilient 2030, Public Safety Canada • Emergency Management Planning Guide 2010–2011, Public Safety Canada • Transforming Our World: The 2030 Agenda for Sustainable Development, United Nations • Canada's Federal Implementation Plan for the 2030 Agenda • *Canadian Gender Budgeting Act* • Guidance for Drafters of Treasury Board Submissions, Treasury Board of Canada Secretariat
Indigenous Services Canada provides support to First Nations communities to build their capacity to manage emergencies.	• *Department of Indigenous Services Act* • National On-Reserve Emergency Management Plan, Indigenous and Northern Affairs Canada • Contributions for Emergency Management Assistance for Activities on Reserve, Indigenous Services Canada • *Canadian Gender Budgeting Act* • Guidance for Drafters of Treasury Board Submissions, Treasury Board of Canada Secretariat

Criteria	Sources
Indigenous Services Canada ensures that First Nations communities have access to emergency services that are comparable to those of non-Indigenous communities.	• *Emergency Management Act* • *Department of Indigenous Services Act* • National On-Reserve Emergency Management Plan, Indigenous and Northern Affairs Canada • Contributions for Emergency Management Assistance for Activities on Reserve, Indigenous Services Canada • Transforming Our World: The 2030 Agenda for Sustainable Development, United Nations • Canada's Federal Implementation Plan for the 2030 Agenda • *Canadian Gender Budgeting Act* • Guidance for Drafters of Treasury Board Submissions, Treasury Board of Canada Secretariat
Indigenous Services Canada has made progress in establishing multilateral emergency management service agreements.	• *Emergency Management Act* • *Department of Indigenous Services Act* • Government of Canada Response to the Standing Committee on Indigenous and Northern Affairs: From the Ashes: Reimagining Fire Safety and Emergency Management in Indigenous Communities • Departmental Plan 2020–21, Indigenous Services Canada • Transforming Our World: The 2030 Agenda for Sustainable Development, United Nations • Canada's Federal Implementation Plan for the 2030 Agenda • *Canadian Gender Budgeting Act* • Guidance for Drafters of Treasury Board Submissions, Treasury Board of Canada Secretariat
Indigenous Services Canada ensures that evacuation services provided to First Nations communities are adequate and that evacuees are returned to their home communities in a timely manner.	• *Department of Indigenous Services Act* • Contributions for Emergency Management Assistance for Activities on Reserve, Indigenous Services Canada • National On-Reserve Emergency Management Plan, Indigenous and Northern Affairs Canada • Building Back Better: Emergency Management Assistance Program Strategy Guide, Indigenous Services Canada • Departmental Plan 2019–20, Indigenous Services Canada • Departmental Plan 2020–21, Indigenous Services Canada • *Canadian Gender Budgeting Act* • Guidance for Drafters of Treasury Board Submissions, Treasury Board of Canada Secretariat

Period covered by the audit

The audit covered the period from 1 April 2018 to 31 March 2022. This is the period to which the audit conclusion applies. However, to gain a more complete understanding of the subject matter of the audit, we also examined certain matters that preceded the start date of this period.

Date of the report

We obtained sufficient and appropriate audit evidence on which to base our conclusion on 30 August 2022, in Ottawa, Canada.

Audit team

This audit was completed by a multidisciplinary team from across the Office of the Auditor General of Canada led by Glenn Wheeler, Principal. The principal has overall responsibility for audit quality, including conducting the audit in accordance with professional standards, applicable legal and regulatory requirements, and the office's policies and system of quality management.

Recommendations and Responses

In the following table, the paragraph number preceding the recommendation indicates the location of the recommendation in the report.

Recommendation	Response
8.32 Indigenous Services Canada should work with First Nations to implement a risk-based approach to inform program planning and decisions on where to invest in preparedness and mitigation activities to maximize support to communities at highest risk of being affected by emergencies.	**The department's response.** Agreed. In collaboration with First Nations, Indigenous Services Canada is committed to implement a risk-based approach to inform funding decisions. Targeted investments by the department will consider, as it has to date, the communities' willingness, readiness and interest in undertaking emergency preparedness activities by empowering First Nations to take the lead in preparing for and managing emergencies. The department is committed to support First Nations in their endeavours to identify their unique communities' level of risk and priorities to seek funding from the department to enhance emergency preparedness.
8.36 Indigenous Services Canada should work with First Nations communities to address the backlogs of eligible but unfunded structural mitigation projects and of unreviewed structural mitigation projects to effectively allocate resources to reduce the impact of emergencies on First Nations communities.	**The department's response.** Agreed. Indigenous Services Canada is currently working with First Nations to identify the infrastructure gap, which includes structural mitigation needs. The department will support First Nations to work toward closing that gap in the long term. In addition, the department is committed to work with First Nations, as well as collaborate with central agencies, other government departments, and all levels of government to leverage partnership opportunities and explore alternate financing options to meet the needs of First Nations in structural mitigation while working toward the transfer of infrastructure services.
8.39 Indigenous Services Canada should, on the basis of an assessment of risks, regularly update outdated departmental and regional emergency management plans and take immediate action to develop regional emergency management plans for the 3 regions that do not have them. These plans should be used to make informed decisions and take concrete actions to assist First Nations communities with managing the risks related to emergencies.	**The department's response.** Agreed. Indigenous Services Canada, in collaboration with First Nations, will proceed to review and update the department's national Emergency Management Plan and regional plans and will develop customized regional emergency management plans based on an assessment of risks.

Recommendation	Response
8.42 Indigenous Services Canada, in collaboration with First Nations, should determine how many emergency management coordinator positions are required and allocate funding for these positions on the basis of risk and need to ensure that First Nations have sustained capacity to manage emergencies.	**The department's response.** Agreed. Indigenous Services Canada is committed to work in partnership with First Nations to build emergency management capacity. The department also agrees that funding for emergency management positions, provided through the Emergency Management Assistance Program's capacity enhancement funding stream, should be expanded. Emergency management coordinators, of which the department currently funds 196 full- or part-time positions across the country, provide First Nations with valuable emergency preparedness and planning capacity. The department is diligently working to secure additional funding to provide more positions to First Nations communities.
8.62 Indigenous Services Canada should, in collaboration with First Nations, provincial governments, and other service providers, ensure that First Nations communities receive the emergency management services they need by • establishing emergency management service agreements and wildfire agreements in all jurisdictions that include all First Nations • establishing mutually agreed-upon evacuation service standards in the jurisdictions that lack such standards • increasing support for First Nations–led approaches to emergency management	**The department's response.** Agreed. Indigenous Services Canada is committed to work in partnership with First Nations and emergency management partners to establish comprehensive emergency management service agreements.
8.66 Indigenous Services Canada should develop performance indicators to allow the department to measure progress against the United Nations' Sustainable Development Goals and use these indicators to track and report publicly on progress.	**The department's response.** Agreed. Indigenous Services Canada agrees that certain performance indicators could be improved to better measure progress against the United Nations' Sustainable Development Goals. Moving forward, the department will ask its programs that use performance indicators related to emergency management to review and consider revising how they measure progress against the Sustainable Development Goals. The review process should involve programs analyzing both the federal and departmental sustainable development strategies as well as the Sustainable Development Goal targets to understand how the programs could best measure progress and to identify which performance indicators should be utilized to do so. The Government of Canada also reports on progress made to achieve the Sustainable Development Goals domestically and uses performance indicators from the Canadian Indicator Framework (see Taking Action Together— Canada's 2021 Annual Report on the 2030 Agenda and the Sustainable Development Goals). The department supports this whole-of-government process by providing information on relevant departmental actions and initiatives that contribute to the Sustainable Development Goals.

Recommendation	Response
8.68 Indigenous Services Canada should, in collaboration with First Nations, provincial governments, and other service providers, ensure that First Nations communities receive the emergency management services they need by • defining what is meant by comparable services for First Nations in relation to those available to municipalities of similar size and circumstance in each jurisdiction • monitoring the services provided to First Nations to ensure that they are comparable to services provided to non-Indigenous communities, are culturally appropriate, and address the needs of marginalized groups • identifying and addressing shortcomings by monitoring emergency management service agreements and conducting lessons-learned exercises	**The department's response.** Agreed. Indigenous Services Canada is committed to work in partnership with First Nations and emergency management partners to establish comprehensive emergency management service agreements that will define comparability of services and monitoring and reporting components to identify and address shortcomings for continuous improvement.

Definitions:

1 **Reserve**—Based on the definition in the *Indian Act*, a tract of land that is vested in His Majesty and has been set apart for the use and benefit of a First Nation.

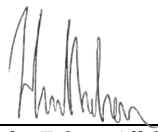
2 **Emergency management coordinators**—Staff who develop and maintain emergency management plans, manage and coordinate emergency management training, provide support in response and recovery after an incident, and maintain relationships with the community, tribal councils, government agencies, and non-governmental organizations.

3 **Coronavirus disease (COVID-19)**—The disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

4 **Gender-based analysis plus**—An analytical process that provides a rigorous method to assess systemic inequalities, as well as a way to assess how diverse groups of women, men, and gender-diverse people may experience policies, programs, and initiatives. The "plus" acknowledges that gender-based analysis goes beyond biological (sex) and socio-cultural (gender) differences and considers other identity factors, such as race, ethnicity, religion, age, and mental or physical ability.

Source: Adapted from Women and Gender Equality Canada

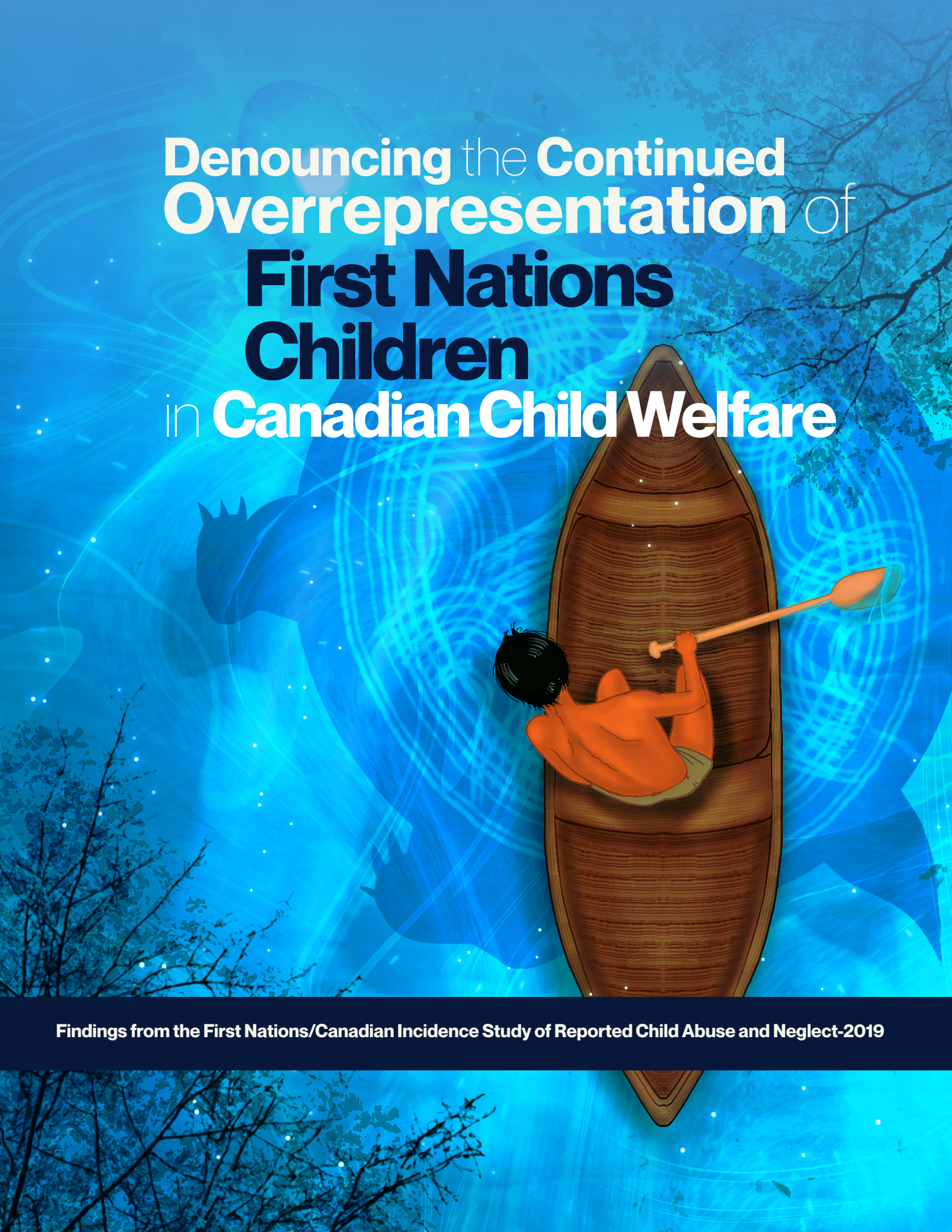
This is Exhibit "6" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare



Findings from the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect-2019

The cover art was gifted by Ziibiikwans, Caitlyn Murphy- Eagleson.

“

This piece is titled "Miskwaadesi" which means "painted turtle" in Ojibwe. This piece has a young indigenous youth at the center, canoeing over large, spiritual turtles in water. This piece evokes a connection with land, spirit and the youth.

Water in my work often represents healing, and this study definitely ties into important research associated with important healing work that needs to be done to address child abuse and neglect.”

- Ziibiikwans, Caitlyn Murphy- Eagleson

Denouncing the Continued Overrepresentation of First Nations Children in Canadian Child Welfare

Findings from the First Nations/ Canadian Incidence Study of Reported Child Abuse and Neglect-2019

Authors

Barbara Fallon, Rachael Lefebvre, Nico Trocmé, Kenn Richard, Sonia Hélie, H. Monty Montgomery, Marlyn Bennett, Nicolette Joh-Carnella, Marie Saint-Girons, Joanne Filippelli, Bruce MacLaurin, Tara Black, Tonino Esposito, Bryn King, Delphine Collin-Vézina*, Rachelle Dallaire, Richard Gray, Judy Levi, Martin Orr, Tara Petti, Shelley Thomas Prokop, & Shannon Soop

*Subsequent authors are listed alphabetically

The FN/CIS-2019 research was directed by the Assembly of First Nations with core funding from the Public Health Agency of Canada. The views expressed in this report are those of the authors and do not necessarily reflect the views of these institutions.

Citation:

Fallon, B., Lefebvre, R., Trocmé, N., Richard, K., Hélie, S., Montgomery, H. M., Bennett, M., Joh-Carnella, N., Saint-Girons, M., Filippelli, J., MacLaurin, B., Black, T., Esposito, T., King, B., Collin- Vézina, D., Dallaire, R., Gray, R., Levi, J., Orr, M., Petti, T., Thomas Prokop, S., & Soop, S. (2021). *Denouncing the continued overrepresentation of First Nations children in Canadian child welfare: Findings from the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect-2019*. Ontario: Assembly of First Nations.

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December 2021

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The FN/CIS-2019 was directed by the Assembly of First Nations with core study funding from the Public Health Agency of Canada. The University of Toronto was contracted by the Assembly of First Nations to conduct the study. The Ontario and Quebec Governments provided additional funding for stand alone provincial studies. A separate report of Ontario data from 2018 is available on the Canadian Child Welfare Research Portal (cwrp.ca), and a Quebec report is forthcoming.

The study would not be possible without the in-kind support of the approximately 1,500 participating child welfare workers who attended trainings, completed study instruments, and responded to additional information requests as well as agency managers, administrators, and data specialists. For purposes of confidentiality, the names of participating frontline staff and agencies cannot be released; however, the FN/CIS-2019 Advisory Committee and Research Team would like to extend our deep appreciation to the professionals who participated in this study, both for their participation as well as for the work that they do to serve children.

Several individuals whose contributions were integral to the study's success are listed below.

FN/CIS-2019 Site Researchers

FN/CIS-2019 Site Researchers were responsible for providing presentations and trainings at participating child welfare agencies and for collecting and verifying data collected. Site Researchers for the FN/CIS-2019 are listed below in alphabetical order.

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Truth and Reconciliation Calls to Action

The following five Calls to Action pertain to child welfare and are directly quoted from the 94 Calls to Action established in 2015 by the Truth and Reconciliation Commission of Canada:[1]

Child Welfare

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:

a. Monitoring and assessing neglect investigations.
b. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
c. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
d. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
e. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.

2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.

3. We call upon all levels of government to fully implement Jordan's Principle.

4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:

a. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
b. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
c. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.

5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

[1] Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action* (2015), https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf.

FN/CIS-2019 Advisory Committee Message to Communities and Readers

For nearly 20 years, First Nations child welfare advocates and university-based researchers have conducted a series of studies documenting child welfare services provided to First Nations and non-First Nations children and families in Canada. With funding and support from the Public Health Agency of Canada, the Assembly of First Nations, provinces and territories and a number of research grants, the 2019 Canadian Incidence Study (CIS) of Reported Child Abuse and Neglect, and the First Nations CIS (FN/CIS), tracked over 44 thousand investigations conducted by a nationally representative sample of child welfare authorities.

It is with profound sadness that we report the 2019 findings of the FN/CIS show nearly identical disparities as in previous studies. As with previous CIS cycles, the FN/CIS-2019 shows that First Nations children are three to four times more likely to be reported for a child maltreatment-related concern. This initial disparity increases further as various investigation decisions are made, with investigations involving First Nations children being seventeen times more likely to lead to placement in formal out-of-home care.

The FN/CIS-2019 provides some of the data called for by the Truth and Reconciliation Commission's (TRC) Calls to Action for child welfare cited at the beginning of this report: monitoring (1) the number of First Nations children investigated because of child neglect and (2) the number of First Nations children placed in out-of-home care compared to non-Indigenous children as well as the reasons for apprehension. The intention of the TRC's Calls to Action was to provide a mechanism for accountability to address the inequities and harm documented by the TRC. The findings from the FN/CIS-2019 show that to date, efforts to reduce child welfare **investigation and placement disparities for First Nations children have been woefully inadequate.**

It should be noted, however, that the FN/CIS-2019 provides only a partial response to the TRC Calls to Action. As a national study, the FN/CIS does not provide information about rates of overrepresentation at the level of most provinces. Furthermore, as a study of child welfare investigations, the FN/CIS does not track service outcomes, such as length of time First Nations children spend away from their homes or whether they ever return home, nor does it track the number of moves First Nations children experience in care. Jurisdictions across Canada have not adequately met the TRC Calls to Action to monitor the most basic information about First Nations children under their care.

As we release this report, thousands of children's remains are being recovered from the sites of former residential schools on lands now known as Canada. For hundreds of years, First Nations communities have reported the horrors that historical and current colonial practices have wrought and we have chosen to look away despite resistance and advocacy efforts of Elders, matriarchs, Knowledge Keepers and community leaders. Over a century ago, Dr. Peter Henderson Bryce demanded that Canadians improve the health and living conditions of Indigenous people, and his Report on the Indian Schools of Manitoba and the Northwest Territories prompted calls to disband the residential school system. While residential schools were eventually closed, First Nations children continue to be separated from their families and communities at alarming rates. Sadly, to date, Canada has not only failed to stem the tide of removal of First Nations children, but the lack of information about these children is tantamount to continuing to bury them in near secrecy.

The TRC estimated that there were approximately 11,000 Indigenous children in residential schools at the height of the residential school system.[2] While we do not know precisely how many First Nations children are currently placed in child welfare care in Canada, we can estimate[3] that two to three times more First Nations children are in out-of-home care now than were in residential schools at the height of the residential school system.

[2] Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The Legacy. The Final Report of the Truth and Reconciliation Commission of Canada., vol. 5* (McGill-Queen's University Press, 2015).

[3] In 2016 the Census reported that 52.2% of children in foster care were Indigenous. These data only included 28,665 children identified as living in foster care in private homes. The estimated number of Indigenous children in foster care using these data would be 14,970 children. If we use the total of 54,139 children estimated to be in out-of-home care in 2019 and apply the proportion of Indigenous children in foster care from the Census data (52.2% of children in foster care), it could be that the number of Indigenous children in out-of-home care is closer to 28,261. This means that there are drastically more Indigenous children in out-of-home care, today, than at the height of the residential school system.

> "If Canada were fully committed to addressing the long-standing inequities in public services, then frankly it would take monolithic incompetence to achieve such a perfect record of failure. Additionally, a contrite government would logically launch wide-scale internal departmental reform to fix its approach in the wake of past failures. Canada has not. Instead, successive Canadian governments have avoided ending discrimination toward First Nations children through strategies of denial, deflection, deferral and the use of official procedures such as study and consultation to mask inaction."[4]
>
> – Cindy Blackstock, 2021

It is up to every citizen to demand that we irrevocably pay attention to these numbers, and commit to reducing the disparity and the associated harm to children, families and communities. Structural issues, both historic and current, pervade child welfare with themes of multigenerational poverty, alienation, exclusion, and outright racism being as common today as they have been since the study started. The numbers presented in this report represent sacred children and their families who continue to suffer the impact of discriminatory colonial practices and a settler population who often pays lip service to the idea of reconciliation, while accepting the magnitude of these differences with resignation and not outrage and action. While the recently proclaimed *Act respecting First Nations, Inuit and Métis children, youth and families* finally recognizes Indigenous jurisdiction over child and family services, it is the responsibility of every Canadian to demand that sufficient funds and support are put into place to ensure that First Nations communities are equipped to redress the disparities documented in this report.

[4] Katherine Graham and David Newhouse, *Sharing the Land, Sharing a Future: The Legacy of the Royal Commission on Aboriginal Peoples*, vol. 4 (Univ. of Manitoba Press, 2021), p. 281

The FN/CIS-2019 Advisory Committee extends our deep appreciation to everyone who made this study possible. This includes our funder, the Public Health Agency of Canada. The Assembly of First Nations has provided conceptual direction and continued support and advocacy. Participating agencies committed significant time and resources to ensuring the success of the study amid a global pandemic. A group of dedicated researchers has ensured the integrity and scientific merits of the study is maintained throughout this cycle and in previous efforts. Our Project Manager Rachael Lefebvre has acted as a true champion of the study.

Finally, to the workers who contributed their time to complete the data collection instruments, we thank you for your continuing efforts to honour the TRC's Calls to Action. It is only through this commitment that the FN/CIS-2019 was possible.

Kenn Richard & Nico Trocmé, Co-Chairs

On behalf of the FN/CIS-2019 Advisory Committee and Research Team

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Executive Summary

The First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect (FN/CIS-2019) is a study of child welfare investigations involving First Nations and non-Indigenous children. It is the fourth national study to provide up-to-date estimates of child welfare investigations across Canada. The study is directed by the Assembly of First Nations with core funding from the Public Health Agency of Canada. Additional funding was provided by provincial governments in Ontario (OIS-2018) and Quebec (FN/EIQ-2019).

This report is a collaborative effort by the FN/CIS research team and the First Nations Advisory Committee to:

1. Continue to monitor national-level data on investigations involving First Nations children compared to non-Indigenous children as intended by the Truth & Reconciliation's Calls to Action, including;

- Investigating the type and severity of maltreatment
- Documenting caregiver, household and child characteristics of families investigated
- Monitoring short-term investigation outcomes such as placement and reunification

2. Ensure the appropriate contextualization of findings.

3. Disseminate research results to First Nations communities.

Methodology

For all jurisdictions except for Quebec, participating child welfare workers completed a standardized data collection instrument (see Appendix A) for new/re-opened investigations that were conducted during a three-month sampling period (October to December 2019). This instrument is broken down into three parts that focus on intake, household, and child information routinely collected during an investigation.

Data from Quebec was extracted from information systems from all agencies able to participate (17 out of 20 agencies) and these administrative data were matched to variables collected in the rest of Canada where possible. In provinces other than Quebec, participating agencies were selected through a multi-stage cluster sampling design.

The first stage involved selecting provincial and territorial mainstream child welfare organizations as well as Indigenous child welfare agencies from a sampling frame including all child welfare agencies. The final sample of agencies from the rest of Canada included 47 mainstream and 16 First Nations agencies. A three-month sampling period (October 1 – December 31, 2019) was then used to select cases within these sites. The final stage involved identifying child-level investigations meeting the study criteria. Complex survey weights were used to derive an estimate of child maltreatment-related investigations conducted in Canada in 2019 from these sampled cases.

The following methodological considerations must be taken into account when interpreting the data:

- The data are limited to maltreatment-related reports investigated by child welfare. This does not include screened-out cases, cases not reported, or cases that were only investigated by the police.
- Information is collected directly from investigative workers and is reflective of their clinical judgement. The information is not independently verified.
- Data from this cycle include data collected in Ontario in 2018 and administrative data from Quebec.
- Given methodological differences with previous cycles, any comparisons must be made with caution.

Historical and Current Context of First Nations Child Welfare

The overrepresentation of First Nations children investigated by Canadian child welfare is a consequence of centuries of policies of assimilation, structural inequities, and discrimination that limit the resources needed for First Nations families and communities to thrive. First Nations child welfare is currently in a state of transition and actions need to be put in place urgently to redress the disparities presented in this study.

Major Findings

The following section provides a brief overview of the key findings presented in this report.

Indigenous Identity of the Child

An estimated 299,217 child maltreatment-related investigations were conducted in Canada in 2019.

Of these investigations, 45,918 involved First Nations children (15% of total investigations) and 241,137 involved non-Indigenous children (81% of total investigations).

In 2019, for every 1,000 First Nations children 15 years of age and under in Canada, there were an estimated 151 child welfare investigations.

First Nations children (aged 0-15 years) in Canada were 3.6 times as likely to be the subject of a child maltreatment-related investigation compared to non-Indigenous children in 2019.

Figure 1: Children's Indigenous Identity in Maltreatment-Related Investigations in Canada in 2019

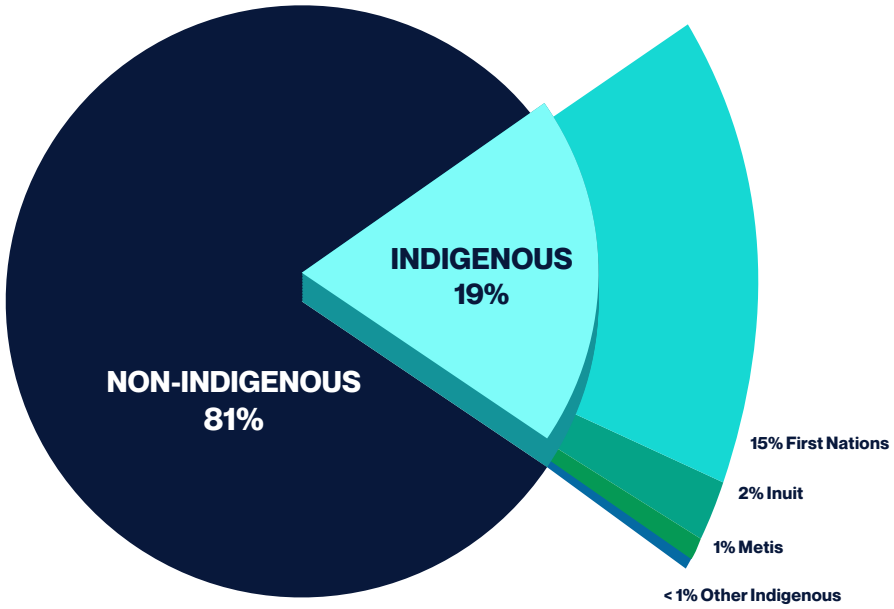
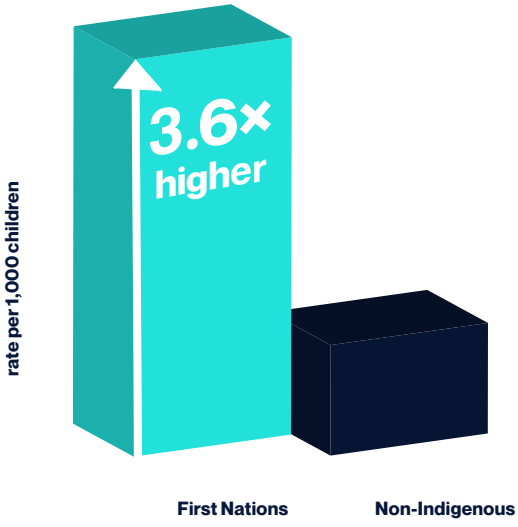


Figure 2: Rates of Maltreatment-Related Investigations Involving First Nations and Non-Indigenous Children in Canada in 2019

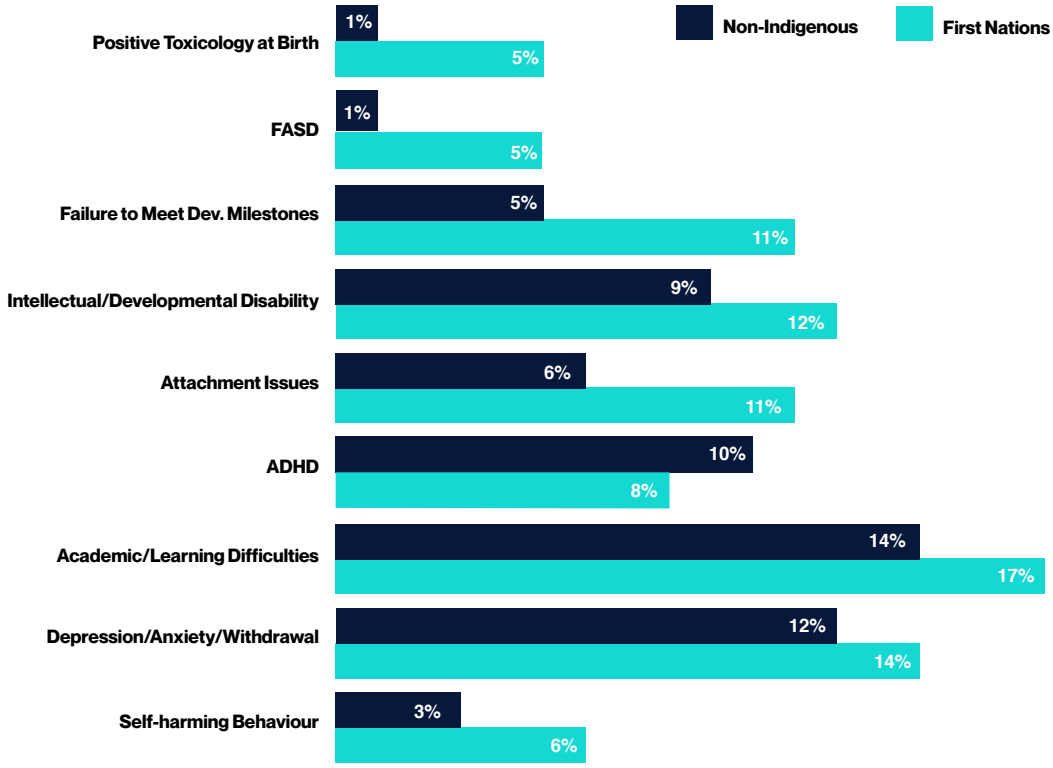


Child Functioning Concerns

Investigating workers were asked if there were any child functioning concerns noted during the investigation.

At least one child functioning concern was identified in 37% of child maltreatment-related investigations involving First Nations children compared to 32% of investigations involving non-Indigenous children.

Figure 3: Child Functioning Concerns in Maltreatment-Related Investigations Involving First Nations and Non-Indigenous Children in Canada in 2019 (Excluding Quebec)



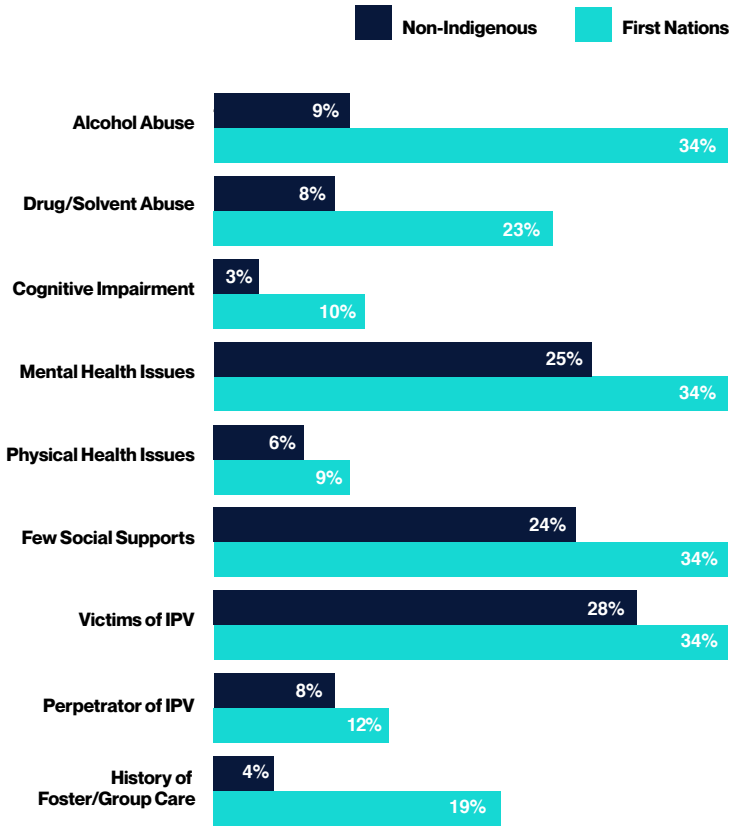
Primary Caregiver Risk Factors

Investigating workers were asked if there were any risk factors concerning the child's primary caregiver during the past six months. All the primary caregiver risk factors analyzed were more likely to be noted in investigations involving First Nations compared to non-Indigenous children.

At least one primary caregiver risk factor was noted in 74% of investigations involving First Nations children compared to 57% of investigations involving non-Indigenous children.

Caregivers in investigations involving First Nations children in 2019 were more likely to be facing complex needs, including having few social supports, experiencing mental health concerns or substance issues compared to caregivers of non-Indigenous children.

Figure 4: Primary Caregiver Risk Factors in Maltreatment-Related Investigations Involving First Nations and Non-Indigenous Children in Canada in 2019 (Excluding Quebec)

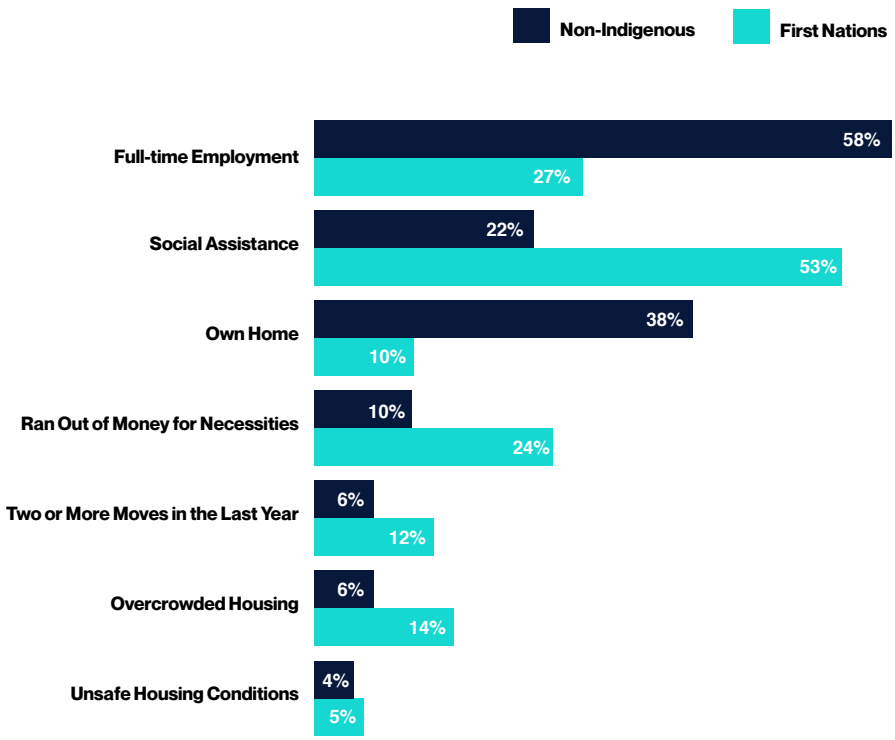


Housing Conditions

Investigating workers were asked about the source of household income and various housing conditions. All household risk factors captured in the FN/CIS-2019 were more likely to be noted in investigations involving First Nations compared to non-Indigenous children.

Investigations involving First Nations children were more likely to involve families facing multiple structural challenges, such as living in unsafe housing conditions, poverty, and overcrowded housing which limit the resources available to them to provide for their children.

Figure 5: Housing Conditions in Maltreatment-Related Investigations Involving First Nations and Non-Indigenous Children in Canada in 2019 (Excluding Quebec)



Type of Investigation and Substantiation Decision

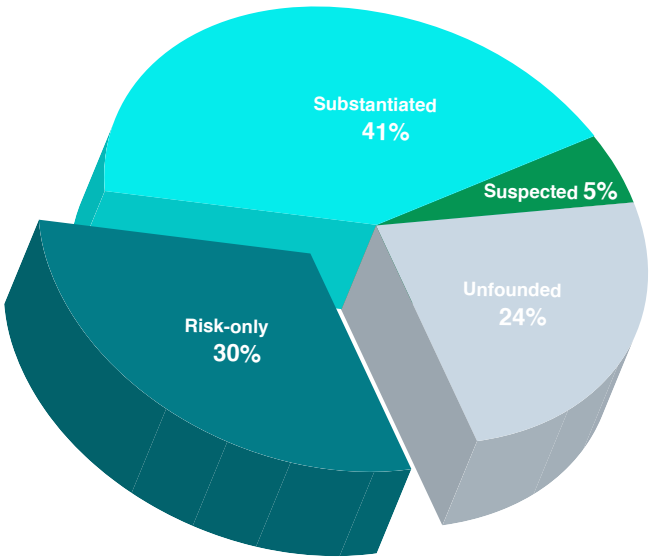
Child maltreatment-related investigations in the study included:

1. Investigations focused on an alleged incident of maltreatment (maltreatment investigations)
2. Investigations in which there was no specific concern of an alleged incident of maltreatment but where assessing the risk of future maltreatment for the child was the primary concern of the investigation (risk-only investigations).

For both First Nations and non-Indigenous children, 70% of investigations were focused on alleged incidents of maltreatment and 30% assessed the risk of future maltreatment.

The rate of substantiated maltreatment investigations was 4.7 times higher for First Nations children compared to non-Indigenous children in Canada in 2019.

Figure 6: Type of Investigation and Level of Substantiation in Maltreatment-Related Investigations Involving First Nations Children in Canada in 2019



Primary Category of Maltreatment

The primary concern in maltreatment investigations involving First Nations children was most often neglect (44%), followed by exposure to intimate partner violence (27%), physical abuse (14%), emotional maltreatment (9%), and sexual abuse (6%).

The rate of substantiated investigations whose primary focus was neglect was 8.5 times as high for investigations involving First Nations children compared to investigations involving non-Indigenous children.

Investigations of neglect drive the overrepresentation of First Nations children in the child welfare system in 2019.

Figure 7: Primary Category of Maltreatment in Maltreatment Investigations Involving First Nations Children in Canada in 2019

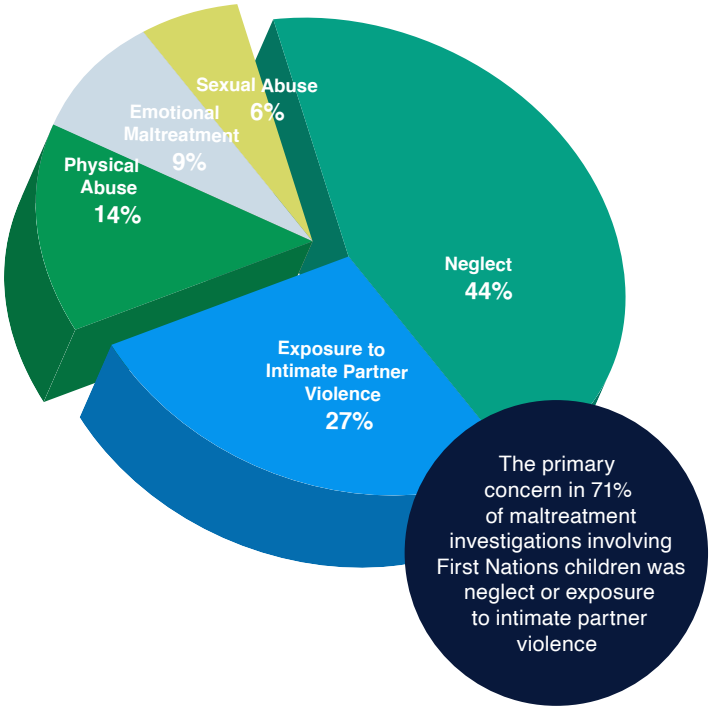
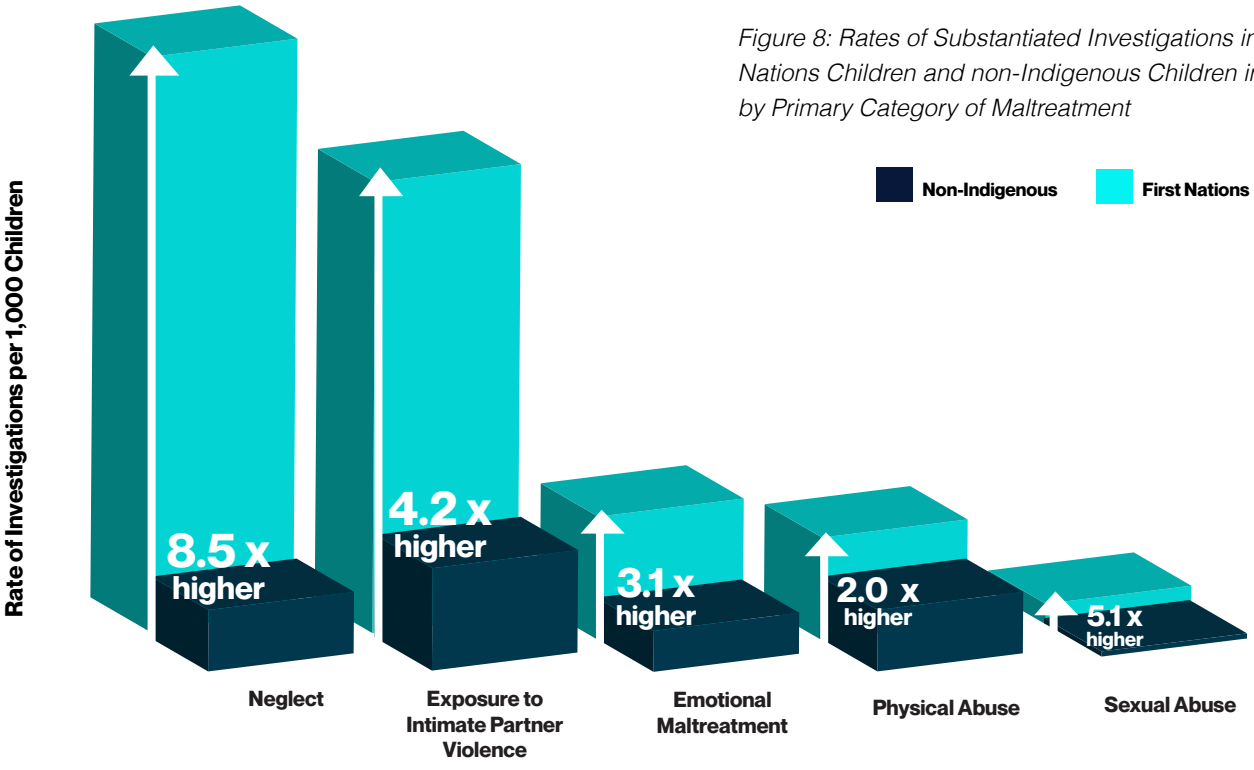


Figure 8: Rates of Substantiated Investigations involving First Nations Children and non-Indigenous Children in Canada in 2019 by Primary Category of Maltreatment

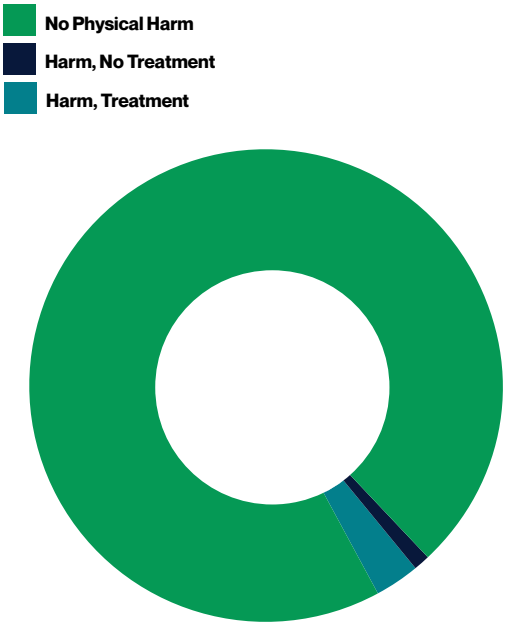


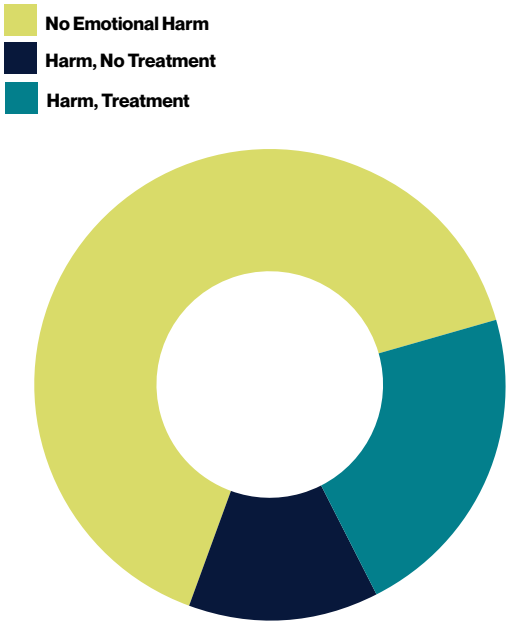
Physical and Emotional Harm

Physical harm was documented in only 4% of substantiated maltreatment investigations involving First Nations children.

Emotional harm was noted in 35% of substantiated investigations involving First Nations children.

Figure 9: Documented Physical and Emotional Harm in Substantiated Maltreatment Investigations Involving First Nations Children in Canada in 2019 (Excluding Quebec)



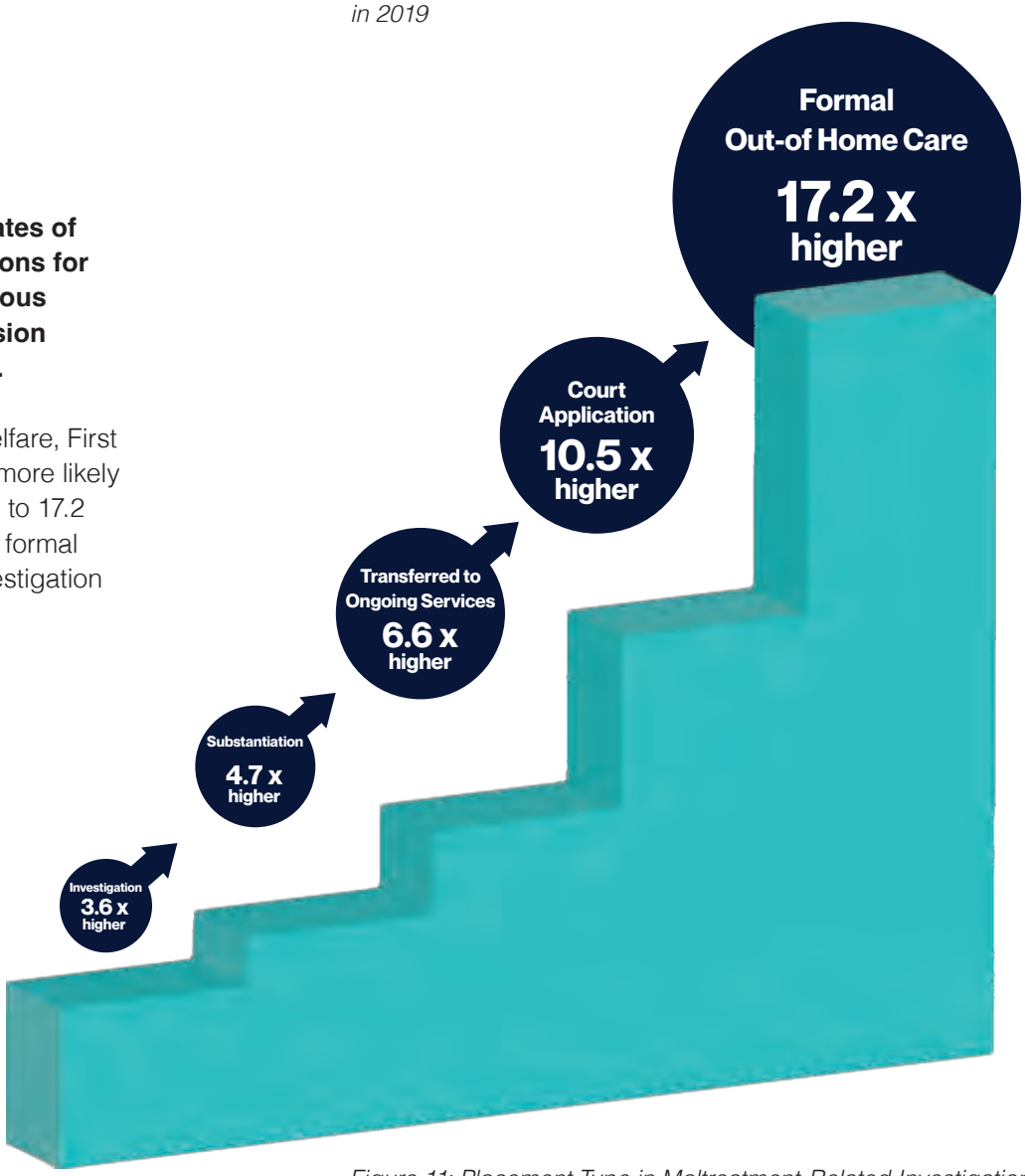


Service Dispositions

In 2019, disparities between rates of child welfare service dispositions for First Nations and non-Indigenous children grew with every decision across the service continuum.

At the point of entry into child welfare, First Nations children were 3.6 times more likely to be investigated. They were up to 17.2 times more likely to be placed in formal out-of-home care during the investigation period.

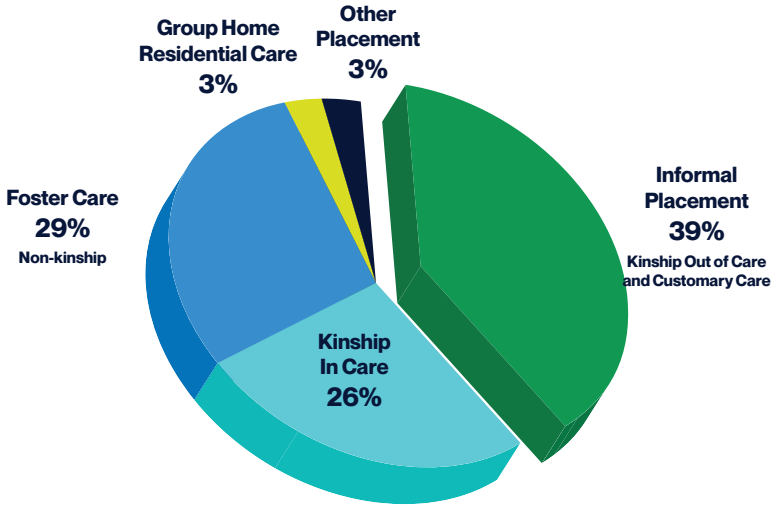
Figure 10: Difference Between Rates of Investigations per 1,000 Involving First Nations and Non-Indigenous Children in Canada in 2019



Thirteen percent of investigations involving First Nations children resulted in an out-of-home placement for the child compared to only four percent of investigations involving non-Indigenous children.

The investigating workers were asked to specify the type of placement that was made when a placement in out-of-home care was noted for the investigated child. Informal placements (including kinship out-of-care), represented the most frequently noted placement type for First Nations children, followed by non-kinship foster care and kinship in care.

Figure 11: Placement Type in Maltreatment-Related Investigations Involving First Nations Children Placed in Canada in 2019



Section One

The **Ongoing Legacy** of Colonialism Discrimination and Poverty

Section 1: The Ongoing Legacy of Colonialism, Discrimination, and Poverty

The ongoing legacy of colonialism, discrimination, and structural inequities experienced by First Nations children, families, and communities are a direct driver behind the disparities observed between child welfare investigations involving First Nations children and non-Indigenous children. This brief overview is intended to remind the reader that the context for the disparities reported is integral to the interpretation of the data and the proposed solutions.

Historical Context

Pre-contact

First Nations populations lived on the lands now known as Canada for thousands of years before European settlers arrived in the 15th century. During this period of pre-contact, there were considerable differences between Nations regarding traditions, social organization, food resources, homes, transportation, and languages.[5] All First Nations cared for their children in ways that honored their communities and the Creator and were consistent with their spiritual beliefs. Beyond differences in customs, First Nations shared a community-based approach to child rearing, with members of the extended family being collectively responsible for the protection and care of children.[6]

The time after contact with European settlers has been marked by policies of assimilation and alienation aimed at obliterating centuries of First Nations cultures and civilization.[7] These policies culminated with the *Indian Act* of 1876.[8] The *Indian Act* and each of its subsequent amendments have attacked First Nations' traditional systems and values, and actively tried to force the assimilation and enfranchisement of First Nations populations into Euro-Canadian society.[9]

Residential Schools

In 1883, the department of Indian Affairs began an official policy of residential schools, establishing 132 residential schools in partnership with institutionalized religions including Catholic, United, Anglican and Presbyterian faiths.[10] The stated goal of residential schools was to separate children from their families and communities and force them to abandon their Nation's language, customs

[5] René Dussault and Georges Erasmus, *Report of the Royal Commission on Aboriginal Peoples* (1996); National Collaborating Centre for Aboriginal Health, Indigenous Children and the Child Welfare System in Canada (2017), https://www.nccih.ca/docs/health/FS-ChildWelfareCanada-EN.pdf.

[6] Dussault and Erasmus, Report of the Royal Commission on Aboriginal Peoples.; National Collaborating Centre for Aboriginal Health, *Indigenous Children and the Child Welfare System in Canada.*

[7] Margo Greenwood and Perry Shawana, Whispered Gently through Time. First Nations Quality Child Care: A National Study (2000), https://files.eric.ed.gov/fulltext/ED462224.pdf.; National Collaborating Centre for Aboriginal Health, *Indigenous Children and the Child Welfare System in Canada.*

[8] Indian Act, R.S.C., (1985). c I-5.

[9] Dussault and Erasmus, Report of the Royal Commission on Aboriginal Peoples.; National Collaborating Centre for Aboriginal Health, *Indigenous Children and the Child Welfare System in Canada.*

[10] John S Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, vol. 11 (Univ. of Manitoba Press, 1999).

and values. In 1920 an amendment to the *Indian Act* made residential schools mandatory for all First Nations children between the ages of seven and 15 and gave the state the authority to find and apprehend First Nations children and force them to attend.[11] Parents who tried to oppose the removal of their children were threatened with incarceration - and some had their food rations withheld by the government at a time when famine was ravaging Indigenous communities.[12]

The horrors of residential schools have been recounted by First Nations since their implementation, although they were hidden and discounted by the general population for decades. Children were humiliated and punished for speaking their language and were taught to be ashamed of their culture and traditional practices.[13] Accounts from survivors tell of widespread instances of physical, sexual and emotional abuse and neglect at the hands of the clerics operating the schools.[14] Some were also subjected to cruel experimentations, including being forced to participate in dangerous nutritional and vaccine trials without their consent or knowledge.[15] In 1914, the deputy superintendent of the Department of Indian Affairs, Duncan Campbell Scott, determined that at the start of the residential school system, half of the children who attended residential schools died within them.[16] The staggering number of deaths has been linked to the incredibly poor conditions of the schools and the abusive and negligent treatment of children who were forced to attend.[17] When the last residential school closed in 1996, it is estimated that the residential school system led to the separation of 150,000 Indigenous children from their families. The state-inflicted harms resulting from these mass removals are still being felt to this day.

[11] Suzanne Fournier and Ernie Crey, *Stolen From Our Embrace: The Abduction of First Nations Children and the Restoration of Aboriginal Communities* (ERIC, 1997).; Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, 11.

[12] Marlyn Bennett, Cindy Blackstock, and Richard De La Ronde, *A literature review and annotated bibliography on aspects of Aboriginal child welfare in Canada*, First Nations Child & Family Caring Society of Canada (2005).

[13] Bennett, Blackstock, and De La Ronde, *A literature review and annotated bibliography on aspects of Aboriginal child welfare in Canada*.

[14] Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The Final Report of the Truth and Reconcilliation Commission of Canada*, vol.1 (McGill-Queen's Press-MQUP, 2015).

[15] Ian Mosby, "Administering colonial science: Nutrition research and human biomedical experimentation in Aboriginal communities and residential schools, 1942–1952," *Histoire sociale/Social history* 46, no. 1 (2013).; Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The Final Report of the Truth and Reconciliation Commission of Canada*, 1.

[16] Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, 11.

[17] Peter Henderson Bryce, *The Story of a National Crime: an Appeal for Justice to the Indians of Canada* (Ottawa, Canada: James Hope & Sons, Limited, 1922). https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/National-Crime.pdf.; Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, 11.

"Sixties Scoop"

Almost fifty years before the last residential school closed, in the mid 1950s, provincial child welfare authorities began enacting child welfare policies following the addition of Section 88 to the *Indian Act* in 1951, allowing provincial legislation to apply to First Nations on reserves.[18] The lack of understanding and respect for First Nations culture and child-rearing practices, the socio-economic difficulties brought by centuries of colonialism, and the dearth of prevention services available to communities resulted in the placement of thousands of First Nations children outside of their families and communities during the sixties, seventies and through the eighties – a period now known as the "Sixties Scoop."[19]

A significant number of these children were removed without the notification or agreement of their families and communities and were purposefully placed with – and adopted by – white families in Canada, in the United States, and countries across the world.[20] In the province of Saskatchewan, 80 to 91 percent of status First Nations children removed between 1977 and 1981 were placed in non-Indigenous homes.[21] These policies were a continuation of those put in place for residential schools, with a similar aim to assimilate First Nations children into the dominant culture. The children placed during the Sixties Scoop were removed from their cultural heritage, their language, and identities – with several only learning about their ancestry and place of birth as adults.[22] Many adoptees have recounted experiences of abuse, neglect and cruelty whilst placed under the care of their adoptive parents.[23]

By the end of the sixties, "30 to 40 percent of all legal wards of the state in Canada were Aboriginal children, even though they formed less than 4 percent of the national population".[24] The overrepresentation of First Nations children in the child welfare system did not stop at the end of the Sixties Scoop era – rather, it has continued to grow and evolve. Scholars have used the term "Millenium Scoop" to refer to the current and ongoing overrepresentation of First Nations children in the child welfare system.[25]

[18] Indian Act, R.S.C., (1985). c I-5, S88.

[19] P Johnston, *Native Children and the Child Welfare System* (1983); Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986*, 11.

[20] Johnston, *Native Children and the Child Welfare System.*

[21] Johnston, *Native Children and the Child Welfare System.*

[22] Raven Sinclair, "Identity lost and found: Lessons from the sixties scoop," *First Peoples Child & Family Review: A Journal on Innovation and Best Practices in Aboriginal Child Welfare Administration, Research, Policy & Practice 3*, no. 1 (2007).

[23] Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The Legacy. The Final Report of the Truth and Reconciliation Commission of Canada.*, 5.

[24] Fournier and Crey, *Stolen From Our Embrace: The Abduction of First Nations Children and the Restoration of Aboriginal Communities.*, p. 83.

[25] Sinclair, "Identity lost and found: Lessons from the sixties scoop.", p. 67.

Current Context

Current Structure of Indigenous Child Welfare

At this time, provincial and territorial child welfare legislation apply to nearly all Indigenous people living on and off reserve. However these vary across jurisdictions, and special considerations are made in many statutes with respect to services to Indigenous children and families. The responsibility for funding services to First Nations children and families living on reserve rests with the federal government under the Indian Act and the Constitution Act.[26] In the 1980's, through the advocacy efforts of Elders, band councils and other community leaders across different jurisdictions, First Nations communities began to provide child welfare services for their own communities. By 2019, there were more than 120 Indigenous child and family service agencies across Canada.

The structure of Indigenous child welfare services is changing rapidly. A growing number of services are being provided either by fully mandated Indigenous agencies or by Indigenous counselling services that work in conjunction with mandated services. The most common types of governance models that are in place for First Nations child and family service agencies include the delegated or mandated model (where responsibility for child welfare services is either fully or partially delegated to First Nations child welfare agencies), integrated models (where both the Indigenous community and the province share authority over child welfare services), and individual bilateral or tripartite agreements with Indigenous agencies.[27]

An Act respecting First Nations, Inuit and Métis children, youth and families (also known as Bill C-92), became law on January 1, 2020 - marking a turning point in Indigenous child welfare.[28] It is the first federal law that acknowledges First Nations, Métis and Inuit populations' jurisdiction over child and family services and establishes mechanisms by which an Indigenous governing body can exercise this jurisdiction. Once enacted, laws put in place by Indigenous groups or communities are given priority over provincial child welfare legislation.[29] The Act also establishes national "minimum standards" in the provision of child and family services to Indigenous children that take into consideration the need to ensure cultural continuity, to prioritize placement of children with family members, and to notify families and communities of measures involving Indigenous children, amongst others.[30]

Despite being an important step forward, the Act has been criticized by Indigenous child welfare experts and organizations across Canada for its significant limitations and many have decried the absence of adequate consultation before implementation.[31] Amongst its shortcomings, the lack of commitment to core funding has been highlighted as being of grave concern.[32] As it stands, the Act states that funding will be determined through individual coordination agreements between the Indigenous community and Canada, which increases the risk for funding to be the subject of jurisdictional disputes, thus repeating historical patterns of discriminatory funding of services to Indigenous populations and directly impacting the capacity for communities to develop the child welfare infrastructure their children and families deserve.[33]

Furthermore, although the Act claims to uphold Indigenous rights to self-governance, it does not fully recognize Indigenous jurisdiction over child welfare law. Not only does it suggest that provincial laws can be applied concurrently if they are not in conflict with Indigenous laws, but, it also states that the best interest of an Indigenous child, as set out by the Act itself, takes precedence over Indigenous laws.[34] In doing so, it imposes barriers on the inherent right of First Nations, Inuit and Métis populations to protect - and care for - their own children.

[26] Indian Act, R.S.C., (1985). c I-5.; Constitution Act, (UK), 30 & 31 Victoria, c 3 (1867).

[27] Vandna Sinha and Anna Kozlowski, "The Structure of Aboriginal Child Welfare in Canada," *International Indigenous Policy Journal 4*, no. 2 (2013).

[28] *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. (2019). c. 24. (The Act)

[29] *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. (2019). c. 24, s. 22.

[30] *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. (2019). c. 24, s. 10.

[31] Cindy Blackstock, "Will Canada continue to fail Indigenous girls?," *The Globe and Mail* 2019, https://www.theglobeandmail.com/opinion/article-will-canada-continue-to-fail-indigenous-girls/ ; Naiomi Metallic, Hadley Friedland, and Sarah Morales, "The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families," (2019).; Kylee Wilyman, "A Nation of Hollow Words: An Act respecting First Nations, Inuit and Métis children, youth and families" (Board of Editors of the Saskatchewan Law Review, 2020).

[32] Metallic, Friedland, and Morales, "The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families."

[33] Wilyman, "A Nation of Hollow Words: An Act respecting First Nations, Inuit and Métis children, youth and families."

[34] Metallic, Friedland, and Morales, "The Promise and Pitfalls of C-92: An Act Respecting First Nations, Inuit and Métis Children, Youth and Families."

“

Bill C-92 offers Indigenous children a colonial Faustian bargain: Accept the flawed bill in its current state or get nothing. […] Government proclamations of good intentions – and statements of reconciliation – must not shield them from a serious review of their actions. Reconciliation is not what you say; it is what you do.” [35]

- Cindy Blackstock

[35] Blackstock, “Will Canada continue to fail Indigenous girls?.”

The Need for Change

Recognizing the Ongoing Impact of Mass Removals: The Truth and Reconciliation Commission

The Government of Canada issued a formal apology for residential schools on June 11, 2008 and acknowledged the devastating impact and cruelty of the residential school system. The apology included the need to account for and address the impact of residential schools through continuing remedies, including the creation of the TRC.

The reports prepared by the TRC brought to light the trauma experienced by Indigenous children as a result of the residential school system and the Sixties Scoop. They also describe how this trauma has been passed on from generation to generation, through the severed connection to culture and traditions, the breakdown of family ties that left generations of Indigenous children without parenting models, and the long-lasting psychological impacts of abuse.[36] This has contributed to the creation of a myriad of complex needs and risk factors that are impacting Indigenous families across Canada to this day and are driving the current overrepresentation of Indigenous children in the child welfare system.

The TRC published 94 Calls to Action upon the release of the final report in 2015.[37] These called upon all levels of government — federal, provincial, territorial and Indigenous — to change programs, policies and structures in order to address the harms of residential schools and ongoing colonial practices. The actions are divided into 42 actions to address the legacy of residential schools and 52 that focus on reconciliation.[38] The beginning of this report opens with those specific to child welfare. They bring forth the need to recognize the intergenerational impacts of the residential schools on Indigenous families in the child welfare system, as well as the critical importance of monitoring the number of - and the reasons why - Indigenous families come into contact with child welfare.

The Yellowhead Institute has been releasing a yearly report that tracks the government’s response to the Calls to Action. The 2020 report highlighted that in that year, only eight of the 94 Calls to Action had been implemented.[39] None of the actions considered to be implemented had to do with child welfare. Notably, the authors of the report highlight the ever-more pressing need to provide “timely and accurate

[36] Truth and Reconciliation Commission of Canada, Canada’s *Residential Schools: The Legacy. The Final Report of the Truth and Reconciliation Commission of Canada*., 5.

[37] Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action.*

[38] Truth and Reconciliation Commission of Canada, *Truth and Reconciliation Commission of Canada: Calls to Action.*

[39] Eva Jewell and Ian Mosby, *Calls to action accountability: A 2020 status update on reconciliation,* The Yellowhead Institute (2020), https://yellowheadinstitute.org/wp-content/uploads/2020/12/yi-trc-calls-to-action-update-full-report-2020.pdf.

data" (p. 9) on Indigenous children in care. Access to such data for Indigenous communities across Canada is crucial to support the creation of new models of Indigenous child welfare services and programs that respond to the current realities of their children and families.

Recognizing the Ongoing Inequities Experienced by First Nations Families

Canadian Human Rights Tribunal

Following a complaint made by the First Nations Child and Family Caring Society and the Assembly of First Nations, the Canadian Human Rights Tribunal (CHRT) issued a landmark ruling in January 2016, recognizing that the government of Canada racially discriminated against First Nations children and their families in the provision of child welfare and Jordan's Principle services.[40] Specifically, the Tribunal argued that the federal government provided inequitable and insufficient funding for child and family services in First Nations communities that drastically underfunded prevention services on reserve and incentivised the placement of children outside of their homes. The Tribunal ordered Canada to reform the First Nations Child and Family Services (FNCFS) program and to "cease applying its narrow definition of Jordan's Principle".[41]

Jordan's Principle is a child-first initiative put in place in 2007 in the name of Jordan River Anderson from Norway Cree House Nation in Manitoba, who died at the age of five having never lived outside of a hospital because of jurisdictional disputes over who would pay for his in-home care needs.[42] This initiative was aimed to ensure that First Nations children would no longer suffer from gaps, denials, and delays in accessing essential services, as Jordan had. Until 2016, nearly no First Nations children had received services under this initiative because of the reductive definition and ineffective implementation of the principle by the Government of Canada.[43]

Since then, the CHRT has issued a series of rulings in response to Canada's continued failure to comply with the orders set out by the Tribunal. As a result, Canada has increased funding for FNCFS programs and Jordan's Principle services, agreed to implement a broader definition of Jordan's Principle, and created a Consultation Committee of Child Welfare Reform.[44] To this day, the government of Canada refuses to comply with certain aspects of the CHRT orders.

Current Structural Inequities

Racism and colonialism are an ongoing reality for First Nations children, families and communities that continue to curtail their access to basic human rights across different structures that extend far beyond child welfare. The consequences of these structural inequities on the socio-economic conditions of First Nations are far-reaching.

For example, as many as 51 percent of status First Nations children and 29 percent of non-status First Nations children live in poverty, compared to 18 percent of Canadian children in the general population.[45] In a survey conducted between 2008 and 2018, 48 percent of First Nations households were considered to be food insecure.[46] In 2017, 28 percent of homes on First Nations reserves did not have access to piped water, with 1.5 percent having no water service at all.[47] In 2016, one in four First Nations households were deemed to be overcrowded, compared to one in 20 households in the general population.[48]

The lack of adequate resources available to First Nations parents - brought by the persistent underfunding of essential services - creates additional structural stressors that are beyond First Nations families' control.[49] Given the "tendency to see Aboriginal poverty as a symptom of neglect, rather than as a consequence of failed government policies",[50] this increases the risk for First Nations children to be investigated and eventually apprehended by the child welfare system. Ultimately, structural inequities, racism, and trauma resulting from the forced removal of generations of children, lie at the root of the stark disparities in child welfare presented in the next sections of this report.

[40] Canadian Human Rights Tribunal. (2016). *First Nations Child and Family Caring Society and The Assembly of First Nations and Canadian Human Rights Commission and Attorney General of Canada (Representing the Minister of Indian Affairs and Northern Development of Canada) and Chiefs of Ontario and Amnesty International.2016* CHRT 2.

[41] Canadian Human Rights Tribunal. (2016). *First Nations Child and Family Caring Society and The Assembly of First Nations and Canadian Human Rights Commission and Attorney General of Canada (Representing the Minister of Indian Affairs and Northern Development of Canada) and Chiefs of Ontario and Amnesty International.2016* CHRT 2, para 481.

[42] Trudy L Lavallee, "Honouring Jordan: Putting First Nations children first and funding fights second," *Paediatrics & child health* 10, no. 9 (2005); First Nations Child & Family Caring Society of Canada. *Jordan's Principle: A Brief History.* (2014). https://fncaringsociety.com/sites/default/files/Jordan's Principle Information Sheet.pdf.

[43] Cindy Blackstock, "Jordan's Principle: Canada's broken promise to First Nations children?," *Paediatrics & child health* 17, no. 7 (2012).

[44] "Progress on six points of action," 2020, https://www.sac-isc.gc.ca/eng/1541188016680/15411

[45] David Macdonald and Daniel Wilson, "Shameful neglect: Indigenous child poverty in Canada. Canadian Centre for Policy Alternatives," (2016).

[46] Laurie Chan et al., "FNFNES Final Report for Eight Assembly of First Nations Regions: Draft Comprehensive Technical Report," *Assembly of First Nations, University of Ottawa: Ottawa, ON, Canada* (2019).

[47] Office of the Parliamentary Budget Officer, *Budget Sufficiency for First Nations Water and Wastewater Infrastructure.*, Parliamentary Budget Officer (Ottawa, CA), http://www.pbo-dpb. gc.ca/web/default/files/Documents/Reports/2017/FN%20Water/FN_Water_EN.pdf.

[48] Statistics Canada, *The housing conditions of Aboriginal people in Canada* (2017), https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.pdf.

[49] Melisa Brittain and Cindy Blackstock, *First Nations child poverty: A Literature Review and Analysis* (First Nations Child and Family Caring Society of Canada, 2015).

[50] Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future. Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015), https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf, p. 138.

Section Two

Study **Objectives** and **Rationale**

Section 2: Study Objectives and Rationale

Objectives

The FN/CIS-2019 is a study of child welfare investigations involving First Nations children and the fourth national study examining the incidence of reported child abuse and neglect in Canada. The primary objective of the FN/CIS-2019 is to provide reliable estimates of the scope and characteristics of child abuse and neglect investigated by child welfare services in Canada in 2019.

Specifically, the FN/CIS-2019 collects information directly from investigating child welfare workers in order to **continue to monitor national-level data on investigations involving First Nations children compared to non-Indigenous children as intended by the TRC's Calls to Action**, including:

- Determining rates of investigated and substantiated physical abuse, sexual abuse, neglect, emotional maltreatment, and exposure to intimate partner violence as well as multiple forms of maltreatment;
- Investigating the severity of maltreatment as measured by form of maltreatment, duration, and physical and emotional harm;
- Examining selected determinants of health that may be associated with maltreatment; and
- Monitoring short-term investigation outcomes, such as substantiation, out-of-home placement, and use of child welfare court.

The Advisory Committee offers guidance and counsel throughout the study and ensures that the study respects Ownership, Control, Access, and Possession (OCAP®) principles. The principles state that First Nations communities: (1) own their information; (2) control all facets of research and data management related to themselves; (3) are able to access information and data about their communities; and (4) possess their data.[51] Important goals of the Advisory Committee included contextualizing the findings of the study in all materials as well as establishing an extensive dissemination plan to First Nations communities.

Data pertaining to a Canadian estimate of child maltreatment-related investigations will be available in the academic literature by end of year 2021 and information sheets will be available on the cwrp.ca portal.

[51] "The First Nations Principles of OCAP®," https://fnigc.ca/ocap-training/.

Rationale

The objectives and design of the FN/CIS-2019 are best understood within the context of the decentralized structure of Canada's child welfare system and with respect to changes over time in mandates and intervention standards. Child welfare legislation and services are organized in Canada at the provincial and territorial levels. Child welfare is a mandatory service, directed by provincial and territorial child welfare statutes. Although all child welfare systems share certain basic characteristics organized around investigating reports of alleged maltreatment, providing various types of services and supervision, and looking after children in out-of-home care, there is considerable variation in the organization of these service delivery systems (see Table 1).[52] Some provinces and territories operate under a centralized, government-run child welfare system, while others have opted for decentralized models run by mandated agencies. Several provinces and territories have recently moved towards regionalized service delivery systems.

Child welfare statutes also vary considerably. Some jurisdictions limit their investigation mandates to children under 16, while others extend their investigations to youth under 19. Provincial and territorial statutes also vary in terms of the specific forms of maltreatment covered, grounds for removal, and timelines for determining permanent wardship. In addition to these legislative differences, there are important differences in regulations and investigation policies. These differences may be further accentuated by the implementation of different structured assessment tools and competency-based training programs. Varying legislation and investigation practices across provinces and territories, as well as changes over time have posed challenges in documenting the annual incidence of reported maltreatment in Canada.

Using a standard set of definitions, the Canadian Incidence Study of Reported Child Abuse and Neglect (CIS)-1998, 2003, 2008 and 2019 provide the best available estimates of the incidence and characteristics of reported child maltreatment across Canada over a twenty-year period. Caution should be used in comparing results across cycles as there have been considerable changes to the methodology and survey design weights.

Ontario and Quebec conducted parallel incidence studies and have produced (Ontario) or will produce (Quebec) reports examining disparities for First Nations children and families. Please see the Ontario report here: Mashkiwenmi-Daa Noojimowin: Let's Have Strong Minds For The Healing: First Nations Ontario Incidence Study Of Reported Child Abuse And Neglect-2018 **https://cwrp.ca/publications/mashkiwenmi-daa-noojimowin-lets-have-strong-minds-healing-first-nations-ontario**

[52] For more detailed descriptions of provincial, territorial and Indigenous services go to the Canadian Child Welfare Research Portal: cwrp.ca

Table 1: Provincial and Territorial Child Welfare Administrations

Province	Administration	Child welfare status	Age Coverage
Alberta	In Alberta child protection rests with the Ministry of Children's Services. Services are delivered by Child and Family Service Offices as well as 17 delegated First Nation Agencies.	Child, Youth and Family Enhancement Act	Under 18
British Columbia	Child Protection is the responsibility of the Director of Child Protection under the Ministry of Children and Family Development. Services are provided through 429 local ministry offices as well as 23 Indigenous agencies which have various degrees of delegation. All service offices are supported by the provincial office of the Child Protection Division.	Child, Family and Community Service Act	Under 19
Manitoba	Child welfare falls to the Child and Family Services System under the Ministry of Families. The system is administered through four Child and Family Services Authorities, three of which serve Indigenous communities. Eighteen agencies are served by these three Indigenous authorities.	Child and Families Services Act, Child and Family Services Authorities Act	Under 18
New Brunswick	Child welfare is the responsibility of the Department of Social Development and child protection services are delivered through eight Social Development Regional Offices. There are eight First Nations Child and Family Services Agencies.	Family Services Act	Under 19
Newfoundland and Labrador	Responsibility for the provision of child welfare programs and services fall to the Department of Children, Seniors and Social Development under the Department of Health and Community Services. Services are provided through four regional integrated health authorities.	Children and Youth Care and Protection Act	Under 18
Northwest Territories	Child protection falls to the Department of Health and Social Services, Child and Family Services and is administered by eight regional health and social services authorities.	Child and Family Services Act	Under 16
Nova Scotia	Child welfare programs and services fall under the Division of Child, Youth and Family Supports under the Department of Community Services. Child Protection Services are provided by four regional district offices and seventeen county and municipal Child Welfare Service Offices. There is one delegated First Nations agency in Nova Scotia.	Children and Family Services Act	Under 19
Nunavut	The Ministry of Family Services is responsible for child protection, and services are provided by 25 local Community, Children and Family Services Offices	Child and Family Services Act	Under 16
Ontario	The Ministry of Children, Community and Social Services funds child welfare services and programs, which are provided by Children's Aid Societies throughout the province. There are 49 such agencies, which are governed by Boards of Directors elected from local communities. Eleven of those agencies are mandated to provide services specifically to Indigenous communities (Indigenous Child and Family Well-Being Agencies)	Child, Youth and Family Services Act	Under 18
Prince Edward Island	Child protection is the responsibility of the Department Child and Family Services under the Ministry of Family and Human Services. Services are provided by six regional centres and twelve Child Protection Teams.	Child Protection Act	Under 18
Quebec	The Ministère de la Santé et des Services Sociaux, Department of Youth Protection is responsible for child protection. Services are provided by 34 integrated health and social service centres. Currently, 21 Indigenous agencies in Quebec have signed bipartite or tripartite agreements allowing them to provide either all or a range of child welfare services.	Youth Protection Act	Under 18
Saskatchewan	Child protection falls to the Ministry of Social Services and services are provided through local Social Services offices. Seventeen First Nations Child and Family Services Agencies serve children and families living on reserve.	Child and Family Services Act	Under 16
Yukon	The Department of Health and Social Services, Family and Children's Services is responsible for the provision of child welfare programs and services and their delivery through Regional Services Offices.	Child and Family Services Act	Under 19

Section Three

Study Methodology

Section 3: Study Methodology

This section of the report describes the methodology of the FN/CIS-2019. As with any sample survey, estimates must be understood within the constraints of the survey instrument, the sampling design, and the estimation procedures used. A full description of the methodology is available upon request. [53]

Sampling

The FN/CIS-2019 captured information about children and their families as they came into contact with child welfare services over a three-month sampling period. Children who were not reported to child welfare services, screened-out reports or new allegations on cases currently open at the time of case selection were not included in the FN/CIS-2019.

Information about sampled cases was collected directly from the investigating worker at the conclusion of their investigation, except for sites in Quebec where information was extracted from the administrative information system. In September 2019, the Quebec Ministry of Health and Social Services decided to postpone the data collection process using online forms filled out by investigating workers for the Quebec component of this study. Because of this, data for child welfare investigations in Quebec were obtained through an administrative data extraction within provincial child welfare data systems. For First Nations communities that used their own data systems, the research team worked with the agencies in question to extract equivalent information. Data from these sampled cases were merged with data from the Ontario Incidence Study of Reported Child Abuse and Neglect – 2018 (OIS-2018)[54] and the rest of Canada in order to derive estimates of the annual rate and characteristics of child investigations in Canada.

The sampling approach was developed in consultation with a statistical expert. The FN/CIS-2019 sample (for all regions excluding Quebec) was drawn in three stages. First, a representative sample of provincial and territorial mainstream child welfare sites and Indigenous child welfare

[53] A more detailed description of the methodology is available on cwrp.ca. If more information is needed, please contact the Study Director, Dr. Barbara Fallon (barbara.fallon@utoronto.ca).

[54] Fallon, Barbara, Rachael Lefebvre, Joanne Filippelli, Nicolette Joh-Carnella, Nico Trocme, Jessica Carradine, and John Fluke. "Major findings from the Ontario Incidence Study of Reported Child Abuse and Neglect 2018." *Child Abuse & Neglect* (2021).

agencies across Canada was selected. The final sample of agencies in Canada (except for Quebec) included 47 mainstream and 16 First Nations agencies. Cases were then sampled over a three-month period within the selected sites, and finally, child investigations that met the study criteria were identified from the sampled cases. Quebec administrative data were extracted for the year 2019 from the information system and, when possible, matched to the variables contained in the data collection instrument used in the rest of Canada.

Stage One: Child Welfare Authority Selection

Child welfare authorities are the Primary Sampling Units (PSU) for the FN/CIS-2019. The term "child welfare authority" describes any organization that has the authority to conduct child protection investigations. A final count of 307 child welfare authorities constituted the sampling frame for the 2019 study.

In all of Canada, except Quebec, child welfare authorities were first stratified by province except for the Atlantic provinces (one stratum) and the territories (one stratum). A separate stratum was developed for all Indigenous child welfare authorities. Child welfare authorities were then further stratified by size within these strata (large and medium/small for mainstream child welfare authorities and very large, large and medium/small for Indigenous child welfare authorities). Child welfare authority size was determined by the service volume of investigations conducted in the year prior to the study. In total, 17 strata provided the sampling structure from which child welfare authorities were selected.

Sites were selected using stratified random sampling within their respective strata with a minimum number of selected child welfare authorities in each stratum determined by the variability in the service population across strata. All sites, including those that were geographically remote, were eligible for inclusion because the survey instrument was completed online by the investigating worker for this cycle of the study.

Stage Two: Case Selection

The second sampling stage involved selecting cases opened in the study sites during the three-month period from October 1, 2019 to December 31, 2019. Three months was considered to be the optimum period to ensure high participation rates and good compliance with study procedures. Consultation with service providers indicated that case activity from October to December was typical of the whole year.

In small to medium-sized sites, all cases opened during the three-month sampling period were selected. In larger agencies that conducted over 1,000 investigations per year, a random sample of 250 cases was selected for inclusion in the study. In Quebec, a modified data collection method was used, whereby case information was extracted from the provincial administrative information system, therefore all investigations conducted in 2019 (January to December) at all agencies were included.

These procedures resulted in the selection of 7,763 family-based cases: 4,054 from Ontario and 3,709 from the rest of Canada (excluding Quebec).

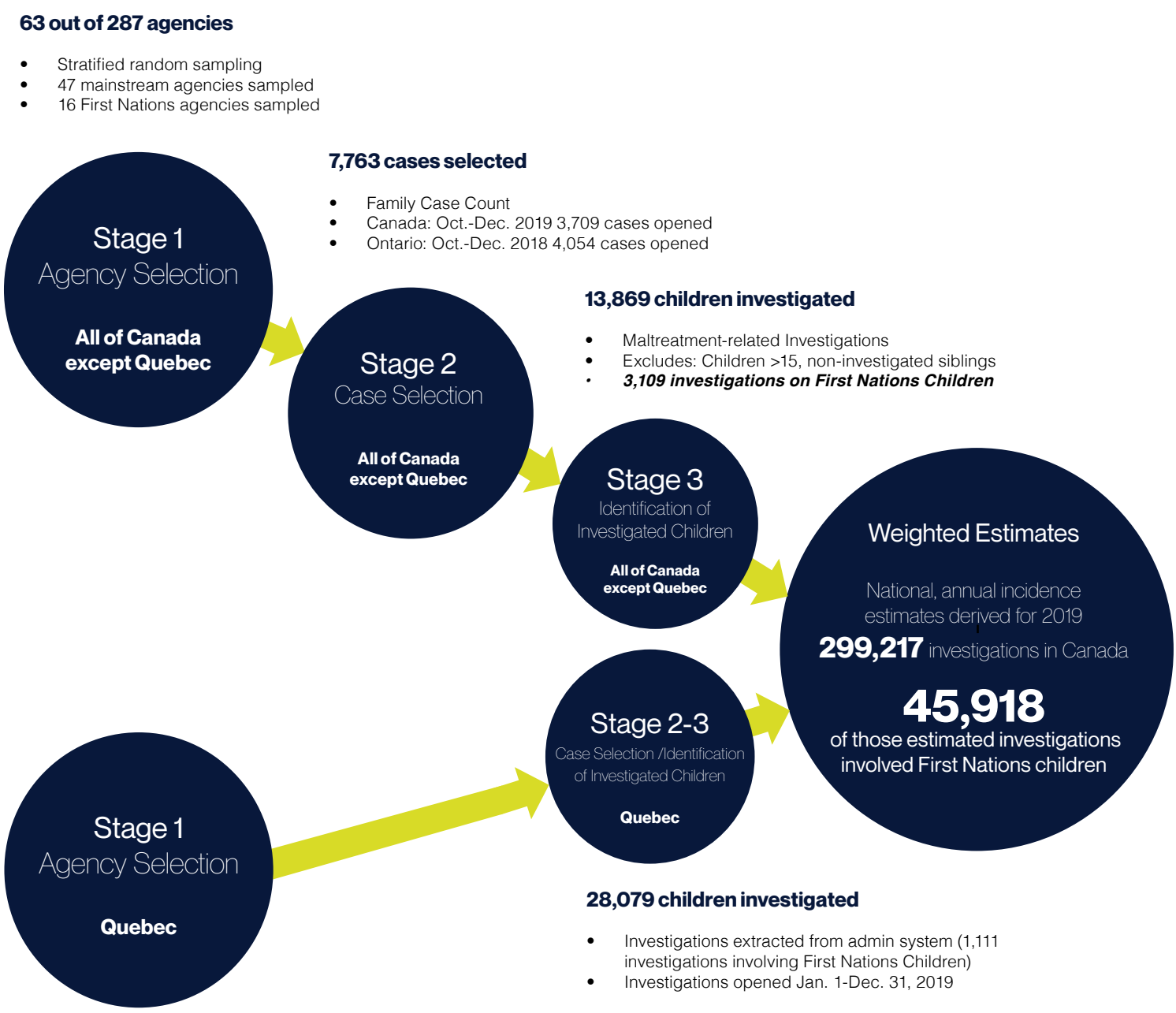
Stage Three: Identification of Investigated Children

The final sampling stage involved identifying children who had been investigated as a result of concerns related to possible maltreatment. As noted above, since in most jurisdictions cases are opened at the level of the family, procedures had to be developed to determine which child(ren) in each family were investigated for maltreatment-related reasons. Furthermore, cases can be opened for reasons that do not involve maltreatment-related concerns. These can include children with behavioural problems, families seeking financial support, or other service requests that do not involve a specific allegation of maltreatment or risk of future maltreatment. Similarly, some jurisdictions classify home studies for prospective adoptive of foster homes as case openings.

In Quebec, there were 28,079 children who were investigated in 2019. In Ontario and the rest of Canada there were 13,869 children who were investigated and identified in a data collection form. When the data were weighted using complex design weights a final estimate of 299,217 child maltreatment-related investigations of children aged 15 and younger was calculated for 2019. Of these investigations, there was an estimated 45,918 involving First Nations children.

Survey Methodolgy

Figure 12: FN/CIS-2019 Sampling Frame



Terms Used in the Report

For a full glossary of terms, please refer to Appendix B. The present section goes over some key definitions.

Maltreatment Investigations vs. Risk of Future Maltreatment Investigations

In jurisdictions outside of Quebec, children eligible for inclusion in the final study sample were identified by having investigating workers complete the Intake Information section of the online FN/CIS-2019 Instrument. The Intake Information section allowed the investigating worker to identify any children who were investigated because of maltreatment-related concerns. These were further classified as either (1) maltreatment investigations, i.e., investigations involving a specific allegation of an incident of maltreatment or (2) risk of future maltreatment investigations, i.e., investigations where there was no specific allegation of a maltreatment incident but where the primary concern was related to the risk of future maltreatment.

Forms of Maltreatment Included in the FN/CIS-2019

The FN/CIS-2019 definition of child maltreatment includes 33 forms of maltreatment, subsumed under five categories of maltreatment: physical abuse, sexual abuse, neglect, emotional maltreatment, and exposure to intimate partner violence. This classification reflects a broad definition of child maltreatment and includes forms of maltreatment that are not specifically indicated in some provincial and territorial child welfare statutes (e.g., exposure to intimate partner violence). The FN/CIS-2019 tracked up to three forms of maltreatment for each investigation.

A source of potential confusion in interpreting child maltreatment statistics lies in inconsistencies in the categories of maltreatment included in different statistics. Most child maltreatment statistics refer to both physical and sexual abuse, but other categories of maltreatment, such as neglect, emotional maltreatment, and exposure to intimate partner violence are not systematically included. There is even less consensus with respect to subtypes or forms of maltreatment.

Investigated Maltreatment vs. Substantiated Maltreatment

Child welfare statutes in most jurisdictions require that professionals working with children and the general public report all situations where they have concerns that a child may have been maltreated or where there is a risk of future maltreatment. The investigation phase is designed to determine whether the child was in fact maltreated or not. Some jurisdictions use a two-tiered substantiation classification system that distinguishes between substantiated and unfounded cases or verified and not verified cases. The FN/CIS-2019 uses a three-tiered classification system for investigated incidents of maltreatment, in which a "suspected" level provides an important clinical distinction in certain cases: those in which there is not enough evidence to substantiate maltreatment, but maltreatment cannot be ruled out.[55]

In reporting and interpreting maltreatment statistics it is important to clearly distinguish between risk of future maltreatment investigations, maltreatment investigations and substantiated cases of maltreatment.

Risk of Harm vs. Harm

Cases of maltreatment that draw public attention usually involve children who have been severely injured or, in the most tragic cases, have died as a result of maltreatment. In practice, child welfare workers investigate and intervene in many situations in which children have not yet been harmed but are at risk of harm. For instance, a toddler who has been repeatedly left unsupervised in a potentially dangerous setting may be considered to have been neglected, even if the child has not yet been harmed.

Provincial and territorial statutes cover children who have suffered demonstrable harm due to abuse or neglect and children at risk of harm. Substantiation standards in all jurisdictions across Canada include situations where children have been harmed as a result of maltreatment as well as situations where there is no evidence of harm but where children are at substantial risk of harm as a result of maltreatment. The FN/CIS-2019 includes both types of situations in its definition of maltreatment. The study also gathers information about physical and emotional harm attributed to substantiated or suspected maltreatment.

There can be confusion around the difference between risk of harm and risk of future maltreatment. A child who has been placed at risk of harm has experienced an event that endangered their physical or emotional health.

[55] For more information on the distinction between these three levels of substantiation, please see: Trocmé, N., Knoke, D., Fallon, B., & MacLaurin, B. (2009). Differentiating between substantiated, suspected, and unsubstantiated maltreatment in Canada. Child Maltreatment, 14(1), 4 – 16.

Placing a child at risk of harm is considered a form of maltreatment. For example, neglect can be substantiated for an unsupervised toddler, regardless of whether or not harm occurs, because the parent is placing the child at substantial risk of harm. In contrast, risk of future maltreatment refers to situations where a specific incident of maltreatment has not yet occurred, but circumstances, for instance parental substance abuse, indicate that there is a significant risk that maltreatment could occur in the future.

Weighting

The data collected for the FN/CIS-2019 were weighted in order to derive national, annual incidence estimates. Design weights were applied to each case selected in sampled agencies during the three-month case selection period. The weighting approach was developed in consultation with a statistical expert. A full description of the weighting procedure will be available on the cwrp.ca website.

Rate per 1,000 Calculations

In this report, a rate per 1,000 calculation was performed for First Nations children and non-Indigenous children (0 to 15 years old) using data from the 2016 Census. Service volume estimates for First Nations children were divided by the census population (i.e., 304,085) and then multiplied by 1,000. Service volume estimates for non-Indigenous children were divided by the census population (5,726,305) and then multiplied by 1,000.

For variables for which data were not available from the Quebec data extraction, the Quebec child population (0 to 15 years old) was subtracted from the total Canadian child population. This resulted in population estimates of 277,720 for First Nations children and 4,182,530 for non-Indigenous children.

The FN/CIS-2019 Instrument

The FN/CIS-2019 Instrument was the main data collection instrument used for the study. This instrument was completed by the primary investigating child welfare worker upon completion of each child welfare investigation (Appendix A). This data collection instrument consists of an Intake Information section, a Household Information section, and a Child Information section.

Intake Information Section

Information about the report or referral as well as partially identifying information about the child(ren) involved was collected on the Intake Information section. This section requested information on: the date of referral; referral source; number of caregivers and children in the home; age and sex of caregivers and children; the reason for referral; which approach to the investigation was used; the relationship between each caregiver and child; whether the child was investigated; whether there were other adults in the home; and whether there were other caregivers outside the home.

Household Information Section

The household was defined as all of the adults living at the address of the investigation. The Household Information section collected detailed information on up to two caregivers living in the home at the time of referral. Descriptive information was requested about the contact with the caregiver, caregiver risk factors, household risk factors, transfers to ongoing services, and referral(s) to other services.

Child Information Section

The Child Information section was completed for each child who was investigated for maltreatment or for risk of future maltreatment. The Child Information section collected information on the type of investigation (a risk investigation or an investigated incident of maltreatment). For maltreatment investigations, it documented up to three different forms of maltreatment and included levels of substantiation, alleged perpetrator(s), and duration of maltreatment. In addition, it collected information on child functioning, physical harm, emotional harm to the child attributable to the alleged maltreatment, previous reports of maltreatment, spanking, child welfare court activity, and out-of-home placement. Workers who conducted investigations of risk of future maltreatment did not answer questions pertaining to substantiation, perpetrators, and duration, but did complete items about child functioning, placement, court involvement, previous reports of maltreatment, and spanking. In both types of investigations, workers were asked whether they were concerned about future maltreatment.

Guidebook

A significant challenge for the study was to overcome the variations in the definitions of maltreatment used in different jurisdictions. Rather than anchor the definitions in specific legal or administrative definitions, a single set of definitions corresponding to standard research classification schemes was used. All items on the FN/CIS-2019 Instrument were defined in an accompanying FN/CIS-2019 Guidebook.

Data Collection and Verification Procedures

Each participating agency was offered a training session conducted by a Site Researcher to introduce participating child welfare workers to the FN/CIS-2019 instrument and procedures. Most agencies opted to receive the training session. In addition, many agency representatives requested one-on-one support for participating child welfare workers completing the FN/CIS-2019 instruments throughout the data collection period. Additional support was built into the FN/CIS-2019 online platform, including direct access to the FN/CIS-2019 Guidebook, containing definitions for all of the items and study procedures; written instructions for each item on the instrument available through a help pop-up; and audio instructions for a selection of items.

Site Researchers were assigned to coordinate data collection activities at each agency participating in the FN/CIS-2019. Site Researchers were trained on the study instruments and procedures and each Site Researcher was assigned between three to six agencies. Prior to travel restrictions required for the COVID-19 pandemic, Site Researchers visited their agencies on a regular basis to provide participating workers with one-on-one support in completing their data collection instruments, respond to questions, and monitor study progress. Since the instrument for this cycle of the study was online for the first time, additional support strategies were developed, and many workers preferred to complete the instruments over the phone with their assigned Site Researcher. This type of one-on-one phone support continued during the pandemic.

In Quebec, the Quebec Incidence Study team, in consultation with the FN/CIS-2019 study team and First Nations partners in Quebec, extracted and matched fields from the Quebec administrative case management system to the items in the FN/CIS-2019 data collection instrument.

Timing of Form Completion

The data collection instrument was completed at the point when workers finished their written report of the investigation. The length of time between the receipt of the referral and the completion of the written assessment differed according to provincial, regional, and site practices, although in most instances some type of report was required within six weeks of the beginning of an investigation. There were many instances where a complex investigation took more time. Additionally, due to the unprecedented situation of child welfare agencies serving children and families during the COVID-19 pandemic, timing of instrument completion was adapted in response to the needs of workers beginning in March 2020.

Estimation Procedures

Design

The study design was implemented for the purpose of point estimation and the estimation of variance. The population of agencies was stratified by size. Agencies were selected from each stratum using systematic random sampling in order to take agency size into consideration. The three months (corresponding to October, November, and December) were assumed to be a random sample of the 12 months comprising the calendar year for each agency selected. In each selected month, cases at large agencies were selected using simple random sampling. Quebec investigations represent a universal sample and are, therefore, self-representing.

Case Duplication

Although cases reported more than once during the three-month case sampling period were unduplicated, the weights used for FN/CIS-2019 annual estimates include an unknown number of "duplicate" cases, i.e., children or families reported and opened for investigation two or more times during the year. Although each investigation represents a new incident of maltreatment, confusion arises if these investigations are taken to represent an unduplicated count of children. To avoid such confusion, the FN/CIS-2019 uses the term "child investigations" rather than "investigated children."

An estimate of how often maltreated children will be counted more than once can be derived from jurisdictions that maintain separate investigation-based and child-based counts. The U.S. National Child Abuse and Neglect Data System (NCANDS), reports that for substantiated cases of child maltreatment, the six-month recurrence rate during 2016 was 5.1 percent.[56] In Quebec, the six-month recurrence rate is estimated to be 2.1 percent. In a 12-month follow-up with 30 Ontario agencies, there was a 15.40 percent recurrence rate after an investigation closed.[57]

[56] https://www.acf.hhs.gov/sites/default/files/cb/cwo2016.pdf

[57] Ocands 2013-2014, Http://Www.oacas.org/Wp-Content/Uploads/2016/08/Fact-Sheet-Service-Recurrence-Spi-4-And-5-Final-March-2016.Pdf

Ethics Procedures

The FN/CIS-2019 data collection and data handling protocols and procedures were reviewed and approved by the Health Sciences Research Ethics Board.

The study utilized a case file review methodology. The case files are the property of the Indigenous or mainstream agency. Therefore, the permission of the agency was required in order to access the case files. Confidentiality of case information and participants, including workers and agencies, was maintained throughout the process. No directly identifying information was collected on the data collection instrument. The Intake Information section collected partially identifying information about the children. The Intake Information section also included the file/case number assigned by the agency. This information was used only for verification purposes. Any names on the forms were deleted during verification. The FN/CIS-2019 used a secure, web-based delivery system for data collection.

Indigenous Ethics

The FN/CIS-2019 adhered to the principles of Ownership of, Control over, Access to, and Possession of research (OCAP® principles), which must be negotiated within the context of individual research projects. In the case of the FN/CIS-2019, adherence to OCAP® principles is a shared concern that shapes the collaborative relationship between the FN/CIS-2019 Advisory Committee and the research team. FN/CIS-2019 Advisory Committee members guided the research design and implementation.

Ethno-racial Data Analysis

Any analyses of ethno-racial data will be governed/informed in consultation with applicable ethno-cultural communities and will reflect their perspectives and input.

Study Limitations

Although every effort was made to make the forthcoming FN/CIS-2019 estimates precise and reliable, several limits inherent to the nature of the data collected must be taken into consideration:

The weights used to derive annual estimates include;

- Counts of children investigated more than once during the year; therefore, the unit of analysis for the weighted estimates is a child investigation
- The national counts that will be presented in FN/CIS-2019 reports are weighted estimates. In some instances, sample sizes are too small to derive publishable estimates (please see Appendix C for coefficients of variation for the estimates produced in this report)
- The FN/CIS-2019 tracks information during approximately the first 45 days of case activity; however, there are slight provincial and territorial differences in this length of time. Service outcomes such as out-of-home placements and applications to court included only events that occurred during those first approximately 45 days
- The FN/CIS-2019 only tracks reports investigated by child welfare sites and does not include reports that were screened out, cases that were investigated only by the police, and cases that were never reported
- The study is based on the assessments provided by the investigating child welfare workers and could not be independently verified
- The data used to estimate 2019 Canadian child maltreatment-related investigations include data collected in Ontario in 2018 and annual administrative data from the Quebec information system

Section Four

Major Findings

Section 4: Major Findings

Description of Statistics Presented

This section compares investigations involving First Nations and non-Indigenous children. Data provided include estimates of the numbers of investigations, proportions of investigations and rates per 1,000 children. Proper interpretation of these findings requires distinguishing between investigation percentages and rates per 1,000 children.

Percentages

Percentages presented in the tables below represent the distribution of investigations involving either First Nations or non-Indigenous children in Canada in 2019 across different categories. Percentage estimates provide an overview of proportions of investigations within the child welfare system. Differences in percentages between First Nations and non-Indigenous children reflect differences in the profile of investigations involving these two populations in 2019.

Calculation:

$$\frac{\text{Estimated number of investigations with variable of interest}}{\text{Total number of investigations}} \times 100\%$$

Incidence rates

Incidence rates represent the number of investigations for every 1,000 First Nations or non-Indigenous children within the general population in Canada in 2019. They are used to determine how likely it is for a First Nations child or a non-Indigenous child to experience an event during an investigation in 2019.

Calculation:

$$\frac{\text{Estimated number of investigations with variable of interest}}{\text{Child population In Canada}} \times 1{,}000$$

Disparity

Disparity indices compare incidence rates of investigations involving First Nations and non-Indigenous children. While these are not reported in each table presented, they are referenced throughout the report (e.g., the rate of investigation for First Nations children is 3.6 times as high as the rate of investigation for non-Indigenous children).

Calculation:

$$\frac{\text{Incidence rate for investigations involving First Nations children}}{\text{Incidence rate for investigations involving non-Indigenous children}}$$

Child and Family Characteristics

An estimated 299,217 child maltreatment-related investigations were conducted in Canada in 2019. As shown in Figure 13, 15 percent of these investigations involved First Nations (status and non-status) children.

This report focuses on investigations involving First Nations (status and non-status) children (an estimated 45,918 investigations; a rate of 151.00 per 1,000 First Nations children in Canada), compared to investigations involving non-Indigenous children (an estimated 241,137 investigations; a rate of 42.11 per 1,000 non-Indigenous children in Canada). First Nations children (aged 0-15 years) in Canada were 3.6 times as likely to be the subject of a child maltreatment-related investigation compared to non-Indigenous children in 2019.

Figure 13: Children's Indigenous Identity in Maltreatment-Related Investigations in Canada in 2019

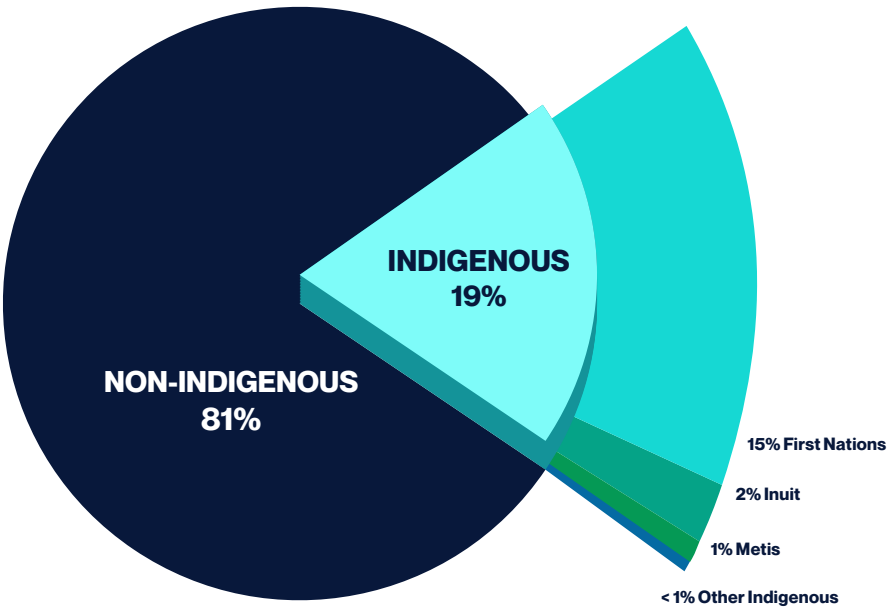


Table 2: Number and Rate of Maltreatment-Related Investigations in Canada in 2019 for First Nations and Non-Indigenous Children

First Nations and Non-Indigenous	#	%	Rate per 1,000 children
First Nations	45,918	16%	151.00
Non-Indigenous	241,137	84%	42.11
Total Investigations Involving First Nations and Non-Indigenous Children	287,055	100%	46.60

Based on a sample of 27,994 cases extracted from the Quebec administrative system in 2019, 7,007 investigations in Ontario in 2018, and 6,384 investigations in the rest of Canada in 2019. The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 3: Age of Children in Maltreatment-Related Investigations in Canada in 2019 for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Child Age	#	Rate per 1,000 children within age group	%	#	Rate per 1,000 children within age group	%
<1 Year	3,944	218.69	9%	13,962	41.05	6%
1-3 Years	9,216	167.26	20%	37,041	35.41	15%
4-7 Years	11,474	143.45	25%	66,613	45.30	28%
8-11 Years	11,125	143.11	24%	67,815	46.64	28%
12-15 Years	10,159	138.74	22%	55,706	39.35	23%
Total Investigations	**45,918**	**151.00**	**100%**	**241,137**	**42.11**	**100%**

Based on a sample of 27,994 cases extracted from the Quebec administrative system in 2019, 7,007 investigations in Ontario in 2018, and 6,384 investigations in the rest of Canada in 2019. The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 3 describes the number and incidence of investigations by child age group.

A greater proportion of investigations involving First Nations children involved younger children, with nine percent of these investigations involving First Nations children under one year of age and 20 percent involving children one to three years old (total of 29 percent of investigations involving children zero to three years old). For non-Indigenous children, investigations involving children zero to three years represented only 21 percent of investigations. The proportions of investigations involving First Nations and non-Indigenous children aged 12 to 15 years old were similar: 22 percent of investigations involving First Nations children compared to 23 percent of investigations involving non-Indigenous children.

First Nations children aged under one (218.69 investigations per 1,000 children) were **5.3 times** as likely to be investigated compared to non-Indigenous children in the same age group (41.05 investigations per 1,000 children). First Nations children aged 12-15 (138.74 investigations per 1,000 children) were **3.5 times** as likely to be investigated compared to non-Indigenous children in the same age group (39.35 investigations per 1,000 children).

Table 4: Child Functioning Concerns in Maltreatment-Related Investigations in Canada in 2019 (Excluding Quebec) for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Child Functioning Concern	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Positive Toxicology at Birth	2,016	7.26	5%	2,147	0.51	1%
FASD	2,415	8.70	5%	1,616	0.39	1%
Failure to Meet Developmental Milestones	4,708	16.95	11%	11,676	2.79	5%
Intellectual/Developmental Disability	5,156	18.57	12%	20,239	4.84	9%
Attachment Issues	4,745	17.09	11%	12,751	3.05	6%
ADHD	3,586	12.91	8%	21,632	5.17	10%
Aggression/Conduct Issues	4,510	16.24	10%	22,373	5.35	10%
Physical Disability	853	3.07	2%	3,028	0.72	1%
Academic/Learning Difficulties	7,679	27.65	17%	29,428	7.04	14%
Depression/Anxiety/Withdrawal	6,140	22.11	14%	25,116	6.00	12%
Self-harming Behaviour	2,482	8.94	6%	7,385	1.77	3%
Suicidal Thoughts	2,180	7.85	5%	7,989	1.91	4%
Suicide Attempts	923	3.32	2%	2,348	0.56	1%
Inappropriate Sexual Behaviour	1,275	4.59	3%	4,398	1.05	2%
Running (Multiple Incidents)	1,667	6.00	4%	3,999	0.96	2%
Alcohol Abuse	1,096	3.95	2%	1,612	0.39	1%
Drug/Solvent Abuse	1,087	3.91	2%	2,699	0.65	1%
Youth Criminal Justice Act Involvement	540	1.94	1%	1,429	0.34	1%
Other Functioning Concern	645	2.32	1%	2,787	0.67	1%
At Least One Child Functioning Concern	16,475	59.32	37%	69,051	16.51	32%
No Child Functioning Concern	27,650	99.56	63%	145,098	34.69	68%
Total Investigations	**44,125**	**158.88**	**100%**	**214,149**	**51.20**	**100%**

Percentages do not add up to 100% because investigating workers could identify more than one child functioning concern.Based on a sample of 7,007 investigations in Ontario in 2018 and 6,384 investigations in the rest of Canada in 2019. Information on child functioning was not available when the case was extracted from the Quebec administrative system.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 4 reflects the types of functioning concerns associated with children's physical, emotional and/or cognitive health, or with behaviour-specific concerns that workers may be aware of during their initial investigations. In 37 percent of child maltreatment-related investigations involving First Nations children (an estimated 16,475 First Nations child investigations), at least one child functioning concern was indicated by the investigating worker. At least one child functioning concern was noted in 32 percent of investigations involving non-Indigenous children (representing an estimated 69,051 non-Indigenous child investigations). The incidence rate of investigations involving children with noted child functioning concerns was **3.6 times** as high for First Nations children (59.32 per 1,000 children) compared to non-Indigenous children (16.51 per 1,000 children).

Academic or learning difficulties was the most frequently reported child functioning concern for investigations involving First Nations children as well as for investigations involving non-Indigenous children (17 percent of First Nations child maltreatment-related investigations and 14 percent of non-Indigenous child maltreatment-related investigations). The second most common for both groups was depression/anxiety/withdrawal (14 percent of First Nations child maltreatment-related investigations and 12 percent of non-Indigenous child maltreatment-related investigations). The next three most common child functioning concerns for investigations involving First Nations children were an intellectual/developmental disability (12 percent), attachment issues (11 percent), and failure to meet developmental milestones (11 percent). For investigations involving non-Indigenous children, the next three most commonly noted concerns were aggression/conduct issues (10 percent), ADHD (10 percent), and an intellectual/developmental disability (nine percent).

It is important to note that this data is based on the initial child welfare investigation and do not capture child functioning concerns that may become evident after that time.

Table 5: Primary Caregiver Risk Factors in Maltreatment-Related Investigations in Canada in 2019 (Excluding Quebec) for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Caregiver Risk Factors	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Alcohol Abuse	15,023	54.09	34%	18,290	4.37	9%
Drug/Solvent Abuse	10,213	36.77	23%	17,566	4.20	8%
Cognitive Impairment	4,149	14.94	10%	6,864	1.64	3%
Mental Health Issues	14,780	53.22	34%	53,506	12.79	25%
Physical Health Issues	3,771	13.58	9%	13,509	3.23	6%
Few Social Supports	14,710	52.97	34%	51,234	12.25	24%
Victim of Intimate Partner Violence	14,977	53.93	34%	58,465	13.98	28%
Perpetrator of Domestic Violence	5,027	18.10	12%	16,864	4.03	8%
History of Foster Care/Group Home	8,322	29.97	19%	8,614	2.06	4%
At Least One Primary Caregiver Risk Factor	32,159	115.80	74%	120,954	28.92	57%
No Primary Caregiver Risk Factors	11,507	41.43	26%	90,938	21.74	43%
Total Investigations	**43,666**	**157.23**	**100%**	**211,892**	**50.66**	**100%**

Percentages do not add up to 100% because investigating workers could identify more than one primary caregiver risk factor.

Based on a sample of 6,905 investigations in Ontario in 2018 and 6,354 investigations in the rest of Canada in 2019. Information on caregiver risk factors was not available in situations where the case was opened under a community caregiver, the youth was living independently, or the case was extracted from the Quebec administrative system. A community caregiver is defined as anyone providing care to a child in an out-of-home setting (e.g., institutional setting).

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 5 presents primary caregiver risk factors that were noted by investigating workers. At least one primary caregiver risk factor was identified in 74 percent of maltreatment-related investigations involving First Nations children (an estimated 32,159 investigations) compared to only 57 percent of investigations involving non-Indigenous children. The incidence rate of investigations involving at least one primary caregiver risk factor was **4.0 times** as high for First Nations children (115.80 per 1,000 children) compared to non-Indigenous children (28.92 per 1,000 children), indicating that primary caregivers in investigations involving First Nations children were more likely to be struggling with multiple complex needs.

The most frequently noted primary caregiver risk factors among investigations involving First Nations children were alcohol abuse, mental health issues, few social supports, and victim of intimate partner violence, which were all noted in 34 percent of investigations. For investigations involving non-Indigenous children, victim of intimate partner violence was noted in 28 percent of investigations, mental health issues in 25 percent of investigations, few social supports in 24 percent of investigations and alcohol abuse in nine percent of investigations.

Table 6: Primary Source of Household Income in Maltreatment-Related Investigations in Canada in 2019 (Excluding Quebec) for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Income Source	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Full-time Employment	11,784	42.43	27%	123,259	29.47	58%
Part-time/Multiple Jobs/ Seasonal Employment	4,266	15.36	10%	18,414	4.40	9%
Benefits/EI/Social Assistance	23,059	83.03	52%	46,881	11.21	22%
Unknown	747	2.69	2%	8,398	2.01	4%
None	4,007	14.43	9%	15,087	3.61	7%
Total Investigations	**43,863**	**157.94**	**100%**	**212,039**	**50.70**	**100%**

Based on a sample of 6,908 investigations in Ontario in 2018 and 6,367 investigations in the rest of Canada in 2019. Information on income source was not available in situations where the case was opened under a community caregiver or the case was extracted from the Quebec administrative system. A community caregiver is defined as anyone providing care to a child in an out-of-home setting (e.g., institutional setting).

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

The primary source of household income is presented in Table 6. Investigations involving First Nations children were more likely to involve families whose primary source of income was from benefits, employment insurance, or social assistance and less likely to involve families whose primary source of income was from full-time employment. Fifty-two percent of investigations involving First Nations children involved families who relied on benefits/employment insurance/social assistance; for investigations involving non-Indigenous children, this income source was noted in only 22 percent of investigations. In contrast, 58 percent of investigations involving non-Indigenous children involved families with a full-time income while only 27 percent of investigations involving First Nations children involved families who had income from full-time employment.

Table 7: Household Risk Factors in Maltreatment-Related Investigations in Canada in 2019 (Excluding Quebec) for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Household Risk Factors	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Household Ran Out of Money for Basic Necessities	10,413	37.49	24%	20,425	4.88	10%
Overcrowded Housing	6,231	22.44	14%	12,644	3.02	6%
Unsafe Housing Conditions	2,370	8.53	5%	7,783	1.86	4%
2+ Family Moves in Past Year	5,078	18.28	12%	11,892	2.84	6%
Total Investigations	**43,819**	**157.78**	**100%**	**211,959**	**50.68**	**100%**

Percentages do not add up to 100% because investigating workers could identify more than one household risk factor.

Based on a sample of 6,906 investigations in Ontario in 2018 and 6,363 investigations in the rest of Canada in 2019. Information on these risk factors was not available in situations where the case was opened under a community caregiver or the case was extracted from the Quebec administrative system. A community caregiver is defined as anyone providing care to a child in an out-of-home setting (e.g., institutional setting).

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 7 describes several household risk factors captured in the FN/CIS-2019. Investigating workers were asked to indicate if the household had run out of money for housing, food, utilities, telephone/cell phone, transportation or medical care in the past six months; in 24 percent of investigations involving First Nations children (a rate of 37.49 investigations per 1,000 First Nations children) the household was noted to have run out of money for at least one of these necessities, compared to 10 percent of investigations involving non-Indigenous children (a rate of 4.88 per 1,000 non-Indigenous children). Workers were also asked to indicate the presence of overcrowding and unsafe housing conditions as well as how many moves the family had experienced in the past 12 months.

Investigations involving First Nations children were more likely to involve families facing multiple structural challenges, such as living in unsafe housing conditions, economic hardship, and overcrowded housing that all limit the resources available to them to provide for their children.

Investigation Characteristics and Dispositions

Table 8: Type of Investigation in Maltreatment-Related Investigations Involving First Nations and non-Indigenous Children in Canada in 2019

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Type of Investigation	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Maltreatment Investigations	32,328	106.31	70%	168,570	29.44	70%
Risk-only Investigations	13,590	44.69	30%	72,567	12.67	30%
Total Investigations	**45,918**	**151.00**	**100%**	**241,137**	**42.11**	**100%**

Based on a sample of 27,994 cases extracted from the Quebec administrative system in 2019, 7,007 investigations in Ontario in 2018, and 6,384 investigations in the rest of Canada in 2019. The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

As described in the methods section, maltreatment-related investigations included maltreatment investigations where a specific alleged incident was being investigated as well as risk-only investigations where concerns related only to the risk of future maltreatment. For both First Nations and non-Indigenous children, 70 percent of investigations were focused on alleged incidents of maltreatment and 30 percent assessed the risk of future maltreatment.

Table 9: Level of Substantiation in Maltreatment Investigations in Canada in 2019 for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Level of Substantiation	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Substantiated	19,143	62.95	59%	76,899	13.43	46%
Suspected	2,190	7.20	7%	9,995	1.75	6%
Unfounded	10,950	36.01	34%	81,676	14.26	48%
Total Maltreatment Investigations	**32,283**	**106.16**	**100%**	**168,570**	**29.44**	**100%**

Based on a sample of 23,670 cases extracted from the Quebec administrative system in 2019, 4,422 investigations in Ontario in 2018, and 9,319 investigations in the rest of Canada in 2019. Twenty-eight cases from the Quebec administrative system did not have information about substantiation.

Table does not include information on risk-only investigations.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 9 presents the level of substantiation in the estimated 32,283 maltreatment investigations involving First Nations children and 168,570 investigations involving non-Indigenous children. Fifty-nine percent of maltreatment investigations involving First Nations children were substantiated (an estimated 19,143 investigations) compared to 46 percent for non-Indigenous children. The rate of substantiated investigations was **4.7 times** as high for First Nations children (62.95 investigations per 1,000 First Nations children) compared to non-Indigenous children (13.43 investigations per 1,000 non-Indigenous children) in Canada in 2019.

In a further seven percent of maltreatment investigations involving First Nations children there was insufficient evidence to substantiate maltreatment; however, maltreatment remained suspected by the investigating worker at the conclusion of the investigation. Thirty-four percent of investigations involving First Nations children (an estimated 10,950 maltreatment investigations or 36.01 investigations per 1,000 First Nations children) were unfounded, compared to 48 percent of investigations involving non-Indigenous children.

Table 10: Primary Category of Maltreatment in Investigated and Substantiated Maltreatment Investigations in Canada in 2019 for First Nations and Non-Indigenous Children

	Investigated						Substantiated					
	First Nations Child Investigations			Non-Indigenous Child Investigations			First Nations Child Investigations			Non-Indigenous Child Investigations		
Primary Category of Maltreatment	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Physical Abuse	4,491	14.77	14%	52,209	9.12	31%	1,570	5.16	8%	14,459	2.53	19%
Sexual Abuse	1,865	6.13	6%	7,383	1.29	4%	587	1.93	3%	2,108	0.37	3%
Neglect	14,321	47.10	44%	43,860	7.66	26%	8,400	27.62	44%	18,600	3.25	24%
Emotional Maltreatment	2,857	9.40	9%	18,508	3.23	11%	1,780	5.85	9%	10,941	1.91	14%
Exposure to Intimate Partner Violence	8,794	28.92	27%	46,610	8.14	28%	6,806	22.38	36%	30,791	5.38	40%
Total	**32,328**	**106.31**	**100%**	**168,570**	**29.44**	**100%**	**19,143**	**62.95**	**100%**	**76,899**	**13.43**	**100%**

Based on a sample of 23,698 cases (16,867 substantiated cases) extracted from the Quebec administrative system in 2019, 4,422 sampled investigations (1,758 substantiated investigations) in Ontario in 2018, and 4,897 sampled investigations (2,572 substantiated investigations) in the rest of Canada in 2019.

Table does not include information on risk-only investigations.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 10 describes the primary category of investigated maltreatment in all maltreatment investigations as well as in substantiated maltreatment investigations. The highest proportion of maltreatment investigations involving First Nations children were focused on neglect (44 percent; or a rate of 47.10 investigations per 1,000 First Nations children), followed by exposure to intimate partner violence (27 percent or a rate of 28.92 investigations per 1,000 First Nations children), physical abuse (14 percent or a rate of 14.77 investigations per 1,000 First Nations children), emotional maltreatment (nine percent or a rate of 9.40 investigations per 1,000 First Nations children), and sexual abuse (six percent or a rate of 6.13 investigations per 1,000 First Nations children).

In investigations involving non-Indigenous children, the largest primary categories of maltreatment typologies at the investigation stage were physical abuse (31 percent of investigations; or 9.12 investigations per 1,000 non-Indigenous children), exposure to intimate partner violence (28 percent of investigations; or 8.14 investigations per 1,000 non-Indigenous children), and neglect (26 percent of investigations; or 7.66 investigations per 1,000 non-Indigenous children). Emotional maltreatment was identified as the primary form of maltreatment in 11 percent of investigations (a rate of 3.23 investigations per 1,000 non-Indigenous children) and sexual abuse was identified as the primary maltreatment form in four percent of investigations (a rate of 1.29 investigations per 1,000 non-Indigenous children).

Table 11: Documented Physical Harm in Substantiated Maltreatment Investigations in Canada in 2019 (Excluding Quebec) for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Documented Physical Harm	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Physical Harm, No Medical Treatment Required	277	1.00	1%	2,253	0.54	4%
Physical Harm, Medical Treatment Required	478	1.72	3%	632	0.15	1%
Subtotal: Any Physical Harm Documented	755	2.72	4%	2,885	0.69	5%
No Physical Harm Documented	17,400	62.65	96%	57,695	13.79	95%
Total Substantiated Investigations	**18,155**	**65.37**	**100%**	**60,580**	**14.50**	**100%**

Based on a sample of 1,758 substantiated investigations in Ontario in 2018 and 2,572 substantiated investigations in the rest of Canada in 2019. Information on physical harm was not available when the case was extracted from the Quebec administrative system.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 10 also shows that, while the overall disparity index for substantiated investigations was **4.7** (rate of 62.95 substantiated investigations per 1,000 children and 13.43 substantiated investigations per 1,000 children involving First Nations and non-Indigenous children, respectively), the magnitude of this disparity varied with the typology of substantiated maltreatment. The largest disparity was for substantiated neglect investigations; First Nations children were **8.5 times** as likely to be the subject of substantiated neglect investigations (rate of 27.62 investigations per 1,000 First Nations children) compared to non-Indigenous children (rate of 3.25 investigations per 1,000 nn-Indigenous children).

The FN/CIS-2019 tracked physical harm identified by the investigating worker. Information on physical harm was collected using two measures: one describing severity of harm as measured by medical treatment needed and one describing the nature of harm. As shown in Table 11, in most substantiated maltreatment investigations, no physical harm was noted. Physical harm was identified in four percent of investigations involving First Nations children (an estimated 755 investigations or a rate of 2.72 per 1,000 First Nations children) compared to five percent of investigations involving non-Indigenous children (an estimated 2,885 investigations or 0.69 investigations per 1,000 non-Indigenous children).

In one percent of substantiated investigations involving First Nations children (an estimated 277 substantiated investigations), physical harm was identified but no medical treatment was required, compared to an estimated four percent of substantiated investigations involving non-Indigenous children. In three percent of substantiated investigations involving First Nations children (an estimated 478 substantiated investigations, or 1.72 substantiated investigations per 1,000 First Nations children), and one percent of those involving non-Indigenous children, harm was sufficiently severe to require treatment.

Table 12: Documented Emotional Harm in Substantiated Maltreatment Investigations in Canada in 2019 (Excluding Quebec) for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Documented Emotional Harm	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Emotional Harm, No Treatment Required	2,314	8.33	13%	9,210	2.20	15%
Emotional Harm, Treatment Required	3,980	14.33	22%	12,217	2.92	20%
Subtotal: Any Emotional Harm Documented	6,294	22.66	35%	21,427	5.12	35%
No Emotional Harm Documented	11,861	42.71	65%	39,153	9.36	65%
Total Substantiated Investigations	**18,155**	**65.37**	**100%**	**60,580**	**14.48**	**100%**

Based on a sample of 1,758 substantiated investigations in Ontario in 2018 and 2,572 substantiated investigations in the rest of Canada in 2019. Information on emotional harm was not available when the case was extracted from the Quebec administrative system.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Information on emotional harm was collected using a series of questions asking child welfare workers to describe emotional harm that had occurred because of the maltreatment incident(s). If the maltreatment was substantiated or suspected, workers were asked to indicate whether the child was showing signs of mental or emotional harm (e.g., nightmares, bed-wetting, or social withdrawal) following the maltreatment incident(s). To rate the severity of mental/emotional harm, workers indicated whether therapeutic treatment was required to manage the symptoms of mental or emotional harm.

Table 12 presents documented emotional harm identified during substantiated child maltreatment investigations involving First Nations and non-Indigenous children. Emotional harm was noted in 35 percent of all substantiated maltreatment involving First Nations children as well as substantiated investigations involving non-Indigenous children. In 22 percent of substantiated investigations involving First Nations children (an estimated 3,980 investigations or 14.33 investigations per 1,000 First Nations children) symptoms were severe enough to require treatment compared to twenty percent of substantiated investigations involving non-Indigenous children.

Table 13: Service Referrals in Maltreatment-Related Investigations in Canada in 2019 (Excluding Quebec) for First Nations and non-Indigenous children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Service Referrals	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Case Involved a Service Referral for Any Family Member	22,790	82.06	52%	81,539	19.50	38%
Case Did Not Involve Any Service Referrals	21,335	76.82	48%	132,610	31.71	62%
Total Investigations	**44,125**	**158.88**	**100%**	**214,149**	**51.20**	**100%**

Based on a sample of 7,007 investigations in Ontario in 2018 and 6,384 investigations in the rest of Canada in 2019. Information on service referrals was not available when the case was extracted from the Quebec administrative system.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 13 presents the number of investigations in which the investigating worker made a service referral for any family member involved in the investigation. In just over half of investigations involving First Nations children (52 percent), a service referral was made (an estimated 22,790 investigations), compared to 38 percent of investigations involving non-Indigenous children in which a service referral was made. The rate of investigations leading to a service referral was **4.2 times** as high for First Nations children (82.06 investigations per 1,000 First Nations children) compared to non-Indigenous children (19.50 investigations per 1,000 non-Indigenous children).

Table 14: Transfers to Ongoing Services in Maltreatment-Related Investigations in Canada in 2019 (Excluding Quebec) for First Nations and non-Indigenous children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Transfers to Ongoing Services	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Case Transferred to Ongoing Services	15,725	56.62	36%	35,941	8.59	17%
Case Closed	28,400	102.26	64%	178,208	42.61	83%
Total Investigations	**44,125**	**158.88**	**100%**	**214,149**	**51.20**	**100%**

Based on a sample of 7,007 investigations in Ontario in 2018 and 6,384 investigations in the rest of Canada in 2019. Information on transfers to ongoing services was not available when the case was extracted from the Quebec administrative system.

The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

The number of cases that remained opened for ongoing services following an initial child welfare investigation is presented in Table 14. Thirty-six percent of investigations involving First Nations children remained open for ongoing services in Canada in 2019, compared to only 17 percent of investigations involving non-Indigenous children. The rate of investigations that remained open for ongoing services was **6.6 times** as high for First Nations children (56.62 investigations per 1,000 First Nations children) compared to non-Indigenous children (8.59 investigations per 1,000 non-Indigenous children).

Table 15: Applications to Child Welfare Court in Maltreatment-Related Investigations in Canada in 2019 for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Child Welfare Court Application	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
No Application to Court	41,831	137.56	91%	233,805	40.83	97%
Application Made	4,087	13.44	9%	7,332	1.28	3%
Total Investigations	**45,918**	**151.00**	**100%**	**241,137**	**42.11**	**100%**

Based on a sample of 27,994 cases extracted from the Quebec administrative system in 2019, 7,007 investigations in Ontario in 2018, and 6,384 investigations in the rest of Canada in 2019. The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 15 describes investigations involving applications to child welfare court in Canada in 2019. An application to court was made in nine percent of investigations involving First Nations children compared to only three percent of investigations involving non-Indigenous children. The rate of investigations with child welfare court applications was **10.5 times** as high for investigations involving First Nations children (rate of 13.44 investigations per 1,000 First Nations children) compared to non-Indigenous children (rate of 1.28 investigations per 1,000 non-Indigenous children).

Table 16: Placement Type in Maltreatment-Related Investigations in Canada in 2019 for First Nations and Non-Indigenous Children

	First Nations Child Investigations			Non-Indigenous Child Investigations		
Placement Type	#	Rate per 1,000 children	%	#	Rate per 1,000 children	%
Informal Placement (Kinship Out of Care and Customary Care)	2,365	7.78	5%	4,798	0.84	2%
Kinship in Care	1,589	5.23	3%	545	0.10	<1%
Foster Care (Non-kinship)	1,775	5.84	4%	2,677	0.47	1%
Group Home/Residential or Secure Treatment	207	0.68	<1%	757	0.13	<1%
Other Placement (e.g. places of safety)	205	0.67	<1%	153	0.03	<1%
Subtotal: Placement Made	**6,141**	**20.20**	**13%**	**8,930**	**1.56**	**4%**
No Placement Made	39,776	130.81	87%	232,207	40.55	96%
Total Investigations	**45,917**	**151.00**	**100%**	**241,137**	**42.11**	**100%**

Based on a sample of 27,994 cases extracted from the Quebec administrative system in 2019, 7,007 investigations in Ontario in 2018, and 6,384 investigations in the rest of Canada in 2019. The differences in rates between First Nations and non-Indigenous child investigations must be understood in the context of the ongoing impact of colonialism, discrimination, and poverty.

Table 16 presents out-of-home placements made in child maltreatment-related investigations in Canada in 2019. Thirteen percent of investigations involving First Nations children resulted in an out-of-home placement for the child (an estimated 6,141 investigations) compared to only four percent of investigations involving non-Indigenous children (an estimated 8,930 investigations). When comparing the rates per 1,000 children, the rate of placement for First Nations children (20.20 investigations per 1,000 First Nations children) is **12.9 times** the rate of placement for non-Indigenous children (1.56 investigations per 1,000 non-Indigenous children). The rate of placement in formal out-of-home care (i.e. excluding informal care) for First Nations children (12.42 investigations per 1,000 First Nations children) is **17.2 times** the rate of placement in formal out-of-home care for non-Indigenous children (0.72 investigations per 1,000 non-Indigenous children).

Investigating workers were asked to specify the type of placement that was made when a placement in out-of-home care was noted for the investigated child. Informal placements represented the most frequently noted placement type for both First Nations and non-Indigenous children (noted in five percent of investigations involving First Nations children and two percent of investigations involving non-Indigenous children). The next most frequently noted placement types in investigations involving First Nations children were non-kinship foster care (noted in four percent of investigations) and kinship in care (noted in three percent of investigations).

Tables 12-16 demonstrate how the disparities between rates of child welfare service dispositions for First Nations and non-Indigenous children build across the service disposition continuum. The initial overrepresentation at the investigation level is represented by a disparity index of 3.6 (see Table 2), the disparity index for referrals to services is 4.2, the disparity index for transfers to ongoing services is 6.6, the disparity index for child welfare court applications is 10.5, and the disparity index for placements in formal out-home care is 17.2.

Future Directions

These are the first preliminary descriptive statistics comparing investigations involving First Nations children and investigations involving non-Indigenous children. While the dramatic differences in rates of maltreatment-related investigations are consistent with findings from previous studies, careful examination of structural factors should always be considered.

Follow-up studies are needed to systematically explore the extent to which seasonal variation in the types of cases referred to child welfare agencies may affect estimates that are based on a three-month sampling period.

To accurately understand and inform, the data must be analyzed with an Indigenous worldview. Consequently, First Nations agencies must be supported in collecting and analyzing their own data. Increasing data collection from First Nations, Métis and Inuit communities can provide evidence to support Indigenous child welfare sovereignty.

A series of information sheets that further examine the disparities between child welfare investigations involving First Nations and non-Indigenous children will supplement this initial report and be published on the Canadian Child Welfare Research Portal (cwrp.ca).

Appendix A:
FN/CIS-2019 Data Collection Instrument

FN/CIS-2019

Case number: **CASE00**

Intake Information

01. **Date case opened** (YYYY-MM-DD) 2019-10-01

02. **Source of allegation/referral**

Check all that apply

- ☐ Custodial parent
- ☐ Non-custodial parent
- ☐ Child (subject of referral)
- ☐ Relative
- ☐ Neighbour/friend
- ☐ Social assistance worker
- ☐ Crisis service/shelter
- ☐ Community/recreation centre
- ☐ Hospital (any personnel)
- ☐ Community health nurse
- ☐ Community physician
- ☐ Community mental health professional
- ☐ School
- ☐ Other child welfare service
- ☐ Day care centre
- ☐ Police
- ☐ Community agency
- ☐ Anonymous
- ☐ Other

03. **Please describe the nature of the referral, including alleged maltreatment and injury (if applicable)**

Results of investigation

04. **Which approach to the investigation was used?**

05. Caregiver(s) in the home (child's/children's primary residence)

☐ No caregiver investigated

☐ No secondary caregiver in the home

○ Community caregiver

○ Youth living independently

Primary caregiver		Secondary caregiver in the home at time of referral	
a) Gender	▾	a) Gender	▾
b) Age	▾	b) Age	▾

06. Children (under 19) in the home at time of referral and caregiver's relationship to them

	a) First name **only** of child	b) Age of child	c) Gender of child	d) Primary caregiver's relationship to child	e) Secondary caregiver's relationship to child	f) Subject of referral	g) Was child investigated?
Child 1		▾	▾	▾	▾	☐	▾

Please specify the caregiver's "other" relationship to child

07. Other adults in the home

Check all that apply

☐ None

☐ Grandparent

☐ Child >= 19

☐ Other

08. Caregiver(s) outside the home

Check all that apply

☐ None

☐ Father

☐ Mother

☐ Grandparent

☐ Other

Household Information

Primary/Secondary caregiver

Gender :

Age :

A09. Primary income

A10. Ethno-racial

If Indigenous,

a) On/Off reserve

b) Indigenous Status

First Nations Status Eligibility

A11. Has this caregiver moved to Canada within the last 5 years? ○ Yes ○ No ○ Unknown

A12. Primary language

A13. Caregiver response to investigation

A14. Caregiver risk factors within the past 6 months

Please complete all risk factors (a to i)

	Confirmed	Suspected	No	Unknown
a) Alcohol abuse	○	○	○	○
b) Drug/solvent abuse	○	○	○	○
c) Cognitive impairment	○	○	○	○
d) Mental health issues	○	○	○	○
e) Physical health issues	○	○	○	○
f) Few social supports	○	○	○	○
g) Victim of intimate partner violence	○	○	○	○
h) Perpetrator of intimate partner violence	○	○	○	○
i) History of foster care/group home	○	○	○	○

Please select all drug abuse categories that apply

- ☐ Cannabis (e.g., marijuana, hashish, hash oil)
- ☐ Opiates and Opioids and morphine derivatives (e.g., codeine, fentanyl, heroine, morphine, opium, oxycodone)
- ☐ Depressants (e.g., barbiturates, benzodiazepines such as Valium, Ativan)
- ☐ Stimulants (e.g., cocaine, amphetamines, methamphetamines)
- ☐ Hallucinogens (e.g., acid (LSD), PCP)
- ☐ Solvents/Inhalants (e.g., glues, paint thinner, paint, gasoline, aerosol sprays)
- ☐ Unknown

15. Child custody dispute (i.e., court application made or pending) ○ Yes ○ No ○ Unknown

16. Type of housing ▾

17. Number of moves in past year ▾

18. Home overcrowded ○ Yes ○ No ○ Unknown

19. Are there unsafe housing conditions? ○ Yes ○ No ○ Unknown

20. In the last 6 months, household ran out of money for:

- **a) Food** ○ Yes ○ No ○ Unknown
- **b) Housing** ○ Yes ○ No ○ Unknown
- **c) Utilities** ○ Yes ○ No ○ Unknown
- **d) Telephone/Cell phone** ○ Yes ○ No ○ Unknown
- **e) Transportation** ○ Yes ○ No ○ Unknown
- **f) Medical care (includes dental and mental health)** ○ Yes ○ No ○ Unknown

21. Has this case been previously opened for investigation? ▾

a) How long since the case was closed? ▾

22. Case will stay open for on-going child welfare services ○ Yes ○ No

23. Referral(s) for any family member

a) Referral(s) made for any family member to an internal or external service(s) ○ Yes ○ No

---

If YES, please specify the type of referral(s) made

Check all that apply

- ☐ Parent education or support services
- ☐ Family or parent counselling
- ☐ Drug/alcohol counselling or treatment
- ☐ Psychiatric/mental health services
- ☐ Intimate partner violence services
- ☐ Welfare or social assistance
- ☐ Food bank
- ☐ Shelter services
- ☐ Housing
- ☐ Legal
- ☐ Child victim support services
- ☐ Recreational services
- ☐ Special education placement
- ☐ Medical or dental services
- ☐ Child or day care
- ☐ Speech/language services
- ☐ Cultural services
- ☐ Immigration services
- ☐ Other

If YES, what was specifically done with respect to the referral(s)?

Check all that apply

- ☐ Suggested they should get services
- ☐ Provided them with names and numbers of service providers
- ☐ Assisted them with completing/filing the application
- ☐ Made appointment for them
- ☐ Accompanied them to the appointment
- ☐ Followed-up with family to see if the service was provided
- ☐ Followed-up with internal/external service(s) to confirm if the service was provided

---

If NO, please specify the reason(s)

Check all that apply

- ☐ Already receiving services
- ☐ Service not available in the area
- ☐ Ineligible for service
- ☐ Services could not be financed
- ☐ Service determined not to be needed
- ☐ Refusal of services
- ☐ There is an extensive waitlist for services
- ☐ No culturally appropriate services

24. Gender

25. Age

26. Ethno-racial

27. Indigenous Status

28. Child functioning

Please complete all child functioning issues (a to s)

	Confirmed	Suspected	No	Unknown
a) Positive toxicology at birth				
b) FASD				
c) Failure to meet developmental milestones				
d) Intellectual/developmental disability				
e) Attachment issues				
f) ADHD				
g) Aggression/conduct issues				
h) Physical disability				
i) Academic/learning difficulties				

	Confirmed	Suspected	No	Unknown
j) Depression/anxiety/withdrawal				
k) Self-harming behaviour				
l) Suicidal thoughts				
m) Suicide attempts				
n) Inappropriate sexual behaviour				
o) Running (multiple incidents)				
p) Alcohol abuse				
q) Drug/solvent abuse				

Please select all drug abuse categories that apply

- ☐ Cannabis (e.g., marijuana, hashish, hash oil)
- ☐ Opiates and Opioids and morphine derivatives (e.g., codeine, fentanyl, heroine, morphine, opium, oxycodone)
- ☐ Depressants (e.g., barbiturates, benzodiazepines such as Valium, Ativan)
- ☐ Stimulants (e.g., cocaine, amphetamines, methamphetamines)
- ☐ Hallucinogens (e.g., acid (LSD), PCP)
- ☐ Solvents/Inhalants (e.g., glues, paint thinner, paint, gasoline, aerosol sprays)
- ☐ Unknown

29. TYPE OF INVESTIGATION

○ Investigated incident of maltreatment ○ Risk investigation only

Maltreatment codes

Please use these maltreatment codes to answer Question 30. Questions 30 to 37 apply to the maltreatment of a child.

Physical abuse		Sexual abuse		Neglect		Emotional maltreatment		Exposure to Intimate Partner Violence	
01	Shake, push, grab or throw	02	Hit with hand	03	Punch, kick or bite				
04	Hit with object	05	Choking, poisoning, stabbing	06	Other physical abuse				

30. Maltreatment codes – Enter primary form of maltreatment first

	1st Code	2nd Code	3rd Code
31. Alleged perpetrator			
Primary caregiver	☐	☐	☐
Secondary caregiver	☐	☐	☐
Other perpetrator	☐	☐	☐
a. Relationship	▾		
b. Age	▾		
c. Gender	▾		
32. Substantiation	▾	▾	▾
a) Was the report a fabricated referral? (by referral source)	▾	▾	▾
33. Was maltreatment a form of punishment?	▾	▾	▾
34. Duration of maltreatment	▾	▾	▾
35. Police involvement	▾	▾	▾

36. Is mental or emotional harm evident (as a result of the substantiated or suspected maltreatment)? ○ Yes ○ No

a) Child requires therapeutic treatment ○ Yes ○ No

37. Physical harm

a) Is physical harm evident? ○ Yes ○ No

b) Types of physical harm

Check all that apply

- ☐ Bruises, cuts or scrapes
- ☐ Broken bones
- ☐ Burns and scalds
- ☐ Head trauma
- ☐ Fatal
- ☐ Health condition : Please specify

c) Was medical treatment required? ○ Yes ○ No

38. Is there a significant risk of future maltreatment? ○ Yes ○ No ○ Unknown

39. Previous investigations

a) Child previously investigated by child welfare for alleged maltreatment ○ Yes ○ No ○ Unknown

b) Was the maltreatment substantiated? ○ Yes ○ No ○ Unknown

40. Placement

a) Placement during investigation ○ Yes ○ No ○ Considered

b) Placement type

c) Estimate the time it takes to travel between the child's residence and their placement

d) Did the child reunify during the investigation? ○ Yes ○ No

41. Child welfare court application? ○ Yes ○ No ○ Considered

a) Referral to mediation/alternative response ○ Yes ○ No

42. Caregiver(s) used spanking in the last 6 months

Comments and Other Information (Not Required)

43. **If you are unable to complete an investigation for any child please explain why**

44. **Intake information**

45. **Household information**

46. **Child information**

Appendix B: Glossary of Terms

The following is an explanatory list of terms used throughout the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect 2019 (FN/CIS-2019) Report.

Age Group: The age range of children included in the FN/CIS-2019 sample. All data are presented for children between newborn and 15 years of age.

Annual Incidence: The number of child maltreatment-related investigations per 1,000 children in a given year.

Case Duplication: Children who are subject of an investigation more than once in a calendar year are counted in most child welfare statistics as separate "cases" or "investigations." As a count of children, these statistics are, therefore, duplicated.

Case Openings: Cases that appear on agency/office statistics as openings. Openings do not include referrals that have been screened-out.

Categories of Maltreatment: The five key classification categories under which the 33 forms of maltreatment were subsumed: physical abuse, sexual abuse, neglect, emotional maltreatment and exposure to intimate partner violence.

Child: The FN/CIS-2019 defined child as age newborn to 15 inclusive.

Child Investigations: Case openings that meet the FN/CIS-2019 inclusion criteria.

Child Welfare Agency: Refers to child protection services and other related services. The focus of the FN/CIS-2019 is on services that address alleged child abuse and neglect. The names designating such services vary by jurisdiction.

Childhood Prevalence: The proportion of people maltreated at any point during their childhood. The FN/CIS-2019 does not measure prevalence of maltreatment.

Community Caregiver: Child welfare agencies in Canada usually open cases under the name of a family (e.g., one or more parent). In certain cases, child welfare agencies do not open cases under the name of a family, but rather the case is opened under the name of a "community caregiver." This occurs when the alleged perpetrator is someone providing care to a child in an out-of-home setting (e.g., institutional caregiver). For instance, if an allegation is made against a caregiver at a day care, school, or group home, the case may be classified as a "community caregiver" investigation. In these investigations, the investigating child welfare worker typically has little contact with the child's family, but rather focuses on the alleged perpetrator who is a community member. For this reason, information on the primary caregivers and the households of children involved in "community caregiver" investigations was not collected.

Definitional Framework: The FN/CIS-2019 provides an estimate of the number of cases of alleged child maltreatment (physical abuse, sexual abuse, neglect, emotional maltreatment, and exposure to intimate partner violence) reported to and investigated by child welfare services in 2019 (screened-out reports are not included). The estimates are broken down by three levels of substantiation (substantiated, suspected, and unfounded). Cases opened more than once during the year are counted as separate investigations.

Differential or Alternate Response Models: A newer model of service delivery in child welfare in which a range of potential response options are customized to meet the diverse needs of families reported to child welfare. Typically involves multiple "streams" or "tracks" of service delivery. Less urgent cases are shifted to a "community" track where the focus of intervention is on coordinating services and resources to meet the short- and long-term needs of families.

First Nations: "First Nations people" refers to Status and non-status "Indian" peoples in Canada. Many communities also use the term "First Nation" in the name of their community. Currently, there are more than 630 First Nation communities, which represent more than 50 nations or cultural groups and 50 Indigenous languages.[58]

.

First Nations Status: An individual recognized by the federal government as being registered under the Indian Act is referred to as having First Nations Status.

Forms of Maltreatment: Specific types of maltreatment (e.g., hit with an object, sexual exploitation, or direct witness to physical violence) that are classified under the five FN/CIS-2019 Categories of Maltreatment. The FN/CIS-2019 captured 33 forms of maltreatment.

Indigenous Peoples: A collective name for the original peoples of North America and their descendants (often 'Aboriginal peoples' is also used). The Canadian constitution recognizes three groups of Indigenous peoples: Indians (commonly referred to as First Nations), Inuit, and Métis. These are three distinct peoples with unique histories, languages, cultural practices, and spiritual beliefs. More

[58] "Indigenous peoples and communities," 2021, https://www.rcaanc-cirnac.gc.ca/eng/1100100013785/1529102490303.

than 1.67 million people in Canada identify themselves as an Indigenous person, according to the 2016 Census National Household Survey.[59]

Inuit: Inuit are the Indigenous people of Arctic Canada. About 64,235 Inuit live in 53 communities in: Nunatsiavut (Labrador); Nunavik (Quebec); Nunavut; and Inuvialuit (Northwest Territories and Yukon).[60]

Level of Identification and Substantiation: There are four key levels in the case identification process: detection, reporting, investigation, and substantiation.

> **Detection** is the first stage in the case identification process. This refers to the process of a professional or community member detecting a maltreatment-related concern for a child. Little is known about the relationship between detected and undetected cases.
>
> **Reporting** suspected child maltreatment is required by law in all Canadian jurisdictions. The FN/CIS-2019 does not document unreported cases.
>
> **Investigated** cases are subject to various screening practices, which vary across agencies. The FN/CIS-2019 did not track screened-out cases, nor did it track new incidents of maltreatment on already opened cases.
>
> **Substantiation** distinguishes between cases where maltreatment is confirmed following an investigation, and cases where maltreatment is not confirmed. The FN/CIS-2019 uses a three-tiered classification system, in which a suspected level provides an important clinical distinction for cases where maltreatment is suspected to have occurred by the investigating worker, but cannot be substantiated.

Maltreatment Investigation: Investigations of situations where there are concerns that a child may have already been abused or neglected.

Maltreatment-related Investigation: Investigations of situations where there are concerns that a child may have already been abused or neglected as well as investigations of situations where the concern is the risk the child will be maltreated in the future.

Métis: A distinctive peoples who, in addition to their mixed ancestry, developed their own customs and recognizable group identity separate from their Indian or Inuit and European forbearers.[61]

Multi-stage Sampling Design: A research design in which several systematic steps are taken in drawing the final sample to be studied. The FN/CIS-2019 sample (for all jurisdictions except Quebec) was drawn in three stages. First, a stratified random sample of child welfare agencies was selected from across Canada. Second, families investigated by child welfare agencies were selected (all cases in small and medium sized agencies, a random sample in large agencies). Finally, investigated children in each family were identified for inclusion in the sample (non-investigated siblings were excluded).

Non-protection Cases: Cases open for child welfare services for reasons other than suspected maltreatment or risk of future maltreatment (e.g., prevention services, services for young pregnant women, etc.).

Reporting Year: The year in which child maltreatment-related cases were opened. The reporting year for the FN/CIS-2019 was 2019 (data from Ontario were collected as part of the Ontario Incidence Study of Reported Child Abuse and Neglect 2018, for which the reporting year was 2018).

Risk of Future Maltreatment: No specific form of maltreatment alleged or suspected. However, based on the circumstances, a child is at risk for maltreatment in the future due to a milieu of risk factors. For example, a child living with a caregiver who abuses substances may be deemed at risk of future maltreatment even if no form of maltreatment has been alleged.

Risk of Harm: Placing a child at risk of harm implies that a specific action (or inaction) occurred that seriously endangered the safety of the child. Placing a child at risk of harm is considered maltreatment.

Screened out: Referrals to child welfare agencies that are not opened for an investigation.

Unit of Analysis: In the case of the FN/CIS-2019, the unit of analysis is a child investigation.

Unit of Service: When a referral is made alleging maltreatment, the child welfare agency will open an investigation if the case is not screened out. Jurisdictions in Canada vary in terms of their units of service, for some, when an investigation is opened, it is opened under an entire family, while for others the investigations are opened under individual children.

[59] Crown-Indigenous Relations and Northern Affairs Canada, "Indigenous peoples and communities."

[60] Crown-Indigenous Relations and Northern Affairs Canada, "Indigenous peoples and communities."

[61] Crown-Indigenous Relations and Northern Affairs Canada, "Indigenous peoples and co

Appendix C: Sampling Error Estimation

The following is a description of the method employed to develop the sampling error estimation for the FN/CIS-2019, as well as the variance estimates and confidence intervals for the FN/CIS-2019 estimates. Variance estimates are provided for select tables in this report.

A multi-stage sampling design was used, first to select a representative sample of 63 child welfare agencies across Canada (except Quebec), and then to sample cases within these agencies. In Quebec, 17 of 20 agencies were selected. The FN/CIS-2019 estimates are based on a relatively large sample of 13,869 child maltreatment-related investigations and a self representing sample of 28,079 investigations in Quebec. Sampling error is primarily driven by the variability between the 63 participating agencies who were randomly selected to participate. The size of this sample ensures that estimates for figures such as the overall rate of reported maltreatment, substantiation rate, and major categories of maltreatment have a reasonable margin of error. However, the margin of error increases for estimates involving less frequent events.

Sampling error estimates were calculated to reflect the fact that the survey population had been randomly selected from across the country. Standard error estimates were calculated for select variables at the $p < 0.05$ level. Appendix C tables provide the margin of error for selected estimates. For example, the estimated number of child maltreatment investigations in Canada is 299,217. The lower 95 per cent confidence interval is 294,956 child investigations and the upper confidence interval is 303,479 child investigations. This means that there is a 95 per cent chance that the true number of investigations is between 294,956 and 303,479

Most coefficients of variation were in the acceptable and reliable level. The error estimates do not account for any errors in determining the design and calibration weights, nor do they account for any other non-sampling errors that may occur, such as inconsistency or inadequacies in administrative procedures from agency to agency. The error estimates also cannot account for any variations due to seasonal effects. The accuracy of these annual estimates depends on the extent to which the sampling period is representative of the whole year.

The following are select variance estimates and confidence intervals for FN/CIS-2019 variables of interest. Each table reports the estimate, standard error, coefficient of variation, lower and upper confidence intervals.

Table 17 A: Sampling Error Estimates for Number and Rate of Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Number of Investigations	299,217	2,174	.72	294,956	303,479
Rate per 1,000 children	48.23	0.35		47.54	48.91

Table 17 B: Sampling Error Estimates for Age of Children in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

Child Age Group	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
<1 year	19,373	695.91	3.59	18,009	20,737
Rate per 1,000 children	52.60	1.89		48.90	56.31
1-3 years	48,225	1,228.17	2.55	45,817	50,632
Rate per 1,000 children	42.54	1.08		40.41	44.66
4-7 years	81,764	1,368.94	1.67	79,080	84,447
Rate per 1,000 children	51.28	0.86		49.60	52.96
8-11 years	81,885	1,509.85	1.84	78,925	84,844
Rate per 1,000 children	51.96	0.96		50.09	53.84
12-15 years	67,971	1,322.42	1.95	65,379	70,563
Rate per 1,000 children	44.36	0.86		42.67	46.05

Table 17 C: Sampling Error Estimates for Substantiation Decisions in Canada in 2019

Maltreatment and Risk Only Investigations	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Substantiated Maltreatment	102,353	2,204	2.15	98,033	106,673
Rate per 1,000 children	16.50	0.36		15.80	17.19
Significant Risk of Future Maltreatment	13,498	877	6.50	11,779	15,217
Rate per 1,000 children	2.18	0.1		1.90	2.45

Table 17 D: Sampling Error Estimates for Referral Source in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

Referral Source	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Any Non-Professional	58,463	1,875	3.21	54,789	62,138
Rate per 1,000 children	9.42	0.30		8.83	10.02
Any Professional	200,653	2,577	1.28	195,603	205,703
Rate per 1,000 children	32.34	0.42		31.53	33.15
Other/Anonymous	21,328	1,420	6.66	18,545	24,110
Rate per 1,000 children	3.44	0.23		2.99	3.89

Table 17 E: Sampling Error Estimates for Provision of Ongoing Services Following an Investigation in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

Provision of Ongoing Services	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Case to Stay Open for Ongoing Services	54,090	1,637	3.03	50,882	57,298
Rate per 1,000 children	8.72	0.26		8.20	9.24
Case to be Closed	215,515	2,432	1.13	210,749	220,282
Rate per 1,000 children	34.74	0.39		33.97	35.50

Table 17 F: Sampling Error Estimates for Placement in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

Placement Status	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Child Remained at Home	283,145	2,227	.79	278,780	287,510
Rate per 1,000 children	45.64	0.36		44.93	46.34
Informal Placement	7,521	1,035	13.76	5,493	9,549
Rate per 1,000 children	1.21	0.17		0.89	1.54
Foster or Kinship Care	7,161	527	7.36	6,128	8,195
Rate per 1,000 children	1.15	0.08		0.99	1.32
Group Home/Residential Secure Treatment	972	193	19.85	594	1,350
Rate per 1,000 children	0.16	0.03		0.10	0.22
Other	418	106	25.33	211	626
Rate per 1,000 children	0.07	0.02		0.03	0.10

Table 17 G: Sampling Error Estimates for History of Previous Investigations in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

Previous Investigations	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Child Previously Investigated	142,447	2,295		137,948	146,945
			1.61		
Rate per 1,000 children	22.96	0.37		22.23	23.68
Child Not Previously Investigated	151,484	2,336		146,906	156,062
			1.54		
Rate per 1,000 children	24.42	0.38		23.68	25.15
Unknown	5,287	892		3,539	7,035
			16.87		
Rate per 1,000 children	0.85	0.14		0.57	1.13

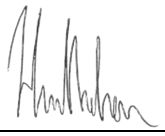
Table 17 H: Sampling Error Estimates for Applications to Child Welfare Court in Child Maltreatment Investigations and Risk of Future Maltreatment Investigations in Canada in 2019

Application to Child Welfare Court	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
No Court or Court Considered	287,238	2,215		282,896	291,581
			.77		
Rate per 1,000 children	46.30	0.36		45.60	47.00
Application Made	11,979	663		10,679	13,279
			5.54		
Rate per 1,000 children	1.93	0.11		1.72	2.14

Table 17 I: Sampling Error Estimates for Primary Category of Substantiated Maltreatment in Canada in 2019

Primary Category of Maltreatment	Estimate	Standard Error	Coefficient of Variation	Confidence Interval	
				Lower	Upper
Physical Abuse	16,882	757	4.48	15,398	18,366
Rate per 1,000 children	2.72	0.12		2.48	2.96
Sexual Abuse	2,793	236.89	8.48	2,329	3,258
Rate per 1,000 children	0.45	0.04		0.38	0.53
Neglect	28,676	1,354	4.72	26,022	31,330
Rate per 1,000 children	4.62	0.22		4.19	5.05
Emotional Maltreatment	13,459	646	4.80	12,192	14,726
Rate per 1,000 children	2.17	0.10		1.97	2.37
Exposure to Intimate Partner Violence	40,369	1,715	4.25	37,008	43,730
Rate per 1,000 children	6.51	0.28		5.96	7.05

This is Exhibit "8" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494WN

THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

Rights of the Child on Children's Access to Justice and Effective Remedies

The Canadian Bar Association (CBA) brings together thousands of legal professionals from across Canada. This submission was drafted by the CBA's Child and Youth Law Section for consideration by the Committee on the Rights of the Child as it prepares its General Comment on children's access to justice.

Definitions and understandings

The Committee should consider emphasizing the concept of "access to justice" as articulated by the UN High Commissioner for Human Rights in her 2013 Report on the subject:

- **Access to justice is a fundamental right in itself** and an essential prerequisite for the protection and promotion of all other human rights.
- **Access to justice for children requires the legal empowerment of all children** and includes access to information and effective remedies to claim their rights, including through legal and other services, child rights education, counselling or advice and support from knowledgeable adults.

The inclusion of the **legal empowerment** of children is particularly important given the tendency to view the active participation of children in non-criminal proceedings as potentially harmful to them and to be avoided.

The **rule of law** should be a central feature of the General Comment. As stated by the International Association of Youth and Family Judges and Magistrates: "Every justice intervention involving children must be based on the rule of law. Children must be recognized by law as subjects of substantive and procedural rights."[1]

Related to the rule of law, **due process** should be guaranteed for children as it is for adults, including in all judicial, non-judicial and administrative proceedings, and should not be minimized or denied under the pretext of the child's best interests.[2]

The General Comment should address the concepts of **capacity** and **party status** for children; the failure to recognize capacity and the absence of standing presents barriers to the recognition of the legal personality of children.

Access to justice also includes **everyday justice** for children beginning at home and in their schools and communities. Nurturing child participation, autonomy and agency in decision-making in these contexts socializes children to be active community participants and defend their own and others' human rights.

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1 *Guidelines on Children in Contact with the Justice System* (2017) at 13 [IAYFJM Guidelines].

2 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice* at para. III(A)(2).

Children have said that **voice, neutrality, respect, and trust** matter to them in school discipline decision-making.[3] Children who participated in school-based restorative practices in Ontario left with strengthened relationships among children and staff, and child participants appreciated the time and space to hear all sides.[4]

Interdisciplinarity is essential to ensuring children's access to justice. Thinking critically and across disciplines about how to approach the work of access to justice for children requires adult allies working together to make adult-centric systems accessible and effective for children.

Barriers

Artificial age thresholds

Minimum ages are often influenced by social and cultural norms and beliefs, regardless of evidence supporting children's capacities to participate in decision-making about their lives.

Lack of party status, standing and legal representation

Children are rarely afforded party status or standing in judicial and administrative proceedings. Ontario's child protection legislation provides children standing in limited contexts.[5]

Legal representation is not automatically available to children in family law proceedings. In Canada, it is dependent on the discretion of the court and the jurisdiction in which the child lives.[6]

Inconsistent mechanisms for participation in judicial proceedings

Non-representational methods of placing children's views before the courts, including Voice of the Child reports, expert assessments and judicial interviews, have benefits.[7] However, none assure the child's meaningful participation in the process and no review mechanisms explicitly ensure that children's views appropriately inform outcomes. Similarly, adult-directed models of legal representation, such as guardian *ad litem* and *amicus curiae*, may not adequately support children's legal empowerment.[8]

Lawyers have the same obligations towards children as for adults, and such obligations can and must be carried out consistent with the level of understanding and communication of the child.[9]

Lack of independent representation in family violence and claims of parental alienation

Cases involving allegations of family violence, which often draw counter-allegations of "parental alienation", present significant access to justice barriers for children. Recourse to extreme remedies, including forced "reunification" therapies and transfers of custody, raises significant concerns

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3 Hübsch, J.-F. 2020. The self-represented child in school discipline under Ontario's Education Act. *Canadian Journal of Children's Rights*, *7*(1), 73–97 [Hübsch, Self-represented child].

4 Hübsch, J.-F. 2022. L'accès des enfants à la justice dans les procédures de discipline scolaire en Ontario (Canada). In M. Paré et al. (Eds.) *Accès des enfants à la justice : bilan critique* (pp. 107–120). Dalloz.

5 *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1, ss. 79(4)-(6) [*CYFSA*].

6 D. Lovinsky & J. Gagné. 2015. Legal Representation of Children in Canada at 8. See also N. Bala & C. Houston. 2015. Article 12 of the Convention on the Rights of the Child and Children's Participatory Rights in Canada.

7 C. Tempesta, *Legal Representation as a Critical Aspect of the Realization of the Child's Right to Be Heard*, at 20-25 [Tempesta, Legal Representation].

8 *Ibid*. at 25-32.

9 IAYFJM Guidelines at 29.

regarding child rights violations, including deprivations of liberty from police enforcement of court orders and accompaniment to reunification programs. Independent legal representation for children is a critical procedural safeguard for children.[10]

Insufficient concern for privacy

Children's identities in relation to court proceedings are kept confidential in youth criminal justice and child protection/adoption matters in Canada. Such protections should be extended to all other civil law and administrative proceedings. No information that would reveal or indirectly enable identification of a child should be published or otherwise made public.

Records, documents and contents of hearings containing children's private information should be presumptively confidential and closed to third parties.[11] Similarly, any matters involving children as subjects, witnesses, accused persons or in any other capacity should presumptively be heard *in camera*, i.e. in the absence of the public and the media. When children's records (e.g. counselling records) are being sought in proceedings in which they are not parties, they should receive notice and the opportunity to respond to the application.[12] State-funded legal representation should be provided for this purpose.

Limited judicial interpretation of General Comment 12

In 2018, the British Columbia Court of Appeal upheld an order denying a 17-year-old youth legal representation in a high conflict parenting case.[13] The Court concluded that Article 12 does not go so far as to guarantee children a right to legal representation or to party status.

With respect to General Comment 12, the Court pointed out that the term "representative" in article 12(2) does not explicitly mandate that the child have access to legal representation.

With respect to paragraph 96 of General Comment 14, the Court compared the English and French language versions to adopt a narrow interpretation, stating: "In using the term 'un conseil juridique' … the French version appears to indicate that the level of "representation" contemplated by the commentary is not a full right to counsel, but rather a right to have the benefit of legal advice."

The General Comment should clearly articulate a right to legal representation as a due process right necessary for fair judicial proceedings "whenever the child's interests are at stake".[14]

Lack of state funding for legal representation

Reductions in legal aid funding in many jurisdictions negatively impact children's access to legal support. Children require an equal footing in legal proceedings, especially in family law proceedings, and resources must be allocated in State budgets for this purpose.[15]

Lack of adequate review and appeal mechanisms

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10 See 2023 Report of the Special Rapporteur on violence against women and girls, its causes and consequences, A/HRC/53/36.

11 See s. 70 of Ontario's *Children's Law Reform Act* RSO 1990, c C.12. See also rule 1.3 of the *Family Law Rules*, O Reg 114/99.

12 See *T.L.B.L. v. T.E.M.*, 2021 ONSC 8235, at paras. 201, 203-225, 255, 258-259, 264-267.

13 *J.E.S.D. v. Y.E.P.*, 2018 BCCA 286.

14 See IAYJFM Guidelines at 29.

15 Tempesta, Legal Representation at 47.

Appeal remedies are often available only to children's parents and guardians. The absence of appeal mechanisms afforded to children in areas that directly affect them can be seen in provincial and territorial education legislation in Canada.[16]

Lack of child-friendly complaint mechanisms

A complaint mechanism is a means through which children who believe their rights have been violated, as individuals or collectively as a group, can seek redress and make the violation stop. The right to a remedy is a fundamental human right and an essential dimension of access to justice for children. We draw the Committee's attention, for example, to the common principles for a child friendly complaints process developed by the Children's Commissioner in England in consultation with children.

Limitations on available remedies

Even when children can access justice processes, remedies may be ill-suited to children's circumstances and non-responsive to children's experiences. For example, Ontario's child welfare legislation sets out the rights of children in care and receiving services from child welfare organizations, as well as the requirement for complaints procedures and independent review boards.[17] Yet, the complaints procedures established by individual agencies are inconsistent and often opaque, and the available outcomes on review are severely limited.

Remedies may also face constitutional hurdles. Legislation in Saskatchewan mandating parental consent before school officials use a child's "gender-related preferred name or gender identity" explicitly states that it operates *notwithstanding* certain rights set out in the *Canadian Charter of Rights and Freedoms*.[18] The legislation enshrines a policy that the courts would otherwise have blocked on an interim basis, *before* a full hearing on its constitutionality.[19]

Lack of child-focused timelines

Delays significantly compromise the effectiveness of available remedies. Moreover, financial compensation awards are commonly held in trust by the State until the child reaches the age of majority, further compromising a meaningful and timely remedy.

Lack of explicit child-rights based approaches

Canadian jurisprudence related to children rarely makes explicit reference to the Convention. Explicit use of the language of children's rights in decisions affecting children helps shape the discourse of children's access to justice.

Lack of knowledge about children's rights and lack of training about child-centered professional practices is a barrier to children's access to justice. Moreover, sustained funding is needed for child-centered access to justice, such as restorative practices in schools, in health care settings and child protection matters, as has been done in the child justice context.

Preliminary results of a study about children's access to justice as human rights defenders in Canada indicate that some institutions appear to adopt narrow definitions of the rights they protect and the

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16 Hübsch, Self-represented child; see, e.g., Prince Edward Island's *Education Act*, RSPEI 1988, c E-0.2.

17 *CYFSA*, Preamble, ss. 8-14, ss. 18, 120.

18 *The Education (Parents' Bill of Rights) Amendment Act*, SS 2023, c 46.

19 *UR Pride Centre for Sexuality and Gender Diversity v Saskatchewan (Education)*, 2023 SKKB 204.

public they serve.[20] If enabling legislation does not explicitly mention children and their rights, structural adult-centrism can lead to uneven access to justice and remedies.

Enabling factors and strategies

Support to regional bodies and institutions

A priority should be given to supporting regional efforts to promote child friendly justice interventions outside of Europe, through the OAS, the African Union and other forums.[21]

Networks for child-friendly justice

A global forum of specialized human rights agencies for children, akin to the European Network of Ombudsman for Children, could coordinate efforts to ensure institutions work intentionally within a child rights framework. States Parties should also support the work of national, regional and global networks.

Building professional capacity

A culture of children's rights requires significant and sustained professional development in all sectors. In British Columbia, the CBA's provincial Child and Youth Law section is collaborating with Access2Justice BC and other civil society organizations to champion legal best practices for hearing children's voices among family court lawyers and judges.

Technologies supporting access to justice

Video conferencing and remote participation of children in legal proceedings may offer protective environments and help children to be active participants in proceedings. Online tools for professionals can promote a culture of children's rights, such as the CBA's Child Rights Toolkit and Justice Canada's guidance and training on the use of child rights impact analyses in federal policymaking.

Indigenous-led child and family services

As part of the journey of reconciliation, federal legislation empowers Indigenous communities to exercise direct jurisdiction over child and family services for their community members, and includes an obligation to consider children's best interests in all judicial matters related to Indigenous children and families.[22] Some provincial child protection legislation includes specific provisions about Indigenous children.[23]

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20 Paré, M., Levesque, A. & Hübsch, J.-F. 2024, May 14. La participation des enfants et des jeunes auprès des institutions de défense des droits : données préliminaires d'une étude au Canada [Conference session]. 91e Congrès de l'Acfas, Université d'Ottawa, Ottawa, ON, Canada.

21 A. Mazzinghy. 2020. Child-Friendly Justice Behind Bars: A Comparative Analysis of the Protection Mechanisms of the Rights of Arrested Children in the Practice of the Working Group on Arbitrary Detention and of the European and Inter-American Courts of Human Rights. *American University International Law Review* 35:2. See also, R.M. Ortiz. 2010. Access to Justice in the Inter-American System: Standards and Challenges. In *Child-friendly Justice: A Quarter of a Century of the UN Convention on the Rights of the Child*. Brill: Nijhoff. pp. 335-339.

22 *An Act respecting First Nations, Inuit and Métis children, youth and families*, S.C. 2019, c. 24.

23 See, for example, *CYFSA*, Part IV.

Child rights-based legal supports

In Ontario, the Office of the Children's Lawyer (OCL) and the legal aid services of Justice for Children and Youth are pre-eminent models for specialized and accessible legal representation of children in ways that substantively and effectively advance children's access to justice and effective remedies in that province. The OCL has been described as "fundamental to the proper functioning of the legal system".[24]

Emerging practices in Canada

Examples of emerging rights-respecting practices in Canada include:

- Child and Youth Advocacy Centres provide integrated service delivery to child victims of sexual and physical abuse.
- The pioneering work of the Fondation Dr. Julien in community-based social pediatrics in Quebec is expanding to other parts of Canda.
- Integrated Service Delivery is a philosophy of service integration for children with complex needs across education, health, child protection and justice services in New Brunswick.
- The Canadian Institutes for Health Research fund the development of community-based youth hubs, such as Access Open Minds, where youth can access child rights-informed lifesaving clinical supports.
- Quebec now has a province-wide schools ombudsman supported by a team of regional schools ombudsmen.
- Since 2022 the Child Welfare League of Canada has been promoting the adoption of the *Equitable Standards for Transition to Adulthood for Youth in Care*, informed by lived experience of children in care in Canada.

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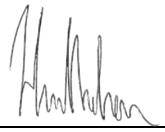
[24] *Ontario (Children's Lawyer) v. Ontario (Information and Privacy Commissioner),* 2018 ONCA 559, at paras. 46 and 53.

This is Exhibit "7" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

CANADA FOUNDATION FOR INNOVATION

Research in Canada, for Canada: A value proposition

September 2023

INNOVATION
Canada Foundation for Innovation
Fondation canadienne pour l'innovation

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About the Canada Foundation for Innovation

With a bold, future-looking mandate, the Canada Foundation for Innovation equips researchers to be global leaders in their fields and to respond to emerging challenges. Our investments in state-of-the-art tools, instruments and facilities at universities, colleges, research hospitals and non-profit research institutions underpin both curiosity- and mission-driven research that cuts across disciplines and bridges all sectors. The research infrastructure we fund mobilizes knowledge, spurs innovation and commercialization, and empowers the talented minds of a new generation.

The Canada Foundation for Innovation respectfully recognizes and acknowledges the traditional relationship that the First Nations, Inuit and Métis across Canada have with the land all Canadians share.

"The foundations of a democratic nation and the way it will continue to prosper are the library, the schools, universities and labs. People need the hope that they can build a better future. They need to know that they can participate in the development of their nation through the development of their mind."

— John Kenneth Galbraith[1]

Message

This document is the result of a consultation among research, business and civil society leaders. Its purpose is to highlight the importance and value of the research supported by governments, academic research institutions, and the private and not-for-profit sectors in Canada.

It outlines a value proposition for the sustained federal investment in research in a wide spectrum of disciplines — from health and engineering to the natural sciences and the environment, and from the social sciences to the arts and humanities.

Today the world faces an unprecedented series of crises, including geopolitical instability, severe flooding, fires and pandemics. Each of these challenges requires research to discover solutions. The recent pandemic demonstrated the value of basic and applied research that, together, enabled the creation and production of needed analyses of epidemiological data, vaccines and a ventilator made from universally available parts. Our hopes for the future include long-term prosperity, improved health and social welfare, and safe, vibrant, culturally rich communities in a sustainable environment like that created by the Cree in Oujé-Bougoumou, Quebec.[2]

These challenges, goals and hopes all demand research. This document aims to illustrate the direct and tangible benefits of research to Canadians, to provide a common narrative to communicate its intrinsic and essential value, and to demonstrate that national investment in research is an investment from which every sector and all people will benefit.

We also hope this text will contribute to a broader discussion on the importance and value of federal investment in research.

Roseann O'Reilly Runte
President and CEO
Canada Foundation for Innovation

1 John Kenneth Galbraith in conversation with Roseann Runte on the subject of John Kenneth Galbraith, *The Good Society: The Humane Agenda* (Boston: Houghton Mifflin, 1996). See in particular pages 55, 69, 72, 97 and 134.

2 This community was recognized in 2015 by UNESCO with an award for having applied sustainable development principles to designing a community offering a better quality of life.

Introduction

People around the world share the basic human desire and need to discover and understand the unknown. We are motivated by the desire to enhance our quality of life. Improving human health, remediating climate change, making life economically sustainable and ensuring that knowledge and the ability to learn, enjoy and pursue life in a peaceful, supportive community are goals that can be attained through research that combines discovery and innovation.

In this context, Canadian researchers are profoundly aspirational as they represent the very best of our talent and express the creative ambition of our nation to do better. They seek to improve the lives of not just current but future generations. They want to be proud of their country, supporting and enhancing health and the economy and building safe, healthy, creative and inclusive communities where a sense of belonging resides in a shared vision of an ethical and fair society. Canadians support research for the same reasons. As a nation of builders, we are motivated by the desire to improve the conditions of life for ourselves and for generations to come. The possibilities offered by unlocking the secrets of the world around us and of understanding how to extract, transform and use judiciously the resources needed to better the human condition constitute indeed a powerful incentive for support.

The desire to gain knowledge and understanding is a way to affirm our humanity and enable our contributions to people in Canada from coast to coast to coast. Discovery and understanding lead to enlightenment, satisfaction, pride and hope. We need only think of Frederick Banting and the discovery of insulin, the Canadarm or the role researchers in Canada play today in making our industry greener, more efficient and cost effective.

Research inspires youth to pursue their studies and explore new and emerging areas of inquiry, such as genomics, artificial intelligence and quantum computing, which will define their future. It equips them with the skills needed to secure meaningful employment in the businesses they will attract. The new generation of researchers aspires to create not only a world that reflects their image and values, but one built on ethics, knowledge, discovery and the most recent developments in technology.

Climate emergency: the most pressing issue facing humankind

Environmental protection and responding to climate change are essential to survival. In Canada, intense forest fires decimate forests, displacing people, destroying homes and businesses, and affecting air quality across a vast area of North America.

From heat domes associated with intense drought and atmospheric rivers on the West Coast causing flooding, to tornadoes affecting Eastern Canada and hurricanes devastating the Atlantic coast, no region of Canada escapes the effects of human-induced climate change. All aspects of our lives are affected by climate change. Research enables us not only to understand its causes, but also — and most importantly — to develop adaptation and mitigation strategies as well as the products and technologies that will enable us to meet this challenge.

Research builds stronger Canadian communities

The *outputs* of research are the academic results that find their ways into publications and other forums in which they are discussed, debated and critiqued. They are also essential in the training of the next generation of innovative thinkers. Far reaching across all spheres of society, the *impacts* of research take the form of change or benefit to the economy, society, public policy or services, health, the environment, culture or quality of life.[3] Research's tangible and measurable *impacts*[4] have been documented in many studies over the years.[5] Businesses and industry gravitate to regions where there are organizations active in research and the dissemination of knowledge. Researchers fuel the economy, which in turn creates the demand for increased discovery and opportunities for development. It also promotes social change in response to shared goals around caring for an aging population, for example. The region of Estrie in Quebec offers an illustration of the positive effects of investment in the development and production of devices to allow senior citizens to remain independent for a longer time.[6]

Targeting Canada's research dollar

All levels of government depend on and invest in a robust ecosystem of highly qualified researchers working in departments such as agriculture, transportation, fisheries and the National Research Council Canada, as well as in the universities, colleges and hospitals across the country. These investments are leveraged by academic and not-for-profit agencies, academic and research institutions, and the private sector.

How much research can we afford to support is a frequently asked question that presumes the funding for research can be separated from its impact. The question does not fully recognize the strategic importance of research as *both* an essential driver of the economy *and* the means to succeed or to

3 Brian Belcher and Janet Halliwell, "Conceptualizing the Elements of Research Impact: Towards Semantic Standards," *Humanities and Social Sciences Communications*, 8, 183 (2021), https:/doi.org/10.1057/s41599-021-00854-2.

4 Universities Canada and Statistics Canada report that in 2022, universities performed $16 billion in research and development, including $1.2 billion in research for businesses and $1.5 billion in research for not-for-profits. They employed 410,000 people and the various companies they started employed 65,000. Universities, colleges and research hospitals constitute an important part of the economy. Growth in this sector automatically contributes to increased economic growth and contributes to the tax base that supports communities, while bringing new concepts and possibilities for improvement to them.

5 For example, the Saskatoon Regional Economic Development Authority's 2022 "Economic Impact Study" conducted on VIDO, the University of Saskatchewan's Vaccine and Infectious Disease Organization, concluded that operations and construction projects at the facility contributed more than $511 million to the economy in the last decade. This figure did not include commercialized vaccines. SNOLAB, in Sudbury, Ont., operated by a consortium of universities, reports that for every dollar of government investment, the lab generated $3 of economic impact. A study of TRIUMF by HAL Innovation Policy Economics indicates an economic impact of $424.9 million over the last decade. An economic impact study of the Canadian Light Source for the years 2009–10 and 2010–11 showed that it had added $45 million per annum to the Canadian GDP or about $3 for every dollar of operating funding.

6 "Socioeconomic Benefits of Funding for University Research in Quebec's Estrie Region. Final report." Prepared for the Canada Foundation for Innovation, Fonds de recherche du Québec and the Ministère de l'Économie et de l'Innovation by Goss Gilroy Inc. (May 5, 2021).

improve on almost all other areas of public investment, including human lives, healthy communities and societal productivity and well-being. In order to advance in any field and to improve our lives, we need knowledge and research that will spark and test new ideas and offer us the means to succeed. We need researchers like Dr. Jennifer Leason (Pine Creek Band), University of Calgary, whose work focuses on the social determinants of health and Dr. Catherine Girard, Université du Québec à Chicoutimi, who researches ecosystemic health and the microbial contents of food in the Arctic to support the health of the population. We need well-educated researchers in all fields, like Dr. Alan Bernstein, former president and CEO of the Canadian Institute for Advanced Research, who provide necessary advice during crises, as well as researchers like Nobel laureate Dr. Michael Houghton, University of Alberta, whose work to develop a vaccine for hepatitis C will save lives and reduce the expense of treatment.

At the end of the day, it is not an either/or question. We need to dispense with opposing choices and simply draw a circle instead of a straight line. People want to live in a country where the economy is strong and possibilities for meaningful employment exist. We also know that to attract business and employment, one needs a healthy, educated workforce as well as the necessary conditions, regulations and tax regime that will encourage the growth of industry and business. Research is fundamental to our success as a nation and must be sustained in the long term.

We must regard the economy, research, environment, health and communities as parts of a system of systems. Just as the human body has a nervous system and neural networks, a muscular system and a circulatory system, which requires all to function at once, so too can we regard industry, research, economic and human development as fundamental parts of society. They are at once interdependent and mutually supportive.

La recherche en français: an advantage for Canada

Research is a vector of development and prosperity for society and, in the Canadian context, research conducted in French is crucial to the vitality and development of Quebec and of French-speaking minority communities across the country. It ensures training at the graduate and post-graduate levels is available in French and enables the development of a professional vocabulary in French to disseminate knowledge, particularly to the media, business, politicians, public services and young people.

Francophone researchers play a key role in the vitality of their respective communities. They advise community groups, sit on their boards of directors and offer expert advice to governments on policy development. They also train the next generation of researchers in crucial fields such as education, the arts, engineering and health, actively contributing to the development of the population. They create critical and innovative citizens, capable of working in both of Canada's official languages.

* Soutenir la production et la diffusion des savoirs en français partout au pays, https://www.acfas.ca/sites/default/files/documents_utiles/MemoireAcfasConsultationsPancanadiennes2022Final.pdf

** Portrait and challenges of research in French in the minority context in Canada https://www.acfas.ca/sites/default/files/documents_utiles/rapport_francophonie_sommaire_en_final_0.pdf

How research builds Canada

Canadian researchers participate in international science and compete globally. Their work has benefited the country in many ways. However, while our economy has fared quite well over the years, Canada is currently facing a decline in productivity. This can be addressed, in part, through investment in research by business, investors and governments, coupled with an approach that recognizes the contribution of research to all areas of importance to Canadians.

Our natural resources

Despite gains in areas such as sustainable agriculture and fisheries, financial services, aerospace and manufacturing, the most significant sources of revenue for Canada over the years have been based on natural resources. All sectors are bolstered by, and increasingly rely on, scientific research, knowledge transfer and the training of highly skilled employees.[7]

Employment in these sectors and the raw resources exported are of direct and significant value to Canada. Research can help develop the technologies and industrial processes to ensure the environmentally sound extraction of resources and enhance their value prior to export.

A resource-rich country, Canada has many of the minerals required today to support the technologies that will be at the core of tomorrow's economy. There are untold riches buried beneath our feet. We have the opportunity to discover, extract and develop our mineral wealth, increasing its value to the economy, protecting the environment and providing employment for highly skilled workers.

Canada needs to invest in clean energy and green technology as well as in the research that will ensure its continued leadership in the creation and development of new environmental technologies that can become marketable. Research helps add value to Canadian products and exports for world markets. Canada should be known not only as a country with immense natural resources but one with a wealth of ideas and talent — a country that values innovation and ingenuity as essential drivers of our future well-being.

7 Idem. See note 5.

Our human capital

People are our most precious asset. However, Canada's population is aging, relatively small and spread over a large landmass. We need only consider, for example, that the entire population of Canada is approximately that of a single city, like Mumbai, India. While we have begun to rely on immigration as the means of increasing the population on our vast land, this is a long-term project.

Labour costs are also generally higher in Canada than in other parts of the world. Therefore, to ensure its competitive edge, Canada needs to invest in new methods and smart technologies so our smaller population can accomplish work of the highest quality.

Many of today's graduate students work at the cutting edge of science and use evidence-based research as a tool. Many end up in high tech and other technology-intensive industries where they are most valuable because they have the skills to recognize breakthroughs and enable business innovation at the frontier of knowledge. At times, their innovation involves adapting and improving off-the-shelf products and at others, developing new products, services and technologies that can be commercialized around the world.[8]

A perspective from abroad

In a recent article*, the Ambassador of Japan to Canada wrote that Canada is a resource-rich country. Canada has traditionally accounted for approximately 60% of Japan's potassium chloride imports. Due to sanctions on Russia, Japan is experiencing a 30% shortfall and Canada is "the only country that can realistically be expected to supply . . . the shortfall." He notes that this is only one example. "Canada . . . boasts approximately 250% food self-sufficiency on a calorie basis and 190% energy self-sufficiency . . . Japan's food self-sufficiency rate is 38% and its energy self-sufficiency rate is 13%." Touching on critical minerals, he added they "are not just the building blocks of clean technology . . . they are a key ingredient for creating middle class jobs and growing a strong, globally competitive Canadian economy."

* From "Evolution of Japan-Canada Relations into a 'New Chapter': The Increasing Geo-Political Strategic Importance of Our Relationship," *Gaiko Forum*, Vol. 78 (Mar/Apr 2023): 66–71, https://www.ca.emb-japan.go.jp/2023_shared_images/202304-GAIKO-provisional-translation.pdf

8 Nobel laureate Dr. Arthur B. McDonald reports after having surveyed students who worked at the frontiers of science that in physics, for example, 75% go on to careers in high tech, and they report using evidence-based research as a tool. See also *Degrees of Success*, Council of Canadian Academies https://cca-reports.ca/reports/the-labour-market-transition-of-phd-graduates/

Advancing Indigenous research capacity and reconciliation

In 2015, the Truth and Reconciliation Commission of Canada released its report *Honouring the Truth, Reconciling for the Future*, which identified 94 Calls to Action, and highlighted the important role of research to advance understanding and reconciliation.

Strengthening Indigenous self-determination, leadership and capacity in research and research training, and respecting the value of Indigenous Knowledge systems must be our priorities.

Indigenous Research is described as research in any field or discipline that is conducted by, grounded in or engaged with First Nations, Inuit, Métis or other Indigenous communities, societies or individuals, and their wisdom, cultures, experiences or knowledge systems, as expressed in their dynamic forms, past and present. It can also embrace the intellectual, physical, emotional and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places and the natural environment.*

From finding new cancer treatments, to building a digital record of Canada's residential school history, to creating research spaces that inspire the next generation, Indigenous Knowledge and research practices provide innovative solutions to contemporary issues and lend another way of understanding science, the arts and ourselves.

* Indigenous Research, https://www.sshrc-crsh.gc.ca/society-societe/community-communite/indigenous_research-recherche_autochtone/index-eng.aspx

Our small- and medium-sized businesses and innovation

Small- and medium-sized enterprises (SMEs) make up a very successful sector of the economy that not only provides employment but strengthens and gives back to the community.

Innovation, Science and Economic Development Canada's "Key Statistics Report" shows that "as of 2021, small businesses employed 8.2 million individuals in Canada or 67.7% of the total private labour force. By comparison, medium-sized businesses employed 2.5 million individuals (20.4%) of the private labour force and large businesses employed 1.4 million individuals (11.8%) of the private labour force. They [SMEs] contributed 42.7% of goods exported. They [SMEs] are spread across the country in every province. As of December 2021, there were 1.21 million employer businesses in Canada. Of this number, 97.9% were SMEs with 1-99 employees."[9]

9 "Key Small Business Statistics, 2022," Innovation, Science and Economic Development Canada, Small Business Branch, Research and Analysis Directorate, https://ised-isde.canada.ca/site/sme-research-statistics/en/key-small-business-statistics/key-small-business-statistics-2022.

SMEs include the majority of high-tech companies (mostly small enterprises), many start-ups that are on a strong growth curve, manufacturers, investors, consultants, service providers and specialized service organizations as well as not-for-profits. For example, in 2020, the British Columbia life science business AbCellera Biologics, a small but rapidly growing company, received the Fast Company Innovative Team of the Year Award and was named the best workplace for innovators.

Canada's population is distributed over a very large territory. In regions across the country, communities thrive where people want to reside and work, and offer an environment respecting Indigenous priorities and rights. With flourishing small businesses, schools, and sporting and cultural centres, these communities are themselves sources of employment, wealth and health, and are part of the circular economy.

Numerous publications tout the advantages of small businesses that extend far beyond the tax revenues and employment opportunities to include getting involved in local charities; sponsoring, organizing and hosting local events; innovating and diversifying the local marketplace; and using local products and services.

There are two important roles research plays in this context. First, research is needed to define and understand fully sustainable and successful communities and how they are supported by small business as they interface with the services and educational, cultural and health facilities available. Second, universities and colleges across the country are working with businesses of all sizes, helping them find solutions and develop innovative approaches, processes, services or technologies that can be commercialized in Canada and around the world. Centres like the DMZ at Toronto Metropolitan University, the e@UBCO Accelerator in Kelowna's Innovation Centre and the Centres collégiaux de transfert de technologies et de pratiques innovantes, in Quebec, are among the growing number of facilities that support commercial and industrial development that ranges from wood products in the Chantiers Chibougamau Ltée to a re-engineered kiteboard for Ocean Rodeo, a product now internationally marketed by this B.C. company.

In addition, municipal and regional governments often turn to their local university or college to find solutions to real-life issues such as environmental change, public transportation or water quality. Local

Preserving the fabric of our communities

Small businesses are financially important to the communities where they are located. Joe Minicozzi, an urban planner and principal of Urban3, has demonstrated the value of investment in mixed-use development as opposed to big-box expansion. Forbes magazine reported that, using the city of Asheville, North Carolina as an example, downtown mixed-use development produced a return 1,000% greater on a per-acre basis than that of a sprawling retail centre. SMEs yielded $150,000 more in annual tax revenue to the local government than an acre of strip malls or big-box stores. Minicozzi states that "a strong small business presence — especially one that thrives in the context of a busy, livable, walkable downtown — is what gives a community its character." Big-box stores are usually characterized by windowless facades and the owners are, with the profits, located elsewhere.* Canada's own Chamber of Commerce echoes the link between living and livelihood and sets out "thriving business opportunity, a strong economy and a better life for all" as its goals.**

* Darren Dahl, Why Downtown Development May Be More Affordable than the Suburbs, *Forbes*, March 14, 2014.

** "Our Vision and Mission," Canadian Chamber of Commerce, Chamber.ca/about

research institutions are sources of skilled workers that will attract and welcome newcomers to this country. The Université du Québec network, for instance, keeps young people rooted in their regions where they have access to postsecondary education, find meaningful employment in local firms or create innovative businesses and support cultural life. Research in topics like urban and suburban planning, the impact of green spaces and even hospital architecture that promotes healing has contributed to the success of many communities across the country.

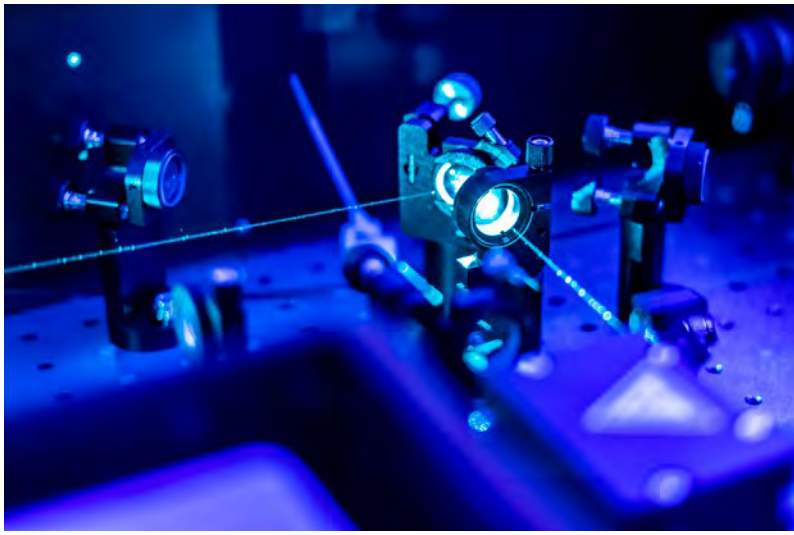
Around the world, countries are investing in regional development, the creation of livable, sustainable communities and employment. All are interrelated and require research to support these efforts, by understanding their unique challenges and inspiring the creative solutions that will ensure their success.

Key conditions underlying successful communities

Vibrant communities offer:

- Access to natural resources and a growing pool of technically trained workers
- Attraction and retention of top notch researchers and their ideas
- Best and broadest education system and state-of-the-art research facilities
- Freedom to discover and innovate in a creative and supportive research and training environment
- Access to international markets, global expertise and networks
- A business- and research-friendly environment that promotes social networking and collaboration
- Commitment to environmental safety, sustainability and protection
- Recognition of cultural and linguistic values
- Respect, equity, diversity, inclusion and ethics
- Good schools, health care, a safe environment, arts and sports facilities, and good transportation

Investing in the next promising areas of science



Just as research and the mining of lithium led to a new generation of batteries that power electric vehicles, the next advances in photonics and quantum technologies or the next treatment for disease may result from the support offered today for our country's best minds.[10]

Advances and technological progress are the result of the creativity of our population and the outstanding training they receive in an atmosphere of free and open inquiry. In a world where competitiveness is defined by a nation's ingenuity and capacity to innovate, a single idea can make Canada a leader. If we do not invest in bold possibilities — moonshot science — we risk losing the potential we have and with it, the people who are developing these ideas.

In the global race for talent, the best people and the brightest minds will go to countries where they are able to pursue their ambitions. It is a bit like a gold rush. If you do not stake a claim, you will never strike it rich and someone else will hire the best prospectors and the geologists who will leave with the gold from that claim. We will never know what we lost.

In addition, with two official languages among the most spoken on the planet and the intellectual diversity they promote, Canada is ideally positioned to attract the best talent.

The potential for economic development in areas such as clean tech, artificial intelligence, quantum computing, precision medicine, physics and advanced manufacturing, to name a few, is significant. These sectors tend to grow by leaps and bounds. A period of new ideas is followed by technical development and then by applications that can be manufactured and commercialized. They require a commitment to innovation and continued, wise investment.

The secret for success is to invest in brilliant research even before we fully understand its true potential. Before the potential of artificial intelligence was recognized, the Canada Foundation for Innovation supported researchers, like Dr. Geoffrey Hinton at the University of Toronto and Dr. Yoshua Bengio at the Université de Montréal, who are today recognized as world leaders in the field and whose work led to the cities of Toronto and Montréal becoming major business hubs in this field.

10 See Dalhousie University's Dr. Jeff Dahn's innovative work on batteries; the University of Ottawa's and NRC's Dr. Paul Corkum's work on photonics as well as the University of Waterloo's Nobel laureate in medical photonics, Dr. Donna Strickland; the quantum research by the Perimeter Institute's Dr. Elie Wolfe or Dr. Roger Melko (also at Waterloo); and the University of Toronto's PRiME Next-Generation Precision Medicine led by co-directors Dr. Carolyn Cummins and Dr. Keith Pardee.

At present, Canada does not have sufficient population to be able to manufacture and market some products solely within our borders. International markets and partnerships must be identified and developed. Competing in global markets requires not only innovative products and clever marketing, but also a higher tolerance for risk. A low-risk portfolio is unlikely to deliver spectacular returns, so the wise investor seeks a balanced portfolio that includes some elements of higher promise, but also higher risk. As a country we need to emulate the wise investor and invest not only in proven ideas but also in the researchers who push back the frontiers of knowledge.

A nation that does not invest in its people and their ideas foregoes the opportunity for greater achievement. In this context, the emerging talents of First Nations, Inuit and Métis researchers must also be recognized and supported. Their success is not only a source of wealth but of inspiration for the next generation. It also offers the potential to unite the country in a way that transcends our geographical expanses and cultural differences. One need only think of Nobel laureates Art McDonald, who hails from Sydney, Cape Breton, and Donna Strickland, who was born and raised in Guelph, Ontario. They share with young Canadians their passion for science and the knowledge that they too can aspire to change the world through their ideas and hard work.

Elements of a roadmap to help address continuing challenges for Canada

- Augment investments to add value to resources extracted
- Increase adoption of technology to address decline in productivity and bolster competitiveness
- Attract and retain talent, preventing a brain drain and its associated loss of expertise and talent
- Encourage the scale-up of homegrown businesses by making risk capital available
- Develop and implement strategies aimed at attracting new ideas and international investment to Canada
- Encourage calculated risk-taking and a desire to win among Canadian businesses

Conclusion

Research is the activity of our most precious asset — our people. There is a global race for talent and Canada must not be left behind as the effect will be felt on all sectors, from the economy to health and the quality of life in communities across the country.

Research depends on the ability of Canadians to take advantage of education and resources, and to thrive freely in a country known for its ethical values and principles of fairness. Research is essential to the health and well-being of the population, a strong economy and vibrant, vital communities that encourage the arts, culture and enlightened discourse. Research enables the development of green technologies and processes that will preserve the environment while supporting the development of natural resources. Research paves the way to new discoveries and understanding of our universe and is a source of pride and inspiration to our diverse, inclusive, ethical and equitable society.

And, if channelled properly, research can also be a fundamental part of our national identity and provide a key driver to Canada's success in the years ahead.

In support of our population, we also need to support communities, SMEs, the arts, sports and environmental programs that will make Canada productive, safe and attractive. In addition to smart and connected cities, it is time to think about sustainable communities to raise our living standards and grow a healthy population that is capable of supporting economic growth.

Canada's investment across all fields of research is essential to respond to crises and to permit the growth of creative and innovative concepts. Ensuring we have the capacity to mobilize many fields of inquiry to respond to new challenges or seize emerging opportunities requires a diverse portfolio of excellent research made possible with federal support. No one can predict where the next breakthrough will occur. This means investing not only in the black swans but in the areas that will serve and sustain all areas of endeavour such as data, digital resources, scholarships and fellowships to support the next generation of researchers, entrepreneurs and innovators, and the equipment and labs that will allow them to thrive.

We must today create the conditions for success in Canada. We are writing our history today. Let us learn from the past and build for the future.

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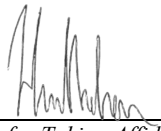
This is Exhibit "9" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Cultural Continuity as a Hedge Against Suicide in Canada's First Nations

Michael J. Chandler & Christopher Lalonde
The University of British Columbia

Abstract

This research report examines self-continuity and its role as a protective factor against suicide. First, we review the notions of personal and cultural continuity and their relevance to understanding suicide among First Nations youth. The central theoretical idea developed here is that, because it is constitutive of what it means to have or be a self to somehow count oneself as continuous in time, anyone whose identity is undermined by radical personal and cultural change is put at special risk to suicide for the reason that they lose those future commitments that are necessary to guarantee appropriate care and concern for their own well-being. It is for just such reasons that adolescents and young adults—who are living through moments of especially dramatic change—constitute such a high risk group. This generalized period of increased risk during adolescence can be made even more acute within communities that lack a concomitant sense of cultural continuity that might otherwise support the efforts of young persons to develop more adequate self-continuity warranting practices. Next, we present data to demonstrate that, while certain indigenous or First Nations groups do in fact suffer dramatically elevated suicide rates, such rates vary widely across British Columbia's nearly 200 aboriginal groups: some communities show rates 800 times the national average, while in others suicide is essentially unknown. Finally, we demonstrate that these variable incidence rates are strongly associated with the degree to which BC's 196 bands are engaged in community practices that are employed as markers of a collective effort to rehabilitate and vouchsafe the cultural continuity of these groups. Communities that have taken active steps to preserve and rehabilitate their own cultures are shown to be those in which youth suicide rates are dramatically lower.

Author Notes:

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Cultural Continuity as a Hedge Against Suicide in Canada's First Nations

This research report, which is all about self-continuity and its role as a protective factor against suicide, comes in three parts. One of these, told as a cautionary tale against all loose generalizations about aboriginal society as a whole, works to make the point that, while certain indigenous or First Nations groups do suffer rates of youth suicide that are among the highest of any culturally identifiable group in the world (Kirmayer, 1994), it is also true that the incidence of such suicides varies dramatically across British Columbia's nearly 200 aboriginal groups. Some communities, we demonstrate, show rates some 800 times the national average, while in others suicide is essentially unknown. A second part goes on to demonstrate that these variable incidence rates are strongly associated with the degree to which BC's 196 bands are engaged in community practices that are interpreted here as markers of a collective effort to rehabilitate and vouchsafe the cultural continuity of these groups. The remaining part, and the one with which we begin, reviews our efforts to get clear about the axial notions of personal and cultural continuity, and how our search for some way of understanding youth suicide has come to turn upon them.

PART I

Personal & Cultural Continuity

It is, no doubt, in some measure just because those who are left dead by their own hand are necessarily lost to most other kinds of data collection strategies, that epidemiologists concerned with suicide are typically reduced to trolling through whatever sea of demographic variables dead people ordinarily leave in their wake. As a result, most problem-focused studies aimed at identifying risk factors associated with suicide have tended to be largely atheoretic, data driven enterprises, ordinarily concerned with whatever correlational bits and pieces manage to get caught up in their actuarial nets. In contrast, the research to be reported here is not like that. What we mean to describe instead is the end product of a heavily theory-laden and concept driven program of research into the usual process of adolescent identity development—a project that only gradually and reluctantly backed its way into the troubled waters of risk research. It did so, as we will show, by following a thread that began with a normative study of the self-continuity warranting practices of standard-issue adolescents, and ends, where we stand, awash in the brutal epidemic of suicide among First Nations youth.

Because it is far from obvious why the study of young people's beliefs about personal persistence, or self-continuity, might recommend itself as a vehicle for getting closer to an understanding of how cultural continuity might serve as a protective factor against suicide, the balance of these introductory remarks are given over to linking up these seemingly disparate matters. In miniature, the argument, to be more carefully unfolded in the paragraphs to follow, goes roughly like this. At least as it is taught in standard Euro-American intellectual history (e.g., Cassirer, 1923; Habermas, 1991), any followable conception of self or personhood necessarily presupposes some summing across the inevitable changes that time has in store for each of us. Any account of selfhood that lacked provisions for linking each of us up with the persons we have once been, and are now in the process of becoming, would, consequently, prove fundamentally nonsensical.

However constitutive self-continuity may be for our ordinary adult conceptions of persons, children, it would appear, are not born into the world with their own especially high minded understanding of how such arguments in favor of self-continuity are meant to work. Rather, they tend instead to proceed only gradually and fitfully toward first one and then another increasingly mature way of warranting their own continuous identity. En route toward the construction of some acceptably grown-up way of thinking about personal persistence, children and youth regularly abandon the outgrown skins of their own still earlier ways of finding sameness within change and so, until newly refitted with some next-generation means of connecting the future to the past, are often temporarily left without a proper sense of care

and concern for the person they are otherwise in the process of becoming. Under such transitional circumstances, when self-continuity has temporarily gone missing, suicide newly becomes a "live option" for the reason that the dead person in question would scarcely count as them.

With respect to all of the prospective circumstances that are most likely to aggravate the problem of maintaining a sense of self-continuity, two difficulties, in particular, stand out as especially troublesome. One of these is composed of all those often dramatic adolescent changes that make up the usual transition to adulthood. The other is more circumstantial, and arises whenever one's culture, out of which the particulars of one's identity are necessarily composed, is also thrown into serious disarray. In either case the grounds upon which a coherent sense of self is ordinarily made to rest are cut away, life is made cheap, and the prospect of one's own death becomes a matter of indifference. These, at least, are the expectations that have brought us to the hypothesis that the steps being taken by certain First Nations communities to protect and rehabilitate the continuity of their own culture might be shown to work as protective factors against the current epidemic of suicide among native youth.

At least four things naturally follow from what has been said so far, all of which receive empirical support, either directly from the new data to be reported here, or from the larger program of research of which the present study is a part. One of these is that adolescents and young adults, who are classically understood to be undergoing a degree of personal change that seriously threatens their sense of self-continuity, should evidence a dramatically elevated rate of suicide and suicidal behavior. The second is that individual youth who are otherwise marked by a breakdown in their efforts to achieve a sense of personal continuity should be dramatically over-represented among those known to have made serious attempts on their own lives. Third, First Nations persons, who are generally acknowledged to have suffered a train of crippling assaults upon the continuity of their cultural lives should, as a group, be marked by typically high suicide rates. Finally, if lack of cultural continuity is indeed a risk factor for suicide, then First Nations communities that are actively engaged in preserving and restoring a sense of their own cultural continuity should demonstrate lower rates of youth suicide than do counterpart communities that are not engaged in such rehabilitative measures. The first and third of these propositions (i.e., that suicide rates will be dramatically higher for young persons, and for those whose culture is under siege) have so frequently been demonstrated to be true that they now constitute old news. The remainder (i.e., that suicidal adolescents will prove to be uniquely marked by an inability to sustain a sense of self-continuity; and that First Nations groups characterized by community efforts to achieve a greater sense of cultural continuity will show reduced suicide rates) are largely untested, and form the subject of our own ongoing research efforts.

Before turning to the particulars of these data, however, three matters, already briefly touched upon, require being set out more clearly. First, more needs to be said to clarify what is meant here by the notion of self-continuity. Second, because it is not widely known, the already available evidence linking failures in self-continuity and self-destructive behavior needs to be reviewed. Finally, some better case needs to be made in support of our contention that self and cultural continuity are necessarily bound up together.

What is Self-Continuity?

Wary readers who find something dangerously esoteric about talk of self-continuity are well within their rights. As Harré (1979), Rorty (1976), and a host of other contemporary philosophers (MacIntyre, 1977; Wiggins, 1971) have pointed out, the job of working out how even the simplest of things, let alone impossibly complex human selves, might achieve some kind of enduring identity needs to be counted among the oldest and most intractable of philosophical problems. In light of such confusions, the wiser course might have been to stay as far away from the subject of self-continuity as possible. Or at least this would have been the case if it were not for the generally agreed upon facts: a) that the requirement that persons be seen to

persist in time is an immanent providence at work in all human affairs (Shotter, 1984); b) that the fundamental logic of the identity formation process necessarily understands each of us as self-identical (Haber, 1994); c) that a sense of personal continuity is not an elective "feature" of the self, but a "constitutive condition" of its coming into being (Habermas, 1991), and so stands as one of those things that everyone needs in some measure in order to count as a person at all (Cassirer, 1923); d) that personal persistence stands as a necessary condition over which even the term "self" could reasonably be allowed to operate (Shotter, 1984); e) that any notion of selfhood that was not held to be abiding in this diachronic sense would have no functional value in the operation of any human social order (Hallowell, 1955); and finally, f) that any society that failed to make provisions sufficient to permit the re-identification of persons across time would simply fail to function.

For philosophers, then, and for others officially charged with the task of working up generic accounts of human functioning, it all seems clear enough: any claim to selfhood that does not include some measure of self-continuity is fundamentally nonsensical (Luckman, 1976). What about putative owners of selves like you, like us? If losing track of one's self-continuity is to somehow figure as a reason in any chain of mental events leading to a decision to take one's own life, then it would also need to be experienced, one might suppose, as a personal necessity. Although, as Lifton (1974) points out, self-continuity may not always be an ordinary part of one's moment-by-moment conscious awareness, such convictions do appear to underlie and support the tone and quality of one's self-awareness. This is especially so, it is widely supposed, during times of crisis and transition when threats to one's continuity are most in evidence (Barclay & Smith, 1990). On such occasions—when, for example, we are brought up short by seeing an old photograph of ourselves, or by the recognition that we have just behaved in a way that was once deeply out of character—all of us do evidently feel the need to scramble for some discursive means with which to argumentatively redeem the implicit claim that, through thick and thin, we somehow go on being self-same. That is, all appearances to the contrary aside, we go on being committed to the proposition that the seemingly discontinuous bits that together form the archipelago of our changing selves are somehow either structurally equivalent, or otherwise functionally interchangeable.

If, each of us is under a primary definitional obligation to repeatedly work out some justificatory means of warranting our belief in our own personal persistence, then the prospect is raised that, as young persons develop more workable conceptions of their own identity, their ways of warranting their convictions about self-continuity might also change apace. At least, this has served as a guiding prospect in our search for possible age-graded changes in the ways that children and adolescents ordinarily think about their own and other people's personal persistence. So far, we and our co-workers (Ball & Chandler, 1989; Chandler & Ball, 1989; Chandler, Boyes, Ball & Hala, 1986; Chandler & Lalonde, 1994; Chandler & Lalonde, in press) have taken up such matters with upwards of 200 young persons. While this is not the place for a detailed recounting of the precise methods and procedures followed in these several studies, the broad outlines of our findings are clear enough. When apparent disjunctures in their self-presentations were pointed out, our young subjects of every age quickly came forward with what they took to be good reasons as to why such evident changes could be discounted in ways that left untouched what they judged to be the underpinning continuities of their lives. Middle school children, for example, believed themselves to be self-same because of the simple existence of one or more personal attributes (e.g., same name, same fingerprints, etc.) that were thought to stand apart from time. Older adolescents, by contrast, more often found commonalties either: a) by hypothesizing underpinning genotypic personality characteristics thought to be capable of bridging the merely phenotypic changes they judged to have taken place in their more outward appearances; or b) by seeing functional relations thought to make their own pasts the "causes" of which their present identities were the "effect."

These studies have led us to distinguish a half dozen strongly age-graded ways in which the young subjects of our earlier research commonly reasoned aloud about their own personal persistence through time, and differently defend the conviction that they necessarily extend forward and backward in time in ways that leave them responsible for their own pasts and committed to their own futures. Setting aside the details about how all of these distinctive ways of thinking about self-continuity can be ordered in terms of their formal adequacy, or shown to co-vary with other developmental accomplishments, the essential point is that, with exceptionless regularity, all of these young subjects were committed to the necessary importance of, and found some conceptual means of succeeding at, the task of weaving a continuous thread through the various episodes of their own and others' lives. What makes this otherwise uniform achievement somehow deserving of special attention here is that, with almost the same regularity, adolescents who were also actively suicidal ended up distinguishing themselves by utterly failing in their efforts to find any personally persuasive means of warranting their own self-continuity in time.

What is the Relation Between Failures in Self-Continuity and Self-Destructive Behaviors?

The foregoing account of the changing ways that young persons ordinarily succeed in warranting their own self-continuity could be substantially correct without, at the same time, actually making any real contribution to our understanding of adolescent suicidal behaviors in general, or the extraordinarily high rate of youth suicide in certain First Nations communities in particular. Among the several reasons to suppose otherwise, two in particular stand out as especially relevant here. One of these arises out of the good prospects that problems in self-continuity hold out for making conceptual sense out of the otherwise paradoxical fact that, with all of life's potential sweetness full upon their lips, it is adolescents who, more than any other age group, are quickest to take steps to end their own lives. The other is more straightforwardly empirical, and turns on the existence of a substantial body of new evidence demonstrating that suicidal adolescents are in fact uniquely characterized by a thoroughgoing inability to warrant their own continuity in time.

Why do adolescents show dramatically elevated rates of suicidal behavior?

The general problem of finding some objective way of accounting for the fact that adolescents engage in self-destructive behaviors at rates variously described as some 20 to 200 times greater than any other age group (Hendin, 1982; Petzel & Cline, 1978) is that no one other than another adolescent could ever be persuaded that "the slings and arrows of outrageous fortune" actually do rain down more heavily on teenagers than they do upon the rest of us. What does appear to be the case, however, is that the sharply accelerating rate of developmental change routinely understood to be the fate of adolescents does in fact confront them with more than their fair share of difficulties in repeatedly re-engineering new ways of counting themselves as somehow persistent through time. That is, *if* navigating the usual course of identity development necessarily requires tacking one's way back and forth between one qualitatively different self-continuity warranting strategy and the next, and *if*, while momentarily "between stays," one is at special risk to temporarily going adrift by losing any workable sense of self-continuity, *then* the prospect arises that, adolescents, more than most, will also end up losing all proper care and concern about their own future well-being. It is during these periods of selflessness that the momentary self-destructive impulses, often triggered by life's routine hardships, become emptied of their ordinary personal significance, and that suicide suddenly becomes an actionable possibility.

In view of all that has just been said, our own general explanation for the remarkably elevated rates of suicidal behavior characteristic of the adolescent period is roughly as follows. Momentarily plagued by what we often later judge to be trivial problems, few of us remain entirely free of occasional suicidal thoughts (Ross, 1985; Rubenstein, Heeren, Housman, Rubin & Stechler, 1988). All such transient self-destructive impulses notwithstanding, few of us ever

seriously act on such inclinations, primarily because we understand that the person who would be hurt or lost would be us. Suicide, when it really becomes a live option, does so, we propose, primarily for those who have lost a sense of connectedness to their own future. Finally, it is adolescents, we suggest, who are most repeatedly put at risk to such hazards, all for the reason that the normal course of their identity development naturally serves to careen them from one self-continuity crisis to another. There are several potential merits to this account that are all seen to lie in the facts that it means to succeed: a) by linking suicidal behaviors to hazardous but transitory developmental *processes*, rather than fixed suicidal *traits*, it renders the often ephemeral nature of suicidal behavior more understandable; b) by tying self-destructive urges to often short-lived transitions in the usual course of identity development, it helps to explain the fact that such self-destructive urges are most often acted upon during times of rapid developmental change; and c) by finding a way to understand how it could be that suicidal persons actually succeed in circumventing those usual inhibitions that otherwise operate to block the possibility of self-harm.

An empirical case in point

What is required in order to lift all that has just been said above the rank of mere speculation is some solid demonstration that suicidal adolescents are in fact especially marked by at least a transient inability to successfully count themselves as numerically identical, and thereby continuous with their own past and future selves. The available data in support of this proposition is contained in a series of published reports (Ball & Chandler, 1989; Boyes & Chandler, 1992; Chandler, 1994a; Chandler, 1994b; Chandler & Lalonde, 1994; Chandler & Lalonde, in press; Noam, Chandler & Lalonde, 1995) detailing a series of comparisons between actively suicidal adolescents and their psychiatrically hospitalized and non-hospitalized peers. In each of these publications, data are presented that lend strong support to the theory driven expectation that, in contrast to their <u>non</u>-suicidal age-mates, actively suicidal adolescents are clearly and uniquely marked by their inability to successfully understand themselves as somehow continuous in time. Stripped down to the barest of details, what these studies demonstrate is that psychiatrically hospitalized but non-suicidal adolescents, while less mature in their efforts to warrant their beliefs that they are continuous, were, nevertheless, always able to find good reasons as to why the person they once were, and the person they were en route to becoming, still qualify as related instances of the self-same numerically identical person. In sharp contrast to those still ready to go on living, however, more than 4 out of every 5 (84%) of the approximately 50 actively suicidal adolescents so far tested completely failed in their efforts to find any grounds whatsoever for warranting the necessary conviction that they are numerically identical through time, or in any way connected to their own prospective future. Viewed in relation to a research literature largely devoted to the apparently circular demonstration that suicidal individuals of all ages also feel helpless or depressed, these findings hold out the promise of offering some conceptually coherent means of understanding, not only the self-destructive acts of particular suicidal individuals, but of making sense of the alarmingly high incidence of attempted and completed suicides among adolescents as a group. What is left unaddressed by these comparative data are any of the possible reasons that might explain why, for many groups of First Nations adolescents and young adults the demonstrated suicide rate is several hundred times still higher than that of their already suicide prone non-native age mates.

From Self- to Cultural Continuity

The conceptual account of suicidal behaviors outlined in the preceding pages offers a way of understanding how it is that radical changes to the hardware of one's personal identity (e.g., dramatic changes in physical appearance, personality organization, etc.) can overload existing cognitive mechanisms responsible for the maintenance of a sense of self-continuity, resulting in an image of the future that no longer counts as one's own. On this account adolescents are put in double jeopardy, both because their lives are often a kaleidoscope of radical change, and

because their developing strategies for warranting self-continuity often prove inadequate to the task. While this provides a way to understand the dramatic increase in suicidal behavior known to occur during the adolescent years, there is nothing about this explanatory account that restricts its applicability to those personal changes brought on by the turmoil of the teenage years. Rather, the stuff of which potential continuities and discontinuities are made tends to arrive from any and all quarters, including the cultural quarter.

Like other potential sources of continuity and discontinuity, cultures too appear to be double-edged swords. At least when they tended to outlive the people who populated them, cultures offered a more "mythic" time-frame that could be relied on to lend a certain age to things. Even now, when cultures seemingly wink in and out of existence, they still appear to sometimes work in the service of self-continuity by holding our noses to a grindstone of social responsibilities and cultural promises during our own moments of developmental transition. At least this is possible when they are working well. In other times and places, cultures appear to be more a part of the problem than the solution. Certainly this appears to be the case with the various cultures that make up BC's First Nations. Here, in addition to all those factors that ordinarily work to undermine cultures and promote their "natural" deaths, the massed forces of government have also actively disassembled aboriginal culture as an explicit matter of official policy (Titley, 1986). If simple job or marital instability is enough to heighten one's risk to suicide (Maris, 1981; Sakinofsky & Roberts, 1985), then what are the prospects for self-harm when one's whole culture is officially condemned, one's religion is criminalized, one's language is forbidden, and one's right to rear and educate one's children suspended?

No one seriously doubts that all of these social factors contribute to the fact that, as a group, First Nations people commit suicide at rates that are, by various estimates, some 3 to 5 times greater than that of the non-native population (Cooper, Corrado, Karlberg & Pelletier Adams, 1992; Kirmayer, 1994). Unfortunately, the certainty ends here. What is not at all clear is just how the difficult circumstances of most aboriginal people (inadequate income, education, housing, health care, nutrition, etc.) are converted into the deeply private reasons that lead only some to intentionally take steps to end their own lives. While epidemiological studies are ill-suited to deal with such ultimate questions, they can identify various risk or protective factors that might distinguish First Nations communities that are marked by high and low suicide rates by focusing attention, as we do here, on those variables that address the problem of self-continuity on a cultural level.

To do this we have chosen to proceed in two steps. Part Two of this account, that immediately follows, begins this process by first situating each of BC's 196 First Nations bands along a continuum that differentiates those with low and high rates of youth suicide. Part Three examines a series of cultural factors that, if present, could potentially serve to help insulate the adolescents and young adults within First Nations communities from the risk of suicide, by working to preserve or rebuild in them a more robust sense of cultural continuity.

PART II

Rates of Youth Suicide Among BC's Aboriginal Bands

British Columbia occupies a land mass comparable in size to all of Western Europe. The indigenous peoples living within this highly varied and often geographically isolated pattern of ecosystems have spent upwards of 10,000 years situating themselves with regard to their own local circumstance. Different languages, kinship patterns, religious beliefs, and economic practices (to name but a few) have naturally sprung up, making the whole of this province's First Nations a cultural collective only in the most abstract of statistical senses. While the overall rate of suicide for this population of diverse peoples is some 3 to 5 times higher than that for the country as a whole, such summary figures obviously make no real human sense when applied to any given community of First Nations persons. What is needed instead, as a first step toward any real understanding of suicide in the lives of aboriginal people, is some much more

fine-grained look that begins by examining the rates of suicide that hold for different self-identified cultural groups.

Method

Information on every act of suicide recorded in the province of British Columbia for the years 1987-1992 was provided by The Office of the Chief Coroner of British Columbia, and included: age, gender, date of death, cause of death, means of death, and associated factors (alcohol, drug involvement, etc.). This data also permitted each suicide to be identified as either "Native" or "Non-Native."

Although every attempt was made to ensure the accuracy of these data, two potentially significant sources of error should be acknowledged. First, when there is no clear and compelling reason to regard a given death as suicide, it is typically recorded as accidental, leading to a potential underestimation of the true incidence of suicide. For example, single-occupant motor vehicle accidents have been recorded as accidental deaths even when the driver was known to have been suicidal at the time of death. This fact takes on added significance when it is noted that up to one quarter of all accidental deaths are viewed by some experts as actually being suicides (Health-Canada, 1991). Further, because accidental death rates are substantially higher within the First Nations population, the effects of this under-reporting may be especially magnified.[1] In addition, there are reasons for concern that the general under-reporting of suicide common to all groups may be even more prevalent within certain First Nations communities eager to reject a perception of themselves as especially prone to suicide.

A second source of error arises from the fact that accurate data on whether or not a person is 'Native' or 'non-Native' is difficult to collect. At least three independent sources of such information exist: self-declaration, census declaration or government registration, and band membership. First, (although this is obviously problematic in the case of completed suicide), persons can, under usual circumstances, be asked to identify themselves as being of Native ancestry. While there is some evidence that Native Americans are becoming more likely to identify themselves as "Native" for US census purposes (Nagel, 1995), there is no documentation of a comparable trend in Canada, where First Nations have been known, for political reasons, to refuse to participate in census taking.

Whether or not persons consider themselves Native, however, is somewhat independent of whether the Canadian government counts them as Native in its registry of "Status Indians," entitled to certain federal benefits. Some Native persons—particularly those living off-reserve—reject this system of registration, resulting in a growing number of young Native persons who have never been registered as "Status Indians," and who consequently do not figure into estimates of the "Native" population. Finally, each Native band maintains its own record of band membership which may or may not agree with published population estimates based on other counting strategies. Even when each of these possible data sources are consulted, deciding whether a particular suicide was committed by a "Native" person is rarely a simple matter. To overcome these difficulties, the Office of the Chief Coroner routinely makes use of information provided by the family of the deceased, by social service agencies and police officers involved in the case, as well as data from other provincial government agencies in designating suicides as Native or Non-Native. For present purposes it was these best available, but still problematic designations, provided by the Coroner's Office, that were used to code persons as either Native or Non-Native.

Population Data and Suicide Rates

The population data used to calculate suicide rates in this study were collected from various branches of the federal and provincial government charged with maintaining census informa-

[11] Data provided by the BC Ministry of Health indicates that, for the period under study, deaths by what are termed "external causes" (accidents, suicide, homicide) accounted for 27.6% of all First Nations deaths compared to 7.8% of deaths in the total population.

tion and vital statistics. Basic population data were obtained from Statistics Canada for the Canadian census years 1986 and 1991. The British Columbia Ministry of Health, Division of Vital Statistics provided adjusted provincial population estimates for non-census years. Health and Welfare Canada provided further age-graded Native and Non-Native population figures for British Columbia. Comparative suicide data for the years 1986 to 1990 for the population of British Columbia was provided by The Canadian Centre for Health Information. At our narrowest level of regional analysis, we obtained age-graded population figures concerning First Nation bands and tribal councils using the Indian Registry and Band Governance Database provided by Indian and Northern Affairs Canada.

Each of the governmental agencies responsible for the sources of population data that figure into our analyses also employed their own classification procedures for identifying persons as "Native." Our own attempts to obtain accurate data were aided by the results of a special project undertaken by the BC Ministry of Health, Division of Vital Statistics. This project linked together data held by the BC Medical Services Plan, Health Canada–Medical Services Branch, and Indian and Northern Affairs Canada, in the form of a comprehensive report on aboriginal health that resulted in the most accurate Native population figures to date (Burd, 1994). These data were used wherever possible in our analyses.

Socio-demographic Data

Band & Tribal Council Affiliation

Because some of BC's bands contain too few members to support their being singled out for statistical treatment, as a corrective, we have, for certain of our analyses, followed the common practice of categorizing bands with reference to the particular "tribal council" to which they belong. For the period under study, there existed 29 cultural/political alliances generally known as tribal councils. While some of these councils are historical in character, reflecting a common language and a shared traditional land base, others are more political in nature, aligning bands that, in the past, belonged to different tribal groupings. Each suicide was classified as belonging to not only a particular band, but also to one or another of these tribal councils using data from provincial (BC Ministry of Aboriginal Affairs) and federal sources (Indian and Northern Affairs Canada).

Language Group

In a part of the data analyses to follow, attention is focused on First Nations persons arranged, not by band or band council, but rather by language group. In spite of a long history of government suppression of Native language, the First Nations of British Columbia form a remarkably diverse linguistic community representing 16 distinct language families. Classifying suicides by Native linguistic families and language groups was accomplished using data from Indian and Northern Affairs Canada, with the invaluable assistance of a recognized expert in First Nations languages, Dr. Jay Powell, professor of sociology at the University of British Columbia.

Population Density & Geographic Location

Many of the measures to be reported here are obviously influenced to some extent by the size and geographic location of the community. Sparsely populated communities in remote regions of the province, for example, will rarely be able to sustain permanent health care facilities or resident health care providers. In an effort to control for this possibility, separate youth suicide rates were calculated for communities designated as rural, urban, and remote. Furthermore, measures of population density were derived for each band and tribal council by dividing the number of separate dwelling places by the total community population.

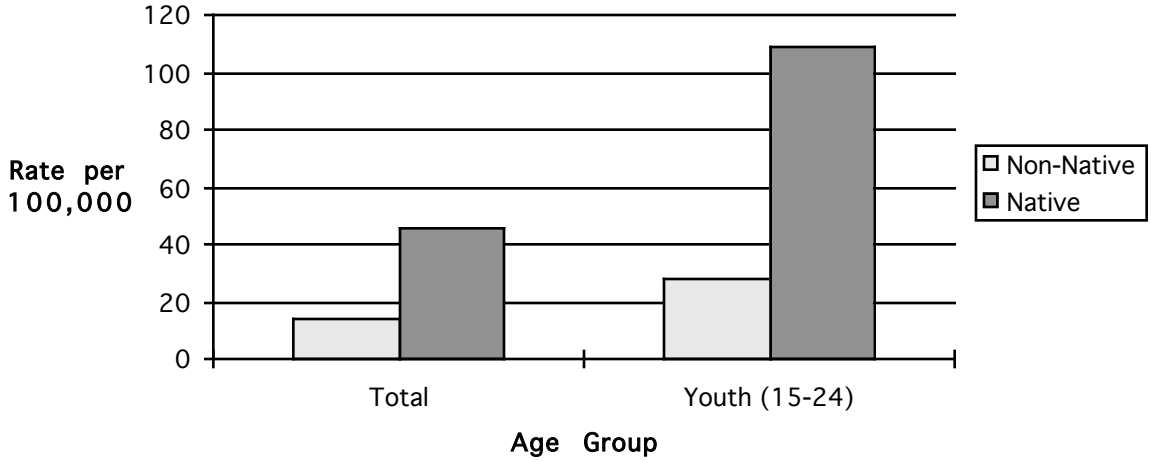
Results

Suicide Rates

In the 5-year period under study, a total of 2,495 deaths were designated by the Office of

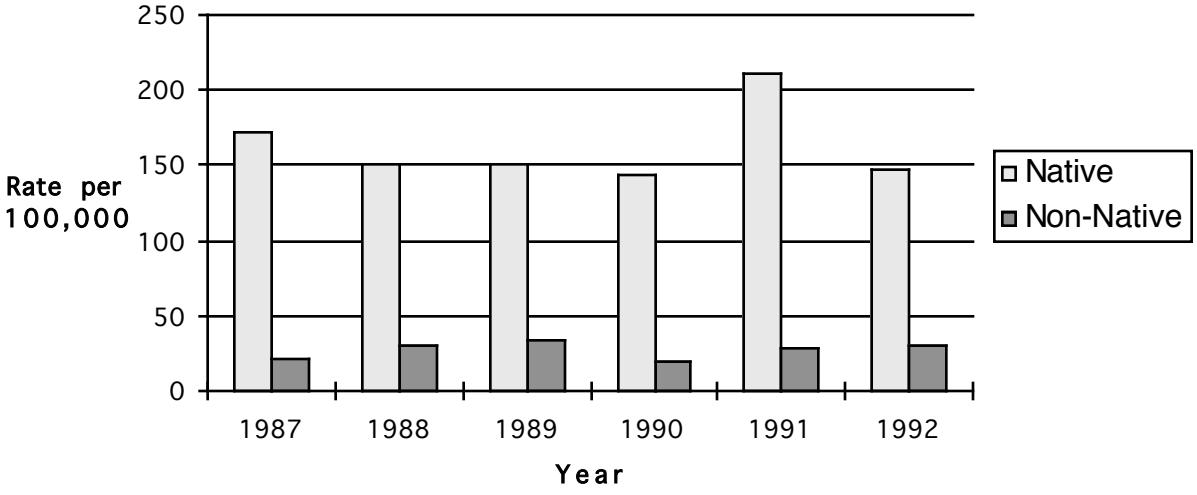
the Chief Coroner as being deaths by suicide. This represents an annual rate of 14.8 suicides per 100,000 persons in the province. A total of 220 suicides during this same period were judged by the Coroner's Office to have been committed by "Native" persons, resulting in an annual rate of 45.2 suicides per 100,000. For all young persons aged 15-24 years, the overall annual suicide rate during this period was 24.0, and for young Native persons the rate was 108.4 per 100,000. These rates are displayed in graphic form below (see Figure 1).

Figure 1: Suicide Rates in British Columbia (1987-1992)



In order to compensate for differences in the relative proportion of young persons within each population, age standardized mortality rates for 15-24-year-olds were calculated separately for the Native and Non-Native groups. Age standardized mortality rates (ASMR) allow for more accurate comparisons between groups with different age structures and reflect what the mortality rates would have been if the population in question had the same proportion of persons in various age groups as does the 'standard' population. In this case, suicide rates for both the Native and Non-Native youth of BC have been standardized to the 1991 Canadian census population. The use of these standardized rates in relation to the Native population is particularly important given that the proportion of Native youth is large in comparison to the proportion of youth in the Non-Native population. These adjusted rates, for the period 1987–1992, are shown in Figure 2.

Figure 2: Native and Non-Native Youth Suicide Rates (ASMR, 1987-1992)

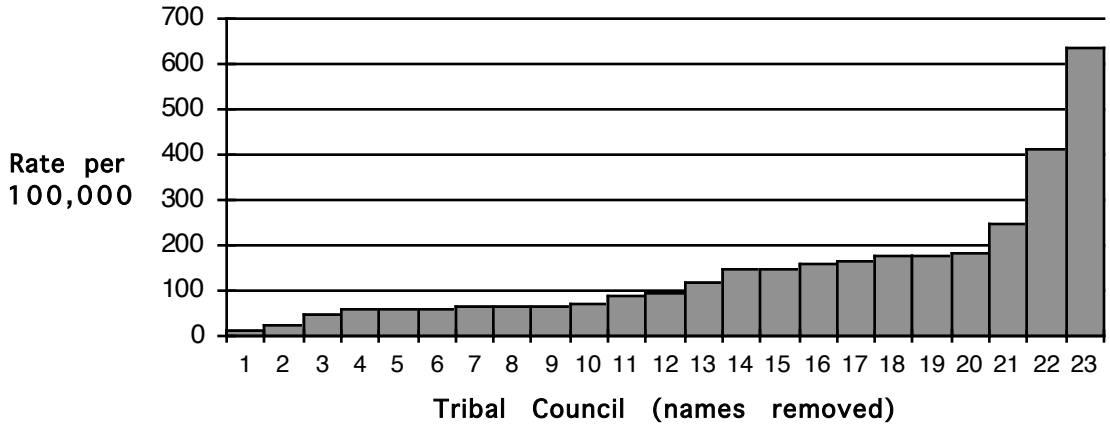


Socio-demographic Data

Political Affiliation

Although it needs to be recognized that raw suicide rates can be misleading when calculated for small populations, youth suicide rates were collected for the 196 individual Native bands under study. The resulting rates varied from 0 to 3636.4 per 100,000. When these communities were collapsed into larger groupings according to their membership in one of the 29 tribal councils within the province, rates varied again from a low of zero (true for 6 tribal councils) to a high of 633 suicides per 100,000. Because the youth population within certain of these separate groups is relatively small, and because such rates can misinform, Figure 3, which displays suicide rate by tribal council, omits the names of these councils out of our own wish to avoid identifying individual communities. The 6 tribal councils without recorded acts of suicide are also omitted from this figure.

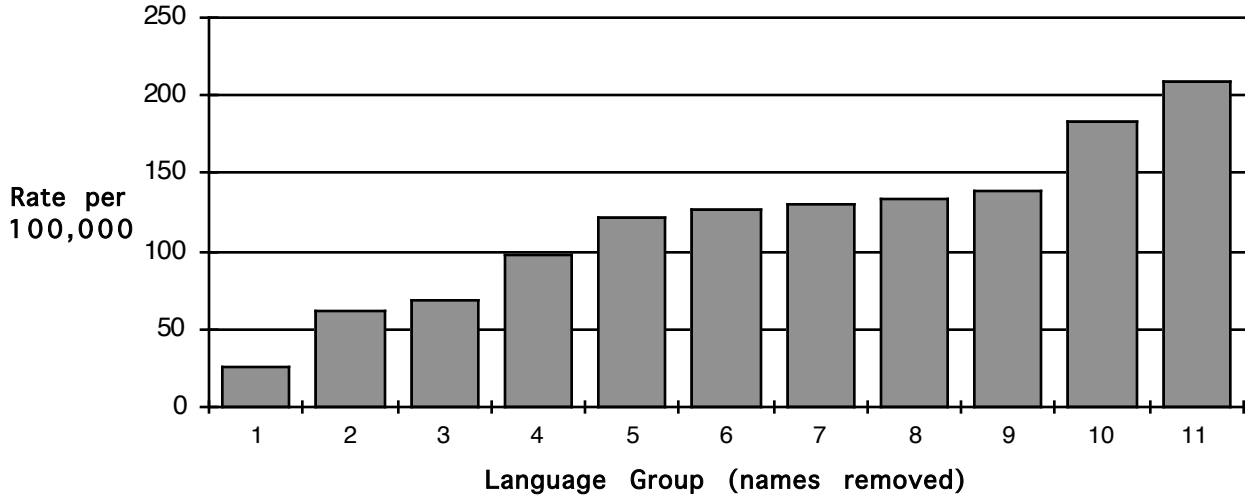
Figure 3: Native Youth Suicide Rate by Tribal Council



Language Group

When bands were classified according to language group, the observed youth suicide rate again varied quite dramatically, ranging from 0 to 208.3 suicides per 100,000. The 11 language groups with rates above zero are arrayed (again by number rather than name) in Figure 4.

Figure 4: Native Youth Suicide Rate by Language Group



Population Density

Our measure of population density resulted in a mean of 3.84 persons per dwelling structure (range=1.25–8.33). The computed correlation between the youth suicide rate and popula-

tion density was essentially zero: $r = -0.05$.

Geographic Location

First Nations youth known to have committed suicide during the study period were classified in terms of whether their band of origin was either "urban," "rural," or "remote" using a categorization scheme developed by Indian and Northern Affairs Canada which combines weighted measures of both population and geography. The categories of urban and rural differ largely with reference to the size of the surrounding population. Remote communities are those which either cannot be accessed by road (but only by air or water), or, when roads exist, where year round access is problematic. The rates of youth suicide for communities of these 3 types were as follows: Urban = 147.4; Rural = 95.1, Remote = 78.2. Because the "urban" category included many communities that are located at the periphery of major metropolitan areas, without literally being an immediate part of a true city-scape, an attempt was made to further distinguish those bands that existed "on the apron" of a city, from those more fully inside a true metropolitan area. Although the data are incomplete, the figures available suggest that the bands located within truly urban communities actually had substantially lower rates of suicide than did those for which the "lights of the city" were only on the horizon.

Discussion

Two things are evident from the data summarized above. The first is that when the suicides of First Nations youth known to have occurred during the study period are arranged in terms of their tribal communities of origin, it becomes startlingly clear that no generalizations about the overall suicide rate of BC's First Nations are possible. For over half of the communities studied (111 of 196) there were no known suicides during the targeted 5-year period, while the remainder contains communities which suffer rates of youth suicide some 500 to 800 times the national average. Obviously, if there is something about the lives of certain First Nations communities that is conducive to, or serves as a protective factor against suicide, it cannot be something that is equally true for all First Nations people.

The second point to be made is really a codicil to be attached to the first. Because many of BC's Native bands are small, even a single suicide can have a dramatic effect upon rates that are commonly calculated as a ratio of incidence to a base of 10,000 or 100,000. The possibility, therefore, exists that the variability in suicide rate by band, in which we are putting so much store, is actually no more than a statistical artifact being driven by the coincidental placement of a real but small number of suicides within a set of particularly small communities. Several things speak against this dismissive interpretation. The categorization of bands in terms of their placement along a dimension of increasing urbanization, for example, similarly counts as a demonstration of intra-band variability, as does the fact that major differences in suicide rates also characterize the 16 different language communities that cut across the provinces' various bands. Finally, collapsing 196 bands into the 29 different tribal councils that serve to federate them similarly has the effect of substantially increasing the size of the populations being considered, yet does so without introducing any appreciable change in the overall picture. On these grounds it was concluded that the dramatically different rates of youth suicide that characterize these First Nations are not artifactual, but represent a real fact in the world that holds out the promise of helping us to better understand what it might be about life in certain Native communities that is conducive to suicide, or serves as protection against it.

PART III

Associations Between Youth Suicide Rates and Measures of Cultural Continuity.

The entire program of research, of which the present epidemiological study is a part, has been driven by the theory-laden assumption that the problem in understanding suicidal behaviors is not one of appreciating why it might occur to people to end their own lives, but rather why it is, given the likelihood that such impulses tend to be commonplace, that most people, most

of the time, end up choosing life. The short answer, we have suggested, is that because it is constitutive of what it means to have or be a self to somehow count oneself as continuous in time, we end up showing appropriate care and concern for our own well-being precisely because we feel a commitment to the future self that we are en route to becoming. By these lights, people end up being at special risk to suicide whenever they are unable, for whatever reason, to successfully count themselves as continuous. Difficulties in warranting one's own self-continuity potentially arise from several quarters. Quite apart from whether they are members of Canada's First Nations, young people are at heightened risk to suicide for the double-barreled reason that they are both: a) still in the process of acquiring the full compliment of ways used by more mature adults to find self-sameness within difference; and b) because many of the fixities of their lives are in the process of being radically altered by the sweeping changes that regularly mark the adolescent period. While, as we have suggested, all this may be sufficient to account for the elevated suicide rates known to characterize adolescents and young adults in general, and to help pick out which particular adolescents are most likely to personally manifest these risks, it does not, without further extension, also explain the additional burden of risk that Part II of this report has shown to be visited upon the young members of certain First Nations bands.

The hypothesis that this third and final part of our report is meant to test is that some First Nations communities, but not others, succeed in providing their members with an otherwise missing measure of cultural continuity, essential to understanding themselves as connected to their own past and building future. If this is true, then it ought to prove possible to identify within such communities various markers of cultural continuity that are missing in other communities that have much higher suicide rates. The balance of this section describes our efforts to identify such potential markers of cultural continuity and to test their efficacy as protective factors against youth suicide.

Method

If one were free to order up in advance some commonly agreed upon measure of cultural continuity, then the task at hand would have been much easier than it proved to be. As it was, two factors in particular complicated our task. One of these was that, rather than starting with purpose-built marker variables of our own design, we were obliged to work with the kinds of information routinely collected by various government agencies, and to jerry-build a set of after-the-fact proxy variables meant as indirect measures of cultural continuity. Second, and as already indicated, the cultural life of the First Nations of BC has been so undermined by government policies and practices explicitly conceived as ways of systematically rooting out all traces of aboriginal culture that much of what remains is not so much continuous cultural life, as an attempt to reconstruct it. As such, our criteria for what could count as continuity needed to be expanded to include evidence of efforts on the part of communities to preserve, rebuild or reconstruct their culture by wrenching its remnants out of the control of federal and provincial government agencies.

In the end, we settled on a small handful of variables that were generally available and that could be reasonably counted as markers of attempted cultural rehabilitation. These included: a) evidence that particular bands had taken steps to secure aboriginal title to their traditional lands; b) evidence of having taken back from government agencies certain rights of self-government; evidence of having secured some degree of community control over c) educational services; d) police and fire protection services; e) and health delivery services; and finally, f) evidence of having established within their communities certain officially recognized "cultural facilities" to help preserve and enrich their cultural lives. Each of these proposed marker variables is further specified below. Our hypothesis was that, to the extent that each of these "protective factors" was present in a given community, some quanta of cultural continuity would be added in place, and some reduction in that communities' overall suicide rate would occur.

Markers of Cultural Continuity

Land Claims

Although a federal-provincial process of lands claims negotiation is currently underway in BC in which all First Nations are meant to participate, bands differ in the extent to which they were involved in pursuing land claims prior to the establishment of this province-wide settlement process. With the assistance of the Federal Treaty Negotiations Office and the BC Treaty Commission, we obtained up-to-date data on the status of land claims negotiations for all Native groups in the province. On the basis of these data, each of BC's First Nations communities were classified as having taken, or not taken, early steps to actively secure title to traditional lands.

Self-Government

The Self-Government classification recognized those few bands that, irrespective of having begun their land claims efforts early or late, were nevertheless especially successful in their negotiations with federal and provincial governments in having further established their right in law to a large measure of economic and political independence within their traditional territory.

Education Services

Communities differed widely in terms of the arrangements made with local and provincial education authorities for the purpose of schooling their children. In the 1980s, changes were made to the various federal and provincial laws concerning the funding of education services to Native children residing on reserves. These changes included provisions that allowed individual bands to exercise some control over education funding through agreements negotiated with local school districts. While the details of these individual agreements were not easily available, one effect of this process could be measured by calculating the percentage of community youth who attended band administered schools. Data derived from Indian and Northern Affairs Canada were used to divide communities into those in which the majority of students either did or did not attend a band school.

Police & Fire Services

Data concerning band control of police and fire protection services were compiled from a number of sources. For smaller Native communities that are located at some considerable distance from major population centers, fire protection services are often controlled by the band. In other instances, the band will have the option of utilizing the services of a fire department located in a nearby non-native community. Control over these services was measured largely in terms of community ownership of fire fighting equipment. Although general policing services outside of large metropolitan areas in British Columbia are provided by the federally controlled Royal Canadian Mounted Police, Native communities in BC have, in varying degrees, adopted local community-based law enforcement programs. Data on these local efforts, provided by Indian and Northern Affairs Canada, permitted bands to be classified as having or not having substantial control over their police and fire protection services.

Health Services

Although efforts are currently underway at the federal level to fully transfer control of health services to individual bands, large differences continue to exist in the extent to which health care services are managed by Native communities. At the time our data were collected, communities could be rough-sorted into those that exercised some direct measure of control (e.g., funding provided for permanent health care providers within the community), and those that had little or no such control (temporary clinics and 'fly-in' care providers, or services rendered outside the community). These data were provided by the BC Ministry of Health and by Indian and Northern Affairs Canada.

Cultural Facilities

Community profile data from Indian and Northern Affairs Canada and information obtained directly from individual band offices was used to calculate the number of communal facilities located in each community. A community was said to contain "cultural facilities" if a single facility was specifically designated for cultural use either in centrally held government records, or, if the existence of such a facility was confirmed by officials contacted within the community.

Summing Across Cultural Factors

A final data reduction step involved simply counting up the number of markers that were present in each community. Each community was then assigned a score from 0 to 6 and a final set of youth suicide rates were calculated for these 6 groupings.

Results

Markers of Cultural Continuity

Self Government

Although 12.3% of all Native youth (2,201 of 17,902) reside in communities that enjoy some measure of self-government, this factor appears to provide the greatest protective value with an estimated 102.8 fewer suicides per 100,000 youth within communities that have attained self-government against those that have not (18.2 vs. 121.0 suicides per 100,000). Comparative suicide rates for this and other cultural factors are shown in Figure 5.

Land Claims

While the majority of youth suicides (50 of 97, or 51.5%), and the majority of the youth population (64.3%) are to be found within communities marked by long standing efforts to exert control over their traditional land base, the rate of suicide within these communities is substantially lower: 86.8 vs. 147.3 suicides per 100,000.

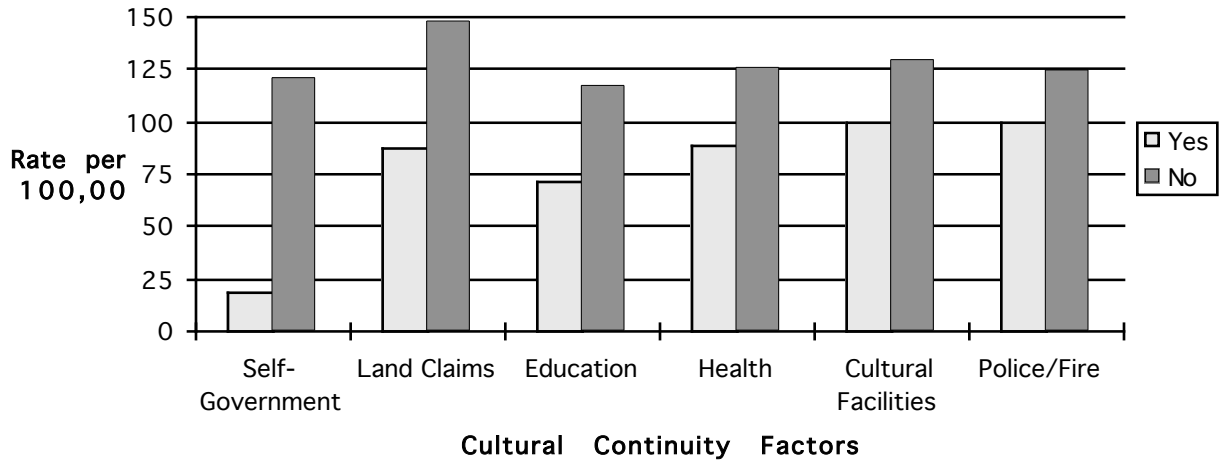
Education

Similarly, while just 21.8% of the youth population live in communities in which a majority of children are known to attend band controlled schools, only 11.3% of all youth suicides occur in such communities, the difference in suicide rates between communities that do and do not have such educational systems in place is substantial: 71.1 vs. 116.2.

Health Services

A slight minority of the youth population (46.4%) live within communities that have some measure of control the provision of health care services and, as expected, an even smaller percentage of youth suicides (38.1) occur in such communities, resulting in comparative rates of 89.0 and 125.1.

Figure 5: Youth Suicide Rates by Cultural Continuity Factors



Cultural Facilities

The percentage of suicides within communities that contain cultural facilities was lower (56.7) than the proportion of the population that reside in such communities (61.7) resulting in lower overall suicide rates: 99.4 vs. 128.7.

Police & Fire Services

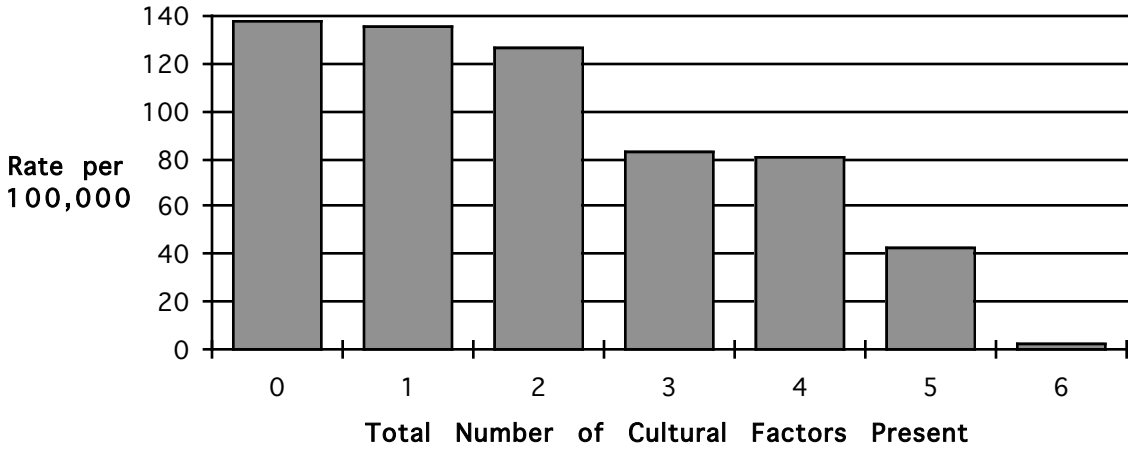
Finally, communities that control police and fire services contain 62.1% of all Native youth, but account for only 56.7% of all youth suicides, resulting in suicide rates of 99.0 and 123.7.

It should be noted that the comparative suicide rates reported above are, in every case, derived from data sets that cover the entire population of Native persons in the province of British Columbia and, therefore, reflect exact population parameters rather than sample estimates of Native youth suicide. Consequently, inferential statistics of the sort often employed as a hedge against the possibility of having drawn non-representative samples are inappropriate. Rather, these comparative rates are best judged by standards of practical or clinical significance, and considered as "cases in point" when viewed in relation to possible comparison groups. As illustrated in Figure 5, the presence of each of the factors was associated with a lower incidence of suicide. These findings were then quantified as a percentage reduction in the relative risk of suicide within the group of communities in which the factor was present. The presence of Self-Government, for example, resulted in an 85% reduction in the relative risk of suicide. For the remaining variables, the percentage reduction in relative risk were: Land Claims 41%; Education 52%; Health 29%; Cultural Facilities 23%; and Police/Fire 20%.

Summing Across Cultural Factors

To assess the overall effect of these markers of cultural continuity, each community was assigned a single point for each factor present and thus a total score varying from 0 to 6. The resulting suicide rates that attach to these scores are displayed in Figure 6, and ranged from a high of 137.5 for communities in which none of the factors were present, to zero (no suicides within the 5-year study window) for communities in which all 6 factors were present. The additive effect of these cultural factors was examined using a chi-square model of linear trends in proportions. The analysis revealed a strong linear relation between suicide risk and the number of factors present ($\chi^2_{[6]} = 10.042$, $p < 0.002$).

Figure 6: Youth Suicide Rates by Number of Factors Present in the Community



Taken together, these results are abundantly clear: First Nations communities vary dramatically in the rates of youth suicide that they evidence, and these differences are strongly and clearly associated with a group of predictor variables or protective factors meant to index the degree to which different bands are engaged in community practices that work to help preserve and restore their Native cultures.

CONCLUSION

Our aim in the present research report has been to demonstrate that the risk of suicide in First Nations youth is strongly associated with the ways in which these young persons undertake to construct and defend a sense of identity that allows them to survive as continuous or numerically identical persons despite often dramatic individual and cultural change. The evidence in favor of this view has unfolded in three steps, which we now briefly retrace by way of conclusion.

We began by focusing attention on what is presently understood about the place of self-continuity in the normal identity formation process and by detailing how young persons ordinarily progress through a common sequence of increasingly adequate self-continuity warranting practices. While we hold out some hope that this normative account of the developmental process, in which children come gradually and by degrees to a mature view upon the matter of self-continuity, might be of interest to developmentalists of almost any persuasion, nothing about this developmental course is directly concerned with the problem of youth suicide. The link that we have worked to forge between self-continuity and suicide hinges on the argument that young persons could, in the usual course of things, find themselves in awkward transitional moments during which they are especially vulnerable to acting upon self-destructive thoughts—a view that finds empirical support in the fact that actively suicidal adolescents are unique in their inability to offer reasons as to how they or anyone else could lay claim to any form of self-continuity whatever (Chandler & Ball, 1989). Leaving aside, at least for the moment, the potential utility of this methodology for singling out those individual young persons who might be at immediate risk of self-harm, such evidence goes some distance toward explaining why it is that young persons, whose lives seem so full of promise, are so tragically and disproportionately prone to acts of self-destruction.

While all young persons can be expected to encounter moments of heightened risk during transitions from one self-continuity warranting practice to the next (Ball & Chandler, 1989; Chandler & Ball, 1989; Boyes & Chandler, 1992), certain groups of young people, our evidence suggests, find the period of adolescence and young adulthood more dangerous than do others. The sharply elevated rates of suicide shown here to characterize some groups of First Na-

tions youth constitute a clear instance of such group differences in relative risk. In our efforts to account for these differences, we worked to navigate around those often circular suggestions that youth suicide is the result of depression, or social isolation, or other personal or interpersonal factors that sometimes accompany (but poorly predict) suicidal behaviors, by searching more directly for possible connections between personal and cultural continuity. In doing so, we struggled to avoid the familiar traps of stereotypy and blame casting by first bringing out the variability in youth suicide rates that characterize different aboriginal communities, and then by working to identify possible protective factors against suicide contained within the various efforts of BC's First Nations communities to preserve and promote a sense of cultural continuity in their members.

The first of these demonstrations served to make clear that the much-publicized fact that youth suicide is more frequent among BC's First Nations is, at best, a statistical generalization that threatens to obscure the real variability in suicide rates between various native communities. In the present study, a total of 111 bands, containing just under half of all BC Native youth, experienced no youth suicides at all in a 5-year period. The simple but sovereign truth to be found in this variability in rates is that suicide among First Nations youth cannot be explained simply by pointing to those factors that serve to distinguish aboriginal from all non-aboriginal people. To be of real value, any candidate explanation of these findings must offer some conceptual means of accounting for both this within- and between-group variability, by presenting followable reasons as to how some First Nations communities have managed to do such a remarkably good job of insulating their members from any increased risk of suicide.

Our second set of findings—meant to demonstrate that some important measure of the variability in suicide rates across Native communities is associated with their different efforts to restore and rebuild a sense of cultural continuity—constitute what we hope is a step in the right direction of searching out variables that not only have some explanatory power, but also admit to some degree of potential for change. Each of the six markers of cultural continuity employed here was found to be associated with a clinically important reduction in the rate of youth suicide. Similarly, an overall index created by summing across these different cultural factors proved to be strongly and significantly associated with reduced suicide rates (e.g., the observed 5-year suicide rate fell to zero when all six of these protective factors were in place in any particular community). Taken together, these findings offer strong support for the contention that such protective factors not only help to define the structural parameters of cultural-continuity, but also constrain the form of all counterpart solutions to the self-continuity problem that must be worked out on a more personal level.

In addition, we have every reason to suspect that our particular collection of marker variables is only a subset of what is undoubtedly a much larger array of such protective factors, the promotion of which may also hold real promise of reducing the epidemic of youth suicide within First Nations communities. What, in our judgment, particularly recommends the set of variables selected for examination in the present study is that each of these protective factors are "plastic" insofar as they represent matters over which the communities in question are capable of exercising some measure of control. Is it of any real actionable benefit for First Nations people to be otherwise told, for example, that the frequency with which their children undertake to kill themselves varies as a direct function of the degree of poverty into which the community has fallen, or the extent to which their living conditions are sub-standard? If there were some immediate road leading out of such desperate circumstances it would have already have been taken. What is obviously required instead is some real handle on the problem of youth suicide that communities can successfully get hold of, and over which they can exercise some real control.

The clear message that is sent by the evidence brought out in this report is that the communities that have taken active steps to preserve and rehabilitate their own cultures are also those communities in which youth suicide rates are dramatically lower. It is possible, of course,

that this close relation between community action and youth suicide is not causal, and that both are somehow due to some third thing, we know not what. The fact remains, however, that every band in BC that has taken all of the protective steps outlined in this report have a youth suicide rate of zero, whereas bands in which all of these community actions are missing have youth suicide rates that are 5 to 100 times the provincial average. Whatever the ultimate causal links, what this research teaches is where those interested in the problem of youth suicide might begin to look for workable solutions.

Where all of this leaves us is with a deep conviction that a better understanding of the problem of suicide in First Nations communities can only be had by focusing attention on the interface between personal and cultural change. Toward that end, we have elected to concentrate our ongoing research efforts on better detailing the process of identity formation in First Nations youth. In brief, we are pursuing three new avenues of research. First, we are working to translate our current measures of self-continuity into other, more culturally sensitive, parallel forms. This has involved an attempt to both modify our existing procedures for measuring young peoples' understanding of their own and others' self-continuity, and to search out recurrent stories drawn from within the oral tradition of the First Nations to replace the Eurocentric narratives currently in use in this measurement approach. Second, we have begun the process of establishing just how it is that markers of cultural continuity, such as land claims litigation or control of health services, could ever work their way into the actual lives of particular adolescents. Here we intend to proceed along two simultaneous fronts: first by gathering new evidence on those actual community based activities that more explicitly match what are ordinarily thought of as "cultural" practices (e.g., language use, Native curriculum, rites of passage, etc.) and then marrying this data with accounts given by adolescents of the place of these cultural efforts within their own experience. Finally, we are also engaged in an effort to reconceptualize the possible meanings of self-continuity as they might differently unfold in the lives of young persons representative of Native and non-native culture. Coming to some better appreciation of these deep-running cultural differences is critical, we suggest, to understanding and hopefully reversing the trend toward steadily increasing suicide rates among First Nations youth.

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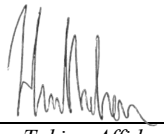
This is Exhibit "10" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

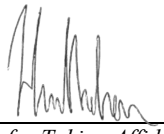


Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Outstanding issue	Canada's position in the FSA	NCCC's proposal to resolve outstanding issue	Solvable with Minimal Discussion	Elevated Levels of Discussion Potentially Required
1. Funding commitments	**1.** $47.8 B over 10 years	**1 (a)** The overall funding envlope required to end discrimination in First Nation child and family services and ensure it never happens again is in the ballpark of the $47.8 B Canada proposed.	✔	
		1 (b) Review of funding in draft FSA for governance. Some of these funds can be moved to the front lines.	✔	
		1 (c) Funding commitments that speak to distinct First Nations circumstances, that will include but are not limited to, remoteness issues, capacity building, actual and evience-based needs, start-up funding for new agencies	✔	
	2. Actual costs end	**2 (a)** Capital and post-majority at actuals for another 3 years, subject to review. Recognition that actuals during COVID-19 are not accurate. There are still knowledge gaps on required expenditures which may lead to marginal increases in funding envelope.	✔	
	3. Subject to annual appropriations and other approval processes required by Canada	**3.** Funding provided through guarenteed process such as statutory measures or special purposes allotments (i.e. not subject to annual appropriations or other federal approval processes).	✔	
	4. Canada not required to provide any funding after 10-year term expires	**4.** Clarification that the funding responsibility does not disappear at the 10 year mark. Canada's obligation is to ensure the discrimination is eliminated and does not re-occur.	✔	
	5. The funding methodology does not eliminate the discrimination	**5. (a)** Use of IFSD's measuring-to-thrive framework (see report) as a starting point: needs-based funding approaches that prioritize substantive equality, and which address any adverse effects related to *per capita* funding approaches consistent with the CHRT's funding principles, including substantive equality, best interests of the child, culturally appropriate, distinct community circumstances		✔
		5 (b) Creation of pools of funding for regional approaches and capacity building ·	✔	
		5 (c) First Nations and Agencies can use surpluses for capacity building based on a workplan and they can become eligible for the capacity building fund as well. This will reduce the exposure for Canada and ensure dispensed funds are able to be put to use. Funding must be sufficient to meet the principles of the Agreement and other legislative and regulatory requirements that are consistent with the principles of this Agreement (e.g., the language Act).	✔	
	6. Relied on per capita and Indian Registry System (IRS) population-based funding model, similar to the one deemed discriminatory by the CHRT. Prevention services were capped at an arbitrary amount based on incomplete study : ~$2,500	**6** First Nations and Agencies provide services to children and families wherever they reside (as per C-92 minimum standards). IRS does not capture the entire population served. Funding must not rely solely on the *per capita* formulas, especially those tied to the IRS. Parties must work towards a population framework, such as a First Nations-led census, to estimate the actual population served.	✔	
	7. Does not apply to First Nation children and families off-reserve	**7.** Extension of services at similar levels to those children who are First Nations who have been forced off-reserve due to lack of housing and services. See also 5(a).		
2. CHRT's jurisdiction	CHRT jurisdiction ends, including CHRT orders. Disute Resolution Tribunal does not have jurisdiction to order Canada to fund new components or increase funding for existing ones	Stage I: CHRT baseline orders stay in place and CHRT retains jurisdiction until the later of: (i) 5 years; or (ii) the Dispute Resolution Tribunal is established to monitor implementation of the FSA to ensure discrimination stops and never happens again.	✔	
			✔	
		Stage II: Upon CHRT jurisdiction ending, Dispute Resolution Tribunal has ability to issue legally binding orders that require Canada to take additional measures (including providing additional funding) and make systemic changes if FSA measures are insufficient to end discrimination and ensure it never happens again. First Nations legal orders and laws must be recognized and incorporated into the dispute resolution process.		✔
3. Governance	**1.** No decision-making role for Chiefs	**1.** Collapse all proposed committees in the FSA into a National Body comprised of the chiefs	✔	
	2. Membership in National Secretariat is limited to AFN, COO, and NAN	**2.** National technical secretariat, which includes NAC and EAC, to provide to support to the National Body (many of these entities already exist - these do the actual implementation work)	✔	
	3. Reform Implementation Committee members appointed by parties and required to carry out work in confidential process	**3.** Regional technical secretariats to support work of National technical secretariat	✔	
	4. Continues to rely on ISC to administer program and deliver funds	**4.** This will add to administrative costs. The Nations have existing organizations that can be engaged to support delivery.	✔	
4. Departmental reform	The Expert Advisory Committee is bound by confidentiality and was not sufficiently independent of ISC.	Canada's internal accountablity mechanism needs to be reviewed (accountability framework). The work of the EAC in reforming ISC and developing an accountability framework must be transparent and independent.		✔
4. Accountability measures	**1.** Canada requires FNCFS agencies to co-develop child and community well-being plan with the affiliated First Nation to be submitted to ISC under a deadline and subject to annual updates. There are also provisions that allow ISC to trigger audits, annual reporting, and funding reviews.	**1.** Agreement should respect accountability processes that already exist between First Nations and Agencies and agree to develop an accountability framework including development of planning and measurement provisions that at minimum, ensures the nations are informed of agency activities, promote reciprocal accountability, consistent with the Act.	✔	
	2. Canada has a facultative option to report to First Nations and the Reform Implementation Committee on an agency's compliance with the terms in its funding agreement.	**2 (a)** See 1, above. Accountability measures in Agreement must also recall that ISC, not Agencies, was held liable for discrimination. Reform must ensure that ISC is accountable to rights holders.	✔	
		2 (b) The Honour of the Crown extends to provincial governments as well on this issue. There can be no actual long-term reform without including accountability to Nations from other service providers (ie. provinces and territories for non-delegated Nations)		✔
	3. The Reform Implementation Committee, which is confidential, is the sole entity charged with making recommendations to Canada and is also responsible for overseeing and monitoring the implementation of the reform. It is staffed by ISC.	**4.** National Secretariat/Regional/FNIGC - hold ISC accountable for data collected to ensure compliance. Need solid program evaluation focused on ISC compliance. Governance mechanisms must operate openly and transparently.	✔	
6. Regional variations	Regional variations for Ontario only.	**1.** Agreement must recognize and allow for funding that matches distinct community circumstances.		✔
		2. Cultural appropriateness.		
		3. Allocation for children's needs above IFSD funding.		
		4. Regional Secretariats: ISC will respect regional processes in the governance, administration and delivery of First Nations child and family services as determined by First Nations rights holders, consistent with C92.	✔	
7. C-92, treaty, and self-government	Funding will not be less than what would be provided for services funded under the FSA	**1.** Canada required to recognize the right to jurisdiction, and Crown responsibilities. Canada must ensure that any agreement (C-92, treaty, or self-government agreement) signed with First Nations discharges Canada's obligation to stop the discrimination and ensure it does not reoccur.		
		2. Must recognize different pathways to jurisdiction.		
		3. Canada cannot contract out of its human rights obligation.		
		4. Canada must discharge its Honour of the Crown		
8. Confidentiality	**1.** Information from FSA implementation must be kept confidential. **2.** Confidentiality extends to discussions and communications surrounding negotiations according to the agreement in principle.	**1. AND 2.** The starting premise for long-term reform must be openness and transparency. All negotiations and information relating to implementation of an Agreement should be, to the maximum extent possible, transparent. Transparency ensures accountability. Transarancy and accountability, together, help end discrimination and prevent its reoccurence.	✔	
9. Definitions and Principles	Principles did not include the Honour of the Crown, Intergenerational equity	Add to the Principles and definitions.	✔	
10. Term	Proposal: Canada confirms that the Honour of the Crown applies to the negotiation of long-term reform and the implementation of the ultimate agreement	This should be an evergreen agreement with a statutory basis. It is understood Canada has standard procedures for financial commitments in place: Treaty is by definition not a standard operating procedure.	✔	

This is Exhibit "11" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Funding Guidelines
Human Rights

(Current as of 1 October 2024)

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These funding guidelines set out conditions related to funding granted by the Court Challenges Program ("the CCP"). These guidelines form part of the funding agreement between recipients and the CCP and all funding recipients are required to following these guidelines.

1. Maximum funding

1.1. The CCP's Human Rights Expert Panel has established a scale of maximum amounts that may be granted in each funding category:

1.1.1.	**Development of test cases**	$20,000
1.1.2.	**Litigation**	
	Trial	$200,000
	Motion for leave to appeal	$25,000
	Appeal	$60,000
1.1.3.	**Legal interventions**	
	Application for leave to intervene	$10,000
	Intervention	$40,000
1.1.4.	**Accessibility funding**	$5,000

Any request for accessibility funding must be made in writing and must include:

a) A detailed explanation of the request; and

b) A projected budget for the amount of accessibility funding requested.

1.2. If a recipient has received funding to develop their test case and subsequently applies for litigation funding, the amount granted to develop the test case will be deducted from the maximum amount available for litigation. This provision only applies to applications made after December 12, 2019.

1.3. The maximum amounts provided for litigation and legal interventions are applied separately to each level of judicial proceedings. Accordingly, separate applications for funding must be presented at each judicial level. However, interlocutory appeals arising in a litigation case funded at the trial level will not generally be eligible for appeal funding, unless the interlocutory appeal raises a distinct and separate *Charter* issue. Expenses related to interlocutory appeals will usually be eligible for reimbursement from the trial funding envelope.

1.4. In general, a single envelope of litigation – trial funding will be allocated for all levels of administrative proceedings, including first-level judicial review, up to the point at which such proceedings reach a court of appeal.

2. Effective date of funding

2.1. Only expenses incurred following the submission of the funding application will be reimbursed. As such, recipients may only request reimbursement of expenses incurred on or after the date on which the CCP received the funding application.

2.2. Only the expert panel in charge of the funding application has the discretionary power to set another effective date of funding and the following conditions must be met:

a) The Applicant must make a written request for an alternate effective date of funding; and

b) The Applicant must demonstrate that the circumstances require a date of funding other than the date on which the CCP received the funding application.

3. Approved budget

The CCP acknowledges that the approved budget contains an estimate of costs and that actual costs may differ. Funding applicants must disclose all other proposed sources of funding, whether contributions in cash or in kind, including any funding from all levels of government, towards any activity targeted by the applicant that concerns the case funded by the CCP.

4. Additional funding

4.1. In all funding categories, recipients who initially received an amount less than the maximum for the category in question (see section 1, “Maximum funding”) and who, during the course of the project, encounter needs requiring greater financial resources, may apply for additional funding, up to the set maximum in force for that funding category.

4.2. The following conditions must be met when submitting an application for additional funding:

a) The submission must include a detailed explanation of the reasons for the request;

b) The file must be up to date, both with respect to the state of incurred expenses and the obligations under the funding agreement; and

c) A draft budget for the additional amount requested must be attached.

4.3. Any modification to the total amount of funding granted must be approved by the expert panel in charge of the funding application.

5. Extraordinary funding

5.1. In the context of **litigation – trial funding**, recipients who were granted the maximum for that category (see section 1.1.2) and who, during the course of the case, encounter exceptional circumstances requiring greater financial resources, may apply for extraordinary funding, up to a maximum of $50,000.

5.2. Exceptional circumstances in this category of funding refers to extraordinary and unexpected steps in the course of litigation that have become necessary to permit the matter to be pursued for the purposes for which it was funded.

5.3. The following conditions must be met when submitting an application for extraordinary funding:

a) The recipient’s expenses incurred in the file and approved by the CCP must have reached or exceeded $150,000;

b) The file must be up to date, both with respect to the state of incurred expenses and the obligations under the funding agreement;

c) A completed extraordinary funding application form and budget must be submitted to the CCP; and

d) The application must include a detailed explanation of the reasons for the request, including the exceptional circumstances and the need for extraordinary funding to pursue the funded matter.

5.4. Allocations of extraordinary funding must be approved by the Expert Panel, which may, at its discretion, allocate an amount less than the amount requested by the recipient.

5.5. A recipient may apply for and be granted extraordinary funding more than once, where the circumstances justify doing so, up to a limit of $150,000.

6. Review of funding

6.1. CCP staff may request that the expert panel in charge of the funding application review the funding previously granted to a recipient when they are concerned that:

6.1.1. The case no longer meets the eligibility criteria;

6.1.2. The recipient has failed to comply with the funding agreement or the funding guidelines; or

6.1.3. The recipient has failed to comply with the funding conditions imposed by the Expert Panel.

6.2. Should CCP staff request that the Expert Panel review the funding, the following provisions apply:

6.2.1. The CCP staff will notify the recipient of the request for review and the reasons for the request;

6.2.2. The CCP staff will provide the recipient with a reasonable amount of time to respond to the CCP's concerns and the recipient will be invited to do so in writing; and

6.2.3. The recipient's written response will be forwarded to all members of the Expert Panel before they examine the request for review.

6.3. The CCP may freeze the funds and suspend the reimbursement of expenses until the Expert Panel has had the opportunity to review the request for review of funding. In this case, CCP staff will advise the recipient of these steps when providing them with the notification of the request for review.

6.4. Once the Expert Panel has examined the request for review and the recipient's response, they may make a decision in accordance with their Terms of Reference. Their decision may include, but is not limited to, directing the recipient to act in accordance with the conditions related to funding or to remit all unused funds to the CCP.

7. Eligible expenses and maximum billable amount

7.1. For the **development of test cases** that have the potential to assert and clarify rights covered by the CCP, expenses that are eligible for reimbursement include the following:

7.1.1. Costs related to legal research and drafting;

7.1.2. Consultation; and

7.1.3. Evidence development.

7.2. For **litigation** cases that have the potential to assert and clarify rights covered by the CCP, expenses that are eligible for reimbursement include the following:

7.2.1. Legal fees;

7.2.2. Costs related to legal research and drafting; and

7.2.3. Other costs related to presenting the case in court.

7.3. For **legal interventions** that have the potential to assert and clarify rights covered by the CCP, expenses that are eligible for reimbursement include the following:

7.3.1. Legal fees;

7.3.2. Costs related to legal research and drafting;

7.3.3. Consultation; and

7.3.4. Other costs related to presenting arguments in court.

7.4. In the case of **accessibility funding**, the CCP can only reimburse costs related to ensuring equal access to Program-funded activities, which include, for example:

7.4.1. Interpretation or translation, although expenses related to interpretation or translation between Canada's official languages are not considered eligible expenses under this category;

7.4.2. Production of documents in alternate media;

7.4.3. Travel costs for an attendant; and

7.4.4. Childcare costs.

7.5. The following are examples of the types of fees the CCP may reimburse:

7.5.1. **Legal fees**, including legal research, preparation of evidence, communications with the client, other parties, or the CCP, communications with outside consultants or experts, preparation of documents to be filed in court, preparation for court appearances, litigation fees, such as court appearances at trial or hearings, preparation of court orders;

7.5.2. **Disbursements**, including disbursement prescribed by law or regulations, transcription expenses, costs related to the service or filing of documents, interpretation and translation costs, photocopies, mail, courier, and long-distance telephone calls;

7.5.3. **External fees**, including external consultant fees (external legal counsel, strategist, communication, etc.); expert witnesses and expert reports; and

7.5.4. **Administrative fees**, including lawyer or client travel expenses; lawyer or client accommodation expenses; witness expenses.

7.6. The CCP has set the <u>maximum</u> billable amount for which the recipient may apply for reimbursement at $250 an hour before tax, per professional.

7.7. The CCP may only reimburse travel expenses in accordance with its Guidelines on Travel Expenses. The CCP does not pay for lawyers' or consultants' time spent travelling.

7.8. The CCP may pay for the time of recipients or employees of recipients, if the recipient can demonstrate that the funds are essential to the activity for which they have been approved for funding and that the recipient or employee's time has not been paid from another source. No individual or organization may incur a financial benefit from the receipt of CCP funds.

7.9. The CCP does not reimburse any costs associated with the preparation of an application for funding.

7.10. The CCP does not reimburse any costs associated with activities related to public education, community development, lobbying, political advocacy, or media.

7.11. Any other expense will be evaluated on a case-by-case basis.

7.12. All expenses, in order to be eligible for reimbursement from CCP funds, must be reasonable in the context of the funded matter.

8. Timelines

8.1. Development of test cases

Recipients must complete the development of their test case within twelve (12) months of signing the funding agreement, unless an extension of time is granted by the Expert Panel. Any such request for an extension of time must be done in writing to the CCP.

8.2. Litigation

Recipients must ensure that an application with regard to the matter funded by the CCP is formally submitted to the court within twelve (12) months following the signature of the funding agreement, if the case has not already been initiated, unless an extension of time is granted by the Expert Panel. Any such request for an extension of time must be made in writing to the CCP.

9. Submission of invoices to the CCP

9.1. Funds granted by the CCP are deposited in the trust account of the recipient's lawyer and must not be withdrawn until the CCP has expressly authorized the disbursement.

9.2. The CCP will only approve the disbursement of funds from the trust account once it has received the following proof of expenses and accompanying documents:

9.2.1. A completed CCP invoice form, including the categories of eligible expenses; AND

9.2.2. Proof of the expense, which may include:

9.2.2.1. An invoice for services rendered, prepared by the lawyer or a consultant, that must show the types of eligible expenses;

9.2.2.2. A copy of receipts for travel costs in accordance with the Travel Directive of the Treasury Board of Canada (see CCP Guidelines on Travel Expenses); or

9.2.2.3. A copy of the invoice or receipt for any other cost related to presenting the case in court.

10. Reporting to the CCP

10.1. Development of test cases

10.1.1. Progress reports

In the event that a recipient has been granted an extension of time to develop their test case pursuant to section 8.1, a progress report will be due every six (6) months from the date of the Expert Panel's decision to grant an extension of time. Reports must contain a summary of work accomplished since funding was approved or since the last progress

report. Reports must also contain sufficient information to enable the CCP to assess progress made in developing the test case, as well as a timeline for next steps.

10.1.2. Final reports

10.1.2.1. Recipients must submit two final reports to the CCP at the end of the case: the final progress report and the final financial report.

10.1.2.2. The **final progress report** must be completed using the CCP's final report form. It must contain a summary of all work undertaken or completed since the last progress report. It must also specify the outcome of the development of the test case in precise detail, including whether the recipient intends to pursue the matter before the courts. A copy of any document produced using the CCP funds in the context of developing the test case must accompany the report.

10.1.2.3. The **final financial report** must be completed using the CCP's final financial report form. The report indicates the total actual expenses incurred and provides updated information on funds from all other sources, whether contributions in cash or in kind, including any funds from any level of government, towards any activity targeted by the recipient that concerns the case funded by the CCP.

10.1.2.4. The last portion of funding will not be paid or released until the final reports and other documents requested in the final progress report are submitted and approved by the CCP (see section 11, "Holdback amounts").

10.2. Litigation and legal interventions

10.2.1. Progress reports

Progress reports must be submitted by the recipient every twelve (12) months using the CCP progress report form. The first progress report must be submitted within the twelve (12) months of the date on which the recipient signed the funding agreement. Reports must contain a summary of work accomplished since funding was approved or since the last progress report. Reports must also contain sufficient information to enable the CCP to assess progress made in the case.

If a recipient fails to deliver a progress report within these timeframes, the CCP reserves the right to withhold payment of invoices submitted by the recipient until the CCP receives the progress report.

10.2.2. Final reports

10.2.2.1. Recipients must submit two final reports to the CCP at the end of the case: the final progress report and the final financial report.

10.2.2.2. The final progress report must be completed using the CCP's progress report form. It must contain a summary of work accomplished in the case funded since the last progress report. It must also specify the results of the case in precise detail. A copy of every decision rendered by a court, any agreement, and any other final document concerning the case must accompany the report.

10.2.2.3. The final financial report must be completed using the CCP's final financial report form. The report indicates the total actual expenses incurred and provides updated information on funds from all other sources, whether contributions in cash or in kind, including costs awarded and any funds from

any level of government, towards any activity targeted by the recipient that concerns the case funded by the CCP.

10.2.2.4. The last portion of funding will not be paid or released until the final reports and other documents requested in the final progress report are submitted and approved by the CCP (see section 11, “Holdback amounts”).

11. Holdback amounts

11.1. The CCP may withhold part of the funding for a file until it is satisfied that the recipient has observed all the conditions of the funding and has complied with these funding guidelines, in accordance with section 6, “Review of funding”.

11.2. The expert panel in charge of the application may issue, in exceptional circumstances, different holdback amounts where there is a demonstrated need for the recipient to access the funds prior to the completion of the case. Such a decision by the Expert Panel must be provided to the recipient in writing.

11.3. Accessibility funding

The CCP will not hold back any amount of accessibility funding.

11.4. Development of test cases

Until the development of the test case is completed and the final reports have been received and approved by the CCP, 25% of the total amount granted by the CCP will be held back in the trust account.

11.5. Litigation

11.5.1. Until the hearing of the case has concluded or, in the event of an application for leave to appeal, that the leave application has been decided, 25% of the total amount granted by the CCP will be held back in the trust account.

11.5.2. Until the case is completed and the final reports (including the court’s decision or negotiated agreement and any other final document resulting from the case) have been received and approved by the CCP, 5% of the total amount granted by the CCP will be held back in the trust account.

11.6. Legal interventions

11.6.1. Until the hearing of the intervention has concluded or, in the event of a request for leave to intervene, that the leave application has been decided, 25% of the total amount granted by the CCP will be held back in the trust account.

11.6.2. Until the legal intervention is completed and the final reports (including the court’s decision and any other final document resulting from the intervention) have been received and approved by the CCP, 5% of the total amount granted by the CCP will be held back in the trust account.

This is Exhibit "12" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Article 12 of the Convention on the Rights of the Child and Children's Participatory Rights in Canada

Prepared by:

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Presented to:
The Family, Children and Youth Section
Department of Justice Canada

August 31, 2015

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Article 12 of the Convention on the Rights of the Child and Children's Participatory Rights in Canada

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I. INTRODUCTION: SCOPE OF PAPER

In 1989, the Convention on the Rights of the Child (CRC) was adopted by the United Nations. Canada ratified the CRC two years later, in 1991. Although the CRC has not been fully incorporated into domestic law, its principles guide interpretation of the *Charter of Rights and Freedoms*, legislation and the common law in Canada.[1]

The CRC recognizes that children have civil, political, economic, social, health, and cultural rights. One of the most important rights in the CRC is the "right of participation,"[2] set out in Article 12. Article 12(1) recognizes the right of children capable of forming views to express those views in all matters affecting them, and directs that due weight be accorded those views, depending on the age and maturity of the child as well as the matter at issue. Article 12(2) provides for the right of the child to be heard directly or indirectly through a representative in any administrative or judicial proceeding affecting the child. Article 12 is especially important since it is one of the few provisions of the CRC that children can exercise themselves, and because it provides for children's involvement in decision-making that most directly impacts on their lives.

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[1] *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817.
[2] The term "participation" is not used in the text of Article 12 but is now generally accepted as one of the Article's principles. See United Nations Committee on the Rights of the Child, *General Comment No. 12 (2009): The right of the child to be heard*, UN Doc. CRC/C/GC/12 at 5.

Canadian courts and legislatures have recognized the CRC, and the rights of children embodied in Article 12 in particular. The importance of children's views has been directly recognized in family law, specifically in the context of child custody and access disputes following parental separation. Children's participation rights have also been recognized in proceedings respecting child protection, health, youth criminal justice, immigration, and education.

Despite the recognition in Canada of rights of children, the United Nations Committee on the Rights of the Child has suggested that steps need to be undertaken to further promote children's participatory rights in this country. In its 2012 Report on Canada, the Committee welcomed the 2010 Yukon Supreme Court decision in *G. (B.J.) v. G. (D.L.)*,[3] which cited and relied upon Article 12 to establish children's participatory rights in disputes between separated parents, a decision discussed more fully below. The Committee, however, also was "concerned that there are inadequate mechanisms for facilitating meaningful and empowered child participation in legal, policy, environmental issues, and administrative procedures that impact children."[4]

This paper provides an overview and comparative analysis of children's participatory rights in Canada.[5] Looking at legislation and case law from across the country, the paper describes and contrasts the way children's views are considered in the different

[3] *G. (B.J.) v. G. (D.L.)*, 2010 YKSC 44.
[4] United Nations Committee on the Rights of the Child, Sixty-first session, 5 October, 2012, CRC/C/CAN/CO/3-4, *Concluding Observations: Canada*, at para. 36.
[5] The focus of this paper is on the law and literature of Canada. There is, however, a large body of writing and case law from other countries that applies Article 12 of the CRC: see e.g. James Munby, "Unheard voices: The involvement of children and vulnerable people in the family justice system," [2015] Fam Law 895; Tali Gal & Benedetta Durmay, eds. *International Perspectives and Empirical Findings on Child Participation: From Social Exclusion to Child-Inclusive Policies* (New York: Oxford University Press, 2015); and Aisling Parks, *Children and International Human Rights Law: The Right of Children to be Heard* (London: Routledge, 2013).

provinces and territories, as well as across legal domains. The paper also considers how Canadian courts have interpreted and applied Article 12. Finally, drawing on recent academic articles, both Canadian and international, the authors offer some suggestions for how legislatures, courts and tribunals could further implement Article 12, thus promoting children's participatory rights in Canada.

A primary focus of this paper is on children's participatory rights in judicial and administrative proceedings. However, the scope of Article 12 is broader: Article 12 also requires that children be consulted in the development of law and policy that affects them. The paper therefore concludes with some suggestions for including children's voices in legislative and policy-making processes.

II. ARTICLE 12 OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Article 12 of the CRC provides:

> 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
>
> 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Interpreting Article 12

In 2009, the Committee on the Rights of the Child published *General Comment No. 12*: *The right of the child to be heard*, which provides guidance on the interpretation of Article 12.

Article 12 is written in such a way as to place as few restrictions on children's participation as possible. Article 12(1), for example, does not limit the matters on which

children should be consulted. Similarly, while the Article only guarantees the right to be heard to a child "capable of forming his or her views," capacity is to be interpreted broadly: the Committee suggests that states *presume* a child has capacity to form views. Furthermore, capacity is not determined by age, and the Committee discourages states from introducing age limits for children's participation. Capacity does not mean a child must have comprehensive knowledge of all aspects of the matter at issue; instead, sufficient understanding of the matter is enough.

The Committee argues that Article 12 also places obligations on states to ensure that a child's right to participate is realized. It is not enough to allow children to share their views. States must *support* children who have difficulty making their views heard, such as children with disabilities and minority children, as well as *protect* children who express their views, for example child victims who testify in criminal proceedings. The environment in which children express their views matters: venues that are not accessible or child-friendly prevent children's views from being properly heard. Finally, to properly exercise their right, children must be *informed* of the context in which their views are heard, including information about the nature of proceedings and any potential decisions that may result.

Article 12 requires that children's views be heard and considered. The significance accorded to a child's views depends on his or her age *and* maturity. For the purposes of Article 12, maturity refers to the capacity of a child to express views on issues in a reasonable and independent matter. Maturity must also be assessed according to the matter at issue: the greater the impact a decision will have on a child's life, the more relevant the assessment of maturity becomes.

Article 12(2) directs that children be given the opportunity to be heard in "any" proceedings affecting them. The Committee has provided a non-exhaustive list of judicial proceedings where children's views might be heard, including those respecting "separation of parents, custody, care and adoption, children in conflict with the law, child victims of physical or psychological violence, sexual abuse or other crimes, health care, social security, unaccompanied children, asylum-seeking and refugee children, and victims of armed conflict and other emergencies."[6] Examples of administrative proceedings where the views of children could be taken into account include "decisions about children's education, health, environment, living conditions, or protection." [7] However, the Committee has indicated that the "main issues" that require a child to be heard are divorce and separation, separation from parents and alternative care, adoption, child offenders, and the child victim and child witness. The Committee has also noted that children's participation rights extend to mediation and alternative dispute resolution.

Article 12(2) provides that children may be heard directly or indirectly through a representative. The Committee recommends that wherever possible, children be given the opportunity to be heard directly. Where a child is heard indirectly, there must be no conflict of interest on the part of the child's representative.

Finally, it is important to recognize that Article 12 confers a right to express views, not an obligation to do so. Children therefore have a right *not* to exercise their right to be heard. They should not be forced to express views in matters affecting them.

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[6] United Nations Committee on the Rights of the Child, *General Comment No. 12 (2009): The right of the child to be heard,* UN Doc. CRC/C/GC/12 at 11.
[7] United Nations Committee on the Rights of the Child, *General Comment No. 12 (2009): The right of the child to be heard,* UN Doc. CRC/C/GC/12 at 11.

Relationship Between Article 12 and Article 3

General Comment No. 12 of the United Nations Committee on the Rights of the Child also clarifies how the rights in Article 12 relate to other rights in the CRC, including those contained in Article 3. Article 3 provides, in part:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Some commentators have suggested that Article 3 can be interpreted in such a way as to trump the rights contained in Article 12. Specifically, it has been argued that hearing the views of children may be contrary to their best interests, as it may draw them into a dispute involving their parents or other caregivers, and accordingly their views and wishes should not be solicited.[8] The Committee rejects this approach and denies that there is tension between the two Articles. It interprets Articles 12 and 3 as mutually reinforcing: the best interests of the child will be promoted where the views of the child are heard and considered. Conversely, denying a child the opportunity to be heard would seem to violate Article 3.

While there are legitimate concerns about how children are involved in legal proceedings, and children should never be pressured to express their views or preferences, there is considerable research that allowing children to share their perspectives promotes their welfare, as well as it being necessary to protect their rights. Hearing from children often provides judges, mediators, lawyers, and parents with vitally important information about their best interests. Research suggests that children generally have better outcomes if they feel that they have a "voice" in the family dispute resolution process. [9]

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[8] This argument is reviewed in detail, and rejected in Aisling Parks, *Children and International Human Rights Law: The Right of Children to be Heard* (London: Routledge, 2013) at 58.

[9] For discussions of the social science literature on judicial meetings and involving children in the family dispute resolution process, see Rachel Birnbaum, Nicholas Bala & Francine Cyr,

III. REVIEW OF CHILDREN'S PARTICIPATORY RIGHTS IN CANADA

This section of the paper reviews children's participation rights in Canada in the legal contexts which have most frequently implicated these rights. The right of children to be heard in matters affecting them has been recognized in legislation, and by judicial and administrative decision-makers. This section considers how children's voices are heard in different legal contexts and across Canadian jurisdictions. Special attention is directed to the interpretation and application of Article 12 by decision-makers in the domestic context. This section is divided into legal areas where the importance of children's views has been recognized: family disputes after parental separation, child protection, health, adoption, juvenile justice, child victims and witnesses, immigration and refugee claims, and education proceedings.

A. FAMILY DISPUTES AFTER SEPARATION

One area in which the right of children to be heard has been consistently recognized is in disputes about child custody and access following parental separation.[10] In Canada, legal rules governing the rights of separated parents depend on whether the parents were married. For married parents seeking a divorce, the relevant statute is the federal *Divorce Act*. For unmarried parents, provincial or territorial legislation governs.

"Children's Experiences with Family Justice Professionals In Ontario and Ohio" (2011) 25 Inter. J. L. Pol. & Fam. 398; Rachel Birnbaum & Michael Saini, "A Scoping Review of Qualitative Studies on the Voice of The Child in Child Custody Disputes" (2013) 20 Childhood 260; and Joan B. Kelly & Mary Kay Kisthardt, "Helping Parents Tell Their Children about Separation and Divorce: Social Science Frameworks and the Lawyer's Counseling Responsibility" (2009) 22 J. Am. Acad. Mat. L. 1401.

[10] The federal *Divorce Act* and much provincial and territorial legislation uses the traditional concepts of "custody" and "access" to describe parental "rights" after separation, and that terminology is used in this paper. However, there is much to be said for the adoption of more child-focused terms like "parenting plans," "parenting time" and "parental responsibilities." British Columbia and Alberta have enacted statutes that adopt new concepts; see Nicholas Bala, "Bringing Canada's Divorce Act into the New Millennium: Enacting a Child-Focused Parenting Law"(2015) 40:2 Queen's L. J. 425-482.

The "Best Interests of the Child" Include the Child's "Views and Preferences"

The majority of separating or divorcing parents agree on custody and access arrangements without involvement of a judge, whether by direct informal discussion between the parents, negotiation between lawyers, or through mediation. Whether or not children in such families are consulted on these matters depends on the attitude of the parents, and the approach of professionals, such as lawyers and mediators, who may be assisting them. In cases where a judge is asked to make a custody or access determination, the primary factor – whether under the *Divorce Act* or provincial or territorial legislation – is the "best interests" of the child. Canadian law has long recognized that children's views are relevant to assessing their "best interests." In most provinces and territories, judges are explicitly directed by legislation to consider the child's views and preferences in determining a child's "best interests," on which a custody or access order will be based.[11] For example, s. 37(2)(b) of British Columbia's *Family Law Act* instructs that in determining the best interests of a child for the purposes of a parenting or contact order, the court must consider all the of the child's needs and circumstances, including "the child's views, unless it would be inappropriate to consider them."[12] In a few jurisdictions, legislation is even more directive in requiring courts to consider the child's views and preferences when making an order for custody or access. In Prince Edward Island, for example, s. 8(1) of the *Custody Jurisdiction and Enforcement Act* provides that in any application under the statute, "a

[11] In Quebec, Article 34 of the *Civil Code of Québec* provides that children shall be heard in all proceedings that affect them, not just family proceedings: *Civil Code of Québec*, C.Q.L.R. 1991, c. C-1991, art. 34.

[12] *Family Law Act*, S.B.C. 2011, c. 25, s. 37(2)(b). See also e.g. Ontario *Children's Law Reform Act*, R.S.O. 1990, c. C-12, s. 24(2)(b).

court where possible shall take into consideration the views and preferences of the child to the extent that the child is able to express them."[13]

The *Divorce Act* stands alone in not explicitly providing for a child's views and preferences to be heard in making a custody or access order in a child's best interests. The Act provides, in s. 16(8), that the "best interests" of the child are to be the only consideration in making a custody or access award. Judges have, however, consistently interpreted "best interests" in this provision to include consideration of the child's views and preferences.[14]

Children's Views and Preferences Not Necessarily Determinative

While children's views and preferences are an important factor in determining which custody and access arrangement will be in a child's best interests, they are not the only factor. Nor are they necessarily determinative. The weight accorded to a child's wishes depends on factors such as age, maturity, and motivation.[15] Justice R. James Williams of the Nova Scotia Supreme Court, Family Division, suggests a number of factors judges should consider when assessing the significance of a child's wishes:

> (a) whether both parents are able to provide adequate care [i.e. if there is no real choice about care arrangements, the child's wishes may not be that significant];
>
> (b) how clear and unambivalent the wishes are;
>
> (c) how informed the expression is;
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> (d) the age of the child;

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[13] *Custody Jurisdiction and Enforcement Act*, R.S.P.E.I. 1988, c. C-33, s. 8(1).
[14] For a discussion of case law on the views of children in cases under the *Divorce Act* and a proposal for amending the Act to more explicitly comply with Article 12, see Nicholas Bala, "Bringing Canada's Divorce Act into the New Millennium: Enacting a Child-Focused Parenting Law"(2015) 40:2 Queen's L. J. 425-482.
[15] Nicholas Bala, "The Voice of Children in Alberta Family Law Cases" (Paper presented to the Legal Education Society of Alberta for Children's Lawyers in Calgary and Edmonton, April 2005) at 1 [unpublished].

(e) the maturity level;

(f) the strength of the wish;

(g) the length of time the preference has been expressed for;

(h) practicalities;

(i) the influence of the parent(s) on the expressed wish or preference;

(j) the overall context; and

(k) the circumstances of the preference from the child's point of view.[16]

Although custody and access legislation does not place age restrictions on the ability of a child to express his or her wishes, Canadian courts have found it unreasonable to expect a child 5 years of age or younger to articulate views and preferences.[17] As discussed below, courts have also recognized an upper age limit, after which failing to follow a child's wishes may be futile.

The independence of a child's views and preferences is also an issue for judges making custody or access orders. A child may be unduly influenced into rejecting one parent due to the alienating conduct of the other parent. Children may also express views and preferences that conflict with their best interests. In *Jespersen v. Jespersen*,[18] a 12 year-old boy expressed a desire to live with his father. The boy struggled in school and his mother played a key role in making sure he applied himself to school, which caused emotional tension for the boy. The trial judge found that this tension informed the child's stated desire to live with his father, and ordered custody to remain with the mother despite

[16] R.J. Williams, "If Wishes Were Horses Then Beggars Would Ride" (Paper presented at the National Judicial Institute, Family Law Program, Halifax, February 1999).
[17] See e.g. *Houle v. Poulin*, 1998 CarswellOnt 556 (Ont. Prov. Div.).
[18] (1985), 48 R.F.L. (2d) 193 (B.C.C.A.).

the boy's views. For younger children, judges are more likely to disregard a child's wishes if they do not conform to his or her best interests.

Once children reach 12 or 13, they may be more likely to "vote with their feet," and many separated parents will effectively allow children of this age or older to have a significant or determinative role in their living arrangements. Further, judges recognize that it can be difficult to enforce a custody or access order that is contrary to the child's wishes. As observed by the British Columbia Court of Appeal in *O'Connell v. McIndoe*: "In order for custody orders relating to children in their teens to be practical, they must reasonably conform with the wishes of the child."[19] However, in cases where the courts believe that there has been parental alienation or manipulation of a child's views, they may be prepared to make orders for children up to the age of 15 years or older, with the intent of promoting the child's interests and changing the attitude and behaviour of the alienating parent.[20]

Ways of Hearing Children in Custody and Access Proceedings

There are a number of ways a court may receive evidence about the views and preferences of children in custody and access proceedings. Bala and Hebert provide the following list:

- Hearsay evidence, related by a witness, including a parent, social worker or teacher;
- A video-recording or audiotape of an interview with a child;
- Written statements from a child in the form of a letter or affidavit;
- A report or the testimony of a social worker or a mental health professional as part of an assessment of the case;

[19] 1998 CarswellBC 2223 (B.C.C.A.) at para. 13.
[20] See *S.G.B. v. S.J.L.*, [2010] O.J. 3738, 2010 ONCA 578*;* and *Godard v Godard*, 2015 ONCA 568.

- A report from a lawyer, social worker or psychologist who has conducted an interview (or more than one interview) and prepared a *Views of the Child Report*;
- Counsel for a child;
- Testimony by the child in court; and
- A meeting or interview in the judge's chambers.[21]

Some of these methods for introducing children's evidence are provided for by statute, while others have been defined by case law. The following sections of this paper summarize the law on the admission of children's evidence in custody and access proceedings across Canada. Some of these methods – such as judicial interviews – are more controversial than others. While the issues respecting the various methods for introducing children's evidence will be identified, a thorough analysis of each method is beyond the scope of this paper.

Finally, it is important to note that while every jurisdiction in Canada provides for children's views and preferences to be heard in custody and access proceedings, the reality is that children are not always heard. A 2010 study of reported Canadian decisions arising from custody and access litigation found that only 45% mentioned evidence respecting the views and preferences of the children in any form.[22] Further, there are significant issues related to how parents, their lawyers and mediators learn about the views of children in cases that are not resolved by judges.

[21] Nicholas Bala & Patricia Hebert, "Views, Perspectives and Experiences of Children in Family Cases" (Paper presented to the National Judicial Institute Program on Judicial Interviews of Children and the National Family Law Program, July 2014) at 3-4 [unpublished].
[22] Noel Semple, "The Silent Child: A Quantitative Analysis of Children's Evidence in Canadian Custody and Access Cases" (2010) 29 Can. Fam. L.Q. 7.

Assessments

In every Canadian province and territory, a judge hearing a custody and access dispute is empowered to make an order requesting the involvement of an independent third party, typically a social worker or mental health professional, to assess the case and provide a report to the court. In some areas, such as New Brunswick, jurisdiction to order an assessment is found in the provincial or territorial custody and access legislation. In others, authority flows from a separate statute, usually one governing court procedure. The actual legislation under which a judge may order an assessment depends on the level of court. For example, in Manitoba, provincial courts find jurisdiction under the *Family Maintenance Act* whereas superior courts rely the *Court of Queen's Bench Act*. Superior courts may also order assessments pursuant to its inherent *parens patriae* jurisdiction.[23]

Interviews with children and observation of parent-child interactions are an important part of the assessment process. Some statutes specifically identify ascertaining the child's views and preferences as one of the objectives of an assessment. British Columbia's *Family Law Act*, for example, provides that a judge can request an assessor to report on "the views of a child."[24] In Alberta, superior courts may order a "Parenting Assessment" pursuant to Practice Note 8, which can address the wishes of the children.[25] Even in provinces and territories where the legislation is not specific, a child's views and preferences, where ascertainable by the mental health professional, will invariably be included in the assessment report.

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[23] *Christopher v. Christopher*, [1987] W.D.F.L. No. 146 (Nfld. T.D.)
[24] *Family Law Act*, S.B.C. 2011, c. 25, s. 211(1)(b).
[25] Court of Queen's Bench of Alberta, "Family Law Practice Note 8: Parenting Time/Parenting Responsibilities Assessments," online: Alberta Courts <https://albertacourts.ca/docs/default-source/Court-of-Queen's-Bench/pn8-bi-lateral-assessment---final.pdf?sfvrsn=0>.

Assessments usually include comments by the assessor about the child and the child's views and preferences (assuming the child is old enough to communicate.) Jurisdictions differ, however, on whether assessment reports should contain recommendations on what parenting arrangement would be in the best interests of the child. Section 29(6) of the Northwest Territories' *Children's Law Act* directs that an assessor "shall not make any recommendation as to whom custody or access should be granted."[26] In most provinces, however, whether by legislation or practice, it is common for assessment reports to include recommendations. For example, in Ontario, the *Courts of Justice Act* directs that reports based on "investigations" by a representative of the Office of the Children's Lawyer "may… make recommendations to the court on all matters concerning custody of or access to the child".[27] Similarly, in Alberta, court-appointed assessors – "Parenting Experts" – are expected to "assist[] the Court by providing an objective, impartial recommendation on the parenting and custody arrangement that is in the children's best interest."[28]

Assessments are a common and important way for children's voices to be indirectly heard in custody and access proceedings. However, assessments are expensive, and can delay resolution of proceedings. In some provinces, like Alberta, Manitoba and Ontario, the government may pay for a court-ordered assessment, at least for low income litigants. However, government resources are limited, and only higher income litigants can afford an assessment. In Ontario, the Office of the Children's Lawyer (OCL) does not charge for assessments (called clinical investigations), but for budgetary reasons declines to become

[26] *Children's Law Act*, S.N.W.T. (Nu.) 1997, c. 14, s. 29(6).
[27] *Courts of Justice Act*, R.S.O. 1990, c. C-43, s. 112(1).
[28] *U. (A.J.) v. U. (G.S.)*, 2015 ABQB 6.

involved in a significant portion of the cases in which a court makes an order requesting involvement of the OCL. Thus, in many cases, unless parents are able and willing to pay for an assessment, it is not provided. And the reality is that most parents cannot afford the cost of these reports.

Counsel for the Child

A second method for introducing children's views and preferences into a custody and access proceeding is through the appointment of a lawyer for the child. Authority to appoint child's counsel may flow from provincial or territorial custody and access legislation,[29] or from another statute.[30] Where there is no statutory authority, superior courts can rely on its inherent *parens patriae* power to appoint a lawyer for the child.[31]

A few jurisdictions provide government-funded representation for children in custody and access disputes. In Ontario, which has the most comprehensive program for child representation in Canada, judicial requests for child representation are made to the Office of the Children's Lawyer, which, in custody and access cases, decides whether to assign counsel, undertake a clinical investigation, both or neither. Government-funded counsel for children is also provided for under the Yukon's *Children's Law Act*[32] and in the Northwest Territories. In some provinces, including Alberta and Quebec, it is not uncommon for a lawyer to be appointed for the child and be paid for by Legal Aid.[33] In

[29] See *Family Law Act*, S.A. 2003, c. F-4.5, s. 95(3).
[30] See *Courts of Justice Act*, R.S.O. 1990, c. C-43, s. 89(3.1).
[31] See e.g. *Kalaserk v. Nelson*, 2005 NWTSC 4 at para. 19.
[32] *Children's Law Act*, R.S.Y. 2002, c. 31, s. 168.
[33] Nicholas Bala & Patricia Hebert, "Views, Perspectives and Experiences of Children in Family Cases" (Paper presented to the National Judicial Institute Program on Judicial Interviews of Children and the National Family Law Program, July 2014) [unpublished]at 26. See also Quebec's *Code of Civil Procedure*, R.S.Q. c. C-25, art 394.1.

other provinces, however, such as Newfoundland and Labrador, Legal Aid will not provide counsel for a child in cases involving separated parents.[34]

Most statutes do not provide guidance as to when counsel for children should be appointed. British Columbia's *Family Law Act* and the Yukon's *Children's Act* are exceptions. British Columbia's Act provides that the court may appoint a lawyer to represent the interests of a child where:

> (a) the degree of conflict between the parties is so severe that it significantly impairs the capacity of the parties to act in the best interests of the child, and
>
> (b) it is necessary to protect the best interests of the child.[35]

In the Yukon, the decision to appoint government-funded counsel for children in custody and access proceedings lies with the Office of the Public Guardian and Trustee.[36] The *Children's Law Act* provides that in determining whether separate representation for children is required, the Public Guardian must consider:

> (i) the ability of the child to comprehend the proceeding,
>
> (ii) whether there exists and if so the nature of any conflict between the interests of the child and the interest of any party to the proceeding, and
>
> (iii) whether the parties to the proceeding will put or are putting before the judge or court the relevant evidence in respect of the interests of the child that can reasonably be adduced.[37]

In jurisdictions where the legislation is silent as to when counsel for a child should be appointed, judges have considered factors similar to those enumerated in British

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[34] See e.g *M. B.-W. v. R.Q.*, 2015 NLCA 28.
[35] *Family Law Act,* S.B.C. 2011, c. 25, s. 203.
[36] *Children's Law Act,* R.S.Y. 2002, c. 31, s. 168(2). Section 168(5)(a), however, requires the Office to "consider advice or recommendations from the judge before whom or court in which the proceedings are taking place".
[37] *Children's Law Act,* R.S.Y. 2002, c. 31, s. 168(5)(b).

Columbia's and the Yukon's Acts. Courts have held that child representation should only be ordered where: (1) it is in the child's best interests;[38] (2) the parents cannot adequately represent the child's interests;[39] and (3) the child can instruct counsel.[40] Following these guidelines, appellate courts have determined that child representation should not ordinarily be appointed in custody and access cases, and some decisions suggest that this should be "rare." The Alberta Court of Appeal, for example, has held that in custody and access proceedings the presumption should be against appointing a lawyer for the child. [41]

There is controversy in Canada about the appropriate role of lawyers for children in custody and access disputes. Lawyers may act in the role of a traditional advocate, taking instructions from their child client and advancing the child's position. Counsel may also act as litigation guardian, advocating a position that corresponds to what counsel has determined to be in the child's best interests. Finally, child's counsel may take on the role of *amicus curiae*, taking no position and simply placing evidence of the child's views and preferences before the court. The role of the lawyer varies by jurisdiction. In Quebec, the Court of Appeal has ruled that lawyers are to take on the role of advocate on behalf of children involved in custody and access disputes, provided they can instruct counsel.[42] In Ontario, the Office of the Children's Lawyer has adopted a policy that gives lawyers more discretion: counsel must ensure that the court is made aware of the child's wishes but may advocate a position that advances the interests of the child even if that position is not

[38] *Lafferty v. Angiers*, 2013 NWTSC 3 at para. 16.
[39] *Puszczak v. Puszczak*, 2005 ABCA 426 at paras. 10-11; *Strobridge v. Strobridge* (1994), 18 O.R. (3d) 753 (Ont. C.A.); and *M. B.-W. v R.Q.*, 2015 NLCA 28.
[40] *Wagner v. Melton*, 2012 NWTSC 41 at para. 7.
[41] *Puszczak v. Puszczak*, 2005 ABCA 426.
[42] *F. (M.) v. L. (J.)* (2002), 211 D.L.R. (4th) 350 (Que. C.A.).

consistent with the child's wishes.[43] In practice, many lawyers vary their approach in different cases, taking more account of a child's instructions if a child is older and more mature, and less direction if the child wants an outcome that might harm the child.[44] Further, in practice, lawyers for children often play an important role in trying to encourage parents to settle their disputes without trial, which is often what children most desire.

Lawyers for children are generally responsible for placing children's views and preferences before the court. However, two appellate courts – the Ontario Court of Appeal and the Alberta Court of Appeal – have held that, unless the parties consent, lawyers for children cannot provide "evidence from counsel table" about children's views and preferences.[45] These appellate courts have held that children's views and preferences should be placed before the trial court by a social worker or mental health professional who has interviewed the child and can testify about what was said by the child and under what circumstances, and who can be cross-examined by all of the parties.

Judicial Interviews

Another way in which children are heard in custody and access proceeding is by meeting with the judge, either by coming to the court room or meeting in the judge's chambers.

In Quebec, Article 34 of the *Civil Code of Québec* provides:

> The court shall, in every application brought before it affecting the interest of a child, give the child an opportunity to be heard if his age and power of discernment permit it.[46]

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[43] Policy of Ontario Office of the Children's Lawyer, April 3, 1995, revised January 18, 2001. For an example of a case where counsel for the child advocated a different position from the express wishes of the child because of concern about manipulation of the child by a parent, see *Boukema v. Boukema*, [1997] O.J. 2903 (Ont. Sup. Ct.).

[44] Nicholas Bala, Rachel Birnbaum & Lorne Bertrand, "Controversy about the Role Children's Lawyers: Advocate or Best Interests Guardian? Comparing Attitudes & Practices in Alberta & Ontario – Two Provinces with Different Policies" (2013) 51 Fam. Ct. Rev. 681.

[45] *Strobridge v. Strobridge*, [1994] O.J. No. 1247 (Ont. C.A.); *R.M. v. J.S.*, 2013 ABCA 441.

[46] *Civil Code of Québec*, C.Q.L.R. 1991, c. C-1991, art. 34.

This provision is commonly used to allow children to meet with judges, either in their chambers, or in the court room, invariably without the parents present.[47]

Judicial interviews are expressly provided for in the statutes of New Brunswick,[48] Newfoundland and Labrador,[49] the Northwest Territories,[50] and Ontario. For example, s. 64(2) of Ontario's *Children's Law Reform Act* provides: "The court may interview the child to determine the views and preferences of the child."[51] In other provinces, case law establishes that judges have the discretion to interview children.[52] However, except in Quebec, judicial interviews are not very common in custody and access proceedings.

In a 2004 decision of the Ontario Superior Court of Justice, Justice Quinn suggested that judicial interviews should be used "only as a last resort" to ascertain a child's views and preferences.[53] Other Ontario judges have expressed concern that judicial interviews without parents present might undermine "the appearance of justice" and the traditional due process rights of parents.[54] One of the controversial issues related to judicial interviews is whether and how parents should be provided with a transcript of the meeting with the child. Commentators and some of the reported jurisprudence suggest that judges have the discretion to provide parents with a summary of the child's statements, without

[47] Nicholas Bala, Rachel Birnbaum & Francine Cyr, "Judicial Interviews of Children in Canada's Family Courts" in Tali Gal & Benedetta Durmay, eds. *International Perspectives and Empirical Findings on Child Participation*: *From Social Exclusion to Child-Inclusive Policies* (New York: Oxford University Press, 2015) 135.
[48] *Family Services Act*, S.N.B. 1980, c. F-2.2, s. 6(3).
[49] *Children's Law Act*, R.S.N.L. 1990, c. C-13, s. 71(2).
[50] *Children's Law Act*, S.N.W.T. 1997, c. 14, s. 83.
[51] *Children's Law Reform Act*, R.S.O. 1990, c. C-12, s. 64(2).
[52] See *Jandrisch v. Jandrisch* (1980), 16 R.F.L. (2d) 239 (Man. C.A.).
[53] *Stefureak v. Chambers*, 2004 CarswellOnt 4244, 6 R.F.L. (6th) 212 (Ont. S.C.J).
[54] See *Jandrisch v. Jandrisch* (1980), 16 R.F.L. (2d) 239 (Man. C.A.).

using the child's exact words and sparing the child from potential embarrassment or damaging a child's relationship with a parent.[55]

However, there now seems to be a gradual trend towards growing judicial acceptance of this practice.[56] In 2010, Justice Martinson of the Yukon Territory Supreme Court considered whether to interview a 12 year-old boy for the purposes of ascertaining his views and preferences, despite that jurisdiction not having legislation expressly providing for judicial interviews in custody and access disputes.[57] Citing Article 12 of the CRC, Martinson J. declared:

> Children have legal rights to be heard during all parts of the judicial process, including judicial family case conferences, settlement conferences, and court hearings or trials. An inquiry should be made in each case, and at the start of the process, to determine whether the child is capable of forming his or her own views, and if so, whether the child wishes to participate. If the child does wish to participate then there must be a determination of the method by which the child will participate.[58]

While Martinson J. declined to interview the child in that particular case, she made clear that, in her view, not only do judges have the discretion to interview children, they also have a duty to ensure that children are asked whether they would like to meet with the judge.

Views of the Child Reports

With the cost and delay involved in assessments and appointment of counsel, and the concerns about due process and other issues related to judicial interviews, a growing

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[55] Nicholas Bala, Rachel Birnbaum, Francine Cyr & Denise McColley, "Children's Voices in Family Court: Guidelines for Judges Meeting Children" (2013) 47:3 Fam. L.Q. 381.
[56] Nicholas Bala, Rachel Birnbaum & Francine Cyr, "Judicial Interviews of Children in Canada's Family Courts" in Tali Gal & Benedetta Durmay, eds. *International Perspectives and Empirical Findings on Child Participation*: *From Social Exclusion to Child-Inclusive Policies* (New York: Oxford University Press, 2015) 135.
[57] *G. (B.J.) v. G. (D.L.),* 2010 YKSC 44.
[58] *G. (B.J.) v. G. (D.L.),* 2010 YKSC 44 at para. 6.

practice has been the preparation of non-evaluative Views of the Child Reports (also called Voice of the Child, Wishes of the Child or Hear the Child Reports). These reports, typically prepared by a lawyer or mental health professional, are based on one or more interviews with the child and are meant to provide the court with information about the child's perspective on his or her life and the matters in dispute.[59] Views of the Child reports are much narrower in scope than traditional custody assessments, but much less costly and time consuming to prepare. Although there is variation, it would seem that the most common practice is for professionals preparing these reports to not express views about children's statements, but to offer the child the choice of what statements will be included in the report to their parents and the court.

The reports were first introduced in British Columbia, which has one of the lowest rates of government funding for full custody assessments, and have since been used in Alberta, Saskatchewan, Manitoba, Newfoundland and Labrador, New Brunswick and Nova Scotia. There are a few cases of Views of the Child Reports having been ordered in Ontario, although the practice is still very rare there.

Although none of the provinces or territories in Canada have legislation that specifically provides for the preparation of Views of the Child Reports, courts have ordered these reports under the broader power to order assessments. At least two judges in New Brunswick and one in Nova Scotia have found further authority to order these reports in

[59] Rachel Birnbaum, Nicholas Bala & John Paul Boyd, "The Canadian Experience with Views of the Child Reports: A Valuable Addition to the Toolbox?" International Journal of Policy, Law and the Family [forthcoming in 2016].

Article 12 of the CRC.[60] These decisions recognize that Views of the Child Reports can play an important role in protecting a child's right to be heard.

Other Evidence of Children's Views and Preferences

Other ways of hearing children who are the subject of custody and access disputes include having the child testify in court, admitting written statements from the child, or introducing audio or video-recorded statements by a child. Child testimony in custody and access proceedings is very rare. Judges are concerned about the emotional harm to children that could result from being witnesses in open court, and testifying in the presence of their parents and potentially being subject to cross-examination. Where one parent seeks to have a child testify, as sometime happens in alienation cases, judges have the power to refuse to issue a summons to a child or to prevent the child from testifying if the judge considers that this is necessary to protect the interests of the child.[61]

Because children rarely testify in custody and access cases, judges are more inclined to admit evidence of children's out-of-court statements. Some of this evidence is hearsay, and thus subject to the "necessity and reliability" test set out in *R. v. Khan*.[62] Expert evidence, including the opinions of a custody assessor, even if based on a child's statements, is technically not hearsay. Another exception is evidence of children's wishes, which is admitted to establish the child's "state of mind" rather than establish the truth of the statement. Judges have long used this exception to the hearsay rule to permit adult

[60] *D. (K.R.) v. K. (C.K.)*, 2013 NBQB 211 (Walsh J.); *S. (M.A.) v. S. (J.S.)*, 2012 NBQB 285 (Baird J.); *John v John*, 2012 NSSC 324 (Jollimore J.).

[61] This power may be exercised not only by federally appointed superior court judges with an inherent *parens patriae* power to promote the best interests of children, but may also be exercised by provincially appointed judges as part of their jurisdiction to control proceedings: *Dudman v. Dudman*, [1990] O.J. 3246 (Prov. Ct.), per Felstiner J.

[62] [1990] 2 S.C.R. 531. See Part C of this paper for further discussion.

witnesses in custody and access cases to testify about a child's wishes.[63] However, where the adult testifying about the child's wishes is a parent or interested party, judges have refused to admit such evidence or have accorded it very little weight; judges are concerned about the reliability of this type of evidence,[64] and the implications of allowing parents to testify about a child's statements, which may encourage parents to involve children in custody litigation.[65]

Where counsel or a parent seeks to introduce children's evidence to prove a contested fact in a custody and access proceeding, in particular related to allegations of abuse or domestic violence, many judges apply the *Khan* test of necessity and reliability.[66] However, some judges accept that in custody and access proceedings, where the best interests of the child are paramount, the rules of evidence ought to be relaxed even when related to allegations of abuse or violence. In a recent Ontario decision, Justice Price of the Superior Court explained:

> The court's *parens patriae* jurisdiction, when determining issues of temporary care, or custody of and access to children, especially amidst allegations of domestic violence, sexual abuse, or parental alienation, gives it a broad discretion to base its decisions on the best evidence available, and to take a flexible approach to hearsay.[67]

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[63] Nicholas Bala, "The Voice of Children in Alberta Family Law Cases" (Paper presented to the Legal Education Society of Alberta for Children's Lawyers in Calgary and Edmonton, April 2005) at 32 [unpublished]. See also discussion in D.A.R. Thompson, "Are there *Any* Rules of Evidence in Family Law?" (2003) 21 Can. Fam. L.Q. 245 at 289.
[64] Nicholas Bala, "The Voice of Children in Alberta Family Law Cases" (Paper presented to the Legal Education Society of Alberta for Children's Lawyers in Calgary and Edmonton, April 2005) at 33 [unpublished].
[65] See e.g. *M (D.G.) v. M. (K.M.)*, [2000] A.J. 1001 (Q.B.); *Livingstone v. Trainor*, [2004] P.E.I.J. 78 (S.C.T.D.), per Campbell J; *Keeping v. Keeping*, [2004] N.J. 293 (U.F.C.), per Cook J.
[66] See e.g. *G. (J.A.) v. R. (R.J.)*, 1998 CarswellOnt 1487 (Ont. Gen. Div.) at para. 12.
[67] *Ganie v. Ganie*, 2014 ONSC 7500 at para. 144.

In British Columbia, this "flexible" approach to children's hearsay evidence in custody and access cases is prescribed by statute. Section 202 of the *Family Law Act* provides:

> In a proceeding under this Act, a court, having regard to the best interests of a child, may do one or both of the following:
> (a) admit hearsay evidence it considers reliable of a child who is absent;
> (b) give any other direction that it considers appropriate concerning the receipt of a child's evidence.[68]

The provision was interpreted by Regional Senior Provincial Judge Harrison in the 2014 case of *K. (N.N.) v. L (S.F.)*: "The common law test has been modified in *Family Law Act* matters by s. 202 of the Act, which may to some degree reduce the necessity requirement in the best interests of a child who is absent."[69]

B. HAGUE CHILD ABDUCTION CONVENTION PROCEEDINGS

A number of Canadian cases have considered children's participation rights in the context of proceedings respecting the *Hague Convention on the Civil Aspects of International Child Abduction* ["*Hague Convention*"]. The *Hague Convention* is a multilateral treaty that provides for the return of children taken from their country of habitual residence to another member state.[70] The proceedings are typically commenced by one parent (the left behind parent) litigating against the other parent (the taking parent) to obtain an order for the return of the child to the child's jurisdiction of habitual residence after a "wrongful removal," so that any parenting dispute can be resolved by the courts in the jurisdiction of the habitual residence. However, the proceedings directly affect the child, since they may result in a

[68] *Family Law Act*, S.B.C. 2011, c. 25, s. 202.
[69] 2014 BCPC 297 at para. 55.
[70] Can. T.S. 1983, No. 35. For a fuller discussion of the *Hague Convention*, see Nicholas Bala & Mary Jo Maur, "The Hague Convention on Child Abduction: A Canadian Primer" (2014) 33 Can. Fam. L.Q 267.

court order requiring the return of the child, sometimes after the child has spent a considerable period of time settling into life in Canada.

Child's Views and Objections

Article 13 of the *Hague Convention* provides for situations where Canadian courts are not bound to return the child to his or her country of habitual residence, including situations where return would expose the child to a grave risk of "physical or psychological harm or otherwise place the child in an intolerable situation." In some cases, the views and perspectives of the child may be relevant for assessing whether the child faces a risk from return.

Further, Article 13 of the *Hague Convention* allows courts to refuse to return a mature child who "objects," providing:

> The judicial …authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

According to the Article 13, the weight to be given a child's objection depends on the age and maturity of the child. Clearly in cases where this provision is invoked, it is important for the child's views to be communicated to the court, and it may often be appropriate for the child to have independent representation.

While Article 13 of the *Hague Convention* appears to give courts fairly wide authority to take into account a child's views, the *Hague Convention* is generally interpreted in a fashion that narrows this exception, to accord with its general intent of discouraging wrongful removal of children from their jurisdiction of habitual residence. The onus is on the parent or child seeking to invoke this exception. The courts recognize that if a child has been taken by one parent and had little or no contact with the left-behind parent for a significant period of time, the child is likely to express a preference for

continuing to reside in the new jurisdiction with the parent who wrongfully removed or retained the child, so a mere preference is not sufficient:[71] there must be an "objection" to return from a "mature child."

The British Columbia Supreme Court in *Beatty v. Schatz* cited Article 12 of the CRC for the proposition that it was important to hear the views of the child when Article 13 of the *Hague Convention* is raised, and ordered a psychologist to interview the child and report to the court. However, the court concluded that the 11 year-old boy was not mature enough to understand all of the subtleties and long-term consequences of what was happening. Furthermore, the father had been exerting subtle but significant influence over the boy, giving him the message that he did not have to return to the jurisdiction of his habitual residence, Ireland, even though the Court said that he had to. The Court was concerned that not returning the boy to Ireland would send the message that it was acceptable to retain a child in another country as long as the child asserted that he or she did not wish to return, and accordingly took a narrow approach to the scope of the child's objection exception in Article 13 of the *Hague Convention*.[72] Justice Martinson held that it was unfair to the child and contrary to the policy intentions of the *Hague Convention* to allow the child to in effect make the decision:

> A was ten when his father placed the responsibility of what should happen on his shoulders. He just turned 11…. Though he is obviously bright and can express what he wants to do and why, he is not mature enough to understand the subtleties of what is happening and their long-term consequences on his well-being.
>
> This is a case where the policy considerations underlying the *Hague Convention* are particularly important. As the [House of Lords] said in *Re M.*, the *Hague Convention* is there not only to secure the prompt return of abducted children, but also to deter abduction in the first place. [73]

[71] See e.g *Den Ouden v. Laframboise*, 2006 ABCA 403.
[72] 2009 BCSC 706, 2009 CarswellBC 1402 (B.C.S.C.). See also e.g. *G.B. v. V.M*, [2012] O.J. No. 5825 (O.C.J.).
[73] 2009 BCSC 706, 2009 CarswellBC 1402 (B.C.S.C.) at para. 55-56.

The Alberta case of *R.M. v J.S.*, also illustrates the high onus of proof for raising a defence under Article 13 of the *Hague Convention* based on the child's objections, and offers some guidance for how evidence about a child's maturity and objections should be introduced. The mother and father were Palestinian Muslims, living in East Jerusalem, and had one child, a son. The parties separated, and were subsequently divorced in the Sharia Court of Jerusalem, with the mother having *de facto* custody. The father immigrated to Calgary, while the mother and son continued to live in Jerusalem on the understanding that the son would spend his summers with the father in Alberta.

When the father failed to return his then 9 year-old son to his mother in Jerusalem after a summer visit, the mother brought an application under the *Hague Convention* for the boy's return. The trial court appointed counsel to represent the interests of the child.[74] Counsel for the child reported that after interviewing the child on two occasions, that the child [then 10 years of age] objected "to being returned [to Jerusalem] and has attained an age and degree of maturity at which it is appropriate to take account of its views" within the meaning of Article 13 of the *Hague Convention*. The child's lawyer concluded that the boy was not subject to undue influence from the father, and was "mature for his age, bright and articulate when it came to describing his concerns about returning to Israel," noting that as a Palestinian youth he often felt unsafe and bullied in Israel. The judge accepted that there had been a wrongful retention, but ruled that the child was "mature" and had understandable objections to return, and accordingly refused the application.[75]

[74] *J.S. v R.M.*, 2012 ABPC 184.
[75] *R.M. v J.S.*, 2012 ABQB 669.

The Alberta Court of Appeal allowed an appeal and directed that the child be returned "forthwith" to the mother in Jerusalem, expressing concern that the trial judge:

> seemed to treat the child's objection as controlling. While he found that the child's objection was not coerced, nor otherwise improperly influenced, the evidence and matters he took into account in coming to that conclusion were also missing from his decision. There is also the concern that, in weighing the elements of the child's objection which spoke to the child's preferences and hopes, the Provincial Court judge fell into forming a conclusion about the child's best interests.... In short, the objects and policy considerations underlying the *Convention* appear to have been overridden without a proper evidentiary basis...[76]

The Court of Appeal decision in *R.M. v J.S.* questioned the conclusions of the trial judge about the maturity of the boy, but actually rested its decision on the fact that the trial judge based his findings about the boy's "objections" on the submissions of counsel for the child.[77] The Court suggested that evidence about the child's wishes and views should be put before the trial court by a social worker, psychologist, or other child-care professional who had interviewed the child. This would allow the clinician to be cross-examined by the other parties, ensuring that the evidence is fairly tested. The Court of Appeal held that in the absence of *express consent* from the other parties, counsel for a child should not tell the court about a child's views and preferences, as counsel cannot occupy the dual role of advocate and witness.

Role of Children in Hague Convention Proceedings

While *Hague Convention* proceedings are intended to be summary and presiding judges are not expected not to directly address the interests of children, children are nevertheless profoundly affected by these proceedings, and courts in a number of countries are

[76] 2013 ABCA 441 at para. 32 and 34. For a critical comment on this decision and its failure to recognize the rights of the child involved, see Nicholas Bala, Max Blitt & Helen Blackburn, "The Hague Convention and the Rights of Children" (July 2014), 7(1) Family Law News (International Bar Association) 11.
[77] 2013 ABCA 441 at para. 24 and 28.

struggling with issues about how to respect the rights of children in *Hague Convention* proceedings. Article 12 of the CRC, as well as instruments like Canada's *Charter of Rights and Freedoms* may give children the right "to be heard" in these proceedings.

The balancing of the wishes and rights of children against the obligations imposed by the *Hague Convention* is most apparent in cases where a child has made a refugee application, as in the 2011 Ontario Court of Appeal decision in *A.M.R.I. v. K.E.R.*[78] The girl in that case was born in Mexico, and after her parents' separation resided with her mother there pursuant to an order made by a Mexican court. In 2009, at the age of 12, she came to Ontario to visit her father. She told her father that the mother had been abusive. The child did not return to Mexico but remained in Ontario with the father and an aunt. In 2010, the child made an application to be accepted as a refugee in Canada due to the abuse by her mother and the failure of the Mexican authorities to adequately protect her. The father, however, had by that time moved to Norway, while the child remained in Ontario with her aunt. After the child had been living in Ontario for about 18 months, the mother brought a *Hague Convention* application for the child's return to Mexico. The hearing proceeded on an uncontested basis, with none of the father, the aunt or the child participating. The application judge held that the child was being wrongfully retained in Ontario and ordered her immediate return to Mexico under the *Hague Convention*, which was effected through the involvement of the police.

Despite the girl's return to Mexico, the father appealed, with the Ontario Children's Lawyer representing the child on the appeal. The Ontario Court of Appeal held that the trial judge had erred in ordering the child's return to Mexico without considering the girl's

[78] 2011 O.J. 2449 (C.A.).

refugee status or giving the child an opportunity to participate in the proceedings. The Court of Appeal held that in this situation, the *Hague Convention* hearing must comply with the child's right to treatment in accordance with the *Charter of Rights and Freedoms* s. 7 "principles of fundamental justice" as there was a threat to her "security of the person." Given the child's age and the nature of her objection, the *Charter* required that she be given notice and an opportunity to participate. In coming to its conclusion, the Court of Appeal cited the CRC*:*

> art. 12(1) of the CRC stipulates that the views of a child are to be given due weight according to the child's age and maturity and that a child has the right "to express those views freely in all matters affecting the child". Article 12(2) of the CRC confirms this right in the context of "judicial and administrative proceedings affecting the child".
>
> At almost 14 years of age, the child in this case was clearly of an age and potential maturity such that her objection to return to Mexico had to be considered…. Given the child's age, the nature of her objection, her status as a Convention refugee, the length of time that she had been in Toronto and the absence of any meaningful current information regarding her actual circumstances in Toronto at the date of the Hearing, her views concerning a return to her mother's care in Mexico were a proper and necessary consideration. [79]

While the Court of Appeal order that there was to be a new hearing with the child participating had no effect in Mexico, shortly after the appellate court ruling the youth had been able to leave Mexico on her own and get to Canada.[80] There was no further hearing and she continued to reside in Canada.

The decisions of the Ontario Court of Appeal in *A.M.R.I. v. K.E.R.*,[81] and the Alberta Court of Appeal in *R.M. v J.S.*[82] raise the issue of how and when children should be involved in *Hague Convention* applications. In these cases, children were made parties

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[79] *A.M.R.I. v. K.E.R.*, 2011 O.J. 2449 (C.A.) at para. 111-114.
[80] For a description of her return, see Oakland Ross, "Deported Mexican teen makes daring return to Canada," *Toronto Star*, May 05, 2011.
[81] 2011 O.J. 2449 (C.A.).
[82] 2013 ABCA 441.

or had counsel appointed to represent their interests in the proceedings.

In deciding whether to appoint counsel or make a child a party, the court should take into account concerns about not wanting to exacerbate hostility between a child and one parent, usually the left-behind parent. However, the Ontario Court of Appeal has suggested that in cases where a child's "liberty or security of the person" may be affected by a return, for example because there is a claim of potential harm due to alleged violence or abuse, s. 7 of the Canadian *Charter of Rights and Freedoms* and Article 12 of the CRC require that a child must be given notice of the proceedings and an opportunity to participate through counsel.[83] The Court of Appeal held that concerns about protection for a child's "liberty and security of the person" should "predominate," which requires affording the child an opportunity to participate and have his or her views heard.

Some of the factors to be considered in deciding whether to grant party status or legal representation to a child include:

- Where the child is older and there is a reasonable prospect that the child has the capacity to instruct counsel and have an independent position;
- Where the child's position may not be adequately represented by the adult parties, for example because of their lack of legal representation;
- Where an expert or therapist involved with the child recommends such involvement;
- Where the child has expressed concerns that return might affect his or her life, liberty or security of the person.[84]

A court making an order appointing counsel may provide some direction or restrictions on the role of counsel for the child. In the absence of such restrictions, counsel for the child should take account of such factors as the age and capacity of the child to

[83] *A.M.R.I. v K.E.R.*,2011 O.J. 2449 (C.A.).
[84] See *Re L.C.*, [2014] UKSC 1 at para. 53, per Wilson L.J.

instruct counsel, the views of the child, and any provincial law society guidelines about the role that counsel is to play. Counsel should normally be taking instructions from a child who is expressing clear and consistent views.[85] Counsel should ensure that the child understands the limited scope of *Hague Convention* proceedings, focusing on whether a child should be returned to the jurisdiction of habitual residence rather than a ruling on custody or access. A grant of party status to a child usually does not mean that the child will attend court to testify.

C. CHILD PROTECTION PROCEEDINGS

Canadian child protection proceedings are another venue in which children's right to be heard has been recognized. Many of the same principles around hearing children who are involved in custody and access disputes apply in the child protection context.[86] Indeed, the right of children to be heard may be even more compelling in child protection cases, where a state-sponsored child welfare agency may be threatening the child's relationship with parents and siblings. A child's right to be heard is granted greater recognition in child protection proceedings than in private custody and access cases, both in legislation and case law, with Canadian judges sometimes citing Article 12 of the CRC to justify this recognition.

The Importance of Hearing Children in Child Protection Proceedings

[85] Nicholas Bala "Child Representation in Alberta: Role and Responsibilities of Counsel for the Child" (2006), 43 Alta. L. Rev. 845.
[86] In some jurisdictions, like New Brunswick, child protection and custody and access proceedings are governed by the same statute.

Like custody and access legislation, child protection statutes establish the best interests of the child as a governing test once a child has been found to be in need of protection, and most Canadian statutes expressly include consideration of a child's views and preferences as a factor in making decisions on behalf of such children. A few child protection statutes go further, underling the importance of hearing from children in these cases. Alberta's *Child, Youth, and Family Enhancement Act* provides that:

> (d) a child who is capable of forming an opinion is *entitled* to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;[87]

The Northwest Territories' *Child and Family Services Act*, in addition to directing that the best interests of the child include a consideration of "the child's views and preferences, if they can be reasonably ascertained",[88] also emphasizes the importance of children's participation and the need for their views to be heard and considered:

> 2. This Act shall be administered and interpreted in accordance with the following principles:
>
> …
>
> (h) children, where appropriate, and parents should participate in decisions affecting them;
>
> (i) children, where appropriate, parents, and adult members of the extended family should be given the opportunity to be heard and their opinions should be considered when decisions affecting their own interests are being made;[89]

The *Children and Youth Care and Protection Act* of Newfoundland and Labrador recognizes the importance of hearing children who want to be heard, and provides specific instructions on how this "participation" should be facilitated:

> 53. Where a child who is the subject of a proceeding under this Act requests that his or her views be known at the proceeding, a judge shall

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[87] *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12, s. 2(d). Emphasis added.
[88] *Child and Family Services Act*, S.N.W.T. (Nu.) 1997, c. 13, s. 3(i).
[89] *Child and Family Services Act*, S.N.W.T. (Nu.) 1997, c. 13, s. 2.

(a) meet with the child with or without the other parties and their legal counsel;
(b) permit the child to testify at the proceeding;
(c) consider written material submitted by the child; or
(d) allow the child to express his or her views in some other way.[90]

Section 53 adds to s.9 of the Newfoundland and Labrador statute, which provides that decisions under the Act be made in accordance with the best interests of the child, and that determining best interests requires consideration of the child's "opinion."[91]

Children's Views and Preferences Not Determinative

As in custody and access disputes, a child's views and preferences in a child protection proceeding are not necessarily determinative. It is not uncommon for children who have been abused or neglected to express a desire to return to their homes and parental care, so their express preferences must be balanced against other factors. Again, a child's age, maturity, and the reasons for a preference will affect the weight attached to the child's wishes.[92]

Manitoba's *Child and Family Services Act* is the only child protection statute that establishes a presumptive age at which a child's views should be considered.[93] Section 2(2) provides:

> In any proceeding under this Act, a child 12 years of age or more is entitled to be advised of the proceedings and of their possible implications for the child and shall be given an opportunity to make his or her views and preferences known to a judge or master making a decision in the proceedings.[94]

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[90] *Children and Youth Care and Protection Act*, S.N.L. 2010, c. C-12.2, s. 53.
[91] *Children and Youth Care and Protection Act*, S.N.L. 2010, c. C-12.2, ss. 9(1) and (2)
[92] See e.g. *Child Protection Act*, S.P.E.I. 2000, c. 3 (2nd Sess.). The preamble states: "children are entitled, no less than adults, based on their developmental capacity, to be heard in the course of and to participate in the processes that lead to decisions that affect them".
[93] As discussed below, in a number of jurisdictions, 12 years is the presumptive age of a child receiving notice and being permitted to attend child protection proceedings; in practice if children are permitted to attend, their views are likely to be shared with the court.
[94] *Child and Family Services Act*, C.C.S.M. 1985, c. C-80, s. 2(2).

The views of children under 12 years of age may also be considered, though the court must be satisfied that the child's understanding justifies this, and that the child would not be harmed by having his or her views and preferences considered. Section 2(3) states:

> In any court proceeding under this Act, a judge or master who is satisfied that a child less than 12 years of age is able to understand the nature of the proceedings and is of the opinion that it would not be harmful to the child, may consider the views and preferences of the child.[95]

While children 12 and over have the right to be heard, children under 12 will only be given this opportunity in limited circumstances.

In custody and access proceedings, the wishes of older children are often given more deference, and judges may respect a child's choice of placement even if this placement is not in the child's best interests. While custody and access proceedings in some cases raise concerns about child safety, these concerns are always present in child protection proceedings. Judges in child protection matters still attach greater significance to the views and preferences of older children but will not follow these choices where doing so would place the child at risk of harm.

In *A.C. v. Manitoba (Director of Child and Family Services*),[96] the Supreme Court of Canada explained how judges should weigh the views of older children when making a decision in accordance with their best interests in child protection cases. The case engaged provisions of Manitoba's *Child and Family Services Act* respecting judicial authorization of medical treatment of children against the wishes of both parents and child. The child, a 14 year-old Jehovah's Witness, was admitted to hospital for internal bleeding. Her doctors believed that without a blood transfusion she faced a serious risk to her health, and perhaps

[95] *Child and Family Services Act*, C.C.S.M. 1985, c. C-80, s. 2(3).
[96] 2009 SCC 30.

her life, but the child and her parents refused this treatment on religious grounds. The child was apprehended by the child protection agency, which sought an order authorizing the transfusion. Section 25(8) of the *Child and Family Services Act* provides that a court, after a hearing, may authorize any medical treatment the court considers to be in the best interests of the child. Section 25(9) states that the court shall not order treatment contrary to the wishes of a child over the age of 16, unless the child cannot understand the decision or appreciate its consequences. The judge ordered the transfusion pursuant to s. 25(8). After the transfusion, the child and her parents appealed the order, challenging the constitutionality of s. 25 of the Act. They argued that depriving children under 16 of an opportunity to prove their maturity to direct the course of their medical treatment violated provisions of the *Charter of Rights and Freedoms,* including s. 2 (freedom of religion), s. 7 (deprivation of security of the person not in accordance with principles of fundamental justice), and s. 15 (discrimination based on age).

Justice Abella, writing for a majority of the Court, agreed that there was "no constitutional justification for ignoring the decision-making capacity of children under the age of 16 when they are apprehended by the state,"[97] but did not agree that s. 25 required such an approach. Instead, the "best interests" standard in s. 25(8) could be read as a "sliding scale of scrutiny, with the adolescent's views becoming increasingly determinative depending on his or her ability to exercise mature, independent judgment."[98] The degree of significance attached to a child's views also depended on the decision: "The more serious the nature of the decision, and the more serious its potential impact on the life or

[97] 2009 SCC 30 at para. 29.
[98] 2009 SCC 30 at para. 22.

health of the child, the greater the degree of scrutiny that will be required."[99] Assessing a particular child's views in light of the decision to be made struck a balance between protecting children's autonomy and protecting them from harm. Abella J.'s interpretation of s. 25(8) left open the possibility that in cases involving less serious risk, the treatment wishes of a child under 16 years could be determinative, or that even in a life threatening case the views of an older child might be given greater weight.

Article 12 of the CRC played a role in the majority's analysis. According to Abella J., Canadian law now recognizes that receiving children's input leads to better decision-making on their behalf. This is why children's views have become a factor in the best interests analysis, with these views acquiring more significance as the child matures.[100] Abella J. explained that Article 12 of the CRC, along with other Articles of the CRC, supports this "robust" reading of the best interests standard.[101]

Ways of Hearing Children in Child Protection Proceedings

The views of children in child protection proceedings are heard in similar ways to children in custody and access proceedings. An assessor or child's counsel may introduce children's statements, children may meet directly with the judge or more infrequently testify, or children's out-of-court statements may be put before the court as hearsay exceptions. While the means of introducing children's evidence in the two types of proceedings are similar, different principles and considerations may apply.

Assessments in Child Protection Cases

[99] 2009 SCC 30 at para. 22.
[100] 2009 SCC 30 at para. 92.
[101] 2009 SCC 30 at para. 93.

All jurisdictions provide for court-ordered assessments in child protection proceedings. For example, British Columbia's *Child, Family and Community Service Act* allows the court to order a child or a parent to undergo "a medical, psychiatric or other examination" where such an examination is likely to assist the court "(a) in determining whether the child needs protection, or (b) in making an order relating to the child."[102] The reported case law suggests that the majority of assessments in child protection cases focus on parents to assess their capacity to care for the child. These assessments, however, may include interviews with the child, and the child's statements can be introduced in the child protection proceeding through an assessor's report, which will usually include the assessor's commentary on the child's statements and overall recommendations about the case. However, courts can also order assessments solely to determine the views and preferences of the child. In New Brunswick, for example, judges have ordered Voice of the Child Reports in child protection cases.[103]

Counsel for the Child

Most provinces and territories have statues providing for the appointment of legal representation for children in child protection proceedings. Where the legislation is silent, superior court judges have relied on the court's *parens patriae* power to appoint child's counsel.[104] Again, only some jurisdictions provide state-funded counsel for children.[105]

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[102] *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, s. 59.
[103] See e.g. *J. (K.M.) v. New Brunswick (Minister of Social Development*), 2011 NBQB 345. But see *New Brunswick (Minister of Social Development) v. C. (V.),* 2014 NBQB 95 at para. 117, where the judge stated that the assessment provision in statute "does not translate in each and every case to a requirement of the formal 'Voice of the Child'. It has been recognized and accepted that a child's voice can be put before the court in differing ways."
[104] See *Re L. (G.),* 2012 SKQB 388.
[105] See above discussion in Part IIIA of this paper.

Unlike custody and access statutes, most child protection statutes provide guidance on the judicial appointment of representation for a child. Some of the enumerated factors are also considered in custody and access cases, including whether the child's interests conflict with the interests of other parties. Others are specific to the child protection context. For example, Manitoba's *Child and Family Services Act* directs that judges consider, *inter alia*, "the nature of the hearing, including the seriousness and complexity of the issues and whether the agency is requesting that the child be removed from the home" in appointing a lawyer to represent the child.[106]

In a few jurisdictions, legislation dealing with separate representation for children in a protection case includes reference to a specific age. New Brunswick's *Family Services Act* directs judges to consider a number of factors when appointing child's counsel, including "whether the child is 12 years of age or older."[107] Prince Edward Island's *Child Protection Act* only allows state-funded child representation where the child is "at least 12 years old and apparently capable of understanding the circumstances."[108] In Nova Scotia, the *Children and Family Services Act* provides that children 16 years of age or older are parties to the proceeding and are entitled to counsel upon request.[109] In the case of a child who is 12 years of age or older, the court may order separate legal representation where it is "desirable to protect the child's interests."[110]

These age provisions are generally tied to a presumption that children of the specified age have the capacity to instruct counsel. For example, Nova Scotia's Act also

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[106] *Child and Family Services Act*, C.C.S.M. 1985, c. C-80, s. 34(3)(c).
[107] *Family Services Act*, S.N.B. 1980, c. F-2.2, s. 7.1(1)(a).
[108] *Child Protection Act*, S.P.E.I. 2000, c. 3 (2nd Sess.), s. 34(1).
[109] *Child and Family Services Act*, S.N.S. 1990, c. 5, s. 37(1).
[110] *Child and Family Services Act*, S.N.S. 1990, c. 5, s. 37(2).

provides that a guardian *ad litem* may be appointed for any child, including children 12 years of age or older where the child is "not capable of instructing counsel."[111] Similarly, Manitoba's *Child and Family Services Act* directs that where representation is ordered for a child 12 years of age or older, the judge may order that the child has "the right to instruct the legal counsel."[112]

However, in some jurisdictions judges have held that child representation may be important even in child protection cases involving children who clearly cannot instruct counsel.[113] In *Re F. (T.L.),*[114] Justice Ryan-Froslie of the Saskatchewan Court of Queen's Bench ordered separate representation for a seven month-old child, holding that the principal consideration in determining whether independent representation is necessary for the child in child protection proceedings is "whether it is desirable in the interests of justice viewed from the standpoint of the child's welfare."[115] In that case, the parties – the parents, their band, and the child protection agency – all had their own agendas and interests and the judge was concerned that without separate representation evidence and argument about the rights of the child would not be placed before the court. She also described the role that counsel for the young child should play:

> It is clear …that the role of the lawyer in this situation consists of representing the rights of the child and ensuring the court considers all relevant factors which will enable it to make a decision according to the rights and interests of the child. The lawyer does not put forward his or her personal convictions but rather his or her professional conclusions based on the evidence. The nature of the lawyer's

[111] *Child and Family Services Act*, S.N.S. 1990, c. 5, s. 37(3).
[112] *Child and Family Services Act*, C.C.S.M. 1985, c. C-80, s. 34(2).
[113] But see *Children's Aid Society of London and Middlesex v. C. (A.),* 2013 ONSC 1870 at para. 13, where Marsham J. suggested that it is generally not appropriate for courts to order representation for children under the age of 10 years in protection proceedings, and observed: "legal representation is not generally desirable if the child is too young to express his or her views and preferences and otherwise instruct counsel. It is a waste of scarce resources to appoint legal representation to children who cannot adequately give instructions."
[114] 2001 SKQB 271.
[115] 2001 SKQB 271 at para 13.

> mandate would necessarily vary depending on whether the mandate comes from the child or the court.
>
> In the circumstances of the case at bar I believe the best method of representing T.'s interest would be the appointment of independent legal counsel whose mandate it would be to represent the rights of the child and ensure that the court considers all relevant factors which will enable it to make a decision according to the rights and interests of T.[116]

As the state mandated child welfare agency is a party to child protection proceedings, if an order is made for child representation, it must be provided. This is particularly significant in Ontario where in custody and access cases, a judge makes an order requesting the involvement of the Office of the Children's Lawyer, which will then decide whether to provide a lawyer, a clinical assessment, both or neither. If an order is made in a child protection case under s. 38 of the Ontario *Child and Family Services Act*, legal representation "shall" be provided to the child, almost always by the Office of the Children's Lawyer.

Judicial Interviews

In some jurisdictions children may also be given the opportunity to meet one-on-one with judges in child protection proceedings, though this is less common than in disputes between parents as the state's role in child protection cases heightens concerns about due process. Both Newfoundland and Saskatchewan explicitly provide for this option by statute.[117] Judicial interviews may also occur in child protection proceedings in jurisdictions where the legislation is silent. In *W. (M.) v. British Columbia (Director of Child, Family & Community Service*), Dhillon J. of the British Columbia Provincial Court granted the request of a 12 year-old girl for a private interview after the mother and Director consented

[116] 2001 SKQB 271 at para. 31-32.
[117] *Children and Youth Care and Protection Act*, S.N.L. 2010, c. C-12.2, s. 53(a); *Child and Family Services Act*, S.S. 1989-90, c. C-7.2, s. 29(1)(b).

to the interview taking place.[118] The judge observed that the girl had a "clear reluctance to discuss" the reasons that she did not want to live with her mother in her mother's presence, and indicated that the interview would remain confidential, though the parties were provided with a summary of the matters discussed and a sealed transcript was kept in the event of an appeal.

In Newfoundland and Labrador, legislation provides that if a child makes a request, a meeting "shall" be held with the judge or the child's views shall be shared with the court in some other way.[119] In Saskatchewan, judicial interviews are discretionary; they may be ordered if the court considers the interview to be in the best interests of the child.[120] One consideration in ordering an interview pursuant to Saskatchewan's statute is whether the child's views would otherwise be shared with the court. In *Re P. (G.)*, Justice Wilkinson of the Court of Queen's Bench encouraged counsel to consider whether a judicial interview would be appropriate given conflicting evidence before the court about the five children:

> I have been bereft of any evidence regarding the children that has not been filtered through many different, and often irreconcilable, points of view… so long as the Court is the final arbiter of a child's future it must question its ability to fully honour its duty towards children who are both faceless and mute before the Court.[121]

The judgment notes the importance of hearing from children for whom life altering decisions are being made in protection proceedings.

Other Evidence of Children's Views and Preferences

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[118] 2004 CarswellBC 2908, 2004 BCPC 452.
[119] *Children and Youth Care and Protection Act,* S.N.L. 2010, c. C-12.2, s. 53. See also *Newfoundland and Labrador (Manager of Child, Youth and Family Services Zone J) v. W. (J.),* 2015 NLTD(F) 11 at para. 40.
[120] *Child and Family Services Act,* S.S. 1989-90, c. C-7.2, s. 29(1)(b).
[121] 2003 SKQB 505 at para. 143.

As in custody and access proceedings, the rules for admitting children's out-of-court statements have been relaxed in child protection proceedings compared to criminal cases. While some Canadian courts have applied the *Khan* test to children's out-court-statements in these proceedings,[122] the trend is to move away from the stricter standard of "necessity and reliability." Some child protection statutes make this relaxation of evidentiary standards explicit. For example, s. 67 of British Columbia's *Child, Family and Community Service Act* does not include a "necessity" requirement; children's out-of-court statements need only be "reliable" to be admitted in a child protection proceeding.[123] This provision has been interpreted as intended to protect children's best interests, since the alternative of testifying in the presence of the parents in court has been recognized to carry real risks of emotional harm and trauma to the child.[124] In a similar vein, Saskatchewan's *Child and Family Services Act* directs that, "The court may admit hearsay evidence if, in the opinion of the court, the evidence is credible and trustworthy and it would not be in the best interests of a child for the child to testify."[125]

Additional Participation Rights in Child Protection Proceedings

Children are generally granted greater procedural rights to participate in child protection proceedings than in custody and access proceedings as the state is a party and there is a threat to children's relationships with family. In many jurisdictions, children who are the subject of child protection proceedings may be entitled to notice and may even be parties.

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[122] See e.g. *Child & Family Services of Winnipeg West v. G. (N.J.)* (1990), 69 Man. R. (2d) 43.
[123] *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, s. 67. See also Alberta *Child, Youth and Family Enhancement Act*, S.A. 2004, c. 16, s.108; Newfoundland and Labrador, *Child, Youth and Family Services Act*, S.N. 1998, c. C-12.1, s. 53; Nova Scotia, *Children and Family Services Act*, S.N.S. 1990, c.5, s. 96.
[124] *British Columbia (Director of Child, Family & Community Services) v. J. (P.M.)*, 1999 CarswellBC 1466 at para. 23.
[125] *Child and Family Services Act*, S.S. 1989-90, c. C-7.2, s. 28(3).

In Alberta, all children are parties to child protection proceedings.[126] In Nova Scotia, whether a child is a party depends on the child's age. According to s. 36(1) of the *Children and Family Services Act*, children 16 years of age or older are parties, unless the court orders otherwise. Children 12 years of age or older may be granted party status upon the child's request where the court determines that such status is "desirable to protect the child's interests."[127] Children of any age who are represented by a guardian *ad litem* may also be made a party where necessary to protect their interests. In Saskatchewan, s. 29 of the *Child and Family Services Act* provides that a child of any age can be served with notice of a protection hearing if the court considers it in the best interests of the child, but that the receipt of notice does not make the child a party. However, at least one judge has interpreted this provision as not excluding the possibility that a child could also be made a party to a child protection proceeding in that province, giving the child (or counsel) greater opportunity to participate in the proceeding.[128]

In provinces and territories that provide for notice to children who are the subject of a child protection proceeding, most restrict this requirement to children 12 years of age or older. In some jurisdictions, like Manitoba and Nova Scotia, some form of notice for older children is mandatory. However, in *C. (A.B.) v. Nova Scotia (Minister of Community Services),*[129] Justice Dellapinna of the Nova Scotia Supreme Court considered the effect that being served personally with notice of child protection hearing would have on a 13

[126] *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12, s. 111(2).
[127] *Children and Family Services Act,* S.N.S. 1990, c.5, s. 37(2).
[128] *Re F. (T.L.),* 2001 SKQB 271.
[129] 2003 CarswellNS 496 (S.C.).

year-old child with special needs and appointed a litigation guardian to receive documents on the child's behalf.[130]

In Ontario, the right to notice is tied to the right of children to be present at child protection proceedings. For children 12 years of age or older, the *Child and Family Services Act* directs that children receive notice and be allowed to attend "unless the court is satisfied that being present at the hearing would cause the child emotional harm".[131] Children under 12 are not entitled to receive notice or be present unless the court is satisfied that the child "(a) is capable of understanding the hearing; and (b) will not suffer emotional harm by being present at the hearing".[132] In *Jewish Family and Child Services of Greater Toronto v. K. (S.),*[133] the court considered a motion by the child protection agency to exclude a 14 year-old child from the proceedings based on risk of emotional harm. There was evidence before the court that the child had been emotionally affected by the level of conflict among the adults involved in the case and her own interactions with her parents. The child opposed the agency's motion; the parents supported it. Justice Jones of the Ontario Court of Justice refused to exclude the child, finding no medical evidence to support the society's claim that the child's attendance would cause emotional harm. Jones J. was not prepared "to curtail entirely the child's statutory right to attend court" where the potential risk of harm to the child was related to tension between the parties and interactions that had occurred outside the courtroom. The judge did recognize that contact with the parents was potentially unsettling for the child, and so ordered that a protocol was to be

[130] The litigation was also to represent the child during the proceedings. The court directed that a litigation guardian, preferably someone with "therapeutic qualifications" should be appointed to ensure that the child's interests were protected: 2003 CarswellNS 496 (S.C.) at para. 23.
[131] *Child and Family Services Act,* R.S.O. 1990, c. C-11, s. 39(4).
[132] *Child and Family Services Act,* R.S.O. 1990, c. C-11, s. 39(5).
[133] 2013 ONCJ 681.

used for the child's attendance to reduce the likelihood of the child having to interact with her parents.[134]

D. ADOPTION PROCEEDINGS

The United Nations Committee on the Rights of the Child recommends that adoption should be an area in which children's participation rights under Article 12 are promoted and protected. In Canada, adoption proceedings are governed by provincial or territorial legislation. About half of Canadian jurisdictions deal with adoption proceedings as part of their broader child protection statutes; the other half has specific adoption statutes. Some provinces and territories also have separate legislation governing inter-country adoption.[135]

Children's Views, Preferences and Wishes

All adoption statutes in Canada provide that a child's views are relevant to adoption determinations. Like custody and access and child protection decisions, each of the adoption statutes either directs that "best interests" is a guiding principle[136] for adoption or that adoption orders must be made according to the child's best interests,[137] and determining the best interests of the child includes consideration of the child's views, preferences or wishes.

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[134] The protocol included offering a separate, private waiting area for the child, directing that the child enter the courtroom last and leave first, and a prohibition on exposing the child to any discussions among the parties and counsel concerning the case: *Jewish Family and Child Service of Greater Toronto v. K. (S.),* 2013 ONCJ 681 at para. 51.

[135] Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoptions*;* for an example of provincial legislation specifically dealing with international adoption, see *Ontario Intercountry Adoption Act*, 1998, S.O. 1998, c. 29. For a discussion of implementation of the *Hague Convention on Intercountry Adoption* in Canada, see Patricia Paul-Carson, *Intercountry Adoption Legislation in Canada: Does It Protect the Best Interests of the Child?* (Ottawa, Adoption Council of Canada, May, 2012), online: <www.adoption.ca/uploads/File/The-Legal-Context-July-2012(1).doc>.

[136] *The Adoption Act,* C.C.S.M., c. A-2, s. 2.

[137] *Child, Youth and Family Enhancement Act,* R.S.A. 2000, c. C-12, s. 70(1).

In the Northwest Territories, the *Adoption Act* specifies that a child's views and preferences should also be considered before a decision is made about placement of the child for the purposes of potential adoption. Section 7(4) directs that where a pre-placement report is prepared at the request of the Director of Adoptions, the report must include the child's views on the proposed placement and adoption.[138] Similarly, British Columbia's *Adoption Act* requires applicants proposing adoption of a child between 7 and 12 years of age to arrange for an authorized person to meet the child and prepare a report on whether the child understands what adoption means, and if the child has any views on the proposed adoption.[139] This report must be filed with the court before an adoption order is made.[140]

Children's Consent to Adoption

In every province and territory, children above a certain age must consent to their adoption. In most jurisdictions, the age of consent is 12. Ontario has the lowest age of consent for adoption, at 7 years of age.[141] In some places, children under the specified age of consent are still consulted. For example, Newfoundland and Labrador's *Adoption Act* requires that children five years of age or older be counseled on the effect of adoption before being placed.[142] British Columbia's *Adoption Act* has a similar counseling provision for children who are "sufficiently mature."[143] In Manitoba, the *Adoption Act* requires that where a child

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[138] *Adoption Act*, S.N.W.T. (Nu.) 1998, c. 9, s. 7(4).
[139] *Adoption Act*, R.S.B.C., c. 5, s. 30(1).
[140] *Adoption Act*, R.S.B.C., c. 5, s. 32(c).
[141] *Child and Family Services Act*, R.S.O. 1990, c. C-11, s. 137(6). This age restriction was described as "arbitrary" by Campbell J in *Re Children's Aid Society of London &* Middlesex, 2010 ONSC 1348 at para. 20. The child involved was 7 years old with ADHD and was suspected of being afflicted with Fetal Alcohol Spectrum Disorder. While the boy indicated that he wanted his placement to be his "forever home," the Office of the Children's Lawyer counsel was not satisfied that the boy fully understood the consequences of the adoption and was not prepared to indicate that the boy gave a "fully informed" consent. The court concluded that the child's basic understanding of a "forever home" was sufficient as a consent to this legal process.
[142] *Adoption Act*, S.N.L. 2013, c. A-3.1, s. 12(1)(c)(i).
[143] *Adoption Act*, R.S.B.C., c. 5, s. 6(1)(e)(i).

is under twelve or unable to consent, the court shall, "where appropriate and feasible, take into account the wishes of the child."[144] In Prince Edward Island, children twelve years of age or older are required to provide consent, and the court may order that consent is required "in any other case," which could result in the involvement of younger children.[145]

Some jurisdictions require or allow children to consult with a lawyer before providing consent to adoption. In Saskatchewan and Ontario, independent legal advice is mandatory before a child can provide consent to an adoption.[146] In Manitoba, children need only be advised of their right to independent legal advice.[147] The Northwest Territories' *Adoption Act* also requires that children be informed of how to obtain legal advice, and where a child requests such advice, aided in finding counsel to provide that advice.[148]

Adoption legislation also provides for dispensing with a child's consent to adoption. In the Northwest Territories and Saskatchewan, the court may dispense with the requirement of a child's consent where it would be in the best interests of the child.[149] In Alberta, which has a lower standard, the court may dispense with the consent of the child "if the Court, for reasons that appear to it to be sufficient, considers it necessary or desirable to do so."[150] Other jurisdictions provide that a child's consent may be dispensed with for

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[144] *The Adoption Act*, C.C.S.M., c. A-2, s. 21. Similar provisions can be found in New Brunswick and the Northwest Territories: *Family Services Act*, S.N.B. 1980, c. F-2.2, s. 76(3); *Adoption Act*, S.N.W.T. (Nu.) 1998, c. 9, s. 7(5).
[145] *Adoption Act*, R.S.P.E.I., c. A-4.1, s. 22(a).
[146] *The Adoption Act*, S.S. 1989-90, c. A-5.1, s. 4(4)(b)(ii)(A); *Child and Family Services Act*, R.S.O. 1990, c. C-11, s. 137(7).
[147] *The Adoption Act*, C.C.S.M., c. A-2, s. 14(b).
[148] *Adoption Act*, S.N.W.T. (Nu.) 1998, c. 9, s. 23(2)(b).
[149] *Adoption Act*, S.N.W.T. (Nu.) 1998, c. 9, s. 25(2); *The Adoption Act*, S.S. 1989-90, c. A-5.1, s. 5(1)(a).
[150] *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12, s. 68(4)(c).

reasons of incapacity. For example, in Manitoba, the court may dispense with the child's consent where the child is "unable to understand or give consent."[151]

Ontario's *Child and Family Services Act* establishes two situations where the court may dispense with a child's consent where obtaining consent would cause the child emotional harm, or where the child is unable to consent because of a developmental disability.[152] In *C. (A.) v. A. (V.)*, Justice Phillips of the Ontario Court of Justice considered the appropriate standard for dispensing with a child's consent on the basis of emotional harm.[153] In that case, a stepfather moved to dispense with the consent of his 12year-old step-son on the basis that the child did not know that the stepfather was not the child's biological father and that learning this information would cause the child emotional harm. According to Phillips J., to establish risk of emotional harm that would justify dispensing with the consent of a child, an applicant must provide evidence from an expert witness skilled in making that assessment, for example a psychiatrist or psychologist. Lay testimony is not sufficient. Phillips J. justified this high standard on the basis that it was important to consult children on decisions like adoption which carry significant consequences for the child (i.e. "the severing of a prior family connection").[154] In underlining the importance of requiring children's participation, the judge cited and relied on Article 12 of the CRC.

Children's Participation at Adoption Hearings

Some jurisdictions provide for children's attendance and participation at adoption proceedings. Some statutes like the Yukon's *Child and Family Services Act* only provide

[151] *The Adoption Act*, C.C.S.M., c. A-2, s. 20.
[152] *Child and Family Services Act*, R.S.O. 1990, c. C-11, s. 137(9).
[153] 2012 ONCJ 7.
[154] 2012 ONCJ 7 at para. 70.

that a child has a "right to be present."[155] Others statutes are more explicit, providing that a child has a right to be heard. For example, Prince Edward Island's *Adoption Act* says that, "where it is practical to do so, the court shall give the child the opportunity to be heard."[156] Alberta's *Child, Youth and Family Enhancement Act* grants a child old enough to consent to the adoption (i.e. 12 years of age or older) the right to be heard, in person or through counsel.[157]

Ontario's *Child and Family Services Act* also grants children the right to participate in openness proceedings, which determine whether an adoption order will include provision for contact with parents or other relatives, as if the child were a party.[158] Ontario's Act also provides for legal representation for children in openness hearings, which determine whether a child will have continuing post-adoption contact with parents or other relatives. Under s. 153.5(2), the court may, with the consent of the Children's Lawyer, authorize the Children's Lawyer to represent the child where the court determines that legal representation is desirable.[159] Ontario judges have also ordered representation for children in adoption proceedings. In *C. (M.A.) v. K. (M.)*,[160] Justice Cohen of the Ontario Court of Justice relied on rule 4(7) of the *Family Law Rules* and s. 89(3.1) of the *Courts of Justice Act* to appoint counsel for a 5 year-old child who was the subject of an adoption application. While Cohen J. found that representation to ascertain the child's views and preferences would be futile since the child was so young, the judge found that representation could protect the child's best interests. Counsel for the child might be able

[155] *Child and Family Services Act*, S.Y. 2008, c. 1, s. 118(1)(b).
[156] *Adoption Act*, R.S.P.E.I., c. A-4.1, s. 34.
[157] *Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12, s. 68(2).
[158] *Child and Family Services Act*, R.S.O. 1990, c. C-11, s. 153.4.
[159] *Child and Family Services Act*, R.S.O. 1990, c. C-11, s. 153.5(2).
[160] 2008 ONCJ 212.

to identify broader issues than those raised by the parties themselves, who were closely focused on their own perceptions of the child's best interests.[161]

E. CRIMINAL PROCEEDINGS

Children may be involved in criminal proceedings either as witnesses, often testifying about their victimization, or as alleged offenders. While other provisions of the CRC have frequently been cited in cases dealing with both child victims and offenders, Article 12 has almost never been cited in the context of either type of criminal proceeding (though other provisions of the CRC have been influential in Canada in the development of constitutional protections for young offenders).[162] However, despite the absence of citation of the CRC, over the past three decades there have been very significant changes in Canadian law to allow for more effective participation by children in both of these proceedings. Since Article 12 of the CRC is rarely invoked in this context, the treatment of issues in this paper of issues related to criminal proceedings is relatively brief.

Hearing Child Victims and Witnesses

Until the 1980s, Canadian law was premised on the view that child witnesses were inherently unreliable, and very little effort was made to accommodate children in the criminal courts.[163] The provisions governing the presumed incompetency of child witnesses and the requirements for corroboration of children's testimony made it rare for children under 14 years of age to testify, and many cases involving child victimization were

[161] 2008 ONCJ 212 at para. 11.
[162] See e.g *R v D.(B.)*, 2008 SCC 25.
[163] Nicholas Bala, "Double Victims: Child Sexual Abuse and the Criminal Justice System" (1990), 15 Queen's L.J. 3.

not prosecuted; indeed, many victims of child abuse never reported to the police or even disclosed their abuse.

In the late 1980s, the justice system began to respond to the increased awareness of the nature and extent of child abuse, and to the growing body of psychological research on the reliability of child witnesses.[164] As a result, judges and legislators introduced many substantive, evidentiary, and procedural reforms, which have resulted in many more children testifying in court, starting as young as three years of age. Amendments to the *Canada Evidence Act* in 1988 and 2006 abolished the requirements for corroboration of children's testimony and allow children to testify if they are "able to communicate the evidence." Amendments to the *Criminal Code* allow children to testify by closed circuit television and to have a support person sit close to them while testifying, reducing the stress of this process for children, and allowing more children to come forward to testify about their victimization. Videotapes of police interviews with children and children's hearsay disclosures of abuse may now be admitted into evidence, helping to prove their victimization. Police investigators, prosecutors and judges now have much better education about issues related to child development and communication with children. In many places in Canada there are now victim-witness workers who assist in preparing children for the court process, and providing support for children and their parents.

Lawmakers in Canada continue to struggle with balancing the need to expand the scope for admission of children's evidence and support their involvement in the criminal justice system against protection of the rights of the accused and the right to a fair trial.

[164] Nicholas Bala, Angela D. Evans & Emily Bala, "Hearing the Voices of Children in Canada's Criminal Justice System: Recognizing Capacity and Facilitating Testimony (2010), 22 *Child & Family Law Quarterly* 21.

There continue to be concerns about how victims, including children, are treated in the criminal justice system.[165] While victim-witness workers may serve as informal advocates, there are concerns that too often there is insufficient regard in court to the needs and interests of children, for example, for use of accommodations like closed circuit television. However, the Canadian justice system has reached a better balance, one that more faithfully reflects the growing body of research on child development and the capacities of children, without sacrificing the rights of the accused, and that gives child victims a much greater opportunity to participate in the criminal process.

Participation Rights of Young Offenders

The *Youth Criminal Justice Act* (*YCJA*)[166] came into force in 2003. Although significantly changing some aspects of the law, and resulting in significant decreases in the rates of use of courts and custody for youthful offenders, the *YCJA* largely maintained the due process and participatory rights introduced by the previous law, the *Young Offenders Act.*[167] Reflecting Article 12 of the CRC, the *YCJA* s. 3(1)(d)(i) provides young persons dealt with under the Act "a right to be heard in the course of and to participate in the processes… that lead to decisions that affect them."

In addition to the protections afforded to adults involved in Canada's criminal justice processes under both the *Criminal Code* and the *Charter of Rights and Freedoms*, the *YCJA* provides special and significant legal rights to youths in recognition of their greater vulnerability. The *YCJA*, for example, constrains questioning by the police of young

[165] Sonja Brubacher, Nicholas C. Bala, Kim Roberts & Heather Price, "Investigative Interviewing of Witnesses and Victims in Canada," in David Walsh et al., eds., *International Developments and Practices in Investigative Interviewing and Interrogation, Volume 1: Victims and Witnesses* (London: Routledge Press, forthcoming 2015).
[166] S.C. 2002, c. 1, in force April 1, 2003.
[167] R.S.C. 1985, c. Y-1.

persons suspected of offences. Section 146 of the *YCJA* provides that a statement made by a young person being questioned by the police as a suspect is admissible only if the youth has received an explanation "in language appropriate to his or her age and understanding" that the youth is not obliged to make a statement, and that the youth has the right to have a lawyer or parent present while a statement is made; any waiver of these rights by a youth must be in a signed statement or audio- or video-recorded waiver. The Supreme Court has made clear that it is not sufficient for a police officer to merely "read a youth his rights" from a form, but rather the police must provide an explanation that takes account of the youth's age and language comprehension. In its 2008 decision in *R. v. L.T.H.*, the Supreme Court emphasized the importance of the protections against improper questioning of youth suspects by police. Justice Fish wrote:

> Young persons, even more than adults, are inclined to feel vulnerable when questioned by police officers who suspect them of crime and can influence their fate. Parliament has for that reason provided them by statute with a complementary set of enhanced procedural safeguards in s. 146 of the *Youth Criminal Justice Act* . . . procedural and evidentiary safeguards available to adults do not adequately protect young persons, who are presumed on account of their age and relative unsophistication to be more vulnerable than adults to suggestion, pressure and influence in the hands of police interrogators.[168]

Despite these legal protections, in practice young persons being interrogated by police often fail to appreciate the significance of their legal rights.[169] Most youths who are questioned by the police will make a statement that implicates them in the offence, usually waiving the right to advice from counsel or parents.

In recognition of the vulnerability of youth and the challenges that they face in

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[168] *R. v. L.T.H.*, [2008] S.C.J. No. 50 at paras. 1-3. Emphasis added.

[169] See e.g. Rona Abramovitch, Michele Peterson-Badali & Meg Rohan, "Young People's Understanding and Assertion of Their Rights to Silence and Legal Counsel" (1995) 37 Can. J. Crim. 1; and Michele Peterson-Badali & Martin Ruck, "Rights Knowledge, Reasoning, and Attitudes" in Roger J.R. Levesque ed., *Encyclopedia of Adolescence* (NewYork: Springer, 2012) 2386.

understanding and participating in the youth court process, the *YCJA* has special provisions to facilitate access to legal representation. Lawyers for youth may provide assistance at the time of questioning by the police, at a pre-trial bail hearing, at trial, and at a sentencing or review hearing.

In proceedings under the *YCJA*, if a youth wants to have a lawyer and is unable to obtain legal representation, s. 25 requires the judge to order that representation is to be provided. While judges can consider parents' financial means when determining whether a youth is "able" to obtain representation, the youth court cannot order parents to pay for a lawyer. Parents may choose to pay for counsel for their child,[170] but many parents are unwilling or unable to pay for a lawyer for their children, and very few youths have their own financial resources to retain counsel. If parents are paying for a lawyer there may be some confusion as to who is instructing the lawyer. Section 25(8) of the *YCJA* provides that a youth justice court judge shall ensure that a youth is "represented by counsel independent" of the parents, if it appears that the interests of the youth and parents conflict or the best interests of the youth require representation by his or her own counsel.

For the most serious cases, youth involved in the court process will always have legal representation, whether through legal aid, their parents' paying for counsel or an order under s. 25 of the *YCJA*. However, the process for making an order for representation varies. Not infrequently there are delays in securing access to counsel, and some youths plead guilty "to get things over with," without having had proper legal advice and representation. Further, there are concerns about the quality of representation provided to

[170] Section 25(10) of the *YCJA* allows a province to establish a program to seek reimbursement from parents of youth for whom an order for representation is made under s. 25 of the *YCJA*; only Manitoba has done so.

youth. There are a few places, such as Calgary and Edmonton, where there are lawyers with training in dealing with adolescent clients and support from social workers at specialized clinics doing youth representation, but in most locales there are concerns that some of the lawyers who do this type of work may lack the training, knowledge and resources to provide effective representation for adolescent offenders.

Likely because the *YCJA* affords significant participatory rights to youth and lawyers, the courts in Canada have had very little need to cite Article 12 of the CRC in dealing with youth offending issues.[171]

F. PROCEEDINGS ABOUT HEALTH CARE

In Canada, children's decision-making about health care issues occurs within a complicated legal framework. First, there is the common law "mature minor" doctrine. Generally, parents are entitled to make treatment decisions on their children's behalf. The mature minor doctrine, however, allows children who are sufficiently mature to make their own treatment decisions. Second, there is provincial and territorial legislation governing consent to medical treatment. These statutes often provide a specific age at which children are presumed competent to consent to treatment. Third, there is child protection legislation.

[171] The only reported youth justice case to cite Article 12 of the CRC is *R. v. C. (G.)*, 2010 ONSC 115, where Molly J. relied on both the *Charter of Rights and Freedoms* and the CRC to conclude that a young person (invariably in this context acting through counsel) has the right to be heard prior to the Crown exercising its discretion under s. 67(6) of the *YCJA* to elect to have a youth facing a murder charge tried by a judge and jury. In a later decision, *R. v. J.S.R.*, [2012] O.J. 4063 (CA), the Ontario Court of Appeal, per Feldman J.A., explained, at para. 131:

> I agree with Molloy J. that s. 67(6) of the YCJA must be read in the context of s. 3 to ensure that young people are treated fairly, and their right to participate in the trial process is respected. However, in my view, the Act does not require the court to read in full administrative law procedural rights in order to achieve fair treatment in the context of s. 67(6), or to avoid a finding of abuse of process based on procedural unfairness.

These provincial and territorial statutes allow a child protection agency to apply to a court to order treatment for a child where either the child or parent is refusing to consent. Finally, there are cases interpreting how these sources of law interact and which rules will ultimately govern health care decision-making for children.

Consent to Treatment Legislation

Most provinces and territories have legislation governing consent to medical treatment. Some of this legislation is "global," applying to both adults and children; some is child-specific.[172]

Jurisdictions vary in how they approach children's consent to treatment. In some jurisdictions, children's consent to treatment is not specifically addressed. In Ontario, Prince Edward Island, and the Yukon, all people – including children – are presumed capable of consenting to treatment.[173] Age is not mentioned in the legislation. This presumption can be rebutted where a child *or an adult* is unable "to understand the information that is relevant to making a decision about treatment."[174] Other jurisdictions provide an age at which a child is *presumed* capable of consenting to treatment. In Manitoba and Newfoundland and Labrador, this age is 16.[175] Children 16 and over are presumed capable of consenting; children under 16 are presumed incapable. This means that children under 16 may consent to treatment where there is evidence to establish capacity.

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[172] For an excellent review of the law relating to children's health care decision-making, see David C. Day, "The Capable Minor's Healthcare: Who Decides?" (2007), 86 Can. Bar Rev. 379.
[173] *Health Care Consent Act, 1996*, S.O. 1996, c. 2, s. 4(2).
[174] *Consent to Treatment and Health Care Directives Act*, S.P.E.I. 1996, c. 10, s. 7(1); *Care Consent Act*, S.Y. 2003, c. 21, s. 6.
[175] *The Health Care Directives Act*, S.M. 1998, c. 36, C.C.S.M. c. M110, s. 4(2); *Advance Health Care Directives Act*, S.N.L. 1995, c. A-4.1, s. 7(b) and (c).

In *H. (P.) v. Eastern Regional Integrated Health Authority*,[176] Justice LeBlanc of the Newfoundland and Labrador Supreme Court considered whether the court had authority to order a 16 year-old child to undergo treatment where the child had capacity to refuse to consent to such treatment. The case involved an application by the child's mother to determine the capacity of her daughter to refuse to consent to treatment. In Newfoundland and Labrador, children 16 years of age or older are not subject to child protection legislation, so no child protection agency was involved. The issue of overriding a capable child's refusal to consent to treatment ended up being moot after LeBlanc J. determined that the 16 year-old did *not* have capacity, thus rebutting the statutory presumption. However, the judge held that even if the child had been found to have the capacity to refuse to consent to treatment, he would have ordered treatment pursuant to the court's *parens patriae* jurisdiction. Even though the child was not subject to the province's child protection legislation, LeBlanc J. determined that treatment decisions by minors – even mature minors – had to accord with the child's best interests.

New Brunswick's *Medical Consent of Minors Act* provides that the rules governing consent to treatment by adults apply to children who are 16 years of age or older.[177] However, the Act also provides a framework that allows children under 16 to consent in certain circumstances. Section 3(1) states:

> The consent to medical treatment of a minor who has not attained the age of sixteen years is as effective as it would be if he had attained the age of majority where, in the opinion of a legally qualified medical practitioner, dentist, nurse practitioner or nurse attending the minor,
> (a) the minor is capable of understanding the nature and consequences of a medical treatment, and

[176] 2010 NLTD 34.
[177] *Medical Consent of Minors Act*, S.N.B. 1976, c. M-6.1 s. 2.

> (b) the medical treatment and the procedure to be used is in the best interests of the minor and his continuing health and well-being.[178]

Maturity alone is not sufficient to allow a younger child to consent; the treatment must also be in the best interests of the child *in the opinion of a medical practitioner*. A similar statutory framework exists in British Columbia. That province's *Infants Act* does not set an age at which children are presumed capable of consent. Instead, the Act provides that all children may consent to treatment where,

> the health care provider providing the health care
> (a) has explained to the infant and has been satisfied that the infant understands the nature and consequences and the reasonably foreseeable benefits and risks of the health care, and
> (b) has made reasonable efforts to determine and has concluded that the health care is in the infant's best interests.[179]

Again, medical professionals are to determine whether treatment is in the child's best interests and the child has the requisite capacity.

Saskatchewan and Alberta both have legislation defining the age at which a child may provide a health directive. In Saskatchewan, the age is 16;[180] in Alberta, the age is 18. Neither statute provides guidance on medical decision-making by children under those ages. Absent an application by a child protection agency for authorization to make a treatment decision on the child's behalf, the common law "mature minor" rule would likely apply.

Child Protection Legislation

All Canadian jurisdictions have child protection statutes that allow a state agency to make treatment decisions on behalf of a child in certain circumstances. Where a parent refuses to consent to treatment, and this refusal places the child's health or life in danger, child

[178] *Medical Consent of Minors Act*, S.N.B. 1976, c. M-6.1 s. 3(1).
[179] *Infants Act*, R.S.B.C. 1996, c. 223, s. 17(3).
[180] *The Health Care Directives and Substitute Health Care Decision Makers Act,* S.S. 1997, c. H-0.001, s. 3; *Personal Directives Act*, R.S.A. 2000, c. P-6, s. 3(1).

protection agencies are typically authorized to "apprehend" the child and provide the necessary consent in the place of the parent, subject to a process that requires a court order within a relatively short period of the apprehension. Parents must be notified of this process and have a right to participate. As discussed above, there are varying provincial provisions about children's right to notice and participation in the child protection process, though in most jurisdictions older children may be involved.

Where the child is a "mature minor," either according to common law or consent to treatment legislation, and refuses treatment, the situation becomes more complicated. A "mature minor" may still be a "child" under the relevant child protection statute, and thus subject to the state's protection powers.

The leading authority on the interplay between the mature minor doctrine and child protection legislation is the Supreme Court of Canada decision in *Manitoba (Director of Child & Family Services) v. C. (A.)*.[181] The child was a 14 year-old Jehovah's Witness who had been admitted to hospital for internal bleeding; her treating physicians expressed concern that there was a serious risk to her health, and perhaps her life, without a blood transfusion, but both the girl and her parents refused to consent to a blood transfusion. The child protection agency apprehended the child and applied to the court under Manitoba's *Child and Family Services Act* for an order authorizing blood transfusions. Under s. 25(8) of the *Child and Family Services Act*, the court may authorize any medical treatment it considers to be in the best interests of the child. However, s. 25(9) provides that no order can issue with respect to a child 16 years of age or older without the child's consent, unless that child cannot understand the relevant information or appreciate the reasonably

[181] 2009 SCC 30. This case was also discussed above in regard to the rights of children in protection proceedings.

foreseeable consequences of consenting or not consenting to the treatment. The child argued that because she had capacity to make the decision to refuse the transfusion, this decision should have been respected under the mature minor doctrine. At the trial hearing, the court agreed that the child had capacity to consent, but that this was irrelevant as she was under 16 years of age.

This decision was upheld by the Supreme Court of Canada, though the Court adopted a more nuanced approach. Justice Abella, writing for the majority, refused to accept that the mature minor doctrine allows mature children to make *all* decisions related to their medical care. While a mature minor can make decisions about such issues as an abortion, different considerations apply where the child is refusing life-saving treatment. While mature minors have strong claims to autonomy, Abella J. explained, where a child protection agency has brought an application to authorize treatment for a child, the state's interest in protecting children is engaged and the state still has the power to consider whether allowing the child to exercise autonomy accords with the child's best interests.. According to Abella J., the best interests of the child requires that children's views and preferences be weighed in accordance with the child's age and maturity. The more mature the child, the more deference provided to the child's treatment decision. It is possible, Abella J. concluded, that in certain cases the degree of maturity exhibited by the child could be so high that to disregard his or her treatment decision would not be in the child's best interests. The court needs to take account of both the child's maturity and the nature of the medical decision. According to Abella J., this "sliding scale" of scrutiny is consistent with Article 12 of the CRC.[182]

[182] 2009 SCC 30 at para. 22. See also *U. (C.) (Next Friend of) v. Alberta (Director of Child Welfare)*, 2003 ABCA 66 (leave to appeal denied), where the Alberta Court of Appeal found that

G. IMMIGRATION AND REFUGEE PROCEEDINGS

Immigration and refugee proceedings in Canada are governed by the federal *Immigration and Refugee Protection Act* [*IRPA*],[183] and also affected by the international *Convention Relating to the Status of Refugees,*[184] to which Canada is a signatory. While the *IRPA* governs proceedings involving children, there are few provisions that deal explicitly with children and their participation rights, such as s. 167(2) which addresses child representation. General provisions are assumed to cover child claimants and applicants. For example, s. 170(e), which provides those claiming *Convention* refugee status "a reasonable opportunity to present evidence, question witnesses and make representations"[185] also applies to children. The provisions that mention children require a consideration of the best interests of a child affected by an immigration or refugee decision.

Best Interests of the Child and the Right to Be Heard

A number of provisions direct that the best interests of the child be considered in decisions made pursuant to the *IRPA*. For example, s. 25(1) provides that the Minister may grant an otherwise inadmissible foreign national permanent residency status or exempt the individual from any criteria or obligations under the Act on the basis of humanitarian and compassionate grounds, "taking into account the best interests of a child directly affected."[186]

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the mature minor doctrine did not oust the province's child protection statute where a 16 year-old child refused life-saving treatment on religious grounds. The Court acknowledged that children's views must be heard and considered in treatment decisions but that these views are not determinative. It cited Article 12 of the CRC in support of this proposition.

[183] S.C. 2001, c. 27.

[184] UNTS, vol. 189, p. 137, CTS 1969/6.

[185] *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 170(e).

[186] *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 25(1).

The importance of considering the best interests of the child in immigration and refugee matters was recognized by the Supreme Court of Canada in *Baker v. Canada (Minister of Citizenship and Immigration).*[187] That case considered the factors to be weighed in an application based on humanitarian and compassionate grounds under the former *Immigration Act*. Justice L'Heureux-Dubé, writing for a majority of the Court, held that "the decision-maker should consider children's best interests as an important factor, give them substantial weight, and be alert, alive and sensitive to them."[188] The majority explained that this interpretation was consistent with Canada's obligations under Articles 3 and 12 of the CRC. In *Legault v. Canada (Minister of Citizenship and Immigration)*[189] the best interests of the child was found to be an "important factor" that must be given "substantial weight," in the decision of whether to remove a parent from Canada. However, the Federal Court of Appeal found that the best interests of the child were not determinative in making that decision.

In *Hawthorne v. Canada (Minister of Citizenship and Immigration),*[190] the Federal Court of Appeal was asked to define the circumstances under which the consideration of the best interests of the child would be satisfied when assessing an application based on humanitarian and compassionate grounds. A majority of the Court ruled that a best interests determination requires the decision-maker to take into account the views of the child in accordance with the child's age and maturity, and that a child's own views about his or her circumstances are to be considered, as required by Article 12 of the CRC. In this case the Court of Appeal held that the Immigration Officer had erred in failing to take account of

[187] [1999] 2 S.C.R. 817.
[188] [1999] 2 S.C.R. 817 at para. 75.
[189] [2002] 4 F.C. 358 (C.A.); leave to appeal to S.C.C. refused.
[190] [2003] 2 F.C. 555 (CA).

the 15 year-old child's strong preference to continue to live in Canada with her mother, who faced deportation, rather than her live with her father, who was a citizen and not facing deportation.

Designated Representatives

Any child who is the subject of proceedings under the *IRPA* must be assigned a "Designated Representative."[191] This Designated Representative is usually the child's parent, but may be a lawyer.[192] According to Guideline 3 of the *Chairperson's Guidelines*, the duties of a Designated Representative are as follows:

- To retain counsel;
- To instruct counsel or to assist the child in instructing counsel;
- To make other decisions with respect to the proceedings or to help the child make those decisions;
- To inform the child about the various stages and proceedings of the claim;
- To assist in obtaining evidence in support of the claim;
- To provide evidence and be a witness in the claim;
- To act in the best interests of the child.[193]

The appointment of a Designated Representative for a child must occur as soon as possible, and the appointment applies for the duration of the proceedings.[194] Courts have held that failure to appoint a Designated Representative for the child in a timely fashion is a ground for judicial review, and may result in the matter being remitted for a rehearing.[195]

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[191] *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 167(2).
[192]Immigration and Refugee Board of Canada, "Designated Representatives Guide," online: < http://www.irb-cisr.gc.ca/Eng/BoaCom/references/LegJur/Pages/GuideDesRep.aspx>.
[193] Immigration and Refugee Board of Canada, Chairperson Guideline 3: Child Refugee Claimants: Procedural and Evidentiary Issues (September 30, 1996), online: < http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/GuideDir03.aspx>.
[194] *Duale v. Canada (Minister of Citizenship & Immigration)*, 2004 FC 150 at para. 3.
[195] *Duale v. Canada (Minister of Citizenship & Immigration)*, 2004 FC 150 at para. 24.

In *Manalang v. Canada (Minister of Public Safety and Emergency Preparedness)*,[196] Justice Heneghan of the Federal Court considered the rights of children under Article 12 of the CRC who have been assigned a Designated Representative pursuant to the *IRPA*. The case involved an application by a mother and her two minor children for judicial review of a decision by the Immigration Appeal Division (IAD) dismissing the applicants' appeals from orders that prevented them from remaining in Canada as immigrants sponsored by the mother's husband, the children's step-father. A significant factor in the exclusion application was that the mother had lied on her application for admission, stating that her husband was the children's father. The applicants raised a number of arguments, including that the IAD failed to give due weight to the interests and wishes of the children as required by Article 12 of the CRC. At an initial hearing before the IAD, there had been no Designated Representative for the children, so that proceeding was terminated and a new IAD panel heard the matter, with the mother's lawyer as the Designated Representative for the children. In upholding the IAD decision to exclude the mother and her children, Heneghan J. held that the children had the benefit of a Designated Representative, whose role it was to "ensure that their interests were fully and adequately disclosed to the panel," and that there was no evidence to suggest that the representative had been barred from performing this role.[197] As a result, the children had exercised their right to be heard under Article 12 of the CRC.

Issues of effective advocacy and participation are especially pressing for the growing numbers of refugee claimants who are "unaccompanied minors," children who

[196] 2007 FC 1368.
[197] 2007 FC 1368 at para. 111.

arrive in Canada without parents or guardians and seek refugee status.[198] While some of these children may have relatives in Canada who can provide some assistance, this is a particularly vulnerable population and it is noteworthy that some lawyers are making special efforts to ensure that there is adequate representation for these children.[199]

H. RIGHTS IN EDUCATION PROCEEDINGS

Most children spend very substantial portions of their time in schools, and educators and school tribunals make very significant decisions about children's lives. The United Nations Committee on the Rights of the Child has recognized that the right of children "to be heard within education is fundamental to the realization of the right of education," which is protected under Article 28 of the CRC.[200] The Committee recommends that children be heard with respect to the development of school policies and codes of behavior, as well as in proceedings that affect their individual education. Too often, however, children are not included in decision-making about their education and schooling.

In Canada, education is governed by provincial or territorial legislation;[201] although there is variation in legislation and curricula across the country, there is are common issues in all jurisdictions. Most decisions about children and their education are made by principals, school boards, and administrative tribunals. While it is clear that the CRC,

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[198] Judith Wouk, Soojin Yu, Lisa Roach, Jessie Thomson, Anmarie Harris (2006), "Unaccompanied/Separated Minors and Refugee Protection in Canada: Filling Information Gaps" 23:2 *Refuge: Canadian Journal on Refugees* 125-134.
[199] David Renting, "Program helps 'unaccompanied minors' navigate Canada's refugee process," *Toronto Star*, Sat Aug 17 2013.
[200] United Nations Committee on the Rights of the Child, *General Comment No. 12 (2009):The right of the child to be heard,* UN Doc. CRC/C/GC/12 at 24.
[201] For a discussion of Ontario's legal regime, see Jeffery Wilson, *The Law's Treatment of Children and Youth* (Toronto: Lexis, 2011), chapter 7.

including Article 12, apply to these decisions, since relatively few cases result in court applications for judicial review, it is not easy to get a clear picture of how the CRC is being applied in the educational context in Canada.

One of the important proceedings that affects the education and development of children are decision-making processes governing education for children with special needs. These decisions are generally initially made at the school board level, with the possibility of an appeal to an administrative tribunal. In one of the few high visibility education law cases, parents appealed the decision to exclude their 12 year old disabled child from a program that integrated her into the regular school program and place her a special education class all the way to the Supreme Court of Canada. In its 1996 decision in *Eaton v Brant County Board of Education* the Supreme Court stated:

> the decision-making body must further ensure that its determination of the appropriate accommodation for an exceptional child be from a subjective, child-centred perspective, one which attempts to make equality meaningful from the child's point of view as opposed to that of the adults in his or her life. As a means of achieving this aim, it must also determine that the form of accommodation chosen is in the child's best interests… For older children and those who are able to communicate their wishes and needs, their own views will play an important role in the determination of best interests. [202]

Despite this judicial statement about the importance of involving children in decision-making, empirical research suggests that in Canada children with disabilities generally do not participate either directly or indirectly in decisions that affect them in an educational context. [203] While parents have standing in these processes, there may be situations in

[202] [1996] S.C.J. 98, [1997] 1 S.C.R. 241 at para 77.
[203] Mona Paré, "Inclusion and Participation in Special Education Processes in Ontario, Canada" in in Tali Gal & Benedetta Durmay, eds. *International Perspectives and Empirical Findings on Child Participation*: *From Social Exclusion to Child-Inclusive Policies* (New York: Oxford University Press, 2015) 37.

which parents and children have differing views and interests, and children's perspectives and preferences may not be adequately represented.

There are also concerns about the limited role for children in school disciplinary proceedings that may result in their suspension or expulsion. Although parents have standing in these proceedings, students generally do not. It has been argued that Article 12 requires greater procedural protections for students subject to disciplinary proceedings. Paré, for example, argues that children should be given an opportunity to be heard directly, as opposed to indirectly through their parents, at disciplinary hearings.[204]

Another fundamental concern is that schools in Canada often fail to provide adequate education to children about their rights, and in particular issues related to the CRC are not addressed in most curricula.[205] Although both adults and children have low levels of awareness, a study commissioned by War Child Canada found that adults are more likely than children to have awareness of the CRC (55% versus 33%).[206] Most children reported that they have not heard of any major United Nation's international human rights treaties. Significantly, children born outside of Canada had greater

[204] Mona Paré, "Inclusion and Participation in Special Education Processes in Ontario, Canada" in in Tali Gal & Benedetta Durmay, eds. *International Perspectives and Empirical Findings on Child Participation*: *From Social Exclusion to Child-Inclusive Policies* (New York: Oxford University Press, 2015) 37.
[205] Canadian Coalition on the Rights of the Child, *Children's Rights in Canada 2011- Working Document: Right to Education, Research Report*; R. Brian Howe & Katherine Covell, "Schools and the Participation Rights of Children (1999-2000), 10 Education and Law Journal 107; and R. Brian Howe & Katherine Covell, *Education in the Best Interests of the Child: A Children's Rights Perspective on Closing the Achievement Gap* (Toronto: University of Toronto Press, 2013).
[206] *Canadian Coalition on the Rights of the Child, Children's Rights in Canada 2011- Working Document: Right to Education, Research Report*.

awareness of the CRC than those born in Canada (43% versus 32%). It would seem that only in Nova Scotia does the provincial curriculum mandate education about the CRC.[207]

Despite the failure to systemically address issues of children's rights, there have been cases in which older adolescents have, through litigation guardians, been able to bring court applications to force schools to recognize their rights. Most notably in Ontario, students have brought successful court actions in regard to school proms, ironically an event that symbolizes the end of their time as students in secondary school.[208]

IV. EXPANDING CHILDREN'S PARTICIPATION RIGHTS IN CANADA

A review of legislation and case law from across the country suggests that Canadian legislatures, judges and policy makers are alert to the participation rights of children, and their responsibilities under Article 12. This is especially true in the area of family law, where children's views and preferences are a guiding factor in making custody, access, child protection, and adoption decisions in children's best interests. However, there is room for improvement. The United Nations Committee on the Rights of the Child has described Canada has having "inadequate mechanisms for facilitating meaningful and empowered child participation in legal, policy, environmental issues, and administrative procedures that impact children."[209]

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[207] R. Brian Howe & Katherine Covell, *Education in the Best Interests of the Child: A Children's Rights Perspective on Closing the Achievement Gap* (Toronto: University of Toronto Press, 2013).

[208] See *Hall v Powers,* [2002] O.J. 1803 (S.C.) (attendance at prom with gay date for youth in Catholic school permitted); and *Gilles v Toronto District School Board*, [2015] O.J. 833 (S.C.) (use of breathalyzer for students attending prom prohibited).

[209] United Nations Committee on the Rights of the Child, Sixty-first session, 5 October, 2012, CRC/C/CAN/CO/3-4, *Concluding Observations: Canada*, at para. 36.

This concluding part of this paper offers some suggestions on how children's participation rights under Article 12 of the CRC could be enhanced in Canada.

Promoting Children's Participation in Judicial and Administrative Proceedings

This section provides specific suggestions for further promoting children's participation in proceedings addressed in this paper: family proceedings (custody and access, Hague Convention, child protection, and adoption), criminal proceedings, proceedings respecting treatment decisions, and immigration and refugee proceeding. These options are informed by practices that promote children's participation rights in other countries, and some come directly from academic writing on children's participation. It is also important to recognize that there is significant variation across Canada in the extent to which children's participation rights are recognized and promoted, and policy makers in different provinces and territories can learn from experiences in other Canadian jurisdictions.

There is no single "best" way to engage children in legal proceedings, but rather it is important to have a range of ways available to allow children to participate. Although the United Nations Committee on the Rights of the Child generally prefers direct over indirect participation, how children participate in proceedings will depend in some measure on the nature and stage of the case, and the resources available. The Committee has made clear that children should never be forced to express their views. The method used for hearing children should take into account the needs and maturity of children, as well as the need to balance children's participation with the protection of their interests and relationships. Perhaps most importantly, the views of individual children about how they wish to participate at particular stages in particular proceedings should always be taken

into account. That said, certain methods for hearing children ought to be more readily available.

Legal representation of children in custody and access proceedings in Canada is limited, and not available in some jurisdictions. Article 12 may provide an avenue for encouraging a superior court to use its *parens patriae* power to appoint a lawyer for a child involved in a custody and access proceeding.[210] However, legal representation is relatively expensive and may result in children feeling pressure to "take sides" in litigation. Assessments can be an important way for soliciting the views of children, but also relatively expensive with the potential to delay resolution of proceedings. It would certainly be appropriate for lawyers for children and assessors to ask children how they would like to participate, including whether they would like to meet the judge.

Some provincial and territorial statutes have provisions that allow for judicial interviews. Judicial interviews can provide a cost-effective and timely way of hearing directly from children in family law proceedings. Some jurisdictions, including Scotland, New Zealand and most notably Quebec, have already expanded judicial interviewing to allow greater participation by children in family cases. Empirical research establishes that children in family cases always want to be asked if they wish to contribute their views, and, if their family's dispute is being resolved in court, many would like to meet the judge.[211] Interdisciplinary education and training on issues relating to judicial interviewing of children and children's involvement in the family dispute resolution process is also important. It is not expected that judges and lawyers should have the knowledge of mental

[210] See e.g. *B. (A.C.) v. B. (R.),* 2010 ONCA 714.
[211] Rachel Birnbaum & Nicholas Bala, "Judicial Interviews With Children In Custody And Access Cases: Comparing Experiences In Ontario And Ohio" (2010), 24(2) International Journal of Law, Policy and the Family 300.

health professionals who conduct assessments, but education programs can ensure that they should be aware of the importance of engaging children in a sensitive fashion, and prepared to address such issues as confidentiality, recording and Non-evaluative Views of the Child Reports, currently used in some jurisdictions, which can be a relatively inexpensive and expeditious way of allowing children to express their perspectives and preferences, and consideration could be given to expanding their use. However, issues of training, resources and protocols for Views of the Child Reports need to be addressed, including whether children should be asked whether there are matters that they would rather not be disclosed to parents, the court or a mediator, and whether they would like to meet the judge or mediator.

While the focus of this paper has been children's participation in legal proceedings, Article 12 also supports children's participation in non-curial family dispute resolution processes. The Netherlands, for example, requires that children's views be reflected in all parenting plans placed before the court. In *G. (B.J.) v. G. (D.L.)*, Justice Martinson held that Article 12 requires children's views to be considered at all stages of a custody and access case, including attempts to settle using alternative dispute resolution.[212] In England and Wales, the government has committed itself to ensuring that children's views are shared with parents and mediators in every case being resolved by this method of dispute resolution.[213]

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[212] 2010 YKSC 44 at para. 6.

[213] In England and Wales, the previous government made significant commitments to ensuring that the "voice of the child" is heard in mediation (United Kingdom, Ministry of Justice, 2015). However, it is unclear how the new Conservative government will continue with those commitments. See Government of the United Kingdom, Policy Paper: *Voice of the Child: government response to Dispute Resolution Advisory Group report*, online: <www.gov.uk/government/publications/voice-of-the-child-government-response-to-dispute-resolution-advisory-group-report>.

The *YCJA* recognizes the right of young people accused of a crime to be heard and to participate in processes that lead to decisions that affect them. Yet research on children's experiences in the youth criminal justice system suggests that many children do not feel as if they have been heard or given an opportunity to participate.[214] Professor Myriam Denov suggests that one way to promote children's rights under Article 12 would be to introduce a statutory requirement that children's views be taken into account in predisposition reports and sentencing considerations.[215]

In the health law context, commentators have suggested moving away from presumed capacity to consent to treatment decisions based on age toward presumed capacity to consent for all.[216] This is already the law in Ontario, Prince Edward Island, and the Yukon. Eliminating age presumptions for consent would be consistent with the Committee on the Rights of the Child's interpretation of the requirements of Article 12.

With respect to children's participation in immigration and refugee proceedings, Professor Sonja Grover has suggested that child refugee claimants should be assigned independent, free, and expert legal counsel in order to participate effectively in hearings.[217] Designated Representatives, because they are often family members, are less likely to be independent, raising questions about their ability to safeguard the child's interests.

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[214] Ross Gordon Green & Kearney F. Healy, *Tough on Kids: Rethinking Approaches to Youth Justice* (Saskatoon: Purich Publishing, 2003).
[215] Myriam Denov, "Youth Justice and Children's Rights: Transformations in Canada's Youth Justice System," in R. Brian Howe & Katherine Covell, eds., *A Question of Commitment: Children's Rights in Canada* (Waterloo: Wilfred Laurier University Press, 2007) 153, 164.
[216] Judy Finlay, Jill Magazine, and Amanda Hotrum, *Consent and Confidentiality in Health Services: Respecting the Right to be Heard* (Toronto: Office of the Child and Family Service Advocacy, 2005).
[217] Sonja Grover, "On the Rights of Refugee Children and Child Asylum Seekers," in R. Brian Howe & Katherine Covell, eds., *A Question of Commitment: Children's Rights in Canada* (Waterloo: Wilfred Laurier University Press, 2007) 343.

There is also a need to provide children greater opportunities to participate in processes that involve decision-making in the education and schooling context, both in regard to making decisions about their individual lives and in developing policies, programs and student codes of behaviour. In order to encourage participation of children in various processes and to promote their rights, school curricula also need to address issues of children's rights.

Policy Development and Law Reform

The focus of this paper was on children's participation rights in legal proceedings, but there are other important domains for involving children in civil society. This paper did not address issues related to opportunities to promote children's participation in legislative and policy reform, but in a number of countries significant efforts have been made in this regard.

Some of the approaches that different countries, regional governments and municipalities have developed to engage children include children's clubs, children's councils, and children's parliaments, as well as representation of children and youth on various advisory councils and policy-making bodies.[218] For example, in the American state of Georgia, a children's forum was set up to allow children the opportunity to express their views on the problems facing children and to propose specific solutions. In Sweden, many municipalities have established "influence forums," which allow children to participate in decision-making at the local level on issues that affect them. At the national level, New Zealand has established a prime minister's youth advisory forum. Every year, selected youth from across the country are invited to meet three times with cabinet ministers, including the prime minister, to discuss issues affecting children and other matters

[218] See Aisling Parks, *Children and International Human Rights Law: The Right of the Child to be Heard* (London: Routledge, 2013) at 181-209.

concerning the government. Topics canvassed so far include student loans, bullying in schools, and police treatment of young people.

In Canada, some governments have also developed programs to involve children and youth in policy development and program monitoring. For example, the Ottawa Police Service has established a Youth Advisory Committee with members aged 13 to 24 years to allow for participation in development of policies and programs.[219] This type of Committee both allows children and youth to be more involved in decision-making and provides valuable information to police. In many Canadian jurisdictions there is a provincial or territorial office that has responsibility for advocacy for children and youth, often focusing on investigation of complaints and concerns related to children in the care of government agencies, most often in the care of child welfare or youth justice facilities. Some of these offices have youth advisory committees.[220] However, much more needs to be done to involve children and youth in law reform and policy development, especially in areas where they are directly affected, likely family law and education policy.

Research and Policy Development

A review of statutes and cases across the country suggests that Canadian legislatures, courts and tribunals are alert to the CRC and the participation rights of children contained in Article 12. However, as this paper demonstrates, there is significant variation across jurisdictions and across legal domains in whether and how children are heard in legal proceedings that affect them. The United Nations Committee on the Rights of the Child

[219] See Ottawa Police Service, Youth Advisory Committee, online: <http://www.ottawapolice.ca/en/news-and-community/youth-advisory-committee-yac.asp>.
[220] See Office of the Provincial Advocate for Children and Youth, Youth Advisory Committee, online: <http://www.provincialadvocate.on.ca/main/en/ihsts/youth-advisory-committee.html>.

has advised that Canada needs to do more to promote and protect children's participation rights. This paper has provided some suggestions for how that could be achieved.

As discussed in this paper, there is some research on children's experiences with participation in legal processes in Canada. It is not a large body of research, and there is a clear need for more research on the experiences of children, parents, judges, lawyers and other professionals with children's participation. Although there is a clear need for further research, enough is known about the needs, rights and interests of children that all of those involved in the implementation of justice should be taking steps to improve children's participation in matters – both legal and policy – that affect them.

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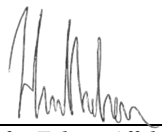
United Nations Committee on the Rights of the Child, *General Comment no. 12(2009): The right of the child to be heard*, UN Doc. CRC/C/GC/12.

This is Exhibit "13" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Program Directives 20-1

Chapter 5
Social Development

PD 5.1
First Nations Child and Family Services (FNCFS)

1.0 Purpose

This directive states the department's policy regarding the administration of the First Nations Child and Family Services Program.

2.0 Authority

This directive is issued as a follow-up to the Cabinet Decision of July 27, 1989.

3.0 Issuing Authority

This directive is issued under the authority of the Assistant Deputy Minister of Corporate Services.

4.0 Scope

This directive applies to all employees, both at headquarters and in the regions, in the carrying out of the department's functions in regard to the funding and support of child and family services on reserves.

Directives du programme 20-1

Chapitre 5
Développement social

DP 5.1
Services d'aide à l'enfance et à la famille des Premières Nations (SAEFPN)

1.0 Objet

La présente directive décrit la politique du Ministère en matière d'administration du Programme de Services d'aide à l'enfance et à la famille des Premières Nations.

2.0 Autorisation

Cette directive est émise à la suite de la décision du Cabinet du 27 juillet 1989.

3.0 Autorisation de publication

Le présent document est publié sous l'autorité du sous-ministre adjoint des Services ministériels.

4.0 Portée

La directive s'applique aux employés, tant à l'Administration centrale que dans les régions, qui exécutent les fonctions relevant du Ministère quant au financement et à l'appui des services d'aide.

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5.0 Responsibilities

5.1 Except where otherwise indicated, this directive will be implemented by the Regional Director General.

5.2 The responsibility for approving developmental plans and new funding lies with HQ Financial Services in cooperation with the Indian Programming and Funding Allocations Directorate at HQ.

5.3 The Indian Programming and Funding Allocation Directorate is responsible for the interpretation of this directive and for the insertion of any necessary changes.

6.0 Principles

6.1 The department is committed to the expansion of First Nations Child and Family Services on reserve to a level comparable to the services provided off reserve in similar circumstances. This commitment is independent of and without prejudice to any related right which may or may not exist under treaties.

6.2 The department will support the creation of Indian designed, controlled and managed services.

6.3 The department will support the development of Indian standards for those services, and will work with Indian organizations to encourage their adoption by provinces/territory.

5.0 Responsabilités

5.1 Sauf sous indication contraire cette directive sera mise en oeuvre par les directeurs généraux régionaux.

5.2 Les Services financiers en collaboration avec la Direction du finacment et des programmes pour les Indiens, à l'Administration centrale, ont la responsabilité d'approuver les plans de développement ainsi que le financement supplémentaire.

5.3 La Direction du financement et des programmes pour les Indiens détient la responsabilité d'interpréter cette directive et d'y insérer tout changement qui s'avère nécessaire.

6.0 Principes

6.1 Le Ministère s'est engagé à élargir les services d'aide à l'enfance et à la famille des Premières Nations dans les réserves, de manière qu'ils soient comparables aux services offerts hors des réserves dans des circonstances analogues. Cet engagement est indépendant et n'est pas préjudiciable aux droits connexes existants, peut-être ou pas, sous les traités.

6.2 Le Ministère appuiera la création de services conçus, contrôlés et gérés par les Indiens.

6.3 Le Ministère aidera en outre les Indiens à élaborer des normes pour ces services et travaillera conjointement avec les organismes indiens à encourager les provinces/territoire à les adopter.

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6.4 This expansion of First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the take-over of existing services.

6.5 Provincial child and family services legislation is applicable on reserves and will form the basis for this expansion. It is the intention of the department to include the provinces in the process and as party to agreements.

7.0 Developmental Activities

7.1 The department will fund the development of new FNCFS organizations as follows:

(a) *Pre-planning*:

This activity is intended to support community consultation, data collection and information gathering sufficient for the preparation of an initial community proposal and preliminary discussions with the province/territory and DIAND. It should produce a detailed plan (direction and services wanted and how they intend to achieve this), and band council resolutions indicating community support for the development of FNCFS.

(b) *Planning*:

This activity is intended to support all the work leading up to and including a

6.4 Cet élargissement des Services d'aide à l'enfance et à la famille des Premières Nations (SAEFPN) se fera graduellement, à mesure que les fonds sont disponibles et que les Premières Nations sont disposées à négocier la création de nouveaux services ou à assumer les services actuels.

6.5 La législation provinciale sur l'enfance et la famille s'applique aux réserves et sera à la base de cet élargissement. Le Ministère a l'intention d'inclure les provinces dans ce processus et comme signataires des ententes.

7.0 Activités de développement

7.1 Le Ministère financera la création de nouveaux organismes SAEFPN, comme suit:

a) *Pré-conception*:

Cette activité vise à appuyer les consultations communautaires, la collecte de données et l'obtention d'informations qui permettront de rédiger une proposition initiale pour la communauté, ainsi que de tenir des discussions préliminaires avec la province ou territoire et le MAINC. Elle devrait aboutir à un plan détaillé (direction et services désirés et leur intention pour accomplir ceci) et à des résolutions du conseil de bande donnant la preuve que la communauté appuie la création de SAEFPN.

b) *Conception*:

Cette activité vise à appuyer tous les aspects de la création d'un nouvel

formal agreement between the parties (province/territory, DIAND and Indian groups) for the start-up of a new organization. It will include needs assessment, identification of respective roles and responsibilities, description of services and delivery mode, elaboration of personnel policies (i.e. organization chart, job descriptions, etc.) and financial policies (i.e. accounting system, etc.), description of an implementation plan, funding arrangements, etc.

organisme, y compris la préparation et l'entente officielle entre les intéressés (province/ territoire, MAINC et groupements indiens). Cela comprend l'évaluation des besoins, la détermination des rôles et responsabilités de chacun, la description des services et des modes de prestation, l'élaboration de politiques sur le personnel, (par exemple, organigramme, descriptions de tâches, etc.) et le financement de l'organisme (par exemple, système de comptabilité, etc.), la description d'un plan de mise en oeuvre, les modalités de financement, etc.

(c) *Start-up*:

This phase will see the hiring of staff, the establishment of the office(s), purchase of equipment and furniture, the set-up, orientation and training of local committees and board of directors as well as the initial training of staff.

c) *Mise en oeuvre*:

À cette étape, le personnel est engagé, le(s) bureau(x) est(sont) créé(s), on achète l'équipement et les meubles, les comités locaux et conseils d'administration sont établis, orientés et formés, et l'on procède à la formation initiale du personnel.

7.2 A pre-condition for moving from one developmental phase to another, is the completion of the previous phase. This funding will be provided only once for each phase to each group and band. Funding of the pre-planning and planning phases can be incorporated in the Comprehensive Funding Arrangement (CFA) of the band or the tribal council and will be considered as a Flexible Transfer Payment (FTP). The start-up funding will form part of a separate contribution agreement, as well the ongoing operating budget.

7.2 Il ne sera possible de passer d'une étape à une autre qu'à condition que la première soit menée à terme. Ce financement ne sera assuré qu'une seule fois à chaque groupe et bande, pour chaque étape. Le financement des étapes de pré-conception et de conception peut être incorporé à la Formule globale de financement (FGF) de la bande ou du conseil tribal, et sera considéré comme un Paiement de transfert souple (PTS). Le fonds initial fera parti d'une entente de contribution distincte, de même que le budget opérationnel permanent.

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8.0 Funding adjustment for existing organizations

8.1 Existing organizations which are funded at a rate lower than that proposed (for new organizations) in sections 19 and 20, will have their budget increased at the same level and rate as described in section 19 (for new organizations).

8.2 Beginning in fiscal year 1995-1996, existing organizations which are funded at a rate greater than 100% of the operational funding formula (for new organizations) as described in sections 19 and 20 will be reduced to the 100% level of the formula by 1996-1997. In 1995-1996, the funding of these organizations will be reduced by one half the amount above the 100% level, with the other half deducted in 1996-1997.

9.0 Scale of organizations

9.1 Each organization should if possible serve at least 1,000 children (0-18 years of age). It is realized that in certain circumstances this may be impossible and the department is ready to consider exceptions to assist potential organizations that would serve less than 1,000 children.

(a) *Grounds for Exceptions*:

(1) isolation and remoteness: the distance between bands that would otherwise work in

8.0 Rajustement du financement des organismes actuels

8.1 Les organismes établis qui reçoivent un financement inférieur à celui proposé aux sections 19 et 20 (pour de nouveaux organismes), auront droit à une augmentation de leur budget en fonction des taux exprimés à la section 19 (pour de nouveaux organismes).

8.2 À partir de l'exercice financier 1994-1995, les organismes établis bénéficiant d'un financement supérieur à 100% de la formule de financement opérationnel (pour de nouveaux organismes) tel que stipulé aux sections 19 et 20, subiront une réduction pour atteindre le niveau de financement à 100% de la formule de financement d'ici 1996-1997. En 1995-1996, le financement de ces organismes sera réduit de la moitié du montant qui est supérieur au niveau de 100% et l'autre moitié sera déduite en 1996-1997.

9.0 Échelle d'efficacité des organismes

9.1 Si possible, chaque organisme devrait desservir au moins 1 000 enfants âgés de 0 à 18 ans. Conscient que cela se révélera impossible dans certaines situations, le Ministère est disposé à envisager des exceptions pour les organismes qui possiblement auraient moins de 1 000 enfants à desservir.

a) *Raisons d'exceptions*:

1) isolement et éloignement: la distance qui sépare les bandes qui

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cooperation is so great that efficiency would not be achieved by following the guideline;

(2) cultural contrast: extreme cultural differences would not lead to effective working relationships; or

(3) existing groupings: some bands are already cooperating together in the administration and delivery of other programs and it would be essential that the same grouping be acknowledged in order to create an efficient FNCFS organization.

collaboreraient en temps normal est telle qu'on ne gagnerait pas en efficacité si l'on observait les lignes directrices;

2) contraste de cultures: les divergences extrêmes entre les cultures ne favoriseraient pas de bons rapports de travail; ou

3) groupements actuels: certaines bandes administrent et donnent d'autres programmes en collaboration; il est donc essentiel qu'on maintienne les mêmes groupements, en vue d'assurer l'efficacité d'organismes SAEFPN.

10.0 Delivery Options

The funding level proposed in section 19 is for the provision of a full range of child and family services (protection and prevention). When it comes to the delivery of these services, the Indian groups that will be setting up a new organization could decide to deliver only part of the services (i.e. prevention) and decide to have someone else deliver the balance of services (i.e. province, another Indian organization or a private group that has the delegated authority). The group may also decide to start delivering the services on a gradual basis: for example, prevention in the first year, protection in the second year, and adoption in the third year of operation. In this case, the province or one of its agencies would continue to provide the other services until the new ICFS

10.0 Options en matière de prestation

Le financement proposé à la section 19 concerne une gamme complète de services à l'enfance et à la famille (protection et prévention). Pour la prestation de ces services, les groupes autochtones mettant sur pied le nouvel organisme peuvent décider d'offrir qu'une partie des services (par exemple, la prévention) et faire en sorte que le reste des services soient offerts par quelqu'un d'autre (par exemple, la province, un autre organisme indien ou un groupe privé jouissant de pouvoirs délégués). Le groupe peut aussi ne commencer que graduellement à offrir les services: par exemple, la prévention la première année de fonctionnement, la protection la seconde et l'adoption la troisième. Dans ce cas, la province (ou l'une de ses agences) continuerait à

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organization has assumed them, and would be paid from the total allocation. All of these options and other variations are acceptable so long as the agreement clearly indicates who will do what at any given time and all services are provided within the allocated budget (according to the funding formula).

11.0 Evaluation

11.1 The department believes that any new FNCFS organization needs to review its progress as it matures. For this reason, the department will provide a contribution (FTP) of $30,600 to each new organization in its third and sixth year of operation to complete an internal review of its operation in order to identify weaknesses and strengths and to plan any desired improvements to the quality of its services. The report of this review is for the organization's benefit and does not have to be released to the department. Reviews or evaluations after the sixth year of operation will be the financial responsibility of the FNCFS organization. Over and above these internal reviews, an organization may be required to complete an evaluation in relation to its mandate regarding the protection of children from abuse and neglect; provinces/territory would need to address this matter with Indian organizations.

11.2 DIAND evaluations will cover the entire Child Welfare Program rather than specific organizations or agreements. As part of its periodic review of the results being achieved by the total program, DIAND Evaluation Directorate will analyze the information submitted by provinces/territory and organizations, to

assurer les autres services jusqu'à ce que le nouvel organisme SAEFI puisse les assumer, et serait payée à partir du total de l'affectation. Chacune de ces options et d'autres variations sont acceptables, pour autant que l'entente stipule les tâches qui reviennent à chacun dans toute situation donnée, et que les services sont assurés dans les limites du budget (selon la formule de financement).

11.0 Évaluation

11.1 Le Ministère estime que tout nouvel organisme SAEFPN doit évaluer périodiquement les progrès qu'il réalise. Dans ce but, il remettra une contribution (PTS) de 30 600 $ à chaque nouvel organisme à sa troisième et sixième année de fonctionnement, dans le but de mener un examen interne de ses opérations pour en cerner les points forts et points faibles, et de voir aux améliorations qu'il convient d'apporter à la qualité des services. Le rapport dressé dans ce cadre est destiné à l'organisme et n'est pas obligatoirement communiqué au Ministère. Les inspections ou évaluations menées après la sixième année seront à la charge de l'organisme SAEFPN. L'organisme devra peut-être aussi, outre ces inspections internes, évaluer s'il remplit son mandat en matière de protection des enfants contre l'abus et la négligence. Les provinces/territoire devront discuter de cet aspect avec les organismes Indiens.

11.2 Les évaluations du MAINC seront du Programme de bien-être destiné aux enfants indiens dans son ensemble, plutôt que des ententes ou organismes individuels. En plus des analyses périodiques des résultats obtenus du programme dans son ensemble, la Direction de l'évaluation du Ministère

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ensure that objectives are being met and agreements are being fulfilled.

12.0 Agreements

Agreement(s) will be in place reflecting a comprehensive range of child and family services, service delivery mode, respective roles and responsibility of parties (FNCFS organization, DIAND, province/ territory) and will ensure no duplication of services and/or cost. These agreements can be tripartite in nature or complementary bilateral (i.e. DIAND/First Nations and First Nations/Province or Territory).

13.0 Terms and Conditions

Because First Nations Child and Family Services (FNCFS) are developmental services being expanded across Canada, they are excluded at this time from Alternative Funding Arrangements (AFA) with bands and tribal councils. The terms and conditions applicable to Comprehensive Funding Arrangements must be included in FNCFS agreements as contained in the national generic model as amended from time to time (Appendix A). The Cash Management Policy also applies. Specific program terms and conditions (Appendix B) will be kept to a minimum.

14.0 Indian Standards

14.1 In the fiscal years 1990-1991 and 1991-1992, the department funded the development of Indian standards for

étudiera l'information fournie par les provinces/territoire et les organismes pour s'assurer que les objectifs sont atteints et que les ententes soient respectées.

12.0 Ententes

On signera une ou plusieurs ententes, énonçant la gamme complète de services d'aide à l'enfance et à la famille, les modalités de prestation des services, et les rôles et responsabilités respectifs des partis (organisme SAEFPN, MAINC, province ou territoire), qui serviront aussi à éviter les répétitions des services ou des frais; ces ententes peuvent être tripartites ou, de façon complémentaire, bilatérales (par exemple, MAINC/Premières Nations et Premières Nations/Province ou territoire).

13.0 Termes et conditions

Parce que les Services d'aide à l'enfance et à la famille des Premières Nations (SAEFPN) sont des services en voix de développement et d'expansion à travers le Canada, ils sont pour le moment exclus des Modes optionnels de financement (MOF) avec les bandes et conseils tribaux. Les ententes SAEFPN doivent respecter les conditions s'appliquant aux Formules globales de financement telles que décrites dans le modèle national générique qui, sera modifié au fil du temps (Appendice A). De même, la Politique sur la gestion de l'argent s'y applique. On réduira au minimum les conditions précises régissant les programmes (Appendice B).

14.0 Normes indiennes

14.1 Au cours des exercices financiers 1990-1991 et 1991-1992, le Ministère a financé l'élaboration de normes

the delivery of child and family services on reserves. A total of $1.5M was provided to the regions who determined in consultation with Indian groups in their region the best way of achieving this task. These standards, when adopted by the province/territory, can be implemented if they do not imply additional costs for Canada over and above the funding level described in section 18.

14.2 The only condition to this funding was that standards be duly developed and made available to DIAND and any other Indian group in Canada which desires to receive a copy.

14.3 Final reports are expected in the course of fiscal year 1992-1993.

15.0 Tripartite Mechanism

Each region will initiate a regional tripartite panel or committee, composed of representatives of DIAND, FNCFS organizations and the province, to review program objectives, the development of Indian standards, and to be a vehicle for ongoing discussions on issues of regional concern.

16.0 Effective Date

This directive has been implemented as of April 1, 1991.

indiennes pour la prestation de services d'aide à l'enfance et à la famille dans les réserves. Un total de 1,5 million $ a été fourni aux régions qui, en consultation avec les groupes indiens dans leur région ont déterminé la meilleure façon d'y parvenir. Ces normes une fois adoptées par la province ou le territoire peuvent être mises en oeuvre, si elles ne supposent aucune dépense pour le Canada autre que le financement décrit à la section 18.

14.2 La seule condition qui s'attachait à ce financement, c'était que les normes soient effectivement élaborées, et mises à la disposition du MAINC et de tout autre groupe indien au Canada qui en désire une copie.

14.3 Des rapports finals sont attendus au courant de l'année financière 1992-1993.

15.0 Modalités des ententes tripartites

Chaque région mettra sur pied un comité tripartite régional, composé de représentants du MAINC, des organismes SAFEPN et de la province, chargé d'examiner les objectifs du programme et d'élaborer de normes indiennes, et de servir d'intermédiaire dans les discussions sur les questions d'intérêt régional.

16.0 Date d'entrée en vigueur

Cette directive est en vigueur depuis le 1er avril 1991.

17.0 Amendment

Based on input by First Nations and/or provincial/territorial governments, this directive will be amended as required.

18.0 Developmental Activity Funding

18.1 Pre-planning will be funded at a rate of $11,101.06 per group and $1,665.16 per member band.

18.2 Planning will be funded at a rate of $88,808.48 per group and $3,330.32 per member band.

18.3 Start-up will be funded at a flat rate of $185,387.70 per organization plus 25% of first year of operational funding as described in section 19.

18.4 The above-mentioned flat rate of $185,387.70 may be adjusted as described in section 20.1.

19.0 Operational funding

19.1 For the provision of comprehensive child and family services (both prevention and protection), the department will fund new FNCFS organizations as follows:

(a) A fixed amount of $143,158.84 per organization + $10,713.59 per member band + $726.91 per child (0-18 years) + $9235.23 x average remoteness factor + $8,865.90 per member band x average remoteness

17.0 Modifications

Cette directive sera modifiée au besoin, en fonction des renseignements fournis par les Premières Nations ou par les gouvernements provinciaux ou territorial.

18.0 Financement des activités de développement

18.1 La pré-conception sera financée à raison de 11 101,06 $ par groupe et 1 665,16 $ par bande participante.

18.2 La conception sera financée à raison de 88 808,48 $ par groupe et 3 330,32 $ par bande participante.

18.3 L'étape de mise en oeuvre sera financée à raison d'un taux de base de 185 387,70 $ par organisme et 25% de la première année complète de financement des opérations tel que décrit à la section 19.

18.4 Le taux de base de 185 387,70 $ ci-haut mentionné peut être ajusté tel que décrit à la section 20.1.

19.0 Financement opérationnel

19.1 Le Ministère financera les nouveaux organismes SAEFPN comme suit, en vue de la prestation de services globaux à l'enfance et à la famille (prévention et protection):

a) Un montant fixe de 143 158,84 $ par organisme + 10 713,59 $ par bande participante + 726,91 $ par enfant (de 0 à 18 ans) + 9 235,23 $ x moyenne des facteurs d'éloignement

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factor + $73.65 per child x average remoteness factor + actual cost of the per diem rates of foster homes, group homes and institutions established by the province/territory.

+ 8 865,90 $ par bande participante x moyenne des facteurs d'éloignement + 73,65 $ par enfant x moyenne des facteurs d'éloignement + coûts réels des taux quotidiens des foyers nourriciers, foyers de groupe et institutions tel que déterminés par la province ou le territoire.

(b) The above-mentioned fixed amount of $143,158.84 may be adjusted as described in section 20.2.

b) Le montant fixe de 143 158.84 $ ci-haut mentionné peut être ajusté tel que décrit à la section 20.2

(c) In its first year of operation, a new organization will receive 75% of the formula, 85% in its 2nd year, 95% in its 3rd year and 100% in its 4th year. These adjustments will reflect a gradual implementation of the formula over a 4-year period.

c) Au cours de sa première année d'opération un nouvel organisme recevra 75% de la formule, 85% durant la 2e année, 95% durant la 3e année et 100% pour la 4e année d'opération. Ces ajustements reflètent une mise en application graduelle de la formule sur une période de 4 ans.

(d) The remoteness factors are the same as used for band support activities. The child population of 0 to 18 years on reserve is the same as used by Lands and Trust Services. When calculating the funding formula in a given fiscal year, the child population counted in December of the previous year will be used.

d) Les facteurs d'éloignement sont les mêmes qu'utilisés par la Direction du soutien des bandes. La population des enfants âgés entre 0 et 18 ans dans les réserves est la même que celle qu'utilise les Services fonciers et fiduciaires. Lorsqu'on calcule la formule de financement dans une année financière donnée, la population d'enfants telle que recensée en date du mois de décembre de l'année précédente, sera utilisée.

(e) In the Quebec Region, Child and Family Services form part of a network of comprehensive social services. The proposed funding levels are for child and family services only; existing funding for other social services will not

e) Dans la région de Québec, les Services à l'enfance et à la famille sont intégrés à un réseau général de services sociaux. Le financement proposé porte exclusivement sur les services d'aide à l'enfance et à la

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be affected by the introduction of the above funding formula.

(f) Operational funding will be provided through a Comprehensive Funding Arrangement (CFA). The budgets for maintenance will be provided as a contribution in accordance with actual approved expenditures, while the operational budget (including developmental activities) has been authorized as a Flexible Transfer Payment (FTP) where the organization will have full authority to set the priorities to be funded (within the sphere of the Child and Family Services Program) so long as the mandate to protect and prevent children from being abused is met. The province/territory having the responsibility for child protection and having delegated this responsibility to Indian organizations will need to address this matter with Indian organizations.

20.0 Funding adjustment for proposed organizations serving less than 1,000 children:

20.1 Start-up Costs: if the number of children to be served is between 801 and 1,000, no adjustment. If the number of children to be served is between 501 and 800, the flat rate for start-up as described in section 18.3 will be $92,693,85 rather than 185,387,70. If the number of children

famille, et n'affecte en rien le financement des autres services sociaux.

f) Les frais d'exploitation seront incorporés à la Formule globale de financement (FGF). Les budgets pour les frais du maintien d'un enfant en soins seront payés comme une contribution selon les dépenses réelles et approuvées, tandis que le budget opérationnel (incluant les activités de développement) peut être un Paiement de transfert souple (PTS), c'est-à-dire que l'organisme aura le pouvoir de fixer les priorités de financement (à l'intérieur du Programme des Services d'aide à l'enfance et à la famille) à condition de respecter le mandat de protection de l'enfant et de la prévention d'abus. La province ou le territoire ayant la responsabilité de protéger les enfants et ayant délégué cette responsabilité aux organismes indiens devront discuter de cet aspect avec les organismes indiens.

20.0 Rajustement du financement pour les organismes éventuels qui desservent moins de 1 000 enfants:

20.1 Coûts de mise en oeuvre: aucun rajustement si le nombre d'enfants desservis se situe entre 801 et 1 000. Entre 501 et 800, le taux de base décrit à la section 18.3 passera de 185 387,70 $ à 92 693,85 $, et de 185 387,70 $ à 46 346,92 $ si entre 251 et 500 enfants

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to be served is between 251 and 500, the flat rate for start-up will be $46,346,92 rather than $185,387,70. If the number of children to be served is less than 251, the flat rate for start-up will not be available.

sont desservis. Si moins de 251 enfants sont desservis, le taux de base de la mise en oeuvre ne sera pas versé.

20.2 Operational costs: if the number of children to be served is between 801 and 1,000, no adjustment. If the number of children to be served is between 501 and 800, the fixed amount per organization of $143,158,84 as described in section 19.1 will be reduced to $71,579,43; this amount will be further reduced to $35,789,10 for organizations serving between 251 to 500 children. If the number of children to be served is less than 251, the fixed amount will not be available.

20.2 Coûts d'exploitation: aucun rajustement si le nombre d'enfants desservis se situe entre 801 et 1 000. Entre 501 et 800, le montant fixe par organisme de 143 158,84 $, décrit à la section 19.1, sera réduit à 71 579,43 $; ce montant sera de plus réduit à 35 789,10 $ pour les organismes desservant entre 251 à 500 enfants. Si moins de 251 enfants sont desservis, le montant fixe ne sera pas versé.

20.3 All other funding levels and future year adjustments remain as previously described.

20.3 Les niveaux de financement et les rajustements pour les années à venir restent tels que décrits précédemment.

21.0 Administrative Process

Regions are required to submit expansion plans that require additional funding to the Finance Directorate for their approval. This will be accorded on the basis of the policy of this directive being respected, and as long as the progress in the resolution of the off-reserve social services issue generates sufficient dollar offsets to fund these activities.

HQ Financial Services has the responsibility for the budgetary allocations necessary for these activities and regions must live within these budgets.

21.0 Processus administratif

Les régions doivent soumettre tout plan d'expansion qui requiert des fonds additionnels à l'approbation de la Direction des finances. Cette approbation sera donnée pourvu que la politique de la présente directive soit respectée et que les progrès realisés dans la résolution du dossier des services sociaux hors réserve génère suffisament d'économies pour financer ces activités.

Les Services financiers à l'Administration centrale ont la responsabilité d'allouer les fonds nécessaires à ces activités et les régions doivent respecter les limites de ces budgets.

Canada's Disclosure - Part A CAN000273_0013

The contents of the agreements to be negotiated pursuant to this directive should be closely scrutinized by Legal Services to ensure that the respective roles and responsibilities of the parties are clearly spelled out.

22.0 Effective Date

The financial components of the directive will be implemented as funds become available. All monetary amounts reflect 1995-1996 values. These amounts will be increased every year to reflect cost increases provided by Treasury Board.

23.0 Enquiries

23.1 Anyone wishing further information or clarification regarding this directive should contact the Regional Director General or the Director of Indian Programming and Funding Allocations at Headquarters.

23.2 All requests for additional copies of this directive should be addressed to the Manuals and Forms Management Unit, Administration Directorate.

24.0 Appendices

A - General Terms and Conditions Applicable to Comprehensive Funding Arrangements (CFA)

B - Specific Program Terms and Conditions

Le contenu des ententes à négocier dans le cadre de cette directive devrait être examiné de près par les Services juridiques pour s'assurer que les rôles et responsabilités respectifs des parties sont clairement définis.

22.0 Date d'entrée en vigueur

La portion financière de la directive sera mise en vigueur quand les fonds seront disponibles. Tous les montants sont établis en fonction de l'année financière 1995-1996. Ils seront augmentés chaque année en fonction de l'augmentation des coûts et du financement offert par le Conseil du Trésor.

23.0 Demande de renseignements

23.1 Pour de plus amples renseignements ou des explications concernant cette directive, veuillez communiquer avec le directeur général régional ou le directeur du Financement et des programmes pour les Indiens à l'Administration centrale.

23.2 Toutes les demandes de copies supplémentaires de la présente directive doivent être adressées à la Sous-section de la gestion des guides et des formules, Direction de l'administration.

24.0 Appendices

A - Termes et conditions généraux de la Formule globale de financement (FGF)

B - Termes et conditions spécifiques du programme

Canada's Disclosure - Part A

CAN000273_0014

C - Annual Funding Levels

D - Specific Program Reporting for First Nations Child and Family Services

C - Niveaux de financement annuel

D - Rapports particuliers sur les services d'aide à l'enfance et à la famille des Premières Nations.

Appendix A

General Terms and Conditions Applicable to Comprehensive Funding Arrangements (CFA)

The following items must be included in ICFS funding arrangements.

1. Recipient clearly identified
2. Purpose clearly stated
3. Definitions
   - (a) Flexible Transfer Payment
   - (b) Contribution
   - (c) Surplus/Deficit
   - (d) Action Plan/Remedial action
   - (e) Expenditure Plan
   - (f) Indian resident on reserve
   - (g) Maintenance
4. Duration specified
5. Signing date
6. Effective
7. Roles and responsibilities of the department and of the recipient clearly described
8. Surplus/Deficit administration

Appendice A

Termes et conditions généraux de la Formule globale de financement (FGF)

Les points suivants doivent être inclus dans les ententes financières SAEFI.

1. Bénéficiaire clairement identifié
2. But clairement énoncé
3. Définitions
   - a) paiement de transfert souple
   - b) contribution
   - c) surplus/déficit
   - d) plan d'action/action corrective
   - e) plan de dépenses
   - f) Indien demeurant dans la réserve
   - g) Maintien des enfants en soins
4. Durée prévue
5. Date de la signature
6. Date d'entrée en vigueur
7. Rôles et responsabilités du ministère et du bénéficiaire nettement définis
8. Gestion du surplus et/ou du déficit budgétaire

Canada's Disclosure - Part A CAN000273_0016

Appendix A (cont'd)

9. Reporting requirements
   - (a) Audit
   - (b) Financial reports
10. Provisions for amendments and termination of agreement
11. Non performance
    - (a) Request for additional information if required
    - (b) action plan negotiated
    - (c) remedial action if necessary
12. Schedule of funding levels (Appendix C)
13. Expenditure plan/cash flow need
14. Cash disbursement schedule
15. Signature block for financial certification
16. Signature block for the Regional Director General and the Recipient

It is essential that regional practices be followed. Please consult the regional officers responsible for transfer payments for detailed explanation of the above-noted items and for the wording to be used.

Appendice A (suite)

9. Rapports d'activités
   - a) vérification annuelle
   - b) rapports financiers
10. Dispositions concernant les modifications et la résiliation de l'entente
11. Dispositions concernant le non-rendement
    - a) demande d'information additionnelle si requise
    - b) plan d'action négocié
    - c) action corrective si nécessaire
12. Cédule des niveaux de financement (Appendice C)
13. Plan de dépenses/besoins de trésorerie
14. Cédule des paiements
15. Estampe de signature pour la certification financière
16. Estampes de signature du directeur général régional et du bénéficiaire

Il est nécessaire de suivre les pratiques régionales. Veuillez consulter les agents régionaux responsables des paiements de transfert afin d'obtenir une explication détaillée des points ci-hauts énumérés et les termes à utiliser.

Canada's Disclosure - Part A

CAN000273_0017

Appendix B

Specific Program Terms and Conditions

The following items must be included in the ICFS arrangements.

1. Budget

   (a) Operations: (administration and services)

   (b) Maintenance: monthly reimbursement of actual costs (an estimate amount must be stated in the funding arrangements)

2. Definitions

   (a) Indian resident on reserve means:

      (1) currently residing on reserve; or

      (2) in the case of an Indian who leaves a reserve to be admitted into a social service care facility, residing immediately prior thereto

   (b) Maintenance means:

3. List of services to be provided

Appendice B

Termes et conditions spécifiques du programme

Les points suivants doivent être inclus dans les ententes SAEFI.

1. Budget

   a) coûts opérationnels (administration et services)

   b) maintien des enfants en soins: remboursement mensuel des coûts réels (un montant approximatif doit être indiqué dans l'entente de financement)

2. Définitions

   a) Indien demeurant dans la réserve:

      1) qui demeure couramment dans la réserve; ou

      2) dans le cas d'un Indien ayant quitté la réserve pour être placé en soins dans un établissement de service social, y demeurait immédiatement au préalable

   b) Maintien en soins veut dire:

3. Liste des services qui seront fournis

Canada's Disclosure - Part A CAN000273_0018

Appendix B (cont'd)

4. Specific program reporting:

   (a) for operations: twice a year on September 30 and March 31

   (b) for maintenance on a monthly basis

   (c) an annual report

The information required is described in Appendix D.

Appendice B (suite)

4. Rapports particuliers sur les activités du programme:

   a) pour les opérations: deux fois par année soit le 30 septembre et le 31 mars

   b) pour le maintien des enfants en soins: rapport mensuel

   c) un rapport annuel

Les informations requises sont énoncées à l'appendice D.

Canada's Disclosure - Part A

CAN000273_0019

Appendix C

Annual Funding Levels

This arrangement is to provide funding for fiscal year ____ in the amounts described below for the purposes as set out in section __.

1. Flexible Transfer Payments Funding for Operations: (administration and services)

   $_____

2. Contribution Funding for Maintenance

   $_____

3. Total Funding

   $_____

Appendice C

Niveaux de financement annuel

Cette entente stipule le financement pour l'année financière ____ selon les montants inscrits ci-bas pour les buts tels qu'énoncés à la section __.

1. Financement des paiements de transfert souple pour les coûts opérationnels: (administration et services)

   _____$

2. Contribution pour le financement du maintien des enfants en soins

   _____$

3. Financement total

   _____ $

Canada's Disclosure - Part A CAN000273_0020

Appendix D

Specific Program Reporting for First Nations Child and Family Services

The information required falls in two major categories:

Information related to services provided (operations)

Information required for the actual reimbursement of maintenance

1. Operations

(a) prevention services (to prevent children from coming into care)

(1) list of services provided

(2) number of families served (by service)

(3) number of children included in families served (by service)

(4) number of local child and family services' committees

(5) number of elders' committees

Appendice D

Rapports particuliers sur les services d'aide à l'enfance et à la famille des Premières Nations

L'information requise est dans les deux principales catégories suivantes:

l'information au sujet des services offerts (opérations)

l'information requise pour le remboursement des coûts associés au maintien des enfants en soins

1. Opérations

a) services de prévention (afin de prévenir le placement d'enfants)

1) liste des services offerts

2) nombre de familles desservies (par service)

3) nombre d'enfants dans les familles desservies (par service)

4) nombre de comités communautaires de services d'aide à l'enfance et à la famille

5) nombre de comités d'aînés

Appendix D (cont'd)

(6) number of public information/education related sessions/workshops

(b) protection services (for children in care including children under supervision order in their own homes)

(1) list of services provided

(2) number of families served (by service)

(3) number of foster homes

(4) number of adoption homes

2. Maintenance of children in Care

(a) number of children in care at the end of each month by type of placement (foster home, group home, institution)

(b) number of care days, unit cost and total cost for each type of placement

Appendice D (suite)

6) nombre de rencontres d'information publiques, de sessions d'éducation populaire et d'ateliers

b) services de protection (pour les enfants en soins y compris les enfants sous l'ordre de surpervision dans leurs propres familles)

1) liste des services offerts

2) nombre de familles desservies (par service)

3) nombre de familles d'accueil

4) nombre de foyers d'adoption

2. Maintien des enfants en soins

a) nombre d'enfants en soins à la fin de chaque mois dans chaque catégorie de placement (famille d'accueil, centre d'hébergement, institution)

b) nombre de cas jours, coût unitaire et coût total pour chaque catégorie de placement

Canada's Disclosure - Part A CAN000273_0022

This is Exhibit "14" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

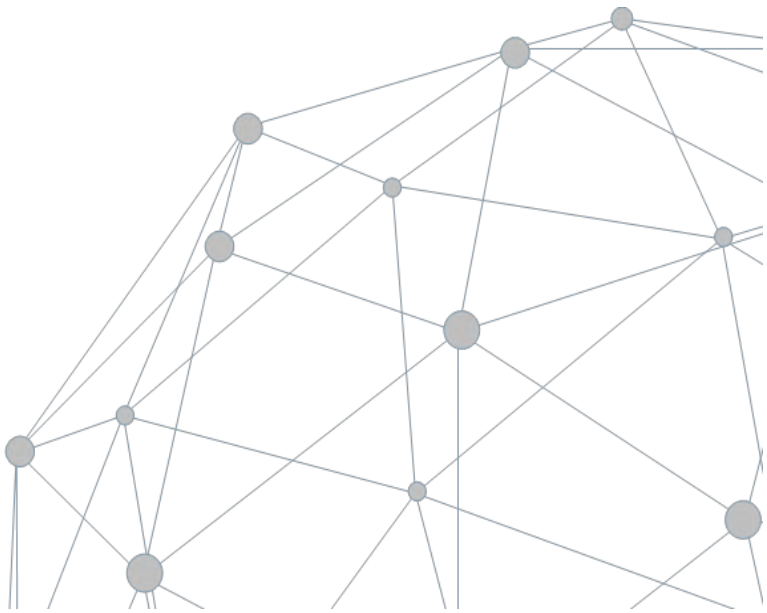
HENNA MOHAN
LSO#: 90494W

Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program

Final Report

May 2025

EngageFirst
Management Consultants



Notice

This report has been produced independently by EngageFirst Management Consultants for the First Nation Child and Family Caring Society (The Caring Society). We relied on data provided by the participating First Nations Child and Family Services (FNCFS) providers and publicly available sources, including government and research data bases. While reasonable care has been taken to ensure the accuracy of the information, we did not perform any independent audit or verification. The information contained in this report is confidential and intended for use by The Caring Society and the participating FNCFS providers. This report or any part thereof may not be reproduced without the express permission of The Caring Society.

About This Report

The report is organized into six chapters starting with Chapter 1, where we provide the objectives and background of this study and a brief introduction of EngageFirst. In Chapter 2, to help set the context of the realities of delivering Child and Family Services in a small First Nation, we create a ground level view of the First Nation communities and the FNCFS providers serving the communities, including a high-level financial analysis. In Chapter 3, we describe a minimum operating model using a hypothetical FNCFS provider serving a hypothetical small and remote First Nation, including the socio-economic and demographic setting. Chapter 4 discusses some of the salient features of the Amended Draft Final Agreement on Long Term Reform of FNCFS Program and the implications for FNCFS providers. Chapter 5 describes our findings from the modeling and analysis of operating budget needs and funding available from the Amended Draft Agreement. Finally, Chapter 6 summarizes the key findings, conclusions and proposed next steps for consideration.

In this report, the term FNCFS provider and organization is used to refer to a Band delivered CFS, Band operated FNCFS provider or stand-alone FNCFS provider serving one or multiple First Nations. In later parts of the report, we use the term FNCFS Agency in reference to a stand-alone FNCFS agency operating under First Nation's CFS laws and jurisdiction.

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Executive Summary

In July 2024, the First Nation Child and Family Caring Society (the Caring Society) contracted EngageFirst Management Consultants, a leading consultancy with a background in First Nation's child and family services (FNCFS), to analyze the funding needs of small First Nations and the adequacy of the funding proposed in the Amended Draft Agreement for the Long-term Reform of FNCFS Program (the Draft Agreement). For the purposes of this study, a small First Nation was defined as one with a total population below the median population of all First Nations in Canada, which is 1054 members.

Over a period of nine months, EngageFirst had discussions with five FNCFS providers, researched and conducted data analysis culminating in this report. We would like to thank all the participating FNCFS staff and leadership whose contributions provide invaluable insight into the experiences of FNCFS providers. We researched published works from various sources including Indigenous Services Canada (ISC), Assembly of First Nations (AFN), The Institute of Fiscal Studies and Democracy (IFSD), and The Caring Society.

To answer the questions of interest for this study, the funding needs of FNCFS providers operating with self-jurisdiction and the proposed funding in the Draft Agreement were analyzed using a robust financial model that enabled multivariable analysis.

The study met the objective of conducting an exploratory analysis to better understand the interplay between the variables in the Draft Agreement and the corresponding operational budget needs of small FNCFS providers operating with self-jurisdiction. There were information gaps and challenges in achieving a representative sample, as a result the study is limited by the number of reasoned assumptions and inferences that were made, although in all instances care was taken to mitigate the impact on the findings and conclusions.

Key Findings

1. The holistic, culturally relevant, culturally connected, person-centered, multi-generational, relationship-based approaches that characterize the five FNCFS providers establishes a foundation for organizational success. It could be inferred that the success that we observed in the five FNCFS organizations is due in large part to the overarching approach that is unique to FNCFS providers and a leading practice.

2. Opportunities exist for First Nations and FNCFS providers to incrementally build organizational capacity that supports the skills, competencies, tools and practices of culturally based prevention and protection services. With their connection to the culture and the land as a foundation, the FNCFS providers can also gradually enhance their functional capacity in data and analytics, financial management and leverage technology to optimize CFS delivery to remote and sparse populations.

3. The categorization and separation of prevention and protection services and funding thereof, primarily for the purposes of managing resources and data, is not aligned with the way many FNCFS providers intend to serve their people. A block funding approach for prevention and protection services better conforms to First Nation's traditional world views, where the safety and well-being needs of children, youth, families and communities are interconnected and not separated into arbitrary categories for administrative convenience.

4. The funding for prevention in the Draft Agreement is based on on-reserve population. Members who reside off-reserve would not have access to prevention services from their own First Nation. Given that most First Nations intend to provide services to members living off-reserve, adequate funding to support off-reserve delivery and well-articulated and well understood reciprocal service delivery agreements between Provincial/Territorial governments and FNCFS providers are crucial.

5. The baseline funding as defined in the Draft Agreement would be better structured to incentivize keeping children at home and reducing the number of children in care. As defined in the Draft Agreement, the baseline funding is not actually a baseline. FNCFS providers who can reduce the number of children in care to zero are destined to lose their baseline funding and top-up funding.

6. ISC's rationale for establishing the minimum guarantee of $75,000 adjusted for inflation is not clear in the Draft Agreement, except that it may fund a full- or part-time prevention staff in very small First Nations. This may work for a Band-delivered prevention service for a very small First Nation, however, it does not consider the direct cost of support to families and other realities of staffing, such as backfill and vacancies. It also appears that the minimum guaranteed funding is not available for a First Nation if it is not part of an amalgamated FNCFS agency.

7. The minimum operational model to serve populations up to 175 members with self-jurisdiction is about 6-7 full-time equivalent positions and approximately $1.2m in annual operating budget. Our analysis indicates that the Draft Agreement only supports approximately 45% of the funding needed for a FNCFS agency of this size.

8. There appears to be a pathway to financially sustainable operations for small FNCFS agencies through amalgamation. FNCFS agencies who meet the threshold of 1150-1300 in total population with or without amalgamation, and with 90% on-reserve population, may receive funding that adequately supports their vision of self-jurisdiction.

Proposed Next Steps

This study is not the definitive word on the complex interplay between the variables that affect the operational needs of FNCFS providers and the funding resources available. There are many more questions to be answered regarding the operational needs, challenges and implications of the Draft Agreement on First Nations wanting to deliver CFS with self-jurisdiction. The following next steps are proposed for consideration:

1. Gain further clarity regarding the terms of the Draft Agreement or any future agreement with a more rigorous study and modeling and more participative but focused data gathering.

2. Conduct financial modeling and scenario analysis to determine minimum outcomes and preferred outcomes from any future negotiated agreement with ISC.

3. Conduct a thorough analysis of the Draft Agreement and any future agreements for alignment with all CHRT rulings related to the long-term reform of FNCFS program.

4. Implement strategies to incrementally build consistency and shared standards in gathering, storing, and reporting financial and operational data for the FNCFS sector to ensure the availability of reliable data, and enable reliable analysis on regional and national levels.

5. Implement strategies to enhance the capacity of FNCFS providers for data management, analytics and performance management to position them to meet the expectations and accountabilities stemming from the Draft Agreement, or any other future agreement.

Chapter 1: Introduction and Background

In July 2024, the First Nation Child and Family Caring Society (the Caring Society) contracted EngageFirst Management Consultants to analyze the funding needs of small First Nations delivering CFS with self-jurisdiction, and the adequacy of the funding proposed in the Amended Draft Agreement for the Long-term Reform of First Nations Child and Family Services (FNCFS) program (the Draft Agreement). The Draft Agreement was created by the orders of the Canadian Human Rights Tribunal (CHRT) decision number CHRT-2 that directed the Government of Canada to cease its discriminatory conduct and reform its FNCFS Program and Jordan's Principle. Appendix 2 summarizes the background, timelines and key terms contained in the Draft Agreement. For the purposes of this study, we are defining a small First Nation as one with a total population below the median population of all First Nations in Canada, which is 1054 members. Additionally, EngageFirst studied the business models of a sample of FNCFS providers and documented their practices in governance, service delivery and financial management, noting areas of strength, development and leading practices.

The objectives of the study were:

1. To analyze the cost structure and funding needs of small and remote FNCFS providers operating with self-jurisdiction and compare with Indigenous Services Canada's (ISC) proposed funding in the the Draft Agreement.
2. To study the business models of FNCFS providers, document and analyze their practices in governance, service delivery and financial management.

Over the past nine months, EngageFirst has held discussions with five FNCFS providers, researched and conducted data analysis culminating in this report. We would like to thank all the participating FNCFS staff and leadership who supported and contributed to this study. The sample of the FNCFS providers in this study is not representative of small FNCFS providers or the broader population of FNCFS providers, however, their contributions provide invaluable insight into the experiences of FNCFS providers. There also were noted commonalities. It was clear among the five FNCFS providers in this study that they shared passion, commitment and deep dedication to their organizations and the people they serve. A great deal was learned from hearing their stories, and we now have a much deeper understanding of their organizations, their experiences, and the First Nations they serve.

Research Approach

This study included an analysis of five FNCFS providers from across the country. Participation in the study was voluntary. The purpose of analyzing the sampled FNCFS providers, even though not representative of small providers, was to generally understand the needs, aspirations and challenges of delivering CFS in First Nations communities. The sampled FNCFS providers represented a range of characteristics:

- Two FNCFS providers deliver only prevention services and three deliver prevention and protection services, with full or partial delegation for the latter.
- One FNCFS provider is a Band delivered service and four are incorporated Agencies.
- Three FNCFS providers serve a single First Nation and two serve multiple First Nations as an amalgamated service provider.
- The combined on-reserve population of the First Nations served by each FNCFS provider is between 940 to 1600, and the combined total on- and off- reserve population served by each provider is between 2000 to 5000 members.
- The sample of FNCFS providers also represents service provision from a range of geographic, social and economic landscapes.

The study began with scope refinement based on discussions with The Caring Society resulting in the following key questions to be explored:

1. What are the prevalent models of governance, CFS operations and financial management in the FNCFS organizations included in the sample?
2. What salient characteristics in these models define their relevance or success in a particular setting, i.e. organizational and socio-economic context?
3. Are there characteristics that may be more suitable than others for delivering CFS in small and remote First Nation communities?
4. What are the financial requirements for delivering CFS with First Nation's jurisdiction in small and remote First Nation communities?
5. How does the funding based on ISC's population-based formula compare with the needs of small and remote First Nation communities?

Over the past nine months, we followed a systematic approach to understand, analyze and discover insights from the available data using a variety of methods:

- Gathering quantitative and qualitative data via virtual interviews and review of documents from the five FNCFS providers.
- Reviewing publicly available information related to FNCFS program reform and funding for the reform from organizations such as ISC, Assembly of First Nations (AFN), The Institute of Fiscal Studies and Democracy (IFSD), and The Caring Society.
- Analyzing the quantitative and qualitative data from the five First Nation providers by:
    - analyzing the organizational setup and operation of each FNCFS provider in their own socio-economic and cultural context, and analyzing their financials in relation to their own operations.
    - conducting cross-sectional analysis to compare FNCFS providers with others in the sample and identify similarities and differences in their salient features.
- Developing an aggregate understanding of the five FNCFS providers. Generating observations about their areas of development, strengths, and leading practices.
- Creating a hypothetical First Nation community with characteristics based on our general understanding established through the analysis of the five FNCFS providers.
- Projecting the future operations of a hypothetical FNCFS provider based on research and the general understanding established from the study of the five FNCFS providers.
- Applying the general understanding of First Nation communities and FNCFS providers, as well as other research, to develop a Financial Projection Model (FPM). The FPM creates funding scenarios using the proposed funding model in the Draft Agreement for the delivery of prevention and protection services with self-jurisdiction.
- Running simulations using multivariable analysis to explore the key questions and generate observations and conclusions related to operating budget needs and funding.

Limitations

This study was conducted between July 2024 and March 2025, with data gathering from participating FNCFS providers between October 2024 and February 2025. Due to limitations of scope and budget, we were unable to extend participation to a broader and more diverse sample of FNCFS providers. All the five FNCFS providers serve populations larger than 1054 members, the median population of First Nations in Canada, therefore do not fit our definition of a small FNCFS. There was limited data and information available from the sources to fully address the key questions to be answered by the study. Therefore, the study relied on

inferences and associations informed by the data available from the sample, publicly available sources, and the consultants' knowledge of the subject.

At the time this study was planned and initiated, the Draft Agreement was a work in progress. Subsequently the Draft Agreement was rejected by the First Nations in late 2024. There are several terms in the Draft Agreement that are subject to interpretation, and clarity does not exist among the stakeholders we contacted. We may have interpreted the terms in ways that do not align with the intention of the parties to the Draft Agreement.

Ideally, the analysis would be based on the sampled FNCFS provider's data and information, however, due to the unavailability and reliability of some information, assumptions had to be made for the financial analysis modeling variables. We used publicly available data to inform our assumptions. As the available data was primarily from non-Indigenous sources, there are likely some implications to their applicability.

Overall, due to the information gaps, the study is limited by the number of reasoned assumptions and inferences that were made, although in all instances we took care to mitigate the impact on the findings and conclusions.

About EngageFirst

EngageFirst Management Consultants provides strategic advice, consultation and research to public, not-for-profit and Indigenous organizations working in health, social welfare, and child and family services. We share the values and principles that First Nations espouse, as we focus on supporting First Nations in their journey towards self-jurisdiction. The two principal consultants leading this study have combined experience of over 50 years in CFS, including frontline delivery, management and consultancy. EngageFirst has experience in designing a FNCFS program based on a First Nation's own laws, ensuring that their cultural and traditional practices for family preservation are at the heart of their service delivery. EngageFirst created the Work Assessment Methodology (WAM©) which has been applied in multiple social welfare programs for estimating staffing needs and funding; including by the Institute of Fiscal Studies and Democracy for its report on First Nations Not Affiliated to a FNCFS Agency, June 2024.

Chapter 2: Overview of Five FNCFS Providers

We reviewed information on the five FNCFS providers made available to us through virtual meetings with agency staff, documents submitted by the agencies, and internet search related to these providers. We did not perform any validation of the information given to us. Any observations we have made in this chapter are for constructive purposes and well intentioned. The sections that follow are a general, aggregated, anonymized overview of:

- the demographics, geography, culture, economy, and infrastructure of the communities served by the FNCFS providers; and
- the organizational structure, governance, operations and processes, support functions, and services provided.

The sample includes three FNCFS providers that serve a single First Nation and two that serve multiple First Nations as an amalgamated service provider. The combined on-reserve population of the First Nations served by each FNCFS provider is between 940 to 1600, and the combined total on- and off- reserve population served by each provider is between 2000 to 5000 members.

The communities have diverse age groups however, the migration of young members of the First Nations from reserves is an ongoing social, cultural and economic challenge that results in fewer working-age adults on reserve and the slow erosion of family and community relationships.

Multigenerational households are common in the communities in this sample for various reasons that include traditional family structure, housing shortages, and household income level. In many cases, extended family members take on caregiving roles when someone faces challenges like addiction, mental health or financial instability. Some communities characterize the growing number of grandparents raising grandchildren, sometimes without financial or social support, a crisis. Additionally, certain communities have high numbers of single parent households with very young children.

Recognizing the importance of early childhood development and the youthful population of First Nations in general, several communities have expressed the need for targeted family support programs, particularly for new mothers and young mothers.

Community Characteristics

a. Geography, Remoteness and Access to Services

The five FNCFS providers in this review serve First Nation reserves located in eastern and western Canada. Utilizing the Statistics Canada measure of remoteness, all the communities in the sample are considered remote based on their remoteness index ratings, which range between 0.33 to 0.5, with two agencies having very remote island communities in their service area (Index of Remoteness 2021: Update with 2021 census geographies and populations – Statistics Canada, January 2023). Communities located on isolated islands experience additional challenges with year-round travel due to their dependence on ferries, high transportation costs, and unpredictable weather that often disrupts travel and affects access to services that include, but are not limited to, healthcare, education and the availability of essential supplies. Even for communities that are connected by road, most still face long travel times to urban centers.

For the communities in the sample, the remoteness and corresponding correlation to accessibility to services has implications for the migration of Nation members. In addition to the general migratory trend of people moving from rural locations to more urban locations, many Nation members, particularly young people and young families, leave for better access to employment opportunities, education, housing and/or health care and other services. As mentioned earlier, the migration of members out of reserves has many social, cultural and economic implications that present a risk to the long-term sustainability of the community.

Exacerbating the challenges of remoteness and service accessibility, some of the communities have also experienced natural disasters, such as wildfires and floods. These disasters make life even more difficult for residents, increasing service needs and impacting access to already limited services, particularly specialized health, mental health, child care and addiction services. While people in the sample communities have experience travelling long distances for services, particularly for specialized services, the impact of natural disasters adds to their financial, emotional and access challenges.

Some First Nations are geographically spread out over multiple communities, and in some cases, there are multiple First Nations being served by one provider. This geographic spread makes service delivery more complex, as the provider must coordinate service delivery equitably among the First Nations with unique and different levels of expectations, social and cultural contexts, infrastructure, resource availability and accessibility.

b. Food Security

Access to essential goods and services, especially food, varies widely across communities, and in some communities the lack of access has been exacerbated by natural disasters. Some communities have relatively easy access to grocery stores and convenience stores, while others travel long distances for basic needs. Local businesses, such as gas stations and general stores, help to address some challenges, but accessibility to and cost remain major concerns for First Nations in the most remote areas. FNCFS providers work to alleviate the difficulties for families by providing food along with their other services, with programs that focus on food security, providing food coupons, and providing rides to supermarkets.

Even in the communities that have access to food stores, most foods are brought in from outside the community, resulting in high prices. High food prices and low availability/supply often result in people making food choices under availability constraints, that have corresponding impacts on what they consume.

c. Health Services

Many communities struggle with healthcare access due to factors like remoteness, housing shortages, lack of health infrastructure and a lack of medical professionals. Most of the communities have reasonable (within 1.5 to 2.5 hours travel as expressed by interviewees) to basic health services however, all of the communities have limited access to specialized services such as optometry, obstetrics and gynecology, and dental care, as they are not resident within the communities. To address this, some communities bring in contracted specialists for scheduled visits, which adds to the costs of those services, while in other communities, the residents travel long distances. This is especially concerning for people with special needs, particularly children, who travel several hours to access necessary treatments. Certain communities also reported high rates of developmental conditions, such as autism among children.

In the few instances where general health services are provided through a community health facility, the services are limited and hampered by shortages of qualified staff and a corresponding lack of emergency services and extended care beds. In serious health situations, and even for childbirth, residents must travel to more populated urban centers. This is a significant challenge that is not only costly for expectant mothers and support people who may need to relocate weeks before childbirth, but is also detrimental to the safety, well-being, and cultural continuity for the child, the mother, father, and extended family and friends who are supporting them.

Disasters such as floods, fires and the pandemic have significantly disrupted all services, including healthcare services in some areas, worsening existing problems and increasing the need for other services like mental health support. Only a few communities have been able to establish an in-house team of clinical professionals that provide counselling and other support to families, and those communities face the same ongoing challenge of recruitment and retention of qualified staff.

Substance misuse and drug addiction are serious issues in many communities, and addiction treatment services are lacking. The communities do not have their own rehabilitation facilities and rely on services outside the community. There are a limited number of rehabilitation facilities outside of the community and a limited number of spaces, and many do not offer services for those struggling with the most complex addictions.

d. Education

Educational opportunities vary significantly between communities. Most of the communities offer programs focused on early childhood development and after-school care as well as classes in arts and crafts, food preparation, and life skills supports like, hygiene and healthy living.

Most communities have primary education available within a 2.5-hour travel radius and transportation is available for the children. High school and post-secondary education typically require either longer travel times or even relocation. Accessing post-secondary education and living on the Nation is a challenge as students must travel long distances, including ferry commutes for some, which can make for a challenging daily schedule. Only one of the First Nations has a post-secondary institution within the community. The post-secondary education options available locally are limited to introductory or transferable courses, meaning students typically leave their communities to complete full degree programs.

Most of the educational infrastructure in the communities is very basic, and ongoing maintenance is often difficult due to inadequate budgets and the availability and cost of building/maintenance supplies. Community facilities such as theaters, assembly halls, and gymnasiums are generally not available. This puts extra pressure on other community spaces like school gymnasiums, that serve as multi-purpose venues for education and social events.

e. Culture, Tradition and Language

Cultural and traditional practices form the basis of First Nations CFS models. FNCFS providers incorporate First Nations teachings, culture and language, and community-based practices to ensure children, youth and families stay connected to their cultural heritage. The FNCFS providers in our sample, along with their Band Councils, place a strong emphasis on cultural education and passing on traditional knowledge and values to the next generation. Most communities provide language and culture classes to their members. Agencies prioritize children living with family on reserve and coordinate visits to the reserve for those living off-reserve.

Cultural preservation is a priority in all the five First Nations, but it is challenging to support for the following reasons:

- Migration, especially among younger generations, who are forced to leave their communities to pursue education and job opportunities, many of whom may not return. This may lead to disconnection from their First Nation traditions, language and community practices.
- Children who are in care and placed outside the community are forced into a different culture, with different language, and norms and consequently they are disconnected from their family and cultural heritage.
- Forced displacement due to natural disasters further disrupts the connection to the community, impacts the normal community way of life, and the delivery of cultural services, as people focus predominately on survival.

There are two communities in this review whose members speak their First Nation's language, English and/or French. While trilingual and bilingual staff help bridge service gaps, there are challenges in delivering multi-language services, particularly French-language services to comparable standards, which has led to delays in service and sub-optimal outcomes.

f. Infrastructure Facilities and Housing

The availability of adequate infrastructure and housing has an impact on the well-being and safety needs of the people in the sample communities. The common challenges faced by all these communities are the lack of developable land, funding, and capacity to build new infrastructure and maintain existing infrastructure, such as community housing, offices and spaces for FNCFS and community needs.

While some communities are assessing their capital needs and seeking funding to address infrastructure gaps, most First Nations are challenged in accessing the funding even when it is available, citing excessive red tape, lengthy and inefficient process as barriers. Commercial financing options are very limited, expensive and involve equally complex processes. Financial and bureaucratic barriers, as well as internal challenges were noted as delaying some critical projects, such as youth centers and renovations to rental housing. A few communities operate child and family buildings, limited health service facilities, early childhood development centers, and multipurpose spaces for functions like cultural and community events.

Two of the communities even have dedicated First Nation resource centers that serve as hubs for family support, cultural learning and social gatherings. These spaces help preserve traditional practices and provide opportunities for Elders, youth, and other members to connect and participate in community-based social and cultural activities, including ceremony. Few communities have community gymnasiums or recreational facilities, outside of the school gymnasiums.

Limited availability of land for development is also a challenge in some communities, further increasing the gap between supply and need. Some First Nations need more developed land to accommodate the population growth however, they are restricted by geographic and/or regulatory constraints.

Most First Nation communities are facing a housing crisis, which is leading to other problems like migration, over-crowding of households, poor maintenance of houses, poor living conditions and family disruption. Many primary homes and rental properties require extensive repairs and renovations to make them safe, forcing families to relocate, which disrupts their connection to their family, culture, and community.

g. Transportation

The communities in the sample score between 0.33 and 0.5 on the StatsCan remoteness index, indicating that they are far from any urban center, may have poor road connectivity and challenges in accessibility to services. Island communities face high costs for ferry travel, which is frequently disrupted by weather, and air travel to the mainland or nearest urban center is unaffordable for most residents. Bus services that pass through some of the communities do not meet the needs of the residents because transportation to and from the pick-up and drop-off points is still needed.

Public transportation is either minimal or non-existent in these communities. To partially alleviate this problem, all the communities provide some level of support to residents for transportation to medical appointments, hospital visits, groceries and visits with a child in care.

h. Economy

The economy and economic opportunities vary based on a community's geography and resources. Most of the First Nations rely on natural resources (mining, forestry, fishery), although these are not the main sources of employment or wealth creation in the communities. Some members are employed in tourism, education and government jobs for the First Nation. In some cases, First Nation governments are the largest employers, but overall job opportunities remain scarce and limited to niche industries, leading to migration, particularly among young people. Seasonal and temporary work are the most common opportunities however, this type of intermittent work offers limited financial stability and security for residents.

Some communities are taking proactive steps to expand economic opportunities through construction and infrastructure development, but generally, these only provide short-term employment. Some funding sources exist for job creation and infrastructure projects; however, the lack of internal capacity and slow approval processes create barriers in accessing them.

Organizational Characteristics

We reviewed the mandates, governance, strategic planning and organizational structure of the five FNCFS providers noting the following:

a. Legislative Authorities and Mandates

The sample consists of FNCFS providers that are business units of the Bands as well as those that are independently incorporated as not-for-profit organizations. The Band delivered CFS are relatively small operations providing family support and primary and secondary prevention services. The independently incorporated FNCFS providers are larger operations with a broader scope of services, including some protection services. The common reason for constituting an arm's length agency from the Band and Council operations appears to be the need to delineate political governance from the operations of CFS, as well as for better demarcation of accountability.

The incorporated agencies have enacted bylaws with clear directions in required governance topics like board composition and appointments, roles and responsibilities of Directors, quorum, and more contemporary realities like acceptance of virtual meetings.

All the FNCFS providers implement provincial CFS legislation proclaimed through a delegation agreement, while the funding comes from ISC or the Province, or a combination of the two. The delegation agreements between the provincial governments and the FNCFS providers set clear expectations on performance and operational standards. The delegation agreements set guidelines on specific matters, including information management, audits, practice reviews and administrative reviews, that have a significant impact on how the agencies and their governance are set up and operate. For example, one delegation agreement refers to the Operational and Practice Standards and Indicators (AOPSI), which is a widely accepted set of principles and guidelines for delivering CFS for First Nations.

b. Governance and Board of Directors

All the incorporated FNCFS providers have a Board of Directors established as the governing and direction-setting body. The size and composition of the Boards vary within the sample based on their bylaws and participating stakeholders. The Board membership and appointments

are defined in the bylaws that generally assign a fixed number of appointees for fixed terms. Most of the bylaws require Board appointments to be made by the participating stakeholders, such as the participating First Nation governments, but the appointees do not necessarily have to be councilors. Other Board members may be appointed from among First Nation members and Elders councils. Some agencies also appoint Hereditary Chiefs to the Board. At a minimum, most Boards have a President, Vice-President and Treasurer/Secretary position. The agencies in our sample have Board sizes from between 6-8 Directors, with one member representing each First Nation.

The Boards are responsible for establishing policy, creating strategic plans, enacting bylaws, managing finances, managing risk, and following protocol agreements/board resolutions. It is not clear if the Boards follow a committee model for governance, but some Boards have a finance committee that has the responsibility for providing oversight and direction on financial matters, including audits.

While the level of formalization of Board processes is unclear, we understand that the Boards have established mechanisms for oversight through regular updates and performance reports from agency administration and through regular engagement with the community. The Boards meet, at a minimum, every quarter, and some as often as once a month, and they have set a schedule for public engagement.

The Annual General Body meetings (AGMs) are held in formal settings attended by the Board of Directors, Chiefs of participating Bands, staff and community members. The agenda for the AGMs is set by the Board in consultation with the Executive Director (ED) and includes various topics of accountability, including the ED report, agency achievements, current successes, challenges and future directions. There is an open question and answer session where community members can ask questions of the Board and the CFS executive team.

Our review indicates that the common priorities for the Boards align with community priorities in areas such as strengthening community relationships, developing strategies for implementing and funding An Act Respecting First Nations, Inuit and Metis, Children, Youth and Families (the Act) and development of child welfare laws and policies that support a prevention focus.

Financial management, including funding and reporting to funders, appears to be a significant focus of most Boards and the executive team, as evidenced by the existence of policies that meet the basic expectations of the provincial or federal funding agreements.

Our review did not find evidence of Board orientation, training or performance management, practices that are often associated with Board development and improvement. The CFS that are delivered directly by a Band Council operate under the Band's policies for finance and accounting. This sometimes limits their ability to fulfill their responsibilities, as Band policies, processes and financial systems are not specifically designed for CFS operations. The policies present challenges in financial processing that impact the agency's responsiveness to clients.

c. Strategic Framework

The FNCFS agencies, specifically those that are incorporated, have clearly articulated strategic frameworks consisting of mission, vision and values/principles. These appear prominently in Strategic Plans, Annual Reports, Needs Assessments and other public communications.

We observed several common themes in the expression of mission, vision and values among the agencies. Vision and mission statements focus on keeping children and families safe by providing holistic programming based on culture, language and traditional values. Principles and values are derived from The 7 Sacred Teachings. The agencies take pride in their profound purpose of bringing their children home and reclaiming jurisdiction over child and family services. The vision and aspiration of self-determination and inherent jurisdiction over child and family services is a pervasive theme in the strategic plans, although not all the FNCFS providers are currently working towards it through the Act. First Nations have unique views, needs and capacity to reclaim jurisdiction for the safety and wellbeing needs of their children through the Act. The First Nations in our sample are at various stages of understanding the implications of the Act, readiness, capacity and planning to deliver protection services for their Nation.

The agencies complete various forms of business planning that include strategic plans, annual workplans and short-term operational plans. Long term strategic plans range from 3 to 5 years and include goals, actions and performance measurements and a forecast of financial needs for operations and infrastructure. The agencies share some common goals, including service development, working towards self-jurisdiction, staffing and human resource development and

fulfilling infrastructure needs. These goals generally reflect similar strategic priorities, strengths and challenges among the FNCFS providers.

The strategic and operational plans are informed by a thorough and keen awareness of the needs, challenges and risks facing the communities. These agencies plan and forecast based on serving all members of the Nation who are resident on-reserve and off-reserve, and while all the agencies serve non-status Indigenous people on-reserve, only a few of their plans specifically mention this.

All the agencies report that the main focus of their executive teams and Boards is on existential concerns and the challenges of delivering day-to-day services, like renegotiating service agreements with provinces or annual funding with ISC. These negotiations require extensive time and effort from leadership and pose constraints on their ability to focus on important strategic functions like organizational development, capacity building and strategic initiatives that help to strengthen their organization.

Our review did not find much evidence of robust performance measurement and reporting. Agencies provide verbal updates on annual operations to their stakeholders, and one agency had user-friendly performance data in their public documents. Team and management meetings generally focus on specific case files however, operational performance indicators are not frequently referenced for measurement and organizational improvement.

More broadly, we did not find evidence of robust data management, measurement, analysis and reporting environment, although one agency does have a specific operational role identified for data gathering and statistical analysis. Each agency in our sample defines, collects, interprets and reports financial and operational data differently, which makes comparison a challenge. Programs and services that could be defined as similar are titled differently, and generally, data gathering is inconsistent. Financial and operational data reporting is done to fulfill contractual funding obligations and for accountability to stakeholders. Based on the information available, it appears that most of the FNCFS providers would benefit from more investment in IT and data management infrastructure.

d. Organizational Structure

The FNCFS providers are led by an Executive Director (ED) or Chief Executive Officer (CEO). When organized as an autonomous body, the agency's ED/CEO reports to a CFS Board; when organized as a business unit of the Band, the ED reports to the Band Administrator.

We observed that most agencies are organized using two main functional areas: corporate services and child and family services. In general, depending on the size and scope of their operations, the FNCFS program delivery teams are organized into units like Prevention, Protection, Intake, Case Management and Family Support. In a model that demonstrates stakeholder focus, some agencies serving multiple First Nations have organized their program delivery teams dedicated to a specific First Nation, with corporate services as a shared business unit of the agency. Most often, staff roles are specialized by type of service. For example, staff are assigned to prevention or protection, or intake and case management. However, some roles may be more general, in which staff serve both prevention and protection clients or perform a range of casework duties, including needs assessment / investigations and ongoing case management.

We note that one agency has a clan/community engagement role that is responsible for building trusted community relations, improving awareness of services, improving service utilization, soliciting feedback and leveraging traditional wisdom. The roles of cultural coordinators or cultural case workers are common, reflecting the provider's stated focus on promoting cultural awareness and cultural identity, providing culturally based services and building on community and cultural pride.

Organizational charts are an important management tool for conveying the overall structure of the organization: they outline reporting relationships and help agencies implement effective teams and supervision models. We noted some shortcomings in the tools used for documenting the organizational structures, resulting in charts and visuals that do not clearly reflect the team structure, size, reporting relationship and span of control. It also appears that some supervisors have large team sizes that may constrain effective supervision.

Some key strengths underlying the effectiveness of the providers are the qualifications, dedication, commitment and empathy of staff in client-facing roles and their knowledge of the

challenges that children and families face in their communities. One common challenge facing all the agencies is staff turnover and filling vacant positions. There are many factors contributing to this problem, including the workload on individual staff, which is increased by chronic vacancies, shortage of qualified candidates, shortage of housing and amenities for new employees, and long commuting times.

We reviewed a sample of job descriptions from the agencies. There is variation across the agencies in the level of detail and specificity in describing the responsibilities, performance measures and competencies required for various positions. ED roles usually emphasize responsibilities in operational management, i.e. program delivery, HR, financial management as well as Board related accountabilities, but do not clearly articulate accountabilities for organizational development and strategic outcomes.

We observed that qualifications and competency requirements for service delivery roles are generally kept flexible; we assume this is to help overcome structural barriers and enable hiring in a difficult environment. Experience in similar work and with First Nations is the preferred standard for all roles. Roles that are delegated or with supervisory responsibilities may require a bachelor's degree in Social Work, with some experience; however, generally, a professional certification does not appear to be a requirement for any role. The qualifications for non-delegated frontline roles are even more flexible.

One agency had a well-developed annual performance appraisal system for staff. The agency evaluates the performance of its staff based on well-defined performance indicators and a rating system. The appraisal is conducted collaboratively between the staff and their direct supervisor.

Observations on Programs and Services

a. Strategic Intent

All the FNCFS providers demonstrate alignment between their stated intentions and their delivery of programs and services. First and foremost, they all approach their delivery of programs and services from a rights-based perspective with a clear mandate to serve their own people. As stated through their laws, organizational vision, mission and goals, their reason for being is grounded in their inherent rights, particularly their right and responsibility to care for their own people, especially children. All the providers have a holistic, culturally relevant, culturally connected, person-centered, multi-generational, relationship-based approach for their organizations. They highlight the unique cultural context of the Nations they serve as paramount to their knowing-doing-being approaches, and make similar references to foundational documents or teachings, like the *United Nations Declaration on the Rights of Indigenous People*, Touchstones of Hope, and The 7 Sacred Teachings.

b. Program Delivery

Of the providers reviewed, two of them have a prevention mandate and three of them have both a prevention mandate and a child protection mandate. The child protection mandate is defined by the Act, provincial laws, and the policies of the First Nation where it is located.

The providers that deliver prevention programs and services demonstrate clear alignment with their strategic intent and address the presenting needs of the children, youth, families and communities. There are no federal or provincial laws that directly limit the nature of the preventative services that these providers deliver. The providers that have the sole mandate of prevention use both mainstream and First Nations-specific culturally relevant services, and they offer a more comprehensive range of prevention services as compared to providers in this review that are mandated for both prevention and protection. Holistically, the prevention-focused providers also demonstrated the use of their relationships with community leaders, Elders, agency governors, other providers and community members to determine what type of program they should implement and how their prevention programs should be focused.

For those providers that deliver prevention and protection services, we have less clarity about the alignment of their services with their strategic intent, specifically in their protection services delivery. While the efforts of these providers are commendable, as child protection is currently

within the jurisdiction of the provinces and territories, the structural challenge continues to be how best to embed First Nations determined and culturally relevant FNCFS approaches while operating under provincial and territorial jurisdiction.

c. Types of Services

The types of services, of the providers reviewed, ranged from support for basic necessities (food, clothing, shelter, financial security, physical and emotional health and relationships) to culturally relevant services and intensive mental health and out-of-home services. All the providers prioritized culturally relevant services, whether they were mandated for prevention or protection or both.

For the protection mandated agencies, a substantive portion of their culturally relevant programming was educational and intended to preserve their culture, or to introduce, or reintroduce, children, families and caregivers to their culture and traditions. Transition management, in and out of the western culture, including transitions on and off reserve, are significant challenges for First Nation service delivery.

Observations on Financial Information

The financial data received from the five FNCFS providers in the sample had varying levels of detail and was not similarly categorized, aside from the top-level categories of revenue and expenditures. Consequently, it was necessary to make some reasoned assumptions about the financial information for the purposes of cleaning the data, categorizing the data and creating a level of comparability of the data across the five providers.

We reviewed the financial information to understand the context and significance of each information item. Effort was made to align the data from each FNCFS provider to a common set of defined categories for each revenue and expenditure type. Revenues were categorized by funding source, and then program focus, such as prevention, protection and other programming activities, if identified by the provider. Expenditures were categorized into salaries and wages, direct program costs broken into prevention and protection, and indirect costs such as operations & maintenance, governance and administration, and IT costs.

Because the process of cleaning and organizing the data into comparable categories may not be completely objective, any comparative analysis derived from this data should be viewed with caution and noted as proximate.

As we analyzed the financial data, we noticed some limitations resulting from the small but diverse sample of FNCFS providers and programs. Two early conclusions emerged:

- There were limited comparable patterns in revenues or expenditures across the providers.
- Drawing correlations between the expenditures and program activities or program results within or across the providers would be unreliable.

We also learned about the strengths and challenges related to their financial management and reporting, and note the following:

- All the FNCFS providers separate expenditures into broad program categories, e.g., protection maintenance vs. prevention or direct program costs vs. operational expenses. This creates some clarity on common expenditures, but as noted above, the expenditures are not directly comparable across all of the agencies, as assignment of expenditures into those categories differed among them.

- There are differences between the financial reporting of FNCFS organizations that are agencies/stand alone and those that are a Band delivered service. The latter operate from Band financial policies that sometimes present challenges in capturing and reporting CFS financial data in ways that are reflective of the nature of the program.

- The FNCFS providers do not have a common data dictionary or definitions of common data items for capturing and reporting financial or operational data. In addition, in some cases, the naming of data fields/cost categories may not be reflective of the true nature of the cost. For example, food and clothing costs for prevention reported under materials and supplies.

- Given that the five FNCFS providers are independent, expenditures are not reported consistently across the five of them. The organizations are challenged in addressing the financial reporting expectations of their funders, the community and others. Without any standard, each provider records and consolidates expenditures into categories, which we

assume makes it easier for them from a technology perspective. However, this causes inconsistency in reporting comparable expenditure across the five organizations. For example, in some providers, wages and salaries are reported under operational costs, and in others, wages and salaries related to prevention are reported under direct program costs.

- There were challenges in understanding the true cost of services, since some services overlap within programs. An example of this overlap is when a FNCFS provider has a food and community needs fund for both prevention and protection and reports expenditures for both on one line item, or when a FNCFS provider reports protection/maintenance costs under a prevention program line.

- While some agencies had meaningful analysis of operational performance and also reported them in an easy-to-understand format in their public documents, generally, across agencies, there are differences in terminology used for operational data, and no standard definitions that help delineate nuances for items like counts of ongoing clients (families/individuals) vs. new intakes, and ongoing placements vs. new placements. As noted earlier, this lack of consistency across the agencies presented challenges for us in reporting and developing meaningful performance indicators.

- Overall, it appears that having a primarily operational focus, competing priorities, and lack of funding for capacity building impacts the understanding, the analytics, and the reporting of data in these organizations. In order to continuously improve, it is critical that an organization have the funding and capacity for robust data collection, analytics, reporting and performance management.

Findings from the Analysis of Financial Data

- In our sample of five FNCFS providers, the one serving the smallest and the one serving the largest populations provide only prevention services, and the remaining three FNCFS providers have some level of protection services, although not all of them provide a full range of child protection services.
- The expenditure budgets for the FNCFS providers providing only prevention services are between $2.1-$3.8 million, with on-reserve populations between approximately 950 to 1500. For those providing prevention and protection, the expenditure budgets are between $6.1 - $16.5 million per year, with on reserve populations between 1300 to 1600.

- Comparison in absolute amounts is not meaningful because their communities and operations are very different.

- Some expenditure categories were compared as a percentage of total budget, with the following observations:
    - The FNCFS providers providing only prevention services spend about 50% of their total budget on staffing costs and wages, while the other three FNCFS providers providing prevention and protection services spend about 35% of their total budget on staffing costs and benefits.
    - The FNCFS providers providing only prevention spend about 35% of their total budget on direct program costs (not including salaries), while the three providing both prevention and protection services spend 50-60% of their total budget on direct program costs (not including salaries).
    - Operations costs, which include office space, office supplies, maintenance, utilities and insurance, average about 3-4% of total expenditures in all the FNCFS organizations, regardless of size.
    - The FNCFS providers spend between 1-10% of their total budgets on governance and administration, which includes Board expenses, professional services, office administration and community meetings. Those with smaller budgets (under $5 million) allocate a higher percentage of their total budgets on governance and administration compared to those with larger budgets.

- For the two organizations that provide only prevention services, the total expenditure per population, including on and off-reserve members, is between $760-1050.

- The management to frontline staff ratio is between 1:4 and 1:9, and the population served per employee including management and non-management roles, varies between 1 staff per 40 members for the smaller First Nations to 1 staff per 150 members for the larger First Nations.

CHAPTER 3: Minimum Operating Model (MOM)

The five FNCFS providers participating in this review do not constitute a statistical sample, or a sample that is representative of small FNCFS providers. However, there were similarities in the information about their organizations, their communities, and their experiences as First Nation serving organizations. For this review, we used the information about the communities they serve and the similarities of the five FNCFS providers as the basis for creating a hypothetical small First Nation. The characteristics of the hypothetical small First Nation are described under similar topics as those of the First Nations we examined for the five FNCFS providers in this review. Reasoned inferences were made about the strengths of and challenges faced by the hypothetical First Nation. While the number of characteristics of the hypothetical First Nation that create challenges for a FNCFS provider appears to be substantive, based on the information received from the FNCFS providers in this review, the characteristics of our hypothetical First Nation are not atypical.

For illustrative purposes, the hypothetical First Nation was then used to infer a reasoned minimum for characteristics, structure and costs of a FNCFS agency that would serve this hypothetical First Nation with self-jurisdiction. The hypothetical FNCFS agency we termed as the Minimum Operating Model (MOM). Appendix 1 provides further details on the hypothetical First Nation and the MOM.

The Hypothetical FNCFS Agency

In keeping with a rights based, holistic, culturally relevant, person-centered, prevention approach, as expressed in various ways throughout the aforementioned foundational documents, like the UN Declaration on the Rights of Indigenous Peoples, Touchstones of Hope, and the Canadian Human Rights Tribunal's rulings on First Nations Child Welfare and Jordan's Principle in Canada, as well as the Laws, Vision, Missions, Goals and the feedback received from the FNCFS providers contributing to this review, the following section describes the suggested minimum structural and program characteristics for a small hypothetical FNCFS agency delivering 24/7 safety and well-being services to the hypothetical First Nation.

a. Program Delivery

While First Nations that reclaim jurisdiction for the care of their children under the Act have the same accountability to support the safety and well-being needs of children as the provincial and territorial child welfare systems, they want to serve with a far more profound sense of service and accountability to their own people. In addition to the inherent right of First Nations to care for their own people in their own unique intergenerational and cultural way, First Nations have expressed that they provide holistic (physical, emotional, mental and spiritual), interconnected care for the safety and well-being needs of every child and every family in their communities.

While evidence-based improvements in current provincial and territorial westernized child protection models occur, their focus remains limited, prioritizing the care of the child, sometimes at the expense of the family. In contrast to the western child welfare models, FNCFS providers prioritize relationship based, generationally connected approaches. While the best interests of children is a primary focus, FNCFS providers have a broader and traditional view of who their clients are, and include families and community as integral to better person-centered outcomes. Consequently, if form / structure follows function, and the function of a FNCFS provider is substantively different than the westernized child welfare programs, the form / structure of a FNCFS provider would be different and resourced differently as well.

The services for our hypothetical First Nation focus on the extent of needs, ranging from community development to the basic and developmental needs of children, youth and adults in the FN.

The following are some of the services that may be provided by a FNCFS agency serving the hypothetical First Nation:

- Food and Water security programs: hunting programs, fishing programs, gardening and gathering programs, community gardens and community kitchens, food banks, food purchase cards, food hampers, meals for events and programs, water provision programs, water infrastructure grants and supports
- Clothing and Shelter support programs: Clothing allowances: community consignment, clothing banks, clothing purchase cards, home building, financing for purchase, rent and mortgage assistance, supportive living programs, housing maintenance programs, temporary accommodation programs, transitional housing programs.

- Transportation and Travel programs: payment for plane tickets, community travel cooperatives, agency drivers for ride service programs, child and family visitation programs, vehicle maintenance support.
- Cultural Continuity programs: Elder programs, ceremony supports and cultural awareness programs, language programs, hunting and gathering programs, cultural camps and land-based programs, and other community development programs.
- Health, Mental Health and Addictions: Elders and Traditional healing programs, ceremony supports, infrastructure for healing lodges and supplies, maternal health, pregnancy support, disabilities support, early childhood development programs, fly in counsellors and therapists for counselling, therapy, addictions and mental health, fly out to intensive specialized therapy, addictions and mental health supports.
- Family Preservation support programs: Elder and community visit programs, cultural camps and land-based programs, child and family recreation programs, policing and justice programs, family support programs, homemaking, home visitation, child and youth workers, behavioral supports programs, maternal health programs, general health programs, counselling, therapy, mental health support programs.
- Child Safety programs: Elder programs, ceremony support and cultural awareness programs, cultural camps and land-based programs, family support programs, homemaking, home visitation, child and youth workers, behavioral support programs, counselling, therapy, mental health support, supportive living programs, congregate care programs

b. Organizational Structure

As with any successful organization, a sustainable FNCFS agency would have:

- A clear, transparent and well understood (by the organization and the community) purpose and mandate
- Capable and qualified governance
- Clear, transparent, directional, and well understood organizational governance and operations policy
- Clear, transparent and defined processes, procedures and roles
- Visionary, compassionate, passionate, inspirational, and courageous leadership
- Knowledgeable, skilled, and experienced supervisors, managers and staff
- Core physical, support, business and process infrastructure for areas like:

- facilities
- human resources
- legal
- finance
- policy
- communications
- planning, monitoring and reporting
- information technology

From a refined modeling perspective, we have broadly structured the organization as follows:

The Executive Office:

- Executive Director overseeing all operations and program delivery and responsible for strategic leadership.
- Office Manager / Reception handling general office administration and reception duties.
- Executive Support to provide administrative support to the Executive Director and the Board.

Corporate Services:

- Staff who will manage, support and execute the corporate functions of HR, Finance, IT, Data, Policy, Communications, and Facility Management.

Program Operations:

- Staff consisting of managers, supervisors, and frontline workers, who work directly with the community, families, and children. Including specific cultural coordination and family preservation functions.

CHAPTER 4: Funding for FNCFS in the Draft Agreement

On January 26, 2016, The Canadian Human Rights Tribunal (CHRT) through its decision number CHRT-2 ordered the Government of Canada to cease its discriminatory conduct and reform its FNCFS Program, concluding it was tearing families apart and shattering lives through systemically racist funding practices. The Tribunal also found that the federal government's narrow interpretation and implementation of Jordan's Principle was creating service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve. On January 4, 2022, the Government of Canada announced that two agreements-in-principle had been reached; first, on a global resolution related to compensation for those harmed by discriminatory underfunding of FNCFS; and second, to achieve long-term reform of the FNCFS Program and Jordan's Principle to ensure that no child faces discrimination again.

In July 2024, the Government of Canada announced a draft Final Settlement Agreement (FSA) to achieve long-term reform of the FNCFS Program and Jordan's Principle. The Government of Canada proposed $47.8 billion over ten years to fund the long-term reform of the on-reserve program for CFS. Appendix-2 provides brief descriptions of the key structural components of the Amended Draft Final Agreement on Long Term Reform of FNCFS Program, October 2024 (the Draft Agreement). The Draft Agreement was later rejected by the Assembly of First Nations. (Note: in February 2025 Canada signed a regional agreement for the long-term reform of the FNCFS Program with the First Nations of Ontario.)

We analysed the funding proposed through the Draft Agreement for FNCFS providers operating with jurisdiction, and the following are our observations on the broad implications of some of the key terms contained in it.

Observations on the Draft Agreement

a. Prevention Funding

The Draft Agreement proposes a fixed per capita amount based on the on-reserve population of a First Nation for prevention. Our consultations with FNCFS providers indicate that First Nations intend to provide culturally appropriate prevention outreach to their off-reserve members as well. This is consistent with the vision of substantive equality enshrined in the Act. About 62% of First Nations have more than half their population living off-reserve. Only about 12% of the First

Nations have a substantial majority (over 75%) of their members living on-reserve. It is logical to think that prevention services would be equally needed by families/communities living off reserve that have their children in care. The proposed funding therefore may not be sufficient to provide prevention services to all the members who need it. Our analysis also indicates a strong statistical correlation between the sufficiency of the proposed funding in the Draft Agreement and the percentage of population living on-reserve, implying that a large number of First Nations with high proportion of off-reserve populations will be financially challenged in their outreach.

b. Baseline Funding – a separate funding stream for Protection

According to the Draft Agreement, the baseline funding is intended to pay for the maintenance expenses of children when they are in care of a FNCFS agency. The nomenclature is misleading however, since the baseline funding is not minimum funding for the FNCFS agency; rather, it is funding that is available only as long as children are in the legal care of a FNCFS agency. The initial amount available to the FNCFS agency is based on the funding ISC was providing to the service provider at the time the child's care is transferred to the FNCFS agency, and subsequently, it is based on the actual maintenance cost for the children in care.

As it is labelled, baseline funding is to maintain children in care. The implication is that there is no incentive, from a funding perspective, for a FNCFS provider to reduce the number of children in care to zero. The baseline funding approach may not be aligned with the intent of the Act and the vision of all First Nations, which is to keep children in their families while providing culturally appropriate support for family preservation. However, unintentionally ISC's funding approach incentivizes family separation.

A more logical approach would be to transfer the baseline funding into prevention and family preservation funding as the number of children in care is reduced. This would create a true 'baseline' of funding and create incentives for achieving positive outcomes for children and families overall, and increasingly improved financial outcomes over time for the program. This approach also supports the argument for block funding for prevention and protection, which would provide FNCFS agencies with the flexibility to invest in the right areas of need in their communities. The single block funding approach better aligns with First Nation's traditional world views, where the safety and well-being needs of children, youth, families and communities

are interconnected and not separated into arbitrary categories for the purposes of management and accounting.

The example of Lac Des Mille First Nation in Ontario (note, this First Nation is not one of the five FNCFS in the study sample) is demonstrative of the concerns related to the on-reserve population-based funding and the argument against separate funding streams for prevention and protection. The Lac Des Mille First Nation has a population of 10 on-reserve and 638 off-reserve members (Indigenous Registry System, ISC 2024). We estimate, based on the proportion of the total population, that there may be 12 Lac Des Mille children in care. Based on the proposed ISC funding for 2024, Lac Des Mille First Nation would receive $25,000 for prevention, as the minimum guarantee does not apply to FNCFS providers serving one First Nation. We estimate the actual program costs for prevention to be $66,500, not including the executive team or corporate services. The projected baseline funding for 12 children in care and top-ups will total approximately $740k. The FNCFS agency will therefore qualify to receive about $765,000 in ISC funding through the Draft Agreement for prevention, baseline, top-ups and remoteness adjustment. We have estimated that the minimum budget need for a FNCFS agency providing prevention and protection with self-jurisdiction for this population size and distribution, would be approximately $2.9 million per year. If the prevention funding was based on total population, Lac Des Mille would receive $2.34 million in funding, which is still short of the need, but much more manageable and supportive of the vision for self-jurisdiction.

Because baseline funding is for direct costs of children in care, and prevention funding is based only on the on-reserve population for this First Nation, Lac Des Mille First Nation would be inadequately funded, as their prevention needs are more pronounced off-reserve, where most of their in-care children's families are located.

c. Top-up Funding

The proposed top-up funding is based on the baseline funding which, as explained earlier, is based on the number of children in care. The higher the number of children in care, the higher is the baseline funding, and the higher is the top-up funding. This implies that if the First Nation is successful in reducing the number of children in care, it loses both baseline and top-up funding. As there is no incentive funding that creates a proportional investment into sustainment and prevention work as the number of in-care protection cases goes down, it is not unreasonable to

assume that the most successful First Nations will lose all their baseline and top-up funding, even as they achieve improved outcomes and have no children in care.

A related concern is that top-up funding is tied to baseline funding only. This is inconsistent with First Nation's vision for a prevention focused CFS program. Measuring the impact of prevention services is integral to that vision and therefore the top-up for IT and Results ideally should be based on prevention funding alone, or both prevention and baseline.

d. Minimum Guarantee of $75,000

The Draft Agreement provides a guaranteed funding amount of $75,000 to First Nation affiliated with a FNCFS agency. For First Nations affiliated with a FNCFS agency which serves an amalgamation of more than one First Nation, the First Nation's total per capita prevention funding would be divided between the First Nation and the agency. The agency's share of the prevention funding is equal to the First Nation's per capita funding multiplied by the proportion that the First Nation's population constitutes in the total population of all the First Nations in the amalgamation.

The $75,000 minimum guarantee ensures that First Nation's with a population of less than 30 on-reserve in 2024 participating in an amalgamated FNCFS agency, receives more (max of $75k) than they would receive on a per capita basis if they were not participating in a shared FNCFS agency. Therefore, it appears, the sharing formula between the First Nation and the agency is intended to incentivize small First Nations to collaborate with larger First Nations in the delivery of prevention services. By doing so, the First Nation would receive a portion of its per capita prevention fund, which it could spend on its own priorities, in addition to receiving prevention services from the agency. The First Nation may decide to direct part or all of its share of prevention funding to the agency.

For non-agency First Nations, and when a FNCFS agency serves only one First Nation, the First Nation receives all the prevention funding based on the per capita rate. It appears that the Draft Agreement does not provide a minimum guaranteed funding for a First Nation with an on-reserve population of less than 30 if they are not part of an amalgamated FNCFS agency. The First Nation may decide to direct some or all of its prevention funding to the FNCFS agency.

The Draft Agreement does not provide a rationale for establishing the minimum guaranteed amount at $75,000 adjusted for inflation. Information based on the Draft Agreement between Ontario First Nations and Canada states that it is ISC's belief that, with $75,000, a First Nation would have sufficient funding to dedicate at least part of an employee's time in delivering prevention services. This may be partially true for a Band-delivered prevention service for a very small First Nation with on-reserve population of 30, but it does not consider the direct cost of support to families and other realities of staffing, such as backfill and vacancies.

There are only 10 First Nations with on-reserve population of 30 or less. This raises questions about the net impact of this incentive. If the purpose of the minimum guarantee is to provide stimulus for amalgamation of FNCFS, a population threshold and minimum guarantee that incentivizes more First Nations to amalgamate their CFS would have broader systemic impacts economically.

CHAPTER 5: Analysis of Budget Needs and Proposed Funding in the Draft Agreement for FNCFS Agencies with Jurisdiction

This chapter provides our findings from the analysis of the proposed funding through the Draft Agreement and the budget needs of FNCFS agencies operating with jurisdiction under the Act.

The Financial Projection Model (FPM)

To account for multiple variables and derive an estimate for the operational budget and funding available for a FNCFS agency assuming jurisdiction, a financial projection model was built that in addition to aligning with the hypothetical MOM can also replicate the financial parameters for larger First Nations, and is based on the Draft Agreement. The FPM is capable of estimating the operating budget needs of a FNCFS agency based on the required staffing, programming and indirect expenditures for serving the population, and also the funding that the FNCFS would qualify for under the Draft Agreement with self-jurisdiction. The financial projection model has the following characteristics:

General Parameters

- The FPM is based on the operations of FNCFS agencies delivering family preservation services (prevention and protection) as envisioned by the Act and the Draft Agreement.
- Financial and population data have been indexed to 2026 values using StatsCan and ISC data estimates for inflation and population growth.
- The FPM estimates the budgetary needs and funding for 2026-27, and the main drivers used to estimate the budget needs replicate the drivers described in the Draft Agreement as follows:
    - the on- and off-reserve population of the First Nation,
    - the number of children in care, and
    - the Remoteness Quotient Adjustment Factor (RQAF).
- The FPM does not distinguish between a FNCFS agency delivering service to one First Nation or an amalgamation of multiple First Nations. The model is driven by population, children in care and remoteness factors, regardless of whether the population source is one First Nation or multiple First Nations.

- The FPM models the prevention and protection programs on a stand-alone basis, meaning that they are unaffected by expenditures and funding related to other programs or services like Post Majority Services, Band Representative Services, Tribunal and Dispute Resolution, or Crisis Line.
- The FPM does not include start-up costs for establishing a FNCFS agency, such as the costs of acquiring new infrastructure or assets, and ongoing capital expenditures. These costs are funded by ISC on case-by-case basis, and it is assumed that the FNCFS will have, or will acquire, the necessary infrastructure and assets.
- The budget estimate has these components:
    - Salaries and Benefits
    - Direct Program Costs
    - Indirect Costs

First Nation Population

- First Nation population (on- and off- reserve) was obtained from ISC's Indian Registration System as at December 31, 2024, and their report on Population Registered under the Indian Act by Gender and Residence in 2023.
- Cumulative population growth from 2023 to 2026 was estimated at 12.3% based on StatsCan estimates for First Nations population.

Children in Care

- The FPM uses the count of children in-care, based on total on- and off- reserve population, for estimating baseline funding and protection services expenditures.
- The number of First Nation children (under 19 yrs age) for each First Nation was derived using ISC 2023 population statistics in their report on Population Registered under the Indian Act by Gender and Residence in 2023.
- The percentage of First Nation children in care is based on the April 2020 national data reported by Crown Indigenous Relations and Northern Affair Canada (CIRNAC), which estimated 5.87% of First Nation children are in care. The number of children potentially in care for each First Nation was calculated by applying this percentage to the total number of children under 19 years of age.

Baseline Funding

- The Draft Agreement states that baseline compensation will be calculated based on the current rates that ISC pays to the current service provider. The FPM calculates the baseline amount using the estimated cost from the sample First Nations of $52,907 per child for 2026, multiplied by the estimated number of children in-care.

Prevention Funding

- According to the Draft Agreement, prevention funding would be based on the per capita amount of $2,500 indexed to 2026 per on-reserve population.
- For the FPM, prevention costs are calculated using the assumption that First Nations will provide prevention services to both on- and off-reserve members.

Remoteness Adjustment

- The RQAF for each First Nation was calculated according to the prescribed method in Appendix 12 of the Draft Agreement. A community with a 2021 Remoteness Index less than 0.4 will have a RQAF of 0.
- RQAF for each agency was derived using the same remoteness adjustment formula; however, it is weighted based on the population of each First Nation served by the agency.

Top-up Funding

- In the Draft Agreement, top-up funding for IT, results, and emergency would be calculated as a percentage of baseline funding.
- In the FPM, ISC's Household Support fund of $25.5 million was allocated to each First Nation using a simplified approach to reflect the formula in Appendix 11 of the Draft Agreement.

Analysis using the Financial Projection Model

We conducted an analysis of operational budget needs of a FNCFS agency providing prevention and protection services with self-jurisdiction, and the funding available from ISC based on the Draft Agreement. The FPM is a spreadsheet-based financial projection model capable of generating scenarios of FNCFS agency operations based on the three driving factors, i.e., on- and off- reserve population, children in care, and remoteness adjustment factor. In order to perform these calculations, it applies a variety of assumptions and rules for the cost drivers. These details are explained in Appendix 3 of this report.

Using Monte Carlo simulation, the FPM is programmed to create 620 scenarios by sampling the on- and off-reserve populations from the list of First Nations and generating approximate number of children in-care and approximate RQAF. The sampling of the population may not be unique, but the combination of children in care and RQAF makes each scenario unique. Based on these inputs, the FPM calculates the staffing needed, total operational budget needed, and the total funding the FNCFS provider qualifies for under the Draft Agreement. It is our view that the estimates fairly represent what a FNCFS provider operating with self-jurisdiction would experience. The resulting budget needs and ISC funding for delivering prevention and protection services with self-jurisdiction from the simulation were analyzed statistically. The table below shows some of the key statistics from the simulation and explanation follows.

Key observations from the FPM analysis include:

Table 1 Summary Statistics from Simulation of Estimated Funding from Draft Agreement and Budgetary Need

Stat	*On Res. Popn.*	*Total Popn.*	*RAQF*	*Children*	*Estimate of FTE*	*Budget Need ($)*	*ISC Funding ($)*	*Funding as % of Budget*
Min	12	36	0.14	1	6.7	964,259	138,680	14%
Ave	702	1,498	0.62	22	20.5	5,441,616	3,530,836	57%
Max	7,145	12,051	1.29	179	105.8	35,799,365	32,017,869	107%

Note: the values in each column reflect the range from min to max generated in the simulation for that variable. Values from left to right in a row are independent of each other. For example, a First Nation with an on-reserve population of 12 and total population of 36 may not exist, but the numbers represent the smallest on-reserve and the smallest total population generated in the simulation.

Estimate of Staffing

- Table 1 shows that the minimum staffing required to operate a minimal FNCFS agency is 6-7 full-time equivalent (FTE) positions, including an executive office, corporate services, and program delivery serving on- and off-reserve populations. This would meet the needs of any First Nation with total population less than 166.

- The estimated staffing need for FNCFS agencies with prevention and protection services may be about 94-106 FTE for some of the largest First Nations, with total populations in 10,000 to 12,000 range. For the few FNCFS agencies with even larger populations, the number of staff needed may be up to 155 FTEs.

- Figure 1 shows the distribution of FNCFS agencies based on their estimated staffing need.

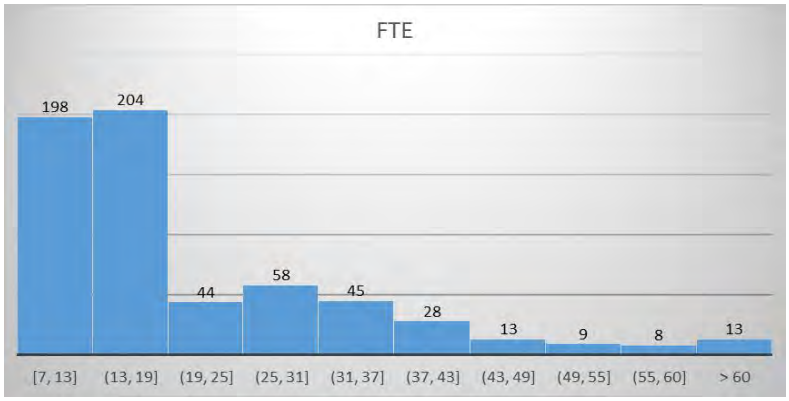

Figure 1 Number of FNCFS grouped by count of FTE Required

- About 72% of the FNCFS agencies will require less than 25 FTEs, 23% require between 25 and 50 FTEs and the remaining 5% will require 50 or more FTEs.

ISC Funding as % of Budgetary Need

- Table 1 indicates that the budgetary need of a FNCFS agency for operating costs may vary between $964k to $35.8 million, depending on population, number of children in care and remoteness. The average FNCFS agency requires about $5.4 million per year to fund annual operating costs.

- The ISC funding available through the Draft Agreement ranges between $138k to $32 million, with the average FNCFS agency qualifying for about $3.5 million per year.

- Table 1 also shows that, on average, the Draft Agreement is funding about 57% of the FNCFS agency's annual budgetary need for operations.

- Figure 2 shows the distribution of FNCFS agencies grouped by the percentage of their annual budgetary need for operations funded by the Draft Agreement.

- Figure 2 also indicates that for about 40% of the FNCFS agencies, the ISC funding based on the Draft Agreement may be less than 50% of their budgetary need.

- For about 50% of the FNCFS agencies, the ISC funding through the Draft Agreement may be 51-80% of their budgetary need, and for the remaining about 10% of the FNCFS agencies, the funding may be more than 80% of their budget.

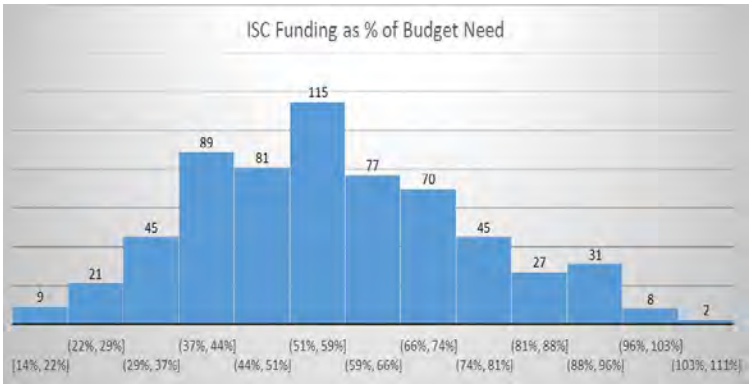

Figure 2 Number of FNCFS grouped by ISC Funding as % of Budgetary Need

- Accounting for the uncertainties in cost estimation and inherent error margins in the simulation, we may expect that about 10% of the FNCFS agencies who receive more than 80% of their budgetary need may be sufficiently supported to achieve their vision through the Draft Agreement. The FNCFS agencies that are funded between 51%-80% may be able to manage but would need to adjust their services/programming downwards to balance with the available funding. The remaining 40% of the FNCFS agencies receiving less than half their expected budget would struggle to deliver their mandate.

- Correlation analysis of the data from the simulation also confirms that the percentage of budget funded by the Draft Agreement is highly correlated (72%) to the percentage of on-reserve population. Therefore, First Nations with higher on-reserve populations will receive more funding compared to another with the same total population, but with a lower proportion living on-reserve.

Special Scenarios

To better understand the funding needs of FNCFS agencies with different demographics and address some of the key questions to be answered by this study, we analyzed the budgetary needs and funding from the Draft Agreement using some special scenarios, as described below.

- What is the operational budget need and funding available for the FNCFS agency serving the smallest population?
    - We analyzed the operational budget needed and funding available for the smallest FNCFS agency in terms of served population reflected in Appendix-1 which describes a hypothetical small First Nation and a minimum operating model for a FNCFS agency. This FNCFS agency serves a total population of 40 members (76% on-reserve), has an RQAF of 0.58 and has 1 child in care. Based on the simulation, the estimated budget needed for this FNCFS agency is $968k, with 6 FTEs in the organization. It would receive funding of $188k based on the Draft Agreement, which is about 20% of its need. A FNCFS agency of this size and composition will struggle to deliver the vision of self-jurisdiction enshrined in the Act, under this Draft Agreement.

- What population size can be served by the smallest FNCFS agency?
    - The simulation model indicates the smallest FNCFS agency needs a staffing level of 6-7 FTEs, with about half in CFS program delivery and the other half in executive office and corporate services. A FNCFS agency with this staff size may be able to support a total population size of up to 175, if it were sustainably funded. However, the simulation indicates that FNCFS agencies serving total populations up to 175 would, at best, receive 45% of their estimated budget need of $1.2 million per year through the Draft Agreement.

- What is the operational budget need and funding available from the Draft Agreement for a FNCFS agency serving the median population of First Nations?
    - Based on the Indian Registry Services population data for 2024, the median population for all First Nations is about 1054 members. Our simulation has a scenario with total population of 1054 members (57% live on reserve), an

RQAF of 0.75 and 18 children in care. The estimated budgetary need of this FNCFS agency is about $4.13 million per year, but based on the Draft Agreement, it would only receive $2.99 million per year. This FNCFS agency would be funded for about 73% of its annual budgetary need.

- What is the budgetary need and funding available from the Draft Agreement for a FNCFS agency serving the median population among small First Nations (total population below 1000 members)?
    - Approximately 53% of First Nations have a total population of less than 1054 members. The median population for these First Nations is 504 members. The FPM generated a few scenarios that are close to the median population of small First Nations. The best scenario from a sustainability perspective is when a First Nation with 504 members has 97% of its population on-reserve, a RQAF of 1.2 and 7 children in care. This FNCFS agency has an estimated budget of $2.2 million per year and would receive $1.9 million (86% of its budget) through the Draft Agreement. It would receive less than its budgetary need but could be sustainable. The worst scenario is when, for the same total population, only 26% of the population lives on reserve, the RQAF is 0.41 and 9 children are in care. The estimated budget need for this FNCFS agency is $2.6 million, but the available funding would be $1.03 million, or 39% of its required budget.

- What is the population size at which the proposed funding in the Draft Agreement is sufficient for a FNCFS agency to sustainably operate with its own mandate and vision of self-jurisdiction?
    - We analyzed the population size for which the funding available from the Draft Agreement meets at least 90% of the budgetary need of the FNCFS agency. The assumption is that a FNCFS agency can manage its mandate with that level of funding. Our analysis indicates that financial sustainability is highly correlated to the proportion of the population living on-reserve, not necessarily to the total size of the population. Data from the simulation indicates that the smallest FNCFS agency, to have at least 90% of its budgetary need funded, has a total population of 1150-1300 with 90% or

more living on-reserve. The budget need for this size of operation is $4-5 million per year. FNCFS with larger populations and similar proportions of on-reserve population would also be sustainably funded. This finding indicates that a target amalgamated population served in this range with the proportion of on-reserve population may be a strategy for sustainability under the Draft Agreement.

CHAPTER 6: Conclusion

The study meets the objective of conducting an exploratory analysis to better understand the interplay between population size, children in care and remoteness as applied to the funding proposed in the Draft Agreement and the corresponding operational budget needs of small FNCFS providers operating with self-jurisdiction. While much was learned from this small sample of FNCFS providers and the associated financial analysis, given the size and complexity of this topic, and the limitations of this study, there are many more questions to be answered regarding the operational needs, challenges and implications of the Draft Agreement on First Nations wanting to deliver CFS with self-jurisdiction.

In summary, our key findings and potential next steps are listed below.

Key Findings

1. The holistic, culturally relevant, culturally connected, person-centered, multi-generational, relationship-based approaches that characterize the five FNCFS providers in our sample establishes a foundation for organizational success. It could be inferred that the success that we observed in the five FNCFS organizations is due in large part to this overarching approach bringing them closer to their communities, enhancing cultural continuity, deepening their relationships, and creating an understanding of the people they serve that is unique to FNCFS providers. This type of compassionate understanding helps these organizations to be flexible, dynamic and focused on using their resources in the most effective ways. This culturally informed, citizen-centered approach is a leading practice that makes these organizations successful and positions them well for the future.

2. Opportunities exist for First Nations and FNCFS providers to incrementally build organizational capacity that supports the skills, competencies, tools and practices of culturally based prevention and protection services. With their connection to the culture and the land as a foundation, the FNCFS organizations can gradually enhance their functional capacity in data and analytics, financial management and leverage technology to optimize CFS delivery to remote and sparse populations.

3. There appear to be structural challenges with the ISC funding approach that do not align with the stated visions of First Nations delivering or wanting to deliver CFS with self-jurisdiction. The categorization and separation of prevention and protection services and funding thereof, primarily for the purposes of managing resources and data, is not aligned with the way in which many FNCFS providers intend to serve their people. The division between prevention and protection funding constrains rights based, holistic, culturally relevant, person-centered prevention approaches and is not aligned with the naturally changing needs of children, youth and families over time. Over the lifetime of their involvement with a CFS agency, a child, youth or family's needs can "fit" into both prevention and protection categories, and often into both categories at the same time. Determining that a child, youth or family only requires prevention services, or only a protection service, fails to recognize that people's needs and developmental paths are multi-dimensional, interconnected and complex. This failure, at its extreme, could result in "force" fitting people into services that may not be optimal. A block funding approach for prevention and protection services better conforms to First Nations' traditional world views, where the safety and well-being needs of children, youth, families and communities are interconnected and not separated into arbitrary categories for administrative convenience.

4. We note that the funding for prevention in the Draft Agreement is based on on-reserve population and appears not to account for the migration of First Nation members. Members who generally reside off-reserve would not have access to prevention services from their own First Nation. This funding approach also does not account for the additional complexity of service delivery to First Nation members living off-reserve. It raises the question of how an off-reserve First Nation member will receive services if their Nation's off-reserve infrastructure is limited and the First Nation member's acceptance into Provincial/Territorial services is limited as well. Given that most First Nations intend to provide services to members living off-reserve, it is crucial to provide adequate funding to support off-reserve delivery and well-articulated and well understood reciprocal service delivery agreements between Provincial/Territorial governments and FNCFS agencies.

5. The baseline funding as defined in the Draft Agreement would be better structured to incentivize keeping children at home and reducing the number of children in care. As defined in the Draft Agreement, FNCFS agencies who are able to reduce the number of children in care to zero are destined to lose their baseline funding and top-up funding.

6. The top-up funding is tied to baseline funding and therefore is bound to decrease when fewer children are in care of the agency. As well, tying the top-up funding to baseline funding only is inconsistent with First Nation's vision for a prevention focused CFS program. Measuring the impact of prevention services is integral to that vision and therefore the top-up for IT and Results ideally should be based on prevention funding alone, or both prevention and baseline.

7. The Draft Agreement does not provide ISC's rationale for establishing the minimum guaranteed amount at $75,000 adjusted for inflation, except that it may fund a full- or part-time prevention staff in very small First Nations. This may be partially correct for a Band-delivered prevention service for a very small First Nation. However, it does not consider the direct cost of support to families and other realities of staffing, such as backfill and vacancies. It also appears that the minimum guaranteed funding is not available for a First Nation if they are not part of an amalgamated FNCFS agency.

8. The minimum operational staffing and funding needed to serve any size of population is about 6-7 FTEs and approximately $1.2m in annual operating budget. This amount of resource may be sufficient to support prevention and protection services for populations up to 175 members, subject to remoteness and the proportion of on-reserve population. Our analysis shows that funding from the Draft Agreement only supports approximately 45% of the required budget.

9. There appears to be a pathway to financially sustainable operations for small FNCFS agencies through amalgamation. FNCFS agencies who are able to attain the threshold, estimated by the financial analysis, for total population and proportion of on-reserve population through amalgamation (1150-1300 in total population with 90% on-reserve), may receive funding that adequately supports their vision of self-jurisdiction.

Potential Next Steps

This study is a small step in a longer journey towards fulfilling the information needs of First Nations planning or contemplating self-jurisdiction in CFS. The following next steps are proposed for consideration:

1. Gain further clarity regarding the terms of the Draft Agreement or any future agreement and validate the implementation of the terms and related assumptions in the Financial Projection Model. A more rigorous study and modeling based on more participative but focused data gathering and consultation with First Nations would add further value and confidence in the findings.

2. Conduct financial modeling and scenario analysis to determine the fallback or minimum outcomes and preferred outcomes that would be acceptable to First Nations from any future negotiated agreement with ISC.

3. Conduct a thorough analysis of the Draft Agreement and any future agreements for alignment and compatibility with all relevant CHRT rulings related to the long-term reform of the FNCFS program.

4. Plan and implement strategies to incrementally build consistency and shared standards in gathering, storing, and reporting financial and operational data across the FNCFS sector to ensure the availability of reliable data, and enable reliable analysis on regional and national levels.

5. Plan and implement strategies to enhance the capacity of FNCFS organizations for data management, analytics and performance management to build on their operational successes and position them to meet the expectations and accountabilities stemming from the Draft Agreement, or any other future funding agreement.

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Appendix-1: Hypothetical First Nation & Hypothetical FNCFS Agency - Minimum Operating Model (MOM)

The Hypothetical Community Profile

This hypothetical First Nation is a community located on a remote northern reserve approximately 300 kilometers from the nearest urban center. It has a remoteness index of approximately 0.6, indicating significant geographic isolation. The community is not accessible by year-round roads and relies on seasonal winter roads and air transport for supplies and travel.

The total population of the community is approximately 40 members, with 30 (76%) residing on reserve. The age composition is as follows: approximately 9 (22%) are children aged 0-19 years, including 1 child currently in care; 3 are youth aged 20-24 years (8%), 21 are adults (50%), and 12 are seniors aged 60+ years and older (20%). The community has about 8 families with many facing economic and social challenges. Half of the families (4) are considered at risk and may benefit from prevention services.

Food Security

There is only one convenience store and one produce store on the reserve; both have a small selection of food choices. The community relies heavily on external supplies from supermarkets and discount stores located outside the reserve, which are difficult to access due to the remoteness and seasonal road conditions.

Some members of the community were displaced decades ago due to construction work on water infrastructure which destabilized the local water supply. This resulted in the community being under a boil water advisory for the past 5 to 10 years. This has led to increased health risks and disrupted routine housekeeping in the community.

Health

There is a small nursing station on the reserve, but it provides only basic medical care. Specialized care is unavailable and doctor visits are infrequent. For more complex health issues, including maternity care, residents must travel long distances to urban hospitals (~400

km). To get emergency medical care, community members travel by air. However, weather conditions and the seasonal nature of the roads frequently delay or prevent timely medical evacuations, increasing residents' vulnerability in life-threatening emergencies.

Education

The community has an elementary and middle school on reserve, but there is no high school. High school students must leave the community to attend schools or post-secondary institutions in larger towns or cities, which causes emotional and cultural disconnection. Many students face challenges adjusting to life outside the community; these challenges include limited cultural, financial and emotional support. This leads to high dropout rates that perpetuate low community educational levels, community unemployment, and health and social areas like mental health, addictions, and crime.

Social Development

Many of the older community members are residential school survivors. Intergenerational trauma, substance misuse and mental health issues are legacies of the residential school system. Many families are raising children and relatives without financial support, while some parents are unable to be involved due to addiction and trauma-related challenges. Alcoholism and drug addiction are common, contributing to domestic violence and child neglect in some households, resulting in placements which are outside the community due to lack of caregivers.

Parks and recreational facilities are poorly maintained or nonexistent. Youth have limited access to positive, structured activities, which has resulted in high rates of substance use, antisocial behavior and mental health issues. Community leaders and volunteers attempt to organize sports and cultural activities, but their efforts are constrained by a lack of funding and infrastructure.

Culture and Tradition

Traditional practices like fishing, hunting, and ceremonies are important parts of community life. Regular cultural events are organized and cultural kits are distributed to children to promote Indigenous knowledge and traditions. Efforts to preserve the language are ongoing, but progress is slow due to limited resources and the influence of western education systems.

While there is not a traditional site like a turtle lodge, the community has a shared gathering space supported by the Band Council for cultural events and ceremonies. Elders and knowledge keepers play a key role in passing down traditional knowledge, but the loss of language and cultural practices remains a significant concern.

Community Facilities

The community's facilities are limited and aging. There is lack of traditional gathering places such as a turtle lodge, ceremonial grounds, fire areas, and ceremonial spaces, like a sweat lodge or smudging room. The community gathering space is one of the few well-used facilities that accommodate cultural and community events, but it lacks modern amenities. The Band office, nursing station and community center require renovation and repair.

Housing

Families live in overcrowded homes, since no new housing construction has taken place in the past 5 to 10 years. Rental units are in poor condition, requiring repairs that are usually delayed or left unfinished due to limited funding and bureaucratic barriers.

Transportation

The community is accessible only by air or seasonal winter/ice roads. There is no public transit or taxi service, and personal vehicle ownership is low, primarily due to the high cost of ownership. Transporting supplies and medical emergencies requires expensive charter flights, which are often delayed or canceled due to weather conditions.

Health and Medical Facilities

The nursing station is not equipped to handle complex medical cases. Medications and supplies are limited, while emergency services are scarce. Serious medical issues require evacuation by air, but inconsistent flight schedules and weather-related disruptions often delay care. There are no First Nations midwives in the community, so pregnant women must leave the community weeks before their due dates to access maternity care, adding stress and financial strain on families.

Recreational Facilities

Recreational infrastructure is minimal; it is limited to a few informal outdoor spaces. There is no gym, sports field or dedicated community center for youth activities. Volunteers try to organize sports and events, but inconsistent funding and a lack of resources make it hard to sustain these programs.

Economic Drivers

The Band Council is the main employer, but jobs are limited. Seasonal work in firefighting, construction, and environmental monitoring is available but does not provide long-term stability.

Unemployment is high, especially among youth. Many residents leave the reserve for better economic opportunities, leading to population decline and social instability. Financial struggles are made worse by the lack of childcare and the high cost of transportation and living expenses.

The Hypothetical MOM FNCFS Functional Profile

Governance

1. Board of Directors Governance Administrative Support
2. Community Engagement and Communications

Minimum Suggested Functions or Roles

– Board Governance Support

Rationale – A First Nations Child and Family Service agency will have a governing board or body. For the purposes of this exercise, it is assumed that the governance body is a community-based Policy Board. Given that all Boards have accountability for the direction and the achievement of outcomes for the clients/people they serve, it is reasonable to suggest that all FNCFS providers have adequately resourced and dedicated capacity to support the governance of their organizations. This argument is even more compelling when considering the essence of First Nation's traditional, intergenerational relationship-based governance, where Elders, Chiefs, Band Councilors, and the Nation's citizens are integral, interrelated, and inseparable members of the Nation's decision making, and consequently, play a large role in the support that a child and family would receive. A primary role of a Governance Board Member of a FNCFS agency will be to liaise and connect with this broad and sometimes complex collective of care giving stakeholders and will often be the de facto voice of their respective First Nation community when broad-based community engagement is not possible.

Corporate Services

1. Human Resources
2. Legal
3. Planning, Monitoring, Quality Assurance and Continuous Improvement
4. Finance and Audit
5. Procurement and Contracting
6. Program Development
7. Infrastructure
8. Communications, Promotions and Marketing
9. Policy Development

10. Information Technology
11. Corporate Services Administrative Support

Minimum suggested Functions or Roles

Human Resources

Rationale –The recruitment, retention and support of compatible and qualified staff is foundational for the effective functioning of the organization. In addition to the recruitment, retention and support challenges of a larger, urban organization, a small remote FNCFS agency will have the added challenges of issues like distance and associated travel, the availability of qualified candidates for delivery of Indigenous and non-Indigenous service delivery, housing, and higher salary costs for comparable positions. As FNCFS providers continue to address the historical injustices of past policy and the design of uniquely First Nations delivery of Child and Family Services, having a skilled and qualified Human Resource professional that understands the following is required:

- the historical context and reputation of non-Indigenous Child and Family Services, and today's unique First Nation design of the work;
- the unique community context of the work, and;
- the need to have an equally unique and innovative approach to Human Resources.

A FNCFS agency must have a tailored recruitment, retention and support strategy for leading, managing and supporting their staff. This will help realize the First Nation's vision for self-jurisdiction in CFS.

Legal Services

Rationale – Considering the general litigious nature of historical child protection work, it is reasonable to assume that a FNCFS agency may have a similar experience with their service delivery, albeit with the hope that it will be to a lesser degree. In addition, the ongoing negotiation of organizational agreements with Federal, Provincial and service delivery entities, along with drafting of Nation specific laws and corresponding policy, will require dedicated legal services support.

Financial Services, Audit, Procurement & Contracting, Program Development, Infrastructure

Rationale – All FNCFS providers will require the capacity to effectively manage their finances, regardless of the size of the organization. While the day-to-day management of financial resources will be paramount, having associated specialized functions, such as audit, procurement, contracting and infrastructure support would be value-added additions on a as needed basis. In addition to performing periodic specialized activities, these supplementary resources can also help with the day-to-day transactional activities associated with developing in-house programs, procuring needed infrastructure and program services, drafting contracts and agreements and reviewing those services from a cost-benefit or cost-effective perspective. These functions can assist FNCFS agencies' accountability in meeting their Nation's and funder's expectations regarding transparent disclosure of the resources received, resources allocated and results achieved.

Communications, Promotions, and Marketing

Rationale – The holistic, culturally relevant, multi-generational, relationship-based prevention approach to safety and well-being constitutes the general foundation for FNCFS delivery. That approach is unique and substantially different than the western, colonial, provincially mandated approach to child protection. A FNCFS agency will require a resource to support the Board, Executive Director and staff in dispelling the perception that the FNCFS agency is the same as CFS agencies based on the colonial system, and promoting and marketing the new, Nation specific, design, delivery and outcomes of the FNCFS agency. If a goal is to model a traditional approach of community caregiving to achieve improved safety and well-being outcomes, the community must be engaged and involved in a trusting relationship and be supportive. This requires ongoing engagement, transparency, communications, marketing, and promotion of the context, rationale and strengths of the FNCFS agency and services.

Planning, Monitoring, Quality Assurance and Continuous Improvement

Rationale – Person-centered or citizen-centered organizations have the client or customer at the center of what they do, and they measure whether they are making a difference for their clients or customers. The First Nations establishing FNCFS agencies are resuming the care of their children and families and epitomize a citizen-centered approach to service. Consequently, FNCFS agencies that are accountable to their Nations will want to use their available resources in the most effective and efficient ways possible. They want to know if what they are doing is making a difference for their people. FNCFS agencies require dedicated resources to help plan,

monitor, assess, review and evaluate their services with a capacity for data collection, analysis and reporting to meet their accountabilities to their people, funders and others, as they deem necessary.

Policy Development

Rationale – Historic, colonial child welfare policy has clearly not met the needs of First Nation children, families and communities. The foundational premise of the reformation of First Nations child welfare is a change in policy that recognizes the inherent right of First Nations to care for their children and families and places the responsibility of creating, drafting, communicating and operationalizing Nation-specific child and family services policy on each First Nation. To align a FNCFS agency's policy with the law and operational needs, it is reasonable to suggest that FNCFS agencies have a dedicated policy capacity to effectively support the policy reformation agenda.

Information Technology

Rationale – We are living in an ever-increasing digital world requiring ongoing adaptation to changing technology. While it can be argued that this technology can be both enabling and constraining, there is little debate regarding the pervasiveness of emerging technology and the need for service delivery agencies to have capacity. For remote communities, up-to-date technology is critical; it enables operational efficiency and mitigates some aspects of remoteness and limited access to services.

Administrative Support

Rationale – Administrative professionals provide a division of labor between the specialized functions and the administrative tasks that support those functions. Having enough skilled administrative professionals to assist specialized functions can create efficiencies when there is effective grouping and assignment of administrative tasks. This division of labor allows staff to focus on the tasks that best suit their knowledge, skills and abilities.

Executive Leadership & Management

1. Chief Executive Officer or Executive Director
2. Executive Administrative Support

Executive Director

Rationale – All organizations require administrative leadership and management. Given the proposed policy governance board structure, it is important to have a position that reports to the Board and translates and manages the policy direction into operational activity. This position is critical in developing, leading, managing and supporting the policy direction as established by FNCFS laws when enacted and through the Board, and operationalizing them into relevant services for Nation members.

Executive Support

Rationale – As with previous comments made regarding the division of labor for administrative vs. specialized tasks, having a skilled administrative professional to support executive leadership is value added and efficient when tasks are categorized and assigned effectively. When implemented correctly, executives can focus on the core (strategic and operational) work of their positions vs. the important but more transactional work of administrative professionals.

Operations

1. Cultural Coordinators
2. Early Childhood Development
3. Prevention, Early Intervention, and Well-being
4. Youth Support
5. Family Preservation and Support
6. Child, Youth and Family Safety

Cultural Coordinator

Rationale – As demonstrated by the sample of FNCFS providers in this review, at the core of FNCFS organizations are inherent rights and cultural continuity. The historical damaging experience of First Nations caused by colonial policy and associated child welfare systems has resulted in many losses for First Nations that include cultural identity, language and traditions. To address this, FNCFS providers require dedicated resources that are focused on building and supporting culture and cultural continuity, repairing the damage caused by the colonial systems and assisting the transition to new First Nations driven systems, with reconciliation both internally between the community and Child and Family Services, as well as externally between

Indigenous and non-Indigenous people. Cultural Coordinator positions are a principal strength in delineating between colonial child welfare and the contemporary First Nations-led services.

Minimum Staffing

Rationale – Regardless of the population of any First Nation, to create an effective FNCFS agency, there is a minimum staffing that is needed to operate. Variables like remoteness, operating hours, mandate and programs delivered impact the minimum number.

Having a minimum staff allows for logical and effective resource assignment based on needs. It would support a rotational assignment of staff to after-hours and on-call services to meet the 24/7 requirement of a FNCFS agency. Depending on community needs, it allows for reasonable balancing of emergency response and ongoing case management, as well as reasonable coverage for vacancies due to illness, vacations and training.

This minimum baseline is also contingent on having the other previously listed specialized and support functions available to assist.

Key Physical Infrastructure

- Operational Office Buildings
- Cultural/Community Buildings
- Vehicles
- Information Technology (software, hardware, and support) – Program, Finance, Human Resources, Communications, Quality Assurance
- Communications

Appendix-2: The Amended Draft Agreement

CHRT Decision on Compensation and Reform

- The First Nations Child and Family Caring Society and the Assembly of First Nations filed a human rights complaint at the Canadian Human Rights Commission in 2007 alleging that the Government of Canada is providing less child welfare funding to First Nations children and failing to fully implement Jordan's Principle.
- In January 2016, The Canadian Human Rights Tribunal through its decision CHRT-2 ordered the federal government to cease its discriminatory conduct and reform its First Nations Child and Family Services Program, concluding it was tearing families apart and shattering lives through systemically racist funding practices. The Tribunal also found that the federal government's narrow interpretation and implementation of Jordan's Principle was creating service gaps, delays or denials, and overall adverse impacts on First Nations children and families on-reserve.
- On January 4, 2022, the Government of Canada announced that 2 Agreements-in-Principle had been reached:
    - on a global resolution related to compensation for those harmed by discriminatory underfunding of First Nations Child and Family Services.
    - to achieve long-term reform of the First Nations Child and Family Services Program and Jordan's Principle, to ensure that no child faces discrimination again.
- After the first compensation settlement amount was disapproved by CHRT, a revised compensation settlement worth $23.376 billion was announced in 2023 that included all children victims of the underfunded First Nations child-welfare system.
- The CHRT confirmed on July 26, 2023, that the compensation agreement satisfied all 2019 compensation orders.
- The Federal Court of Canada approved the agreement on October 24, 2023.
- In July 2024 Canada announced a draft Final Settlement Agreement (FSA) negotiated with AFN, Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN) for the reform of the FNCFS program. It was presented as a $47.8 billion deal over 10 years.
- Closer scrutiny revealed serious shortfalls, including insecure funding commitments and governance that lacked regional participation, transparency and First Nations decision

making. In October 2024, First Nations voted overwhelmingly to reject the FSA and reset negotiations to allow regional representation.

- On February 10, 2025, Canada, along with COO and NAN released a draft FSA on FNCFS long-term reform that is only for Ontario First Nations.
- On February 26, 2025 –COO and NAN ratified a $8.5 billion Ontario Final Agreement on the Long-Term Reform of the FNCFS Program.

Long Term Reform Funding

The following general terms were proposed for funding under the draft agreement for long-term reform by Canada, which was rejected by the First Nations in late 2024.

Baseline. Starting April 1, 2025, FNCFS agencies will receive operations & maintenance funding as a fixed baseline amount, calculated based on 2022-2023 actual expenditures. This replaces the reimbursement of actual costs for operations and maintenance expenditures, such as intake, investigations, legal fees, building repairs and child service purchases. Baseline funding is subject to adjustments for inflation and population growth based on the Indian Registration System (IRS) population count. For non-agency First Nations, the baseline is calculated based on the amount of maintenance funding ISC provides to the jurisdiction (provincial or territorial) providing protection services less any administrative expenses related to the program for the jurisdiction.

Prevention. Funding at $2,500 ($2603.55 for 2024-25) per registered First Nation on-reserve for culturally relevant, community-based programs and services that address the structural drivers that place children, youth and families at risk. Prevention funding was implemented as part of immediate measures on long-term reform, which began on April 1, 2022. First Nations not served by a FNCFS agency will receive all the prevention funding attributable to the First Nation based on the per capita rate. First Nations served by a FNCFS agency have the option to direct their funding to a service provider. Where a FNCFS agency is affiliated with one or more First Nations, the funding may be divided between the First Nation and the agency based on a proportionate to population formula. At a minimum, each First Nation with or without an affiliated agency will receive $75,000, even if their calculated allocation would fall below this amount. The total prevention funding provided to a First Nation and its agency may not exceed the amount based on the per capita rate for the First Nation's population.

Post-Majority Support Services. Post majority support services would be provided?? for registered or ordinarily resident on-reserve First Nations young adults aging out of care and formerly in care, up to their 26th birthday as they transition to adulthood and independence. Funding would be based on actuals as part of the Immediate Measures (2022 CHRT8) and would transition to a formula-based approach with a new funding methodology for the FNCFS Program.

Poverty. A top-up funding for household support to address challenges associated with poverty, such as basic needs that could result in children coming into care is available to First Nations. The top-up will be a proportionate to the population of the First Nation that is below LIM-AT and the total funding available from ISC ($25.5 million for 2024-25). This funding is provided to the First Nation.

Capital Asset Funding. A top-up percentage of up to 2% of the total value of FNCFS agency's capital assets to support maintenance (e.g. buildings and vehicles) is available to First Nations. A capital asset replacement fund for major capital projects, such as new purchases, builds or extensive renovations, would be determined by Phase 3.

Insurance Premium. First Nation and FNCFS service providers will receive funding for eligible insurance costs.

Adjustments

Inflation. A percentage increase each year to account for the forecasted inflation rate using the Consumer Price Index.

Population. Funds to account for First Nations population growth as a top-up to the baseline budget. The population of the First Nation is to be based on the population on-reserve, on Crown land or in Yukon drawn from the IRS as of September 30th of the previous year. For FNCFS agencies the population is the sum of populations of the First Nation to which it is affiliated.

Geography/Remoteness. A funding top-up to address the increased costs of delivering services in remote First Nations by utilizing the Remoteness Index Score. A remoteness adjustment will apply to those First Nation whose remoteness score is 0.40 or greater based on 2021 index of remoteness.

Top-Up Funding

To be calculated on baseline funding adjusted for population and inflation.

Information Technology (IT). A 6% top-up of the baseline budget for FNCFS agencies information technology needs for the implementation of the reforms.

Results. A 5% top-up on the baseline budget to support the implementation of the performance measurement framework or other results-based indicators.

Emergency Funds. A 2% top-up to the baseline budget for emergency situations that create additional demands on FNCFS agencies such as disasters and unanticipated circumstances. This funding is to be shared equally between the First Nation and with the agency, if served by an agency.

Appendix-3: Financial Projection Model Assumptions and Cost Drivers

Human Resource Needs

The FPM estimates staffing and budget needs based on the premise that a First Nation that decides to assume jurisdiction for CFS will create an organization, business model and systems that support the base functions of any successful business, but also include functions and infrastructure that support their unique First Nation's vision. For example, it will have a Board representing its community, staffing to perform a minimal level of corporate and program functions and systems and physical facilities to support its operations, with particular emphasis on functions, roles or infrastructure that are First Nations specific, like Elder and ceremony supports.

The FPM estimates the FTEs and related costs in salaries and benefits for the minimum staffing required to operate a FNCFS agency providing prevention and protection services with self-jurisdiction. The human resource needs have been grouped into three categories as described below.

The Executive Office consists of:

- Executive Director overseeing all operations and program delivery and responsible for strategic leadership.
- Office Manager / Reception handling general office administration and reception duties.
- Executive Support to provide administrative support to the Executive Director and the Board.

The FPM calculates the FTE needs for each based on assumptions driven by the overall size of the FNCFS organization. The combined size of the Executive office is capped at 4.5 FTEs for large FNCFS.

Corporate Services consists of staff who will manage, support and execute the corporate services functions of HR, Finance, IT, Data, Policy, Communications and Facility Management.

- The manager to staff ratio of 1:6 has been used to determine the number of manager positions in the corporate services function.

- A ratio of 1:8 has been applied to determine the number of administrative support staff.
- The staffing needs for HR, Finance, IT and Maintenance have been calculated by applying industry standards for these functions, along with a minimum base staffing required when the population or total employee count is under a certain threshold.
    - HR generalist positions are calculated based on 1 FTE per 50 employees in the FNCFS agency with a minimum of 0.5 FTE. Accounting and Finance staffing are based on 1 FTE per $3 million in budget but no more than 5 FTEs.
- IT, Data Management and Social Media staffing is minimum of 0.5 FTE for less than 20 total employees, 2 FTEs for less than 100 employees and an additional 1 FTE for every 100 employees in the FNCFS.
- Facility Maintenance and Operations staffing is based on 1 FTE per 1000 population, with a minimum of 0.5 for under 500 people.

Program Operations consist of managers and supervisors, as well as frontline workers who work directly with the community, families and children.

- A fractional Director of Program Operations position is allowed for agencies that have fewer than 8 frontline employees, and an FTE if there are more than 8 employees in frontline positions.
- A ratio of 1:8 has been used for determining direct supervision to frontline social workers, and a ratio of 1:8 has been applied to calculate the number of administrative support staff.
- Cultural Coordinator and Community/Clan relations staffing is based on 1 FTE per 2000 total population, with a minimum of 0.25 FTE.
- Family Preservation Generalists who provide prevention services is calculated on the basis of the proportion of population to be targeted through outreach.
- Family Preservation Specialists who provide protection services are calculated based on a caseload of 8 children per caseworker, with a minimum of 0.5 FTE for any FNCFS.
- The caseload and supervision ratios are based on industry standards, but First Nations may have different requirements depending on factors like community needs, uniqueness of their culturally relevant delivery model, case complexity, availability of resources and travel distances.

Salaries & Benefits

Total expenditures on salaries were estimated based on market averages for similar roles listed on credible internet sources, and benefits were calculated at 30% of the annual salary, consistent with industry standards. A contingency budget has been estimated for the frontline roles at 20% of salaries and benefits to fund back-fill for vacancies, unplanned absence and after-hours work, assuming that factors such as location and availability of temporary staff do not create a barrier for the FNCFS to utilize the contingency.

Direct Program Costs

Direct program costs relate to expenditures incurred in the direct delivery of the prevention and protection services to children, families and the community. They do not include salaries and benefits for program delivery staff, which have been estimated in the salaries and benefits for program operations.

- Direct Program Costs for Contracted Services include the cost for contracted professionals. This amount was calculated by multiplying the population of the First Nation by the per population cost for this service in two of the sample FNCFS. This line includes contracts for:
    - Elders, trainers, teachers, consultants, mental health practitioners, etc., to deliver prevention program-related services that directly benefit children and families as described in the MOM.
- Direct Program Costs for Prevention include direct expenditures related to children and families as part of the prevention initiatives. This amount was calculated by multiplying the population of the First Nation by the per population cost for this service in two of the sample FNCFS providers:
    - direct financial assistance, groceries, clothing, transportation and entertainment supplies, and any other supports based on needs as described in the MOM.
- Direct Program Costs for Protection include direct expenditures related to child protection activities, foster care placements, kinship care and emergency housing. This cost was calculated by multiplying the number of children in care of the FNCFS agency with the maintenance cost per child calculated for a sample FNCFS agency indexed to 2026 dollars. The maintenance cost per child in 2026 is estimated at $52,907, as per the

terms of the Draft Agreement. The baseline maintenance cost per child excludes operating costs, such as staff salary and administration.

Indirect Costs

Indirect costs include the expenditures related to corporate services and other activities that support the social programs but are not direct expenditures to children and families, including:

- Board Honoraria and Expenses include payments and reimbursements for board members' time and expenses related to governance activities. Board members are to be compensated for expenses and provided with an Honoraria based on number of board meetings. The number of board members, typically between three and six, with First Nation who have an on-reserve population of less than 250 would have a three-member Board, and those with an on-reserve population of over 500 would have a six-member Board.
- Volunteer Honoraria include payments or stipends for volunteers like youth, adults and Elders who give their time to support the First Nation's programs and community initiatives. The amount is based on an estimate of 20 hours per year per volunteer and an hourly cost per volunteer.
- Legal, Accounting and Professional Fees include costs for legal fees, financial audits and other professional services. Legal costs were estimated at minimum $10,000 for all First Nations, $30,000 for First Nations with on-reserve population less than 500, $75,000 for on-reserve population less than 1000 and $150,000 for larger First Nations.
- Insurance for employer and employee liability coverage was estimated at $500 per staff.
- Meetings & Gatherings include expenses for organizing community meetings, gatherings and associated costs, and were estimated at $2,000 for every 50 participants.
- Office and Administrative costs, including general administrative costs, such as supplies, office equipment, and communications were estimated at $1000 per employee per year.
- IT, Data Management and Social Media costs include costs related to maintaining IT and phone systems, data storage, software and social media. These were estimated at an average of $3,500 per staff based on industry estimate for medium sized non-profit.
- Facility Maintenance Costs include costs for maintaining physical spaces and transportation, repairs and upkeep. These were estimated at 4% of total budget based on industry estimates.

- Travel and other expenses are costs for staff travel and related expenses and were estimated at $500 per frontline staff per month, to account for geographically dispersed populations and child placements.

ISC Funding Based on the Amended Draft Agreement

To determine the total ISC funding available for family preservation based on the Draft Agreement, we calculated the allowable funding for each line item as below.

- The baseline amount was calculated using the estimated cost of $52,907 per child for 2026, multiplied by the estimated number of children in-care.
    - We note that this amount, which is based on our sample data, is lower than ISC's published data of $56,094 on average per child maintenance cost for 2019-20 for all First Nations ($66,242 in 2026 dollars). The Draft Agreement proposes that baseline compensation will be calculated on specific First Nations per child maintenance costs, or provincial/territorial costs of maintenance for children from the First Nation.
- Prevention funding was based on the per capita amount of $2,705 per on-reserve population in 2026 dollars.
- The Draft Agreement requires the Household Support funding to be calculated using the LIM-AT criteria. We found that the household support funding calculated using the LIM-AT criteria was approximately 1%-2.5% of baseline funding for the five sample First Nations. As a simplification of a more complex LIM-AT based calculation, the FPM calculates the household support as percentage of baseline by multiplying the baseline with a random percent between 1%-2.5%.
- Funding for Capital Asset Maintenance and Insurance were treated as flow through and funded at the amounts of the estimated expenditures.
- Top-up funding for IT, Results and Emergency were calculated as percentages of baseline as stipulated in the Draft Agreement.
- A remoteness adjustment amount was calculated using the RQAF for the agency applied to the sum of top-up funding for IT, results, emergency and household support.

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Analysis of Operating Budget and Funding based on On-reserve Population

(Addendum to "Study of Budget Needs and Funding in the Amended Draft Agreement for Long Term Reform of FNCFS Program" Final Report April 2025)

Introduction

In July 2024, the First Nation Child and Family Caring Society (the Caring Society) contracted EngageFirst Management Consultants, a leading consultancy with a background in First Nation's child and family services (FNCFS), to analyze the funding needs of small First Nations and the adequacy of the funding proposed in the Amended Draft Agreement for the Long-term Reform of FNCFS Program (the Draft Agreement). EngageFirst reported the findings of this study in April 2025. The study was focused on reflecting the needs and aspirations of small First Nations (with total on- and off-reserve population below 1054) delivering or wanting to deliver CFS with their own jurisdiction. Premised on that vision, the analysis reflected the operations and budget needs of FNCFS agencies providing services to families, youth and children living on- and off-reserve.

This addendum, presents the results of the financial analysis based on the premise that FNCFS agencies provide their services only to families, youth and children living on-reserve.

Findings of Analysis

The financial model developed in the original study, was used to generate scenarios of FNCFS agency operations based on three driving factors, i.e., on-reserve population, children in care, and remoteness adjustment factor. In order to perform the calculations, the assumptions and cost drivers for this analysis were reviewed and adjusted to reflect service delivery to on-reserve population only.

The financial model is programmed to create 620 scenarios by sampling the on-reserve populations from the list of First Nations and generating approximate number of children in-care and approximate RQAF. It is our view that the estimates fairly represent what a FNCFS provider operating with self-jurisdiction would experience. The resulting operating budget needs and ISC funding for delivering prevention and protection services with self-jurisdiction from the simulation

were analyzed statistically. The table below shows some of the key statistics from the simulation and explanation follows.

Table 1 Summary Statistics from Simulation of Estimated Funding from Draft Agreement and Budgetary Need

Stat	On Res. Pop.	Total Popn.	RAQF	Children	Estimate of FTE	Budget Need ($)	ISC Funding ($)	Funding as % of Budget
Min	10	36	0.00	-	6.1	791,670	107,502	13%
Ave	884	1,711	0.61	24	15.9	4,336,722	4,038,758	76%
Max	10,320	13,501	1.36	294	107.4	40,993,791	47,098,821	119%

Note: the values in each column reflect the range from min to max generated in the simulation for that variable. Values from left to right in a row are independent of each other. For example, a First Nation with an on-reserve population of 12 and total population of 36 may not exist, but the numbers represent the smallest on-reserve and the smallest total population generated in the simulation.

Estimate of Staffing

- Table 1 shows that the minimum staffing required to operate a minimal FNCFS agency is about 6 full-time equivalent (FTE) positions, including an executive office, corporate services, and program delivery serving on-reserve population. This would meet the needs of any First Nation with on-reserve population less than 175.

- The average staffing requirement among all First Nations for delivering prevention and protection with self-jurisdiction to on-reserve population is about 16 FTE.

- The estimated staffing need for prevention and protection services may be about 52-105 FTE for some of the large First Nations, with on-reserve populations in 4,000 to 10,000 range.

- Figure 1 shows the distribution of FNCFS agencies based on their estimated staffing need.

- About 85% of the FNCFS agencies will require less than 25 FTEs, 12% require between 26 to 50 FTEs and the remaining 3% will require more than 50 FTEs.

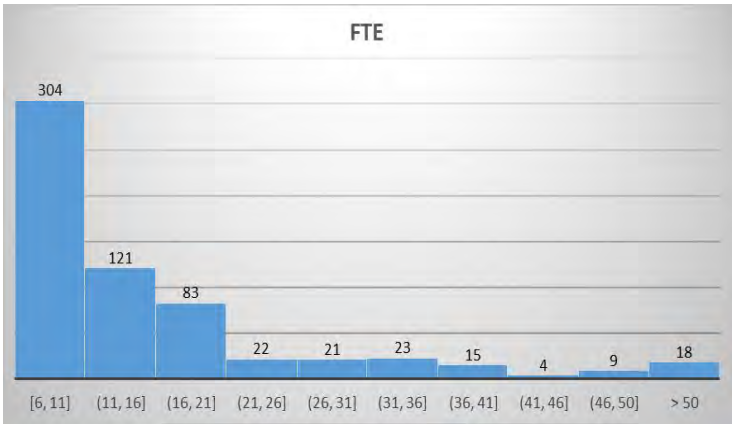

Figure 1 Number of FNCFS grouped by count of FTE Required

ISC Funding as % of Budgetary Need

- Table 1 indicates that the budgetary need of a FNCFS agency for operating costs varies between $791k to $41 million, depending on on-reserve population, number of children in care and remoteness. The average annual operating budget among all FNCFS agencies is about $4.3 million.

- The ISC funding available through the Draft Agreement ranges between $107k to $47 million, with the average funding among all FNCFS agencies of about $4 million per year.

- Table 1 also shows that, on average, the Draft Agreement is funding about 76% of the FNCFS agency's annual budget need for operations.

- Figure 2 shows the distribution of FNCFS agencies grouped by the percentage of their annual operating budget funded by the Draft Agreement.

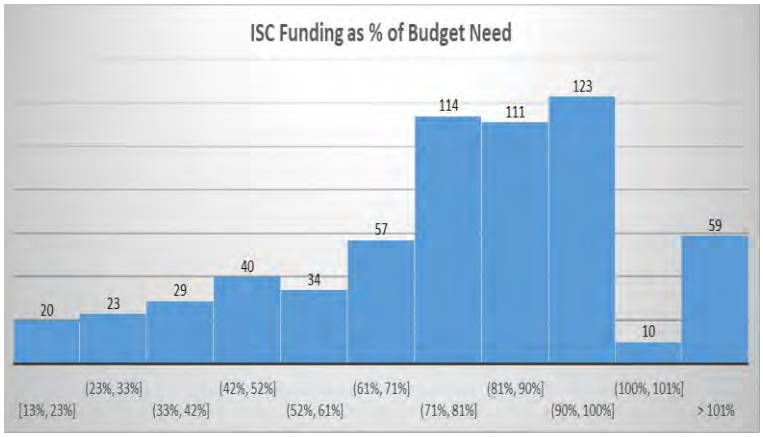

Figure 2 Number of FNCFS grouped by ISC Funding as % of Operating Budget

- Figure 2 indicates that for about 18% of the FNCFS agencies, the ISC funding based on the Draft Agreement may be less than 50% of their budget need.

- For about 33% of the FNCFS agencies, the ISC funding through the Draft Agreement may be 51-80% of their budget need, and for the remaining about 49% of the FNCFS agencies the funding may be more than 80% of their budget. (Note: the overfunding shown in the chart may be due to the difference in the scaling of costs and funding for large FNCFS.)

- Accounting for the uncertainties in cost estimation and inherent error margins in the simulation, we may expect that about 49% of the FNCFS agencies who receive more than 80% of their budgetary need may be sufficiently supported to achieve their vision through the Draft Agreement. The FNCFS agencies that are funded between 51%-80% may be able to manage but would need to adjust their services/programming downwards to balance with

the available funding. The remaining 18% of the FNCFS agencies receiving less than half their expected budget would struggle to deliver their mandate with self-jurisdiction.

- It appears from the analysis that on a net system-wide basis the total ISC funding would balance the combined operating budget needs for prevention and protection services of all the FNCFS agencies.

- Correlation analysis of the data from the simulation also confirms that the percentage of budget funded by the Draft Agreement is highly correlated (72%) to the percentage of on-reserve population. Therefore, First Nations with higher on-reserve populations will receive more funding compared to another with the same total population, but with a lower proportion living on-reserve.

  Special Scenarios

  To better understand the funding needs of FNCFS agencies with different demographics and to address some of the key questions to be answered by this study, we analyzed the budget needs and funding from the Draft Agreement using some special scenarios, as described below.

  - What is the operational budget need and funding available for the FNCFS agency serving the smallest on-reserve population?
    - We analyzed the operational budget need and funding available for a very small FNCFS agency as reflected by the hypothetical small First Nation and the minimum operating model for an FNCFS agency described in Appendix-1 of the final report. This FNCFS agency serves an on-reserve population of 42 members (29% of total population), has an RQAF of 0.75 and has 1 child in care. Based on the simulation, the estimated budget needed for this FNCFS agency is $971k, with 6.7 FTEs in the organization. It would receive funding of $219k based on the Draft Agreement which is about 23% of its need. An FNCFS agency of this size and composition will struggle to deliver the vision of self-jurisdiction enshrined in the Act, under this Draft Agreement.

  - What population size can be served by the smallest FNCFS agency?
    - The simulation model indicates the smallest FNCFS agency needs a staffing level of 6-7 FTEs, with about half in CFS program delivery and the other half

in executive office and corporate services. An FNCFS agency with this staff size may be able to support on-reserve population of up to 175, if it were sustainably funded. However, the simulation indicates that FNCFS agencies serving on-reserve populations up to 175 would, at best, receive 60% of their estimated budget need of $1.3 million per year through the Draft Agreement.

- What is the operational budget need and funding available from the Draft Agreement for an FNCFS agency serving the median on-reserve population of all First Nations?
    - Based on the Indian Registry Services population data for 2024, the median on-reserve population for all First Nations is about 454 members. Our simulation has a few scenarios with on-reserve population of 454 members, RQAF between 0.7-1.0 and between 11-14 children in care. The estimated operating budget need of these FNCFS agencies is between $2.6-$2.8 million per year, and based on the Draft Agreement the ISC funding would be between $2.0-2.3 million per year. These FNCFS agencies would be funded for about 80-90% of their annual operating budget, which may be close to sustainable.

- What is the budgetary need and funding available from the Draft Agreement for an FNCFS agency serving the median population among small First Nations (on reserve population below 454 members)?
    - Half of the First Nations have on-reserve population less than 454 members. The median on-reserve population for the small First Nations is 194. The model generated a few scenarios that are close to the median population of small First Nations. This on-reserve population size is very close to the population that the minimum operating model can serve. The required staffing is estimated at 7.2 FTEs and the operating budget need for the FNCFS agency is about $1.3-$1.5 million per year. However, the funding available from the Draft Agreement would be about $835-975k per year or 62-67% of required budget.

- What is the on-reserve population size at which the proposed funding in the Draft Agreement is sufficient for an FNCFS agency to sustainably operate with its own mandate and vision of self-jurisdiction?

- We analyzed the on-reserve population size for which the funding available from the Draft Agreement meets at least 90% of the operating budget need of the FNCFS agency. The assumption is that a FNCFS agency can manage its mandate with that level of funding. Data from the simulation indicates that the smallest FNCFS agency, to have at least 90% of its budgetary need funded, has an on-reserve population of 820 members. The budget need for this size of operation is $4 million per year. FNCFS with larger on-reserve populations would also be sustainably funded. This finding indicates that a target amalgamated on-reserve population above 820 may be a strategy for sustainability under the Draft Agreement. There are about 198 First Nations (32% of all First Nations) with on-reserve population more than 820 who may be sustainably funded through the draft agreement.

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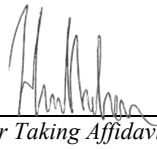
This is Exhibit "15" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Expert Advisory Committee for the Reform of Indigenous Services Canada

Summary Report of Activities, Observations and Advice

Spring 2022 to Spring 2024

A. Introduction

The Expert Advisory Committee (EAC) was jointly envisioned by the parties to 2016 CHRT 2 and affirmed by a consent order and decision by the Tribunal (2022 CHRT 8) issued in March 2022. The first meeting of the EAC and the parties occurred in late April 2022. The core members include Alanis Obomsawin, Amber DVA Johnson, Carol Hopkins, Kevin Page, Larry Bremner, Naiomi Metallic, Raven Sinclair and Rod McCormick. In January 2024, the EAC welcomed one new youth member, Cedar Iahtail.

The EAC believes that it is important to create reports that not only record our journey but also provide our observations and advice to Canada and the other parties. This report will cover the last two years, but we will endeavour to provide such reports more regularly.

B. Mandate

The wording of the consent order creating the EAC speaks to our role in helping the parties "develop and oversee the implementation of an evidence-informed work plan to prevent the recurrence of discrimination." In the Agreement-in-Principle on Long-Term Reform the parties specifically identified that the EAC would provide advice and guidance on the design and implementation of an independent third-party evaluation to support the reform of ISC.

The decision by the CHRT approving the consent order (2022 CHRT 8) clearly shows that the parties had a variety of perspectives on how the EAC could assist the parties in preventing the recurrence of discrimination (e.g., what would be part of the "work plan") and the Tribunal appears to endorse all of these as reasonable potential functions of the EAC (see paras 87 to 104). Supporting a third-party evaluation was one function identified by the parties (Canada in particular), but it certainly was not the only one.

Based on the CHRT decision, we see our function ultimately as providing advice to the parties on the issues they bring to us about preventing the recurrence of discrimination found by CHRT in 2016 CHRT 2 and subsequent decisions and orders.

C. Summary of Activities

To date, the EAC has participated in twelve formal meetings with ISC and the co-parties including representatives from the First Nations Child & Family Caring Society (Caring Society), Assembly of First Nations (AFN), and interested parties including Chiefs of Ontario (COO) and Nishnawbe Aski Nation (NAN). The main parties with which the EAC has interacted over the last two years have been Canada and the Caring Society.

Early on (May 2022), a subcommittee of EAC members was formed to review and provide commentary on proposed Terms of Reference ("TOR"). Comments were provided, though there were delays in finalizing the TOR and it has yet to be finalized. In the summer of 2023, EAC members suggested changes to the TOR (discussed further below), which are now the subject of some disagreement between some of the parties and the EAC.

For roughly the first 16 months since its inception (until the summer of 2023), the work of the EAC was largely focused on working with consultants from the Universities of Ottawa and Victoria, hired by ISC, to author a report intended as a literature review and context-setting piece to eventually assist and inform the work of the Third-Party evaluators ('the Monograph'). A couple of EAC working groups were struck to assist the consultants in their work.

At various formal EAC meetings with the parties, the EAC also received presentations from ISC staff about different cultural competency and trainings offered to ISC staff. At times, in relation to these presentations, EAC members expressed confusion about the different courses and how the trainings offered fit cohesively together. Concerns were also raised that the content did not sufficiently address the discrimination found by the CHRT or focus on fixing the 'old mindset.' Additional information was sometimes requested by members, but not always forthcoming. The EAC has also suggested the creation of a sub-committee of the EAC to examine and provide advice on ISC's training more systematically.

At times, representatives from the Caring Society raised issues of continuing discrimination in relation to Jordan's Principles and other essential services programming linked to child and family services that needed urgent attention. In response, EAC members would request more information from the parties to better understand these issues in order to provide better informed advice.

In June 2023, on the EAC's prompting, a meeting was held with the EAC and Senior Managers within ISC. The conversation focused on lessons learned from the CHRT ruling, as well as how the EAC could support ISC in preventing the discrimination. It was a positive conversation, though there has been little in the way of follow-up or ongoing discussion with those Senior Managers since.

By the summer of 2023, EAC members became increasingly frustrated with how much time the Monograph was taking, seemingly delaying advancement on the Third-party Evaluation process. Some EAC members also expressed dissatisfaction with the draft Monograph's contents. Members felt there were instances where the consultants had failed to fully consider guidance and advice provided by EAC members.

A further source of frustration was a feeling by many members of being inundated with information (often PowerPoint presentations) at formal meetings with little to no time in advance to digest and consider what information imparted. Further, at times, EAC feedback was being sought by ISC with the expectation that EAC members provide immediate reactions to presentations, without time for the EAC members to discuss and deliberate their collective views on matters. ISC's use of an external facilitator to run meetings was also felt to restrict more fulsome discussion by EAC members.

These feelings of frustration culminated in EAC members meeting together for the first time without the other parties to air their frustration and concerns that we were not being utilized to our full potential. This was when EAC members agreed that it was important (and necessary) for the EAC to caucus both in advance of (and following) formal EAC meetings to discuss our

collective observations and advice on the information presented to us. Since this time, over the last year, the EAC has caucused fifteen times. Often, we have extended invitations to other complainant parties to join us. At various times, representatives from the Caring Society, AFN, and NAN attended our caucus meetings. The Caring Society, in particular, has encouraged us to not see our role as limited only to advising on the Third-Party Evaluation and that our expertise would be welcome on several ongoing issues at ISC related to Jordan's Principles, child and family and related services.

It was at the first EAC caucus meeting in the summer of 2023 that we decided to propose amendments to our Term of Reference (that had still not been fully finalized) to allow for the EAC to function and provide advice to the parties to its full potential. None of the parties objected to this proposal. Generally, our amendments to the TOR sought to do the following:

1. Highlight how 2022 CHRT 8 supports the parties receiving advice from the EAC in a number of areas relating to preventing the recurrence of discrimination;

2. Articulate how the EAC members should work together as a caucus before and after meetings with the parties to reach consensus on their observations, advice and communications with the parties;

3. Suggest mechanisms allowing the EAC to ask for and receive information from the parties to help us obtain a full understanding of programming and developments related to preventing the recurrence of discrimination (this included what we called a 'work plan' setting out a priority list of presentations and subjects that could be focused on at EAC/party meetings); and

4. Remove the requirement of EAC members to sign a confidentiality agreement. EAC members, as experts in their field, already bound by ethical guidelines within their professions, were comfortable with maintaining confidentiality vis-a-vis the media and third parties but felt that signing a confidentiality agreement (the general use of which has come under significant legal scrutiny of late) was unnecessary.

In late summer 2023, we presented our proposed amendments to the parties. At the time, Canada acknowledged there likely were some gaps in the original draft of the TOR relating to how the EAC operates, communicates, and receives information as a group. Edits by Canada to the TOR in the fall made some small changes to the wording but did not challenge the substance of the proposed changes. The Caring Society was supportive of the changes. We did not initially receive feedback from the AFN but were later advised that these changes had been supported through their internal processes.

In the fall, drawing on the amended TOR, the EAC caucus sought to exert greater control over formal EAC meetings, asking for the sharing of materials sooner and for certain issues to be on the agenda, including presentations that would allow the EAC to better understand key issues relating to preventing the discrimination that had been found in the CHRT decisions. In this regard, we had presentations on Jordan's Principle from the Caring Society and were supposed to

hear from ISC staff as well on this (but there was a last-minute cancellation and need to reschedule).

In addition, with the Monograph finished, work towards the hiring of the Third-Party Evaluators began in earnest. A subcommittee of the EAC was formed to advise ISC on the request for proposals and skills matrix for hiring the Third-Party Evaluators.

In mid and late fall, two developments occurred that halted the momentum that had finally started to build. First, Senior Associate Deputy Minister, Valerie Gideon, accepted a new position at Crown-Indigenous Relations. Danielle White came to fill her role as Canada's Co-Chair at formal EAC meetings. Second, in December, the Caring Society brought a non-compliance motion against Canada to the CHRT alleging continuing discrimination in relation to Jordan's Principle. At this time, Danielle White advised that Canada could no longer engage on anything related to Jordan's Principle with the EAC due to the litigation.

Since these two developments, the formal EAC meeting in February 2024, was somewhat strained. ISC continued to maintain it could not speak to anything about Jordan's Principle, and further advised that it sought several changes to the TOR we had proposed back in September, primarily limiting our role to advising on the Third-Party Evaluation and cultural competency training.

A more productive formal EAC meeting occurred in April 2024, where the EAC explained our position on the TOR and our view of how our expertise can be drawn to advise the parties more fulsomely on preventing discrimination. The new Senior Associate Deputy Minister, Michelle Kovacevic, attended this meeting and there was open and productive discussion.

However, shortly following this meeting, we received an email from legal counsel for the AFN, copied to several lawyers within the Department of Justice Canada, sending us a revised TOR that seeks to limit our role advising on the Third-Party Evaluation and cultural competency, as well as require members to sign a confidentiality agreement. An email from Danielle Smith followed this, advising that ISC would no longer compensate the EAC member caucus meetings unless these were approved by the parties in advance. The Caring Society subsequently sent an email disagreeing with the position of both ISC and the AFN, noting that their positions were taken without consultation with, or the consent of, the Caring Society.

D. Observations and Advice

(1) The focus of the EAC role should be on preventing the recurrence of discrimination

The EAC feels the current disagreement over its role and Terms of Reference must be worked out between the parties and, failing that, the parties seek guidance from the CHRT. However, based on our understanding of 2022 CHRT 8, we agree with the Caring Society that the expertise of the EAC advice need not be limited to advising on the Third-Party Evaluation or ISC cultural competency. Currently, the final report of the Third-Party Evaluators is anticipated for Winter 2027–nearly three years from now (past our contracted mandate). Our advice could be sought to

assist the parties in addressing issues of potential discrimination arising in the interim. Further, effective cultural competency alone cannot prevent the recurrence of the discrimination found by the CHRT; there are programming, service, oversight, and accountability issues in relation to ISC services to children and families that the EAC could be lending its expertise to. It must be recalled that the CHRT called the discrimination here "one of the worst possible cases" of racial discrimination and through many non-compliance orders has continued to find problems with Canada's implementation of the main decision (2016 CHRT 2).

The parties ought to be drawing on the expertise of the EAC to provide advice on:

(a) The design and implementation of an independent expert third party evaluation to identify and provide recommendations to redress discrimination identified by the Tribunal;
(b) Immediate, interim and long-term measures that can be taken for the reform of ISC to redress discrimination in ISC programming that impacts on child and family well-being; and
(c) "Cultural competency" policies, education and training, executive obligations to the department, staff performance measures and other reforms that the EAC views as necessary to prevent the recurrence of the discrimination.

(2) There ought to be more of a focus on long-term reform and service delivery

An ongoing frustration of the EAC over the past 2 years has been what we see as an inordinate focus by Canada on the Third-Party Evaluation, which has been significantly drawn out through the Monograph process and the time it is taking to get the RFP out. While important, the Third-Party Evaluation cannot be seen as a cure-all for preventing the recurrence of discrimination. The Caring Society is raising discrimination in Jordan's Principle and other areas happening now, and the advice to the EAC can be harnessed to assist in dealing with this. Said otherwise, the evaluation of the department remains important but in the context of the successful implementation of long-term reforms.

The EAC can offer advice and assistance on the implementation of ISC's Strategic Plan that includes four priorities:

1. Transferring control of services to Indigenous partners*
2. Championing a culturally appropriate and high-quality service approach.
3. Transforming our practices.
4. Nurturing an engaged, respectful and healthy workforce.

*The EAC has not been involved in the discussion or work towards transferring control of services to Indigenous partners. However, we fully support the transition and transfer of control and jurisdiction to Indigenous partners that is fully supported and funded.

(3) Shift from Cultural Competency to Cultural Humility

The success of ISC service delivery depends on appropriate training of executives and employees.

The EAC received numerous presentations focused on Cultural Competency training from ISC representatives. We have verbally made several recommendations that focus specifically on refraining from focusing employee training on the term "cultural competency" to be replaced with the term "cultural humility." It is significant that the term "cultural competency" is deeply embedded in ISC's mandates as well as much of its work on training. By suggesting this change, the EAC notes that this is not only a change in title or language but a shift in a fundamental philosophy in training including curriculum, content and practice.

The EAC found the use of "cultural competency" problematic as it suggests that the trainee will become "competent" in another culture.[1] As Lekas, Pahl and Lewis state in their work "Rethinking cultural competence: Shifting to cultural humility", the use of the term "cultural competence" predisposes that different cultures are "stagnant" and unchanging.[2] They further find that the use of "cultural competence" creates a "static and totalizing view of culture that connotes a set of immutable ideas embraced by all members of a social group" and thus "generates a social stereotype".[3] They also maintain that although "training in cultural competence primarily increases provider knowledge, attitudes and skills", this training does not reflect positively on those they are caring for and does not decrease disparities in care.[4]

Alternatively, the use of "cultural humility" has proven to be more effective for the recipients of care. Cultural humility "means admitting that one does not know" and "is willing to learn from patients about their experiences, while being aware of one's own embeddedness in culture (s)".[5] It is a process of "self-reflection to understand personal and systemic conditioned biases, and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a lifelong learner when it comes to understanding another's experience. Cultural humility enables cultural safety".[6] Lekas, Pahl and Lewis affirm that "while competence suggests mastery, humility refers to an intrapersonal and interpersonal approach that cultivates person-centered care".[7] Furthermore, cultural humility

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[1] Helen-Maria Lekas, Kerstin Pahl, and Crystal Fuller Lewis. "Rethinking cultural competence: Shifting to cultural humility." *Health services insights* 13 (2020): 1178632920970580 and Caroline LilyTait,, William Mussell, and Robert Henry. "Micro-reconciliation as a pathway for transformative change: Applying a reconciliation strategy to the everyday relationships Indigenous peoples have with the human service sector." *International Journal of Indigenous Health* 14, no. 2 (2019): 19-38, 23.

[2] Lekas, Pahl and Lewis, "Rethinking," 1.

[3] Lekas, Pahl and Lewis, "Rethinking," 1.

[4] Lekas, Pahl and Lewis, "Rethinking," 2.

[5] Lekas, Pahl and Lewis, "Rethinking," 2.

[6] First Nations Health Authority. (2017). FNHA's Policy Statement on Cultural Safety and Humility. West Vancouver, British Columbia. Retrieved from http://www.fnha.ca/Documents/FNHA-Policy-Statement-Cultural-Safety-and-Humility.pdf

[7] Lekas, Pahl and Lewis, "Rethinking," 2.

training "encourages providers to reflect on their own beliefs, values and biases—explicit and implicit—through introspection thus, revealing their own cultural impact on patients".[8]

(4) ISC should develop a critical incident reporting system for Jordan's Principle

The EAC has noted that the Indigenous Services have based their interactions with First Nations communities based on a crisis driven model rather than placing preventative measures. A lack of funding was discussed as a major cause for failures relating to suicide prevention as well as a lack of First Nations healing centres. It was pointed out that the department responded to crisis situations with short term solutions but has not invested appropriate funding for prevention.

The EAC has discussed among the Caucus and raised at formal EAC meetings when speaking of Jordan's Principle, the concept of creating a critical incident reporting system with monitoring indicators. In the realm of child welfare, there are standards that inform processes of monitoring that include definitions such as a "serious occurrence" intended to elevate further monitoring, investigation, reporting and processes for remedy. In relation to Jordan's Principle, acts of discrimination against First Nations children and their families are worthy of monitoring to understand the facilitators of discrimination by ISC staff (the service provider). We assume that the culprit is a lack of knowledge about First Nations culture, however, this is one potential aspect that cannot be remedied through "cultural competency/humility" training and education. Further, we ask if ISC is actively and systematically monitoring facilitators of discrimination so that these acts can be understood, and steps can be taken to create remedies? The EAC has received no evidence of such monitoring by or of the service provider. It should not take a non-compliance order, or a three-year evaluation to identify and then implement processes of change to address factors that facilitate discrimination when standards and definitions to guide service delivery with a process of monitoring can be developed now.

This would include, first, the EAC advising on the creation of a foundation for a service delivery model including a critical incident reporting system and a process for implementing it. Second, the EAC would continue to give advice and monitor the effectiveness of the service delivery model and critical incident reporting system after it is implemented.

The EAC suggests that a working group could be created to work on this with ISC executives and staff. This is a measure that could be taken now to prevent the recurrence of discrimination instead of waiting for the final evaluation to take place. Further, this measure could be implemented to aid the future evaluation team with their work. This could include the EAC monitoring the critical incident reporting mechanism with quarterly reports.

[8] Lekas, Pahl and Lewis, "Rethinking," 2.

(5) ISC should support the creation of an external Ombudsman to provide accountability and oversight

The EAC received a presentation on "Doing Better for Indigenous Children and Families: A Report on Jordan's Principle Accountability Mechanisms" by Naiomi Metallic (an EAC member), Hadley Friedland & Shelby Thomas. The report presents three interconnected accountability mechanisms (an Ombuds function, a Tribunal and legal supports for Indigenous children and families) safeguarding the needs of Indigenous children and families to prevent the recurrence of discrimination identified in 2016 CHRT 2 and subsequent decisions.

While such mechanisms would be external to ISC, and created by Parliament, the EAC advises that ISC could play a significant and persuasive role in calling for the creation of such bodies through legislation. ISC is a major service provider to children and families. In all the provinces and territories, there are ombuds and child advocates to oversee the provincial and territorial governments' delivery of similar services to non-First Nations children. This is a major gap in oversight and accountability for First Nations children and families, and ISC could play a leading role in calling for this change. This could be happening prior to the final report by the Third-Party Evaluators.

(6) Support and Endow Indigenous Youth Organizations

Another short-term measure ISC and Canada could take that would assist in preventing the recurrence of discrimination is investing more in Indigenous Youth Organizations.

The EAC recently welcomed youth member Cedar Iahtail to the group and finds her perspective to be extremely significant and valuable. Cedar belongs to an Indigenous youth community known as the Assembly of Seven Generations (A7G). The A7G are a small grassroots Indigenous youth group who incorporated in 2015 as a response to limited services and a need for advocacy for Indigenous youth. They are a volunteer-based group who do not receive core funding and do not have full-time staff.

With Cedar's support, the EAC invited Gabrielle Fayant from the A7G to present at the 12th EAC in-person meeting. Gabrielle presented "Considerations for ISC Reform for the Improvement of Social Determinants of Indigenous Youth" to the EAC, the co-parties and ISC representatives. Among other impressive activities, the A7G have developed their own methods to deal with limited services for Indigenous youth. This includes meetings every Friday (364 consecutive Fridays as of March 2024), Round Dances, Camps and Land-based activities and a retail enterprise. They have also created a number of valuable reports on the status of Indigenous youth with recommendations including the creation of an accountability mechanism.[9]

Following this presentation, the EAC members discussed how an endowment to Indigenous youth groups and organizations, including A7G, by the Federal government would encourage

[9] Gabrielle Fayant and Carrington Christmas, "Accountability in our Lifetime: A Call to Honour the Rights of Indigenous Youth & Children" (February 2021), retrieved from https://www.a7g.ca/uploads/9/9/9/1/99918202/accountability_in_our_lifetime.pdf.

their continuing work in the support and care of Indigenous youth including advocacy and traditional activities.

Drawing on the expertise of some of its members, the EAC would be pleased to work with the parties to create a plan for this endowment and access the appropriate contacts to help to bring this forward.

(7) Include A7G in the Third-Party Evaluation

After receiving the presentation from Gabrielle Fayant, the EAC recommends that the A7G who have created their own “Indigenous Youth Services Evaluation” reform measures including the “Seven Requirements for Ethical and Meaningful Engagement with Indigenous Youth” should be incorporated as evaluation advisors with the EAC and assist in advising the future evaluation team. They bring valuable insight and wisdom that can only enrich the advisory role provided by the EAC.

(8) *More work needed on “Honouring our Journey” Survey*

For over the last year, ISC has been working on qualitative and quantitative baseline survey to gather key information on cultural competency within ISC. The goal has been described to us as a survey that can honestly, respectfully, and directly gather information to move ISC forward to a culturally competent organization whose mandate is to provide high quality services to Indigenous peoples and support the transition of services to Indigenous Nations.
Several EAC members have participated in preliminary meetings to discuss the creation of the “Honouring our Journey" survey that is being prepared by ISC. Before this project was introduced, the EAC suggested several questions for ISC employees to consider, including, “What does safety mean for a First Nations child?” and “What would it mean to have emotional and spiritual well-being or to be physically healthy?” EAC members have stated that everything that is being completed in this survey must be tied to the welfare of First Nations children. The “Honouring our Survey" first draft was disseminated to the EAC in April 2024, and we will be working with the survey team to reorient the questions not only to the service to and care of First Nations children, families and communities but also to cover other topics such as substantive equality, discrimination and Jordan’s Principle.

(9) Feedback on ISC’s plans to develop and implement its own Human Resources Division

The EAC supports ISC developing and implementing its own Human Resources division to facilitate and implement its strategic plan.

The EAC met with Sylvain Souligny, ISC Director General of Human Resources as well as Vivian Cousineau, Special Advisor, Indigenous Recruitment, Human Resources Branch during our 12th EAC in-person meeting. Although the EAC was supportive of ISC’s decision to create their own Human Resources branch, the proposed organizational model was found to be problematic. The proposed management triangle and mentions of organizational design including pillars were challenging as they tend to fall into Western organizational models that have proven

ineffective in the past. It is true that pillars as an organization model have been used in Indigenous governance organizational design to great effect. However, an EAC member introduced the concept of the "four doors" as a more effective alternative to create a fundamental change in approach when designing and implementing the new HR branch of ISC to ensure that the department is culturally humble, responsive and oriented on providing exemplary service to First Nations children, families and communities. Using the traditional "four doors" of the Lunaape/Mohican Medicine Wheel, this organizational design presents a "foundational and timeless concept…for the next seven generations."[10]

Bremner and Bowman state that:

"The Eastern door—Be a Good Relative… represents being in good relations within ourselves and with each other. We come rested and ready to do the work and have co-created information from a place of rest and in relation with all things that affect the work we put forward: physical, mental, spiritual, and emotional. The Eastern Door represents community context and diverse ways of thinking and being, and it honors the many Indigenous pathways and experiences of the contributors. It reflects traditional, cultural, and spiritual ways of knowing as a process where we respectfully listen and seek to understand first, and then decide on best pathways together. This may be in the form of origin stories, traditional knowledge, oral history, language, culture, songs, and/or nonverbal examples (e.g., regalia, wampum belts, artwork)."

"Southern Door—Be of Good Mind…is the awakening, rooting, and centring of pre-contact and post-contact Indigenous and community-centred and -created knowledge and practices that are restorative, regenerative, and strength based. They protect the privacy and respect the sovereignty of Indigenous nations related to data, as well as cultural, intellectual, human, and non-human influences on scholarship. This may be in the form of oral agreements, treaty rights, Indigenous theories and frameworks or ethics, nation-to-nation agreements, pre-contact practices, and so on".

"Western Door—Do Good Work…supports the development of culturally specific responsive and regenerative strategies, studies, policies, processes, and work products that align with the need for healthy, reciprocal, respectful, and relevant Indigenous approaches to evaluation. This may be in the form of contemporary applications of traditional knowledge, such as culture and treaties from the Southern and Eastern Doors. It also may include the ways in which western theories, knowledge, or processes have been adapted as successful examples with First Nations, Indigenous peoples, and/or within program and policy contexts of practice that have impact on Indigenous communities. The Western Door also provides a place to share developmental and impactful innovative theories, models, policies, and other strategies being tested and/or utilized by culturally grounded Indigenous scholars, practitioners, and warriors."

"Northern Door—Be on a Good Journey…we use the wisdom of our Ancestors and Elders to be grounded in traditional knowledge as a way to celebrate traditional knowledge and/or to reflect and unpack the learnings we receive from challenges, restarts, and letting go of things not working. These are the Indigenous-evidence-informed and grounded pathways that will help the

[10] Larry Bremner and Nicky Bowman. "Roots and Relations: Celebrating Good Medicine in Indigenous Evaluation." *Canadian Journal of Program Evaluation* 38, 1 (2023): 1-3.

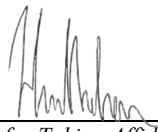
future generations to walk on sacred pathways for innovative and sustainable Indigenous evaluation that inspires and grounds the next seven generations. This may include traditional ways of sense making, analysis, differentiating what "wisdom" is (our Elders) versus simply the production of more knowledge (Western ways). It may also consider how to come full circle to address the other doors, so that the authors and readers make these important connections as part of something bigger than themselves."[11]

E. Conclusion

The EAC recognizes that while ISC and the parties have different advisory bodies (e.g., NAC, JPOC, etc.), we are new and unique in being created by a consent order and decision of the CHRT. There is no past precedent to rely on here, and we are all figuring out the role of the EAC and best ways to interact with the parties and provide meaningful advice to prevent the recurrence of the discrimination. By necessity, there will be some trial and error. We are a group of people deeply concerned about the well-being of First Nations children and families and we want to help. We want our relationship with Canada and the other parties to be fruitful. We do not want to give up on the promise of this expert advisory committee, nor do we want the parties to give up on us.

[11] Bremner and Bowman, "Roots and Relations," 2-3.

This is Exhibit "16" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Expert Advisory Committee (EAC)
Alanis Obomsawin, Amber DVA Johnson, Carol Hopkins, Cedar Iahtail, Kevin Page, Naiomi Metallic, Larry Bremner, Raven Sinclair and Rod McCormick

December 15, 2025

To the Parties Engaged in the Long-Term Reform Process,

Drawing on our collective expertise and analysis, the Expert Advisory Committee (EAC) is pleased to provide the following recommendations for strengthening the Final Settlement Agreement (FSA). These recommendations are informed by our examination of the Ontario Final Agreement on Long-Term Reform, the Draft Final Settlement Agreement, the Affidavit of Dr. Dean Neu, and the *Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report*[1], along with our ongoing assessment of systemic barriers, structural drivers, and long-standing inequities impacting the First Nations Child and Family Services Program.

Our goal is to ensure that the long-term reform framework eliminates discriminatory structures, prevents recurrence, and establishes a sustainable system grounded in substantive equality, First Nations authority, and child rights–based decision-making. The recommendations below reflect recurrent issues identified in the materials and propose concrete, implementable solutions.

RECOMMENDATIONS

1. Replace Annual Parliamentary Appropriation Requirements with Guaranteed Multi-Year Statutory Funding

Reliance on annual parliamentary appropriations (e.g., clause 297) embeds instability into the very framework intended to secure long-term reform. As a structural agreement, the FSA must establish funding mechanisms that are insulated from political discretion and the historic patterns of underfunding that produced discrimination in the first place. Expert evidence consistently identifies appropriation-based models as incompatible with substantive equality and with the creation of a durable, rights-respecting system.

We therefore recommend that the FSA be amended to remove all provisions that make funding contingent on Parliamentary appropriation:

[1] Naiomi Metallic, Hadley Friedland, and Shelby Thomas. "Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report." (2022).

- Establishing statutory-style, multi-year guaranteed funding for prevention, capital, remoteness, post-majority, and Representative Services.
- Indexing all funding streams to inflation and population shifts.

This represents a necessary departure from cost-containment frameworks that have historically constrained First Nations agencies and Nations.

2. Establish a Binding Indigenous-Led Joint Governance Body with Decision-Making Authority

The rejected FSA suggested creating a Reform Implementation Committee (RIC)–type structure similar to the one included in Ontario's Agreement (ORIC). However, the proposed national version would have held only recommendatory authority and would have left ISC with unilateral control over core governance, accountability, capital prioritization, and funding adjustments. The EAC does not support including a RIC in a revised FSA. A RIC structure risks reproducing existing power imbalances, reinforcing a dynamic in which ISC maintains final authority over decisions that directly affect First Nations children, youth, families, and communities.

We therefore recommend establishing an Indigenous-led Joint Decision-Making Body with binding authority over:

- Capital prioritization and sequencing.
- Revisions to governance and accountability appendices.
- Approval of performance measurement and reporting frameworks.
- Funding revisions and implementation timelines.
- Ensuring representation from diverse First Nations, including small, remote, northern, and urban communities.

This approach addresses the structural risks identified in both the rejected national FSA and Dr. Neu's evidence, ensuring that reform decisions are grounded in First Nations authority and reflect community-defined needs.

3. Implement Mandatory Transparency Requirements for All ISC Funding Decisions

Systemic opacity within ISC's decision-making processes—whether related to capital allocations, prevention models, remoteness methodologies, or reporting requirements—has long contributed to inequitable outcomes. Transparency is therefore not merely an administrative improvement but a structural necessity within a rights-based governance framework.

We therefore recommend that the FSA require ISC to:

- Disclose all calculations, methodologies, assumptions, and scoring criteria used in assessments across all components of the system.
- Provide written, substantive reasons for any denial, deferment, or modification of requests within fixed timeframes.
- Publicly report all decisions and rationales, including capital priorities, remoteness determinations, and Program Assessment outcomes.

Transparent decision-making is foundational to accountability, trust-building, and the prevention of discriminatory practices.

4. Remove Proposal-Based and Competitive Funding Mechanisms

Proposal-driven and competitive mechanisms create structural inequities within the broader policy framework by requiring First Nations to compete for essential services and capacity supports. These systems privilege larger, well-resourced agencies and systematically disadvantage small, remote, and northern Nations. As raised throughout the reviewed materials, proposal-based models reproduce the very inequities that long-term reform is intended to eliminate.

We therefore recommend that the FSA expressly:

- Remove all proposal-based or competitive mechanisms from its governance and funding architecture, replacing them with predictable, needs-driven formulas that reflect substantive equality.
- Guarantee a minimum capital allocation for small, rural, northern, and remote Nations, ensuring that access to core infrastructure is not determined by proposal-writing capacity.
- Require that all capital and program design standards be co-developed with First Nations, reflecting Indigenous-defined priorities rather than federal administrative templates.

This shift reinforces the FSA's role as a structural reform agreement capable of preventing recurrence, rather than perpetuating historical inequities through administrative processes.

5. Resolve Structural Deficiencies Created by Layering the 1965 Canada–Ontario Agreement

The Ontario materials confirm that overlaying FSA funding on the 1965 Agreement perpetuates inconsistent definitions, oversight duplication, service gaps, and administrative burdens.

We therefore recommend that the FSA:

- Replace the 1965 Agreement as the structural foundation of funding.
- Establish a coherent stand-alone federal funding architecture co-developed with First Nations.
- Require ISC to independently determine eligibility rather than deferring to provincial classifications.

6. Reform Prevention Funding to Align with First Nations–Defined Needs and Conditions

Per-capita formulas risk reproducing rationing and failing to address the structural conditions impacting families.

We therefore recommend that the FSA:

- Develop prevention formulas with First Nations, grounded in cultural, geographic, and community-defined needs.
- Ensure a strong minimum funding floor for all Nations.
- Provide enhanced adjustments for remote and northern communities reflecting real operational costs.

7. Strengthen the Program Assessment Process to Close Discretionary Loopholes

As drafted, the Program Assessment process embeds broad discretionary authority for ISC to accept, modify, or reject recommendations. This structure risks weakening one of the few systemic safeguards intended to prevent recurrence of discrimination. Program Assessment must therefore function as a binding corrective mechanism within the policy framework—not as an optional advisory tool.

We therefore recommend that the FSA require ISC to:

- Implement all Program Assessment recommendations, unless it meets a high, publicly articulated standard of justification.
- Subject any ISC variance or rejection to review by an Indigenous-led independent tribunal, ensuring impartial oversight grounded in First Nations jurisdiction.
- Automatically trigger associated funding and structural adjustments upon acceptance of recommendations.

Program Assessment must serve as a reliable instrument of reform, rather than a discretionary process vulnerable to bureaucratic override.

8. Embed Indigenous Data Sovereignty and Indigenous-Defined Accountability Throughout the FSA

Unilateral ISC reporting requirements reinforce hierarchical oversight and bureaucratic control.

We therefore recommend that the FSA:

- Adopt OCAP® principles and Indigenous data sovereignty as foundational elements of monitoring and reporting.
- Co-develop Indigenous-defined indicators tied to well-being, cultural continuity, and safety.
- Transition from one-directional reporting to reciprocal, community-led accountability systems.

9. Remove All Clauses Allowing ISC to Unilaterally Revise Governance, Performance, or Accountability Appendices

A rights-affirming governance framework cannot be durable if ISC retains unilateral authority to revise core appendices, including governance structures, performance measures, funding templates, and accountability requirements. Such powers embed structural vulnerability into the FSA and risk re-centring federal control over reform.

We therefore recommend that the FSA:

- Remove all clauses that grant ISC unilateral amendment authority over governance, performance, accountability, or funding appendices.
- Require unanimous First Nations consent for any changes to governance-related elements of the Agreement.
- Freeze all templates and methodologies unless they are co-developed and jointly approved by an Indigenous-led Joint Decision-Making Body.

Shared governance is an essential precondition for eliminating discriminatory structures and ensuring that reform is sustained over time.

10. Recognize and Formally Include the National Children's Chiefs Commission (NCCC) in FSA Governance

The NCCC, as the governance authority of the Chiefs of Canada, plays a unique role in safeguarding child rights and guiding structural reform.

We therefore recommend that the FSA provide for the formal inclusion of the NCCC in:

- Governance bodies established under the FSA.
- Program Assessment processes.
- Co-development of future reforms.
- Child rights impact assessments.

11. Strengthen Dispute Resolution Mechanisms to Align with Accountability Standards

As drafted, the dispute resolution provisions in the Final Settlement Agreement (FSA) do not meet the accountability standards set out in *Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report*[2] (Doing Better Report) and are misaligned with Canadian Human Rights Tribunal (CHRT) jurisprudence. Although the FSA acknowledges the need for dispute resolution, its narrow scope, limited standard of review, and constrained remedial authority are insufficient to address the systemic discrimination identified by the CHRT.

Disputes under the FSA are restricted to an administrative reasonableness standard, excluding review based on substantive equality, human rights obligations, CHRT jurisprudence, UNDRIP, and the Department of Indigenous Services Act. The *Doing Better Report* identifies this limitation as a structural failure, noting that accountability mechanisms must be capable of enforcing substantive equality rather than merely assessing procedural rationality. Limiting review in this way risks reproducing the discretion-driven approaches the CHRT found to be discriminatory. The FSA further fails to empower the Tribunal to order systemic or supervisory remedies. Both the *Doing Better Report* and the CHRT's experience in the Caring Society case demonstrate that enforceable, forward-looking remedies are essential to correcting entrenched discrimination—described by the Tribunal as among the worst in Canadian history. Without such powers, dispute resolution risks becoming procedural rather than corrective.

While external legal avenues remain available, the *Doing Better Report* cautions that fragmented accountability undermines access to justice and places undue burdens on Indigenous children, families, Nations, and agencies. Effective accountability requires integrated mechanisms capable of addressing individual and systemic issues together. Significant accountability gaps also arise from excluding post–ten-year Program Review decisions from dispute resolution and from establishing a time-limited Tribunal, contrary to the Doing Better Report's call for permanent, independent oversight mechanisms. The EAC supports the inclusion of navigators and duties to counsel as necessary access-to-justice supports, but these cannot substitute for substantive jurisdiction or remedial authority.

[2] Naiomi Metallic, Hadley Friedland, and Shelby Thomas. "Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report." (2022).

We therefore recommend that the FSA:

- Expand dispute grounds to include substantive equality, human rights obligations, CHRT jurisprudence, UNDRIP, and relevant statutory standards.
- Empower the Tribunal to order systemic and supervisory remedies.
- Subject all Program Review outcomes to independent dispute resolution.
- Retain and strengthen navigators and duties to counsel; and
- Replace the time-limited Tribunal with a permanent, legislated accountability body.
- Strengthening the dispute resolution framework in these ways is essential to prevent recurrence of discrimination and ensure the FSA provides a meaningful and durable remedy.

CONCLUSION

These recommendations are offered to support the development of a Final Settlement Agreement that can truly transform the First Nations Child and Family Services Program into a durable, equitable, and rights-affirming system. The issues identified across the materials demonstrate that long-term reform cannot rest on partial adjustments or administrative remedies. It requires a structural framework that eliminates discriminatory practices at their source, prevents recurrence, and firmly embeds First Nations authority, jurisdiction, and decision-making in every aspect of the system.

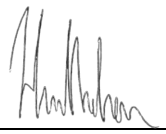
Each recommendation responds directly to the systemic risks, governance gaps, and patterns of inequity identified through our review. Together, they articulate a path toward a reform architecture capable of upholding substantive equality and advancing the well-being of First Nations children, youth, families, and Nations for generations to come. The Expert Advisory Committee remains fully committed to supporting the Parties through further revisions, co-development processes, and any clarification needed as work continues. We stand ready to assist in shaping an Agreement that reflects the highest standards of accountability, shared governance, and child rights protections—and that fulfils the promise of meaningful, lasting systemic change.

With continued dedication,

On behalf of the Expert Advisory Committee (EAC)
Alanis Obomsawin, Amber DVA Johnson, Carol Hopkins, Cedar Iahtail, Kevin Page, Naiomi Metallic, Larry Bremner, Raven Sinclair and Rod McCormick

Amber DVA Johnson, PhD

This is Exhibit "17" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

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Costing Models for Language Maintenance, Revitalization, and Reclamation in Canada

May 2018

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2. Executive Summary

This report details the costs of Indigenous language revitalization at the community level for three different scenarios: ***language maintenance*** (for a high-readiness community with mid/high language vitality), ***language revitalization*** (for a mid/low-readiness community with mid/low language vitality) and ***language reclamation*** (for a low readiness community with low language vitality). For each scenario, costs are outlined in three five-year blocks, totaling a fifteen-year period, representing the time projected for the mid-range model (language revitalization) to develop capacity for costs to stabilize.

Our methodology involved consulting with language educators, language revitalists, and other experts to acquire information about the operational needs of different language revitalization programs and strategies, and then developing frameworks and budgets that reflect the costs of implementing these programs and strategies effectively. The costing models include frameworks for developing capacity to develop and implement programs and strategies for language education, language skills training, community programs, language documentation, and media and arts and are summarized in Tables 1-3 below.

Beyond the three community-based costing models, this report also discusses the types of national and/or regional infrastructure that are needed to support community-based models, types of diversity amongst Indigenous communities that can impact costs, and our recommendations for best practices for conducting this type of research.

Table 1. Projected Costs of Language Maintenance over a 15-year period[1]

Timeline:	Years 1-5	Years 6-10	Years 11-15	TOTALS
Education	23,035,000	12,855,000	13,085,000	**48,975,000**
Language skills training	1,585,000	935,600	594,300	**3,114,900**
Community programs	4,317,900	4,253,900	4,383,900	**12,955,700**
Language documentation	867,600	1,213,820	384,750	**2,466,170**
Media and arts	619,200	3,900,000	3,900,000	**8,419,200**
TOTALS	**30,424,700**	**23,158,320**	**22,347,950**	**75,930,970**
AVERAGE COST PER YEAR	**6,084,940**	**4,631,664**	**4,469,590**	**5,062,065**

Table 2. Projected Costs of Language Revitalization over a 15-year period

Timeline:	Years 1-5	Years 6-10	Years 11-15	TOTALS
Education	12,200,000	7,415,000	9,875,000	**29,490,000**
Adult language skills training	4,269,933	5,471,333	4,622,667	**14,363,933**
Community programming	6,259,467	11,596,000	13,958,000	**31,813,467**
Language documentation	1,524,453	2,240,917	1,438,250	**5,203,620**
Media and arts	945,000	4,375,000	3,913,333	**9,233,333**
TOTALS	**25,198,853**	**31,098,250**	**33,807,250**	**90,104,353**
AVERAGE PER YEAR	**5,039,771**	**6,219,650**	**6,761,450**	**6,006,957**

Table 3. Projected Costs of Language Reclamation over a 15-year period

Timeline:	Years 1-5	Years 6-10	Years 11-15	TOTALS
Education	9,000,000	8,070,000	7,385,000	**24,455,000**
Adult language skills training	832,500	4,430,100	4,274,000	**9,536,600**
Community programming	1,802,000	5,726,000	5,950,000	**13,478,000**
Language documentation	1,411,060	2,747,100	1,861,100	**6,019,260**
Media and arts	0	8,819,000	13,390,000	**22,209,000**
TOTALS	**13,045,560**	**29,792,200**	**32,860,100**	**75,697,860**
AVERAGE PER YEAR	**2,609,112**	**5,958,440**	**6,572,020**	**5,046,524**

[1] All figures are in Canadian dollars (CAD). All budgetary tables included in this report are also available as Excel spreadsheets with formulae for calculating totals and averages.

3. Background & Context

3.1. Situating Ourselves

We come to this work as non-Indigenous researchers working in linguistics at the University of Victoria, with experience in Indigenous linguistics, language documentation, revitalization and language activism. The information presented in this report is influenced by our personal backgrounds, experience, and training, and we recognize the limitations of our research, based on such background and experience. We have undertaken this research at the University of Victoria, and we acknowledge with respect the Lkwungen-speaking peoples on whose traditional territory the university stands and the Songhees, Esquimalt and W̱SÁNEĆ peoples whose historical relationships with the land continue to this day.

Heather Bliss is a Banting Postdoctoral Fellow at the University of Victoria.
Bio: I was born and raised in Mohkinsstsis (Calgary, Alberta) and I am the granddaughter of Scottish and British immigrants. I am a proud alumnus of the University of Calgary (BA Honours, 2003; MA 2005) and the University of British Columbia (PhD, 2013). I have been at the University of Victoria since 2014, first as a SSHRC Postdoctoral Fellow and currently as a Banting Fellow. My research and interest in Indigenous language revitalization stems from long-standing collaborative relationships with members of the Siksika and Kainai Nations; since 2003 we have been working together on Blackfoot linguistic research and language documentation projects. In addition to my affiliation with the University of Victoria, I am an Adjunct Professor at the University of British Columbia and the University of Calgary. I am a Board member of the Canadian Language Museum, and the Editor and Curator of the Blackfoot Online Stories Database.

Myles Creed is a PhD student in Linguistics at the University of Victoria.
Bio: My background is of English, Irish and French heritage, and I was raised in Kotzebue, Alaska on the land of the Qikiqtaġruŋmiut Iñupiat Nation. I have been involved with language revitalization efforts for Iñupiatun, the Iñupiaq language, in Alaska for the last several years, particularly with the Alaska Native Heritage Center's Urban Iñupiatun Language Revitalization Project in Anchorage, Alaska. I have studied Linguistics at the University of Amsterdam in the Netherlands and continue to work on my doctoral degree in Linguistics at the University of Victoria, specifically studying Iñupiatun language documentation and adult immersion education. I am also currently a research assistant for Dr. Lorna Williams, working for Lil'wat Nation's language planning and revitalization project, as well as a research assistant for Dr. Leslie Saxon, assisting with the Research in Indigenous Languages and Linguistics (RILL) group.

This work was carried out over a period extending from February through May 2018, with preliminary budget projections submitted on April 1 and the final report submitted May 31.

3.2. Purpose of the Report

We were tasked by the First Peoples' Cultural Council (FPCC) to conduct research surrounding language revitalization programs and their associated costs to inform the development of national Indigenous language legislation by the Assembly of First Nations (AFN), Inuit Tapiriit Kanatami (ITK), the Métis National Council (MNC), and the Department of Canadian Heritage (DCH). The outcome is three community-based costing models characterized broadly in terms

of language maintenance, language revitalization, and language reclamation. The intended audience for this report is the First Peoples' Cultural Council, policy-makers involved in Indigenous language legislation in Canada and beyond, and Indigenous language revitalists involved in language planning and program development and implementation.

3.3. Limitations of the Research

This report should be considered by the reader as a snapshot of the communities, language programs, and models we surveyed and should not be considered to be a comprehensive look at language revitalization costs across Canada or internationally. Even as a snapshot, our research puts together a conglomeration of many different costs from across the country. It is unlikely that this particular snapshot would be a perfect cost estimation for any particular community.

However, we hope that the research undertaken in this report can serve as a guideline or blueprint for understanding rough estimates around the costs of language revitalization programs in order to determine the costs for language revitalization on a national scale. Research on costs of language revitalization on such a scale has not been undertaken in Canada or elsewhere, as far as we have been able to ascertain.[2]

In this section, we present some of the limitations and challenges in undertaking this research.

Limited Scope

The examples and models used in this report are limited in terms of own levels of knowledge about Indigenous language revitalization, the gaps in our knowledge regarding economic principles and modelling, our connections with experts and their availabilities for consultation, and the timeframe we were granted for conducting this research. We acknowledge that there are many inspiring and noteworthy initiatives across Canada that are not represented in this report due to some of these limitations. Moreover, the vast degree of variation between communities, languages, and initiatives is not adequately reflected in this report, although in section 9, we discuss specific variables involved in language revitalization efforts across Canada.

Three Models

Our costing models are based around three broad characterizations of language programs: language maintenance, language revitalization and language reclamation. In the Canadian context, such categories are lopsided; the majority of languages in Canada likely fall into the language revitalization category, and very few likely fall into the language reclamation category. See the definitions we assume for these three categories below.

Language maintenance: The community continues to have fairly strong to very strong usage of the language in several to all domains.

Language revitalization: The community's use of the language is declining, and/or restricted to a subset of domains. Intergenerational transmission is decreasing or non-existent.

[2] There is, however, research on the paucity of funding for language revitalization within the context of Australian Aboriginal Affairs (e.g. Mahboob et al. 2017) and on the economic benefits of investments in Indigenous languages (e.g., Aleksy-Szucsich 2008; Grin & Vaillancourt 1999; Mühlhäusler & Damania 2004).

Language reclamation: The community currently has no fluent speakers. There may or may not be speakers in other communities.

We developed costing models for language maintenance, revitalization, and reclamation with specific community profiles in mind, because this allowed us to make concrete something that would otherwise be abstract, given the diversity of communities and languages across Canada. It is important to emphasize that this report is in no way an attempt to prescribe language goals or plans for any community. We acknowledge that the best initiatives are community-driven ones; the language plans developed in this report are models, from which communities may or may not develop their own goals and plans.

The choice of structuring our research around these three categories has pros and cons, in that we can address on a macro level the financial resources needed for Indigenous language reclamation, revitalization, and maintenance, but these categories limit our understanding of the diverse and complex situations of Indigenous languages and communities across Canada.

4. Methodology

In order to understand the real costs of community-based language revitalization, we developed profiles of communities that took into account a number of variables. The variables were inspired, in part, by Grenoble & Whaley's (2006, pp. 202-204) checklist for setting up a language revitalization program, and include:

- Geography (size of community, proximity to urban centres and/or other communities speaking the same or similar languages, large geographic areas)
- Population (number of people on- and off-reserve)
- Language vitality (number of L1 speakers, L2 learners, and semi-speakers, language use at home, workplaces, etc.)
- Community readiness (programs in place, initiative to develop programs, state of language documentation, education levels, youth engagement, etc.)
- Potential for sharing resources (degree of cooperation with other communities speaking the same language; degree of similarity to other dialects)

Drawing on data from actual Indigenous communities in Canada, we developed three hypothetical community profiles, one for each category (language maintenance, revitalization, and reclamation). See section 9 for a discussion of these variables across a broader range of community profiles, and how they may impact costs. These hypothetical profiles allowed us to make concrete projections about the real costs associated with language programming.

Our main objective was to ***develop comprehensive budgets and timelines associated with different Indigenous language programs in order to develop financial forecasts that serve as costing models for Indigenous language maintenance, revitalization, and reclamation.***

With this guiding objective, we undertook several tasks, as follows:

1. We developed a comprehensive list of possible strategies and programs, based on our own knowledge of Indigenous language revitalization, as well as consultation with e.g., Hinton 2003, McIvor 2009 and resources available on the First Peoples' Cultural Council website.

2. We partitioned such strategies/programs into five broad categories: (i) Education, (ii) Language Skills Training, (iii) Community Programs, (iv) Language Documentation, and (v) Media and Arts.

3. Based on consultations with experts, literature, and available information on specific costs (e.g., salaries, space rental) we developed frameworks (including timelines and budgets) for each program. In determining how the various programs evolve over time and work together, we particularly considered capacity building (for example, frontloading costs of language planning and community mobilization before establishing programs such as language nests or MAP programs).

4. We attempted to fit these particular frameworks to the three community profiles, with these serving as models of language maintenance, revitalization, and reclamation.

5. For each model, we developed three consecutive five-year budgets, yielding fifteen years of budgets in total.

6. Considering the fact that language revitalization programs are often grossly underfunded and operate on a "shoestring budget," whenever there were discrepancies in cost projections, we made it a determination to always go with the higher number.

In the following section, we discuss each of the five categories, including what programs and strategies are included in each, and specifics of how the frameworks and budgets were developed. Actual frameworks and budgets are included as appendices.

4.1. Costing Language Education

Under the umbrella category of education are costs related to K-12 language immersion, including staff (teachers, educational assistants, support staff), operations, infrastructure, and curriculum and resource development. Not included here or elsewhere in this report are costs associated with K-12 language education programs that are not immersion-based. This is not because non-immersion based programs are *not* beneficial to language revitalization, but decades of research on language revitalization has demonstrated that immersion-based programs are the most successful programs for intervention in shifting language loss (at least in an education-based setting). The most well-known examples of Indigenous language revitalization success stories (e.g. Hawai'ian, Māori, Mohawk) all had the use of immersion teaching and learning (of various forms) as a guiding principle.

Our consultations with Indigenous educators revealed that a number of different pieces need to be in place to support the implementation of K-12 language immersion. Fluent speakers who are also trained educators are essential.[3] Nearly all of the educators and experts we consulted regarded the lack of teacher training as a major concern in Indigenous language programs. From this, we assumed that developing a K-12 immersion program involves building capacity by training community members in the language itself, in pedagogical theory and practice, and in

[3] This point was emphasized by Lisa Crowshoe (p.c., March 2018), who expressed that there would be a keen interest in Blackfoot language immersion in the Piikani community, but a paucity of Blackfoot-speaking teachers is a current barrier. In communities with very few young speakers, fluent Elders may be paired with trained educators to team-teach. As explained by Rob Matthew (p.c., April 2018), this latter model has been championed by Chief Atahm School for Secwepemctsin language immersion.

language immersion principles and practices. See Appendix A for a model that details how to build capacity to introduce K-12 language immersion education. Language skills training towards this objective is detailed in section 4.2.

A second piece involves infrastructure. What is necessary is a safe and suitable space that can support teaching and learning (with classrooms, gymnasium, music room, art space, playground, etc.) and provide an immersive environment for students and teachers.[4] We have included infrastructure as a separate budget line under education, with a total figure of $12,000,000 to support the building of an immersion school. (Figure is taken from the projected costs of building a new immersion school at Six Nations, see the Kawenni:io/Gaweni:yo Private School 2014/15 Annual Report). We assume this space could also house the curriculum development centre (as at the Eskasoni Immersion School), and perhaps adult immersion and/or some community-based programming.

Once capacity and infrastructure are developed and the school opens, staffing, operations, curriculum and resource development, and professional development costs can vary depending on variables such as student population and the school's scope and objectives. See Appendix B for a model budget for K-12 immersion operations, developed based on consultations with educators and administrators at various Indigenous language immersion schools across the country.

4.2. Costing Language Skills Training

This category includes classroom-based adult immersion programs to build fluency amongst potential educators and language revitalists, as well as teacher training specifically geared towards language immersion, and specialized training in Indigenous language revitalization (ILR)[5] and language documentation. See Appendix C for a budget for an adult immersion program; the inventory of expenses was developed based on consultations with Brian Maracle, whose adult immersion program has been successfully creating new Mohawk speakers at Six Nations since 1999 (see Green 2017). The development and implementation of teacher training programs can be done in partnership with local postsecondary institutions. See Appendix D for a framework and budget for establishing a Memorandum of Understanding with a postsecondary institution. Other costs associated with postsecondary training are detailed in the budget justifications for each costing model in sections 5-7 below. Included in the costs are scholarships that compensate students for tuition, books, travel, and living expenses.

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[4] The importance of a safe and immersive space was emphasized by Amos Key Jr., who commented on the origins of the Kawenni:io/Gaweni:yo School, which operated out of a legion in its earliest days, despite being an unsafe atmosphere for children, and also by Ida Denny, who explained that the Eskasoni Immersion School originally operated as a program within the English-based school, making complete immersion impossible.

[5] Existing programs include the University of Victoria's MILR and CALR programs, Simon Fraser University's Graduate Certificate and MA in the Linguistics of a First Nations language, the University of Alberta's CILLDI program, the University of Saskatchewan's Certificate in Indigenous Languages, Lakehead University's Indigenous Languages Instructor Program, the University of Regina's BA in Indigenous Languages and Literature, Blue Quills University's BA and MA in Cree, and the First Nations University of Canada's BA, post-BA certificate, MA, and teaching certificate programs in Indigenous languages. This list is not comprehensive but represents a range of options across the country. Outside the scope of this report is an assessment of the various advantages and drawbacks to each of these programs. However, we acknowledge the need for targeted and skills-based training in Indigenous language revitalization (see e.g., Bliss & Breaker 2018).

4.3. Costing Community Programs

Our framework for community programs involves establishing a language team comprised of trained staff from the community who can develop and oversee language planning and programming and offer mentorship and support, as well as a language council comprised of Elders, educators, and knowledge holders who can inform decisions about planning and programming. In some cases, the language team and council can support multiple communities who are in close geographic proximity, share the same language, and are interested in cooperation. The budget for the language team and council includes salaries, professional development, travel to communities, meetings, office facilities, supplies, and equipment, etc. See Appendix E for a framework and annual budget.

Under the umbrella of community programs within the scope of the language team and council are the following:

- **Community mobilization**: as a means to evoke community interest in language revitalization and to identify potential language leaders. In the reclamation model, language planning is also included here. (For the Maintenance and Revitalization models, it is subsumed under the budget line for the language team and council.)

- **Language camps**: land-based gatherings in which community members - particularly youth - can connect with Elders and knowledge holders in an immersive context. Camps can also be held in urban contexts. (See, e.g., Blair & Fredeen 2009 on the importance of language camps.)

- **Mentor-Apprentice Programs (MAP):** Mentor-Apprentice Programs, also known as Master-Apprentice Programs, are programs that support motivated learners working one-on-one in an immersive context with fluent speakers. MAP was originally developed in California in the 1990s (Hinton 2001) and has been used as a language learning model in many different communities in Canada in recent decades. This model is particularly essential for language communities with few speakers remaining, and for communities with elderly speaker populations. MAP's goal is to develop fluent second-language speakers, who can potentially become language teachers or future language mentors; recent research also speaks to the role MAP can play in community wellness and healing (Jenni et al. 2017). Because MAP only minimally requires a single speaker who needn't have any specialized training, it is supported early on in our models.

- **Alternative adult language learning programs***:* In addition to formalized adult immersion and MAP, we included a placeholder for alternative community-based adult learning programs. These may take the form of drop-in evening classes, e-learning, immersive language houses, etc. (See e.g., Johnson 2013.)

- **Silent speaker programs / Healing programs**: In many Indigenous communities, there are high numbers of silent speakers, who understand the language but face challenges in speaking it due to language trauma (e.g., Basham & Fatham 2008). This program is designed to promote fluency amongst those people. The program is short-term and designed to roll over into an ongoing speaking circle/healing program, which creates opportunities for new speakers to gather and converse in the language and to develop programs to overcome intergenerational language trauma. For many speakers and learners, overcoming language trauma is essential before broader language revitalization progress can be undertaken.

- **Youth leadership programs:** Youth are critical to language revitalization movements, and youth leadership programs help to foster youth engagement in their language (e.g., Sumida Huaman et al. 2016; McCarty et al. 2006).

- **Language nests:** Language nests are immersive environments where the youngest children (usually ages 0-5 years old) interact with older fluent speakers of the language, often in unstructured and structured play. These programs originated in the 1980s for Māori language revitalization (McClutchie 2007) and there are now examples of language nests being successfully implemented in the Canadian context as well (McIvor 2005; McIvor and Parker 2016).

- **Home immersion programs:** Home immersion programs recognize the importance of bringing back Indigenous languages as the language of the home. Though school programs may be successful in building new speakers, without necessary support to use the language outside the classroom, the language may be seen as restricted to being used in the classroom. See Hinton 2013 for descriptions of different home immersion programs.

- **Public awareness:** Public awareness campaigns can be aimed at both community and non-community members to bring visibility to the language itself, as well as to language revitalization efforts. This may include signage, translation services, and PSAs. Note that street signs in the community itself are also included as a separate budget line under Language Documentation, as are PSAs regarding domain-specific vocabulary, such as medical terms.

- **Off-reserve / urban programming**: For communities with large populations of off-reserve members, we included in that community's budget off-reserve language programming.[6] This varies according to variables of geography and population. For example, our language revitalization model assumes that nearly half the population lives off-reserve, with many residing in a nearby urban centre; for this community we budgeted for urban programs such as language nests and home immersion support. Meanwhile, our language reclamation model assumes that the majority of the very small population lives off-reserve, but not in one centralized area, so for this community we budgeted for distance learning and intensive summer programs that bring language learners to the community. We assume that other community programs would be targeted towards both on- and off-reserve members. In our language maintenance model, most community members live on-reserve; for this community we did not include a budget line for off-reserve programming. For a discussion of supporting other (non-local) Indigenous languages in urban centres, see section 9.2.

- **Optional grant-funded programs:** As the language gains speakers, certain programs (e.g., MAP, silent speaker) are replaced with optional grant-funded programs to give communities flexibility in meeting their ongoing language needs. We did not include a separate category for land-based learning, but instead assumed it could be incorporated here.

We also included a budget line for miscellaneous community program expenses at $100,000 every five years.

[6] We assume that off-reserve programming can also be a means to offering language education and support to children in care. (See John 2017).

Most of the figures associated with these budget lines were taken or adapted from the First Peoples' Cultural Council's "Community Capacity Development Strategy" (henceforth CCDS); this is noted, along with any explanatory notes on adaptations, in the budget justifications in sections 5-7. Exceptions include the following:

- **Language camps**: Not included in the CCDS but priced at $25,000 per camp, as quoted by Aliana Parker (p.c. March 2018).
- **Alternative adult language learning programs***:* We included a placeholder of $250,000 per year for community-initiated programs. This figure is an increase from the $210,000 in funds received to operate the Syilx Language House (Johnson 2018). We assumed a language house would be the one of the costliest options in this category and budgeted accordingly.
- **Language nests**: See Appendix F for a model annual budget.
- **Home immersion programs**: See Appendix G for a model framework and budget.
- **Public awareness**: We followed the Nunavut Culture and Heritage Department's model of awarding grants to businesses and non-profit organizations for language visibility projects, but we increased the figure to $30,000 per grant[7], with the number of grants awarded annually depending on the population, geographic range, and readiness of a community; see budget justifications for details. Figures cover on- and off-reserve public awareness projects.
- **Off-reserve programming**: Based on budgetary figures for on-reserve programming; see budget justifications for details.

4.4. Costing Language Documentation

Similar to the framework developed for community programs, the framework for language documentation also establishes a leadership team to oversee documentation projects. The team is comprised of three full-time staff (community linguist, community archivist, programmer), plus consultants and/or student research assistants hired on a casual basis. The budget for the language team and council includes training and professional development, salaries, meetings, office facilities and equipment, etc. Refer to the budget justifications for details. Budgets to pay casual or contract employees are included on a per-project basis. Some of the work involved in language documentation can draw on the expertise and resources of local postsecondary institutions; Appendix C details the costs of establishing a Memorandum of Understanding (MOU) with a postsecondary institution.

Documentation plans vary depending on the state of existing documentation in the community. For communities with no standard orthography, plans were outlined to develop and implement one.[8] (See Appendix H for a framework and budget for orthography design and spelling reform.) Beyond orthography, we developed individualized plans for documenting oral stories, developing dictionaries and new vocabulary (e.g., for domains such as technology, healthcare, etc.), documenting place names, and digitizing existing materials. These plans include

[7] This figure is based on the cost of the installation of Musqueam signage on the UBC campus ($15,000 + approximately 300 hours labour and consultation). The Nunavut Culture and Heritage grants are smaller ($5000); we adopted the higher figure.

[8] This assumes that communities in fact wish to adopt an orthography to write their language, which is not unilaterally the case for all Indigenous communities in North America (e.g., see Chavez 2017 for discussion of the Keres language in New Mexico). We again emphasize that, while our models can provide guidelines or blueprints for language revitalization planning and costing, decisions about which programs and strategies to include in a language plan rest entirely with communities.

additional strategies for increasing the visibility of the language in the community, such as PSAs with specialized vocabulary (e.g., healthcare vocabulary for use in doctor's offices, etc.), and road signs[9] with place names and the like. See budget justifications for details.

For all communities, we included a budget line for curating a digital archive that can serve as a hub for language materials and resources, including those collected via other documentation projects. In the community models, we do not make any recommendations about centralizing these various hubs regionally or nationally (i.e., for digital security purposes), but see section 8 for some discussion. We also included a budget line for developing language software or apps for use on smartphones and other digital devices.[10]

4.5. Costing Media and Arts

Media and arts can be vehicles for language documentation, but also a way to increase the visibility, viability, and prestige of a language. Under the category of media, we include radio, television, and print (e.g., magazines or newspapers). Arts is divided into two subcategories: verbal arts (e.g., theatre, spoken word, song) and literary arts (e.g., literature, poetry). Much of the funding budgeted for comes in the form of grant programs to promote and support media and art creations. Media grants were costed based on comparative figures for French language media programming in Canada. See budget justifications for details.

5. Language Maintenance Model

This model is based on a hypothetical community with the following profile:

Geography
- One mid-sized reserve (3000 hectares)
- Close proximity to other reserves with the same language
- Close proximity to small urban centre
- Majority of population lives on-reserve

Population
- 5000 community members
- 1500 L1 speakers
- 1000 silent/semi-speakers

Language Use and Vitality
- Aging population of L1 speakers
- Declining rates of intergenerational transmission

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[9] Locating costs for road signs proved challenging. The following document from the State of Minnesota outlines costs for replacing all signage in urban centres of various sizes: http://www.ceam.org/vertical/Sites/%7BD96B0887-4D81-47D5-AA86-9D2FB8BC0796%7D/uploads/ItsAllAboutSignsPreston.pdf. As we do not have equivalent data from Canada, we went with the figures presented here.

[10] The budget for language apps is $250,000/year for the first five years, and $100,000 per year for the five years following, totaling $1,750,000. This figure is based on the development costs of eastcree.org and its related apps (costs provided by Marie-Odile Junker, p.c. March 2018), as well as estimated development costs of Rosetta Stone software for Inupiaq.

- Few children learning the language from birth
- Percentages of people who speak/understand are much higher for older than younger populations

Community Readiness

- Centralized provincial organization supports communities in language planning, teaching, and revitalization
- Language immersion and other programming (MAP, Headstart)
- Extensive documentation, media, literature, and other art forms, digital resources and archives
- Postsecondary programs

Potential for Resource-Sharing

- High degree of cooperation with ~10 other communities in the same province speaking the same dialect
- One orthography used for all communities in the province
- Dialectal variation is minimal

The costing model presented here follows a fifteen-year timeline broken down into five-year blocks. "Year 1" in the timeline represents the first year of funding. Each five-year block is presented as a subsection, first with a table detailing the costs and followed by a budget justification. A summary of the full fifteen years is also presented below (repeated from the executive summary in section 2).

Table 4. Summary of Language Maintenance Costs

Timeline:	Years 1-5	Years 6-10	Years 11-15	TOTALS
Education	23,035,000	12,855,000	13,085,000	**48,975,000**
Language skills training	1,585,000	935,600	594,300	**3,114,900**
Community programs	4,317,900	4,253,900	4,383,900	**12,955,700**
Language documentation	867,600	1,213,820	384,750	**2,466,170**
Media and arts	619,200	3,900,000	3,900,000	**8,419,200**
TOTALS	**30,424,700**	**23,158,320**	**22,347,950**	**75,930,970**
AVERAGE COST PER YEAR	**6,084,940**	**4,631,664**	**4,469,590**	**5,062,065**

In this model, costs are mostly stable by the end of Year 10. Budget projections in Years 16 and beyond could follow those in Years 6-15.

5.1. Language Maintenance: Years 1-5

Table 5. Language Maintenance Costs Years 1-5

Timeline:	Year 1	Year 2	Year 3	Year 4	Year 5	TOTALS
K-12 immersion (teaching staff, incl. EAs)	850,000	910,000	1,020,000	1,080,000	1,190,000	**5,050,000**
K-12 immersion (support staff + operations)	725,000	725,000	725,000	725,000	725,000	**3,625,000**
Infrastructure	4,000,000	4,000,000	4,000,000	0	0	**12,000,000**
Immersion curriculum and teaching resources	460,000	400,000	400,000	700,000	400,000	**2,360,000**

Education TOTALS	**6,035,000**	**6,035,000**	**6,145,000**	**2,505,000**	**2,315,000**	**23,035,000**
Teacher training	296,000	296,000	296,000	296,000	296,000	**1,480,000**
ILR Training	85,000	5,000	5,000	5,000	5,000	**105,000**
Language documentation training	90,600	0	0	0	0	**90,600**
Language skills training TOTALS	**381,000**	**301,000**	**301,000**	**301,000**	**301,000**	**1,585,000**
Language team / council	147,780	147,780	147,780	147,780	147,780	**738,900**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
MAP	50,000	50,000	50,000	50,000	50,000	**250,000**
Youth leadership	60,000	60,000	60,000	60,000	60,000	**300,000**
Community outreach/celebrations	25,000	25,000	25,000	25,000	25,000	**125,000**
Silent Speaker	5,000	60,000	60,000	60,000	60,000	**245,000**
Language Nest	50,000	243,000	243,000	243,000	243,000	**1,022,000**
Home immersion	0	50,000	30,000	30,000	60,000	**170,000**
Public awareness	18,000	18,000	27,000	27,000	27,000	**117,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**625,780**	**923,780**	**912,780**	**912,780**	**942,780**	**4,317,900**
Documentation team	44,700	32,700	64,500	64,500	64,500	**270,900**
Digital archive	30,600	99,600	99,600	99,600	99,600	**429,000**
Digitization project	27,500	25,000	25,000	0	0	**77,500**
Oral histories / texts	99,500	95,000	95,000	95,000	95,000	**479,500**
Dictionary	10,440	10,440	10,440	10,440	10,440	**52,200**
Software / Language apps	75,000	75,000	75,000	75,000	75,000	**375,000**
Language documentation TOTALS	**287,740**	**337,740**	**369,540**	**344,540**	**344,540**	**1,684,100**
Media	600,000	600,000	600,000	600,000	600,000	**3,000,000**
Verbal arts	37,500	37,500	37,500	37,500	37,500	**187,500**
Literary arts	37,500	37,500	37,500	37,500	37,500	**150,000**
Media and arts TOTALS	**675,000**	**675,000**	**675,000**	**675,000**	**675,000**	**3,337,500**
TOTALS	**8,004,520**	**8,272,520**	**8,403,320**	**4,738,320**	**4,578,320**	**33,959,500**

Budget Justification

Education

- See Appendix B

- Immersion School currently has K-4; one grade per year will be added starting in Year 1
- Teaching staff increases yearly to meet capacity: Year 1 K-5: ten teachers + five EAs; Year 2 K-6: 11 teachers + 5 EAs; Year 3 K-7: 12 teachers + 6 EAs; Year 4 K-8: 13 teachers + 6 EAs; Year 5 K-9: 14 teachers + 7 EAs.
- Infrastructure costs are to build a new school over a 3-year period. School can operate out of existing facility until Year 4.
- Curriculum renewal in Year 1; Handled by regional language team, with community costs being 30% of total; Equipment renewal in Year 4 (coinciding with new school opening).

Language Skills Training

- Includes teacher training, ILR training, and language documentation/linguistics training. (No postsecondary adult immersion as a significant proportion of adults are fluent.)
- Teacher training: Bachelor of Education with a focus on Indigenous pedagogy (already established at a local university). To build capacity for immersion school, two scholarships awarded each year to cover tuition ($5000), books and supplies ($2000), and a wage subsidy ($30,000[11]), per annum. Total scholarship = $37,000 x 4 years = $148,000.
- ILR training: $5000 per year to support travel and registration for conferences, training workshops, etc. for community language team members; One scholarship awarded in Year 1 for an advanced degree (e.g., MA) in ILR; covers tuition ($5000), books and supplies ($2000), wage subsidy ($30,000), and travel ($3000). Total scholarship = $40,000 x 2 years = $80,000.
- Language documentation training: This training is to build capacity for the language documentation team; see Appendix H. Community's share of costs is 30% based on percentage of total population supported by documentation team. Two scholarships awarded in Year 1 for graduate training in linguistics; covers tuition ($5000), books and supplies ($2000), wage subsidy ($30,000), and travel ($3000). Total scholarship = $40,000 x 2 years = $80,000. Two scholarships awarded in Year 1 for training in archival practices[12]; covers tuition ($3500), travel ($2000), and wage subsidy ($30,000) = $35,500 x 2 years = $71,000.

Community Programs

- Language team and council: See Appendix E. Community's share is 30% based on percentage of total population supported by team and council)
- Alternative adult language learning: $250,000 per year for flexible programming, ongoing.
- Mentor-Apprentice (MAP): 2 teams per year @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure.
- Youth Leadership: workshop and internship program, $60,000 is the high-range figure taken from FPCC CCDS. (High-range reflects anticipated large numbers of engaged youth, due to well-established language and culture programs in community schools, etc.)
- Community outreach/celebrations: $25,000 per year for outreach or celebration event(s) that promote language and culture within the community.

[11] Based on minimum wage of $14/hour x 40 hours/week x 52 weeks/year = $29,120, rounded up.
[12] e.g., University of Victoria's Diploma in Cultural Resource Management: https://continuingstudies.uvic.ca/culture-museums-and-indigenous-studies/programs/diploma-in-cultural-resource-management (March 2018)

- Silent speaker program: $25,000 per 10-week program to support 10 speakers (figure taken from FPCC CCDS). Year 1: outreach, recruitment, program development; Years 2-5: two cycles of the 10-week program per year. Each cycle is followed up with a facilitated speaking circle (to create opportunities for developing speakers to converse). Speaking circle consists of biweekly meetings; per-meeting costs: $200 facilitator, $100 space/hospitality, $50 materials = $350 x 25 meetings = $8750 + $1250 annual administration = $10,000).
- Language nest: Year 1: transition from daycare to nest; training and resource development $50,000. Years 2 onwards: See Appendix F for annual budget.
- Home immersion: See Appendix G. Year 1: community mobilization; language team established (no costs in this budget line). Year 2: resources development. Year 3: program commences with five families.
- Public awareness: Two grants per year in Years 1 and 2; increase to three grants per year in Year 3. Community's share is 30% based on percentage of total population supported by team and council.

Language Documentation[13]

- Documentation team: See Appendix H. Community's costs are 30% of total. Year 1: in-training linguist and archivist (see 'language skills training' above) hired as summer interns (12 weeks x 40/hours week x $25/hour = $12,000 each); Programmer hired, equipment purchased. Year 2: repeat of Year 1, without equipment. Years 3 onwards: full capacity)
- Digital archive/hub: Community's costs are 30% of total. Year 1 - Database specialist hired on contract to assist programmer in developing archive infrastructure, based on consultations with relevant stakeholders (community members, those curating existing archives, etc.) Cloud server space = $1000/month = $12,000; Specialist consulting fees = $65,000; community consulting fees = $25,000. Years 2 onwards: cloud server space $12,000/year; consultation for archive maintenance $10,000/year; $310,000 grant program for community projects to contribute to archive ($25,000 per community + $10,000 administration, outreach/advertising).
- Digitization project: Hire two students to locate and digitize language materials held by community members over the course of three summers. Years 1: Salaries: 12 weeks x 40 hours week x $25/hour = $12,000 x 2 = $24,000; equipment purchases $2500[14]; other supplies $1000. Years 2 and 3: Salaries and supplies. Phase out after Year 3.
- Oral histories/texts: Hire two community recorders and provide training for them to record and archive oral histories, myths, folklore, personal stories, etc. told by Elders, knowledge-holders, etc. Year 1: Purchase audio/video recording kits $4500[15] x 2. 12-week training workshop: $16,400 (contract instructor salary $6000 + instructor travel $1000 + materials $1000 + space/hospitality $7200 + Elder honoraria for demos $1200). Recorder salaries: 150 hours recording + 350 hours editing/archiving = 500 hours + 120 hours training = 620 hours x $30/hour = $18,600 x 2. Storytellers'

[13] In the Revitalization and Reclamation models detailed in sections 6 and 7, a budget line is included for establishing an MoU with a local postsecondary institution to assist with documentation projects. In this model, we assume this is not necessary, as postsecondary agreements are already in place. Documentation and media projects are ongoing. Many resources are already developed, including reference materials, digital documentation, archives and learning tools, literature, curricula and teaching materials, road signage, television and radio programming, etc.

[14] https://www.canada.ca/en/conservation-institute/services/conservation-preservation-publications/technical-bulletins/digitization-audio-tapes.html#a14

[15] The equipment kit consists of a video camera (with a tripod), Zoom audio recorder, stereo and lavalier microphones, and headphones. Prices based on recent quotes.

honoraria = 300 hours (150 x 2) x 4 people x $50/hour[16] = $60,000. Years 2-5: Repeat all but equipment purchase.

- Dictionary: Various in-print and digital dictionaries and lexicons already exist. This dictionary maintenance project will ensure that there is agreement across communities on the form and spelling of new words. Community's share of costs is 30%. Two-day neologisms workshops to be held annually (committee formed, with representatives from 12 communities). Committee members compensated for meetings, preparation, travel ($50/hour x 8 hours per day x 4 days = $1600 each x 5 people = $19,200; 200 km (average) round trip x $0.50/km = $100 each x 12 people = $1200.) Total for meetings = $20,400. New word guides printed and distributed (in print and online) to community members ($2400, $200 per community). Spelling contests are organized in schools, at community events, and online to promote new words. Prizes are given out to support this initiative ($12,000, $1000 per community). Total for outreach = $14,400.
- Software/ Language apps: Development begins in Year 1, $250,000/year for the first five years; $100,000/year for the subsequent five years. Community's costs are 30% of total.

Media and Arts

- Media: Establish an annual grant program for media creation and distribution valued at $2,000,000. Community's proportion of costs is 30%. (Figure based on comparable amounts awarded to public radio/television for French language programming, as follows: Canadian federal government granted $448,000,000 to French language radio/TV public broadcasting in 2014[17]; 7,900,000 million speak French at home regularly; this equates to $56/pp. Increase to $70/pp to reflect inflation and a boost to Official Languages support under Trudeau administration[18]. There are approximately 27,000 people of this Indigenous heritage in Canada. 27,000 people x $70 = $1,890,000. Round up to $2,000,000).
- Verbal arts: Establish an annual grant program for verbal arts in the language @ $100,000. Annual verbal artists retreat/festival/celebration: $25,000. Community's proportion of costs is 30%.
- Literary arts: Establish an annual grant program for literary arts in the language @ $100,000. Annual literary artists retreat/festival/celebration: $25,000. Community's share of costs is 30%.

5.2. Language Maintenance: Years 6-10

Table 6. Language Maintenance Costs Years 6-10

Timeline:	Year 6	Year 7	Year 8	Year 9	Year 10	TOTALS
K-12 immersion (teaching staff, incl. EAs)	1,250,000	1,360,000	1,420,000	1,420,000	1,420,000	**6,870,000**
K-12 immersion (support staff, operations)	725,000	725,000	725,000	725,000	725,000	**3,625,000**
Infrastructure	0	0	0	0	0	**0**
immersion curriculum, teaching resources	460,000	400,000	400,000	700,000	400,000	**2,360,000**
Education TOTALS	**2,435,000**	**2,485,000**	**2,545,000**	**2,845,000**	**2,545,000**	**12,855,000**

[16] The figure of 4 people per session at $50/hour each is based on Bliss' methodology for curating a digital story archive (see http://stories.blackfoot.atlas-ling.ca/) Having multiple storytellers in one storytelling session encourages storytellers to share ideas and create natural dialogue.
[17] http://www.cmg.ca/en/wp-content/uploads/2015/05/Report_RadioCanadaFunding_May21-3.pdf
[18] http://www.cbc.ca/news/politics/official-languages-plan-joly-1.4596687

Teacher training	148,000	148,000	148,000	148,000	148,000	**740,000**
ILR Training	85,000	5,000	5,000	5,000	5,000	**105,000**
Language documentation training	90,600	0	0	0	0	**90,600**
Language skills training TOTALS	**323,600**	**153,000**	**153,000**	**153,000**	**153,000**	**935,600**
Language team / council	147,780	147,780	147,780	147,780	147,780	**738,900**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
MAP	30,000	30,000	30,000	30,000	30,000	20,000
Youth leadership	60,000	60,000	60,000	60,000	60,000	60,000
Community outreach/celebrations	25,000	25,000	25,000	25,000	25,000	**125,000**
Silent speaker	45,000	45,000	45,000	45,000	45,000	**225,000**
Language Nest	243,000	243,000	243,000	243,000	243,000	**1,215,000**
Home immersion	60,000	115,000	60,000	90,000	60,000	**385,000**
Public awareness	27,000	27,000	27,000	27,000	27,000	**135,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**907,780**	**962,780**	**907,780**	**937,780**	**907,780**	**4,253,900**
Documentation team	76,500	64,500	64,500	64,500	64,500	**334,500**
Digital archive/hub	99,600	99,600	99,600	99,600	99,600	**498,000**
Oral histories / texts	70,000	70,000	70,000	70,000	70,000	**350,000**
Dictionary	10,440	0	10,440	0	10,440	**31,320**
Software / Language apps	30,000	30,000	30,000	30,000	30,000	**150,000**
Language documentation TOTALS	**256,540**	**234,100**	**244,540**	**234,100**	**244,540**	**1,213,820**
Media	600,000	600,000	600,000	600,000	600,000	**3,000,000**
Verbal arts	90,000	90,000	90,000	90,000	90,000	**450,000**
Literary arts	90,000	90,000	90,000	90,000	90,000	**450,000**
Media and arts TOTALS	**780,000**	**780,000**	**780,000**	**780,000**	**780,000**	**3,900,000**
TOTALS	**4,702,920**	**4,614,880**	**4,630,320**	**4,949,880**	**4,630,320**	**23,158,320**

Budget Justification

Education

- See Appendix B.
- One grade per year is added up to grade 12.
- Teaching staff increases yearly to meet capacity: Year 6 K-10: 15 teachers + seven EAs; Year 7 K-11: 16 teachers + eight EAs; Year 8 and onwards K-12: 17 teachers + eight EAs.
- No infrastructure costs as new school building was completed by Year 3.
- Curriculum renewal in Year 6; handled by regional language team, with community costs being 30% of total; equipment renewal in Year 9.

Language Skills Training

- Teacher training: Scholarship program scaled back in Year 6 to one scholarship per year to cover tuition ($5000), books and supplies ($2000), and a wage subsidy ($30,000), per annum. Total scholarship = $37,000 x 4 years = $148,000.
- ILR training: $5000 per year to support travel and registration for conferences, training workshops, etc. for community language team members; One scholarship awarded every five years for an advanced degree (e.g., MA) in ILR; covers tuition ($5000), books and supplies ($2000), wage subsidy ($30,000), and travel ($3000). Total scholarship = $40,000 x 2 years = $80,000.
- Language documentation training: This training is to build capacity for the language documentation team; see Appendix H. Community's share of costs is 30% based on percentage of total population supported by documentation team. Two scholarships awarded in Year 6 for graduate training in linguistics; covers tuition ($5000), books and supplies ($2000), wage subsidy ($30,000), and travel ($3000). Total scholarship = $40,000 x 2 years = $80,000. Two scholarships awarded in Year 6 for training in archival practices; covers tuition ($3500), travel ($2000), and wage subsidy ($30000) = $35,500 x 2 years = $71,000.

Community Programs

- Language team and council (includes language planning): See Appendix E. Community's share is 30% based on percentage of total population supported by team and council).
- Alternative adult language learning: $250,000 per year for flexible programming, ongoing
- Mentor-Apprentice (MAP): Scale down to 1 team per year @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure.
- Youth Leadership: workshop and internship program, $60,000 is the high-range figure taken from FPCC CCDS. (High-range reflects anticipated large numbers of engaged youth, due to well-established language and culture programs in community schools, etc.)
- Community outreach/celebrations: $25,000 per year for outreach or celebration event(s) that promote language and culture within the community.
- Silent speaker program: $25,000 per 10-week program to support 10 speakers (figure taken from FPCC CCDS). Scaled back to one cycle of the 10-week program per year. Facilitated speaking circle doubles to support growing capacity ($10,000 x 2; See Years 1-5 for costs).
- Language nest: See Appendix F.
- Home immersion: See Appendix G. Resource revisions in Year 7.
- Public awareness: Three grants per year. Community's share is 30% based on percentage of total population supported by team and council.

Language Documentation

- Documentation Team: See Appendix H. Equipment purchases in Year 6.
- Digital archive/hub: Community's costs are 30% of total. Cloud server space $12,000/year; consultation for archive maintenance $10,000/year; $310,000 grant program for community projects to contribute to archive ($25,000 per community + $10,000 administration, outreach/advertising).
- Oral histories / texts: Recording phased out after Year 5. Years 6-10 - Hire transcriptionist to create a written record corresponding with audio/video files. Salary $60,000/year; consultation with storytellers (to confirm unclear recordings, etc.) $10,000/year.
- Dictionary: See Years 1-5. Meetings are scaled back, held semi-annually.

- Software/ Language apps: Development begins in Year 1, $250,000/year for the first five years; $100,000/year for the subsequent five years. Community's costs are 30% of total.

Media and Arts

- Media: Continue an annual grant program for media creation and distribution valued at $2,000,000. Community's proportion of costs is 30%. (See Years 1-5 for figure calculation.)
- Verbal arts: Increase an annual grant program for verbal arts in the language to $250,000. Annual verbal artists retreat/festival/celebration: $5,0000. Community's proportion of costs is 30%.
- Literary arts: Increase an annual grant program for literary arts in the language to $250,000. Annual literary artists retreat/festival/celebration: $50,000. Community's proportion of costs is 30%.

5.3. Language Maintenance: Years 11-15

Table 7. Language Maintenance Costs Years 11-15

Timeline:	Year 11	Year 12	Year 13	Year 14	Year 15	TOTALS
K-12 immersion (teaching staff, incl. EAs)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	**7,100,000**
K-12 immersion (support staff, operations)	725,000	725,000	725,000	725,000	725,000	**3,625,000**
Immersion curriculum, teaching resources	460,000	400,000	400,000	700,000	400,000	**2,360,000**
Education TOTALS	**2,605,000**	**2,545,000**	**2,545,000**	**2,845,000**	**2,545,000**	**13,085,000**
Teacher training	148,000	0	148,000	0	148,000	**444,000**
ILR Training	85,000	5,000	5,000	5,000	5,000	**105,000**
Language documentation training	45,300	0	0	0	0	**45,300**
Language skills training TOTALS	**278,300**	**5,000**	**153,000**	**5,000**	**153,000**	**594,300**
Language team / council	147,780	147,780	147,780	147,780	147,780	**738,900**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
Youth leadership	60,000	60,000	60,000	60,000	60,000	**300,000**
Community outreach/celebrations	25,000	25,000	25,000	25,000	25,000	**125,000**
Language Circle	30,000	30,000	30,000	30,000	30,000	**150,000**
Language Nest	243,000	243,000	243,000	243,000	243,000	**1,215,000**
Home immersion	90,000	85,000	90,000	60,000	90,000	**415,000**
Public awareness	18,000	18,000	18,000	18,000	18,000	**90,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**883,780**	**878,780**	**883,780**	**853,780**	**883,780**	**4,383,900**

Documentation team	76,500	64,500	64,500	64,500	64,500	**334,500**
Digital archive/hub	189,600	189,600	189,600	189,600	189,600	**948,000**
Language documentation TOTALS	**266,100**	**254,100**	**254,100**	**254,100**	**254,100**	**384,750**
Media	600,000	600,000	600,000	600,000	600,000	**3,000,000**
Verbal arts	90,000	90,000	90,000	90,000	90,000	**450,000**
Literary arts	90,000	90,000	90,000	90,000	90,000	**450,000**
Media and arts TOTALS	**780,000**	**780,000**	**780,000**	**780,000**	**780,000**	**3,900,000**
TOTALS	**4,813,180**	**4,462,880**	**4,615,880**	**4,737,880**	**4,615,880**	**22,347,950**

Budget Justification

Education

- See Appendix B.
- Teaching staff for K-12: 17 teachers + eight EAs.
- Curriculum renewal in Year 11; Handled by regional language team, with community costs being 30% of total; Equipment renewal in Year 14.

Language Skills Training

- Teacher training: Scholarship program scaled back in Year 11 to one scholarship every second year to cover tuition ($5000), books and supplies ($2000), and a wage subsidy ($30,000), per annum. Total scholarship = $37,000 x 4 years = $148,000.
- ILR training: $5000 per year to support travel and registration for conferences, training workshops, etc. for community language team members; One scholarship awarded every five years for an advanced degree (e.g., MA) in ILR; covers tuition ($5000), books and supplies ($2000), wage subsidy ($30,000), and travel ($3000). Total scholarship = $40,000 x 2 years = $80,000.
- Language documentation training: This training is to build capacity for the language documentation team; see Appendix H. Community's share of costs is 30% based on percentage of total population supported by documentation team. Scale back to one scholarship awarded in Year 11 for graduate training in linguistics; covers tuition ($5000), books and supplies ($2000), wage subsidy ($30,000), and travel ($3000). Total scholarship = $40,000 x 2 years = $80,000. Scale back to one scholarship awarded in Year 11 for training in archival practices; covers tuition ($3500), travel ($2000), and wage subsidy ($30,000) = $35,500 x 2 years = $71,000.

Community Programs

- Language team and council (includes language planning): See Appendix E. Community's share is 30%, based on percentage of total population supported by team and council
- Alternative adult language learning: $250,000 per year for flexible programming, ongoing. Separate MAP funding is phased out in Year 11 and combined with this program.
- Youth Leadership: workshop and internship program, $60,000 is the high-range figure taken from FPCC CCDS (High-range reflects anticipated large numbers of engaged youth, due to well-established language and culture programs in community schools, etc.)

- Community outreach/celebrations: $25,000 per year for outreach or celebration event(s) that promote language and culture within the community.
- Speaking circle: Phase out silent speaker program; Add a third speaking circle. (3 x $10,000; see Years 1-5 for costs).
- Language nest: See Appendix F.
- Home immersion: See Appendix G. Resource revisions in Year 12.
- Public awareness: Scale down to two grants per year. Community's share is 30% based on percentage of total population supported by team and council.

Language Documentation

- Documentation Team: See Appendix H. Equipment purchases in Year 11.
- Digital archive/hub: Community's costs are 30% of total. Cloud server space $12,000/year; consultation for archive maintenance $10,000/year; Increase grant program to $610,000 to replace phased out projects and encourage innovative contributions to archive ($50,000 per community + $10,000 administration, outreach/advertising).

Media and Arts

- Media: Continue an annual grant program for media creation and distribution valued at $2,000,000. Community's proportion of costs is 30%. (See Years 1-5 for figure calculation.)
- Verbal arts: Continue an annual grant program for verbal arts in the language @ $250,000. Annual verbal artists retreat/festival/celebration: $5,0000. Community's proportion of costs is 30%.
- Literary arts: Continue an annual grant program for literary arts in the language @ $250,000. Annual literary artists retreat/festival/celebration: $50,000. Community's proportion of costs is 30%.

6. Language Revitalization Model

This model is based on a hypothetical community with the following profile:

Geography

- One large reserve (70,000 hectares)
- Close proximity to three other reserves with same language, including one in the USA
- Close proximity to large urban centre
- Over half the population lives off-reserve, many in the nearby urban centre

Population

- 7500 community members
- 1500 L1 speakers
- 500 silent/semi-speakers

Language Use and Vitality

- Very few use the language most often at home or at work
- Large majority of L1 speakers are 50+
- Very low rates of intergenerational transmission
- Children comprise a high percentage of the population, but very few (if any) are learning the language

Community Readiness

- No language team, language council, or language plan
- No language immersion and sparse language programming (including in the urban centre)
- No standard orthography
- Small but growing body of documentation, media, literature, digital resources

Potential for Resource-Sharing

- Interest in cooperation with other communities on issues of e.g., orthography development
- Dialectal variation is under-documented but of great interest to communities

The costing model presented here follows a fifteen-year timeline broken down into five-year blocks. "Year 1" in the timeline represents the first year of funding. Each five-year block is presented as a subsection, first with a table detailing the costs and followed by a budget justification. A summary of the full fifteen years is also presented below (repeated from the executive summary).

Table 8. Summary of Language Revitalization Costs

Timeline:	Years 1-5	Years 6-10	Years 11-15	TOTALS
Education	12,200,000	7,415,000	9,875,000	**29,490,000**
Adult language skills training	4,269,933	5,471,333	4,622,667	**14,363,933**
Community programming	6,259,467	11,596,000	13,958,000	**31,813,467**
Language documentation	1,524,453	2,240,917	1,438,250	**5,203,620**
Media and arts	945,000	4,375,000	3,913,333	**9,233,333**
TOTALS	**25,198,853**	**31,098,250**	**33,807,250**	**90,104,353**
AVERAGE PER YEAR	**5,039,771**	**6,219,650**	**6,761,450**	**6,006,957**

In this model, the block covering Years 11-15 represent a time when the costs stabilize; budget projections following Year 15 could follow those presented in this block.

6.1. Language Revitalization: Years 1-5

Table 9. Language revitalization costs: Years 1-5

Timeline:	Year 1	Year 2	Year 3	Year 4	Year 5	TOTALS
K-12 immersion (staffing/operations)	0	0	0	0	0	**0**
Immersion curriculum/resources	0	0	0	0	200,000	**200,000**
Infrastructure	0	3,000,000	3,000,000	3,000,000	3,000,000	**12,000,000**
Education TOTALS	**0**	**3,000,000**	**3,000,000**	**3,000,000**	**3,200,000**	**12,200,000**
Adult immersion (staffing/operations)	0	130,000	500,000	600,000	700,000	**1,930,000**
Teacher training – interim	2,500	444,000	444,000	444,000	444,000	**1,778,500**
Teacher training - long-term	0	0	2,500	1,800	1,800	**6,100**
ILR Training	10,000	63,333	63,333	63,333	63,333	**263,333**
Language documentation training	0	146000	0	146000	0	**292,000**

Language skills training TOTALS	**12,500**	**783,333**	**1,009,833**	**1,255,133**	**1,209,133**	**4,269,933**
Community mobilization	40,000	40,000	20,000	10,000	10,000	**120,000**
Language team and council	16,667	88,867	88,867	105,533	105,533	**405,467**
Language camp	25,000	25,000	25,000	25,000	25,000	**125,000**
MAP	0	50,000	90,000	130,000	170,000	**440,000**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
Silent Speaker/Speaking Circle	0	35,000	35,000	60,000	60,000	**190,000**
Youth Leadership	0	0	20,000	20,000	20,000	**60,000**
Language Nest	55,000	105,000	243,000	243,000	243,000	**889,000**
Home immersion	0	50,000	30,000	30,000	60,000	**170,000**
Public awareness	30,000	30,000	30,000	60,000	60,000	**210,000**
Urban programs	20,000	570,000	570,000	570,000	570,000	**2,300,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**456,667**	**1,263,867**	**1,421,867**	**1,523,533**	**1,593,533**	**6,259,467**
MoU with linguists/library	2,500	0	0	0	0	**2,500**
Documentation team	0	58,000	173,000	159,000	159,000	**549,000**
Orthography development	5,000	9,500	34,300	11,000	10,000	**69,800**
Digital archive/hub	0	0	0	102,000	57,000	**159,000**
Digitization project	0	27,500	25,000	25,000	0	**77,500**
Oral histories/texts	44,500	40,000	40,000	20,000	20,000	**164,500**
Dictionary	37,940	35,940	35,940	18,000	18,000	**145,820**
Software / language apps	0	83,333	83,333	83,333	83,333	**333,333**
Place names and signage	0	0	11,000	6,000	6,000	**23,000**
Language documentation TOTALS	**89,940**	**254,273**	**402,573**	**424,333**	**353,333**	**1,524,453**
Radio	30,000	30,000	30,000	30,000	30,000	**150,000**
Television/Film	0	0	0	3,333	666,667	**670,000**
Print (newspaper/magazine)	0	0	0	0	0	**0**
Verbal arts	25,000	25,000	25,000	25,000	25,000	**125,000**
Literary arts	0	0	0	0	0	0
Media and arts TOTALS	**55,000**	**55,000**	**55,000**	**58,333**	**721,667**	**945,000**
TOTALS	**614,107**	**5,356,473**	**5,889,273**	**6,261,333**	**7,077,667**	**25,198,853**

Budget Justification

Education

- See Appendix A for capacity-building and roll-out strategy. See Appendix B for K-12 budget.
- No staffing or operations costs until capacity is built, beginning in Year 6.
- Curriculum developed in Year 5.
- Infrastructure: School building constructed over the course of Years 2-5.

Language Skills Training

- Adult immersion: See Appendix C for annual budget. Year 1 - community mobilization. Year 2 - one teacher and one administrator hired for program development, includes miscellaneous expenses of $15,000. Year 3 - program begins with cohort 1 (reduced costs). Year 4 - two cohorts. Year 5 - full capacity.
- Teacher training (interim): See Appendix A. Year 1: community mobilization and recruitment; establish an MoU with a postsecondary institution to offer cohort-based training (See Appendix D for budget). Years 2 through 5: Three scholarships for BEd per year, covering tuition ($5000), books and supplies ($2000), and a wage subsidy ($30,000[19]), per annum. Total scholarship = $37,000 x 4 years = $148,000.
- Teacher training (long-term): See Appendix A. Years 1 and 2: No costs as interim strategy is in place. Year 3: Establish (/revise) MoU with postsecondary institution (See Appendix D) for long-term teacher training program. Years 4 & 5: Ongoing consultation between community and postsecondary; 2 meetings per year (See Appendix D).
- ILR training: $10,000 per year for community members with language interests to attend conferences, training workshops etc. (part of community mobilization). Years 2-5: Two scholarships awarded annually for ILR training; covers tuition ($5000), books and supplies ($2000), travel ($3000), wage subsidy ($30,000). Total = $40,000 per year x 2 years. Scholarship program costs are shared equally amongst 3 communities.
- Language documentation training: his training is to build capacity for the language documentation team; see Appendix H. Costs are shared equally amongst 3 communities. Year 1: Recruitment (see community mobilization). Two scholarships awarded in Year 2 for undergraduate[20] training in linguistics; covers tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000). Total scholarship = $37,000 x 4 years = $148,000. Two scholarships awarded in Year 2 for training in archival practices; covers tuition ($3500), travel ($2000), and wage subsidy ($30,000) = $35500 x 2 years = $71,000. Same scholarships awarded every two years for 10 years (to build capacity, assuming attrition).

Community Programs

- Community mobilization: FPCC CCDS cites $10,000 as a cost for a community mobilization. This figure is doubled for this community, which is larger than many BC communities in terms of population and geography. In Years 1 and 2, this figure is doubled again to include specific recruitment events for various programs. In Year 3, two events only. Years 4 onwards, smaller recruitment events only.
- Language team/council: See Appendix E. Costs are shared equally amongst 3 communities. Year 1 - general meeting to elect council representatives and recruit

[19] Based on minimum wage of $14/hour x 40 hours/week x 52 weeks/year = $29,120, rounded up.
[20] This differs from the Maintenance model, where scholarships are awarded for graduate training. This is because we assume that there are higher numbers of BA graduates in that community who could transition into a graduate program.

leaders for ILR training and language team. Year 2 - Hire one manager[21], one administrator. Other operating costs as outlined in Appendix E. In-training ILR specialists (see 'language skills training' above) hired as summer interns (12 weeks x 40/hours week x $25/hour = $12,000 each). Year 3: repeat of Year 2. Year 4: Hire second manager, plus summer interns. Year 5: repeat of Year 4.

- Language camp: One camp per year.
- Mentor-Apprentice (MAP): Year 1 - 2 teams @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure. Years 2-5 increase by 2 teams each year.
- Alternative adult language learning: $250,000 per year for flexible programming, ongoing.
- Silent speaker program: $25,000 per 10-week program to support 10 speakers (figure taken from FPCC CCDS). Year 1: Outreach, recruitment; Years 2-3: One cycle of the 10-week program per year. Years 4-5: Increase to two cycles per year. Program is followed up with a facilitated speaking circle (to create opportunities for developing speakers to converse). Speaking circle consists of biweekly meetings; per-meeting costs: $200 facilitator, $100 space/hospitality, $50 materials = $350 x 25 meetings = $8750 + $1250 annual administration = $10,000).
- Youth leadership: Years 1 and 2: community mobilization, language team building; $20,000 in Years 3-5 (figure taken from FPCC CCDS, low range for anticipated low participation).
- Language nest: See Appendix F. Year 1 - $5000 parent/baby group outreach; $50,000 training; Year 2 - $5000 parent/baby group outreach; $50,000 training; $50,000 program development. Years 3-5 - 1 nest operational.
- Home immersion: See Appendix G. Year 1 - community mobilization; Year 2 - handbook development.
- Public awareness: One grant per year in Years 1-3; increase two grants per year in Years 4 and 5.
- Urban programs: Parallel programming for community members living in the nearby urban centre. See Years 1-5 for budget justifications. Year 1 - community mobilization and recruitment events ($20,000). Years 2 onwards - hire a language manager for urban programs[22] ($50,000/annum); 2 MAP teams @$20,000 each; summer language intensive including language camp and other land-based/immersive activities, may include travel to reserve ($50,000); alternative adult language learning ($250,000, could include silent speaker); 3 teachers hired for language programming at urban schools (3 x $60,000).

Language Documentation

- MoU: Establish MoU with postsecondary institution in Year 1 so that linguists and students can assist with documentation projects and librarians can assist with archiving; See Appendix D.
- Documentation team: See Appendix H. Documentation is costed out for this community alone, given large populations across all communities and dialect variations. Year 1 - recruitment; see community mobilization. Year 2: hire in-training linguists and archivists as summer interns (12 weeks x 40 hours/week x $25/hour = $12000 x 4

[21] It is assumed that no one in the community has formal specialized training in ILR. This manager could be a grassroots revitalist, who could supplement their lived experiences with training workshops, etc., until capacity is built, and they could take (paid) leave to complete formal training (if desired) and be promoted to coordinator.

[22] This manager is considered a member of the language team and will collaborate with other team members but will work out of a satellite location in the urban centre.

interns) + supplies. Year 3: Hire 4 interns, hire programmer, purchase equipment, + other operating costs. Years 4 and 5: Hire archivist (training is complete) and two linguist interns. Other costs same as Year 3.

- Orthography development: See Appendix I.
- Digital archive/hub: Begins in Year 4, with hiring of programmer. Year 4 - Database specialist hired on contract to assist programmer in developing archive infrastructure, based on consultations with relevant stakeholders (community members, those curating existing archives, etc.) Cloud server space = $1000/month = $12000; Specialist consulting fees = $65,000; community consulting fees = $25,000. Years 5 onwards: cloud server space $12,000/year; consultation for archive maintenance $10,000/year; $35,000 grant program for community projects to contribute to archive (includes $10,000 in administration, outreach/advertising).
- Digitization project: Hire two students to locate and digitize language materials held by community members over the course of three summers. Three-year project begins in Year 2, after language manager is hired and MoU is signed. Year 2: Salaries: 12 weeks x 40 hours week x $25/hour = $12,000 x 2 = $24000; equipment purchases $2500; other supplies $1000. Years 3 and 4: Salaries and supplies. Phase out after Year 4.
- Oral histories/texts: Hire linguistic consultant to record and archive oral histories, myths, folklore, personal stories, etc. told by Elders, knowledge-holders, etc. Year 1: Purchase audio/video recording kit $2000. Consultant salary: 100 hours recording + 300 hours editing/archiving = 400 hours x $50/hour = $20,000. Storytellers' honoraria = 100 hours x 4 people x $50/hour = $20,000. Years 2-3: Repeat all but equipment purchase. Years 4-5: Scale back to half.
- Dictionary: Existing dictionary does not reflect this community's dialect and uses an orthography not widely adopted. Years 1-5 focus is curating/recording community-specific content. Year 1 - purchase 2 recording kits ($1000 each). Years 1-3: Students/interns hired to work with Elders/knowledge-holders to record and transcribe words. Student salaries: 50 hours recording + 200 hours transcription = 250 hours x $25/hour = $6250 x 2 students = $12,500. Elders honoraria: 100 hours x $50/hour x 4 people = $20,000. Travel: 12 trips between reserve & urban centre x 240 km roundtrip x $0.50/km = $1440. Hospitality, space rental = $2000. Total = $35,940. Years 4-5: Scale back by half ($18,000). Migrate digital version of dictionary to digital hub in Year 4 (see above).
- Software/ Language apps: Development begins in Year 2, $250,000/year for the first five years; $100,000/year for the subsequent five years. Costs shared equally amongst three communities.
- Place names/road signs: Land-based project to document/reclaim traditional place names. Years 1,2: team-building. Years 3-5: Hire consultant to travel with knowledge-holders/Elders to locations on the land, document place names and coordinates, and take photographs (Per annum: consultant 50 hours @ $50/hour = $2500; Elders 25 hours @ $50/hour x 2 Elders = $2500; equipment purchases in Year 3 only $5000; travel $1000).

Media and Arts

- Radio: Year 1 - Hire part-time radio host for 2-hour slot in the language ($20,000 for a half-time salary[23]), guest speakers' honoraria (2 guests/week x 50 weeks x $100/guest = $10,000). Years 2-5 - continue radio show.
- Television/Film - Costs shared equally amongst 3 communities. Year 4 - Form agreement with children's television production company to create cartoons in the

[23] https://www.payscale.com/research/CA/Industry=Radio_Broadcasting/Salary (March 2018)

language. ($10,000 in legal fees for agreement). Year 5 - produce season 1 to begin airing in Year 6, as K/1 immersion begins. 5 x 30-minute episodes @ $400,000/episode.

- Print (newspaper/magazine) - No costs until orthography development complete.
- Verbal arts: Establish an annual grant program for verbal arts in the language @ $50,000[24]. Annual verbal artists retreat/festival/celebration: $25,000. Costs are shared equally amongst 3 communities.
- Literary arts: No costs until orthography/spelling is developed.

6.2. Language Revitalization: Years 6-10

Table 10. Language revitalization costs: Years 6-10

Timeline:	Year 6	Year 7	Year 8	Year 9	Year 10	TOTALS
K-12 immersion (teaching staff, including EAs)	170,000	230,000	340,000	400,000	510,000	**1,650,000**
K-12 immersion (support staff + operations)	725,000	725,000	725,000	725,000	725,000	**3,625,000**
Infrastructure	0	0	0	0	0	**0**
Immersion curriculum and resources	520,000	280,000	340,000	400,000	600,000	**2,140,000**
Education TOTALS	**1,415,000**	**1,235,000**	**1,405,000**	**1,525,000**	**1,835,000**	**7,415,000**
Adult immersion (staffing/operations)	700,000	700,000	700,000	700,000	700,000	**3,500,000**
Teacher training – interim	0	0	0	0	0	**0**
Teacher training – long-term program	222,000	222,000	222,000	222,000	222,000	**1,110,000**
ILR Training	63,333	63,333	63,333	63,333	63,333	**316,667**
Language documentation training	146,000	53,333	146,000	53,333	146,000	**544,667**
Language skills training TOTALS	**1,131,333**	**1,038,667**	**1,131,333**	**1,038,667**	**1,131,333**	**5,471,333**
Community mobilization	10,000	10,000	10,000	10,000	10,000	**50,000**
Language team and council	147,200	147,200	164,200	164,200	164,200	**787,000**
Language camp	50,000	50,000	50,000	50,000	50,000	**250,000**
MAP	210,000	210,000	210,000	210,000	210,000	**1,050,000**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
Silent speaker/Speaking circle	70,000	70,000	70,000	45,000	45,000	**300,000**
Youth leadership	40,000	40,000	60,000	60,000	60,000	**260,000**
Language nest	348,000	486,000	486,000	486,000	486,000	**2,292,000**
Home immersion	85,000	90,000	60,000	90,000	60,000	**385,000**
Public awareness	90,000	90,000	90,000	90,000	90,000	**450,000**
Urban programs	750,000	918,000	918,000	918,000	918,000	**4,422,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**

[24] Smaller amount than that in the Maintenance model due to differences in community readiness.

Community programs TOTALS	**2,070,200**	**2,381,200**	**2,388,200**	**2,393,200**	**2,363,200**	**11,596,000**
Documentation team	205,000	205,000	245,000	205,000	205,000	**1,065,000**
Orthography development	10,000	0	10,000	0	10,000	**30,000**
Digital archive/hub	57,000	57,000	57,000	57,000	57,000	**285,000**
Oral histories/texts	10,000	10,000	10,000	10,000	10,000	**50,000**
Dictionary	12,500	11,000	10,750	10,750	10,750	**55,750**
Neologisms/domains of use	19,500	19,500	19,500	19,500	19,500	**97,500**
Software / Language apps	83,333	33,333	33,333	33,333	33,333	**216,667**
Place names and signage	421,000	20,000	0	0	0	**441,000**
Language documentation TOTALS	**818,333**	**355,833**	**385,583**	**335,583**	**345,583**	**2,240,917**
Radio	30,000	30,000	30,000	30,000	30,000	**150,000**
Television/Film	670,000	750,000	750,000	750,000	750,000	**3,670,000**
Print (newspaper/magazine)	36,000	36,000	36,000	36,000	36,000	**180,000**
Verbal arts	50,000	50,000	50,000	50,000	50,000	**250,000**
Literary arts	25,000	25,000	25,000	25,000	25,000	**125,000**
Media and art TOTALS	**811,000**	**891,000**	**891,000**	**891,000**	**891,000**	**4,375,000**
TOTALS	**6,245,867**	**5,901,700**	**6,201,117**	**6,183,450**	**6,566,117**	**31,098,250**

Budget Justification

Education

- See Appendix A for capacity-building and roll-out strategy. See Appendix B for K-12 budget.
- Teaching Staff - Year 6 K-1: Two teachers; one EA; Year 7 K-2: Three teachers, one EA; Year 8 K-3: Four teachers, two EAs; Year 9 K-4: Five teachers, two EAs; Year 10 K-5: Six teachers, three EAs.
- Operations and support staff as per Appendix B.
- Curriculum and resources: Staff introduced gradually (two in Year 6, three in Year 7, four in Year 8, five in Year 9 onwards). (Consulting etc. costs remain static.) Equipment purchases in Year 6. Curriculum renewal in Year 10.
- Infrastructure: No costs; building completed in Year 5.

Language Skills Training

- Adult immersion: See Appendix C for annual budget.
- Teacher training (interim): See Appendix A. Phased out. Scholarships awarded Years 2-5; last cohort expected to graduate Year 8.
- Teacher training (long-term): See Appendix A. 2-year program commences in Year 6, with three scholarships per year that cover tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000) = $37,000 x 2 years = $74,000.
- ILR training: $10,000 per year for community members with language interests to attend conferences, training workshops etc. (part of community mobilization). Years 2-5: Two scholarships awarded annually for ILR training; covers tuition ($5000), books and

supplies ($2000), travel ($3000), wage subsidy ($30,000). Total = $40,000 per year x 2 years. Scholarship program costs are shared equally amongst 3 communities.
- Language documentation training: Costs are shared equally amongst 3 communities. This training is to build capacity for the language documentation team; see Appendix H. Two scholarships awarded in Year 6 for undergraduate training in linguistics; covers tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000). Total scholarship = $37,000 x 4 years = $148,000. Two scholarships awarded in Year 6 for training in archival practices; covers tuition ($3500), travel ($2000), and wage subsidy ($30,000) = $35,500 x 2 years = $71,000. Same scholarships awarded in Years 8 and 10. Two scholarships offered in Years 7 and 9 for graduate training in linguistics, for those who have obtained BA; covers tuition ($5000), books and supplies ($2000), travel ($3000), wage subsidy ($30,000) = $40,000 x 2 years = $80,000.

Community Programs

- Community mobilization: See Years 1-5. Mobilization and recruitment events ongoing.
- Language team/council: See Appendix E. Costs are shared equally amongst 3 communities. Year 6 - Hire language coordinator, third manager, and summer interns (12 weeks x 40/hours week x $25/hour = $12,000 each). Other operating costs as outlined in Appendix E. Year 7 - Repeat of year 6. Year 8 - hire second language coordinator. At capacity year 8 onwards.
- Language camp: Increase to two camps per year.
- Mentor-Apprentice (MAP): @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure. Years 6-10: 10 teams per year.
- Alternative adult language learning: $250,000 per year for flexible programming, ongoing.
- Silent speaker program: See Years 1-5 budget justification for costs. Years 6-8: Two cycles of the program, increase to two speaking circles. Years 9-10: Scale back to one cycle of the program, two speaking circles.
- Youth leadership: Years 6-7; increase to $40,000 as interest grows, then Years 8-10 $60,000 (figure taken from FPCC CCDS, mid-range to high-range).
- Language nest: See Appendix F. Year 6: one nest operational, plan for a second nest (parent/baby group outreach $5000; training $50,000; set-up $50,000); Years 7-10: two nests operational (different areas on the reserve).
- Home immersion: See Appendix G. Year 6 - handbook revisions.
- Public awareness: Two grants per year.
- Urban programs: See Years 1-5. Year 6 - all programs continue, plus language coordinator hired ($75,000), language nest and home immersion organized ($5000 parent/baby group outreach; $50,000 training; $50,000 set-up). Years 7 onwards: language nest added to ongoing programs; home immersion for five families.

Language Documentation

- Documentation team: See Appendix H. Team is at full capacity as of Year 6. Budget reflects low salary range for linguist (BA obtained). Equipment purchases in Year 8.
- Orthography development: See Appendix I. Project completed by end of Year 10.
- Digital archive/hub: Ongoing costs = cloud server space $12,000/year; consultation for archive maintenance $10,000/year; $35,000 grant program for community projects to contribute to archive.
- Oral histories/texts: $10,000/year on developing digital and print outputs. (Costs could be for transcription, printing, distribution, etc.). Project phased out by end of Year 10.
- Dictionary: Year 6 - Students hired to “translate” transcribed entries into newly developed orthography (500 hours x $25/hour = $12,500). Year 7 - Dictionary goes to

print[25]; 200 copies printed for community distribution x $50/copy x 40% author discount = $6000. Community event to promote dictionary, includes prizes of free copies $5000. Years 8-10: Orthography committee meets twice/year to review and add content ($9500, see Appendix I). Students hired to record and transcribe new entries (50 hours @ $25/hour = $1250).

- Neologisms / Domains of Use: Creating and standardizing words related to professional domains (health care, legal, etc.) Years 6-7: Bilingual documents created for use in community health (care pamphlets, etc.). Year 8: Bilingual documents created for use in the legal/justice system. Years 9,10: Bilingual documents created for use in other community domains. Each year involves committee meetings to vote on new words. Per year costs: workshop = $9500 (see Appendix I); 100 hours translation @ $50/hour = $5000. Printing/distribution = $5000. After Year 10, this is phased out and absorbed by dictionary maintenance.
- Software/ language apps: Development begins in Year 2, $250,000/year for the first five years; $100,000/year for the subsequent five years. Costs shared equally amongst three communities.
- Place names/road signs: Year 6 - consultant hired to "translate" place names into newly developed orthography (20 hours @ $50/hour = $1000). Bilingual signage (community buildings, commercial properties on the reserve, road signs on the reserve) replaces current English road signs ($420,000). Year 7: pamphlets produced and distributed to community ($10,000); reclamation ceremony ($10,000). Project complete by end of Year 7.

Media and Arts

- Radio: continue radio program.
- Television: Costs shared equally amongst 3 communities. Continue to produce 5 x 30-minute episodes of children's cartoons per year. Year 6 - Form agreement with production company to dub adult programming (e.g., APTN) into the language; legal costs $10,000. Years 7-10 - dub 10 shows per year @$50,000 per episode[26]
- Print media: Establish regular column and crossword puzzle[27] in community's monthly news publication (freelance columnist salary $30/hour[28] x 100 hours = $3000).
- Verbal arts: Increase annual grant program for verbal arts in the language to $100,000. Annual verbal artists retreat/festival/celebration: $50,000. Costs shared equally amongst 3 communities.
- Literary arts: Establish an annual grant program for literary arts in the language @ $50,000. Annual verbal artists retreat/festival/celebration: $25,000. Costs shared equally amongst 3 communities.

6.3. Language Revitalization: Years 11-15

Table 11. Language revitalization costs: Years 11-15

Timeline:	Year 11	Year 12	Year 13	Year 14	Year 15	TOTALS
K-12 immersion (teaching staff)	570,000	680,000	740,000	850,000	910,000	**3,750,000**
K-12 immersion (support staff + operations)	725,000	725,000	725,000	725,000	725,000	**3,625,000**

[25] It is assumed that publishing costs will be covered by the publisher.
[26] https://www.pressreader.com/canada/montreal-gazette/20121013/283154310893632 (March 2018)
[27] The crossword puzzle can help generate interest and use in the newly developed orthography.
[28] https://www.payscale.com/research/CA/Job=Freelance_Writer/Hourly_Rate (May 2018)

Immersion curriculum/resources	700,000	400,000	400,000	400,000	600,000	**2,500,000**
Education TOTALS	**1,995,000**	**1,805,000**	**1,865,000**	**1,975,000**	**2,235,000**	**9,875,000**
Adult immersion (staffing/operations)	700,000	700,000	700,000	700,000	700,000	**3,500,000**
Teacher training	148,000	148,000	148,000	148,000	148,000	**740,000**
ILR Training	36,667	36,667	36,667	36,667	36,667	**183,333**
Language documentation training	53,333	146,000	0	0	0	**199,333**
Language skills training TOTALS	**938,000**	**1,030,667**	**884,667**	**884,667**	**884,667**	**4,622,667**
Community mobilization	10,000	10,000	10,000	10,000	10,000	**50,000**
Language team and council	164,200	164,200	164,200	164,200	164,200	**821,000**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
Optional projects – grant-funded	500,000	500,000	500,000	500,000	500,000	**2,500,000**
Speaking circle	30,000	30,000	30,000	30,000	30,000	**150,000**
Language nest	591,000	729,000	729,000	729,000	729,000	**3,507,000**
Home immersion	90,000	60,000	90,000	60,000	90,000	**390,000**
Public awareness	120,000	120,000	120,000	120,000	120,000	**600,000**
Urban programs	918,000	918,000	918,000	918,000	918,000	**4,590,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**2,693,200**	**2,801,200**	**2,831,200**	**2,801,200**	**2,831,200**	**13,958,000**
Documentation team	215,000	215,000	255,000	215,000	215,000	**1,115,000**
Digital archive/hub	57,000	57,000	57,000	57,000	57,000	**285,000**
Dictionary	10,750	6,000	10,750	0	10,750	**38,250**
Software / Language apps	33,333	0	0	0	0	**33,333**
Language documentation TOTALS	**282,750**	**278,000**	**322,750**	**272,000**	**282,750**	**1,438,250**
Radio	30,000	30,000	30,000	30,000	30,000	**150,000**
Television/Film	566,667	566,667	566,667	566,667	566,667	**2,833,333**
Print (newspaper/magazine)	36,000	36,000	36,000	36,000	36,000	**180,000**
Verbal arts	100,000	100,000	100,000	100,000	100,000	**500,000**
Literary arts	50,000	50,000	50,000	50,000	50,000	**250,000**
Media and art TOTALS	**782,667**	**782,667**	**782,667**	**782,667**	**782,667**	**3,913,333**
TOTALS	**6,691,617**	**6,697,533**	**6,686,283**	**6,715,533**	**7,016,283**	**33,807,250**

Budget Justification

Education

- See Appendix A for capacity-building and roll-out strategy. See Appendix B for K-12 budget.
- Teaching Staff - Year 11 K-6: Seven teachers; three EAs; Year 12 K-7: Eight teachers, four EAs; Year 13 K-8: Nine teachers, four EAs; Year 14 K-9: Ten teachers, five EAs; Year 15 K-10: Eleven teachers, five EAs; Full capacity by Year 17.
- Operations and support staff as per Appendix B.
- Curriculum and resources: Equipment purchases in Year 11. Curriculum renewal in Year 15.

Language Skills Training

- Adult immersion: See Appendix C for annual budget.
- Teacher training (long-term): See Appendix A. Scale back to two scholarships per year that cover tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000) = $37,000 x 2 years = $74,000.
- ILR Training: $10,000 per year for community members with language interests to attend conferences, training workshops etc. (part of community mobilization). Years 2-5: Scale back to one scholarship awarded annually for ILR training; covers tuition ($5000), books and supplies ($2000), travel ($3000), wage subsidy ($30,000). Total = $40,000 per year x 2 years. Scholarship program costs are shared equally amongst 3 communities.
- Language documentation training: Costs are shared equally amongst 3 communities. This training is to build capacity for the language documentation team; see Appendix H. Two scholarships awarded in Year 12 for undergraduate training in linguistics; covers tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000). Total scholarship = $37,000 x 4 years = $148,000. Two scholarships awarded in Year 12 for training in archival practices; covers tuition ($3500), travel ($2000), and wage subsidy ($30,000) = $35,500 x 2 years = $71,000. Scale back to offering these same scholarships every five years (i.e., next would be in Year 17). Two scholarships offered in Years 11 for graduate training in linguistics, for those who have obtained BA; covers tuition ($5000), books and supplies ($2000), travel ($3000), wage subsidy ($30,000) = $40,000 x 2 years = $80000. Scale back to offering graduate scholarship every five years (i.e., next one would be Year 16).

Community Programs

- Community mobilization: See Years 1-5. Mobilization and recruitment events ongoing.
- Optional projects (grant-funded): Phase out language camps, MAP, silent speaker, and youth leadership programs in Year 11 and replace with sustainable grant funding for community-initiated and flexible projects.
- Speaking circles: Phase out silent speaker program. Increase to three speaking circles @ $10,000 each. (See Years 1-5 budget justification for costs.)
- Language nest: See Appendix F. Year 11: Two nests operational, plan for a third nest (parent/baby group outreach $5000; training $50,000; set-up $50,000); Years 12-onwards: Three nests operational (different areas on the reserve).
- Home immersion: See Appendix G. Year 11 - handbook revisions.
- Public awareness: Increase to three grants per year.
- Urban programs: See Years 6-10. Ongoing programs: MAP, alternative adult language learning, summer intensive camp, K-12 language classes, language nest, home immersion; oversight by coordinator and manager.

Language Documentation

- Documentation team: See Appendix H. Team is at full capacity. Budget reflects high salary range, assuming linguist obtained MA. Equipment purchases in Year 13.
- Digital archive/hub: Ongoing costs = cloud server space $12,000/year; consultation for archive maintenance $10,000/year; $35,000 grant program for community projects to contribute to archive.
- Dictionary: Years 11, 13, 15: Orthography committee meets twice/year to review and add content ($9500, see Appendix I). Students hired to record and transcribe new entries (50 hours @ $25/hour = $1250). Year 12 - Release new print edition of dictionary and distribute to community members ($6000, see Years 6-10 for costs).
- Software/ Language apps: Development begins in Year 2, $250,000/year for the first five years; $100,000/year for the subsequent five years. Costs shared equally amongst three communities.

Media and Arts

- Radio: continue radio program.
- Television/Film (and other media in general): Establish an annual grant program for media creation and distribution valued at $1,700,000. Costs are shared equally amongst 3 communities. (Figure based on comparable amounts awarded to public radio/television for French language programming, as follows: Canadian federal government granted $448,000,000 to French language radio/TV public broadcasting in 2014[29]; 7,900,000 million speak French at home regularly; this equates to $56/pp. Increase to $70/pp to reflect inflation and a boost to Official Languages support under Trudeau administration[30]. There are approximately 24,000 people of this Indigenous heritage in Canada. 24000 people x $70 = $1,680,000. Round up to $1,700,000).
- Print media: Establish regular column and crossword puzzle in community's monthly news publication (freelance columnist salary $30/hour x 100 hours/month x 12 = $36,000).
- Verbal arts: Increase annual grant program for verbal arts in the language to $250,000. Annual verbal artists retreat/festival/celebration: $50,000. Costs shared equally amongst 3 communities.
- Literary arts: Establish an annual grant program for literary arts in the language @ $100,000. Annual verbal artists retreat/festival/celebration: $50,000. Costs shared equally amongst 3 communities.

7. Language Reclamation Model

This model is based on a hypothetical community with the following profile:

Geography

- One very small reserve (100 hectares)
- Geographically isolated; access to urban centres and other communities is restricted
- Approximately 80% of the population lives off-reserve, spread across many areas

Population

- 200 community members

[29] http://www.cmg.ca/en/wp-content/uploads/2015/05/Report_RadioCanadaFunding_May21-3.pdf
[30] http://www.cbc.ca/news/politics/official-languages-plan-joly-1.4596687

- No L1 speakers of this dialect in the community (approximately 150 speakers of other dialects)
- 5 silent/semi-speakers (approximately 200 semi-speakers of other dialects)

Language Use and Vitality
- No L1 speakers on-reserve, 1 off-reserve
- No children acquiring the language

Community Readiness
- No language team, language council, or language plan
- No language immersion and sparse language programming
- No standard orthography (for the dialect)
- Sparse documentation, media, literature, digital resources (in the dialect)

Potential for Resource-Sharing
- Geographic isolation restricts potential for collaboration
- Dialect is one of many divergent dialects, often considered separate languages

The costing model presented here follows a fifteen-year timeline broken down into five-year blocks. "Year 1" in the timeline represents the first year of funding. Each five-year block is presented as a subsection, first with a table detailing the costs and followed by a budget justification. A summary of the full fifteen years is also presented below (repeated from the executive summary).

Table 12. Summary of Language Revitalization Costs

Timeline:	Years 1-5	Years 6-10	Years 11-15	TOTALS
Education	9,000,000	8,070,000	7,385,000	**24,455,000**
Adult language skills training	832,500	4,430,100	4,274,000	**9,536,600**
Community programming	1,802,000	5,726,000	5,950,000	**13,478,000**
Language documentation	1,411,060	2,747,100	1,861,100	**6,019,260**
Media and arts	0	8,819,000	13,390,000	**22,209,000**
TOTALS	**13,045,560**	**29,792,200**	**32,860,100**	**75,697,860**
AVERAGE PER YEAR	**2,609,112**	**5,958,440**	**6,572,020**	**5,046,524**

In this model, costs are not yet stabilized by Year 15; programs and supports are continuing to develop, and we project that costs will stabilize by Year 20.

7.1. Language Reclamation: Years 1-5

Table 13. Language reclamation costs: Years 1-5

Timeline:	Year1	Year2	Year3	Year4	Year5	TOTALS
K-12 immersion	0	0	0	0	0	**0**
Infrastructure	0	0	3,000,000	3,000,000	3,000,000	**9,000,000**
Education TOTALS	**0**	**0**	**3,000,000**	**3,000,000**	**3,000,000**	**9,000,000**
Adult immersion classes	0	0	0	0	130,000	**130,000**
Teacher training (interim program)	0	0	2,500	148,000	148,000	**298,500**
ILR Training	5,000	85,000	5,000	85,000	5,000	**185,000**

Language documentation training	0	219,000	0	0	0	**219,000**
Language skills training TOTALS	**5,000**	**304,000**	**7,500**	**233,000**	**283,000**	**832,500**
Community mobilization/ Language planning	80,000	80,000	80,000	80,000	80,000	**400,000**
Language lead	0	123,000	123,000	123,000	123,000	**492,000**
Language camps/events	0	25,000	25,000	25,000	25,000	**100,000**
MAP	0	50,000	50,000	50,000	50,000	**200,000**
Alternative adult language learning	0	0	0	0	0	**0**
Silent speaker / Speaking circle	0	0	35,000	35,000	35,000	**105,000**
Youth leadership	0	0	20,000	20,000	20,000	**60,000**
Headstart /Language nest	0	0	0	0	105,000	**105,000**
Home immersion	0	0	0	0	50,000	**50,000**
Public awareness	0	0	30,000	30,000	30,000	**90,000**
Off-reserve programming	0	0	0	50,000	50,000	**100,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**100,000**	**298,000**	**383,000**	**433,000**	**588,000**	**1,802,000**
MoU with linguists/library	0	2,500	0	0	0	**2,500**
Documentation team	0	34,000	149,000	147,000	147,000	**477,000**
Orthography	0	0	5,000	9,500	34,300	**48,800**
Digital archive	0	0	0	102,000	57,000	**159,000**
Digitization project	0	0	15,500	13,000	13,000	**41,500**
Oral histories/texts	0	17,000	15,000	15,000	15,000	**62,000**
Dictionary	0	0	41,420	39,420	39,420	**120,260**
Software / language apps	0	0	0	250,000	250,000	**500,000**
Place names	0	0	0	0	0	**0**
Language documentation TOTALS	**0**	**53,500**	**225,920**	**575,920**	**555,720**	**1,411,060**
Media	0	0	0	0	0	**0**
Arts	0	0	0	0	0	**0**
Media and arts TOTALS	**0**	**0**	**0**	**0**	**0**	**0**
TOTALS	**105,000**	**655,500**	**3,616,420**	**4,241,920**	**4,426,720**	**13,045,560**

Budget Justification

Education

- See Appendix A for capacity-building and roll-out strategy. See Appendix B for K-12 budget.
- No staffing, operations, or curriculum costs until capacity is built, beginning in Year 7.
- Infrastructure: School building constructed over the course of Years 3-6.

Language Skills Training

- Adult immersion: See Appendix C for annual budget. Program development begins in Year 5 (after completion of first MAP cohort, see below) with one teacher and one administrator hired, includes miscellaneous expenses of $15,000.
- Teacher training (interim): See Appendix A. Year 1: community mobilization and recruitment; establish an MoU with a postsecondary institution to offer cohort-based training (See Appendix D for budget). Years 2 through 5: One scholarship for BEd per year, covering tuition ($5000), books and supplies ($2000), and a wage subsidy ($30,000[31]), per annum. Total scholarship = $37,000 x 4 years = $148,000.
- ILR training: $5000 per year for community members with language interests to attend conferences, training workshops etc. (part of community mobilization). Years 2-5: One scholarship awarded every second year for ILR training; covers tuition ($5000), books and supplies ($2000), travel ($3000), wage subsidy ($30,000). Total = $40000 per year x 2 years = $80,000.
- Language documentation training: This training is to build capacity for the language documentation team; see Appendix H. Year 1: Recruitment (see community mobilization). One scholarships awarded in Year 2 for (under/)graduate training in linguistics; covers tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000). Total scholarship = $37,000 x 4 years = $148,000. One scholarship awarded in Year 2 for training in archival practices; covers tuition ($3500), travel ($2000), and wage subsidy ($30,000) = $35,500 x 2 years = $71,000. Given small population, scholarships are offered every five years.

Community Programs

- Community mobilization: FPCC CCDS cites $10,000 as a cost for a community mobilization. This figure is inflated to $80,000/year in Years 1-5 to reflect low-readiness of this particular community and the necessity of solid language planning to reach community language goals. Costs may include consulting fees/salaries for language planning experts plus community outreach and mobilization events.
- Language lead: As per FPCC CCDS, identify a language revitalist in the community (via mobilization strategies). Year 2 onwards: salary, equipment, space, supplies, professional development; see Appendix E for budget.[32]
- Language camp: One camp per year, beginning in Year 2.
- Mentor-Apprentice (MAP): Begins in Year 2 with 2 teams per year @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure.
- Alternative adult language learning: Not implemented until Year 6, when there is a number of proficient teachers and learners.
- Silent speaker program: $25,000 per 10-week program to support 10 speakers (figure taken from FPCC CCDS). Years 1-2: Outreach, recruitment; Years 3 onwards: One cycle of the 10-week program per year. Program is followed up with a facilitated speaking circle (to create opportunities for developing speakers to converse). Speaking circle consists of biweekly meetings; per-meeting costs: $200 facilitator, $100 space/hospitality, $50 materials = $350 x 25 meetings = $8750 + $1250 annual administration = $10,000).
- Youth leadership: Years 1 and 2: community mobilization, capacity-building; $20,000 in Years 3-5 (figure taken from FPCC CCDS, low range for anticipated low participation).

[31] Based on minimum wage of $14/hour x 40 hours/week x 52 weeks/year = $29,120, rounded up.
[32] Language lead is in lieu of language team and council proposed for Maintenance and Revitalization models; because this community is geographically isolated and speaks a unique dialect, the team approach is not applicable.

- Language nest: Planning does not begin under Year 5, following completion of first MAP cohort. Year 5 - $5000 parent/baby group outreach; $50,000 training; $50,000 program development.
- Home immersion: See Appendix G. Handbook development in Year 5; program begins in Year 6.
- Public awareness: One grant per year beginning in Year 3.
- Off-reserve programming: Beginning in Year 4: summer language intensive including language camp and other land-based/immersive activities, may include travel to reserve ($50,000).

Language Documentation

- MoU: Establish MoU with postsecondary institution in Year 2 so that linguists and students can assist with documentation projects and librarians can assist with archiving; See Appendix D.
- Documentation Team: See Appendix H. Year 1 - recruitment; see community mobilization. Year 2: hire in-training linguist and archivist as summer interns (12 weeks x 40 hours/week x $25/hour = $12,000 x 2 interns) + supplies. Year 3: Hire 2 interns, hire programmer, purchase equipment, + other operating costs. Years 4 and 5: Hire archivist (training is complete) and linguist intern. Other costs same as Year 3.
- Orthography development: See Appendix I. Program begins in Year 3 after documentation team is hired (i.e., "Year 1" in Appendix I corresponds with Year 3 in this community's model).
- Digital archive/hub: Begins in Year 4, following hiring of programmer. Year 4 - Database specialist hired on contract to assist programmer in developing archive infrastructure, based on consultations with relevant stakeholders (community members, those curating existing archives, etc.) Cloud server space = $1000/month = $12,000; Specialist consulting fees = $65,000; community consulting fees = $25,000. Years 5 onwards: cloud server space $12,000/year; consultation for archive maintenance $10,000/year; $35,000 grant program for community projects to contribute to archive (includes $10,000 in administration, outreach/advertising).
- Digitization project: Hire a student[33] to locate and digitize language materials held by community members over the course of three summers. Three-year project begins in Year 3, after language lead is hired and MoU is signed. Year 3: Salary: 12 weeks x 40 hours week x $25/hour = $12,000; equipment purchases $2500; other supplies $1000. Years 4 and 5: Salary and supplies. Phase out after Year 5.
- Oral histories/texts: Hire linguistic consultant to record and archive oral histories, myths, folklore, personal stories, etc. told by Elders, knowledge-holders, etc. Year 2: Purchase audio/video recording kit $2000. Consultant salary: 50 hours recording + 150 hours editing/archiving = 200 hours x $50/hour = $10,000. Storytellers' honoraria = 50 hours x 2 people x $50/hour = $5000. Years 3-5: Repeat all but equipment purchase.
- Dictionary: Existing dictionaries are for other dialects and are out-of-date or highly condensed. Year 3 - purchase 2 recording kits ($1000 each). Years 3-5: Students/interns hired to work with speakers to record and transcribe words. Student salaries: 50 hours recording + 200 hours transcription = 250 hours x $25/hour = $6250 x 2 students = $12500. Speakers honoraria: 100 hours x $50/hour x 4 people = $20,000. Travel: 2 trips between reserve & urban centre 920 km roundtrip x $0.50/km = $920. Accommodation: 2 trips x 5 nights x 2 people x $200/night = $4000. Hospitality, space rental = $2000. Total = $39,420.

[33] Maintenance and Revitalization models included funding for two students, but given the small population of this community, only one student is required.

- Software/ Language apps: Development begins in Year 4, $250,000/year for the first five years; $100,000/year for the subsequent five years.
- Place names/road signs: No costs in Years 1-5; project begins in Year 6 .

Media and Arts

- No costs in Year 1-5 until capacity is developed.

7.2. Language Reclamation: Years 6-10

Table 14. Language reclamation costs: Years 6-10

Timeline:	Year6	Year7	Year8	Year9	Year10	TOTALS
K-12 immersion (teaching staff)	0	110,000	170,000	170,000	280,000	**730,000**
K-12 immersion (support staff + operations)	0	725,000	725,000	725,000	725,000	**2,900,000**
Infrastructure	3,000,000	0	0	0	0	**3,000,000**
Immersion curriculum and resources	200,000	460,000	220,000	280,000	280,000	**1,440,000**
Education TOTALS	**3,200,000**	**1,295,000**	**1,115,000**	**1,175,000**	**1,285,000**	**8,070,000**
Adult immersion classes	500,000	600,000	700,000	700,000	700,000	**3,200,000**
Teacher training (interim)	148,000	148,000	148,000	0	0	**444,000**
Teacher training (long-term)	2,500	1,800	1,800	148,000	148,000	**302,100**
ILR Training	85,000	5,000	85,000	5,000	85,000	**265,000**
Language documentation training	0	219,000	0	0	0	**219,000**
Language skills training TOTALS	**735,500**	**973,800**	**934,800**	**853,000**	**933,000**	**4,430,100**
Community mobilization/ Language planning	50,000	50,000	50,000	50,000	50,000	**250,000**
Language lead	213,000	213,000	213,000	213,000	213,000	**1,065,000**
Language camps/events	25,000	25,000	25,000	25,000	25,000	**125,000**
MAP	50,000	50,000	50,000	50,000	50,000	**250,000**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
Silent speaker / Healing programs	35,000	35,000	35,000	35,000	35,000	**175,000**
Youth leadership	20,000	20,000	20,000	20,000	20,000	**100,000**
Headstart / Language nest	243,000	243,000	243,000	243,000	243,000	**1,215,000**
Home immersion	30,000	30,000	30,000	30,000	55,000	**175,000**
Public awareness	60,000	60,000	60,000	60,000	60,000	**300,000**
Off-reserve programming	125,000	125,000	157,000	157,000	157,000	**721,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**1,121,000**	**1,121,000**	**1,153,000**	**1,153,000**	**1,178,000**	**5,726,000**
Documentation team	175,000	175,000	215,000	175,000	175,000	**915,000**
Orthography	11,000	10,000	10,000	0	10,000	**41,000**

Digital archive	57,000	57,000	57,000	57,000	57,000	**285,000**
Oral histories/texts	15,000	17,000	15,000	15,000	15,000	**77,000**
Dictionary	39,420	39,420	41,420	39,420	39,420	**199,100**
Software / Language apps	250,000	250,000	250,000	100,000	100,000	**950,000**
Place names	20,000	15,000	15,000	210,000	20,000	**280,000**
Language documentation TOTALS	**567,420**	**563,420**	**603,420**	**596,420**	**416,420**	**2,747,100**
Radio	70,000	70,000	70,000	70,000	70,000	**350,000**
Television	10,000	2,000,000	2,000,000	2,000,000	2,000,000	**8,010,000**
Print media	0	36,000	36,000	36,000	36,000	**144,000**
Verbal arts	35,000	35,000	35,000	35,000	35,000	**175,000**
Literary arts	0	35,000	35,000	35,000	35,000	**140,000**
Media and arts TOTALS	**115,000**	**2,176,000**	**2,176,000**	**2,176,000**	**2,176,000**	**8,819,000**
TOTALS	**5,738,920**	**6,129,220**	**5,982,220**	**5,953,420**	**5,988,420**	**29,792,200**

Budget Justification

Education

- See Appendix A for capacity-building and roll-out strategy. See Appendix B for K-12 budget.
- Small community population means that several grades are combined.
- Teaching Staff - Year 7 K-1: One teacher; one EA; Year 8 K-2: Two teachers, one EA; Year 9 K-3: Two teachers, one EA; Year 10 K-4: Three teachers, two EAs.
- Operations and support staff as per Appendix B.
- Infrastructure: School building constructed over the course of Years 3-6.
- Curriculum development in Year 6. Staff introduced gradually (one in Year 6, two in Year 7, three in Years 8 onwards). (Consulting etc. costs remain static.) Equipment purchases in Year 7.

Language Skills Training

- Adult immersion: See Appendix C for annual budget. Year 6 - program begins with cohort 1 (reduced costs). Year 7 - two cohorts. Years 8 onwards - full capacity.
- Teacher training (interim): See Appendix A. Phased out after Year 8; last cohort expected to graduate Year 11
- Teacher training (long-term): See Appendix A. Year 5: Establish (/revise) MoU with postsecondary institution (See Appendix D) for long-term teacher training program. Years 6 & 7: Ongoing consultation between community and postsecondary; 2 meetings per year (See Appendix D). Year 8: 2-year program commences in Year 6, with two scholarships per year that cover tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000) = $37000 x 2 years = $74,000.
- ILR training: $5000 per year for community members with language interests to attend conferences, training workshops etc. (part of community mobilization). Years 2-5: One scholarship awarded every second year for ILR training; covers tuition ($5000), books and supplies ($2000), travel ($3000), wage subsidy ($30,000). Total = $40,000 per year x 2 years = $80,000.
- Language documentation training: See Years 1-5.

Community Programs

- Community mobilization: FPCC CCDS cites $10,000 as a cost for a community mobilization. This figure is inflated to $50,000/year in Years 6-10 to reflect low-readiness of this particular community (reduced from ($80,000/year in Years 1-5). Costs may include consulting fees/salaries for language planning experts plus community outreach and mobilization events.
- Language lead: see Years 1-5. Language project manager and administrator added in Year 6.
- Language camps: one camp per year.
- Mentor-Apprentice (MAP): 2 teams per year @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure.
- Alternative adult language learning: Beginning in Year 6; $250,000 per year for flexible programming, ongoing.
- Silent speaker/speaking circle: See Years 1-5.
- Youth leadership: $20,000 per year (figure taken from FPCC CCDS, low range for anticipated low participation).
- Language nest: See Appendix F. Nest begins operations in Year 6.
- Home immersion: See Appendix G. Program begins in Year 6; given small population the number of families will be less than five but given that many live off the geographically isolated reserve, travel costs may be higher, and support group meetings may need to be virtual. We assume these factors balance out, and the budget is as in Appendix G (for five families per year, ongoing). Handbook revisions in Year 10.
- Public awareness: Increase to two grants per year in Year 6.
- Off-reserve programming: Annual summer language intensive including language camp and other land-based/immersive activities, may include travel to reserve ($50,000); beginning in Year 6: introductory online course offered to 100 users with 1 half-time instructor (see Appendix C for budget; $75,000). Year 8: add an intermediate course with a second instructor.

Language Documentation

- Documentation team: See Appendix H. Year 6 - hire linguist (training is complete). Year 8 - purchase new equipment.
- Orthography development: See Appendix I. “Year 4” in Appendix I corresponds with Year 6 in this model.
- Digital archive/hub: See Years 1-5.
- Oral histories/texts: See Years 1-5; equipment purchases in Year 7.
- Dictionary: See Years 1-5. No scaling back (as with Revitalization model), as the project started “from scratch” to build a dictionary for this particular dialect. Equipment purchases in Year 8.
- Software/ Language apps: Development begins in Year 4, $250,000/year for the first five years; $100,000/year for the subsequent five years.
- Place names: Land-based project to document/reclaim traditional place names. Years 6-8: Hire consultant to travel with knowledge-holders to locations on the land, document place names and coordinates, and take photographs (Per annum: consultant 50 hours @ $50/hour = $2500; knowledge-holders 25 hours @ $50/hour x 2 people = $2500; equipment purchases in Year 6 only $5000; travel and accommodation $5000.) Year 9: Bilingual signage (community buildings, commercial properties on the reserve, road signs on the reserve) replaces current English road signs ($210,000). Year 10: pamphlets produced and distributed to community ($10,000); reclamation ceremony ($10,000). Project complete by end of Year 10.

Media and Arts

- Radio: Years 6 onwards - Hire part-time radio host for weekly 2-hour slot in the language ($20,000 for a half-time salary), guest speakers' honoraria (2 guests/week x 50 weeks x $100/guest = $10,000), travel to and accommodation closest urban centre with a radio station (400 km roundtrip x $0.50/km = $200 + $200 accommodation= $400/week x 50 weeks x 2 = $40,000).
- Television/Film - Year 6 - Form agreement with children's television production company to create cartoons in the language. ($10,000 in legal fees for agreement). Year 7 - produce season 1 to begin airing in Year 8, as K/1 immersion begins. 5 x 30-minute episodes @ $400,000/episode. Years 8-10: Produce 4 more seasons.
- Print media: Year 7 (once orthography is developed) - Establish regular column and crossword puzzle in monthly community news publication (freelance columnist salary $30/hour x 100 hours = $3000).
- Verbal arts[34]: Establish an annual grant program for verbal arts in the language @ $25,000. Annual verbal artists retreat/festival/celebration: $10,000.
- Literary arts: Beginning in Year 7 (following orthography development); Establish an annual grant program for literary arts in the language @ $25,000. Annual literary artists retreat/festival/celebration: $10,000.

7.3. Language Reclamation: Years 11-15

Table 15. Language reclamation costs: Years 11-15

Timeline:	Year11	Year12	Year13	Year14	Year15	TOTALS
K-12 immersion (teaching staff)	280,000	340,000	340,000	450,000	450,000	**1,860,000**
K-12 immersion (support staff + operations)	725,000	725,000	725,000	725,000	725,000	**3,625,000**
Immersion curriculum and resources	480,000	580,000	280,000	280,000	280,000	**1,900,000**
Education TOTALS	**1,485,000**	**1,645,000**	**1,345,000**	**1,455,000**	**1,455,000**	**7,385,000**
Adult immersion classes	700,000	700,000	700,000	700,000	700,000	**3,500,000**
Teacher training	74,000	74,000	74,000	74,000	74,000	**370,000**
ILR Training	5,000	85,000	5,000	85,000	5,000	**185,000**
Language documentation training	0	219,000	0	0	0	**219,000**
Language skills training TOTALS	**779,000**	**1,078,000**	**779,000**	**859,000**	**779,000**	**4,274,000**
Community mobilization/ Language planning	30,000	30,000	30,000	30,000	30,000	**150,000**
Language lead	213,000	213,000	213,000	213,000	213,000	**1,065,000**
Language camps/events	25,000	25,000	25,000	25,000	25,000	**125,000**
MAP	50,000	50,000	50,000	50,000	50,000	**250,000**
Alternative adult language learning	250,000	250,000	250,000	250,000	250,000	**1,250,000**
Silent speaker / Healing programs	35,000	35,000	35,000	35,000	35,000	**175,000**

[34] Smaller amount than that in the Maintenance and Revitalization models due to differences in population and community readiness. (also for literary arts)

Youth leadership	40,000	40,000	40,000	40,000	40,000	**200,000**
Headstart / Language nest	243,000	243,000	243,000	243,000	243,000	**1,215,000**
Home immersion	30,000	30,000	30,000	30,000	55,000	**175,000**
Public awareness	60,000	60,000	60,000	60,000	60,000	**300,000**
Off-reserve programming	189,000	189,000	189,000	189,000	189,000	**945,000**
Miscellaneous	20,000	20,000	20,000	20,000	20,000	**100,000**
Community programs TOTALS	**1,185,000**	**1,185,000**	**1,185,000**	**1,185,000**	**1,210,000**	**5,950,000**
Documentation team	175,000	175,000	215,000	175,000	175,000	**915,000**
Orthography	0	10,000	0	0	0	**10,000**
Digital archive	57,000	57,000	57,000	57,000	57,000	**285,000**
Oral histories/texts	30,000	32,000	30,000	30,000	30,000	**152,000**
Dictionary	39,420	39,420	41,420	39,420	39,420	**199,100**
Software / Language apps	100,000	100,000	100,000	0	0	**300,000**
Language documentation TOTALS	**401,420**	**413,420**	**443,420**	**301,420**	**301,420**	**1,861,100**
Radio	70,000	70,000	70,000	70,000	70,000	**350,000**
Television	2,510,000	2,500,000	2,500,000	2,500,000	2,500,000	**12,510,000**
Print media	36,000	36,000	36,000	36,000	36,000	**180,000**
Verbal arts	35,000	35,000	35,000	35,000	35,000	**175,000**
Literary arts	35,000	35,000	35,000	35,000	35,000	**175,000**
Media and arts TOTALS	**2,686,000**	**2,676,000**	**2,676,000**	**2,676,000**	**2,676,000**	**13,390,000**
TOTALS	**6,536,420**	**6,997,420**	**6,428,420**	**6,476,420**	**6,421,420**	**32,860,100**

Budget Justification

Education

- See Appendix A for capacity-building and roll-out strategy. See Appendix B for K-12 budget.
- Small community population means that several grades are combined.
- Teaching Staff - Year 11 K-5: Three teachers, two EAs; Year 12 K-6: Four teachers, two EAs; Year 13 K-7: Four teachers, two EAs; Year 14 K-8: Five teachers, three EAs; Year 15 K-9: Five teachers, three EAs.
- Operations and support staff as per Appendix B.
- Infrastructure: School building constructed over the course of Years 3-6.
- Curriculum renewal in Year 11. Equipment renewal in Year 12. Three staff + consulting, research, supplies.

Language Skills Training

- Adult immersion: See Appendix C for annual budget.
- Teacher training (long-term): See Appendix A. Years 11-15: One scholarships per year that covers tuition ($5000), books and supplies ($2000), and wage subsidy ($30,000) = $37,000 x 2 years = $74,000.
- ILR training: $5000 per year for community members with language interests to attend conferences, training workshops etc. (part of community mobilization). Years 2-5: One scholarship awarded every second year for ILR training; covers tuition ($5000), books

and supplies ($2000), travel ($3000), wage subsidy ($30000). Total = $40,000 per year x 2 years = $80,000
- Language documentation training: See Years 1-5.

Community Programs

- Community mobilization: FPCC CCDS cites $10,000 as a cost for a community mobilization. This figure is inflated to $30,000/year in Years 6-10 to reflect low-readiness of this particular community (reduced from ($50,000/year in Years 6-10). Costs may include consulting fees/salaries for language planning experts plus community outreach and mobilization events.
- Language lead: See years 1-10.
- Language camps: one camp per year.
- Mentor-Apprentice (MAP): 2 teams per year @ $20,000 per team (figure taken from FPCC CCDS) + $10,000 in training and infrastructure.
- Alternative adult language learning: $250,000 per year for flexible programming, ongoing.
- Silent speaker/speaking circle: See Years 1-5.
- Youth leadership: Increase to $40,000 in Year 11 (figure taken from FPCC CCDS, mid-range for anticipated increase in participation).
- Language nest: See Appendix F.
- Home immersion: See Years 6-10. Handbook revisions in Year 15.
- Public awareness: Two grants per year.
- Off-reserve programming: Annual summer language intensive including language camp and other land-based/immersive activities, may include travel to reserve ($50,000); Year 10: add an advanced online course to beginner and intermediate offerings, with a third instructor. (see Appendix C for budget).

Language Documentation

- Documentation team: See Appendix H. Year 13 - purchase new equipment.
- Orthography development: See Appendix I. “Year 10” in Appendix I corresponds with Year 12 in this model.
- Digital archive/hub: See Years 1-5.
- Oral histories/texts: See Years 1-5; double the amount of consulting hours in anticipation of new speakers telling stories. Equipment purchases in Year 12.
- Dictionary: See Years 1-5. No scaling back (as with Revitalization model), as the project started “from scratch” to build a dictionary for this particular dialect. Equipment purchases in Year 13.
- Software/ Language apps: Development begins in Year 4, $250,000/year for the first five years; $100,000/year for the subsequent five years.

Media and Arts

- Radio: See Years 6-10.
- Print media: See Years 6-10.
- Television: Continue to produce 5 x 30-minute episodes of children’s cartoons per year. Year 11 - Form agreement with production company to dub adult programming (e.g., APTN) into the language; legal costs $10,000. Years 11-15 - dub 10 shows per year @$50,000 per episode.
- Verbal arts: Continue an annual grant program for verbal arts in the language @ $25,000. Annual verbal artists retreat/festival/celebration: $10,000.
- Literary arts: Continue an annual grant program for literary arts in the language @ $25,000. Annual literary artists retreat/festival/celebration: $10,000.

8. Additional Infrastructure Costs

The models presented in this report are *community-based*, with costs calculated on a per-community basis. This is consistent with recommendations advanced by Galley et al. (2016) based on national dialogue sessions that national or regional infrastructure supporting Indigenous language revitalization be minimal, with funding going directly to communities. However, some federal and regional networks and support will likely be necessary for any national Indigenous language legislation. Costs associated with regional and national networks are outside the scope of our report. However, we have some recommendations for particular categories of funding, as follows:

National Infrastructure

Given the vast diversity of Indigenous languages and communities across Canada, it is inappropriate to conceive of a national body providing oversight for Indigenous language revitalization programs that are implemented on a community level. Moreover, such a body would draw funding away from where it is needed most: in communities. Consistent with Galley et al.'s (2016) recommendations, we acknowledge that the best way to support Indigenous languages on a national level is for funding to go directly to communities, with few exceptions, as detailed below.

National and/or Regional Meetings and Conferences

Language revitalization programs work best when there are abilities to meet with other communities, brainstorm, collaborate and share resources. Any national Indigenous language legislation should consider the costs of national and regional meetings and conferences.

National and/or Regional Support for Digital Storage and Computation

The costing models outlined in sections 5-7 include a budget line for curating digital archives within each community. Beyond community-based digital archives, we recommend exploring possibilities around national and/or regional technical support for digital archiving. While it is likely not feasible to conceive a single centralized archive for Indigenous language materials (as this may take data control rights from communities and fails to recognize diverse types of data and diverse community needs), there may nevertheless be needs for digital storage, digital security, and computational speed that can be best handled by pooling resources at a national or regional level.

National Media (television, radio, print, video games)

Development of Indigenous language material that can be accessed across the country is recommended. Television networks (such as APTN), film productions, radio stations, print media, video games, and online resources should be developed with the aim of creating content for all Indigenous languages in Canada, and with the aim of having of nationwide audience in mind.

Public Awareness

Public awareness campaigns on Indigenous languages should be implemented. These can be in the form of museum exhibitions (such as the First Voices exhibition at the Royal BC Museum), PSAs, social media campaigns, visibility of language in public spaces (signage, translations, etc.) Governmental translation services should also be considered.

Regional Language Centres

Based on the success of the First Peoples' Cultural Council model in British Columbia, we

recommend funding for regional language centres. However, regional language centres do not necessarily need to subscribe to the FPCC model. For some language communities (for example, those that span over many provinces), provincially-based language centres may not be as feasible as language-based centres. The development and implementation of regional language centres should be carried out in consultation with Indigenous communities across Canada.

9. Accounting for Diversity

The preceding sections detail three costing models based on specific profiles of hypothetical communities. As noted in section 3, however, Indigenous communities across Canada vary in numerous ways, and while these costing models can serve as possible blueprints, they do not take into account all of the different variables that may impact the by-community costs of language revitalization. In this section, we comment on some of the sources of variation between communities, and how these may impact costs. We begin in section 9.1 with a general discussion of variables, highlighting ways in which these variables are known to impact costs. In 9.2 we consider some of the specific challenges in developing costing models for urban centres with a diversity of Indigenous peoples and languages. Then in 9.3 we focus on language reclamation, its various objectives, and the challenges in developing costing models for these endeavors.

9.1. Variables Impacting the Costs of Language Revitalization

Geography

Geographic variables include the land mass of a community, topographical features of the land that may restrict travel, proximity to urban centres and other communities speaking the same language, and whether the broader community spans provincial or international borders.

Geographic variation can shape costs in numerous ways. For example, the costing models in sections 5-7 build in travel expenses (e.g., for the language team to support home immersion, etc., for the language council to meet regularly, etc.). For these types of within-community travel, we assumed vehicle travel with moderate distances, but in some more remote or more spread out communities, other - more costly - means of travel will need to be budgeted for.

Land mass also impacts accessibility to programs. Regardless of a community's population, if it is spread out over a large area, there may need to be multiple locations administering programs (e.g., K-12 immersion, language nests) so that all community members can have access. Moreover, language communities that span international borders will also need to build in funding for international agreements to support collaboration.

Population

The number of people in a community impacts the costs in some ways (e.g., the number of scholarships for language skills training, the number of MAP or home immersion teams), but many of the language revitalization programs and strategies included in the costing models in sections 5-7 require a baseline of funding to operate regardless of the number of participants. Funding models that calculate costs on a per-person basis as opposed to a per-community basis fail to recognize this.

Population factors such as the percentage of people living on- or off-reserve, as well as where the majority of off-reserve members live, are relevant insofar as localized programming needs to be available to community members. For instance, the language revitalization model detailed in section 6 assumes a number of off-reserve members in a nearby urban centre, and budgets just

under $1,000,000 per year for urban programming once fully operational (Years 11-15). Meanwhile, the language maintenance model in section 5 assumes most members to live on-reserve and therefore did not need to include a budget line for off-reserve programming, and the language reclamation model assumes a diaspora-type situation in which off-reserve members are not centralized in one urban area, and diverse strategies such as online networks need to be budgeted for.

In short, although a per-person funding model fails to recognize the baseline funding that all communities require, the specific demographics of a community can shape its language revitalization costs in nuanced ways.

Language Vitality

On a broad scale, variables under the headings of language vitality and community readiness (see below) yield the three different categories we covered in developing the costing models, with language maintenance showing the highest language vitality, followed by language revitalization, and finally language reclamation. Language vitality variables include the number of fluent L1 speakers, the number of semi-fluent and/or silent speakers, and the number of L2 learners, the number (or percentage) of children speaking the language as well as factors such as language use in different social domains, such as in the home, workplaces, and the community.

One of the salient ways in which language vitality impacts costs is in terms of timeline. A community with few fluent speakers will first need to increase its pool of speakers before many programs (such as K-12 immersion, etc.) can be developed and implemented. Concretely, we can compare the timelines for funding in the three costing models in sections 5-. In the language reclamation model, costs are relatively low in Years 1-5 reflecting low capacity to offer programs but more than double by Years 11-15 as capacity is built. In comparison, costs are higher for the language maintenance model in Years 1-5 than in subsequent years, as language vitality is relatively high, and capacity exists for implementing programs immediately.

Community Readiness

Community readiness variables such as language attitudes, wealth of resources, education levels, youth engagement, existing programs and language documentation, and the initiative to develop and implement programs and strategies impact costs in similar ways to language vitality variables - in terms of the timeline. Generally speaking, higher-readiness communities will have higher costs in the earlier years, as they already have the capacity to undertake projects, whereas lower-readiness communities will first need to build capacity.

Lower-readiness communities may also have some additional costs, particularly if the language is not well-documented. For instance, orthography development is listed as a budget line with a total figure of approximately $100,000 in the Revitalization and Reclamation models, but this is missing from the Maintenance model because a standardized orthography is already well-established in that community.

Potential for Resource-Sharing

Depending on socio-political and geographical factors, different communities speaking the same language may be motivated to share resources, and if this potential exists, then this can lower per-community costs. For example, language councils consisting of members from multiple communities may decide collectively on programs and strategies for language revitalization. Documentation such as reference materials, curricula, and the like may be developed for use across multiple communities. However, despite these possibilities for resource-sharing, it is also important to emphasize the need for programming and documentation that is specific to each

individual community's needs. Localized programming is essential, requiring in-community programs, and dialect divisions necessitate documentation involving each community's speakers.

9.2. Challenges with Developing Urban Models

Although the focus of this report is on community-based models, we acknowledge that urban areas, along with reserves and other Indigenous communities, require significant investment in language revitalization (see Galley et al. 2016). In essence, Indigenous people need to have access to their language regardless of where they reside in Canada, and regardless of whether they are away from their home reserve for reasons of education, employment, medical needs, incarceration, etc. According to Galley et al. (2016), there must be "access and opportunity for all Indigenous people to learn their Indigenous homeland language regardless of place of residence." Thus, significant funding is needed to support Indigenous language learning in urban centres and other off-reserve locations.

The models detailed in sections 5-7 included resources for off-reserve community members, but additionally, we recommend there be targeted funds for urban populations. Understanding the costs of urban Indigenous language revitalization is challenging not only because of the current lack of investment, but also because of the diversity of languages, communities, individuals, and needs within and across urban centres. In what follows, we profile the city of Vancouver, BC as a way to highlight some of these challenges.

There are nearly 36,000 First Nations people residing in Vancouver; a small portion of these people reside in one of the nine First Nations reserves in Metro Vancouver, but the large majority are off-reserve. Off-reserve First Nations people comprise approximately 1.35% of the Vancouver's population of 2,400,000.

The 32,444 off-reserve First Nations people living in Vancouver have a diversity of language backgrounds. More than 30 Indigenous languages are represented in the Vancouver Metro area, and more language communities without speakers in Vancouver may be identified. The most populous languages/language families are listed in Table 16.

Table 16. Most populous Indigenous languages/language families in Vancouver[35]

Cree languages	230 speakers[36]
Salish languages	135 speakers
Dene languages	105 speakers
Tsimshian languages	95 speakers
Anishnaabemowin	70 speakers
Wakashan languages	55 speakers
(other	165 speakers)
TOTAL	**855 speakers**

[35] Figures are taken from the Statistics Canada 2016 census.

[36] Cree dialects exist along a dialect continuum, with varying degrees of mutual intelligibility. Included under the umbrella of Cree languages are the following: Plains Cree (40 speakers), Woods Cree (20 speakers), Swampy Cree (15 speakers), Moose Cree (5 speakers) and unspecified Cree (150 speakers).

The figures listed in Table 16 reflect the number of L1 speakers; it is unknown how many second language (L2) speakers and learners and/or semi-speaker or silent speakers of Indigenous languages there are in Vancouver. Moreover, these figures collapse dialect differences between languages.

Language communities in Vancouver may or may not be connected to the language efforts of on-reserve communities, and factors including geographic distance and the availability of digital resources impact these connections. Whether or not there are language programs in individuals' respective First Nations, and whether or not they have access to such community-based programs should they exist, should have no bearing on whether individuals may have access to their own language in Vancouver. All people have a right to learn their language, no matter where they are in Canada.

While some of the First Nations reserves in Vancouver may have individualized languages plans, the City of Vancouver as a whole does not have a centralized language plan or language committee, nor does it necessarily need one. However, strategies and programs to support Indigenous language revitalization within the city are needed. Aside from on-reserve schools and programs, to the best of our knowledge there are no off-reserve Headstart programs, Languages Nests, or K-12 language immersion programs in Vancouver. The Indigenous Focus School does not have immersion programming. Local universities offer some post-secondary Indigenous language programs, but these tend to be focused on the languages of the territory (e.g., Squamish, hən̓q̓əmin̓əm̓), as opposed to the languages represented in Table 16. It is worth pointing out, however, that training in Indigenous language revitalization may be more accessible in Vancouver than in some other areas, with both the University of British Columbia and Simon Fraser University offering relevant programs. The Mentor-Apprentice program is also accessible to language learners, via the First Peoples Cultural Council.

In terms of language documentation and resources, FirstVoices and other online sources can serve as a resource for off-reserve learners, particularly since the internet can be readily and democratically accessed (e.g., via any of the Vancouver Public Library's 22 branches). The University of British Columbia and Simon Fraser University also have reference and other materials that can be accessed.

In sum, although Vancouver is a large urban centre with a diversity of First Nations people, there is a need for programs, strategies, and resources to support language revitalization in all Indigenous languages represented in the population.

9.3. Language Reclamation

Language reclamation refers to a situation in which a language with no first language speakers (typically of any dialect) is reclaimed, often from archival materials. These languages are referred to as ***sleeping languages***, or erroneously as *extinct* languages; the term *sleeping* recognizes the possibility of language reclamation (see, e.g., Leonard 2008). Just as language maintenance, revitalization, and reclamation can be viewed as points along a spectrum, within the category of language reclamation itself, there is potential for variation. Variables include the community population, their interests and objectives, the types and quality of archival materials that exist and the community's abilities to access and digitize them, and similarities to other living languages upon which comparative reconstructions of the sleeping language can be built.

Our language reclamation model is structured around a hypothetical community, whose unique dialect does not have any remaining speakers. Strictly speaking, this community's language is

not a sleeping language, as there are speakers of other dialects. However, we chose this profile for the language reclamation model for the following reasons:

(i) Language reclamation in the strict sense is relatively rare in the current Canadian context.

In the United States, Australia, and various other parts of the world, language reclamation initiatives are either underway or have been successfully carried out (see, e.g., Baldwin et al. 2013, Leonard 2007, 2008 for Myaamia; Baird 2013 for Wampanoag; Warner et al. 2007 for Mutsun; Amery 2016 for Kaurna; Zuckermann & 2012 for Barngarla; Zuckermann & Walsh 2011 for Hebrew). However, in Canada, only a small handful of languages are suitable candidates for language reclamation. Simons and Fennig (2018) list five dormant (or sleeping) languages of Canada in the Ethnologue, namely Chinook Wawa, Seneca, Tagish, Tuscarora, and Wyandot (/Wendat). They do not list any extinct[37] languages, but Beothuk, Laurentian, Tsetsaut, and Pentlatch arguably belong in this category. Of this small handful of languages, few have surviving ancestral populations with interests in language reclamation, and few have adequate documentation to support language reclamation. In short, true language reclamation is a rare scenario in Canada.[38] Given its relatively rarity, we chose to highlight a more widespread phenomenon, one in which a community with no speakers wishes to reclaim its own dialect of language and can draw on resources from other dialects with living speakers.

(ii) For some Canadian communities, language reclamation objectives are primarily emblematic.

The objectives of language reclamation can vary from community to community, and some wish to reclaim token words or phrases for emblematic or ceremonial purposes only, rather than create new generations of speakers. Meeting objectives for emblematic language use would require significantly fewer resources and funding than creating new speakers and, keeping with our general methodology of adopting the relatively higher numbers when faced with costing discrepancies, we chose a "sleeping dialect" as a way of estimating high on the costs of language reclamation.

(iii) *"True" language reclamation methodologies and workflows are largely undefined and constrained by systemic barriers, creating challenges for developing a community-based costing model.*

Lukaniec (2017) notes that the process by which a sleeping language is awakened is not yet well-defined, as at least in the early stages it cannot rely on established language revitalization methods such as MAP, language nests, or immersion programs. She advocates for the need for increased dialogue around language reclamation methodology and uses Wendat as an illustrative example.

The Huron-Wendat community has been engaged in language reclamation initiatives for over a decade (see also Dorais et al. 2011), and to the best of our knowledge, Wendat is the only sleeping language in Canada to have undergone a process of re-awakening. Since 2007, community members and researchers have worked together to locate archival materials, digitize

[37] The EGIDS scale partitions sleeping languages into two categories, ***dormant***, in which the language "serves as a reminder of heritage identity for an ethnic community, but no one has more than symbolic proficiency," and ***extinct***, in which the language "is no longer used and no one retains a sense of ethnic identity associated with the language" (Lewis and Simons 2010).

[38] Megan Lukaniec (p.c., May 2018) suggests that, although currently rare, language reclamation may become more common in Canada as critically endangered languages lose their speakers.

and transcribe them, and reconstruct the vocabulary and grammar of the language based on comparisons with related languages. Each of these steps is enormously time-consuming and costly, and because this work on Wendat continues today alongside new initiatives including teacher training, pedagogical resource development, and language classes, determining the precise costs and timeframes is difficult if not impossible.

Moreover, there are a number of systemic barriers that slow this work down. According to Megan Lukaniec (p.c., May 2018), current policies in place at Federal, other jurisdictional, and institutional levels do not facilitate Indigenous peoples' access to their own community's archived materials. Depending on the institution and the materials, access may be denied, or materials may be viewed only, without repatriation or even duplication for community use. Federal policy should be developed to enforce community access to their own archival materials for purposes of language reclamation. For those materials that can be readily accessed, they are often not digitized and significant human resources must go towards this time-consuming endeavor. Once digitally accessible, materials need to transcribed and analyzed by linguistic experts; as emphasized in other sections of this report, skills-based and targeted training is needed.[39] Overarching all of these steps is a need for sustainable long-term funding to carry out this lengthy and critically important process. There are many funding opportunities for language documentation, particularly of languages with very few speakers (e.g., the National Science Foundation's DEL Program, the Endangered Languages Documentation Project, etc.), but fewer funds are available for using existing documentation for language reclamation.

In short, for language reclamation to be a viable path for Indigenous communities facing a loss of speakers, policies and funding structures must be put in place to support the work. Once these barriers are removed, language reclamation will be a relatively more straightforward endeavor, although many years of "behind the scenes" work in analyzing archival materials and reconstructing the language will be required before language revitalization programs such as those outlined in our costing models can begin.

10. Best Practices in Researching Costs of Indigenous Language Revitalization

By way of concluding this report, we offer our recommendations for best practices in conducting this type of research, as well as research and resources that can build on this report. These recommendations are based on our own reflections about research methods we employed in this work that we consider effective, as well as methods and strategies we were not able to incorporate.

- Developing costing models on a per-community basis (as opposed to, e.g., per-language or per-person basis) reflects the needs and interests of diverse communities to develop their own within-community programming.

- Developing community profiles with population figures, land mass, etc., facilitates concrete estimations of costs in a way that abstract models could not.

[39] Megan Lukaniec (p.c., May 2018) notes that the Breath of Life workshops (http://nationalbreathoflife.org/) are an excellent starting point, but that more in-depth training in working with archival materials is also necessary.

- Consultations with "on-the-ground" language educators, language revitalists, and other experts yields a comprehensive and realistic picture of the costs of developing and implement language revitalization programs and strategies, particularly the sometimes hidden or overlooked costs not considered from an academic or otherwise outside perspective.

- Due to a systemic lack of funding and support for Indigenous language revitalization, existing programs tend to operate on a "shoestring" budget, with underpaid staff, under-developed resources, and inadequate infrastructure. Budgeting appropriately for the necessary costs, and erring on the side of over-estimating, will ensure that programs can operate effectively.

- Restricting the research to three broadly conceived categories (language maintenance, revitalization, and reclamation) obscures many of the nuanced sources of variation between communities. Ideally, this research would expand to include more points along the spectrum of language revitalization, with multiple exemplars from each category.

- Missing from this report is any consideration of language revitalization outside of Canada, such as in New Zealand, Hawai'i, Wales, the United States, Greenland, and Mexico. Future research would benefit from an international comparison between Canada and other places.

- As this area of research is relatively new, the level of detail is relatively high, and the variation between communities is vast, a more expansive timeframe would permit a more in-depth and well-rounded study.

- Should this report be used to estimate costs of Indigenous language revitalization in Canada on a national scale, we recommend that formulae be developed for situating the over 600 First Nations communities in Canada in comparison to the three models developed here, taking into account the variables outlined in section 9. We do not advocate for communities to simply be partitioned into the three categories of language maintenance, revitalization, and reclamation, as this obscures important sources of variation between communities. We trust that an economist will have expertise in developing the appropriate formulae and will consult with Indigenous language experts as needed.

- Beyond its potential to assist with costing Indigenous language revitalization for legislative purposes, this report can be used to develop tools and resources for communities, as it details comprehensive language plans for three stages of language revitalization and develops model frameworks and budgets for specific programs and strategies.

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Appendix A. Model for Introducing K-12 Language Immersion Education

Outlined in this document is a 15-year plan for building capacity to staff a K-12 immersion program with educators who are also fluent speakers. Different communities are at different stages along this plan and starting dates can be adjusted accordingly; Year 1 as listed here is for communities in which there are some fluent speakers in the community who could be trained as teachers, but due to their advancing age, will not work for many years before retirement. It is assumed that these communities also have some younger adults who are not fluent speakers but could go through a period of intense language immersion as well as teacher training.

HOW TO READ THIS DOCUMENT: Cohorts are colour-coded. Track a cohort's progression by following the colour from Year 1 through to Year 15. Cohorts in the A(dult) stream can continue on to the T(eacher training) stream. Graduates of the Ti(=Teacher training Interim) or the T(eacher training) stream can continue on to teach in the K-12 immersion school

Years 1-5 Highlights:

- Community mobilization is included as a budget line under community programs and is intended not just for generating interest in K-12 immersion, but also interest in other language revitalization programs

- Infrastructure development is included as its own budget line under education, and includes the cost of building a community-based school

- Adult immersion is conceived of as a full-time postsecondary program, along the lines of the Onkwawenna Kentyohkwa Mohawk immersion program at Six Nations or the Squamish language immersion program at Simon Fraser University. It is assumed that, by the end of Year 3 in this program, students will graduate with advanced fluency.[1] By this point, the long-term teacher training program will be in place and (some) graduates of the immersion program can continue on to teacher training.

- The interim teacher training strategy is designed to provide Bachelor of Education degrees to fluent speakers. A short time window (one year) is budgeted for program development, as this could simply involve entering into an interim agreement with a local accredited institution to offer already-developed education programming to a community.

- The long-term teacher training strategy is designed to offer immersion education certification that is ***customized*** for fluent speakers of a given language and designed to meet the community's language immersion needs. Steam-lined to shorten the path to creating teachers for language immersion, it can be combined with the adult immersion program to form a comprehensive

[1] The estimate of three years to advanced fluency is based on discussions with Brian Maracle, Program Coordinator of the Onkwawenna Kentyohkwa Mohawk immersion program.

degree program. The program may include general as well as community-specific pedagogical training, and may be cohort-based and flexible, with distance learning or off-campus/in-community course offerings. [2]

	Year 1	Year 2	Year 3	Year 4	Year 5
K-12 immersion	Community mobilization	Planning, infrastructure development	Planning, infrastructure development	Infrastructure, Curriculum development	Infrastructure, curriculum development family (/student) recruitment
Adult immersion	Recruitment – staff	Recruit cohort 1A Staff hired for set up, incl. curriculum development	Year 1, cohort 1A Recruit cohort 2A	Year 2, cohort 1A Year 1, cohort 2A Recruit cohort 3A	Year 3, cohort 1A Year 2, cohort 2A Year 1, cohort 3A Recruit cohort 4A
Teacher training – interim strategy	Recruit cohort 1Ti Program development	Year 1, cohort 1Ti Recruit cohort 2Ti	Year 2, cohort 1Ti Year 1, cohort 2Ti Recruit cohort 3Ti	Year 3, cohort 1Ti Year 2, cohort 2Ti Year 1, cohort 3Ti Recruit cohort 4Ti	Year 4, cohort 1Ti Year 3 cohort 2Ti Year 2 cohort 3Ti Year 1 cohort 4Ti
Teacher training development – long term strategy	n/a (interim solution developed, see above)	n/a	Form agreement w/ postsecondary for customized degree (education + fluency)	Community consultation w/ postsecondary	Community consultation w/ postsecondary

[2] This is fashioned after, e.g., the agreement the Tsuu T'ina Nation has with the University of Calgary to offer customized cohort-based education training to Tsuu'tina community members.

Years 6-10 Highlights:

- Graduates of cohort 1Ti (the first year of the interim teacher training strategy) begin teaching in the K-12 immersion program in Year 6, beginning with a K/1 split, and adding a grade each year
- Adult immersion continues
- The interim teacher training strategy is phased out by Year 9 (one year overlap with the long-term strategy)
- The long-term teacher training strategy is implemented; (some) graduates of the adult immersion will transition into this program. The first cohort graduates in Year 8
- The number of students admitted to teacher training programs exceeds the number of required teachers, but this can accommodate e.g., attrition, retirements, changes and/or advancements in career, alternative paths, etc.

	Year 6	Year 7	Year 8	Year 9	Year 10
K-12 immersion	K,1 taught by cohort 1Ti	K,1,2 (cohort 1Ti ,2Ti)	K,1,2,3 (cohort, 1Ti ,2Ti, 3Ti, 1T)	K,1,2,3,4 (cohort 1Ti ,2Ti, 3Ti, 4Ti / 1T / 2T	K,1,2,3,4,5 Cohort 1Ti, 2Ti, 3Ti, 4Ti, 1T / 2T, 3T
adult immersion	Year 3, cohort 2A Year 2, cohort 3A Year 1, cohort 4A	Year 3, cohort 3A Year 2, cohort 4A Year 1, cohort 5A	Year 3, cohort 4A Year 2, cohort 5A Year 1, cohort 6A	Year 3, cohort 5A Year 2, cohort 6A Year 1, cohort 7A	Year 3, cohort 6A Year 2, cohort 7A Year 1, cohort 8A
Teaching training – interim program	Year 4, cohort 2 Year 3, cohort 3 Year 2, cohort 4	Year 4, cohort 3 Year 3, cohort 4	Year 4, cohort 4	n/a (phased out)	n/a (phased out)
Teacher training – long-term strategy	Year 1, cohort 1T	Year 2, cohort 1T Year 1, cohort 2T	Year 2, cohort 2T Year 1, cohort 3T	Year 2, cohort 3T Year 1, cohort 4T	Year 2, cohort 4T Year 1, cohort 5T

Years 11-15 Highlights:

- Continue adding a year of immersion programming each year (grade 10 is reached by Year 15; grade 12 is projected for Year 17)
- All other programs running at full capacity

	Year 11	Year 12	Year 13	Year 14	Year 15
K-12 immersion	K-6 Cohort 1Ti, 2Ti, 3Ti, 4Ti, 1T / 2T, 3T, 4T	K-7 1Ti, 2Ti, 3Ti, 4Ti, 1T / 2T, 3T, 4T, 5T	K-8 1Ti, 2Ti, 3Ti, 4Ti, 1T / 2T, 3T, 4T, 5T, 6T	K-9 1Ti, 2Ti, 3Ti, 4Ti, 1T / 2T, 3T, 4T, 5T, 6T, 7T	K-10 1Ti, 2Ti, 3Ti, 4Ti, 1T / 2T, 3T, 4T, 5T, 6T, 7T, 8T
Adult immersion	Year 3, cohort 7A Year 2, cohort 8A Year 1, cohort 9A	Year 3, cohort 8A Year 2, cohort 9A Year 1, cohort 10A	Year 3, cohort 9A Year 2, cohort 10A Year 1, cohort 11A	Year 3, cohort 10A Year 2, cohort 11A Year 1, cohort 12A	Year 3, cohort 11A Year 2, cohort 12A Year 1, cohort 13A
Teacher training	Year 2, cohort 5T Year 1, cohort 6T	Year 2, cohort 6T Year 1, cohort 7T	Year 2, cohort 7T Year 1, cohort 8T	Year 2, cohort 8T Year 1, cohort 9T	Year 2, cohort 9T Year 1, cohort 10T

Appendix B. Model Budget for K-12 Immersion School

This document provides a sample budget for the personnel, operations, resource costs, and equipment costs for a K-12 immersion school. The budget was compiled based on the following sources:

- 2015 annual report and 2017 audit for Kawenni:io/Gaweni:yo Immersion School
- Additional information about Kawenni:io/Gaweni:yo Immersion School provided by Linda Staats and Amos Key Jr. (p.c., March 2018)
- Simons (2016): Report on Eskasoni Immersion School
- Additional information about Eskasoni Immersion School provided by Ida Denny, Arlene Stevens, Elizabeth Paul, Dianne Friesen, and Terry Lynn Marshall (p.c., March 2018)
- Information about Chief Atahm School provided by Rob Matthew (p.c., April 2018)
- Information about the SENĆOŦEN immersion program at ŁÁU, WELN̲EW̲ Tribal School provided by Tye Swallow (p.c., May 2018)
- Information about the Yup'ik immersion school
- Information about Indigenous language curriculum development provided by Sarah Kell and Blaire Gould (p.c., March 2018)

Operating strategies and budgets can vary widely depending on factors such as student population, teacher-student ratio, school aims and scope, community involvement, etc. Many of those we consulted reported that schools are under-resourced and staff are underpaid.[1] For this budget, we increased staff and resources, and associated salaries and costs according to our consultants' feedback.

Here and in the budgets calculated for each costing model the costs are broken down into the following categories: (i) teaching staff, (ii) support staff and operations, (iii) curriculum and resource development. Each is discussed in turn below.

Teaching staff

The number of teaching staff varies depending on which grades are taught and how many students are in the class. Our consultants emphasized the need for small teacher/student ratios, and for adequate support from Educational Assistants (EAs).

Teaching salaries are calculated as follows: **Teacher salary is $60,000 per annum**, based on the average salary for primary school teachers in Canada ($51,046[2]), with a surplus for language expertise. **EA salary is $50,000 per annum**, based on the average salary for EAs in Canada ($23/hr[3], or $47,000 per year) with a surplus for language expertise.[4]

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[1] These shortages are based on the fact that the schools need to produce balanced budgets each year. Eskasoni Immersion School and Kawenni:io/Gaweni:yo Immersion School both receive approximately $1.5 million from INAC each year, based on a formula that calculates monies provided on a per-student basis. This income requires that the schools operate under with a $1.5 million budget, a figure that requires sparsely distributed resources and staff paid at below national averages.

[2] http://www.statcan.gc.ca/pub/81-604-x/2016001/t/tbld2.1-eng.htm (Accessed March 2018)

[3] https://ca.indeed.com/salaries/Education-Assistant-Salaries (Accessed March 2018)

[4] Not accounted for in the budget are salary increases over time (e.g., annual merit-based, service-based, or inflation-based raises).

Support staff and operations

The outline of this budget mimics that of the Kawenni:io/Gaweni:yo Immersion School, which is the one full budget we had access to (via the 2017 audit). Salaries have been adjusted to be on par with national averages, and utilities and insurance costs have been increased to reflect infrastructure upgrades (i.e., the building of a new school). Professional development costs have been increased to reflect the necessity of ongoing training in immersion pedagogy, including via global networking with other immersion schools (e.g., in New Zealand, Hawaii, etc.)[5] Family engagement costs have also been increased, based on the Chief Atahm model, which includes take-home materials for language immersion in the home, language lessons for parents, an annual retreat for all staff, parents, and students, and regular celebrations.

Salary - Principal[6]	100,000
Salaries - Other support staff (Receptionist, Operations/Maintenance x 2, Guidance, IT) x $50,000 each, average	250,000
Honoraria – Elders	30,000[7]
Equipment purchases and maintenance	5,000
Family engagement (parent language classes, home resources, etc.)	100,000
Office supplies/expenses	40,000
Operations/maintenance	75,000
Professional development	75,000
Travel/transport	10,000
Utilities	15,000
Insurance	25,000
TOTAL	**$725,000**

Regarding honoraria, Elders play a significant role at Chief Atahm School, not only as support staff, but in team-teaching positions, as some of the teachers themselves are not fluent in the language. In such situations, the cost associated with paying Elders will increase substantially.

Curriculum and resource development

Curriculum framework documents (e.g., IRPs, Integrated Resource Packages) establish the learning objectives and benchmarks for a learning program. Teaching resources such as lesson plans, textbooks, readers, project outlines, and assessment materials are developed to be in line with the curriculum. While teaching resources are continually being developed and adapted, curriculum frameworks do not require continual renewal. Based on consultations with

[5] This was a point advocated by Rob Matthew, who noted that extensive ongoing training for immersion educators is essentially, including networking with other Indigenous language revitalization experts in other parts of the world. Professional development expenses must include travel to support global networking.

[6] https://www.payscale.com/research/CA/Job=Elementary_School_Principal/Salary (March 2018)

[7] This number reflects a situation in which the teachers themselves deliver the course content in the language. In communities with few or no younger speakers, Elders could work alongside teachers and receive salaries for this work. This is the case at Chief Atahm.

curriculum development experts Sarah Kell and Blaire Gould, the budget includes a **K-12 curriculum renewal every five years at the cost of $200,000**.[8]

As for the development of teaching resources, the budget includes **salaries for up to five full-time staff at $60,000 per annum each** (based on a $55,000 per year average salary in Canada[9] plus a surplus for language expertise). The staff may include a combination of educators, content writers, editors, graphic or digital artists, etc.

In addition to the staff, the budget includes an additional **$100,000 per year** for consultation with Elders and other experts, research and production, and supplies. This figure is based roughly on expenses quoted in the Kawenni:io/Gaweni:yo Immersion School 2017 audit.

Finally, the budget also includes **$300,000 every five years for equipment**. Following the Chief Atahm model, there is a budget for in-house materials development, which requires equipment such as a printing press, CD/DVD press, label makers, etc., in addition to the basic computer equipment required for the curriculum development team.

[8] Blaire Gould quoted $87,000 for a K-12 curriculum renewal, and Sarah Kell quoted $150,000 for a 5-12 IRP, including consultation fees, Elders' honoraria, travel and hospitality, and printing costs.
[9] https://www.payscale.com/research/CA/Job=Curriculum_Developer/Salary (March 2018)

Appendix C. Annual Budget for Adult Immersion Program

This budget details the costs of an adult immersion program modelled after the Onkwawenna Kentyohkwa Program operating at Six Nations Grand River Territory. Details of the program and associated costs are based on consultations with Brian Maracle (p.c, March 2018), as well as via the program website (www.onkwawenna.info/).

The actual budget for the Onkwawenna Kentyohkwa Program is much lower than that presented here ($380,000 per annum) because staff and students are underpaid and facility space is smaller than adequate and rented at a reduced cost. The program is designed to take beginners with little or no prior knowledge of the language and create speakers with advanced fluency over the course of three years. A pre-program online course provides an introduction to the grammar and vocabulary of the language and serves as an assessment tool for program admission. Once admitted to the program, students are in class full-time, completing 1000 hours of coursework each year. They are paid a stipend for their time in class. On staff is one teacher for each year of the program, two teaching assistants (TAs) to assist with the three courses, one part-time teacher to manage the online course, and one administrator. Teaching assistants are advanced students of the program, or other students from the community. Classes are taught September-April, and curriculum is developed and revised May-August. Twelve students are admitted to the first year of the program. Given normal rates of attrition, eight students will typically continue on to the second year, and four will continue on to the third year.

Annual Budget

Instructors	3 full-time @ $64,000[1]; 1 half-time @ $32,000	$224,000
Teaching assistants	2 TAs @ $25/hour x 500 hours	$25,000
Student salaries	$14/hour x 1000 hours x 24 students[2]	$336,000
Facility rental	1500 sq. foot classroom + 2 x 1000 sq. foot classroom + 500 sq. foot office = 2500 square feet, $5000 per month[3]	$60,000
Online course hosting	$10000 licensing + $10/user @ 300 users per year[4]	$13,000
Administrator	1 full-time staff member[5]	$35,000
Miscellaneous Costs	Materials, etc.	$7000[6]
TOTAL		**$700,000**

[1] https://www.payscale.com/research/CA/Job=Instructor%2C_Postsecondary_%2F_Higher_Education/Hourly_Rate (Accessed March 2018)
[2] Based on minimum wage in Ontario: https://www.ontario.ca/page/minimum-wage-increase (Accessed March 2018)
[3] Based on survey of commercial real estate spaces available in Brantford, Ontario in March 2018
[4] The current waitlist for the Onkwawenna Kentyohkwa online program is 250 people and growing. An improved course hosting platform will allow waitlisted users to access the course more quickly.
[5] https://www.payscale.com/research/CA/Job=Office_Administrator/Hourly_Rate/1dd19bb4/Entry-Level (Accessed March 2018)
[6] These costs should in fact be much higher, to account for ongoing professional development for staff and equipment purchases and upgrades.

Appendix D. Budget for Establishing an MOU with a Postsecondary Institution

Memoranda of Understanding (or MOUs) with postsecondary institutions – or divisions of postsecondary institutions – may be required to establish agreements surrounding the development and delivery of accreditation programs (e.g., teacher training), the archiving and access of language materials, or the creation of partnerships for purposes of language documentation.

The following document provides a framework for establishing an MOU between a community and a postsecondary institution, and a budget for implementing that framework. The framework and budget are based on the first author's (Heather Bliss) experience in acting as a liaison for establishing similar agreements between the University of Calgary and members of the Siksika Nation (see Bliss & Breaker 2018).

This framework allows for two meetings between representatives from the community and from the postsecondary institution – one discussion meeting and one finalization meeting. Representatives from the community include: one language coordinator, two Elders, and two educators. It is assumed that the meeting will be held in the community, and that postsecondary representatives in attendance will be responsible for their own travel expenses.

Budget

Hospitality	$300 per meeting x 2	$600
Facility rental	$100[1] per meeting x 2	$200
Honoraria for Elders and educators[2]	$400 per meeting x 2	$800
Materials – printing costs	$100 per meeting x2	$200
Miscellaneous	e.g., legal fees to notarize MOU	$700
TOTAL		**$2500**

[1] For example, small board rooms for 8 people are available for rent at Siksika Resource Development Ltd. For $100/day.

[2] It is assumed that attendance at such meetings is included in the language coordinator's job description.

Appendix E. Framework and Budget for Language Team and Council

For many communities, the language is shared with neighbouring communities, and although there may be sociopolitical differences between these communities and/or linguistic differences between the language varieties of each community, there is often a shared interest amongst communities in working together to make decisions about the language and to share language resources.

The current framework for language team and council assumes shared decision-making and resources amongst neighbouring communities that share resources. The budget is also shared amongst the communities, proportionate to their populations.

The language team is comprised of full-time staff that can develop and implement language plans, oversee projects and programs, develop resources, and establish partnerships. These staff will be trained in ILR, and their agenda will be informed by decisions made by the language council. Salaries are budgeted as follows: language program coordinators $75,000[1]; language project managers $50,000[2], administrator $40,000[3]. The number of staff in each position will vary according to the community's population and needs; the budget outlined below is for two coordinators, three managers, and one administrator. In addition to the full-time staff, consultants will be hired periodically for projects. A language documentation team is also included in the costing models; this appears as a separate budget line under Language Documentation. The documentation team can share facilities with the language team.

Office space is calculated at the rate of $2000/month. Supplies are budgeted at $10,000/year. Equipment is budgeted at $20,000 every five years. Team travel to communities is via three vehicles, as follows: Car lease $500/month; insurance $200/month; fuel $800/month = $1500 total; $18,000/year x 3 = $54,000. Professional development costs of $2000 per coordinator/manager allows for travel and registration at conferences, training workshops, etc.

The language council is comprised of 2 representatives from each community (e.g., one Elder, one educator). A semi-annual meeting/conference of educators, Elders, activists, and other stakeholders will, amongst other things, establish council members for a two-year term. Cost = $50,000. An annual meeting of the council and team will allow for discussion and decisions on language-related issues. Cost = $25,600[4].

Annual Budget

Team salaries	$340,000
Office space and supplies	$34,000
Equipment	$4000
Team transportation	$54,000
Professional development	$10,000
Semi-annual meeting (per year cost)	$25,000
Annual team / council meeting	$25,600
TOTAL	**$492,600**

[1] https://www.payscale.com/research/CA/Job=Program_Project_Manager/Salary. (April 2018)
[2] https://www.payscale.com/research/CA/Job=Project_Coordinator%2C_(Unknown_Type_%2F_General)/Salary (April 2018)
[3] https://www.payscale.com/research/CA/Job=Administrative_Assistant/Salary (April 2018)
[4] Costs include space rental and hospitality $10,000 plus per representative costs: Travel 500 km roundtrip x $0.50 = $250 + $200 accommodation (1 night) + honorarium $200 = $650 x 24 = $15600.

Appendix F. Annual Budget for a Language Nest

The document outlines costs associated with operating a language nest, based on consultations with Edo̱sdi Judy Thompson (March, April 2018) regarding language nests in the Tahltan community. The Tahltan community is operating two language nests in different geographic regions, each of which accommodates six children. (In large communities, multiple nests are needed to accommodate community demand.) The budget given below is modelled after the operating budget for one of these nests[1], but accommodates increases in hourly wages for staff and Elders, increases in number of operating weeks (from 30 weeks to 50, with 2 weeks paid vacation for staff), and budget lines for family engagement and professional development, both essential and underfunded according to Dr. Thompson.

Annual Budget

Licensing[2]		$1500[3]
Insurance		$500[4]
Facility rental	$1000/month	$12,000
Staff – coordinator salary	$30/hour[5] x 35 hours/week x 52 weeks	$54,600
Staff – assistant salary	$20/hour[6] x 35 hours/week x 52 weeks	$36,400
Staff - Elders (2) salaries	$25/hour x 35 hours/week x 52 weeks x 2	$91,000
Guests – honoraria	1 guest per week @ 50 weeks x $100)	$5000
Food ($200/week)	$200/week x 50 weeks	$10,000
Materials/resources/supplies		$20,000
Family engagement	$500/month	$6000
Professional development		$6000
TOTAL		**$243,000**

[1] The annual budget for one Tahltan nest is $79,550. The annual budget for the W̱SÁNEĆ language nest pilot project was $88,720 (information provided by Tye Swallow). Both are underfunded, according to the model developed here.

[2] The Tahltan language nests do not have daycare licenses as they are not, strictly speaking, offering childcare.

[3] This is a generous estimate, assuming some variation across provinces. In Ontario, licensing fees are $100/month for a childcare centre with under 25 children. Source: http://www.edu.gov.on.ca/childcare/pdfs/child-care-licensing-manual-en.pdf (April 2018)

[4] Cost estimated based on information provided here: https://fitsmallbusiness.com/daycare-insurance-cost-coverage/ (March 2018)

[5] Salary based on Canadian average of $22.67/hour (https://www.payscale.com/research/CA/Job=Director%2C_Child_Care/Salary), adjusted to $30 for language and culture expertise.

[6] Salary based on Canadian average of $15.85/hour (https://www.payscale.com/research/CA/Job=Early_Childhood_Educator_(ECE)/Hourly_Rate), adjusted to $20 for language and culture expertise.

Appendix G. Framework and Budget for Home Immersion

This framework and budget for home immersion support programs is inspired by Britt Thorburn's (2016) MA thesis on supporting Indigenous language learning in the home. Thorburn describes home immersion programs that have been successfully implemented amongst Indigenous communities in the United States and Canada which modify the Mentor-Apprentice approach to support multigenerational family-based language acquisition. With mentorship and support of a language development team, families can develop goal-based language plans that draw on resources including language lessons for parents, support groups, and assessments.

Under the framework adopted here, a mentor is assigned to supervise and support families undertaking five-year home immersion programs. We assume that this mentorship will be included in the job description of one of the language team members; their salary is included under the budget line for language team and council. (Hiring takes place in Year 1).

In Year 2, a consultant will be hired to develop a handbook for the home immersion program, including vocabulary "cheat sheets," a language planning guide, and a checklist for monthly and annual milestones. We budgeted **$50,000** for the initial development of this handbook (consulting and material fees), and **$25,000** every five years following for handbook revisions.

The program commences in Year 3 with five families (Cohort A). A new cohort begins the program every two years, as diagrammed below.

Year:	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**
	A	A	A	A	A								
			B	B	B	B	B						
					C	C	C	C	C				
							D	D	D	D	D		
									E	E	E	E	E
											F	F	F
													G
Total # families	5	5	10	10	15	10	15	10	15	10	15	10	15

Families enrolled in the program will receive a resource kit comprised of the handbook, a video camera, and wireless microphones. (Audiovisual equipment will be used to track progress and complete assessments.)

Throughout the program, the mentor will make semi-weekly visits to the families, and parents will take a 12-week language learning course every year. There will also be a biweekly support group for families enrolled in the program.

The annual budget to support five families is presented below.

Annual budget – per 5 families

Mentor travel - semi-monthly visits to families (500 km @ 0.50/km x 12 = $1200)	$1200
Family resource kit (video camera, microphones, handbook = $3000) x 5[1]	$15000
Parent lessons – 12-week course ($6000 for instructor[2]; $1200 for facility rental; $1200 for childcare; $100 materials)	$8500
Support group – semi-weekly @ $100 facility rental + $100 hospitality = $200 x 25	$5000
Other miscellaneous fees	$300
TOTAL	**$30,000**

[1] This estimate is generous, as it assumes families will require replacement equipment every year.
[2] Based on equivalent cost for a postsecondary sessional instructor to teach a 12-week course.

Appendix H. Framework and Budget for Language Documentation Team

The language documentation team is comprised of one or more linguists, one or more archivists, and one or more programmers. Along with the language team and council, the documentation team may be comprised of members of multiple communities who share the same language. Training in linguistics and archival practices is included in the language skills training section. Community members may be employed as interns while undergoing their training (intern salaries are described in the budget justifications).

Salaries are budgeted as follows:

- Linguists: $60,000 - $80,000 per annum[1]
- Archivists: $50,000 per annum[2]
- Programmers: $65,000 per annum[3]

As the documentation team will work closely with the language team, it is assumed that they will share office space. (Office space costs included under language team budget line.) Supplies are budgeted at $10,000 per annum. Professional development is budgeted at $10,000 per annum.

Assuming one BA linguist, one archivist, and one programmer, the annual budget is as follows:

Salaries	175,000 – 195,000
Office space	0
Supplies	10,000
Professional development	10,000
TOTAL	**$195,000 - $215,000**

Equipment costs are **$40,000 every five years** (4 computers @ $2000 each; printer/copier @ $5000; 5 audio recorders w/ microphones @ $1000 each; 5 video recorders w/ microphones and tripods @ $3500 each; 10 hard drives @ $200 each).

The language team will develop and oversee documentation projects and curate a sustainable archive for materials. Consultants will be hired to assist with specific projects, as detailed in the language documentation budget justifications for each model. Specific projects may require specific equipment, as detailed for each project.

[1]Range is based on education ($60,000 for BA obtained; $80,000 for MA obtained). Lower end consistent with FPCC 'Community Capacity Development Strategy' - $60,000 for Language Lead (similar role – gather resources, oversee documentation projects).
[2]https://www.payscale.com/research/CA/Job=Archivist/Salary (April 2018)
[3]https://www.payscale.com/research/CA/Job=Software_Engineer_%2F_Developer_%2F_Programmer/Salary (April 2018)

Appendix I. Framework and Budget for Orthography Development and Spelling Reform

While all Indigenous communities in Canada have long oral traditions, for many, written language is a relatively new innovation. Designing a standardized writing and spelling system can be challenging, as communities need to agree on the best ways to represent the language accurately while also making the writing system easy enough to use. Factors such as dialectal variation can create complications, as communities may need to decide which variant of a particular word to use as the standard. This document outlines a framework and budget for collaboratively developing and implementing a writing and spelling standard.

This framework is inspired by the following:

- Baraby's (2003) paper on Innu orthography development
- Information supplied by Marguerite MacKenzie (p.c., March 2018) about implementing the Innu orthography post-2003
- Spence's (1997) report on the Omushkego Cree Syllabic Project

The framework includes the involvement of a **linguist**, who can act as a consultant to advise on phonetic/phonological issues related to spelling and draft the orthography documents for community review. We assumed a rate of pay of **$50/hour** for the linguist consultant.

The framework also includes a steering committee, consisting of one member from each community. For purposes of budgeting, we assume **4 steering committee members**. (The linguist consultant will also attend all steering committee meetings.) The steering committee meets regularly, as outlined below, and is compensated for their preparation and meeting time at $50/hour, their travel at $0.50/km[1], and their accommodation at $200/night.

Additionally, the steering committee hosts a **conference** to which educators, Elders, and other community members are invited to attend and offer feedback on committee recommendations. For budgeting purposes, we assume 3 members from each of the 4 communities will attend (in addition to the steering committee).

To implement the new orthography once it is developed, **spelling guides** are distributed in print and online to community members **($1000). Spelling contests** are organized in schools, at community events, and online to encourage the use of the new standard. **Prizes** are given out to support this initiative (**$10,000**).

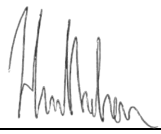
The timeline and budget are as follows:

Year 1: Linguist consultant identifies/documents sources of variation		
Consulting fees	100 hours x $50/hour	$5000
Year 2: Steering committee holds two one-day meetings to review spelling variants and compile list of recommendations		
Consulting fees	8 hours x 4 (2 days meetings + 2 days prep) x $50/hour x 5 people	$8000

[1]For communities spread out over large geographic ranges or in isolated areas, travel costs will be higher, as travel may involve water or air transport, not just vehicle.

Travel	300 km roundtrip x 2 trips x $0.50/km = $300 each x 5 people	$1500
TOTAL		**$9500**
Year 3: Steering committee holds a one-day meeting and hosts a three-day conference; Linguist consultant drafts orthography guidelines based upon decisions reached at conference		
Consulting fees	6 days (4 meetings + 2 prep) x 8 hours x $50/hour x 5 people	$12000
Travel – committee	300 km roundtrip x 2 trips x $0.50/km x 5 people	$1500
Accommodation – others	2 nights accommodation @ $200/night x 5	$2000
Honoraria – others	12 people x 3 days x $100 honoraria	$3600
Travel – others	300 km roundtrip x $0.50/km x 12 people	$1800
Accommodation – others	2 nights accommodation @ $200/night x 12	$4800
Conference costs	space rental ($3000) + hospitality ($3000) + materials ($1000)	$7000
Linguist (draft guide)	4 days x 8 hours x $50/hr	$1600
TOTAL		**$34,300**
Year 4: Spelling guides distributed; spelling contests organized		
Spelling guides		$1000
Spelling contents		$10000
TOTAL		**$11,000**
Year 5, 6, 8, 10: Spelling contests organized		
Spelling contents		**$10,000**

This is Exhibit "18" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 42/2018

TITLE:	**Data Sovereignty**
SUBJECT:	Fiscal Relations
MOVED BY:	Chief Maureen Chapman, Skawahlook First Nation, BC
SECONDED BY:	Chief Harvey McLeod, Upper Nicola Indian Band, BC
DECISION:	Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

   i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

   ii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards

B. As First Nations in Canada, we have asserted self-determination through various forms since time immemorial and we continue today to assert our authority to govern as distinct Nations of Peoples with unique languages and cultures and sacred connections to our traditional homelands.

C. First Nations are at various stages of re-constituting their Nations and developing modern governance structures to achieve their collective vision of healthy, self-determining, and vibrant citizens, families, and communities.

D. The *Royal Commission on Aboriginal Peoples* recognized the need for information: "For Aboriginal People, knowing how political, demographic, social and economic changes will affect their nations and having in place

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data collection vehicles that provide a community and Nation level aggregate picture will be essential to Aboriginal government implementation and planning processes" (Vol, 2, p 349).

E. First Nations are redesigning their institutions and building capacity to carry out the functions of governance, including: leadership, law and policy making, citizenship, community involvement, planning and risk management, human resource management, financial management, basic administration, external relations, and information management and technology.

F. First Nations recognize that timely access to high quality statistical information and data are essential to making informed decisions that affect the social and economic well-being of their citizens and have, through the national Assembly of First Nations process, passed numerous resolutions related to assertion of data governance interests including a request for federal investments.

G. Funding has been allocated in the most recent federal budget to have the national First Nations Information Governance Centre (FNIGC) work with First Nations leadership through their regional organizations to undertake the development of a National Data Governance Strategy, which includes the development of Regional Data Centres to be governed by the Nations.

H. First Nations have been actively engaged in informing the Treasury Board of Canada's Secretariat on Indigenous Open Data.

I. The FNIGC vision is "that every First Nation will achieve data sovereignty in alignment with its distinct worldview."

J. Funding has also been allocated to Statistics Canada to improve the quality of statistical information related to Indigenous Peoples.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Reassert that First Nations living in Canada maintain ownership and control over data that relates to their identity, their people, language, history, culture, communities and Nations, both historic and contemporary, and that each Nation will establish regulations to govern their data, determining how it will be managed, accessed and shared with other governments, organizations and/or individuals.
2. Call on the First Nations Information Governance Centre (FNIGC) to coordinate (with support from the federal government, Statistics Canada, and the Assembly of First Nations) regional processes to engage First Nation

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PERRY BELLEGARDE, NATIONAL CHIEF

Chiefs and leaders in each province and territory to discuss improving the quality of or access to data or statistical information related to their people and Nation.

3. Call on the Government of Canada to allocate funding to the FNIGC to align engagement processes related to First Nations data, statistics, and information management, and to expedite the development of First Nations' controlled Regional Information Governance Centres as part of the National First Nations Data Governance Strategy.
4. Assert that in the future all federal, provincial, and territorial government investments in First Nations data governance and analysis, information management, statistics, and reporting must align with the objective of each First Nation achieving full data governance, building and maintaining across their government, the capacity to collect, store, protect, analyze, and utilize data in their decision-making and reporting, measuring their own progress towards the outcomes defined in their community development and nation rebuilding plans.

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PERRY BELLEGARDE, NATIONAL CHIEF

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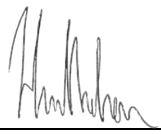

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 40/2022

TITLE:	**To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle**
SUBJECT:	Child and Family Services
MOVED BY:	Kukpi7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Kevin Hart, Proxy, Little Grand Rapids First Nation, MB
DECISION	Carried by consensus

WHEREAS:

A. The First Nations Child and Family Caring Society ('Caring Society') and the Assembly of First Nations (AFN) filed a discrimination claim in 2007 alleging Canada's inequitable funding of First Nations child and family services and its choice not to implement Jordan's Principle were discriminatory, which resulted in harms including the removal of children from their families and communities and those delayed and denied in receiving services.

B. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families.

C. The CHRT ruling establishes that First Nations children and families are legally entitled to receive prevention services and the least disruptive measures.

D. Between 2016 and 2021, the First Nation parties were required to hold Canada accountable and return to the Tribunal on multiple occasions, resulting in 21 non-compliance orders.

E. In the wake of First Nations and public pressure related to the children in unmarked graves near Residential

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

Schools and the Federal Court's dismissal of two of Canada's appeals, the federal government finally admitted that the discrimination was ongoing and asked the parties to negotiate a resolution.

F. In fall 2021, the complainants (the Caring Society and AFN), the interested parties (Chiefs of Ontario & Nishnawbe Aski Nation) and Canada entered into negotiations to resolve outstanding discrimination pursuant to the CHRT orders.

G. On December 31, 2021, an Agreement in Principle (AIP) was signed as a framework for the negotiation of a Final Settlement Agreement on First Nations child and family services, Jordan's Principle, and the reform of Indigenous Services Canada.

H. The CHRT issued an order (2022 CHRT 8) by consent of the parties providing funding for prevention, post-majority services, and other measures. This funding, combined with an order on capital (2021 CHRT 41) and other previous CHRT orders, amounts to over 75% of the $19.807 billion over 5 years announced as part of the AIP.

I. Community-driven research to inform long-term funding solutions for child and family services for First Nations with and without agencies is not due to be completed until the Spring of 2023, and dates for a final funding approach on Jordan's Principle are still being defined.

J. The Final Settlement Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, their families, and their communities.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct Canada to ensure that funding and other mechanisms related to long-term reform measures regarding child and family services enable First Nation Child and Family Services (FNCFS) Agencies and First Nation child and family service providers to deliver services based on substantive equality, best interests of the child, that is culturally appropriate and takes into full account the distinct circumstances of their communities.

2. Direct Canada to ensure that any interim and long-term reform measures, including the Reformed CFS Funding Approach, do not reduce or disrupt current funding levels and are sufficiently flexible to respect First Nations authorized service providers to deliver child and family services at a level that protects and promotes the best

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interests of their children in keeping with the principles of sovereignty, inherent jurisdiction, and nation-to-nation building.

3. Direct the Parties to develop evidence-and policy-based options for the long-term reform of Jordan's Principle that will include mechanisms to enable and support self-determination and to return to the First Nations-in-Assembly for review and approval.
4. Call upon Canada to extend the timeframes for signing the Final Settlement Agreement (FSA) on long-term reform. The First Nations-in-Assembly must approve the FSA on long-term reform.
5. Call upon Canada to increase funding commitments above the currently allocated $19.807 billion, over 5 years and beyond, that is needs-based to ensure substantive equality, the best interests of the child, and services that are culturally appropriate and reflective of the distinct needs and circumstances of individual First Nation communities.
6. Direct Canada to fund the Assembly of First Nations National Advisory Committee on First Nations Child and Family Services Program Reform and regional and other technical experts to inform the FSA.
7. Call upon Canada to ensure Chiefs shall be provided with all available options and related supporting financial resources and materials to ensure First Nations can exercise their Free, Prior and Informed Consent on long-term reforms.
8. Ensure that the FSA does not detract from the right of the Parties to the current complaint before the CHRT from seeking orders from the Tribunal to ensure that all First Nations children, youth, and families will be free from discrimination and its recurrence for all generations to come.
9. Call upon Canada to develop legislative protections to ensure that First Nations have sufficient liability coverage over the services they provide.
10. Call upon Canada to continue funding capital at actual costs for First Nations, FNCFS Agencies and First Nation Service Providers, pursuant to 2021 CHRT 41, until otherwise ordered by the Tribunal.

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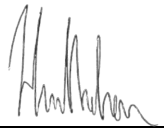
ROSEANNE ARCHIBALD, NATIONAL CHIEF

This is Exhibit "20" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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SPECIAL CHIEFS ASSEMBLY
October 16, 17, 18, 2024, Calgary, AB **Resolution no. 60/2024**

TITLE:	**Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle**
MOVED BY:	Khelsilem, Council Chairperson, Squamish Nation, BC
SECONDED BY:	Chief Ira McArthur, Pheasant Rump Nakota First Nation, SK
DECISION	Carried; 7 opposition; 10 abstention

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions;
- **ii.** Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them; and
- **iii.** Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.

B. Recognizing the sacredness of First Nations children, youth and families and Jordan's Principle, a child-first legal requirement ensuring substantively equal and culturally appropriate access to products, services and supports for First Nations children, and that the government entity of first contact pays for the support without delay.

C. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a Canadian Human Rights Act complaint in 2007 alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory resulting in serious and irremediable harms.

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D. The parties ("CHRT Parties") to the 2007 Canadian Human Rights Act complaint included:

- **i.** The AFN;
- **ii.** The Chiefs of Ontario;
- **iii.** The Nishnawbe-Aski Nation;
- **iv.** Caring Society;
- **v.** The Canadian Human Rights Commission; and
- **vi.** Amnesty International;

E. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to cease its discriminatory conduct immediately.

F. Between 2016 and 2024, the CHRT Parties were required to hold Canada accountable and return to the Tribunal on multiple occasions, resulting in 24 non-compliance and procedural orders.

G. On December 31, 2021, an Agreement in Principle (AIP) was signed as a framework for the negotiations of a Final Settlement Agreement (FSA) on First Nations child and family services, Jordan's Principle, and the reform of Indigenous Services Canada.

H. The Final Settlement Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children, youth, their families, and their communities for generations to come.

I. The CHRT Parties have agreed to split the FSA negotiations with a child and family services agreement to come first and an agreement on Jordan's Principle to follow.

J. Canada has entered negotiations with some of the CHRT Parties (AFN, Chiefs of Ontario, Nishnawbe-Aski Nation) to complete an FSA on child and family services while other CHRT Parties are not included (Caring Society, the Canadian Human Rights Commission, and Amnesty International).

K. In 2022 CHRT 8, the CHRT ordered the creation of the Expert Advisory Committee (EAC) composed of independent and multidisciplinary experts to develop and oversee the implementation of an evidence-informed workplan to prevent the recurrence of discrimination by ISC.

L. The CHRT ordered the federal government to work with the Parties to completely overhaul the on-reserve child and family services program and fully implement Jordan's Principle.

M. As a result, an agreement was made to re-establish the National Advisory Committee on First Nations Child and Family Services Program Reform (the NAC) to address issues pertaining to child and family services reform, including funding, legislation, immediate relief, Jordan's Principle and other reforms.

N. The NAC was mandated by the First Nations-in-Assembly to provide expert advice on long-term reform of FNCFS.

O. The NAC has not:

- **i.** completed its review of the proposed funding model for First Nations agencies;
- **ii.** begun to review the proposed funding model for First Nations without agencies; or
- **iii.** met since February 8, 2024.

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P. The AFN has not set any further NAC meetings despite requests to do so.

Q. The AFN and Caring Society requested that the Institute of Fiscal Studies and Democracy (IFSD) conduct community-based research to inform the reform of the FNCFS Program and Jordan's Principle.

R. Recalling and reaffirming Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, directing:

- **i.** the Parties to develop evidence-and policy-based options for the long-term reform of Jordan's Principle that will include mechanisms to enable and support self-determination and to return to the First Nations-in-Assembly for review and approval;
- **ii.** Canada to extend the timeframes for signing the FSA on long-term reform. The First Nations-in-Assembly must approve the FSA on long-term reform; and
- **iii.** Canada to fund the AFN National Advisory Committee on First Nations Child and Family Services Program Reform and regional and other technical experts to inform the FSA.

S. In light of these legal proceedings and their outcomes, it is critical to ensure that any long-term reforms of the FNCFS Program and Jordan's Principle are driven by community-led processes that reflect the needs of First Nations children and families, and that any agreements related to the FNCFS Program and Jordan's Principle (the LTR Agreements) shall meet the needs of First Nations children, youth and families.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

Final Settlement Agreement

1. Reject the draft Final Settlement Agreement on Long-Term Reform of the First Nations Child & Family Services Program dated July 11, 2024 and the "Proposed Amendments on the Draft Agreement on Long Term Reform" released on or about October 7, 2024, and call for a new negotiation process for agreements related to the First Nations Child and Family Services (FNCFS) Program and Jordan's Principle (the LTR Agreements) to be developed and approved by the First Nations-in-Assembly based on the spirit and intent of this resolution.

Governance and Transparency of the LTR Agreements for the FNCFS Program and Jordan's Principle

2. Direct the Assembly of First Nations (AFN) Executive Committee to adopt the following approach to the LTR Agreements negotiations:

- **a.** establish a national Children's Chiefs Commission with representation appointed by every region (including regions not represented by the AFN) that will work openly and transparently to provide strategic direction and oversight of the LTR Agreements negotiations, reporting back to the First Nations-in-Assembly;
- **b.** the Children's Chiefs Commission will establish a negotiation team, with regional representation and a new legal team, that will be responsible for carrying out the negotiations for the LTR Agreements under the direction of, and reporting to, the Children's Chiefs Commission;

c. the negotiation team's Terms of Reference for the FNCFS Program will be provided to the First Nations-in-Assembly for approval no later than December 2024 ; and

d. the Children's Chiefs Commission shall report to the First Nations-in-Assembly in December 2024 as to its anticipated timeframes for the completion of the negotiations in relation to the FNCFS Program and on the anticipated timeframes for the Terms of Reference for Jordan's Principle.

3. Direct the AFN Executive Committee and the Children's Chiefs Commission to ensure that governance structures set out in an LTR Agreement shall uphold the sacredness of children, youth, and families, be transparent, open, and accountable to First Nations, preserve First Nations decision-making, and include the guidance of youth, youth in care and formerly in care, and First Nations child and family service experts.

4. Direct the AFN Executive Committee and the Children's Chiefs Commission to develop an open and transparent amendment process for the First Nations-in-Assembly to suggest changes, allow for consideration of those changes, and make changes to the LTR Agreements before being put to a vote, such process to be approved by the First Nations-in-Assembly.

5. Direct the Children's Chiefs Commission to provide a detailed report to the First Nations-in-Assembly on all suggested amendments, the decisions made on each amendment, and the outcomes of negotiations, before the First Nation-in-Assembly proceed with any decision-making on the LTR Agreements.

6. Direct the AFN to refrain in the future from committing to support or otherwise make efforts to procure support from First Nations leadership on an agreement, arrangement, protocol or other similar instrument that has not been approved by First Nations-in-Assembly.

Inclusion and Representation

7. Direct the AFN Executive Committee and the Children's Chiefs Commission to take positive and effective measures throughout the respective LTR Agreement negotiations, review, and approval processes (including at the negotiation tables) to seek out and incorporate the expertise of:

a. First Nations;

b. First Nations child and family service providers;

c. Jordan's Principle experts;

d. Elders and Youth;

e. the National Advisory Committee ("NAC");

f. Jordan's Principle Operations Committee (JPOC), and;

g. Regional experts.

8. Direct the AFN Executive Committee and the Children's Chiefs Commission to review and approve the Terms of Reference for the NAC no later than December 2024.

9. Call upon Canada and direct the AFN Executive Committee to unconditionally include the Caring Society in negotiations of the LTR Agreements on the FNCFS Program and Jordan's Principle, and to conduct those negotiations pursuant to a negotiation protocol developed in collaboration with the Caring Society,

including the requirement that those negotiations be conducted in a manner that is open, transparent, and accountable to First Nations.

10. Call upon Canada to obtain a new negotiation mandate to address the matters in this resolution.

Communication and Feedback

11. Call on Canada to fulfill its obligation to consult with First Nations on any long-term reform approaches of the FNCFS Program and Jordan's Principle in a manner consistent with honour of the Crown.

12. Direct the AFN Executive Committee to postpone any votes on the LTR Agreements or any other agreements until all First Nations have had at least 90 days to review the complete agreement with appendices, available in both official languages.

13. Call on Canada to ensure that First Nations who are not AFN members are given a formal opportunity to express their views on the LTR Agreements, and for Canada, the AFN Executive, and the Children's Chiefs Commission to fully consider and incorporate those perspectives into the LTR Agreements.

Voting

14. Direct the AFN to ensure that First Nations Chiefs and Proxies can vote on the LTR Agreements virtually, in-person, or by another means (via specific accommodation to a Chief or Proxy), to accommodate First Nations leadership who are unable to attend in person due to community circumstances or emergencies.

15. Direct the AFN Executive Committee to support the EAC to conduct its work freely as an independent expert body and invite the EAC Members and NAC Members to present to the First Nations-in-Assembly in December 2024 and prior to any vote on the LTR Agreements.

Support and Resources

16. Call on Canada to provide funding for First Nations to secure independent legal and technical advice, ensuring that all communities can review the LTR Agreements with a full understanding of its implications.

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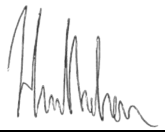
Woodhouse.

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **60 – 2024**

This is Exhibit "21" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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SPECIAL CHIEFS ASSEMBLY
October 16, 17, 18, 2024, Calgary, AB **Resolution no. 61/2024**

TITLE:	**Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services**
MOVED BY:	Proxy, Judy Wilson, Skawahlook First Nation, BC
SECONDED BY:	Chief Carolyn Wahobin, Nekaneet First Nation, SK
DECISION	Carried; 6 opposition; 4 abstention

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions;
- **ii.** Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them; and
- **iii.** Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.

B. First Nations Chiefs are elected by the citizens of their Nations to make informed decisions on their behalf.

C. The Assembly of First Nations, Chiefs of Ontario, Nishnawbe Aski Nation and Canada have reached a counsel-endorsed draft Final Settlement Agreement on long-term reform of the First Nations Child and Family Services Program (FSA).

D. The draft FSA, if accepted by the First Nations-in-Assembly and the Canadian Human Rights Tribunal, will have a direct impact of unprecedented magnitude on the lives of First Nations children, youth, their families, and their communities for generations to come.

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CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

E. First Nations Chiefs and their advisors need adequate time to review, consider, comment, and give direction to make amendments to the draft FSA.

F. A failure to provide adequate time for Chiefs to review and consider the draft FSA contravenes article 18 of the UN Declaration and impedes Chiefs in discharging their responsibility to make the best, fully-informed decisions possible on behalf of their citizens.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Reject the draft Final Settlement Agreement (FSA) on Long-Term Reform of the First Nations Child and Family Services program dated July 11, 2024 and the "Proposed Amendments on the Draft Agreement on Long-Term Reform" released on or about October 7, 2024, and direct the Children's Chiefs Commission (as defined in Assembly of First Nations (AFN) Draft Resolution 02/2024) to renegotiate the draft FSA in keeping with the directions of First Nations-in-Assembly including but not limited to:

- **a.** Amend the purpose and associated text of the agreement to clarify that the agreement is intended to hold Canada accountable to stop the discrimination and prevent its recurrence;
- **b.** Restore First Nations Chiefs as the key decision-makers on long-term reform;
- **c.** Expand the principles to include honour of the Crown, Canada's responsibility to fully end discrimination and ensure it never happens again, intergenerational equity, transparency, accountability and inclusivity;
- **d.** Make governance of long-term reform transparent and accountable to First Nations Chiefs;
- **e.** Incorporate ongoing and meaningful oversight by, and consultation with, the National Advisory Committee on Long-Term Reform of the First Nations Child and Family Services (FNCFS) Program;
- **f.** Preserve the mandate and independence of the Expert Advisory Committee to reform Indigenous Services Canada (ISC);
- **g.** Expand the scope and strengthen the role of the Dispute Resolution Tribunal and ensure the remedies available to the Canadian Human Rights Tribunal (CHRT) are also available to the Dispute Resolution Tribunal;
- **h.** Strengthen the Regional Modifications provisions to align with the CHRT orders that First Nations children must have access to and receive needs based, substantively equal, culturally appropriate services that account for the distinct circumstances of their communities;
- **i.** Ensure that the definition of "First Nations child" as defined in 2020 CHRT 36 is considered and incorporated into the FSA;
- **j.** Ensure that prevention funding is allocated as follows:
  - **i.** to First Nations to develop and deliver prevention programming in line with their self-determined service delivery model(s); and

ii. to FNCFS agencies to ensure they can deliver prevention in a substantively equitable manner in keeping with legislative requirements to meet the needs of First Nations children and their unique cultural circumstances.

k. Ensure there is an evidence-informed, needs-based funding structure that is responsive to the distinct circumstances and needs of First Nations children and their families and can be upwardly adjusted to address those needs and circumstances on a First Nations, regional or sub-regional basis;

l. Ensure there is a region-specific, independent First Nations-led technical secretariat for each province/territory;

m. Ensure that Canada puts in place sufficient liability coverage and statutory immunity for First Nations and FNCFS Agencies in relation to the services they provide, and ensuring that Canada shall be the insurer of last resort for First Nations and FNCFS Agencies that have exercised good-faith decision-making;

n. Ensure that Canada discloses all federal-provincial-territorial service level agreements during the negotiation process and consults with those affected First Nations throughout the negotiation process; and

o. Ensure the CHRT retains jurisdiction over implementation of any FSA.

2. Call upon Canada to obtain a new negotiation mandate to address the matters in this resolution.

3. Direct Canada to fully implement the funding principle of predictable, stable, sustainable, needs-based funding in the form of an unconditional grant consistent with the principles of substantive equality and cultural continuity in line with the CHRT orders to secure long-term positive outcomes for First Nations children, families and societies.

4. Direct Canada and the AFN to refrain from bringing any motions or seeking direction from the CHRT to set aside existing CHRT orders, including but not limited to 2018 CHRT 4, 2021 CHRT 41 and 2022 CHRT 8, without the prior approval of First Nations-in-Assembly.

5. Direct the Children's Chiefs Commission to ensure that any FSA does not abrogate or derogate from First Nations' title rights, treaty rights or in any way limit or diminish Canada's duty to consult, fiduciary obligations to First Nations or the honour of the Crown.

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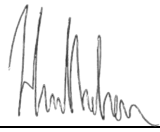
CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **61 – 2024**

This is Exhibit "22" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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SPECIAL CHIEFS ASSEMBLY
December 3, 4, 5, 2024, Ottawa, ON **Resolution no. 87/2024**

TITLE:	**Ensuring Fair and Equitable Inclusion of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreement**
SUBJECT:	Children and Families
MOVED BY:	Chief April Martel, K'atl'odeeche First Nation (Hay River Dene Reserve), NT
SECONDED BY:	Chief Phillip Blake, Gwichya Gwich'in Dene First Nation, NT
DECISION	Carried; 1 opposition; 10 abstentions

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirms the following rights:

- **i.** Articles 2, 3, 4, 5, 7(2), 11(1), 13(1), 15(2), 18, 19, 22(2), 37(1) and 43 – affirm the rights of Indigenous peoples to self-determination, including self-governance, in relation to children and their families, the right to free, prior and informed consent, and the right to be free from discrimination.
- **ii.** Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- **iii.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

B. The Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 to #5 call on federal, provincial and territorial governments to take actions to improve First Nations child and family services.

C. The Child Welfare Compensation and Long-Term Reform Final Settlement Agreements were established to provide financial compensation to those Indigenous children and families who were impacted by the child welfare system in Canada.

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CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

D. The Northwest Territories has been disproportionately historically impacted by the child welfare system in Canada, resulting in the separation of many Indigenous children from their families and cultural roots.

E. The Northwest Territories has been excluded from the Child Welfare Compensation and Long-Term Reform Final Settlement Agreements, despite being impacted by this system.

F. It is the duty and obligation of the Assembly of First Nations to advocate for the rights and interests of all Indigenous Nations across Canada and ensure that they are all equitably included in any agreements, or nation to nation treaties, or settlements concerning their peoples.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call upon the Government of Canada to acknowledge and take action to address the historical impact of the child welfare system on Indigenous Children in the Northwest Territories.

2. Direct the Assembly of First Nations to call upon the Government of Canada to fairly and equitably include the Dene Nation First Nations of the Northwest Territories in the Child Welfare Compensation and Long-Term Reform Final Settlement Agreements.

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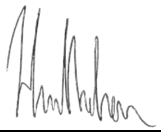
CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **87 – 2024**

This is Exhibit "23" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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SPECIAL CHIEFS ASSEMBLY
December 3, 4, 5, 2024, Ottawa, ON **Resolution no. 88/2024**

TITLE:	**Implementing the Chiefs' Direction to End Canada's Discrimination in First Nations Child and Family Services**
SUBJECT:	Children and Families
MOVED BY:	Chief Trevor Prince, Sandy Bay Ojibway First Nation, MB
SECONDED BY:	Chief Jason Daniels, Swan Lake First Nation, MB
DECISION	Carried; 70 opposed; 6 abstentions

WHEREAS:

A. First Nations affirm the love we have for our children and our collective goal of ensuring that they grow up proud of who they are, able to speak their languages and free of the multi-generational burden of Canada's discrimination;

B. First Nations honour the Residential School Survivors and the Truth and Reconciliation Commissioners who included child and family services and Jordan's Principle as the top Calls to Action;

C. First Nations honour the Murdered and Missing Women and Girls and Members of the 2SLGBTQAI community who identified child and family services and Jordan's Principle as priorities in the MMIWG Final Report Calls to Justice;

D. Canada's widespread and ongoing discrimination towards First Nations children through Residential Schools, the 60's Scoop and its contemporary underfunding of vital public services for First Nations fuel factors such as multi-generational trauma, addictions, poverty, poor housing and domestic violence that contribute to First Nations children going into care at 19.2 times higher rates than non-Indigenous children and other harms.

E. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.

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CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.

iii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements, and other constructive arrangements.

F. In 2016 CHRT 2, the Canadian Human Rights Tribunal (CHRT) substantiated a human rights complaint filed by the First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) in 2007 regarding Canada's discriminatory and inequitable First Nations Child and Family Services (FNCFS) and its repeated failure to respect and implement Jordan's Principle named after Jordan River Anderson of Norway House Cree Nation. Canada was ordered to immediately cease its discriminatory conduct. Canada failed to do so and over 20 procedural and non-compliance orders have been issued to date.

G. 2016 CHRT 2 and subsequent CHRT orders have confirmed that Canada must take account of the distinct circumstances of the child and family and ensure services are culturally appropriate.

H. The parties (CHRT Parties) to the 2007 Canadian Human Rights Act complaint included:

i. Complainant: AFN;

ii. Complainant: Caring Society;

iii. Commission: Canadian Human Rights Commission; and

iv. Interested Parties: Amnesty International (granted in 2009 to address international human rights law), Chiefs of Ontario (granted in 2009 respecting the 1965 Indian Welfare Agreement), Nishnawbe Aski Nation (NAN): (Granted in 2016 regarding remoteness in NAN territory) and the BC Leadership Council (Granted 2024 respecting Jordan's Principle affecting First Nations in British Columbia).

I. In December of 2023, Canada entered into confidential negotiations with some of the CHRT Parties hereinafter referred to as the FSA Parties: AFN, Chiefs of Ontario, Nishnawbe-Aski Nation to complete an FSA on child and family services while other CHRT Parties are not included (Caring Society, Canadian Human Rights Commission, and Amnesty International).

J. The Caring Society was not a party as Canada had breached the Agreement in Principle (AIP) providing a framework for the negotiations by not complying with Jordan's Principle resulting in tragic harms and deaths of children. The Caring Society filed a non-compliance motion against Canada to address its failure to follow through on CHRT orders on Jordan's Principle – a step that was prohibited under the AIP framework.

K. The negotiations failed to implement the direction of the First Nations-in-Assembly who adopted AFN Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordans Principle*, requiring that the CHRT parties retain the right to return to the Tribunal to address

Canada's discrimination, regional experts inform the draft FSA and that the Parties return with options for First Nations Leadership to consider.

L. On July 11, 2024, the FSA Parties released an incomplete draft of the FSA (draft FSA) in English only. The French version followed about a month later. The FSA Parties did not entertain substantive amendments, and the proposed approach had significant flaws in governance, funding durability and security, and ensuring non-discrimination. Paragraph 45 of the draft FSA also provided for regional approaches, but Canada was not obligated to provide additional funding to ensure those regional variations that are essential to taking full account of the distinct circumstances of the child and ensure services are culturally appropriate.

M. Contrary to Canada's obligations under Inherent rights, the UN Declaration and Treaty Rights, the draft FSA also required that First Nations cede their decision making over the reformed funding approach that would directly affect First Nations children to a secret committee.

N. Paragraph 379 of the draft FSA required approval by First Nations Leadership. After conducting due diligence by consulting independent legal and child and family services experts, the First Nations-in-Assembly rejected the draft FSA and voted to reset the negotiation process.

O. The Assembly of First Nations has not yet publicly and clearly agreed to implement the direction in the resolutions adopted by the First Nations-in-Assembly.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on Canada and direct the Assembly of First Nations (AFN) to publicly and fully commit to respecting and following the direction of the First Nations-in Assembly arising from the rejection of Draft Resolution 01-2024, and adoption of Resolutions 60-2024 and 61-2024 at the Special Chief's Assembly held on Treaty 7 Territory on October 16-18, 2024.

2. Direct the AFN Executive to adopt an approach that:

- **a.** Ensures that any new proposal for long term reform in First Nations child and family services provide for a national umbrella agreement to ensure non-discrimination with regional agreements that take full account of the distinct circumstances, cultures and the Inherent rights of the children and the First Nations they belong to; and
- **b.** Ensures that such regional agreements are funded in a manner that safeguards First Nations children, youth and families from discrimination now and forever.

3. Urge Canada to discharge its duty to consult and AFN to reject any proposal to supplant and/or adversely affect Canada's duty to consult, Honor of the Crown and other obligations to First Nations.

Safeguarding First Nations rights and approval processes:

4. Direct the AFN to ensure that First Nations Chiefs and Proxies can vote on the Long-Term Reform (LTR) Agreements virtually, in-person, or by another means (via specific accommodation to a Chief or Proxy); to accommodate First Nations Leadership who are unable to attend in person due to community circumstances or emergencies; to ensure that no changes are to be made to the voting procedure, including quorum or approval thresholds; and not to undertake other measures that adversely affect the

direction given by the First Nations-in-Assembly at the meeting on October 16-18, 2024 on Treaty 7 territory.

5. Direct the AFN Executive to support the First Nations Child and Family Caring Society to lead any process to achieve non-discrimination (also known as long term reform) for child and family services and Jordan's Principle in keeping with the Resolutions passed at the Special Chiefs Assembly on October 16-18, 2024.

Respect

6. Call on AFN to withdraw and apologize for any and all public statements that suggested or implied that First Nations Child and Family Service Agencies led the campaign to defeat the draft Final Settlement Agreement (FSA). Such comments are disrespectful of our front-line workers and of the Chiefs who exercised their due diligence to review the text of the draft FSA and rejected it on that basis alone.

7. Require AFN to get approval for any further public statements from the Children's Chief's Commission once established and by a public and majority vote of the Executive in the interim.

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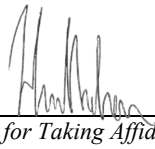
CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **88 – 2024**

This is Exhibit "24" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



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SPECIAL CHIEFS ASSEMBLY
December 3, 4, 5, 2024, Ottawa, ON **Resolution no. 89/2024**

TITLE:	**Renewing Negotiations Toward Long-Term Reform of First Nations Child and Family Services and Jordan's Principle**
SUBJECT:	Children and Families
MOVED BY:	Khelsilem, Council Chairperson, Squamish Nation, BC
SECONDED BY:	Chief Erica Beaudin, Cowessess First Nation, SK
DECISION	Carried; 74 opposed; 10 abstentions

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- **i.** Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- **ii.** Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- **iii.** Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.

B. First Nations recognize the sacredness of First Nations children, youth and families and Jordan's Principle, a child-first legal requirement ensuring substantively equal and culturally appropriate access to products, services and supports for First Nations children and that the government entity of first contact pays for the support thereof without delay.

C. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a Canadian Human Rights Act complaint in 2007 alleging Canada's inequitable provision of First

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CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory resulting in serious and irremediable harms.

D. The Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to cease its discriminatory conduct immediately.

E. On December 31, 2021, an Agreement in Principle (AIP) was signed as a framework for the negotiations of a Final Settlement Agreement (FSA) on the FNCFS Program, Jordan's Principle, and the reform of Indigenous Services Canada.

F. The CHRT Parties have agreed to split the FSA negotiations with a child and family services agreement to come first and an agreement on Jordan's Principle to follow.

G. Canada, the AFN, Chiefs of Ontario (COO) and Nishnawbe-Aski Nation (NAN) completed a draft Final Settlement Agreement, which was made public on July 11, 2024 in English only and on August 14, 2024 in French, and which was rejected by First Nations-in-Assembly on October 17, 2024.

H. On October 18, 2024, the First Nations-in-Assembly rejected the resolution to adopt the draft FSA and adopted AFN Resolution 60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle* and AFN Resolution 61/2024, *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*.

I. Resolution 60/2024 directs the AFN Executive Committee to adopt the following approach to the negotiation of agreements related to the FNCFS Program and Jordan's Principle (the LTR Agreements):

- **i.** Establish a national Children's Chiefs Commission with representation from all regions to oversee and provide strategic direction in relation to the LTR Agreement negotiations, reporting back to the First Nations-in-Assembly;
- **ii.** The Children's Chiefs Commission will establish a negotiation team, with regional representation and a new legal team, that will be responsible for carrying out the negotiations for the LTR Agreements under the direction of, and reporting to, the Children's Chiefs Commission;
- **iii.** The negotiation team's Terms of Reference for the FNCFS Program will be provided to the First Nations-in-Assembly for approval no later than December 2024; and
- **iv.** The Children's Chiefs Commission will report to the First Nations-in-Assembly in December 2024 as to its anticipated timeframes for the completion of negotiations in relation to the FNCFS Program and on the anticipated timeframes for the Terms of Reference for Jordan's Principle.

J. The 2021 Agreement-in-Principle (AIP) includes provisions that conflict with the negotiation priorities and directives established by the First Nations-in-Assembly, specifically:

- **i.** the AIP's reliance on a population-based funding formula for prevention is inconsistent with the First Nations-in-Assembly's call for a needs-based funding structure to ensure equitable resource allocation;
- **ii.** the AIP's proposed conflict resolution mechanism excludes the unconditional participation of the First Nations Child and Family Caring Society, contrary to the First Nations-in-Assembly's directive to include the Caring Society in all negotiations; and

iii. the AIP's stipulation that, upon signing a Final Settlement Agreement, the Parties will seek to terminate the jurisdiction of the CHRT directly opposes the First Nations-in-Assembly's call for the CHRT to retain jurisdiction to oversee and ensure the effective implementation of any agreement.

K. A draft terms of reference for the Children's Chiefs Commission's has been developed, key elements of which include:

i. **Accountability:** the Children's Chiefs Commission will be accountable to First Nations-in-Assembly, First Nations youth, and to First Nations who are not members of the AFN, through processes that it establishes;

ii. **Objectives:** the draft terms of reference set out certain substantive objectives that must be met through the negotiation of the LTR Agreements to fully eliminate Canada's systemic discrimination in FNCFS and Jordan's Principle and ensure it does not reoccur;

iii. **Guiding principles:** the draft terms of reference set out principles that will guide the Children's Chiefs Commission's work;

iv. **Composition:** the Children's Chiefs Commission will be comprised of: (i) one (1) regional representative, an alternate, and their technician(s) from each of the 11 AFN regions; (ii) one (1) regional representative, an alternate, and their technician(s) for every region not represented by AFN; (iii) an Elder/Knowledge Keeper representative; and (iv) and a youth representative;

v. **Inclusion and representation:** the Children's Chiefs Commission will take positive and effective measures to seek out the input and expertise of: (i) First Nations and their rightsholders; (ii) First Nations child and family service providers; (iii) Elders and Youth; (iv) The National Advisory Committee (NAC) and Expert Advisory Committee (EAC); (v) regional and independent experts, including the Jordan's Principle Operations Committee Caucus; and (vi) non-AFN member First Nations;

vi. **Reporting and accountability:** the Children's Chiefs Commission will regularly report to First Nations-in-Assembly, First Nations not represented by the AFN, and the AFN Executive on its progress in relation to the LTR Agreements;

vii. **Meetings:** the Children's Chiefs Commission will meet monthly or more frequently as and when required;

viii. **Decision-making:** the Children's Chiefs Commission will operate by consensus wherever possible in providing strategic direction and oversight of the LTR Agreements negotiations, respecting traditional First Nations decision-making processes;

ix. **Deliverables:** the Children's Chiefs Commission will present key deliverables to the First Nations-in-Assembly and First Nations who are not members of the AFN for their review, consideration, and approval; and

x. **Funding:** the Children's Chiefs Commission will work with Indigenous Services Canada to secure funding for their work including independent legal and technical assistance, ensuring all First Nations have adequate resources to understand and contribute to the LTR Agreements.

L. A draft terms of reference for the negotiation team has also been developed, key elements of which include:

i. **Accountability:** the negotiation team will operate under the direction of the Children's Chiefs Commission and will be accountable to the First Nations-in-Assembly and First Nations not represented by the AFN;

ii. **Objectives:** the draft terms of reference set out certain substantive objectives that must be met through the negotiation of the LTR Agreements to fully eliminate Canada's systemic discrimination in FNCFS and Jordan's Principle and ensure it does not reoccur;

iii. **Deliverables:** the negotiation team will present key deliverables to the Children's Chiefs Commission for its review and consideration;

iv. **Composition and qualifications:** the draft terms of reference set out required qualifications for persons the Children's Chiefs Commission will appoint to the negotiation team;

v. **Inclusion and representation:** the negotiation team will take positive and effective measures to seek out the input and expertise of: (i) First Nations and their rightsholders; (ii) national and regional FNCFS and Jordan's Principle service providers and experts; (iii) Youth in and from Care; (iv) the National Advisory Committee (NAC) and Expert Advisory Committee (EAC); and (v) non-AFN member First Nations;

vi. **Roles and responsibilities:** the draft terms of reference sets out roles and responsibilities for a lead negotiator, assistant negotiator, legal team, technical experts, support team, and secretarial support;

vii. **Decision-making:** the negotiation team will operate by consensus wherever possible;

viii. **Reporting:** the draft terms of reference set out various reporting requirements and mechanisms for the negotiation team to report to the Children's Chiefs Commission;

ix. **Final draft approval process**: the draft terms of reference set out a process the negotiation team must follow to prepare draft LTR Agreements for review by the First Nations-in-Assembly as well as First Nations not represented by AFN to ensure compliance with Resolutions 60/2024 and 61/2024; and

x. **Conflicts of interest**: the draft terms of reference set out a process for addressing conflicts of interest.

M. A number of AFN regions have appointed their representatives to the Children's Chiefs Commission, but the Commission has not yet met with all representatives present to review and discuss the draft terms of reference for the Children's Chiefs Commission and the negotiation team.

N. The AFN Executive has raised certain legal concerns about the interpretation of Resolution 60/2024 that the First Nations-in-Assembly may wish to clarify.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Reject all sections of the Agreement in Principle (AIP) on Long-Term Reform (LTR) of the First Nations Child and Family Services (FNCFS) Program and Jordan's Principle completed on December 31, 2021 that are in conflict with resolutions passed by the First Nations-in-Assembly as described above.

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CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

2. Clarify that, by way Therefore Be It Resolved clause 2 of Resolution 60/2024, the First Nations-in-Assembly called for, and themselves established, the national Children's Chiefs Commission rather than directing the AFN Executive Committee to establish the Commission.

3. Support the Children's Chiefs Commission in establishing a negotiation team, pursuant to Resolution 60/2024, to carry out the negotiations for the LTR Agreements. That negotiation team will work with the following guidelines:

    a. **Accountability**: The negotiation team will report to the Children's Chiefs Commission, First Nations-in-Assembly and represent the interests of all First Nations, and First Nations youth, including those not connected to the AFN; and

    b. **Mandate**: The negotiation team's goal is to eliminate discrimination by Canada and ensure it never happens again, promote fairness, uphold First Nations' rights to self-determination, and respect their jurisdiction over their own affairs. They will ensure their work aligns with international standards affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Convention on the Rights of the Child*, complies with orders from the Canadian Human Rights Tribunal (CHRT), and maintains a clear, open process that meaningfully involves First Nations communities and First Nations youth.

4. Approve, in principle, the draft terms of reference for the Children's Chiefs Commission and the negotiation team, summarized in the Whereas clauses above, and direct the Children's Chiefs Commission to meet as soon as practicable to: (i) immediately commence its work on the LTR Agreements; and (ii) review the terms of reference and thereafter recommend them to the First Nations-in-Assembly for final approval, including any potential amendments.

5. Direct the Children's Chiefs Commission to report to First Nations-in-Assembly at every Assembly until their work is complete.

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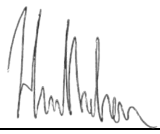
CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **89 – 2024**

This is Exhibit "25" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

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SPECIAL CHIEFS ASSEMBLY
December 3, 4, 5, 2024, Ottawa, ON **Resolution no. 90/2024**

TITLE:	**Safeguarding First Nations Children and Holding Canada Accountable for its Canadian Human Rights Tribunal Legal Obligations**
SUBJECT:	Child Welfare
MOVED BY:	Chief Vicky Chief, Timiskaming First Nation, QC
SECONDED BY:	Aaron Nicholas, Proxy, Tobique First Nation, NB
DECISION	Carried; 9 opposed; 12 abstentions

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

i. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

ii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.

iii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.

B. The First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a *Canadian Human Rights Act* complaint in 2007 alleging Canada's inequitable provision of First Nations Child and Family Services (FNCFS) and its choice not to implement Jordan's Principle were discriminatory resulting in serious and irremediable harms.

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C. The Canadian Human Rights Tribunal (the Tribunal) substantiated the human rights complaint in 2016 and ordered Canada to cease its discriminatory practices, reform the FNCFS program and immediately implement the full scope of Jordan's Principle.

D. The Tribunal has retained jurisdiction over the human rights complaint and has provided numerous additional orders to guide a dialogic process through which the Parties to the complaint negotiate long-term reform that will end Canada's discrimination and prevent any reoccurrence of the discrimination.

E. Since 2016, the Tribunal has issued 31 procedural and non-compliance orders.

F. On December 12, 2023, the Caring Society filed a non-compliance motion with the Tribunal to address Canada's chronic breaches of existing orders on Jordan's Principle, causing serious harms to First Nations children, youth and families. The matter was heard on September 10-12, 2024.

G. First Nations-in-Assembly voted to reject a draft final settlement agreement (FSA) on long-term reform of the FNCFS program and called for a process to end Canada's discrimination in First Nations child and family services and Jordan's Principle and make sure it does not happen again in AFN Resolutions 60/2024 and 61/2024.

H. On November 21, 2024, the Tribunal issued a letter decision, with reasons to follow, on the Caring Society's non-compliance motion filed in December 2023 regarding the Government of Canada's breaches of existing Tribunal orders on Jordan's Principle.

I. In its November 21, 2024 ruling, the Tribunal affirmed the presumption of substantive equality as a right owed to First Nations children and ordered Canada to, among other measures, immediately address the backlogs in Jordan's Principle cases, set uptriaging for urgent cases, confirm that First Nations who have taken on Jordan's Principle work have the sufficient resources to do so, reimburse approved Jordan's Principle requests in a timely manner, report on its progress in coordinating federal programs and work with the Parties to install an interim and independent national complaints mechanism.

J. The Tribunal also ordered Canada to consult with the Parties on several issues, with the goal of reaching consent order requests, and recognized that it would be beneficial to have all Parties at the table, including First Nations who are not a part of the proceedings.

K. The British Columbia First Nations Leadership Council (FNLC), which was granted interested party status and intervened in the non-compliance motion, can only participate in these consultations with the consent of all Parties. On December 4, 2024, Canada has responded that they do not consent to the FNLC participation in the consultations.

L. The cumulative total of the Tribunal's orders on FNCFS is estimated at $45 billion to fund FNCFS and is the minimum amount to ensure non-discrimination and prevent its recurrence.

M. All First Nations children on and off reserve and living in self-governing First Nations have a right to receive substantively equal and culturally based child and family services and/or Jordan's Principle and live free of Canada's discrimination now and forever.

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Woodhouse.

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **90 – 2024**

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Support the November 21, 2024, Canadian Human Rights Tribunal (Tribunal) letter decision on Jordan's Principle to address Canada's non-compliance.
2. Confirm that the $47.8 billion is only the floor for negotiations to achieve long-term reform of First Nations Child and Family Services (FNCFS).
3. Direct Canada to obtain a new negotiation mandate within thirty (30) days of this resolution passing to achieve Long Term Reform of FNCFS and Jordan's Principle in full alignment with Assembly of First Nations (AFN) Resolutions 60/2024 and 61/2024.
4. Support regions, parties and the National Children's Chiefs Commission (NCCC) to undertake any legal action should Canada fail to obtain an adequate new negotiation mandate within thirty (30) days, in which case the First Nations-in-Assembly will deem Canada to be dishonorably in violation of the duty of diligent implementation flowing from the honour of the Crown constitutional principle.
5. Call on Canada to provide adequate funding, including reimbursement of legal fees at actual cost, to an entity(ies) determined by the NCCC to support its work.
6. Call on Canada to not seek judicial review of the November 21, 2024 Tribunal letter decision on Canada's non-compliance on Jordan's Principle.
7. Call on Canada to take immediate and effective measures to fully implement all Tribunal orders including the November 21, 2024 Tribunal letter decision on Jordan's Principle.
8. Support the NCCC participation in further legal proceedings, including before the Tribunal, to ensure First Nations children, youth and families receive the full benefit of existing Tribunal orders and to seek additional remedies as required.
9. Fully and publicly support the British Columbia First Nations Leadership Council (FNLC) participation in the consultations ordered in the November 21, 2024 Tribunal letter decision on Canada's non-compliance on Jordan's Principle, as well as any request, from any other regions, to seek interested party status in this Canadian Human Rights Tribunal case.
10. Call on Canada to retract their opposition, and to support the FNLC participation in the consultations ordered by the Tribunal in the November 21, 2024 letter decision on Jordan's Principle.

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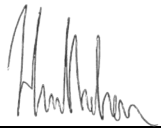
Woodhouse.

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF **90 – 2024**

This is Exhibit "26" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

TERMS OF REFERENCE FOR THE NATIONAL CHILDREN'S CHIEFS COMMISSION

1. PURPOSE

These terms of reference set out the mandate, membership and roles and responsibilities of the National Children's Chiefs Commission (NCCC). The NCCC provides oversight and strategic direction on the negotiations and/or litigation related to the Long-Term Reform (LTR) of First Nations Child and Family Services (FNCFS) and Jordan's Principle, including the ongoing proceedings before the Canadian Human Rights Tribunal (CHRT) in *First Nations Child and Family Caring Society et al v, Attorney General of Canada* (T1340/7008). NCCC operates in an inclusive, transparent and accountable manner that prioritizes the sacredness and rights of First Nations children, youth and families.

2. AUTHORITY

Assembly of First Nations (AFN) Resolution 60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle* mandated the establishment of the NCCC. The NCCC is mandated by First Nations-in-Assembly to oversee and provide strategic direction on LTR including addressing Canada's discriminatory conduct found in *First Nations Child and Family Caring Society et al v. Attorney General of Canada*. Accountable to First Nations rights holders, the NCCC will oversee and provide strategic direction in a manner that prioritizes the sacredness of First Nations children, youth and families, is transparent, open, and accountable to First Nations, preserves First Nations decision-making, and includes the guidance of youth, youth in care and formerly in care, and FNCFS and Jordan's Principle experts.

3. ACCOUNTABILITY

The NCCC is accountable to First Nations-in-Assembly and, through processes established by the NCCC, to First Nations who are not members of AFN. The NCCC is responsible for updating their respective AFN Executive member and First Nations Leadership in their region on the NCCC's priorities and progress. The NCCC will report on progress, at minimum, bi-annually to First Nations-in-Assembly at AFN assemblies and by information bulletin on important urgent matters.

Approved by NCCC January 23, 2025
Approved by First Nations-in-Assembly September 4, 2025

4. **OBJECTIVES:**

The NCCC is tasked with providing oversight and strategic direction on the negotiations and/or litigation related to LTR of FNCFS and Jordan's Principle. The NCCC will act openly and transparently to achieve the following objectives and criteria to ensure a fair, equitable, and transformative agreement:

a. LTR must fully eliminate Canada's systemic discrimination in FNCFS and Jordan's Principle implementation and ensure it does not recur. This includes addressing structural inequities and adhering to all applicable CHRT orders. The CHRT orders establish the foundation for comprehensive FNCFS and Jordan's Principle LTR. LTR must build up from the baseline funding that the CHRT orders provide and prioritize the culturally based safety, wellbeing and holistic development of First Nations children.
b. LTR must overhaul funding principles, definitions, structures, methodologies, policies, conduct and instruments to reflect the actual needs of First Nations children, youth and families, as defined by First Nations. At a minimum, funding must:
    i. be evidence-informed and based on needs as defined by First Nations themselves. First Nations are best positioned to determine the needs of their children, families, and communities;
    ii. not solely rely on per capita formulas, especially those tied to the Indian Registration System;
    iii. ensure positive and effective measures and resources are in place for First Nations and their service providers to develop the necessary capacity to deliver child and family services and/or Jordan's Principle; and
    iv. ensure positive and effective measures and resources are in place for First Nations and their service providers to effectively address the structural drivers of disadvantage for First Nations children, youth and families whilst providing the necessary services, products and supports to meet existing needs arising from the structural drivers.
c. LTR must provide funding and services that advance substantive equality, ensuring First Nations children and families have substantively equitable access to culturally, linguistically, socially, and developmentally appropriate

services, products and supports. LTR must also ensure full implementation of Jordan's Principle to eliminate delays, denials, and barriers to services. Canada must discharge its duty to not discriminate regardless of jurisdictional or service deliver model.

d. LTR must affirm First Nations' inherent jurisdiction and self-determination over FNCFS. This includes recognition of their authority to legislate in these areas, independent of delegated powers under section 91(24) of the Constitution Act, 1867. LTR must also be fully aligned with the principles of UNDRIP. At a minimum, this means that First Nations Chiefs must be restored as the key decision-makers on the implementation of LTR and all LTR governance structures must be transparent and accountable to First Nations Chiefs.
e. LTR should be with the Crown in right of Canada as a whole, ensuring accountability across all federal jurisdictions. It cannot be limited to individual departments, such as Indigenous Services Canada or Crown-Indigenous Relations.
f. LTR must prioritize the rights of First Nations children, including future generations. Reforms must address immediate needs and ensure sustainable, culturally and linguistically relevant supports and services that promote intergenerational equity and incorporate traditional and community-based practices in the care and protection of children. Governance structures set out in LTR must uphold the sacredness of children, youth, and families; be transparent, open, and accountable to First Nations; preserve First Nations decisions-making, and include the guidance of youth, youth in care and formerly in care, and regional and national experts on FNCFS and Jordan's Principle.
g. LTR must support the revitalization and continuity of Indigenous languages and cultures as critical elements of First Nations children's well-being and identity.
h. LTR must be rooted in the principles reconciliatory justice and, correspondingly, that obligations incumbent upon Canada are rooted in the honour of the Crown.
i. LTR must not be Indian Act-centric and must reflect self-determination and First Nations governance structures.

j. LTR must reflect and respect First Nations' self-determined authority over child and family services including, but not limited to, jurisdictional, delegation and direct service models. Where First Nations choose to operate under their own jurisdiction, Canada must respect that jurisdiction is rooted in inherent, Aboriginal and treaty-protected rights and responsibilities, not federal delegation under Canadian law.

k. LTR must establish mechanisms to ensure effective implementation, funding, oversight, outcome measurement, and accountability tailored to the unique needs of each region. These mechanisms must complement CHRT orders and uphold a long-term commitment to eliminating discrimination. Recognizing regional diversity, LTR will necessitate the development of region-specific sub-agreements to address localized priorities and contexts effectively.

l. LTR must include a robust dispute resolution mechanism with powers and remedies that are at least as effective as the CHRT. The CHRT's jurisdiction must also be preserved to ensure accountability, compliance, and enforcement.

m. The NCCC will ensure that all the following principles and requirements are incorporated into the negotiation process and/or any LTR agreements:

    i. Establish and oversee the regionally represented negotiation team that will be responsible for carrying out LTR negotiations and/or directing litigation;

    ii. Develop and oversee an open and transparent amendment process for First Nations to suggest changes, allow for consideration of those changes, and make changes to LTR agreements before being put to a vote. Such process is to be established by the NCCC and approved by First Nations-in-Assembly, and First Nations that are not affiliated with the AFN, to ensure the participations of First Nations that are not members of the AFN;

    iii. Provide detailed reports to First Nations on all suggest amendments, the decision made on each amendment, and the outcomes of negotiations, before any decision making;

    iv. Take positive and effective measures throughout LTR negotiations, to

ensure review, and approval processes include the expertise of First Nations, Jordan's Principle and FNCFS experts and services providers, Elders and youth, regional experts and the National Advisory Committee (NAC);

v. Ensure First Nations have at least 90 days to review a complete LTR agreement with appendices, available in both official languages, before any vote on a LTR Agreement;

vi. Oversee and ensure there is regular feedback and communication shared with First Nations on the progress of LTR;

vii. Ensure that Canada discloses all federal-provincial-territorial service level agreements during the negotiations process;

viii.

ix. Ensure that Canada provides sufficient liability coverage and statutory immunity for First Nations and FNCFS Agencies and ensures that Canada is the insurer of last resort for First Nations and FNCFS Agencies that have acted in good-faith in performing duties;

x. Ensure all resources and materials are available in both French and English;

xi. Ensure findings from comprehensive regional and sub-regional engagements across Canada are incorporated into LTR.

n. Ensure there is no obligation on any party to procure approval of, or speak favourable about, any draft LTR agreement.

For Greater clarity, the NCCC is not permitted to negotiate outside the parameters of this Terms of Reference. The work of the NCCC will respect First Nations-determination, decision making over the wellbeing of their Nation's children and families. Their work will not affect, cancel or supersede any Treaty between Canada and the Imperial Crown and First Nations or any existing agreement between Canada and any other First Nation, including modern Treaties or any other agreement in place.

5. REFERENCES

The following documents, decisions, and declarations will be taken into consideration in the NCCC's work:

- The direction of First Nations-in-Assembly, including through AFN Resolutions 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle,* 60/2024, *Addressing Long-Term Reform of the First Nations Child and Family Services Program and Jordan's Principle* and 61/2024, *Meaningful Consultation on Long-Term Reform of First Nations Child and Family Services*.
- The Canadian Human Rights Tribunal decisions in *First Nations Child and Family Caring Society et al. v Attorney General of Canada* T1340/7008;
- An *Act Respecting First Nations, Inuit and Métis Children, Youth and Families*.
- The United Nations Convention on the Rights of the Child (UNCRC), the United Nations Committee on the Rights of the Child General Comment 11, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- The Truth and Reconciliation Commission of Canada's (TRC) Calls to Action, the National Inquiry on Murdered and Missing Indigenous Women and Girls (MMIWG) Calls to Justice.
- Respect for evidence, particularly First Nations-based and First Nation regionally developed evidence, to achieve the goals of non-discrimination towards First Nations children, youth, and families and preventing its recurrence.

6. GUIDING PRINCIPLES:

The NCCC shall be committed to conducting themselves with respect, dignity, transparency and accountably, and exemplify the seven guiding principles of love, respect, courage, honesty, wisdom, humility and truth. Further, the NCCC will be guided by the following principles:

1. Truth and Transparency: The NCCC commits to open, honest communication and full disclosure to honour and respect the rights of First Nations and their children.
2. Free Prior and Informed Consent: The United Nations Declaration on the Rights of Indigenous Peoples will be upheld to protect the rights of First Nations.
3. Respect for the Sacredness and Rights of Children and Youth: The rights, dignity,

and cultural identities of children and youth are fundamental. The NCCC shall protect these through meaningful engagement and relationship building.

4. Reconciliation and Healing: The NCCC seeks to address and heal the ongoing impacts of colonial policies on First Nations children, youth, and families.
5. Self-Determination: The NCCC upholds the inherent right of First Nations to guide and govern the well-being of their children and youth according to their laws, customs, and cultural practices.

7. NCCC COMPOSITION

The NCCC shall be persons of good character, committed to human rights and dignity and will conduct themselves personally and professionally in a manner that does not bring the reputation of the NCCC or its mandate into disrepute. Persons who have been convicted of violent crimes or crimes against children are not eligible. The NCCC will consist of members appointed through regional decision-making processes, representing a diverse group of First Nations. The NCCC will consist of:

a. One (1) regional representative, an alternate, and their technician(s) from each of the 11 AFN regions; and
b. One (1) regional representative, an alternate, and their technician(s) for every region not represented by AFN.

The NCCC will endeavour to include Elder and Youth representatives in accordance with NCCC policies.

8. INCLUSION AND REPRESENTATION

The NCCC shall take positive and effective measures to seek out the input and expertise of:

a. First Nations and their rightsholders;
b. First Nations child and family service providers;
c. Elders and Youth;
d. The National Advisory Committee (NAC) and Expert Advisory Committee (EAC)
e. Regional and independent experts, including the Jordan's Principle Operations Committee Caucus;
f. Non-AFN member First Nations and their unique perspectives will be formally included, ensuring their voices are reflected.

9. REPORTING AND ACCOUNTABILITY

The NCCC shall report to their respective AFN Executive member and to First Nations-in-Assembly and through processes established by the NCCC to First Nations not represented by AFN, detailing progress, challenges, and updates summarizing achievements and ongoing initiatives, and recommendations for further actions on FNCFS reform and Jordan's Principle implementation. The NCCC shall facilitate ongoing engagement with First Nations leadership, communities, and families to ensure their voices inform the NCCC's work.

10. MEETINGS

The NCCC will meet monthly, or as needed when determined by the NCCC, with additional meetings as required to address urgent matters. All members must actively participate and contribute to decision-making and demonstrate a commitment to regularly attend meetings or send an alternative.

Notice of meeting dates and location will be provided in a reasonable amount of time. Meetings will normally be virtual. Travel and accommodation for NCCC members to attend in-person meetings will be reimbursed by an entity determined by the NCCC.

Quorum for any meeting of the NCCC will be met when the Regional Representative or Alternate from at least six regions are present. Regional Representatives/Alternates may send their regional experts as proxies when they are not available to attend, and must notify the NCCC that they are sending a proxy before the meeting begins.

NCCC meetings, where possible, will be open to all interested First Nations Chiefs and appointed technical/legal/political representative as observers to the meetings.

11. DECISION MAKING

The NCCC will operate by consensus wherever possible in providing strategic direction and oversight of the LTR Agreements negotiations, respecting traditional First Nations decision-making processes.

12. Deliverables

The NCCC will deliver the following to First Nations-in-Assembly and First Nations

who are not members of AFN:

i. The NCCC will report on progress, challenges and recommendations, at minimum, bi-annually to First Nations-in-Assembly at AFN assemblies and by information bulletin on important urgent matters;
ii. Before First Nations-in-Assembly proceed with any decision making on LTR agreements, any recommendations, amendments, and outcomes of negotiations shall be submitted to the First Nations-in-Assembly and First Nations not affiliated with AFN for review;
iii. Available options and supporting financial resources and materials for LTR;
iv. A draft agreement on FNCFS LTR that meets the criteria identified in this Terms of Reference;
v. Identified issues critical to ending Canada's discrimination and preventing its recurrence that ought to be addressed through further litigation before the CHRT;
vi. Detailed documentation of the negotiation process, decisions, and outcomes;
vii. An open and transparent amendment process for First Nations-in-Assembly to suggest changes, allow for consideration of those changes, and make changes to long-term reform agreements before being put to a vote, such process is to be approved by First Nations;
viii. Ensure that all drafts have a French language translation.

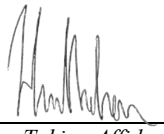
13. RESOURCES

The NCCC will work with the AFN and Indigenous Services Canada to secure funding for their work including independent legal and technical assistance, ensuring all First Nations have adequate resources to understand and contribute to the FNCFS agreements.

14. Amendment to Terms of Reference

These Terms of Reference may by amended by consensus of the NCCC until such the terms are approved by the First Nations-in-Assembly. Subsequently, these terms of references may be amended with the approval of the First Nations-in-Assembly to reflect evolving priorities and circumstances.

This is Exhibit "27" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Government of Canada Gouvernement du Canada

Advancing human rights

What follow are considerations for taking a human rights perspective from analysis, through planning and design, and finally to implementation of an initiative. They are intended as tools to help applicants complete their application form and consider human rights throughout the lifecycle of their initiative.

Each initiative exists in a very specific context, and addressing human rights should take this context into consideration. As such, applicants may find certain questions more relevant than others and are encouraged to use this tool as a guide. Global Affairs Canada does not expect applicants to provide answers to all questions in their application form or associated documentation, but rather the questions are meant to help inform applicants' thinking behind a human rights analysis, and guide the planning, design, and implementation of an initiative in a human rights-sensitive manner.

By considering human rights throughout the lifecycle of an initiative, novel or innovative approaches to particular challenges may emerge that could have significant or even transformative impacts.

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Understanding the broader situation through a human rights analysis

Considering human rights when planning and designing your initiative

Addressing human rights throughout implementation, including monitoring and evaluation

Further resources

Understanding the broader situation through a human rights analysis

What is the current human rights situation?

- What are the significant human rights violations and rights at risk of violation?
- What are the barriers to people's ability to exercise their rights? What are the underlying interests, incentives and institutions that contribute to, or prevent, the realization of rights?
- What are the political, religious, cultural, civil-military cooperation, or other elements favouring the promotion and protection of human rights? How can these be supported or strengthened?
- What tensions could be created by addressing human rights, either explicitly or indirectly?
- To which international human rights instruments is the country party? What reservations have been applied to their ratification, and why?
- Are the country's international human rights obligations (as identified above) also reflected in domestic laws and policies? If so, have these laws and policies been fairly and effectively implemented in practice?

- Are civil society spaces (including rights to freedom of expression, peaceful assembly and association; free and independent media; and access to information - both online and offline) protected by laws? If so, have these laws been fairly and effectively implemented?
- Do local or customary laws or traditions supersede state law, creating a situation where victims do not have recourse against perpetrators?
- Do laws or policies exist that violate human rights, or that could put the success of the initiative at risk?
- Are there tensions between formal rules and informal power relations?
- Are powerful actors (e.g., political executive, the wealthy, military, economic or social elite, party officials, senior bureaucrats, traditional and religious leaders, etc.) constrained by the formal law and/or by informal norms? How?
- To whom are powerful actors accountable, how and why?

What is the core problem, and what are the causes?

Note: Remember to look at the problem in a holistic manner, as many development problems are multi-faceted and require integrated responses.

- What is the core problem(s) your project/initiative is seeking to address?
- In thinking through the problem(s), identify how human rights are not being upheld. Using the key human rights principles of equality, non-discrimination, participation, inclusion, accountability and transparency to guide your analysis, what are the immediate, underlying and structural causes and contributing factors of the problem(s)?
- How do factors, such as religious belief, cultural practices and traditions, social mores, superstition, etc., impact human rights or

cause human rights to be violated or abused?

- Who is most vulnerable to these human rights violations? What are the gender, age and other diversity factors specific to the context under consideration?
- What are the effects of the core problem(s) on women and girls, versus men and boys?
- In relation to the problem(s) under consideration, to what extent is power vested in the hands of specific individuals/groups?
- How do different non-state actors (e.g. responsibility holders like private sector, religious leaders, NGOs, the media) contribute to the problem(s) problem, or seek to influence policy (positively and/or negatively)?
- Do non-state actors have access to decision-makers? Are they meaningfully consulted?
- If the problem(s) relates to service delivery (including justice and security), who are the primary beneficiaries of service-delivery? Are there intermediary groups that could interrupt or interfere with service delivery?
- Are particular groups included or excluded from service delivery? Are women and girls particularly disadvantaged? If so, why?

Who are your stakeholders?

Rights-holders are all people.

- In the context of the initiative in question, whose rights are not being upheld, or are at risk, and who is affected by the human rights problem?

- Among the rights-holders identified, who are **the most** marginalized or most vulnerable, and why? Can you identify how they came to be the most marginalized or most vulnerable?
- How will the most marginalized or most vulnerable rights-holders be included in the initiative?
- What specific barriers exist to their full and meaningful participation, and how will these barriers be addressed?
- What is the situation of women and girls rights-holders?

Duty-bearers are State actors who have legal obligations to respect, protect and fulfill human rights.

- Who is responsible for taking the necessary steps to respect, protect and fulfil human rights, to set up mechanisms for effective remedy, and implement legal and other obligations relating to the human rights issues identified?
- While the State is the ultimate duty-bearer, it is important to differentiate between State-actors. Which organization, ministry, national, provincial or local government entity is responsible for implementation of human rights obligations?
- Identify the most influential duty-bearers, their interests and incentives, and how these shape overall dynamics in the context under consideration.

Responsibility-holders are actors who have, or could have, a positive or negative influence on the human rights issue under consideration, on those responsible for human rights violations, as well as on rights holders' and duty bearers' capacities.

- Which other actors are in a position to observe and/or promote the human rights in question? Responsibility-holders include, but are not limited to: parents, the private sector, religious leaders, educators, community elders, social movements, NGOs, the media, academic institutions, embassies, neighbouring countries, diaspora, donors or international agencies, including the United Nations.
- Are there civil society organizations or other leadership structures that work with, represent, or advocate on behalf of the affected rights-holders?
- Identify the most influential, or potentially influential, responsibility-holders, their interests and incentives, and how these shape overall dynamics in the context under consideration.
- Conversely, consider if these influential responsibility-holders have a stake in the accommodation of rights-holders and how they could potentially seek to further deny human rights or impact safety or security of those pursuing enjoyment of their human rights.

What are the human rights capacity gaps?

Rights-holders: Identify the capacity gaps of the rights-holders that are preventing them from knowing, exercising, claiming and seeking effective remedy for their human rights.

- Do rights-holders have knowledge about (their) human rights as enshrined in domestic and international legal frameworks? Is their level of awareness an obstacle to knowing and claiming these rights?
- Do rights-holders have knowledge of the duty-bearers' obligations?
- Do mechanisms exist for rights-holders to seek effective remedy in instances when their human rights are not upheld? If so, are rights-

holders aware of these mechanisms?

- Do rights-holders have access to impartial mechanisms for remedy and justice when their human rights are not upheld? If not, what barriers exist? Are there barriers specific to women and girls?
- Are there risks associated with developing the human rights-related capacities of the rights-holder? If so, what can be done to mitigate those risks?

Duty-bearers: Identify the capacity gaps preventing the duty-bearers from respecting, protecting and fulfilling human rights obligations and responding to human rights violations.

- Does the duty-bearer have the authority (mandate, power, legitimacy, accountability) to fulfill its human rights obligations? If not, why?
- Does the duty-bearer have the commitment (political will, responsibility, leadership, motivation) to fulfill its human rights obligations? If not, why?
- Does the duty-bearer have the resources (human, economic and organizational) to fulfill its human rights obligations? If not, why?
- Are there mechanisms to respond and provide remedy to the violation or abuse of human rights? If so, what are they? If not, why?
- Is there scope to strengthen the capacity of the duty-bearer with respect to transparency, accountability, effectiveness and responsiveness?
- Are there risks associated with developing the human rights-related capacities of the duty-bearer? If so, what can be done to mitigate those risks?

Responsibility-Holders: Identify the capacity gaps preventing these groups/individuals from observing and promoting human rights.

Note: If the responsibility-holder is the source of the human rights abuse, many of the questions related to the capacity of the duty-bearer could apply.

- Does the responsibility-holder have a positive or negative impact on the specific human rights situation? Do they have knowledge of the potential consequences of their intervention in terms of safety and security of victims and other forms or reprisals and retribution?
- What is the responsibility-holder's relationship with the rights-holder and duty-bearer? How influential is the responsibility-holder with these actors?
- Are there risks associated with developing the human rights-related capacities of the responsibility-holder? If so, what can be done to mitigate those risks?

Applying Key Human Rights Principles

The following questions capture the key human rights principles of equality, non-discrimination, participation, inclusion, accountability and transparency, and are meant to guide the content (©) and the process (*) of a human rights analysis.

Equality and non-discrimination

- Are all persons equal before the law (pay attention to explicit legal inequalities including specific gender-based discrimination, social distinctions and exclusions, and indirect discrimination)? ©
- Which marginalized and/or vulnerable groups experience inequality and discrimination and why?

- Are laws enforced in an equal manner? ©
- Do laws prohibit discrimination on any ground, including for example on the basis of sex, race, ethnicity, national or ethnic origin, colour, religion, language, sexual orientation, gender identity and expression, age, disability? ©
- Are there cultural norms or traditions that reinforce prejudices and cause discrimination? If so, are these addressed by additional special measures? ©
- Are there technological barriers to equal access to social, political and economic participation? For example, are marginalized or vulnerable groups excluded from accessing commonly employed information and communications technologies in their local context? ©
- What steps are taken to ensure the situation analysis undertaken at this stage is not unintentionally discriminatory in its aim, design, conduct and findings? *
- How could considering human rights at the analysis stage lead to innovative approaches or solutions to inequality and discrimination in this context? *
- What steps are taken to ensure that collection and/or presentation of findings of this situation analysis do not risk aggravating any existing discrimination, and fueling or creating new tensions? *

Participation and inclusion

- Is there active and informed participation by the poorest, most marginalized and most vulnerable in the conduct of public affairs? ©

- Are the voices of the poorest, most marginalized and most vulnerable meaningfully included in decision-making processes? If so, how and by whom? ©
- What barriers exist to the full participation of marginalized and vulnerable groups in society? Are there barriers specific to the participation of women and girls? ©
- Is there a commitment by decision-making bodies to accommodate inclusion and participation of the most marginalized and vulnerable? ©
- Are there mechanisms in place at different levels of decision-making in order to overcome the barriers that the poorest, most marginalized and most vulnerable face in their efforts to meaningfully contribute and participate in society? ©
- Do rights-holders, especially the poorest, most marginalized and vulnerable, have the capacity to ensure that their participation is meaningful? ©
- Given that participation is more likely to occur in community-level activities, are decentralized or local Government structures in place? ©
- Is the situation analysis undertaken in a participatory manner by consulting with the poorest, most marginalized and most vulnerable groups? In particular, are efforts made to ensure the equal representation of women, men, girls and boys? *

Transparency and accountability

- Are accountability mechanisms accessible, transparent and effective? ©

- What are the dynamics around responsibility-holders that influence transparency and accountability? Is there civil society and private sector engagement by government? ©
- Are there innovative and non-formal accountability mechanisms that secure the active and informed participation of the poorest, most marginalized and most vulnerable? ©
- Are parliaments or parliamentary committees equipped to play a monitoring role? ©
- Does decentralized and local-level governance enable the poorest, most marginalized and most vulnerable to monitor Government activities? ©
- Is there a legal framework by which civil society can perform an independent monitoring role? If so, is it fairly and effectively implemented? ©
- Do rights-holders have access to effective remedy before a domestic authority in the event that human rights have not been upheld? If so, does the domestic authority have the competence to grant reparation to the victim(s)? ©
- Does access to information legislation exist? If so, is it fairly and effectively implemented? ©
- How, to whom, and by whom will the findings of the situation analysis be disseminated? *
- Is the method of data collection and management ensuring the necessary privacy and protection of stakeholders? Are digital threats considered in the context of digital communications? *
- How is the situation analysis distinguishing between inability and unwillingness of duty-bearers to fulfill human rights obligations? *

Considering human rights when planning and designing your initiative

Which human right(s) is the initiative seeking to advance?

How will human rights-related risks identified in the analysis be mitigated?

Drawing from the situation analysis, identify the expected ultimate and intermediate outcomes from your initiative. Intermediate outcomes will describe changes in behaviour, practice or performance on the part of the rights-holders, duty-bearers, and/or responsibility-holders, and reflect key human rights principles.

- For **rights-holders**, examples of intermediate outcomes include: decreased barriers to access and benefit from programs and/or service delivery for marginalized individuals and groups (equality and non-discrimination); increased participation/engagement in processes and decision-making that affects them by individuals (participation); enhanced advocacy and mobilization efforts by individuals and groups (participation); enhanced voice of stakeholders in public life (inclusion); increased access to information by marginalized individuals or groups (transparency); increased use of formal means of redress by marginalized individuals and groups (accountability).
- For **duty-bearers**, examples of intermediate outcomes include: increased representativeness of State bodies (equality and non-discrimination); improved equal protection of rights-holders before the law by duty-bearers (equality and non-discrimination); enhanced inclusiveness of systems, policies, practices or processes by State actors (inclusion); decreased exclusionary policies, practices or processes by State actors (inclusion); increased use of participatory approaches by

the State (participation); increased transparency by State (transparency); increased engagement in transparent and consultative decision-making by State bodies (transparency); increased anti-corruption measures by State bodies (accountability) increased formulation of legislation by State bodies (accountability); enhanced judicial, administrative or other means to ensure effective remedy for human rights violations/abuses by State actors (accountability).

- For **responsibility-holders**, examples of intermediate outcomes include: strengthened role in enhancing equality and non-discrimination in public systems and processes by non-state actors (equality and non-discrimination); decreased discriminatory policies, practices or processes by non-state actors (equality and non-discrimination); enhanced inclusion of stakeholders' views by non-state actors (inclusion); increased participation/engagement in decision-making by non-state actors (participation); increased use of participatory approaches by non-state actors (participation); enhanced advocacy and mobilization efforts by non-state actors (participation); improved communication and transparency of policies and processes by non-state actors (transparency); strengthened oversight and challenge function performed by non-state actors (accountability); improved accountability to stakeholders, including rights-holders and duty-bearers, by non-state actors (accountability); improved financial transparency and accountability by non-state actors (transparency and accountability).

Once you have identified your expected intermediate outcomes, drawing again from the situation analysis, identify which human rights capacity gaps of rights-holders, duty-bearers and/or responsibility holders it is appropriate for your initiative to address, regardless of the action area

under which it falls, and how it will address those gaps. Changes in capacity will become the expected immediate outcomes of the project while the means to address them will become the planned outputs and activities.

- For **rights-holders**, examples of immediate outcomes include: improved awareness of human rights and of the role of duty-bearers; improved mechanisms for communication and association among rights-holders. Activities could include: civic education; human rights education or training; knowledge transfer; skills development and training, including digital enablement and digital safety training; and working with the media and paralegals.
- For **duty-bearers**, examples of immediate outcomes include: improved awareness of human rights obligations among civil servants; improved oversight mechanisms by State bodies; increased knowledge and skills in developing, ratifying and/or implementing legal instruments by State actors; enhanced abilities of State actors to develop laws, policies and institutions that protect the human rights of particular marginalized group; improved ability to undertake participatory approaches. Activities could include: civic education; human rights education or training; knowledge transfer; skills development and training; and legislative, policy, budgetary technical assistance.
- For **responsibility-holders**, examples of immediate outcomes include: improved awareness of human rights; improved oversight mechanisms and capacity of non-state actors; increased knowledge and skills among non-state actors to advocate for human rights with the State. Activities could include: working with the media and paralegals; technical assistance; knowledge transfer, skills development and training for civil society advocacy groups; and human rights education.

In collaboration and consultation with stakeholders, develop the theory of change for your initiative. At Global Affairs Canada, the theory of change for a specific initiative is represented by the logic model and fully explained in the theory of change narrative.

- Does your theory of change outline the assumptions about the human rights situation and the initiative's proposed impact upon this situation?
- Does your logic model capture improvements to rights-related capacity of rights-holders, duty-bearers and/or responsibility-holders at the **immediate outcome** level? Are indicators available to measure this? Are indicators disaggregated according to sex and age, and, where possible, to recognize other identity factors such as race, ethnicity, national or ethnic origin, colour, religious, language, sexual orientation, gender identity, and/or disability, as well as geographic location?
- Does your logic model capture the changes we are seeking to achieve with each of the key human rights principles of equality, non-discrimination, inclusion, participation, transparency and/or accountability at the **intermediate outcome** level? Are indicators available to measure this? Are indicators disaggregated according to sex and age, and, where possible, to recognize other identity factors such as race, ethnicity, national or ethnic origin, colour, religious, language, sexual orientation, gender identity, and/or disability, as well as geographic location?
- Does your logic model describe the sustained, positive changes in the life, dignity and wellbeing of rights-holders at the **ultimate outcome** level? Are indicators available to measure this? Are indicators disaggregated according to sex and age, and, where possible, to recognize other identity factors such as race, ethnicity, national or

ethnic origin, colour, religious, language, sexual orientation, gender identity, and/or disability, as well as geographic location?

Applying Key Human Rights Principles

The following questions capture the key human rights principles of equality, non-discrimination, participation, inclusion, accountability and transparency. Applicants are not expected to provide responses to these questions; rather, they are meant to guide the planning and design of the initiative, in a human rights-sensitive manner.

Equality and non-discrimination

- How is it being ensured that the planning and design of the initiative is non-discriminatory?
- Is there a meaningful gender balance among the individuals involved in the planning and design?
- Has a Gender-Based Analysis Plus (GBA+) been applied to identify barriers to equality and non-discrimination?
- Among rights-holders, are the most marginalized and most vulnerable groups specifically targeted in the planning and design? How are they identified? What safeguards are in place to ensure their involvement does not lead to increased stigma and discrimination?
- Does the initiative work with and seek to empower rights-holders who are traditionally excluded or discriminated against?
- What are the specific needs for data disaggregation? This should be determined by a participatory approach.

- Is data disaggregated adequately, ideally beyond sex and age, to recognize other identity factors such as race, ethnicity, national or ethnic origin, colour, religious, language, sexual orientation, gender identity or expression, and/or disability, as well as geographic location?
- Are there mechanisms in place to address unconscious bias and unintended consequences arising from this initiative?

Participation and inclusion

- How is the general public participating in the planning and design of the initiative?
- Are the communities of rights-holders especially concerned with the issue in question participating in the planning and design of the initiative? How are their voices meaningfully included?
- Among those especially concerned, are the poorest, most marginalized and vulnerable participating in the planning and design of the initiative? How are their voices meaningfully included? In particular, how are women and girls' voices included?
- Is capacity development needed for rights-holders, especially the poorest, most marginalized and vulnerable, to ensure that their participation is meaningful?
- Are there capacity development activities that can be undertaken to empower the poorest, most marginalized and most vulnerable rights-holders to make their voices heard by the duty-bearer?
- Are there indigenous innovative and informal solutions that can be employed to increase participation and access to public affairs by marginalized and vulnerable communities?

- Will participation by certain individuals/groups impact their safety and security? Is there risk of reprisals for their participation?
- Depending on local context, are methodologies proposed from assuring inclusive processes in reality perpetuating exclusion? For example, engagement and knowledge transfer via internet-based platform excludes individuals without access.
- How is the public included in setting targets and in defining success and failure of the initiative?
- Are the communities of rights-holders especially concerned with the issue in question included in setting targets and in defining success and failure of the initiative?
- Among those especially concerned, are the poorest, most marginalized and vulnerable included in setting targets and in defining success and failure of the initiative?
- In what ways are rights-holders included in determining what data is to be collected, collecting it, analyzing it and feeding back into the initiative?

Transparency and accountability

- How are the processes and authorities (duty-bearers and/or responsibility-holders) responsible for planning and designing the initiative made known to the public? Are women and men equally informed?
- Is there transparency about how the initiative is planned and designed, and on what it intends to do?
- Are all decision-making processes for the initiative transparent and shared with the public? By what means?

- Is information on the initiative available in accessible formats and in minority languages?
- Is the process by which beneficiaries and intermediaries are selected transparent, e.g. involving the community in this process, ensuring an appropriate gender balance, and focusing on the most marginalized groups (with due attention to protecting these groups from potential stigma and discrimination)?
- Is the initiative seeking to strengthen partnerships between duty-bearers and responsibility-holders, including women's groups and other non-governmental, community-based and professional associations, in order to improve accountability of the duty-bearer?
- If working with duty-bearers, is there scope to integrate gender-based budgeting?

Addressing human rights throughout implementation, including monitoring and evaluation

Does the project implementation plan outline how the initiative will advance specific human rights?

Does the project implementation plan outline how the risks identified in the analysis will be monitored and the initiative adjusted so that human rights are advanced and potential tensions are addressed?

Do annual work plans include a specific plan for the achievement of human rights outcomes and the application of key human rights principles?

Do narrative reports capture the human rights results?

During implementation, ensure that planned project activities and outputs, including capacity development activities are leading to the achievement of expected outcomes.

Revise project theory of change and implementation plan as new human rights issues are identified, in order to address emerging concerns.

What challenges are being encountered in advancing the human rights targeted by the initiative? For monitoring and mid-term evaluations, how can some of these challenges be mitigated?

Applying Key Human Rights Principles

The following questions capture the key human rights principles of equality, non-discrimination, participation, inclusion, accountability and transparency. Applicants are not expected to provide responses to these questions; rather, they are meant to guide the implementation (including monitoring and evaluation) of the initiative, in a human rights-sensitive manner.

Equality and non-discrimination

- Is the initiative discriminatory in any way in its implementation? If so, in what setting and by whom?
- How can discrimination in the initiative's implementation be combatted?
- What plans have been made, and what resources allocated, to combat active discrimination?
- Does the initiative consciously set out to rectify any existing discrimination?

- How are power inequalities among the intended beneficiaries and/or intermediaries dealt with?
- How is the initiative ensuring representative input from the poorest, most marginalized and most vulnerable?
- Is the implementation of the initiative fostering gender equality and the empowerment of women?
- Is the implementation of the initiative engaging men and boys and raising awareness about how gender equality benefits all?
- How does the monitoring and evaluation system detect causes, practices and impact of any discriminatory actions that may occur?
- How are claims of discrimination tracked?
- Is data disaggregated appropriately, ideally beyond sex and age, to also include, where possible, income, ethnic, Indigenous, linguistic, religious, disability and sexual orientation, gender identity or expression factors, as well as geographic location.
- What criteria are used to determine to what extent data should be disaggregated, beyond sex and age?
- Has data collection on particularly marginalized or vulnerable groups, including “legally invisible” groups should been made in close partnership or consultation with the group concerned in order to mitigate possible risks?
- Is data published in a format that permits detection of possible multiple intersecting disparities and discrimination?

Participation and inclusion

- How is the public participating in the implementation of the initiative?

- Are the communities of rights-holders especially concerned with the issue in question participating in implementation of the initiative?
- Among those especially concerned, are the poorest, most marginalized and most vulnerable participating in the implementation of the initiative?
- Are the capacities of rights-holders to engage being developed?
- Are rights-holders adequately organized to participate? What support do they need?
- How is it ensured that the poorest, most marginalized and most vulnerable rights-holders are benefitting from the implementation of the initiative?
- How are data collection exercises ensuring free, active and meaningful participation of all stakeholders, including the poorest, most marginalized and vulnerable?

Accountability and transparency

- How is information disseminated throughout the implementation of the initiative?
- How is transparency maintained with respect to the initiative's decision-making processes?
- What methods of remedy are available to those negatively affected by the initiative?
- Who can demand accountability during the implementation of the initiative?
- How is it being ensured that the findings from the initiative's implementation, monitoring and evaluations are made public?

- How are findings from the initiative used to inform changes or adjustments in policy or other interventions?
- Do the findings from the initiative capture lessons-learned from any unintended consequences or externalities of the initiative?
- Are the processes and decisions by which participants for data collection are selected clear and transparent, paying attention to protect groups that may feel uncomfortable or threatened by data collection?
- Is data disseminated as quickly as possible after collection? Is dissemination accessible in language and format, taking into account consideration such as disability, language, literacy level and cultural background? This should be balanced with the rights to privacy and data protection.

Resources

To inform your human rights analysis and your human rights-based approach, you may refer to:

- HRBA Checklist for Partners;
- The OHCHR's Status of Ratification Interactive Dashboard;
- Universal Periodic Review Recommendations;
- NGO reports like those from UPRinfo, Human Rights Watch, Amnesty International, Freedom House, CIVICUS;
- Human rights treaty bodies like the Human Rights Committee for the International Convention on Civil and Political Rights (ICCPR), the Committee on Economic, Social and Cultural Rights for the

International Convention on Economic, Social and Cultural Rights (ICESCR), the Committee on the Elimination of Discrimination against Women and National Country Reports on CEDAW Implementation for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Committee on the Rights of the Child for the Convention on the Rights of the Child (CRC), the Committee on the Elimination of Racial Discrimination for the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), etc.;

- Regional human rights bodies like the American Convention on Human Rights, the African Charter on Human and Peoples' Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- Special procedures like special rapporteurs and working groups;
- National human rights institutions, academics and scholars.

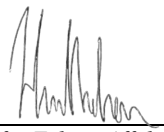
Other tools that could help with a contextual understanding of the human rights situation include the following:

- A Political Economy Analysis that considers how and why things work as they do locally, who the key actors are, and what incentivizes them, may be especially helpful to understand the local power dynamics and inequalities.
- Similarly, a Conflict Analysis identifies the relationships between a human rights situation and broader conflict drivers, consequences and dynamics, and can help recognize risks and leverage points.

Date modified:

2024-01-24

This is Exhibit "28" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

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Child Rights Impact Assessment

Two (2) versions of this tool are available: a print friendly version in PDF format and a web friendly version.

1. **Print friendly in PDF format**: You can use the PDF version if you want to be able to save your progress on your own computer as you go.

   Once you save it on your computer, you can go back to the document as many times as you want to make changes. You can print it later when you are ready.

   You can also print a blank copy of the tool and fill it in by hand.

2. **Web friendly version (on this page below)**: You can use this version if you want to complete the tool on the web page and print it out right away. This web page may also be used by those requiring support from a screen reader.

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   - **You cannot save information in this web page and come back to it later**. The Department of Justice does not collect or keep any of this information.

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Developed by the Department of Justice Canada
July 2023

Part 1: Initial Screening

1. Objective of the initiative

Identify and describe the objective(s) of the initiative and the anticipated outcomes.

- What is the problem or issue the initiative is seeking to solve?
- Do children experience this problem differently from other population groups?

2. Impact of the initiative

What is the impact of the initiative on children?

a. **Identify potential positive OR negative impacts, including indirect impacts, on children and on their rights as recognized in the CRC (Convention on the Rights of the Child)**.

b. **Does the proposed initiative affect different groups of children differently? If yes, please explain briefly**.
(Please note that there may be different benefits or impacts for different groups of children and that the impacts may be compounded based on multiple identity factors.

Groups to consider include, but are not limited to: Indigenous children, minority children (including racial minorities, linguistic minorities and religious minorities), children with disabilities, girls, boys, and children of all genders, 2SLGBTQI+ children, children living in poverty, migrant children, children in care, and children in urban or rural settings.)

c. **Does the initiative reduce inequalities, or does it exacerbate or create new inequalities between children and adults or between different groups of children?** (Note that achieving substantive equality may require treating different groups of children differently and that treating all children the same may in fact exacerbate inequalities.)

If your assessment does not identify any impacts on children or their rights, a full Child Rights Impact Assessment is not required. However, please explain your assessment process and how you reached your conclusion.

Part 2: Full Child Rights Impact Assessment

3. Preliminary rights review

Complete if you identified impacts on children in Part 1 (Initial Screening)

Does the proposed initiative have any impacts (positive or negative) on the rights of children? Check any of the articles of the CRC (Convention on the Rights of the Child) that may be relevant:

Category	Article	Impact?
Guiding principles	Non-discrimination (Art. 2)	○ **Yes** ○ **No**
	Best interests of the child (Art. 3)	○ **Yes** ○ **No**
	Right to life, survival and development (Art. 6)	○ **Yes** ○ **No**
	Respect for the child's views (Art. 12)	○ **Yes** ○ **No**
Protection afforded to children	Special protection for refugee children (Art. 22)	○ **Yes** ○ **No**
	Special care for children with disabilities (Art. 23) (See also the Convention on the Rights of Persons with Disabilities)	○ **Yes** ○ **No**
	Protection against torture or other cruel, inhuman or degrading treatment or punishment, protection of the right to liberty (Art. 37)	○ **Yes** ○ **No**
	Treatment of children in contact with the penal system, taking into account the child's age and promotion of reintegration (Art. 40)	○ **Yes** ○ **No**

Category	Article	Impact?
Children in situations of exploitation, abuse and violence	Protection against physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Art. 19)	○ **Yes** ○ **No**
	School discipline is administered in a manner consistent with the child's human dignity (Art. 28(2))	○ **Yes** ○ **No**
	Protection against economic exploitation labour rights for children (Art. 32)	○ **Yes** ○ **No**
	Protection from the illicit use of narcotic drugs and psychotropic substances (Art. 33)	○ **Yes** ○ **No**
	Protection from all forms of sexual exploitation and sexual abuse (Art. 34)	○ **Yes** ○ **No**
	Prevention of the abduction of, the sale of or traffic in children (Art. 35)	○ **Yes** ○ **No**
	Protection against all other forms of exploitation prejudicial to any aspects of the child's welfare (Art. 36)	○ **Yes** ○ **No**
	Optional Protocol on the sale of children, child prostitution and child pornography	○ **Yes** ○ **No**

Category	Article	Impact?
Children and their family	Respect for the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community (Art. 5)	○ **Yes** ○ **No**
	State to ensure that a child is not separated from his or her parents against their will (Art. 9)	○ **Yes** ○ **No**
	Family reunification (Art. 10)	○ **Yes** ○ **No**
	State to combat the illicit transfer and non-return of children abroad (Art. 11)	○ **Yes** ○ **No**
	Responsibilities of both parents in the upbringing and development of the child (Art. 18)	○ **Yes** ○ **No**
	Special protection for children deprived of their family environment (Art. 20)	○ **Yes** ○ **No**
	Best interests of the child in the context of adoption (Art. 21)	○ **Yes** ○ **No**
	Children involved in and affected by an armed conflict (Art. 38) and Optional Protocol on the involvement of children in armed conflict)	○ **Yes** ○ **No**

Category	Article	Impact?
Participation, civil rights and freedoms	Right to be registered at birth, to a name and to a nationality (Art. 7)	○ **Yes** ○ **No**
	Child's right to preserve his or her identity, including nationality, name and family relations (Art. 8)	○ **Yes** ○ **No**
	Freedom of expression (Art. 13)	○ **Yes** ○ **No**
	Freedom of thought, conscience and religion (Art. 14)	○ **Yes** ○ **No**
	Freedom of association and assembly (Art. 15)	○ **Yes** ○ **No**
	Privacy and reputation (Art. 16)	○ **Yes** ○ **No**
	Access to information and material from a diversity of national and international sources (Art. 17)	○ **Yes** ○ **No**
	Knowledge of rights (Art. 42)	○ **Yes** ○ **No**

Category	Article	Impact?
Economic, social and cultural rights	Right to the highest attainable standard of health (Art. 24)	○ **Yes** ○ **No**
	Right to social security (Art. 26)	○ **Yes** ○ **No**
	Right to an adequate standard of living, including adequate nutrition and housing (Art. 27)	○ **Yes** ○ **No**
	Right to education: primary education free and compulsory, development of different forms of secondary education, higher education accessible to all etc. (Art. 28)	○ **Yes** ○ **No**
	Education directed towards the development of the child's personality, talents and mental and physical abilities to their fullest potential (Art. 29)	○ **Yes** ○ **No**
	Rights of Indigenous children, including the right to enjoy their culture, religion and language (Art. 30 and UN Declaration on the Rights of Indigenous Peoples).	○ **Yes** ○ **No**
	Rights of minority children to enjoy their culture, profess and practice their religion or use their language (Art. 30)	○ **Yes** ○ **No**
	Right to leisure and play, and to participation in cultural life (Art. 31)	○ **Yes** ○ **No**

4. Information and research

What resources and research were used to inform your CRIA (Child Rights Impact Assessment)? (e.g., qualitative research, quantitative research, stakeholder positions, including Indigenous organizations and marginalized groups, jurisprudence, academic

articles, consultation with substantive and/or legal experts.)

Is there any information missing or still required?

5. Engagement

What, if any, groups (children or stakeholders) were engaged on the proposed initiative? What views were expressed? What were the results of the discussions?

Have the views and experiences of affected groups of children been taken into account? If yes, in what manner? If no, why not? (Please keep in mind the evolving capacities of children and the obligation to give due weight to the views of children in accordance with their age and maturity.)

6. Rights analysis

Based on the information collected, expand your analysis of the rights that are affected (in reference to the rights identified in question #3 of Part 2). In answering this question, please take into account potential compounding impacts based on multiple identity factors. Please consider:

Which articles of the CRC (Convention on the Rights of the Child) are relevant?

Description of positive or negative impacts on rights

What group or groups of children will likely be impacted?

Notes

7. Weighing of positive and negative impacts

What is your overall assessment of the positive and negative impacts of the proposal on children generally and on different groups of children? In answering this question, please consider:

- Given the full range of positive and negative impacts on children, is the proposal a reasonable way to achieve the objective?
- What options could mitigate negative impacts?
- What options could optimize positive impacts?

8. Conclusion

What are your key findings on the impacts of the initiative on children's rights? Please consider:

- Should any recommendations be made?
- Should any further steps be taken?

Completed By

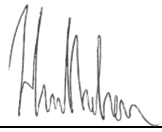
Section

Contact Information

Signature

Date

This is Exhibit "29" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Principles

5 The following principles shall be considered in the development of sustainable development strategies:

(a) the principle that sustainable development is based on an efficient use of natural, social and economic resources and the need for the Government of Canada to integrate environmental, economic and social factors in the making of all of its decisions;

(a.1) the principle that sustainable development

(i) is a continually evolving concept,

(ii) may be achieved by, among other things, the protection of ecosystems, prevention of pollution, protection of human health, promotion of equity, conservation of cultural heritage, respect for domestic and international obligations relating to sustainable development and recognition of the present generation's responsibility to provide future generations with a healthy and ecologically sound environment, and

(iii) may be advanced by, among other things, taking into account the precautionary principle, the "polluter pays" principle, the principle of internalization of costs and the principle of continuous improvement;

(b) the principle of intergenerational equity, which is the principle that it is important to meet the needs of the present generation without compromising the ability of future generations to meet their own needs;

(c) the principle of openness and transparency, which is the principle that the release of information should be encouraged to support accountability and public engagement;

(d) the principle that it is important to involve Aboriginal peoples because of their traditional knowledge and their unique understanding of, and connection to, Canada's lands and waters;

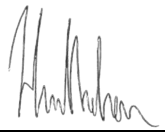
(e) the principle of collaboration, which is the principle that it is important for stakeholders to collaborate in the pursuit of common objectives; and

(f) the principle that a results and delivery approach — that allows for developing objectives, developing strategies for meeting those objectives, using indicators for reporting on progress towards meeting those objectives and establishing accountability — is key to meeting measurable targets.

2008, c. 33, s. 5; 2019, c. 2, s. 3.

Date modified:
2025-11-10

This is Exhibit "30" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494WN

Government of Canada Gouvernement du Canada

Phone Scam Warning

Fraudsters are pretending to be from the Department of Justice

Priorities by theme

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Priorities and proposed action plan measures to date are based on engagement undertaken through various fora: virtual bilateral and multilateral sessions, the online submission tool, correspondence, in-person meetings and, primarily, written submissions (Annex B) from Indigenous partners.

Indigenous partners' priorities and proposed measures outlined in this report are organized according to "rights-based clusters" or "Declaration themes", which broadly align with how various rights are grouped in other international human rights instruments, such as civil and political rights under the International Covenant on Civil and Political Rights, and assists with making linkages between the Declaration and other human rights instruments and guidance developed by human rights bodies. The 46 articles of the Declaration are organized into ten categories:

- General Principles (applicable to all of the Declaration)
- Implementation and redress
- Self-determination, self-government and recognition of treaties
- Civil and political rights
- Participation in decision-making and Indigenous institutions
- Lands, territories and resources
- Environment
- Economic and social rights
- Cultural, religious and language rights
- Education, information and media

Just as Indigenous partners have indicated that they understand the Declaration and its 46 articles in ways that do not always fit neatly within each of these categories, Justice Canada too understands that the rights contained within the Declaration are universal, indivisible, interdependent, and interrelated. Therefore, these categories are merely one way in which these priorities and proposed measures can be conveyed as part of the Declaration's implementation and were placed under a given theme after considering a combination of factors, including Declaration articles related to the priority or proposed measure.

While the content of this report will necessarily help inform the Action Plan, the priorities and proposed measures outlined here are intended to reflect a high-level summary of Indigenous partners' views. These views include priorities for draft Action Plan consideration conveyed through "formal" written submissions; priorities previously conveyed about the Declaration (i.e., through publicly available policy reports, annual reports, and committee testimony); and those shared through hundreds of sessions held by Justice Canada since December 2021. This summary is intended to

offer an understanding of First Nations, Inuit, Métis and cross-Indigenous priorities for Declaration implementation, even as work continues with partners to reach specific text for the Action Plan.

General principles (Articles 1, 2, 43, 44, 45)

The articles under this theme are applicable to the entirety of the Declaration and serve as the basis for implementing all of the rights contained in the Declaration. They include the guarantee of full enjoyment of individual and collective rights as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and in international human rights law; minimum standards for the survival, dignity and well-being of Indigenous peoples; and a guarantee that nothing in the Declaration may be construed as diminishing or extinguishing existing or future rights of Indigenous peoples. This cluster of articles also includes the right to equality and non-discrimination and the right to gender equality. These general principles are integral to the other nine thematic rights-based clusters below.

Implementation and redress (Articles 38, 39, 40, 41, 42, 46)

Indigenous partners conveyed the greatest number of priorities under the Implementation & Redress theme, which include overarching measures to "achieve the ends of the Declaration" and technical and financial assistance to do so, as well as conflict resolution measures to address disputes.

Partners cited several existing federal statutes that in their view would require amendment in order to ensure overall effective implementation of the Declaration. These included, but were not limited to, the *Interpretation*

Act; the *Department of Justice Act;* the *Statutory Instruments Act;* and the *UN (United Nations) Declaration on the Rights of Indigenous Peoples Act* (Annex C). Some partners who called for amending the *Department of Justice Act* and *Statutory Instruments Act* specified the need to require the review of proposed legislation and regulations for consistency with the Declaration, similar to the existing Charter review process. Included in these specifications are public reporting and a standardized process developed in consultation and cooperation with Indigenous peoples. Partners who recommended amendments to the *UN (United Nations) Declaration on the Rights of Indigenous Peoples Act* were seeking to ensure it is interpreted and administered as upholding the rights in the Declaration, to ensure comprehensive Indigenous inclusion in consistency of laws, Action Plan development and implementation, and annual reporting processes; to make the Act self-executing, binding on the Crown in right of Canada, the provinces and territories, and judicially enforceable when rights are infringed; and to fully adopt the Declaration into Canadian law, giving it force of law, stating that it prevails in the event of conflict or inconsistency with other statutes of Canada.

Several partners expressed that the *Constitution Act, 1982,* and section 35 specifically, could be amended to better align with the Declaration. In particular, partners advocated for Declaration compliance, affirmation, non-derogation and non-abrogation measures that would uphold constitutionally protected Aboriginal and treaty rights recognized and affirmed under section 35, in addition to the Indigenous collective and individual rights outlined in the Declaration. Specific legislative measures included adding a non-derogation clause to the *Interpretation Act* that provides for upholding treaty rights and inherent Aboriginal rights, in addition to non-abrogation and non-derogation language. A related priority included ensuring that the entirety of the *Interpretation Act* and the non-

derogation clause are consistent with the Declaration. Other related priorities include amending the *Interpretation Act* to establish an enforceable declaration affirmation clause consistent with both sections 25 and 35 of the *Constitution Act, 1982,* in order to uphold Aboriginal and treaty rights, in addition to the rights in the Declaration.

Partners representing off-reserve and/or urban Indigenous people highlighted the importance of using terminology that is clear, inclusive, reflective of all rights holders and consistent with section 35 of the *Constitution Act, 1982*. Some advocated for the inclusion of a glossary or lexicon in the Action Plan to clarify and ensure a common understanding of the different terms used by and in reference to Indigenous peoples, including in section 35, in the Declaration, and in other acts and legislation.

Partners also noted the importance of fulfilling consultation and cooperation requirements in consistency of laws processes and included several recommendations to ensure Indigenous inclusion and accountability mechanisms. Partners specifically recommended including Indigenous representative institutions and governing bodies, First Nations, Inuit and Métis women, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, urban Indigenous people, and youth in consistency of laws processes, which could include thematic and geographic joint policy tables, a permanent standing committee, an Indigenous youth advisory committee, or citizens' assembly. They identified a concomitant need for financial and technical assistance and accountability mechanisms to ensure consistency of the laws of Canada with the Declaration. They also noted the importance of upholding free, prior and informed consent (FPIC) in all consistency of laws processes. A specific measure to amend the *Guide to*

Making Federal Acts and Regulations to recognize the Declaration and three systems of law, including customary law of Indigenous peoples, was also proposed.

With respect to measures related to the UN (United Nations) system, international human rights treaties and processes, and treaty body recommendations, partners put forward a variety of measures, including:

- Formalizing rules for full and effective participation of Indigenous peoples in UN (United Nations) processes; ensuring full representation of Indigenous peoples in international affairs and human rights bodies, including Indigenous women in UN (United Nations) international fora to uphold their Declaration rights; and funding Indigenous women's organizations to participate in the Universal Periodic Review and other international fora
- Respecting and implementing all international human rights treaties to which Canada is party
- Implementing special measures as per the *Convention on the Elimination of All Forms of Racial Discrimination*, and the *Convention on the Elimination of All Forms of Discrimination Against Women* to advance the equality of Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons
- Implementing domestic reporting mechanisms on how Canada is meeting its obligations as set out in international human rights treaties
- Requiring an outside agency to monitor Canada on Declaration implementation in order to ensure equal and proper representation of Indigenous peoples ensuring that inherent rights, treaty rights and Aboriginal rights are properly recognized and administered as part of external monitoring

With respect to Action Plan preparation and implementation, partners also highlighted the need for committing financial and technical assistance to fulfill the statutory requirement for consultation and cooperation with Indigenous peoples, with accountability mechanisms such as consultation protocols, including further recognizing existing Indigenous protocols on consultation and cooperation. First Nations, Inuit and Métis women partners noted their special need for financial and technical assistance to support their equal participation and access to consultation, cooperation, co-development and FPIC (Free, Prior and Informed Consent) in Action Plan and Declaration implementation. Convening discussion tables – which would reflect the diversity of circumstances of Indigenous peoples across the country – for the implementation of specific Declaration articles, in consultation and cooperation with Indigenous people, was also proposed.

Other partners recommended ensuring actionable and sustained Declaration implementation through reviewing and amending the Action Plan as a living document, using a whole-of-government approach, and an Indigenous-led implementation strategy with specific departmental accountabilities, key deliverables and timelines. An overarching recommendation shared by many Indigenous partners was the need to uphold the duty to consult and to respect FPIC (Free, Prior and Informed Consent) in the Action Plan and all aspects of Declaration implementation. National Indigenous Women's Organizations also noted the need to ensure a distinctions-based and cross-Indigenous, intersectional and GBA plus (Gender-based analysis plus) approach to the co-development of the Action Plan and overall Declaration implementation, in order to respect the spirit and intent of all articles of the Declaration.

A key Action Plan recommendation from partners related to monitoring, oversight, recourse, remedy or other accountability measures included the establishment of an Indigenous and Human Rights Ombudsperson,

Commission, and/or Tribunal. Several partners, including National Indigenous Organizations (e.g., ITK (Inuit Tapiriit Kanatami)) and National Indigenous Women's Organizations, proposed establishing an Indigenous Advisory Council, an independent oversight body, and/or an arms-length Indigenous rights implementation monitoring mechanism that would be empowered to monitor and enforce Canada's compliance and progress in implementing the Declaration and the Act. Regardless of the specific proposed form, scope and purpose, the need for an independent mechanism to ensure effective implementation, including mandated seats for urban Indigenous communities, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) communities, Indigenous women's organizations, youth, and others to ensure adequate representation and input, was one conveyed by many Indigenous partners.

National Indigenous Women's Organizations in particular noted their need for representation on the Oversight body, to ensure accountability in upholding the gender- and equality-based rights of First Nations, Inuit and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons. They advocated for the Oversight body to be grounded in Indigenous-led processes, using dispute resolution and complaint processes built on distinctions-based and cross-Indigenous, intersectional and gender-based frameworks. One National Indigenous Women's Organization recommended that the Independent Tribunal would best operate alongside newly developed anti-Indigenous racism legislation, using the British Columbia model as a best practice.

Many partners advocated for a distinctions-based (i.e., First Nations, Inuit, and Métis) approach to implementation, with some favouring a distinctions-based "plus" approach that includes a broad and diverse range

of perspectives. Other partners, however, recommended abandoning a distinctions-based approach altogether, as they deemed it was contrary to Article 2 of the Declaration and section 15 of the *Canadian Charter of Rights and Freedoms*. Furthermore, partners representing off-reserve and/or urban Indigenous people called for the development of a Federal Urban Indigenous Strategy, which would address the need for policy and strategic direction on urban Indigenous issues and promote relationship building with these partners. More specifically, these partners recommended that the strategy include the re-instatement of a national Indigenous Friendship Centre Program that is designed, delivered, and managed by the Friendship Centre Movement.

Proposed measures to address injustices and tackle violence and discrimination included ensuring Indigenous women, Elders, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, youth, and urban Indigenous people were involved in the Declaration's implementation, using a distinctions-based and cross-Indigenous, intersectional, and gender-based analysis plus (GBA plus) approach. National Indigenous Women's Organizations specifically sought their inclusion in decision-making and participation in all aspects of the Declaration, UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act), and Action Plan implementation, in order to ensure respect and protection of the gender- and equality-based rights of First Nations, Inuit, and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons.

Many Indigenous partners emphasized the need to engage provinces and territories on the Declaration and Action Plan implementation. While some identified this proposed engagement as a way to address jurisdictional

issues, others prioritized the federal government's responsibilities under the Constitution.

Lastly, proposed measures related to annual reporting included ensuring that First Nations, Inuit and Métis women, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, youth, and urban Indigenous people were included in annual reporting processes, using a distinctions-based and cross-Indigenous, intersectional and GBA plus (Gender-based analysis plus) approach, with accountability mechanisms. Some partners noted the importance of including modern treaty and self-governing nations in annual reporting, while others wanted to see the written perspectives of Indigenous peoples highlighted in the Annual Report to Parliament, and the report to be proactively distributed. Still others sought a commitment for Canada to report on progress more regularly, with detailed tracking of smaller milestones, using plain language, accessible formats published in mainstream and social media, and translated into Indigenous languages. Many partners recommended using Indigenous-led evaluation and assessment tools to assess and report on progress in implementing the Declaration, included adding an evaluation framework to the reporting framework, in order to measure success through statistical improvements in Indigenous economic, social, health, food security, housing, education, linguistic, and employment indicators.

Self-determination, self-government and recognition of treaties (Articles 3, 4, 37)

The inherent rights to self-determination and self-government are relevant across themes. Indigenous partners focused their priorities on ensuring that Indigenous sovereignty, self-determination, and self-governance are

respected and upheld in all aspects of implementing the Declaration, including respecting the terms of historic and modern treaties.

Aen narchik 3 / Article 3 (Michif)

Lii pramyii nawsyoon moond ayowak ooma lii drway ishi wiiya-ikoo ahkamayihtumowin. L'oneur ouschi aykwawnima lii drway wiyawow voulay chi kii kishkayhtakwunwiyawow lee poulichik pozisyoon akwa voulay nawashwaywin wiyawow manawchischikayhk, aen social akwa ka ishi pimaatishiyaahk oushtawhk.

▶ English version

Proposed legislative amendments focused on ensuring that the *Indian Act* is consistent with the Declaration and upholds self-determination, self-government, and treaty rights, including guarantees that Indigenous registration and membership is determined by Indigenous peoples. Specific recommendations included:

- Amending the *Indian Act* to end residual gender discrimination and uphold Indigenous women's rights, including as they relate to representation, membership, and self-determination
- Developing transition plans on a nation-to-nation basis to replace the *Indian Act* and provide First Nations control of their own membership, citizenship, and election codes
- Dismantling the *Indian Act* through replacement of the Indian Register with a Declaration-compliant framework
- Amending the *Indian Act* to fully recognize and implement enforcement and adjudication of First Nations' laws
- Amending the *Indian Act* to ensure alignment with First Nations' interests in the implementation of the Reserve Land and Environmental

Management Program and the *First Nations Land Management Act*
- Reviewing infrastructure formulas, including for roads, maintenance and operations in order to provide sufficient funding

Other partners recommended co-development of federal legislation recognizing Indigenous self-determination and self-governance, including mechanisms for self-government agreements, which would promote a more meaningful long-term focus and allow Indigenous peoples to move to self-government on an “opt-in” basis when communities are ready. In terms of proposed policy amendments, partners pointed to the Inherent Right Policy as requiring updates to align with the Declaration; the need to ensure that section 35 rights recognition frameworks are fully aligned with the Declaration; and support in rebuilding and reconstituting Indigenous nations.

piskihtasinahikêwin 4 / Article 4 (Plains Cree)

iyiniwak, ka-isi-âpacihtâhk omiyikosiwin ta-âsawi-tipêyimisocik, ayâwak ôma miyikosiwin ta-tipêyimisocik ahpô âsawi-tipêyimisowin pîhci pisiskêyihtamowina kihcinâkwan ohci pîhci mîna tipiyaw nâkatohkêwina, êkwa mîna sâpo-isi kiki-sôniyâwi-wîcihisowin-isi otâsawi-tipêyimisowin.

▶ English version

Partners also noted that the right to self-determination includes upholding and implementing all historic and modern treaty rights, including through review of existing funding arrangements to ensure meaningful treaty implementation. Some partners advocated for transition plans, on a nation-to-nation basis, to support Indigenous self-determination, self-government and sovereignty, and to ensure better legal protection for treaty rights.

Related recommendations included honouring the spirit and intent of rights contained in treaties, including through treaty implementation framework agreements. Overall, treaty partners consistently called for Canada to respect Indigenous understandings of treaty terms and to adopt a treaty-based approach to Declaration implementation.

Some First Nations partners advocated for the recognition of the inherent right to self-determination in Declaration implementation through federal consistency of laws processes. Others sought to uphold self-determination and self-government by ensuring respect and enforcement of laws passed by Indigenous governing bodies, including through community tripartite agreements with law enforcement or through Indigenous prosecution services. Indigenous governing bodies also proposed measures to exercise self-governance in areas ranging from implementation of modern land claim agreements to policing and other areas. Some partners noted that Indigenous-led institutions can assist in overseeing lands management, economic development, financial literacy, and wealth management.

> “With very few exceptions, the federal government’s legal framework currently denies the existence of Aboriginal title, treaty rights, and Aboriginal rights, including the inherent right of self-government. It does this by asserting full jurisdiction and leaving almost no space for Indigenous governance and decision-making.”
> - Lake Babine First Nation, Action Plan Submission, December 6, 2022

Métis Governments sought continued commitment to advance Métis self-government agreements, including negotiating core governance treaties; federal recognition legislation to implement their self-government agreements; measures to establish a Métis section 35 rights recognition framework to determine, recognize and protect the exercise of Métis

section 35 rights; and a mandate for all federal departments to negotiate reconciliation agreements with Indigenous governing bodies in order to create space for recognition of Indigenous jurisdictions and expedite Aboriginal rights recognition. Some self-identified Métis communities claiming not to be represented by existing Métis governments are also seeking federal recognition.

Inuit put forward a number of measures to ensure they are able to exercise and enforce their rights. Prioritizing a co-development approach to both legislative and policy changes, proposed measures include:

- An Indigenous human rights commission and tribunal
- Adequate resources and a new legislative and/or policy framework that affirms the right of self-government and provides for fiscal arrangements to support efficient negotiation of Inuit self-government agreements with Makivvik Corporation, Inuvialuit Regional Corporation, and Nunavut Tunngavik Inc. (this could include partnering with Inuit to update the Government of Canada's Inherent Right and the Negotiation of Aboriginal Self-Government policy)
- Full and effective implementation of the Inuit Nunangat Policy
- Ongoing use of the Inuit-Crown Partnership Committee as an integral mechanism for both implementing the Inuit Nunangat Policy and supporting Inuit self-determination

Inuit women advocated for self-determination through representative institutions of their own choosing, and the need to uphold their right to education and participation in decision-making, through investments in education and economic development targeted to Inuit women.

Indigenous women partners also advocated for the need to uphold inherent rights, including those related to matriarchal modes of governance, with financial and technical assistance and accountability

mechanisms, to ensure self-determination and to address historic grievances and modern treaty implementation issues. Additionally, urban Indigenous partners called for the need to recognize urban Indigenous modes of organizations, such as Friendship Centres.

Civil and political rights (Articles 6, 7, 9, 17, 33, 35, 36)

Indigenous partners conveyed several priorities under the Civil and Political Rights theme, which includes security of the person, the prohibition of genocide, the prohibition against the forcible removal of children, and labour rights.

Partners proposed amendments to existing legislation, as well as new legislative and policy initiatives in order to uphold civil and political rights relating to the security of the person and communities across borders, including:

- Amending the *Immigration and Refugee Protection Act*, to address issues affecting cross-border Indigenous communities, including the re-establishment of communities divided by international borders as well as right of entry provisions and work, residency, and employment permitting processes
- Recognizing Aboriginal rights across interprovincial borders, both at the federal and provincial levels
- Ensuring political and legal recognition with tribes and members in the United States
- Establishing a protocol to ensure appropriate handling of cultural and ceremonial items, including medicinal plants, at the Canada-United States border

Other partners recommended that the *Royal Canadian Mounted Police (RCMP) Act* be reviewed to increase accountability of officers in their dealings with Indigenous peoples and that cross-cultural training be provided for Canada Border Services Agency staff to ensure sensitivity for Indigenous cultures, ceremonial people, and Elders. Other partners recommended new legislation to incorporate the 231 Calls for Justice of the National Inquiry's Final Report into Missing and Murdered Indigenous Women and Girls (MMIWG), the Truth and Reconciliation Commission's 94 Calls to Action, and the recommendations of the Quebec Coroner related to implementing Joyce's Principle.

Several partners recommended that federal legislation be developed to establish a National Oversight body and a violence prevention action plan in order to end violence against Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons. Partners also noted the need to improve these vulnerable populations' safety and security through federally-resourced, community-coordinated responses, including supports for victims of human trafficking and domestic abuse, as part of federal legislation. National Indigenous Women's Organizations sought their inclusion and guaranteed representation in the composition of the National Oversight body to end violence against First Nations, Inuit and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, to ensure a distinctions-based and cross-Indigenous, intersectional and gender-based approach.

Other partners focused on policy measures to address gender-based violence against Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, including:

- Combatting the culture of silence around violence through accountability and transparency in how Indigenous homicide, missing persons, and sexual violence investigations are handled and reported on, including through release of autopsy and coroners' reports
- Ensuring police investigations into gender-based violence are done without discrimination and bias
- Creating a system for reporting and investigating sexual and physical assaults, run by Indigenous women
- Financial and technical assistance to address the violence, racism and discrimination that impact Inuit women and their families
- Recognizing, preventing, investigating and punishing violence against Indigenous women, including psychological, physical, sexual, economic, political, spiritual or environmental violence, through respect for the principle of due diligence
- Preventing and combatting all forms of gender-based violence in schools and the workplace by taking the necessary measures to punish those responsible and ensuring reparations to victims

A key recommendation of partners with respect to addressing gender-based violence included using the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) to guide the implementation of the Declaration, with financial and technical assistance to support sustained implementation of, and progress reporting on, the 231 Calls for Justice. Some partners specifically called for greater resource dedication, strategic oversight, and monitoring of the federal action plans that already guide the implementation of the federal MMIWG (Missing and Murdered Indigenous Women and Girls) inquiry including the urban Indigenous Action Plan on MMIWG2SLGBTQQIA+ (Missing and murdered indigenous women and girls, Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse).

Many partners saw the MMIWG (Missing and Murdered Indigenous Women and Girls) Calls for Justice as the primary lever to systematically address the ongoing violence against Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons. Other partners focused on addressing environmental violence, racism and discrimination, and ensuring the physical safety and socio-economic well-being of Indigenous women in the resource extraction industry. One specific measure called for federal regulatory and impact assessment bodies to assess and mitigate the impacts of resource development on marginalized Indigenous groups, including the impacts of sexual violence against Indigenous women and youth.

With respect to Indigenous children's and youths' civil and political rights, some partners recommended developing federal legislation to establish a national Indigenous youth agency and an Indigenous-led Commissioner for Indigenous children and youth in care, with financial and technical assistance and accountability mechanisms. Several partners pointed to *An Act respecting First Nations, Inuit and Métis children, youth and families* as requiring consistency with the Declaration, in order to end discrimination in child and family services and address jurisdictional barriers. Others called for federal action and financial and technical assistance to fully implement *An Act respecting First Nations, Inuit and Métis children, youth and families*, in order to ensure Indigenous governing bodies can exercise their jurisdiction over child and family services. Specific recommendations calling for measures to ensure Indigenous control of child welfare, with accountability mechanisms to ensure Indigenous authority and jurisdiction, included:

- Collaboration between federal and provincial governments to support the transition from provincial child welfare to Indigenous-led child

welfare, using evidence and data from those with lived experiences in the child welfare system

- Financial assistance to support Indigenous communities in developing their own child welfare laws in keeping with community values, in order to prevent and mitigate related generational harms caused by the forcible removal of Indigenous children
- Involving Indigenous women's organizations in Indigenous child welfare policies by:
    - prioritizing prevention over apprehension through the delivery of prevention-focused services
    - focusing on a duty to refer over a duty to report
    - investing in traditional, cultural, and land-based parenting teachings and education
- Appointing a special investigator to address the continued escalating rates of apprehension of Indigenous children, relying on statistics and the actions of all governments
- Developing an independent, Indigenous-led oversight body to monitor and ensure that child welfare agencies across Canada uphold Indigenous children's rights; recognize and honour the rights of the mother; ensure priority placement for Indigenous children with parents, family and community; and improve the collection of identity-based data in collaboration with provinces and territories
- Supports for Indigenous youth aging out of care, and compensation for trauma and abuse suffered under the child welfare system
- Free access by survivors to their child welfare records
- Greater preventative, culture-based investments as a protective measure against child welfare involvement and the importance of moving investments away from enforcement and apprehension

Other partners recommended sustained implementation, with financial and technical assistance, of the Truth and Reconciliation Commission's 94 Calls to Action and included proposals for a National Inquiry into the Sixties Scoop and removal of Indigenous children under Canada's child welfare system.

Access to justice was another key priority of Indigenous partners, who advocated for concrete measures to end discrimination in the justice system and ensure Indigenous access to fair and just procedures, including Indigenous women's and youths' access to justice. Specific recommendations included financial and technical assistance for:

- Indigenous-led policing, justice services, and criminal justice programming, including community justice initiatives, preventative programming, criminal justice diversion programs, and restorative justice programs
- Transition plans for Indigenous nations to assume control of their own criminal justice systems
- Legal aid services for First Nations, Inuit and Métis women and youth that would facilitate access to criminal justice system navigators
- Preventative programming for vulnerable Métis people, ensuring Métis access to fair and just procedures, and ensuring Métis women's access to justice
- Accessible processes for expunging youth criminal records to reduce barriers to education and employment

Several accountability mechanisms were also proposed to ensure Indigenous access to justice and equity and the upholding of civil and political rights, including:

- Establishing Indigenous civilian police oversight bodies for local law enforcement, including the RCMP (Royal Canadian Mounted Police), in

order to take concrete steps to end police brutality against Indigenous people
- Providing cultural sensitivity training to first responders, police, corrections, and conservation officers, prosecutors, Crown lawyers, and judges on Indigenous human rights, the Declaration, the Act, the Action Plan and on Indigenous legal realities and cultures, Indigenous law and on the rights of Indigenous women and girls
- Training police officers in trauma-informed approaches to increase the likelihood of better outcomes of Indigenous-police interactions
- Establishing an Indigenous entity to investigate police complaints
- Reviewing and implementing recommendations and findings of inquiries related to police treatment of Indigenous peoples, including the 2004 Final Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild
- Supporting and launching a National Strategy to address the over-incarceration of Indigenous women
- Improving implementation of Gladue and other judicial decisions addressing Indigenous peoples' overrepresentation in the criminal justice system and incarceration rates; and funding and standardizing Gladue reports for Indigenous offenders
- Amending the Canada Evidence Act and other acts in order to accommodate Indigenous oral history evidence in federal and provincial courts and place it on an equal footing with written historical evidence and testimony

Indigenous partners also made a number of recommendations related to upholding labour rights, including identifying and addressing Indigenous inequalities, racism and discrimination pertaining to human rights, employment and labour, and access to spiritual leave within the *Canada*

Labour Code. In addition, partners are also looking to implementing federal policy requirements for Indigenous hiring and representation in the public and private sectors.

Participation in decision-making and Indigenous institutions (Articles 5, 18, 19, 34)

This theme garnered significant attention from Indigenous partners because of its importance in revitalizing Indigenous institutions and structures and ensuring their participation in decision-making in matters concerning Indigenous rights and interests.

ᐃᓪᓴᖅᑯᑦ 18 / Article 18 (South Baffin)

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parliamentary procedures and processes to ensure that Indigenous nations and governing bodies are meaningfully consulted on federal legislation to ensure compliance with FPIC (Free, Prior and Informed Consent).

> “Consent isn’t one phone call. There is no consent really, they just tell us they are coming to set up shop and we just have to take it. Most of the people don’t even know, we should be able to see these big companies coming years before they set up shop. We don’t even know what we’re dealing with.”
> - Sagkeeng First Nation, Action Plan Written Submission, November 25, 2022

Partners also advocated for decision-making within Canadian institutions and structures to specifically include legislative and policy co-development with Indigenous peoples, including co-development of rights-based programs and policies with Indigenous governing bodies, including distinctions-based programs. Some First Nations partners focused on upholding the duty to consult and accommodate, and the need to consult with First Nations governing bodies on the Declaration’s implementation on a nation-to-nation basis that recognizes the inherent right of each First Nation to self-determination. Some First Nations partners expressed the importance of avoiding an approach that conflates all First Nations, but rather recognizes distinct First Nations and includes their specific priorities. Some partners also called for increasing Indigenous representation on federal boards and panels.

Several partners advocated for financial and technical supports to ensure that the specific needs of Indigenous women and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons were addressed, including the need to have

their rights to consultation, representation, decision-making, and institutions of their own choosing upheld as part of the Declaration's implementation. Some partners also advocated for the establishment of a consultative Indigenous Women's Council to ensure equitable implementation of the Declaration.

Urban Indigenous partners, including urban Indigenous youth, emphasized the importance of upholding the rights of off-reserve and urban Indigenous people to choose their own representatives in accordance with their own procedures, to maintain and develop their own decision-making institutions, and to be consulted with and express their FPIC (Free, Prior and Informed Consent) through their own representative institutions, including with adequate financial and technical support. These partners expressed that existing processes such as, the Permanent Bilateral Mechanisms and existing definitions of Indigenous Governing Bodies, are perceived to exclude off-reserve, non-status, and urban Indigenous people, and should instead be treated flexibly, recognizing that current structures bear the heavy imprint of the legacy of colonialism.

Other proposed measures relating to Indigenous judicial and legal systems, institutions and structures included:

- Incorporating Indigenous traditional and customary laws and processes, and re-establishing and upholding Indigenous inherent rights, laws and legal orders in all aspects of the Declaration's implementation
- Committing financial and technical resources for evaluating, revitalizing, considering and providing greater space for Indigenous laws and orders as a critical part of the Declaration implementation process

- Seeking specific legislative amendments, or omnibus legislation, to allow for Indigenous consent-based decision-making processes
- Re-establishing Indigenous laws through the inclusion and participation of Indigenous economic, political, and social institutions and governing bodies, and through processes for coordinating Indigenous and federal laws

Lands, territories and resources (Articles 10, 26, 27, 28, 30, 32)

This theme is closely related to the Environment theme that follows. Priorities and proposed measures focused on the inherent right to self-determination and self-governance of Indigenous traditional territories. This theme also includes priorities about FPIC (Free, Prior and Informed Consent) over the use, management and development of Indigenous lands and territories, along with enforcement measures and legal protections.

Indigenous partners pointed to several pieces of federal legislation related to lands, territories and resources that would in their view require review or amendment in order to ensure consistency with the Declaration, including but not limited to the *Impact Assessment Act*, *First Nations Land Management Act, Canada Energy Regulator Act, Indian Oil and Gas Act* and *Regulations,* including to enhance First Nations control over oil and gas development and conservation on reserve lands;and *Yukon Environmental and Socio-economic Assessment Act.* A significant amount of attention was paid to amending the *Fisheries Act* to ensure that it upholds the right to a moderate livelihood as framed in the *R v Marshall* decision of the Supreme Court of Canada. Several Indigenous partners pointed to the *Fisheries Act* and the upholding of First Nations' inherent right to self-determination and self-government as it relates to fish, fish habitat, and fisheries, including the

right of FPIC (Free, Prior and Informed Consent); and ensuring inclusion of Indigenous knowledge and science in joint governance and management structures, including coordination agreements under the *Fisheries Act.* Some partners are seeking further amendments to the *Fisheries Act* that would ensure the right to first priority basis to Indigenous peoples and governing bodies for food, social and ceremonial purposes, and for support andsubsistence.

Partners also called for the repudiation of the doctrines of discovery and *terra nullius*, and measures to address the dispossession of Indigenous peoples from their lands, including through restitution. Some First Nations partners called on the government to commit to negotiating redress for historical infringements to First Nations Aboriginal title and rights, including:

- Depriving First Nations of the means of subsistence and development
- Destroying cultural and spiritual sites
- Desecrating ancestral gravesites and remains
- Causing extreme environmental damage, including altering or destroying ecosystems and harvesting areas

These partners also called for a commitment to provide redress for the impacts of construction of hydroelectric dams, mining, forestry, the storage of nuclear waste, and other development, without FPIC (Free, Prior and Informed Consent), and with limited to no economic benefit to First Nations and members.

Other partners focused on the need to provide compensation for exploited land, resources and harvesting rights, including the denial of Aboriginal title. Priorities included co-developing a legislative and policy framework for full recognition and implementation of Aboriginal title, including return of lands, collaborative and/or joint decision-making, and revenue sharing.

Other partners requested express commitments around the implementation of Aboriginal title, and recognition of Indigenous self-governance and jurisdiction over title lands, including in the context of resource development.

With respect to restitution in the form of land back and redress of other outstanding claims, Métis Governments specifically called for a federal policy or process for Métis claims to enable Métis to seek redress for dispossessions of their lands. Métis rights holders are currently excluded from federal claims processes such as the comprehensive claims process or specific claims tribunal by virtue of these forums being limited to First Nations and Inuit. As such, Métis Governments are seeking to resolve their claims, including those relating to the *Manitoba Act*, scrip, and the Treaty 3 Halfbreed Adhesion, among others.

Other land claims-based recommendations included:

- Developing an independent review mechanism to ensure Inuit land claims agreements implementation
- Reviewing and amending the Specific Claims Policy and process to ensure consistency with the Declaration, or alternatively, developing a new claims negotiations policy outside of the Specific Claims process that supports Indigenous peoples in negotiating agreements with the Crown to recognize and resolve rights issues pertaining to Indigenous lands, territories and resources
- Consulting with Indigenous peoples to develop a reconciliation policy based on the Attorney General of Canada's *Directive on Civil Litigation Involving Indigenous People,* in orderto guide and encourage negotiated settlements for Indigenous rights, advance rights recognition and implementation, support Indigenous self-determination, and uphold the honour of the Crown

- Using the Declaration as a friendlier, less combative negotiation tool for land rights assertions and recognition, to facilitate greater partnership and equity among Indigenous nations, government and industry, and strengthened relationships with elected officials and public servants, in order to uphold consultation and accommodation and support revenue sharing and co-ownership models
- Amending the *Federal Courts Act* to exclude limitation periods and to remove maximum compensation amounts for Indigenous land, territories and resource claims from the *Specific Claims Tribunal Act*

Other land and resource development priorities focused on the importance of upholding self-determination, self-governance, the duty to consult and accommodate, and FPIC (Free, Prior and Informed Consent) with respect to all resource development on Indigenous lands. Several partners pointed to the need for meaningful consultation, participation and involvement in resource development decisions, with financial and technical assistance, in order to respect the Declaration and the Act. Some partners requested federal support and participation in good faith, multilateral, nation-to-nation, consensus-based decision-making processes, that could include collaborative project-specific roundtables or regional land-use planning councils.

Partners were consistent in prioritizing the need for clarity on FPIC (Free, Prior and Informed Consent), with some partners recommending the co-development of framework legislation outlining the meaning application of FPIC (Free, Prior and Informed Consent), and mechanisms for monitoring and enforcing FPIC (Free, Prior and Informed Consent), for impact assessments and resource development decisions. Other partners sought to amend the *Impact Assessment Act* to:

- Require that FPIC (Free, Prior and Informed Consent) be obtained for projects on Indigenous territories
- Prevent environmental racism by ensuring Elder and traditional Knowledge Keeper representation in order to meaningfully assess projects for social, health or economic impacts on Indigenous peoples
- Co-develop a regulation enabling the Impact Assessment Agency to enter into collaborative assessments with Indigenous communities that are not parties to modern treaties or do not have treaty settlement lands or reserve lands, but whose territories are nonetheless impacted by proposed projects
- Develop a policy to ensure sustainable funding, including potential proponent funding, for Indigenous governing bodies to meaningfully engage in technically complex impact assessments, with simplified and respectful application and reporting requirements
- Develop a policy confirming that Indigenous Knowledge in impact assessments will be properly valued, sufficiently resourced, subject to principles of ownership, control, access and possession (OCAP), and reconciled with western knowledge in case of discrepancies or inconsistencies

Still other partners recommended developing specific strategies for addressing FPIC (Free, Prior and Informed Consent) in environmental assessments, regulatory decisions, project and land use planning, and in the storage and disposal of hazardous materials affecting Indigenous communities. Indigenous partners are also seeking to develop a mechanism to resolve Indigenous claims with respect to the Natural Resource Transfer Agreement (NRTA) to fulfill treaty obligations with First Nations. Additionally, some partners called for the review and redress of the NRTA to advance project planning, regulation and revenue sharing with Indigenous nations. In relation to the *Guidelines for Federal Officials to Fulfill*

the Duty to Consult, some partners recommended that they be reviewed to ensure consistency with the Declaration, while others requested that they be replaced with a new co-created national framework for consultation on natural resource projects.

Many partners proposed measures to ensure that Indigenous communities could benefit from resource development on Indigenous lands, including through revenue-sharing agreements. Some partners called on the government to co-develop and implement new revenue-sharing and fiscal relationship policy frameworks for federally regulated infrastructure and resource extraction projects on Indigenous lands.

Other partners sought accountability mechanisms to:

- Uphold traditional territorial and treaty rights in resource development
- Respect Indigenous governance over traditional lands and resource management
- Uphold Indigenous knowledge, laws and standards related to lands and resource management
- Ensure the inclusion of First Nations, Inuit and Métis women in decision-making about their lands, territories and resources, including meaningful participation in the management and regulation of their lands and resources
- Include Indigenous data sovereignty over research and data gathered on Indigenous lands

These priorities included ensuring federal regulators and impact assessment bodies undertake cumulative impact assessments that address and mitigate project-specific impacts on the health, social and economic well-being of affected First Nations, Inuit and Métis communities, using distinctions-based, intersectional, and GBA- plus approaches.

Other partners advocated for treaty impact assessments that address inherent and treaty rights impacted by resource development projects, and the development of co-management agreements in areas of federal jurisdiction impacting traditional territories.

Indigenous women and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) priorities included protections from environmental and sexual violence caused by resource development projects and ensuring their participation in environmental impact assessments and in land use and economic opportunities on traditional territories. Several partners noted the need to uphold equality rights of First Nations, Inuit and Métis women in lands and resource development decisions and conservation, and to respect their traditional and ongoing roles as Waterkeepers and protectors of Mother Earth in conversation planning and water conservation efforts.

Other partners called for equitable inclusion in land planning strategies on traditional territories, including allowing Elders to be part of resolution boards to discuss the planning and development of resource extraction projects.

Partners also called for measures to maintain and strengthen spiritual relationships to lands, resources and waters by supporting Indigenous-led initiatives to rehabilitate Indigenous territories impacted and damaged by resource development projects. Related proposed measures called for investments in Indigenous monitoring and mitigation of environmental, mental, and physical impacts caused by past resource development projects, including increased financial and technical assistance to expand the Indigenous Guardians Program.

Other partners noted the importance of upholding Aboriginal harvesting rights, including forestry, trapping, fishing, hunting, and gathering, as well as agricultural activities. Specific recommendations included the need to strengthen Indigenous food security and ensure cultural knowledge transfer derived from land-based teachings. Partners further advocated for measures to support Indigenous control over conservation, management and protection of natural resources, lands, waters, and wildlife.

Related priorities and proposed measures included protection of lands, territories and resources through implementing sustainable emergency management systems, and upholding Indigenous land rights in the exercise of emergency powers. Indigenous partners also emphasized the right to clean water through sustainable protection and management of source water, groundwater, wastewater and sanitation services, and traditional watersheds. A recurring recommendation was to eliminate all long-term drinking water advisories and provide financial and technical assistance to Indigenous communities for water infrastructure and distribution systems. Some partners called upon the federal government to support the development of a First Nations operated water utility as an initial step to advance First Nations water governance.

Environment (Article 29)

While Indigenous partners provided a fewer number of priorities and proposed measures specifically under the environment theme, several other proposed measures contain environmental considerations, particularly those measures related to lands, territories and resources.

Nakataani 29 / Article 29 (Inuinnaqtun)

1. Nunaqaqaqtut inungnut pihimani pilarutit nunguttailini hapumminilu avatigiyauyut havarittiaqnilu pilaqnit nunaktik uvaluniit nunatagauyut piqaqnitlu. Nunaqyuat piyalgit pinguqtitni atuqpalianilu ikayurutit havagutai tapkununga nunaqaqaqtut inungnut tahapkununga nunguttailini hapumminilu, ihuinaqtauhimaittumik.
2. Nunaqyuat piyalgit atuttiaqtunik piyauni atuqpiariangi pingitni tutqumavit uvaluniit iqaqnit hivuranaqtut hunat piyauni nunaitni uvaluniit nunatagauyut tapkununga nunaqaqaqtut inungnut pihimaittumik ihumamiqni, hivuani tuhaumattiaqtumiklu angiqnit.
3. Nunaqyuat piyaqaqmiyuttauq atuttiaqtunik piyaunit atuqpiariangi, piyaqarangata, tapkuat munarini, ihuaqhihimani ihuaqhatqikhaqnilu aaniaqtailini nunaqaqaqtut inungnut aktuanit taimaittunit hunat, ilaa atuqpalianit.

▶ English version

Proposed constitutional and legislative measures under the environment theme included:

- Amending the *Canadian Charter of Rights and Freedoms* to enshrine a right to a healthy natural environment as a universal human right, and to uphold the Indigenous right to maintain and strengthen distinctive spiritual relationship with the land
- Developing national climate legislation to reduce impacts of climate change
- Aligning laws, regulations and policies regulating marine shipping with the Declaration, including ensuring Indigenous nations are involved in decision-making regarding marine shipping

- Amending the *Canadian Navigable Waters Act*, including to provide means to affirmatively protect waters of integral significance to the cultural identity of Indigenous peoples
- Amending relevant federal laws and policies to prevent pollution and toxic substances from affecting Indigenous communities' access to safe and clean water

Some partners, including Yukon First Nations, also pointed to territorial legislation that posed potential barriers to addressing environmental impacts from resource development, including the *Yukon Act*, *Territorial Lands Act*, *Placer Mining Act, Quartz Mining Act,* and *Clean Energy Act*.

Partners also proposed numerous measures regarding Indigenous inclusion, respect and incorporation of Indigenous environmental laws and approaches, and accountability measures to protect the environment, including:

- Incorporating Indigenous concerns and knowledge in federal initiatives to address climate change, and ensuring Indigenous inclusion in the transition to a green economy
- Improving federal emergency management and disaster policies, in order to address Indigenous climate displacement and the inequitable environmental, health, and cultural impacts of climate change experienced by Indigenous peoples
- Supporting capacity for Indigenous nations to transition to retrofit governance buildings to make them more energy efficient and to reduce green house gas emissions
- Supporting Indigenous approaches to climate justice and climate action planning, which could include:
    - Establishing Indigenous environmental sustainability frameworks to address climate change and its impacts on Indigenous peoples

- Establishing a Métis Environmental Sustainability Framework to address Climate Change
- Including Indigenous concerns, knowledge, governance, laws and priorities in climate planning, and supporting Indigenous climate justice and climate action planning
- Incorporating Indigenous-led approaches to environmental protection and stewardship, sustainable harvesting, including species listed on the *Species at Risk Act*, and natural resource conservation, through measures that prioritize Indigenous self-determination and respect for Indigenous laws requiring that lands and resources be protected for future generations
- Involving urban Indigenous youth in environmental processes through strength-based programs and services that reflect their unique circumstances
- Ensuring the documentation and preservation of environmental knowledge held by Elders and traditional knowledge holders
- Empowering Indigenous women to assert rights to have environmental laws and policies that reflect Indigenous ways of knowing and being, are centred on protecting and caring for Mother Earth, and shift colonial paradigms to Indigenous matriarchal paradigms
- Addressing environmental racism by affirming Indigenous sovereignty over Indigenous lands and the relationships that Indigenous peoples have to their lands, territories, and resources

> “Due to historic injustices, Indigenous communities have disproportionately borne the brunt of Canada’s past weather-related disasters and displacement despite having contributed the least to and often defended their land and water against environmentally harmful practices. Repeated forced movement due to overlapping crises has worsened Indigenous health outcomes, led to premature death of Elders and language keepers, increased poverty, and threatened permanent cultural loss through loss of connection to ancestral knowledge, the land, and community.”
> - Kanaka Bar Indian Band, Call for Proposals Funding Submission, February 18, 2022

Additional proposed measures included tackling violence and discrimination by ensuring an intersectional and GBA plus (Gender-based analysis plus) approach to climate change and environmental conservation; and ensuring the inclusion of Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons in decision-making related to their natural environment.

Economic and social rights (Articles 20, 21, 22, 23, 24)

The theme of Economic and Social Rights includes economic rights, social rights, and the right to health, as well as protection of marginalized and vulnerable Indigenous populations, including Indigenous women, youth, children, Elders, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, and persons with disabilities.

Article 23 (Blackfoot)

Okiowaitsitapi iitotohkoikiiya maahk awataototamipotsissa miisti ot sokitsipowaistsi kii otaak ototamipotsipowaistsi maahkoht ototamipotsissa otsitotohkoikiihpowaistsi kii otaak akiipohtopowaistsi. niitsitspiyaonip, okiowaitsitapi iitohkoikiiya maahk iit tsitsinapaissa awakiipohtoohki kii aiyao kakyoopaatoki soksistomssinni, koiskaani kii sstiki niitaokoinaanihkoohsaopi kii nitap aitapiiyaopi ihtsissinnaahpi niittsitapi kii, niitaakohkotsipiowaatoohpi, aahkoht apotsissa miistsi ootowa omaht apaotakihpowaiyi.

▶ English version

With respect to economic rights, Indigenous partners made a number of recommendations focused on improving economic and resource development opportunities, including utilizing the federal spending power and legislative authority to broaden the opportunities available to pursue Indigenous economic priorities. Some partners looked to international agreements, including the Indigenous Peoples Economic and Trade Cooperation Agreement, as a priority area to increase Indigenous peoples' participation in trade and promote economic development, and to eliminate barriers that impede Indigenous participation in resource development. Still other partners recommended implementing incentive-based programs to support economic development opportunities for companies that partner with Indigenous businesses and corporations.

Some partners noted that systemic change is needed that will provide paths for wealth transfer to Indigenous peoples through Indigenous-led processes such as the National Indigenous Economic Strategy, the Financial Management Board's Roadmap Project, and the Assembly of First Nations'

Prosperity Table. Some partners indicated that optional paths to economic development programs are key as not all Indigenous peoples have the same priorities or utilize the same institutions for economic reconciliation, which will require the development and support of optional Indigenous-led institutions, such as the *First Nations Fiscal Management Act.*

As well, partners identified the importance of access to market capital that will allow for participation in equity frameworks in capital projects such as a loan guarantee program or a development bank. Partners also identified other opportunities for economic development that included Canada's Indigenous procurement mandate which can be enhanced by alignment with Indigenous businesses' needs. Additionally, partners identified that economic reconciliation is tied to land management as Indigenous peoples have a central role in natural resource extraction and development projects.

Further, some partners recommended amending the *Financial Administration Act* to co-develop targets and monitoring mechanisms to track Indigenous procurement and set asides in development projects. Additional amendments included the verification of First Nations, Métis, and Inuit people to prevent those who self-identify without credible claims to Indigeneity benefitting from Indigenous set asides in contracting and procurement processes.

Many partners noted the importance of their communities' involvement in profit-sharing and impact benefits agreements, with the shared revenues from industry supporting economic development, employment, Indigenous environmental monitoring, and cultural programming. Indigenous women partners sought to be included in economic opportunities on traditional territories and prioritized financial and technical assistance for vocational and employment training. Additionally, some partners proposed

amendments to the Indigenous Skills and Employment Training Program, such as consistent funding increases to agreements and including cultural support costs as billable program costs. Numerous partners pointed to the long-term employment and career opportunities afforded through the Indigenous Guardians Program, and recommended developing and implementing fully funded, multi-year, widely accessible Indigenous Guardianship Programs. These programs would provide culturally appropriate training, mentorship and long-term employment in monitoring, compliance, enforcement, research and stewardship, with opportunities for Guardians to become fully trained Natural Resource Conservation officers, thereby supporting Indigenous economic security, cultural values and stewardship obligations.

Other partners focused on economic measures related to gaming, with priorities focused on mechanisms to support self-determination in relation to gaming and economic development, and the need to recognize and respect inherent and treaty rights in relation to gaming initiatives. Specific recommendations included working with First Nations leadership to restore the terms of the original video lottery terminal Site-holder Agreements; allow First Nations' governments to make administrative decisions relating to matters of gaming within nations; and prevent provinces from making unilateral decisions affecting First Nations' economic prosperity. Some partners also pointed to section 207 of the *Criminal Code,* related to gaming and betting licenses, as requiring review and consistency with the Declaration.

Proposed legislative measures related to social and health rights included a review of the *Canada Health Act* and the Canada health transfer payments system to ensure consistency with the Declaration, as well as a review of Canada's employment insurance program, *Federal-Provincial Fiscal Arrangements Act, Accessible Canada Act,* and *Medical Assistance in Dying*.

Partners also pointed to the need for Canada to develop economic well-being indices that are consistent with the Declaration and go beyond gross domestic product measurements.

Other partners recommended federal legislation that would allow Indigenous persons with disabilities to exercise their rights under the *Convention on the Rights of Persons with Disabilities*. Métis Governments called for co-developed, distinctions-based Indigenous health legislation that provides access to non-insured health benefits (NIHB) for Métis individuals, while other partners recommended improving and expanding the NIHB (Non-insured health benefits) Program to include all Indigenous peoples, as well as dental and pharmaceutical care. Some partners also requested an assessment of the NIHB (Non-insured health benefits) Program, including participation from Indigenous partners to determine alignment with the Declaration.

Food security was of primary concern, with some partners proposing to introduce legislation and amend federal regulations, policies and procedures for the processing and sale, and expansion of trade of country and traditional foods. Other partners called for specific financial and technical assistance to Inuit communities to ensure access to affordable healthy food, including traditional foods, through bolstering food subsidy programs for large Inuit families; providing financial assistance to Inuit hunters to support access to traditional foods; and developing a national strategy to lower food costs in order to reduce the disproportionate impact on Inuit. Other Indigenous partners, including Métis Governments, called for supports for improving food security and revitalizing traditional Indigenous economies in fishing, trapping, and forestry, among others.

Partners also advocated for measures relating to culturally competent, non-discriminatory services and programming in areas impinging on provincial jurisdiction, including health, housing, social services, policing, corrections, education, employment, harvesting and resource development. Issues of jurisdiction were a recurring concern, and partners recommended undertaking federal-provincial-territorial collaboration to close jurisdictional overlaps, gaps and conflicts in the provision of health and social services to Indigenous peoples, including those who move across territories or provinces.

Several partners called for the mitigation of systemic discrimination in essential services through a review of federal funding arrangements to address issues of chronic underfunding. Many partners specifically called for financial and technical assistance to sustainably support the economic, social and health rights of Indigenous women, girls, children, youth, Elders and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons in all settings (on and off reserve, urban and non-urban settings), through accountability mechanisms to end violence and systemic discrimination in health services, education, employment, housing, and social services. Urban Indigenous partners stressed that off-reserve and urban Indigenous people, who constitute the large majority of Canada's Indigenous population, also have pressing social and economic needs in urban and rural settings.

Other gender-specific measures to end violence and systemic discrimination in the provision of health services identified by partners included ending forced and coerced sterilization of Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons through its criminalization, with accountability measures for health professionals. Specific measures called for the appointment of an independent and

impartial body mandated to investigate all allegations of forced sterilization and to make recommendations based on Indigenous community input, with a reparation fund to compensate victims and their families, as well as a mechanism to consult with Indigenous women to enable their unrestricted and easy access to ultrasound services to determine whether they have been forcibly sterilized without their knowledge or consent.

A related recommendation included ensuring that Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons could exercise autonomy over their own health and health care, through financial and technical assistance to support community-based, culturally appropriate midwifery and health training and services, as well as sexual and reproductive health training, on a distinctions and cross-Indigenous basis. Many partners also called for investments in training Indigenous health professionals, particularly Indigenous women and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) doctors, nurses, and midwives. A smaller number of partners also sought to integrate Indigenous approaches to western health, wellness, healing and medicine, through the protection and harvesting of Indigenous traditional medicines.

Some Indigenous partners acknowledged the stigmas and other challenges, including homophobia, facing 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons within Indigenous communities and are seeking supports for creating and improving community support groups and safe spaces to improve quality of life for all community members.

> “The racism Inuit women and children experience in Canada’s healthcare system is well documented. Recommendations to address systemic racism are well-known. Despite this, systemic racism plays a large role in the health outcomes gap for Inuit women and girls, starting long before an Inuk woman seeks pre-natal care, help for her sick child, or goes to an emergency room after suffering a brain trauma from gendered violence”
> - Pauktuutit Inuit Women of Canada, Action Plan Written Submission, November 29, 2022.

Proposed accountability mechanisms related to the provision of and access to health and social services included:

- Establishing and appointing an Indigenous healthcare ombudsperson, or launching a National Strategy to oversee and report on anti-Indigenous racism in the healthcare system
- Implementing a Patient Advocate System to ensure Indigenous patients can provide free, full and informed consent over their health care, and are able to navigate and fully access the medical system
- Developing accurate and relevant health data and ensuring Indigenous data sovereignty and data governance capacity, in order to make evidence-based policy, program and service decisions and address systemic racism and discrimination, specifically working to bridge the data gap between Indigenous populations on and off reserve
- Measuring and tracking Indigenous health disparities in Canada and developing an approach to close gaps in Indigenous health outcomes, including through investments in Indigenous health services and training of Indigenous health professionals

- Establishing regional funding formulas for Indigenous-led initiatives that address food insecurity, housing precariousness, and inadequate access to health care
- Adopting legislative, policy and accountability measures to recognize, end, prevent, criminalize and redress all forms of obstetrical, sexual and gynecological violence, including forced abortions and forced or coerced sterilization of First Nations, Inuit and Métis women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons in Canada, by clearly defining requirements for informed consent with regard to sterilization, raising awareness among Indigenous women and medical personnel of that requirement, and by ensuring that all data collected regarding coerced and forced sterilization is distinctions-based and gender-disaggregated
- Challenging health professional associations and sanctioning health personnel for misconduct against Indigenous women and girls, and ensuring effective access to remedies and protection in cases of health rights violations or abuse
- Adopting and implementing Joyce's Principle both within the federal and provincial healthcare systems, and guaranteeing the right to dignity, respect, life and security for all, without discrimination
- Implementing federally mandated, Indigenous cultural competency and humility training for doctors, nurses, social workers, healthcare providers, and all hospital staff on the realities of Indigenous women, systemic racism, the legacy of colonization, and cultural security, and adopting an intersectional, distinctions-based, cross-Indigenous and feminist approach, with training developed and delivered by Indigenous organizations

- Calling a National Inquiry to address the disproportionate number of Indigenous people acquiring and living with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)
- Ensuring, through financial and technical support, that first responder and emergency response services and infrastructure, such as paramedics and firefighting equipment and personnel, are available 24/7 in every Indigenous community

Partners also made several recommendations pertaining to the right to housing, including:

- Supporting self-governance in administering housing through Indigenous institutions, including transferring federal control of housing to Indigenous nations, and ensuring housing provisions under the *Indian Act* lead to substantive changes that address on-reserve housing challenges, including overcrowding, homes in need of repair, mould and other hazards, and lack of insured homes
- Supporting Indigenous initiatives related to rezoning, housing and shelters, including supporting the ongoing development of safe, affordable and accessible housing and critical infrastructure, using community and culturally sensitive design
- Reviewing the *National Housing Act* to ensure it meets the needs of Indigenous peoples living off reserve, in urban centres, and in remote, rural communities, with particular attention to meeting the current realities of Indigenous women and youth
- Developing a national Urban Indigenous Housing Strategy, including co-developing sufficiently funded housing plans and strategies
- Addressing housing discrimination, committing financial and technical assistance for home ownership programs, and prioritizing a “housing first” social policy approach so that access to safe and affordable

housing contributes to improved outcomes in health, mental health, cultural wellness and economic prosperity
- Investing in safe, stable and affordable housing initiatives for Indigenous women fleeing abusive situations and domestic violence, Indigenous single mothers, and Indigenous youth, and ensuring Canada Mortgage and Housing Corporation includes Indigenous women's organizations as partners in reforming and developing on-reserve, off-reserve and northern housing supports
- Addressing the particular hardships experienced by Inuit women facing gender-based violence across Inuit Nunangat and in urban areas, by committing financial support for shelters and transitional housing, with specific allocation for Inuit women and their families
- Supporting the rights of First Nations, Inuit and Métis women to economic and housing security through vocational and employment training

Respecting Indigenous self-determination and self-governance over children's health was also identified as a key priority. Several partners recommended establishing accountability mechanisms to uphold Indigenous children's health rights and to ensure the provision of physically and culturally safe health services for children on and off reserve, in urban and non-urban settings. Recommendations included:

- Implementing and expanding Jordan's Principle to include non-status Indigenous peoples, and increasing eligibility for and access to services such as mental health, special education, dental, physical therapy, speech therapy, medical equipment, and physiotherapy, without jurisdictional restrictions
- Financial and technical assistance and ongoing engagement mechanisms to ensure culturally competent early learning and childcare programming and services, including in urban Indigenous

communities, with Indigenous representation and remuneration to support Indigenous children and youth through to adulthood
- Investing in Indigenous youth health through Elder and intergenerational knowledge transfer connected to land and culture
- Establishing firmer expectations of provinces and territories when it comes to supporting culturally responsive, Indigenous-led childcare and early learning centres at the community level

Indigenous partners also recommended committing financial and technical assistance to support the Indigenous right to mental health, including sustainable funding for Indigenous-led, culturally relevant mental health and wellness services, suicide prevention and addictions programming, and healing programs for intergenerational trauma survivors, in all settings (on and off reserve).

Related recommendations included strengthening support and funding for Indigenous women rehabilitation centres and establishing on-reserve treatment facilities and recovery beds, employing evidence-based, culturally relevant and safe services to meet the needs of Indigenous peoples, particularly youth. Other recommendations called for financial and technical assistance to support the health needs of Indigenous persons living with HIV (Human immunodeficiency virus)/AIDS (Acquired immunodeficiency syndrome), and measures to address the health, social, economic and accessibility needs of Indigenous persons with disabilities.

Additionally, some partners recommended amending the *Department of Public Safety and Emergency Preparedness Act*, the *Department of Health Act*, and the *Department of Indigenous Services Act* to designate the addictions crisis in Indigenous communities and the intergenerational trauma arising from addictions as an “emergency” pursuant to these laws.

Related measures to uphold Indigenous economic, social and health rights included recommendations pertaining to rights-based digital technologies. Partners called for equitable access to telehealth and online education services by addressing digital technology barriers, telecommunications infrastructure, and connectivity gaps.

Cultural, religious, and linguistic rights (Articles 8, 11, 12, 13, 25, 31)

Indigenous partners conveyed a number of cultural and linguistic priorities and proposed measures under this theme, emphasizing the importance of self-determination and self-governance over Indigenous ways of knowing, doing and being.

Partners proposed a variety of measures to protect Indigenous cultural heritage resources and traditional knowledge related to cultural sites and ceremonial and spiritual practices, as well as measures to ensure FPIC (Free, Prior and Informed Consent) over Indigenous cultural programming and revitalization efforts. Some partners recommended developing and/or reintroducing federal legislation to enable the protection and repatriation of Indigenous burials, human remains, funerary objects, sacred objects, Indigenous cultural artifacts, and objects of cultural patrimony. Distinctions-based Indigenous women's organizations called for national legislation akin to Bill C-391 ("An Act respecting a national strategy for the repatriation of Indigenous human remains and cultural property"), and measures to ensure the "rematriation" of cultural artifacts and human remains, including those of Métis Nation leader Madeleine Dumont.

Others called for amendments to the *Canada National Parks Act*, including to enable self-determination in managing Indigenous archeological and historical sites; to ensure it aligns with Declaration principles, including

FPIC (Free, Prior and Informed Consent) of affected Indigenous nations; and to enhance opportunities for Indigenous co-governance and co-management of parks.

Other legislative measures to protect Indigenous cultures included developing legislation that would protect Indigenous peoples' right to engage in cultural and religious practices and prohibit discrimination based on the exercise of these practices. Legislative measures to preserve and revitalize Indigenous languages included amending the *Indigenous Languages Act* to ensure consistency with the Declaration and legislating Indigenous language revitalization programs with financial assistance to ensure survival of Indigenous languages, including through digitization, and ensuring that the *Official Languages Act* and the *Indigenous Languages Act* are complementary.

Partners also advocated for the protection, maintenance and revitalization of Indigenous cultures, languages, and knowledge transfer through:

- Supporting Indigenous communities in planning, designing, constructing and operating Indigenous cultural spaces, heritage centres, cultural pavilions, and museums that:
    - provide a place to practice tradition, medicine, language and culture
    - return and preserve cultural artifacts and make them more accessible
    - revitalize cultural ceremonies
    - offer role modeling for cultural teachings, language, and ceremonial teachings
- Undertaking Indigenous language-based community needs assessments to ensure the restoration of Indigenous languages, connection to land practices, and transmission of identity and cultural

knowledge, including through supports for early-age Indigenous language development
- Increased support for Inuktitut-specific language policies and programs across Inuit Nunangat
- Increased support for Michif-specific language policies and programs and to negotiate a funding agreement with Métis Governments to plan, develop, and implement a Michif language revitalization strategy
- Access to land-based cultural practices and learning initiatives to advance community empowerment and healing
- Elder-Youth educational opportunities
- Support for Elders and traditional Knowledge Keepers to discuss their oral traditions and practices in their original language and transmit teachings to support ongoing implementation of the Declaration
- Cultural transmission through Elder readings and understandings of the Declaration in Indigenous languages
- Creation of mechanisms to assist Indigenous peoples in the repatriation of their sacred ceremonial belongings being held within and outside of Canada

Urban Indigenous partners emphasized the need to uphold cultural and linguistic rights in urban contexts, where access to land and expanding physical community spaces is challenging. These partners specifically recommended the recognition of Friendship Centres as spaces which make real the possibility of practicing one's culture and realizing one's Indigenous rights in an urban setting.

Some partners sought to protect Indigenous traditional knowledge, cultural heritage, intellectual property, and artists' cultural content by advocating for amendments to federal intellectual property legislation, including the *Copyright Act* and *Trademarks Act.* Related recommendations included calling for a review of all federal legislation pertaining to digital

technologies, digital infrastructure, and intellectual property rights to ensure consistency with the Declaration. Other partners called for measures to support Indigenous-generated data and Indigenous digital content creators in advancing self-determination, cultural connectivity and economic participation through Indigenous data sovereignty and OCAP (Ownership, Control, Access and Possession) over digital infrastructure. Indigenous rights holders and nations as well as urban Indigenous partners specifically noted the importance of ensuring data sovereignty and data governance capacity. Distinctions-based recommendations included legal protections for Métis women concerning intellectual property related to cultural knowledge and traditional medicines; and co-developing with First Nations reforms to Canada's intellectual property laws to consider and protect First Nations' intellectual property.

Education, information and media (Articles 14, 15, 16)

This theme includes measures for public, professional and Indigenous education about the Declaration, as well as Indigenous control of educational systems and institutions. Although there were numerous and varied recommendations under this theme, many Indigenous partners recommended that Canada undertake a mass education campaign about the Declaration and the Act. Partners conveyed that a broad-based, Canada-wide education strategy about the Declaration and the Act was required in order to ensure that:

- All Canadians are sensitized to the universal, individual and collective rights of Indigenous peoples, in order to advance harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith

- Professional sectors, including the public service; justice and policing; court workers and judiciary; child welfare; media; resource and conservation; health; education; and social service sectors, are educated on the Declaration and the Act, in conjunction with cultural sensitivity and anti-racism training
- Indigenous peoples understand their rights under the Declaration and can use the Declaration to defend and assert their rights

Mzinigan Mdaaswi-shi-niiwin / Article 14 (Anishnaabemowin)

1. Anishinaabeg bemaadizijig daa'aanaawaa dedibinowe ji-yaamowaad miiniwaa ji-miikimoowaad doo-kinoomaagewinwaa miiniwaa nokiiwin wiiniwaa dinowewinowaa nakaazowaad, ezhi-ndowendaagok di-naadiziwinwaa nikeyaa ezhi-kinoomaading miiniwaa ezhi-kendaasong.
2. Anishinaabeg bebezhig, memdige go binoojiiyag, daa'aanaawaa dedibinowe kina go mooshkin minik miiniwaa nikeyaa ezhi-kinoomaading gimaakaaning gegoo tesnok bkaanendimowin.
3. Gimaakaaning gewiinwaa Anishinaabeg bemaadizijig, ji-dapinamoowaad dibizhigewinan, nji sa Anishinaabeg bebezhig memdigeh binoojiinyag, bekish dasg go endaajig zaagijeying shkonganing, ji teg gishkiweziiwin, pii ndowendaagok, ji-kinoomaading wiiniwaa sa-nji enaadiziwaad miiniwaa wiiniwaa di-nowewinwaa.

▶ English version

Specific recommendations for professional and public education about the Declaration and the Act included:

- Developing a national strategy for mandatory and ongoing Indigenous-specific, anti-racism education and cultural safety training for the public service and professional sectors, with accountability standards for racism and discrimination within these institutions
- Establishing an Indigenous-led Education Advisory Council to review, revise, suggest and update educational resources for public sector officials
- Undertaking public sector and professional sector education on:
    - the history, rights and cultures of all Indigenous peoples in Canada, including those with disabilities
    - the impacts of colonization, genocide and cultural genocide, intergenerational trauma, and white privilege and bias
    - Indigenous laws and treaty principles
    - anti-Indigenous racism and discrimination and decolonization
    - the rights and needs of First Nations, Inuit and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons
    - Indigenous cultural awareness, sensitivity, humility, competency and safety
- Co-designing and co-developing a national public education campaign to raise awareness and increase knowledge about the Declaration and the Act, including through knowledge translation products, tools, and educational fora
- Undertaking educational efforts with municipalities to rename streets named after colonizers; remove statues and other memorials to colonizers; and increase funding for memorial installations for residential school gravesites.

Some Indigenous partners noted that, through their Indigenous-led consultations on the Declaration, there was significant lack of understanding or misunderstanding about the Declaration and the Act, including the purpose of the Act and the individual and collective rights of Indigenous peoples contained in the Declaration. Accordingly, some partners recommended measures to augment Indigenous peoples' understanding in this regard, including:

- Promoting Indigenous awareness and understanding of the Declaration through Indigenous language versions, plain language versions, audio versions in Indigenous languages; and Indigenous teaching methods
- Addressing technological and accessibility barriers to Indigenous education about the Declaration, the Act, and the Action Plan
- Developing awareness and education programs for urban Indigenous youth on the rights contained in the Declaration, and concerning systemic racism, discrimination against Indigenous peoples, and violence prevention/lateral violence
- Undertaking Indigenous education on specific human rights contained in the Declaration, with a focus on gender equality, in order to equip Indigenous women to use the Declaration as a tool in their bundles to navigate colonial systems
- Using the National Centre for Truth and Reconciliation as a hub for sharing information about the Declaration and distributing Declaration knowledge products produced by Indigenous organizations

In addition to Indigenous education about the Declaration and the Act, several partners focused on the education of Indigenous children, and the need to uphold Indigenous self-determination and self-governance over their children's education. A key recommendation of partners included addressing the legacy of Indian residential schools by committing financial

and technical assistance to support sustained implementation of the Truth and Reconciliation Commission's 94 Calls to Action. This recommendation included reporting on progress made in implementing the Calls to Action, in order to provide accountability and redress related to genocide and other forms of systemic repression and injustice, stemming from state involvement in Indigenous children's education. Other recommendations included:

- Financial and technical assistance to ensure Indigenous authority, control and responsibility for education systems and institutions, with accompanying federal education funding policy changes
- Establishing an Indigenous-led education reform committee to assist in transitioning education to Indigenous jurisdiction, with accountability measures
- Financial and technical assistance to support Indigenous children's linguistic and cultural education through Indigenous educational programming, culturally grounded curricula, land-based learning, and Indigenous language learning, with funding parity for Indigenous elementary, middle and high schools
- Undertaking a comprehensive review of the education system to ensure that the system aligns with the Declaration; is built in partnership with Indigenous nations; reflects Indigenous ways of knowing, being and doing; provides a meaningful role for Indigenous peoples in decision-making; and creates real change for Indigenous students and their communities
- Ensuring that all educational institutions accurately convey Indigenous history and have Indigenous representation among teaching faculty, through targeted recruitment in the education and academic sectors
- Ensuring that Indigenous rights, histories and realities are incorporated into primary, secondary and post-secondary education

curricula; and that Indigenous peoples are consulted about incorporating Indigenous-centric relationality education into curricula
- Investing in education pathways and allocating resources towards Indigenous-led post-secondary initiatives, including removing barriers to accessing the Post-Secondary Student Support Program (PSSSP), including by extending eligibility to all Indigenous peoples; ensuring sufficient funding for the PSSSP (Post-Secondary Student Support Program) to meet demand; and increasing transition supports, funding and loans, and return and retention supports for Indigenous post-secondary students
- Collaborating with provinces and territories on a nation-wide education curriculum that includes Indigenous histories, realities, colonization, anti-racism, and anti-oppression

Partners also conveyed several priorities and proposed legislative and policy measures relating to media and information, including:

- Exploring avenues to expand the term “Canadian content” in Canadian broadcasting policy, and establish a framework for monitoring, evaluation, and consultation with Indigenous peoples as a central focus of this expansion
- Mandating the Canadian Radio-television and Telecommunications Commission (CRTC) to provide annual reporting on the total hours of Indigenous-specific content, whether aired on radio and/or television throughout the broadcast year
- Amending the *Canadian Radio-television and Telecommunications Commission Act* to allow the right of Indigenous nations to establish their own radio and television platforms, recognizing them as essential services, and providing core funding
- Revising commercial radio policy to create a framework for centralizing implementation of OCAP (Ownership, Control, Access and Possession)

principles related to Indigenous digital content and art and create percentage requirements on Indigenous content to create greater systemic change across the commercial policy landscape

- Continuing to revise the CRTC (Canadian Radio-television and Telecommunications Commission)'s Native Broadcasting Policy to involve Indigenous youth in policy reform and support youth members of Indigenous communities to become involved in policy decision-making
- Establishing standards, in partnership with Indigenous peoples, that will encourage privately owned media to adequately reflect Indigenous cultural diversity, Indigenous governance and to promote anti-racism programming

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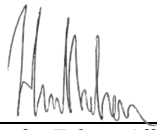
Date modified:
2023-03-22

This is Exhibit "31" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Government of Canada Gouvernement du Canada

Phone Scam Warning

Fraudsters are pretending to be from the Department of Justice

Priorities by theme

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Priorities and proposed action plan measures to date are based on engagement undertaken through various fora: virtual bilateral and multilateral sessions, the online submission tool, correspondence, in-person meetings and, primarily, written submissions (Annex B) from Indigenous partners.

Indigenous partners' priorities and proposed measures outlined in this report are organized according to "rights-based clusters" or "Declaration themes", which broadly align with how various rights are grouped in other international human rights instruments, such as civil and political rights under the International Covenant on Civil and Political Rights, and assists with making linkages between the Declaration and other human rights instruments and guidance developed by human rights bodies. The 46 articles of the Declaration are organized into ten categories:

- General Principles (applicable to all of the Declaration)
- Implementation and redress
- Self-determination, self-government and recognition of treaties
- Civil and political rights
- Participation in decision-making and Indigenous institutions
- Lands, territories and resources
- Environment
- Economic and social rights
- Cultural, religious and language rights
- Education, information and media

Just as Indigenous partners have indicated that they understand the Declaration and its 46 articles in ways that do not always fit neatly within each of these categories, Justice Canada too understands that the rights contained within the Declaration are universal, indivisible, interdependent, and interrelated. Therefore, these categories are merely one way in which these priorities and proposed measures can be conveyed as part of the Declaration's implementation and were placed under a given theme after considering a combination of factors, including Declaration articles related to the priority or proposed measure.

While the content of this report will necessarily help inform the Action Plan, the priorities and proposed measures outlined here are intended to reflect a high-level summary of Indigenous partners' views. These views include priorities for draft Action Plan consideration conveyed through "formal" written submissions; priorities previously conveyed about the Declaration (i.e., through publicly available policy reports, annual reports, and committee testimony); and those shared through hundreds of sessions held by Justice Canada since December 2021. This summary is intended to

offer an understanding of First Nations, Inuit, Métis and cross-Indigenous priorities for Declaration implementation, even as work continues with partners to reach specific text for the Action Plan.

General principles (Articles 1, 2, 43, 44, 45)

The articles under this theme are applicable to the entirety of the Declaration and serve as the basis for implementing all of the rights contained in the Declaration. They include the guarantee of full enjoyment of individual and collective rights as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and in international human rights law; minimum standards for the survival, dignity and well-being of Indigenous peoples; and a guarantee that nothing in the Declaration may be construed as diminishing or extinguishing existing or future rights of Indigenous peoples. This cluster of articles also includes the right to equality and non-discrimination and the right to gender equality. These general principles are integral to the other nine thematic rights-based clusters below.

Implementation and redress (Articles 38, 39, 40, 41, 42, 46)

Indigenous partners conveyed the greatest number of priorities under the Implementation & Redress theme, which include overarching measures to "achieve the ends of the Declaration" and technical and financial assistance to do so, as well as conflict resolution measures to address disputes.

Partners cited several existing federal statutes that in their view would require amendment in order to ensure overall effective implementation of the Declaration. These included, but were not limited to, the *Interpretation*

Act; the *Department of Justice Act;* the *Statutory Instruments Act;* and the *UN (United Nations) Declaration on the Rights of Indigenous Peoples Act* (Annex C). Some partners who called for amending the *Department of Justice Act* and *Statutory Instruments Act* specified the need to require the review of proposed legislation and regulations for consistency with the Declaration, similar to the existing Charter review process. Included in these specifications are public reporting and a standardized process developed in consultation and cooperation with Indigenous peoples. Partners who recommended amendments to the *UN (United Nations) Declaration on the Rights of Indigenous Peoples Act* were seeking to ensure it is interpreted and administered as upholding the rights in the Declaration, to ensure comprehensive Indigenous inclusion in consistency of laws, Action Plan development and implementation, and annual reporting processes; to make the Act self-executing, binding on the Crown in right of Canada, the provinces and territories, and judicially enforceable when rights are infringed; and to fully adopt the Declaration into Canadian law, giving it force of law, stating that it prevails in the event of conflict or inconsistency with other statutes of Canada.

Several partners expressed that the *Constitution Act, 1982,* and section 35 specifically, could be amended to better align with the Declaration. In particular, partners advocated for Declaration compliance, affirmation, non-derogation and non-abrogation measures that would uphold constitutionally protected Aboriginal and treaty rights recognized and affirmed under section 35, in addition to the Indigenous collective and individual rights outlined in the Declaration. Specific legislative measures included adding a non-derogation clause to the *Interpretation Act* that provides for upholding treaty rights and inherent Aboriginal rights, in addition to non-abrogation and non-derogation language. A related priority included ensuring that the entirety of the *Interpretation Act* and the non-

derogation clause are consistent with the Declaration. Other related priorities include amending the *Interpretation Act* to establish an enforceable declaration affirmation clause consistent with both sections 25 and 35 of the *Constitution Act, 1982,* in order to uphold Aboriginal and treaty rights, in addition to the rights in the Declaration.

Partners representing off-reserve and/or urban Indigenous people highlighted the importance of using terminology that is clear, inclusive, reflective of all rights holders and consistent with section 35 of the *Constitution Act, 1982*. Some advocated for the inclusion of a glossary or lexicon in the Action Plan to clarify and ensure a common understanding of the different terms used by and in reference to Indigenous peoples, including in section 35, in the Declaration, and in other acts and legislation.

Partners also noted the importance of fulfilling consultation and cooperation requirements in consistency of laws processes and included several recommendations to ensure Indigenous inclusion and accountability mechanisms. Partners specifically recommended including Indigenous representative institutions and governing bodies, First Nations, Inuit and Métis women, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, urban Indigenous people, and youth in consistency of laws processes, which could include thematic and geographic joint policy tables, a permanent standing committee, an Indigenous youth advisory committee, or citizens' assembly. They identified a concomitant need for financial and technical assistance and accountability mechanisms to ensure consistency of the laws of Canada with the Declaration. They also noted the importance of upholding free, prior and informed consent (FPIC) in all consistency of laws processes. A specific measure to amend the *Guide to*

Making Federal Acts and Regulations to recognize the Declaration and three systems of law, including customary law of Indigenous peoples, was also proposed.

With respect to measures related to the UN (United Nations) system, international human rights treaties and processes, and treaty body recommendations, partners put forward a variety of measures, including:

- Formalizing rules for full and effective participation of Indigenous peoples in UN (United Nations) processes; ensuring full representation of Indigenous peoples in international affairs and human rights bodies, including Indigenous women in UN (United Nations) international fora to uphold their Declaration rights; and funding Indigenous women's organizations to participate in the Universal Periodic Review and other international fora
- Respecting and implementing all international human rights treaties to which Canada is party
- Implementing special measures as per the *Convention on the Elimination of All Forms of Racial Discrimination*, and the *Convention on the Elimination of All Forms of Discrimination Against Women* to advance the equality of Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons
- Implementing domestic reporting mechanisms on how Canada is meeting its obligations as set out in international human rights treaties
- Requiring an outside agency to monitor Canada on Declaration implementation in order to ensure equal and proper representation of Indigenous peoples ensuring that inherent rights, treaty rights and Aboriginal rights are properly recognized and administered as part of external monitoring

With respect to Action Plan preparation and implementation, partners also highlighted the need for committing financial and technical assistance to fulfill the statutory requirement for consultation and cooperation with Indigenous peoples, with accountability mechanisms such as consultation protocols, including further recognizing existing Indigenous protocols on consultation and cooperation. First Nations, Inuit and Métis women partners noted their special need for financial and technical assistance to support their equal participation and access to consultation, cooperation, co-development and FPIC (Free, Prior and Informed Consent) in Action Plan and Declaration implementation. Convening discussion tables – which would reflect the diversity of circumstances of Indigenous peoples across the country – for the implementation of specific Declaration articles, in consultation and cooperation with Indigenous people, was also proposed.

Other partners recommended ensuring actionable and sustained Declaration implementation through reviewing and amending the Action Plan as a living document, using a whole-of-government approach, and an Indigenous-led implementation strategy with specific departmental accountabilities, key deliverables and timelines. An overarching recommendation shared by many Indigenous partners was the need to uphold the duty to consult and to respect FPIC (Free, Prior and Informed Consent) in the Action Plan and all aspects of Declaration implementation. National Indigenous Women's Organizations also noted the need to ensure a distinctions-based and cross-Indigenous, intersectional and GBA plus (Gender-based analysis plus) approach to the co-development of the Action Plan and overall Declaration implementation, in order to respect the spirit and intent of all articles of the Declaration.

A key Action Plan recommendation from partners related to monitoring, oversight, recourse, remedy or other accountability measures included the establishment of an Indigenous and Human Rights Ombudsperson,

Commission, and/or Tribunal. Several partners, including National Indigenous Organizations (e.g., ITK (Inuit Tapiriit Kanatami)) and National Indigenous Women's Organizations, proposed establishing an Indigenous Advisory Council, an independent oversight body, and/or an arms-length Indigenous rights implementation monitoring mechanism that would be empowered to monitor and enforce Canada's compliance and progress in implementing the Declaration and the Act. Regardless of the specific proposed form, scope and purpose, the need for an independent mechanism to ensure effective implementation, including mandated seats for urban Indigenous communities, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) communities, Indigenous women's organizations, youth, and others to ensure adequate representation and input, was one conveyed by many Indigenous partners.

National Indigenous Women's Organizations in particular noted their need for representation on the Oversight body, to ensure accountability in upholding the gender- and equality-based rights of First Nations, Inuit and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons. They advocated for the Oversight body to be grounded in Indigenous-led processes, using dispute resolution and complaint processes built on distinctions-based and cross-Indigenous, intersectional and gender-based frameworks. One National Indigenous Women's Organization recommended that the Independent Tribunal would best operate alongside newly developed anti-Indigenous racism legislation, using the British Columbia model as a best practice.

Many partners advocated for a distinctions-based (i.e., First Nations, Inuit, and Métis) approach to implementation, with some favouring a distinctions-based "plus" approach that includes a broad and diverse range

of perspectives. Other partners, however, recommended abandoning a distinctions-based approach altogether, as they deemed it was contrary to Article 2 of the Declaration and section 15 of the *Canadian Charter of Rights and Freedoms*. Furthermore, partners representing off-reserve and/or urban Indigenous people called for the development of a Federal Urban Indigenous Strategy, which would address the need for policy and strategic direction on urban Indigenous issues and promote relationship building with these partners. More specifically, these partners recommended that the strategy include the re-instatement of a national Indigenous Friendship Centre Program that is designed, delivered, and managed by the Friendship Centre Movement.

Proposed measures to address injustices and tackle violence and discrimination included ensuring Indigenous women, Elders, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, youth, and urban Indigenous people were involved in the Declaration's implementation, using a distinctions-based and cross-Indigenous, intersectional, and gender-based analysis plus (GBA plus) approach. National Indigenous Women's Organizations specifically sought their inclusion in decision-making and participation in all aspects of the Declaration, UNDA (United Nations Declaration on the Rights of Indigenous Peoples Act), and Action Plan implementation, in order to ensure respect and protection of the gender- and equality-based rights of First Nations, Inuit, and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons.

Many Indigenous partners emphasized the need to engage provinces and territories on the Declaration and Action Plan implementation. While some identified this proposed engagement as a way to address jurisdictional

issues, others prioritized the federal government's responsibilities under the Constitution.

Lastly, proposed measures related to annual reporting included ensuring that First Nations, Inuit and Métis women, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, youth, and urban Indigenous people were included in annual reporting processes, using a distinctions-based and cross-Indigenous, intersectional and GBA plus (Gender-based analysis plus) approach, with accountability mechanisms. Some partners noted the importance of including modern treaty and self-governing nations in annual reporting, while others wanted to see the written perspectives of Indigenous peoples highlighted in the Annual Report to Parliament, and the report to be proactively distributed. Still others sought a commitment for Canada to report on progress more regularly, with detailed tracking of smaller milestones, using plain language, accessible formats published in mainstream and social media, and translated into Indigenous languages. Many partners recommended using Indigenous-led evaluation and assessment tools to assess and report on progress in implementing the Declaration, included adding an evaluation framework to the reporting framework, in order to measure success through statistical improvements in Indigenous economic, social, health, food security, housing, education, linguistic, and employment indicators.

Self-determination, self-government and recognition of treaties (Articles 3, 4, 37)

The inherent rights to self-determination and self-government are relevant across themes. Indigenous partners focused their priorities on ensuring that Indigenous sovereignty, self-determination, and self-governance are

respected and upheld in all aspects of implementing the Declaration, including respecting the terms of historic and modern treaties.

Aen narchik 3 / Article 3 (Michif)

Lii pramyii nawsyoon moond ayowak ooma lii drway ishi wiiya-ikoo ahkamayihtumowin. L'oneur ouschi aykwawnima lii drway wiyawow voulay chi kii kishkayhtakwunwiyawow lee poulichik pozisyoon akwa voulay nawashwaywin wiyawow manawchischikayhk, aen social akwa ka ishi pimaatishiyaahk oushtawhk.

▶ English version

Proposed legislative amendments focused on ensuring that the *Indian Act* is consistent with the Declaration and upholds self-determination, self-government, and treaty rights, including guarantees that Indigenous registration and membership is determined by Indigenous peoples. Specific recommendations included:

- Amending the *Indian Act* to end residual gender discrimination and uphold Indigenous women's rights, including as they relate to representation, membership, and self-determination
- Developing transition plans on a nation-to-nation basis to replace the *Indian Act* and provide First Nations control of their own membership, citizenship, and election codes
- Dismantling the *Indian Act* through replacement of the Indian Register with a Declaration-compliant framework
- Amending the *Indian Act* to fully recognize and implement enforcement and adjudication of First Nations' laws
- Amending the *Indian Act* to ensure alignment with First Nations' interests in the implementation of the Reserve Land and Environmental

Management Program and the *First Nations Land Management Act*
- Reviewing infrastructure formulas, including for roads, maintenance and operations in order to provide sufficient funding

Other partners recommended co-development of federal legislation recognizing Indigenous self-determination and self-governance, including mechanisms for self-government agreements, which would promote a more meaningful long-term focus and allow Indigenous peoples to move to self-government on an “opt-in” basis when communities are ready. In terms of proposed policy amendments, partners pointed to the Inherent Right Policy as requiring updates to align with the Declaration; the need to ensure that section 35 rights recognition frameworks are fully aligned with the Declaration; and support in rebuilding and reconstituting Indigenous nations.

piskihtasinahikêwin 4 / Article 4 (Plains Cree)

iyiniwak, ka-isi-âpacihtâhk omiyikosiwin ta-âsawi-tipêyimisocik, ayâwak ôma miyikosiwin ta-tipêyimisocik ahpô âsawi-tipêyimisowin pîhci pisiskêyihtamowina kihcinâkwan ohci pîhci mîna tipiyaw nâkatohkêwina, êkwa mîna sâpo-isi kiki-sôniyâwi-wîcihisowin-isi otâsawi-tipêyimisowin.

▶ English version

Partners also noted that the right to self-determination includes upholding and implementing all historic and modern treaty rights, including through review of existing funding arrangements to ensure meaningful treaty implementation. Some partners advocated for transition plans, on a nation-to-nation basis, to support Indigenous self-determination, self-government and sovereignty, and to ensure better legal protection for treaty rights.

Related recommendations included honouring the spirit and intent of rights contained in treaties, including through treaty implementation framework agreements. Overall, treaty partners consistently called for Canada to respect Indigenous understandings of treaty terms and to adopt a treaty-based approach to Declaration implementation.

Some First Nations partners advocated for the recognition of the inherent right to self-determination in Declaration implementation through federal consistency of laws processes. Others sought to uphold self-determination and self-government by ensuring respect and enforcement of laws passed by Indigenous governing bodies, including through community tripartite agreements with law enforcement or through Indigenous prosecution services. Indigenous governing bodies also proposed measures to exercise self-governance in areas ranging from implementation of modern land claim agreements to policing and other areas. Some partners noted that Indigenous-led institutions can assist in overseeing lands management, economic development, financial literacy, and wealth management.

> “With very few exceptions, the federal government’s legal framework currently denies the existence of Aboriginal title, treaty rights, and Aboriginal rights, including the inherent right of self-government. It does this by asserting full jurisdiction and leaving almost no space for Indigenous governance and decision-making.”
> - Lake Babine First Nation, Action Plan Submission, December 6, 2022

Métis Governments sought continued commitment to advance Métis self-government agreements, including negotiating core governance treaties; federal recognition legislation to implement their self-government agreements; measures to establish a Métis section 35 rights recognition framework to determine, recognize and protect the exercise of Métis

section 35 rights; and a mandate for all federal departments to negotiate reconciliation agreements with Indigenous governing bodies in order to create space for recognition of Indigenous jurisdictions and expedite Aboriginal rights recognition. Some self-identified Métis communities claiming not to be represented by existing Métis governments are also seeking federal recognition.

Inuit put forward a number of measures to ensure they are able to exercise and enforce their rights. Prioritizing a co-development approach to both legislative and policy changes, proposed measures include:

- An Indigenous human rights commission and tribunal
- Adequate resources and a new legislative and/or policy framework that affirms the right of self-government and provides for fiscal arrangements to support efficient negotiation of Inuit self-government agreements with Makivvik Corporation, Inuvialuit Regional Corporation, and Nunavut Tunngavik Inc. (this could include partnering with Inuit to update the Government of Canada's Inherent Right and the Negotiation of Aboriginal Self-Government policy)
- Full and effective implementation of the Inuit Nunangat Policy
- Ongoing use of the Inuit-Crown Partnership Committee as an integral mechanism for both implementing the Inuit Nunangat Policy and supporting Inuit self-determination

Inuit women advocated for self-determination through representative institutions of their own choosing, and the need to uphold their right to education and participation in decision-making, through investments in education and economic development targeted to Inuit women.

Indigenous women partners also advocated for the need to uphold inherent rights, including those related to matriarchal modes of governance, with financial and technical assistance and accountability

mechanisms, to ensure self-determination and to address historic grievances and modern treaty implementation issues. Additionally, urban Indigenous partners called for the need to recognize urban Indigenous modes of organizations, such as Friendship Centres.

Civil and political rights (Articles 6, 7, 9, 17, 33, 35, 36)

Indigenous partners conveyed several priorities under the Civil and Political Rights theme, which includes security of the person, the prohibition of genocide, the prohibition against the forcible removal of children, and labour rights.

Partners proposed amendments to existing legislation, as well as new legislative and policy initiatives in order to uphold civil and political rights relating to the security of the person and communities across borders, including:

- Amending the *Immigration and Refugee Protection Act*, to address issues affecting cross-border Indigenous communities, including the re-establishment of communities divided by international borders as well as right of entry provisions and work, residency, and employment permitting processes
- Recognizing Aboriginal rights across interprovincial borders, both at the federal and provincial levels
- Ensuring political and legal recognition with tribes and members in the United States
- Establishing a protocol to ensure appropriate handling of cultural and ceremonial items, including medicinal plants, at the Canada-United States border

Other partners recommended that the *Royal Canadian Mounted Police (RCMP) Act* be reviewed to increase accountability of officers in their dealings with Indigenous peoples and that cross-cultural training be provided for Canada Border Services Agency staff to ensure sensitivity for Indigenous cultures, ceremonial people, and Elders. Other partners recommended new legislation to incorporate the 231 Calls for Justice of the National Inquiry's Final Report into Missing and Murdered Indigenous Women and Girls (MMIWG), the Truth and Reconciliation Commission's 94 Calls to Action, and the recommendations of the Quebec Coroner related to implementing Joyce's Principle.

Several partners recommended that federal legislation be developed to establish a National Oversight body and a violence prevention action plan in order to end violence against Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons. Partners also noted the need to improve these vulnerable populations' safety and security through federally-resourced, community-coordinated responses, including supports for victims of human trafficking and domestic abuse, as part of federal legislation. National Indigenous Women's Organizations sought their inclusion and guaranteed representation in the composition of the National Oversight body to end violence against First Nations, Inuit and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, to ensure a distinctions-based and cross-Indigenous, intersectional and gender-based approach.

Other partners focused on policy measures to address gender-based violence against Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, including:

- Combatting the culture of silence around violence through accountability and transparency in how Indigenous homicide, missing persons, and sexual violence investigations are handled and reported on, including through release of autopsy and coroners' reports
- Ensuring police investigations into gender-based violence are done without discrimination and bias
- Creating a system for reporting and investigating sexual and physical assaults, run by Indigenous women
- Financial and technical assistance to address the violence, racism and discrimination that impact Inuit women and their families
- Recognizing, preventing, investigating and punishing violence against Indigenous women, including psychological, physical, sexual, economic, political, spiritual or environmental violence, through respect for the principle of due diligence
- Preventing and combatting all forms of gender-based violence in schools and the workplace by taking the necessary measures to punish those responsible and ensuring reparations to victims

A key recommendation of partners with respect to addressing gender-based violence included using the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) to guide the implementation of the Declaration, with financial and technical assistance to support sustained implementation of, and progress reporting on, the 231 Calls for Justice. Some partners specifically called for greater resource dedication, strategic oversight, and monitoring of the federal action plans that already guide the implementation of the federal MMIWG (Missing and Murdered Indigenous Women and Girls) inquiry including the urban Indigenous Action Plan on MMIWG2SLGBTQQIA+ (Missing and murdered indigenous women and girls, Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse).

Many partners saw the MMIWG (Missing and Murdered Indigenous Women and Girls) Calls for Justice as the primary lever to systematically address the ongoing violence against Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons. Other partners focused on addressing environmental violence, racism and discrimination, and ensuring the physical safety and socio-economic well-being of Indigenous women in the resource extraction industry. One specific measure called for federal regulatory and impact assessment bodies to assess and mitigate the impacts of resource development on marginalized Indigenous groups, including the impacts of sexual violence against Indigenous women and youth.

With respect to Indigenous children's and youths' civil and political rights, some partners recommended developing federal legislation to establish a national Indigenous youth agency and an Indigenous-led Commissioner for Indigenous children and youth in care, with financial and technical assistance and accountability mechanisms. Several partners pointed to *An Act respecting First Nations, Inuit and Métis children, youth and families* as requiring consistency with the Declaration, in order to end discrimination in child and family services and address jurisdictional barriers. Others called for federal action and financial and technical assistance to fully implement *An Act respecting First Nations, Inuit and Métis children, youth and families*, in order to ensure Indigenous governing bodies can exercise their jurisdiction over child and family services. Specific recommendations calling for measures to ensure Indigenous control of child welfare, with accountability mechanisms to ensure Indigenous authority and jurisdiction, included:

- Collaboration between federal and provincial governments to support the transition from provincial child welfare to Indigenous-led child

welfare, using evidence and data from those with lived experiences in the child welfare system

- Financial assistance to support Indigenous communities in developing their own child welfare laws in keeping with community values, in order to prevent and mitigate related generational harms caused by the forcible removal of Indigenous children
- Involving Indigenous women's organizations in Indigenous child welfare policies by:
    - prioritizing prevention over apprehension through the delivery of prevention-focused services
    - focusing on a duty to refer over a duty to report
    - investing in traditional, cultural, and land-based parenting teachings and education
- Appointing a special investigator to address the continued escalating rates of apprehension of Indigenous children, relying on statistics and the actions of all governments
- Developing an independent, Indigenous-led oversight body to monitor and ensure that child welfare agencies across Canada uphold Indigenous children's rights; recognize and honour the rights of the mother; ensure priority placement for Indigenous children with parents, family and community; and improve the collection of identity-based data in collaboration with provinces and territories
- Supports for Indigenous youth aging out of care, and compensation for trauma and abuse suffered under the child welfare system
- Free access by survivors to their child welfare records
- Greater preventative, culture-based investments as a protective measure against child welfare involvement and the importance of moving investments away from enforcement and apprehension

Other partners recommended sustained implementation, with financial and technical assistance, of the Truth and Reconciliation Commission's 94 Calls to Action and included proposals for a National Inquiry into the Sixties Scoop and removal of Indigenous children under Canada's child welfare system.

Access to justice was another key priority of Indigenous partners, who advocated for concrete measures to end discrimination in the justice system and ensure Indigenous access to fair and just procedures, including Indigenous women's and youths' access to justice. Specific recommendations included financial and technical assistance for:

- Indigenous-led policing, justice services, and criminal justice programming, including community justice initiatives, preventative programming, criminal justice diversion programs, and restorative justice programs
- Transition plans for Indigenous nations to assume control of their own criminal justice systems
- Legal aid services for First Nations, Inuit and Métis women and youth that would facilitate access to criminal justice system navigators
- Preventative programming for vulnerable Métis people, ensuring Métis access to fair and just procedures, and ensuring Métis women's access to justice
- Accessible processes for expunging youth criminal records to reduce barriers to education and employment

Several accountability mechanisms were also proposed to ensure Indigenous access to justice and equity and the upholding of civil and political rights, including:

- Establishing Indigenous civilian police oversight bodies for local law enforcement, including the RCMP (Royal Canadian Mounted Police), in

order to take concrete steps to end police brutality against Indigenous people
- Providing cultural sensitivity training to first responders, police, corrections, and conservation officers, prosecutors, Crown lawyers, and judges on Indigenous human rights, the Declaration, the Act, the Action Plan and on Indigenous legal realities and cultures, Indigenous law and on the rights of Indigenous women and girls
- Training police officers in trauma-informed approaches to increase the likelihood of better outcomes of Indigenous-police interactions
- Establishing an Indigenous entity to investigate police complaints
- Reviewing and implementing recommendations and findings of inquiries related to police treatment of Indigenous peoples, including the 2004 Final Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild
- Supporting and launching a National Strategy to address the over-incarceration of Indigenous women
- Improving implementation of Gladue and other judicial decisions addressing Indigenous peoples' overrepresentation in the criminal justice system and incarceration rates; and funding and standardizing Gladue reports for Indigenous offenders
- Amending the Canada Evidence Act and other acts in order to accommodate Indigenous oral history evidence in federal and provincial courts and place it on an equal footing with written historical evidence and testimony

Indigenous partners also made a number of recommendations related to upholding labour rights, including identifying and addressing Indigenous inequalities, racism and discrimination pertaining to human rights, employment and labour, and access to spiritual leave within the *Canada*

Labour Code. In addition, partners are also looking to implementing federal policy requirements for Indigenous hiring and representation in the public and private sectors.

Participation in decision-making and Indigenous institutions (Articles 5, 18, 19, 34)

This theme garnered significant attention from Indigenous partners because of its importance in revitalizing Indigenous institutions and structures and ensuring their participation in decision-making in matters concerning Indigenous rights and interests.

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parliamentary procedures and processes to ensure that Indigenous nations and governing bodies are meaningfully consulted on federal legislation to ensure compliance with FPIC (Free, Prior and Informed Consent).

> “Consent isn’t one phone call. There is no consent really, they just tell us they are coming to set up shop and we just have to take it. Most of the people don’t even know, we should be able to see these big companies coming years before they set up shop. We don’t even know what we’re dealing with.”
> - Sagkeeng First Nation, Action Plan Written Submission, November 25, 2022

Partners also advocated for decision-making within Canadian institutions and structures to specifically include legislative and policy co-development with Indigenous peoples, including co-development of rights-based programs and policies with Indigenous governing bodies, including distinctions-based programs. Some First Nations partners focused on upholding the duty to consult and accommodate, and the need to consult with First Nations governing bodies on the Declaration’s implementation on a nation-to-nation basis that recognizes the inherent right of each First Nation to self-determination. Some First Nations partners expressed the importance of avoiding an approach that conflates all First Nations, but rather recognizes distinct First Nations and includes their specific priorities. Some partners also called for increasing Indigenous representation on federal boards and panels.

Several partners advocated for financial and technical supports to ensure that the specific needs of Indigenous women and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons were addressed, including the need to have

their rights to consultation, representation, decision-making, and institutions of their own choosing upheld as part of the Declaration's implementation. Some partners also advocated for the establishment of a consultative Indigenous Women's Council to ensure equitable implementation of the Declaration.

Urban Indigenous partners, including urban Indigenous youth, emphasized the importance of upholding the rights of off-reserve and urban Indigenous people to choose their own representatives in accordance with their own procedures, to maintain and develop their own decision-making institutions, and to be consulted with and express their FPIC (Free, Prior and Informed Consent) through their own representative institutions, including with adequate financial and technical support. These partners expressed that existing processes such as, the Permanent Bilateral Mechanisms and existing definitions of Indigenous Governing Bodies, are perceived to exclude off-reserve, non-status, and urban Indigenous people, and should instead be treated flexibly, recognizing that current structures bear the heavy imprint of the legacy of colonialism.

Other proposed measures relating to Indigenous judicial and legal systems, institutions and structures included:

- Incorporating Indigenous traditional and customary laws and processes, and re-establishing and upholding Indigenous inherent rights, laws and legal orders in all aspects of the Declaration's implementation
- Committing financial and technical resources for evaluating, revitalizing, considering and providing greater space for Indigenous laws and orders as a critical part of the Declaration implementation process

- Seeking specific legislative amendments, or omnibus legislation, to allow for Indigenous consent-based decision-making processes
- Re-establishing Indigenous laws through the inclusion and participation of Indigenous economic, political, and social institutions and governing bodies, and through processes for coordinating Indigenous and federal laws

Lands, territories and resources (Articles 10, 26, 27, 28, 30, 32)

This theme is closely related to the Environment theme that follows. Priorities and proposed measures focused on the inherent right to self-determination and self-governance of Indigenous traditional territories. This theme also includes priorities about FPIC (Free, Prior and Informed Consent) over the use, management and development of Indigenous lands and territories, along with enforcement measures and legal protections.

Indigenous partners pointed to several pieces of federal legislation related to lands, territories and resources that would in their view require review or amendment in order to ensure consistency with the Declaration, including but not limited to the *Impact Assessment Act*, *First Nations Land Management Act, Canada Energy Regulator Act, Indian Oil and Gas Act* and *Regulations,* including to enhance First Nations control over oil and gas development and conservation on reserve lands;and *Yukon Environmental and Socio-economic Assessment Act.* A significant amount of attention was paid to amending the *Fisheries Act* to ensure that it upholds the right to a moderate livelihood as framed in the *R v Marshall* decision of the Supreme Court of Canada. Several Indigenous partners pointed to the *Fisheries Act* and the upholding of First Nations' inherent right to self-determination and self-government as it relates to fish, fish habitat, and fisheries, including the

right of FPIC (Free, Prior and Informed Consent); and ensuring inclusion of Indigenous knowledge and science in joint governance and management structures, including coordination agreements under the *Fisheries Act.* Some partners are seeking further amendments to the *Fisheries Act* that would ensure the right to first priority basis to Indigenous peoples and governing bodies for food, social and ceremonial purposes, and for support andsubsistence.

Partners also called for the repudiation of the doctrines of discovery and *terra nullius*, and measures to address the dispossession of Indigenous peoples from their lands, including through restitution. Some First Nations partners called on the government to commit to negotiating redress for historical infringements to First Nations Aboriginal title and rights, including:

- Depriving First Nations of the means of subsistence and development
- Destroying cultural and spiritual sites
- Desecrating ancestral gravesites and remains
- Causing extreme environmental damage, including altering or destroying ecosystems and harvesting areas

These partners also called for a commitment to provide redress for the impacts of construction of hydroelectric dams, mining, forestry, the storage of nuclear waste, and other development, without FPIC (Free, Prior and Informed Consent), and with limited to no economic benefit to First Nations and members.

Other partners focused on the need to provide compensation for exploited land, resources and harvesting rights, including the denial of Aboriginal title. Priorities included co-developing a legislative and policy framework for full recognition and implementation of Aboriginal title, including return of lands, collaborative and/or joint decision-making, and revenue sharing.

Other partners requested express commitments around the implementation of Aboriginal title, and recognition of Indigenous self-governance and jurisdiction over title lands, including in the context of resource development.

With respect to restitution in the form of land back and redress of other outstanding claims, Métis Governments specifically called for a federal policy or process for Métis claims to enable Métis to seek redress for dispossessions of their lands. Métis rights holders are currently excluded from federal claims processes such as the comprehensive claims process or specific claims tribunal by virtue of these forums being limited to First Nations and Inuit. As such, Métis Governments are seeking to resolve their claims, including those relating to the *Manitoba Act*, scrip, and the Treaty 3 Halfbreed Adhesion, among others.

Other land claims-based recommendations included:

- Developing an independent review mechanism to ensure Inuit land claims agreements implementation
- Reviewing and amending the Specific Claims Policy and process to ensure consistency with the Declaration, or alternatively, developing a new claims negotiations policy outside of the Specific Claims process that supports Indigenous peoples in negotiating agreements with the Crown to recognize and resolve rights issues pertaining to Indigenous lands, territories and resources
- Consulting with Indigenous peoples to develop a reconciliation policy based on the Attorney General of Canada's *Directive on Civil Litigation Involving Indigenous People,* in orderto guide and encourage negotiated settlements for Indigenous rights, advance rights recognition and implementation, support Indigenous self-determination, and uphold the honour of the Crown

- Using the Declaration as a friendlier, less combative negotiation tool for land rights assertions and recognition, to facilitate greater partnership and equity among Indigenous nations, government and industry, and strengthened relationships with elected officials and public servants, in order to uphold consultation and accommodation and support revenue sharing and co-ownership models
- Amending the *Federal Courts Act* to exclude limitation periods and to remove maximum compensation amounts for Indigenous land, territories and resource claims from the *Specific Claims Tribunal Act*

Other land and resource development priorities focused on the importance of upholding self-determination, self-governance, the duty to consult and accommodate, and FPIC (Free, Prior and Informed Consent) with respect to all resource development on Indigenous lands. Several partners pointed to the need for meaningful consultation, participation and involvement in resource development decisions, with financial and technical assistance, in order to respect the Declaration and the Act. Some partners requested federal support and participation in good faith, multilateral, nation-to-nation, consensus-based decision-making processes, that could include collaborative project-specific roundtables or regional land-use planning councils.

Partners were consistent in prioritizing the need for clarity on FPIC (Free, Prior and Informed Consent), with some partners recommending the co-development of framework legislation outlining the meaning application of FPIC (Free, Prior and Informed Consent), and mechanisms for monitoring and enforcing FPIC (Free, Prior and Informed Consent), for impact assessments and resource development decisions. Other partners sought to amend the *Impact Assessment Act* to:

- Require that FPIC (Free, Prior and Informed Consent) be obtained for projects on Indigenous territories
- Prevent environmental racism by ensuring Elder and traditional Knowledge Keeper representation in order to meaningfully assess projects for social, health or economic impacts on Indigenous peoples
- Co-develop a regulation enabling the Impact Assessment Agency to enter into collaborative assessments with Indigenous communities that are not parties to modern treaties or do not have treaty settlement lands or reserve lands, but whose territories are nonetheless impacted by proposed projects
- Develop a policy to ensure sustainable funding, including potential proponent funding, for Indigenous governing bodies to meaningfully engage in technically complex impact assessments, with simplified and respectful application and reporting requirements
- Develop a policy confirming that Indigenous Knowledge in impact assessments will be properly valued, sufficiently resourced, subject to principles of ownership, control, access and possession (OCAP), and reconciled with western knowledge in case of discrepancies or inconsistencies

Still other partners recommended developing specific strategies for addressing FPIC (Free, Prior and Informed Consent) in environmental assessments, regulatory decisions, project and land use planning, and in the storage and disposal of hazardous materials affecting Indigenous communities. Indigenous partners are also seeking to develop a mechanism to resolve Indigenous claims with respect to the Natural Resource Transfer Agreement (NRTA) to fulfill treaty obligations with First Nations. Additionally, some partners called for the review and redress of the NRTA to advance project planning, regulation and revenue sharing with Indigenous nations. In relation to the *Guidelines for Federal Officials to Fulfill*

the Duty to Consult, some partners recommended that they be reviewed to ensure consistency with the Declaration, while others requested that they be replaced with a new co-created national framework for consultation on natural resource projects.

Many partners proposed measures to ensure that Indigenous communities could benefit from resource development on Indigenous lands, including through revenue-sharing agreements. Some partners called on the government to co-develop and implement new revenue-sharing and fiscal relationship policy frameworks for federally regulated infrastructure and resource extraction projects on Indigenous lands.

Other partners sought accountability mechanisms to:

- Uphold traditional territorial and treaty rights in resource development
- Respect Indigenous governance over traditional lands and resource management
- Uphold Indigenous knowledge, laws and standards related to lands and resource management
- Ensure the inclusion of First Nations, Inuit and Métis women in decision-making about their lands, territories and resources, including meaningful participation in the management and regulation of their lands and resources
- Include Indigenous data sovereignty over research and data gathered on Indigenous lands

These priorities included ensuring federal regulators and impact assessment bodies undertake cumulative impact assessments that address and mitigate project-specific impacts on the health, social and economic well-being of affected First Nations, Inuit and Métis communities, using distinctions-based, intersectional, and GBA- plus approaches.

Other partners advocated for treaty impact assessments that address inherent and treaty rights impacted by resource development projects, and the development of co-management agreements in areas of federal jurisdiction impacting traditional territories.

Indigenous women and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) priorities included protections from environmental and sexual violence caused by resource development projects and ensuring their participation in environmental impact assessments and in land use and economic opportunities on traditional territories. Several partners noted the need to uphold equality rights of First Nations, Inuit and Métis women in lands and resource development decisions and conservation, and to respect their traditional and ongoing roles as Waterkeepers and protectors of Mother Earth in conversation planning and water conservation efforts.

Other partners called for equitable inclusion in land planning strategies on traditional territories, including allowing Elders to be part of resolution boards to discuss the planning and development of resource extraction projects.

Partners also called for measures to maintain and strengthen spiritual relationships to lands, resources and waters by supporting Indigenous-led initiatives to rehabilitate Indigenous territories impacted and damaged by resource development projects. Related proposed measures called for investments in Indigenous monitoring and mitigation of environmental, mental, and physical impacts caused by past resource development projects, including increased financial and technical assistance to expand the Indigenous Guardians Program.

Other partners noted the importance of upholding Aboriginal harvesting rights, including forestry, trapping, fishing, hunting, and gathering, as well as agricultural activities. Specific recommendations included the need to strengthen Indigenous food security and ensure cultural knowledge transfer derived from land-based teachings. Partners further advocated for measures to support Indigenous control over conservation, management and protection of natural resources, lands, waters, and wildlife.

Related priorities and proposed measures included protection of lands, territories and resources through implementing sustainable emergency management systems, and upholding Indigenous land rights in the exercise of emergency powers. Indigenous partners also emphasized the right to clean water through sustainable protection and management of source water, groundwater, wastewater and sanitation services, and traditional watersheds. A recurring recommendation was to eliminate all long-term drinking water advisories and provide financial and technical assistance to Indigenous communities for water infrastructure and distribution systems. Some partners called upon the federal government to support the development of a First Nations operated water utility as an initial step to advance First Nations water governance.

Environment (Article 29)

While Indigenous partners provided a fewer number of priorities and proposed measures specifically under the environment theme, several other proposed measures contain environmental considerations, particularly those measures related to lands, territories and resources.

Nakataani 29 / Article 29 (Inuinnaqtun)

1. Nunaqaqaqtut inungnut pihimani pilarutit nunguttailini hapumminilu avatigiyauyut havarittiaqnilu pilaqnit nunaktik uvaluniit nunatagauyut piqaqnitlu. Nunaqyuat piyalgit pinguqtitni atuqpalianilu ikayurutit havagutai tapkununga nunaqaqaqtut inungnut tahapkununga nunguttailini hapumminilu, ihuinaqtauhimaittumik.
2. Nunaqyuat piyalgit atuttiaqtunik piyauni atuqpiariangi pingitni tutqumavit uvaluniit iqaqnit hivuranaqtut hunat piyauni nunaitni uvaluniit nunatagauyut tapkununga nunaqaqaqtut inungnut pihimaittumik ihumamiqni, hivuani tuhaumattiaqtumiklu angiqnit.
3. Nunaqyuat piyaqaqmiyuttauq atuttiaqtunik piyaunit atuqpiariangi, piyaqarangata, tapkuat munarini, ihuaqhihimani ihuaqhatqikhaqnilu aaniaqtailini nunaqaqaqtut inungnut aktuanit taimaittunit hunat, ilaa atuqpalianit.

▶ English version

Proposed constitutional and legislative measures under the environment theme included:

- Amending the *Canadian Charter of Rights and Freedoms* to enshrine a right to a healthy natural environment as a universal human right, and to uphold the Indigenous right to maintain and strengthen distinctive spiritual relationship with the land
- Developing national climate legislation to reduce impacts of climate change
- Aligning laws, regulations and policies regulating marine shipping with the Declaration, including ensuring Indigenous nations are involved in decision-making regarding marine shipping

- Amending the *Canadian Navigable Waters Act*, including to provide means to affirmatively protect waters of integral significance to the cultural identity of Indigenous peoples
- Amending relevant federal laws and policies to prevent pollution and toxic substances from affecting Indigenous communities' access to safe and clean water

Some partners, including Yukon First Nations, also pointed to territorial legislation that posed potential barriers to addressing environmental impacts from resource development, including the *Yukon Act*, *Territorial Lands Act*, *Placer Mining Act, Quartz Mining Act,* and *Clean Energy Act*.

Partners also proposed numerous measures regarding Indigenous inclusion, respect and incorporation of Indigenous environmental laws and approaches, and accountability measures to protect the environment, including:

- Incorporating Indigenous concerns and knowledge in federal initiatives to address climate change, and ensuring Indigenous inclusion in the transition to a green economy
- Improving federal emergency management and disaster policies, in order to address Indigenous climate displacement and the inequitable environmental, health, and cultural impacts of climate change experienced by Indigenous peoples
- Supporting capacity for Indigenous nations to transition to retrofit governance buildings to make them more energy efficient and to reduce green house gas emissions
- Supporting Indigenous approaches to climate justice and climate action planning, which could include:
    - Establishing Indigenous environmental sustainability frameworks to address climate change and its impacts on Indigenous peoples

- Establishing a Métis Environmental Sustainability Framework to address Climate Change
- Including Indigenous concerns, knowledge, governance, laws and priorities in climate planning, and supporting Indigenous climate justice and climate action planning
- Incorporating Indigenous-led approaches to environmental protection and stewardship, sustainable harvesting, including species listed on the *Species at Risk Act*, and natural resource conservation, through measures that prioritize Indigenous self-determination and respect for Indigenous laws requiring that lands and resources be protected for future generations
- Involving urban Indigenous youth in environmental processes through strength-based programs and services that reflect their unique circumstances
- Ensuring the documentation and preservation of environmental knowledge held by Elders and traditional knowledge holders
- Empowering Indigenous women to assert rights to have environmental laws and policies that reflect Indigenous ways of knowing and being, are centred on protecting and caring for Mother Earth, and shift colonial paradigms to Indigenous matriarchal paradigms
- Addressing environmental racism by affirming Indigenous sovereignty over Indigenous lands and the relationships that Indigenous peoples have to their lands, territories, and resources

> “Due to historic injustices, Indigenous communities have disproportionately borne the brunt of Canada’s past weather-related disasters and displacement despite having contributed the least to and often defended their land and water against environmentally harmful practices. Repeated forced movement due to overlapping crises has worsened Indigenous health outcomes, led to premature death of Elders and language keepers, increased poverty, and threatened permanent cultural loss through loss of connection to ancestral knowledge, the land, and community.”
> - Kanaka Bar Indian Band, Call for Proposals Funding Submission, February 18, 2022

Additional proposed measures included tackling violence and discrimination by ensuring an intersectional and GBA plus (Gender-based analysis plus) approach to climate change and environmental conservation; and ensuring the inclusion of Indigenous women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons in decision-making related to their natural environment.

Economic and social rights (Articles 20, 21, 22, 23, 24)

The theme of Economic and Social Rights includes economic rights, social rights, and the right to health, as well as protection of marginalized and vulnerable Indigenous populations, including Indigenous women, youth, children, Elders, 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons, and persons with disabilities.

Article 23 (Blackfoot)

Okiowaitsitapi iitotohkoikiiya maahk awataototamipotsissa miisti ot sokitsipowaistsi kii otaak ototamipotsipowaistsi maahkoht ototamipotsissa otsitotohkoikiihpowaistsi kii otaak akiipohtopowaistsi. niitsitspiyaonip, okiowaitsitapi iitohkoikiiya maahk iit tsitsinapaissa awakiipohtoohki kii aiyao kakyoopaatoki soksistomssinni, koiskaani kii sstiki niitaokoinaanihkoohsaopi kii nitap aitapiiyaopi ihtsissinnaahpi niittsitapi kii, niitaakohkotsipiowaatoohpi, aahkoht apotsissa miistsi ootowa omaht apaotakihpowaiyi.

▶ English version

With respect to economic rights, Indigenous partners made a number of recommendations focused on improving economic and resource development opportunities, including utilizing the federal spending power and legislative authority to broaden the opportunities available to pursue Indigenous economic priorities. Some partners looked to international agreements, including the Indigenous Peoples Economic and Trade Cooperation Agreement, as a priority area to increase Indigenous peoples' participation in trade and promote economic development, and to eliminate barriers that impede Indigenous participation in resource development. Still other partners recommended implementing incentive-based programs to support economic development opportunities for companies that partner with Indigenous businesses and corporations.

Some partners noted that systemic change is needed that will provide paths for wealth transfer to Indigenous peoples through Indigenous-led processes such as the National Indigenous Economic Strategy, the Financial Management Board's Roadmap Project, and the Assembly of First Nations'

Prosperity Table. Some partners indicated that optional paths to economic development programs are key as not all Indigenous peoples have the same priorities or utilize the same institutions for economic reconciliation, which will require the development and support of optional Indigenous-led institutions, such as the *First Nations Fiscal Management Act.*

As well, partners identified the importance of access to market capital that will allow for participation in equity frameworks in capital projects such as a loan guarantee program or a development bank. Partners also identified other opportunities for economic development that included Canada's Indigenous procurement mandate which can be enhanced by alignment with Indigenous businesses' needs. Additionally, partners identified that economic reconciliation is tied to land management as Indigenous peoples have a central role in natural resource extraction and development projects.

Further, some partners recommended amending the *Financial Administration Act* to co-develop targets and monitoring mechanisms to track Indigenous procurement and set asides in development projects. Additional amendments included the verification of First Nations, Métis, and Inuit people to prevent those who self-identify without credible claims to Indigeneity benefitting from Indigenous set asides in contracting and procurement processes.

Many partners noted the importance of their communities' involvement in profit-sharing and impact benefits agreements, with the shared revenues from industry supporting economic development, employment, Indigenous environmental monitoring, and cultural programming. Indigenous women partners sought to be included in economic opportunities on traditional territories and prioritized financial and technical assistance for vocational and employment training. Additionally, some partners proposed

amendments to the Indigenous Skills and Employment Training Program, such as consistent funding increases to agreements and including cultural support costs as billable program costs. Numerous partners pointed to the long-term employment and career opportunities afforded through the Indigenous Guardians Program, and recommended developing and implementing fully funded, multi-year, widely accessible Indigenous Guardianship Programs. These programs would provide culturally appropriate training, mentorship and long-term employment in monitoring, compliance, enforcement, research and stewardship, with opportunities for Guardians to become fully trained Natural Resource Conservation officers, thereby supporting Indigenous economic security, cultural values and stewardship obligations.

Other partners focused on economic measures related to gaming, with priorities focused on mechanisms to support self-determination in relation to gaming and economic development, and the need to recognize and respect inherent and treaty rights in relation to gaming initiatives. Specific recommendations included working with First Nations leadership to restore the terms of the original video lottery terminal Site-holder Agreements; allow First Nations' governments to make administrative decisions relating to matters of gaming within nations; and prevent provinces from making unilateral decisions affecting First Nations' economic prosperity. Some partners also pointed to section 207 of the *Criminal Code,* related to gaming and betting licenses, as requiring review and consistency with the Declaration.

Proposed legislative measures related to social and health rights included a review of the *Canada Health Act* and the Canada health transfer payments system to ensure consistency with the Declaration, as well as a review of Canada's employment insurance program, *Federal-Provincial Fiscal Arrangements Act, Accessible Canada Act,* and *Medical Assistance in Dying*.

Partners also pointed to the need for Canada to develop economic well-being indices that are consistent with the Declaration and go beyond gross domestic product measurements.

Other partners recommended federal legislation that would allow Indigenous persons with disabilities to exercise their rights under the *Convention on the Rights of Persons with Disabilities*. Métis Governments called for co-developed, distinctions-based Indigenous health legislation that provides access to non-insured health benefits (NIHB) for Métis individuals, while other partners recommended improving and expanding the NIHB (Non-insured health benefits) Program to include all Indigenous peoples, as well as dental and pharmaceutical care. Some partners also requested an assessment of the NIHB (Non-insured health benefits) Program, including participation from Indigenous partners to determine alignment with the Declaration.

Food security was of primary concern, with some partners proposing to introduce legislation and amend federal regulations, policies and procedures for the processing and sale, and expansion of trade of country and traditional foods. Other partners called for specific financial and technical assistance to Inuit communities to ensure access to affordable healthy food, including traditional foods, through bolstering food subsidy programs for large Inuit families; providing financial assistance to Inuit hunters to support access to traditional foods; and developing a national strategy to lower food costs in order to reduce the disproportionate impact on Inuit. Other Indigenous partners, including Métis Governments, called for supports for improving food security and revitalizing traditional Indigenous economies in fishing, trapping, and forestry, among others.

Partners also advocated for measures relating to culturally competent, non-discriminatory services and programming in areas impinging on provincial jurisdiction, including health, housing, social services, policing, corrections, education, employment, harvesting and resource development. Issues of jurisdiction were a recurring concern, and partners recommended undertaking federal-provincial-territorial collaboration to close jurisdictional overlaps, gaps and conflicts in the provision of health and social services to Indigenous peoples, including those who move across territories or provinces.

Several partners called for the mitigation of systemic discrimination in essential services through a review of federal funding arrangements to address issues of chronic underfunding. Many partners specifically called for financial and technical assistance to sustainably support the economic, social and health rights of Indigenous women, girls, children, youth, Elders and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons in all settings (on and off reserve, urban and non-urban settings), through accountability mechanisms to end violence and systemic discrimination in health services, education, employment, housing, and social services. Urban Indigenous partners stressed that off-reserve and urban Indigenous people, who constitute the large majority of Canada's Indigenous population, also have pressing social and economic needs in urban and rural settings.

Other gender-specific measures to end violence and systemic discrimination in the provision of health services identified by partners included ending forced and coerced sterilization of Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons through its criminalization, with accountability measures for health professionals. Specific measures called for the appointment of an independent and

impartial body mandated to investigate all allegations of forced sterilization and to make recommendations based on Indigenous community input, with a reparation fund to compensate victims and their families, as well as a mechanism to consult with Indigenous women to enable their unrestricted and easy access to ultrasound services to determine whether they have been forcibly sterilized without their knowledge or consent.

A related recommendation included ensuring that Indigenous women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons could exercise autonomy over their own health and health care, through financial and technical assistance to support community-based, culturally appropriate midwifery and health training and services, as well as sexual and reproductive health training, on a distinctions and cross-Indigenous basis. Many partners also called for investments in training Indigenous health professionals, particularly Indigenous women and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) doctors, nurses, and midwives. A smaller number of partners also sought to integrate Indigenous approaches to western health, wellness, healing and medicine, through the protection and harvesting of Indigenous traditional medicines.

Some Indigenous partners acknowledged the stigmas and other challenges, including homophobia, facing 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons within Indigenous communities and are seeking supports for creating and improving community support groups and safe spaces to improve quality of life for all community members.

> “The racism Inuit women and children experience in Canada’s healthcare system is well documented. Recommendations to address systemic racism are well-known. Despite this, systemic racism plays a large role in the health outcomes gap for Inuit women and girls, starting long before an Inuk woman seeks pre-natal care, help for her sick child, or goes to an emergency room after suffering a brain trauma from gendered violence”
> - Pauktuutit Inuit Women of Canada, Action Plan Written Submission, November 29, 2022.

Proposed accountability mechanisms related to the provision of and access to health and social services included:

- Establishing and appointing an Indigenous healthcare ombudsperson, or launching a National Strategy to oversee and report on anti-Indigenous racism in the healthcare system
- Implementing a Patient Advocate System to ensure Indigenous patients can provide free, full and informed consent over their health care, and are able to navigate and fully access the medical system
- Developing accurate and relevant health data and ensuring Indigenous data sovereignty and data governance capacity, in order to make evidence-based policy, program and service decisions and address systemic racism and discrimination, specifically working to bridge the data gap between Indigenous populations on and off reserve
- Measuring and tracking Indigenous health disparities in Canada and developing an approach to close gaps in Indigenous health outcomes, including through investments in Indigenous health services and training of Indigenous health professionals

- Establishing regional funding formulas for Indigenous-led initiatives that address food insecurity, housing precariousness, and inadequate access to health care
- Adopting legislative, policy and accountability measures to recognize, end, prevent, criminalize and redress all forms of obstetrical, sexual and gynecological violence, including forced abortions and forced or coerced sterilization of First Nations, Inuit and Métis women, girls, and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons in Canada, by clearly defining requirements for informed consent with regard to sterilization, raising awareness among Indigenous women and medical personnel of that requirement, and by ensuring that all data collected regarding coerced and forced sterilization is distinctions-based and gender-disaggregated
- Challenging health professional associations and sanctioning health personnel for misconduct against Indigenous women and girls, and ensuring effective access to remedies and protection in cases of health rights violations or abuse
- Adopting and implementing Joyce's Principle both within the federal and provincial healthcare systems, and guaranteeing the right to dignity, respect, life and security for all, without discrimination
- Implementing federally mandated, Indigenous cultural competency and humility training for doctors, nurses, social workers, healthcare providers, and all hospital staff on the realities of Indigenous women, systemic racism, the legacy of colonization, and cultural security, and adopting an intersectional, distinctions-based, cross-Indigenous and feminist approach, with training developed and delivered by Indigenous organizations

- Calling a National Inquiry to address the disproportionate number of Indigenous people acquiring and living with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)
- Ensuring, through financial and technical support, that first responder and emergency response services and infrastructure, such as paramedics and firefighting equipment and personnel, are available 24/7 in every Indigenous community

Partners also made several recommendations pertaining to the right to housing, including:

- Supporting self-governance in administering housing through Indigenous institutions, including transferring federal control of housing to Indigenous nations, and ensuring housing provisions under the *Indian Act* lead to substantive changes that address on-reserve housing challenges, including overcrowding, homes in need of repair, mould and other hazards, and lack of insured homes
- Supporting Indigenous initiatives related to rezoning, housing and shelters, including supporting the ongoing development of safe, affordable and accessible housing and critical infrastructure, using community and culturally sensitive design
- Reviewing the *National Housing Act* to ensure it meets the needs of Indigenous peoples living off reserve, in urban centres, and in remote, rural communities, with particular attention to meeting the current realities of Indigenous women and youth
- Developing a national Urban Indigenous Housing Strategy, including co-developing sufficiently funded housing plans and strategies
- Addressing housing discrimination, committing financial and technical assistance for home ownership programs, and prioritizing a “housing first” social policy approach so that access to safe and affordable

housing contributes to improved outcomes in health, mental health, cultural wellness and economic prosperity
- Investing in safe, stable and affordable housing initiatives for Indigenous women fleeing abusive situations and domestic violence, Indigenous single mothers, and Indigenous youth, and ensuring Canada Mortgage and Housing Corporation includes Indigenous women's organizations as partners in reforming and developing on-reserve, off-reserve and northern housing supports
- Addressing the particular hardships experienced by Inuit women facing gender-based violence across Inuit Nunangat and in urban areas, by committing financial support for shelters and transitional housing, with specific allocation for Inuit women and their families
- Supporting the rights of First Nations, Inuit and Métis women to economic and housing security through vocational and employment training

Respecting Indigenous self-determination and self-governance over children's health was also identified as a key priority. Several partners recommended establishing accountability mechanisms to uphold Indigenous children's health rights and to ensure the provision of physically and culturally safe health services for children on and off reserve, in urban and non-urban settings. Recommendations included:

- Implementing and expanding Jordan's Principle to include non-status Indigenous peoples, and increasing eligibility for and access to services such as mental health, special education, dental, physical therapy, speech therapy, medical equipment, and physiotherapy, without jurisdictional restrictions
- Financial and technical assistance and ongoing engagement mechanisms to ensure culturally competent early learning and childcare programming and services, including in urban Indigenous

communities, with Indigenous representation and remuneration to support Indigenous children and youth through to adulthood
- Investing in Indigenous youth health through Elder and intergenerational knowledge transfer connected to land and culture
- Establishing firmer expectations of provinces and territories when it comes to supporting culturally responsive, Indigenous-led childcare and early learning centres at the community level

Indigenous partners also recommended committing financial and technical assistance to support the Indigenous right to mental health, including sustainable funding for Indigenous-led, culturally relevant mental health and wellness services, suicide prevention and addictions programming, and healing programs for intergenerational trauma survivors, in all settings (on and off reserve).

Related recommendations included strengthening support and funding for Indigenous women rehabilitation centres and establishing on-reserve treatment facilities and recovery beds, employing evidence-based, culturally relevant and safe services to meet the needs of Indigenous peoples, particularly youth. Other recommendations called for financial and technical assistance to support the health needs of Indigenous persons living with HIV (Human immunodeficiency virus)/AIDS (Acquired immunodeficiency syndrome), and measures to address the health, social, economic and accessibility needs of Indigenous persons with disabilities.

Additionally, some partners recommended amending the *Department of Public Safety and Emergency Preparedness Act*, the *Department of Health Act*, and the *Department of Indigenous Services Act* to designate the addictions crisis in Indigenous communities and the intergenerational trauma arising from addictions as an “emergency” pursuant to these laws.

Related measures to uphold Indigenous economic, social and health rights included recommendations pertaining to rights-based digital technologies. Partners called for equitable access to telehealth and online education services by addressing digital technology barriers, telecommunications infrastructure, and connectivity gaps.

Cultural, religious, and linguistic rights (Articles 8, 11, 12, 13, 25, 31)

Indigenous partners conveyed a number of cultural and linguistic priorities and proposed measures under this theme, emphasizing the importance of self-determination and self-governance over Indigenous ways of knowing, doing and being.

Partners proposed a variety of measures to protect Indigenous cultural heritage resources and traditional knowledge related to cultural sites and ceremonial and spiritual practices, as well as measures to ensure FPIC (Free, Prior and Informed Consent) over Indigenous cultural programming and revitalization efforts. Some partners recommended developing and/or reintroducing federal legislation to enable the protection and repatriation of Indigenous burials, human remains, funerary objects, sacred objects, Indigenous cultural artifacts, and objects of cultural patrimony. Distinctions-based Indigenous women's organizations called for national legislation akin to Bill C-391 ("An Act respecting a national strategy for the repatriation of Indigenous human remains and cultural property"), and measures to ensure the "rematriation" of cultural artifacts and human remains, including those of Métis Nation leader Madeleine Dumont.

Others called for amendments to the *Canada National Parks Act*, including to enable self-determination in managing Indigenous archeological and historical sites; to ensure it aligns with Declaration principles, including

FPIC (Free, Prior and Informed Consent) of affected Indigenous nations; and to enhance opportunities for Indigenous co-governance and co-management of parks.

Other legislative measures to protect Indigenous cultures included developing legislation that would protect Indigenous peoples' right to engage in cultural and religious practices and prohibit discrimination based on the exercise of these practices. Legislative measures to preserve and revitalize Indigenous languages included amending the *Indigenous Languages Act* to ensure consistency with the Declaration and legislating Indigenous language revitalization programs with financial assistance to ensure survival of Indigenous languages, including through digitization, and ensuring that the *Official Languages Act* and the *Indigenous Languages Act* are complementary.

Partners also advocated for the protection, maintenance and revitalization of Indigenous cultures, languages, and knowledge transfer through:

- Supporting Indigenous communities in planning, designing, constructing and operating Indigenous cultural spaces, heritage centres, cultural pavilions, and museums that:
    - provide a place to practice tradition, medicine, language and culture
    - return and preserve cultural artifacts and make them more accessible
    - revitalize cultural ceremonies
    - offer role modeling for cultural teachings, language, and ceremonial teachings
- Undertaking Indigenous language-based community needs assessments to ensure the restoration of Indigenous languages, connection to land practices, and transmission of identity and cultural

knowledge, including through supports for early-age Indigenous language development
- Increased support for Inuktitut-specific language policies and programs across Inuit Nunangat
- Increased support for Michif-specific language policies and programs and to negotiate a funding agreement with Métis Governments to plan, develop, and implement a Michif language revitalization strategy
- Access to land-based cultural practices and learning initiatives to advance community empowerment and healing
- Elder-Youth educational opportunities
- Support for Elders and traditional Knowledge Keepers to discuss their oral traditions and practices in their original language and transmit teachings to support ongoing implementation of the Declaration
- Cultural transmission through Elder readings and understandings of the Declaration in Indigenous languages
- Creation of mechanisms to assist Indigenous peoples in the repatriation of their sacred ceremonial belongings being held within and outside of Canada

Urban Indigenous partners emphasized the need to uphold cultural and linguistic rights in urban contexts, where access to land and expanding physical community spaces is challenging. These partners specifically recommended the recognition of Friendship Centres as spaces which make real the possibility of practicing one's culture and realizing one's Indigenous rights in an urban setting.

Some partners sought to protect Indigenous traditional knowledge, cultural heritage, intellectual property, and artists' cultural content by advocating for amendments to federal intellectual property legislation, including the *Copyright Act* and *Trademarks Act.* Related recommendations included calling for a review of all federal legislation pertaining to digital

technologies, digital infrastructure, and intellectual property rights to ensure consistency with the Declaration. Other partners called for measures to support Indigenous-generated data and Indigenous digital content creators in advancing self-determination, cultural connectivity and economic participation through Indigenous data sovereignty and OCAP (Ownership, Control, Access and Possession) over digital infrastructure. Indigenous rights holders and nations as well as urban Indigenous partners specifically noted the importance of ensuring data sovereignty and data governance capacity. Distinctions-based recommendations included legal protections for Métis women concerning intellectual property related to cultural knowledge and traditional medicines; and co-developing with First Nations reforms to Canada's intellectual property laws to consider and protect First Nations' intellectual property.

Education, information and media (Articles 14, 15, 16)

This theme includes measures for public, professional and Indigenous education about the Declaration, as well as Indigenous control of educational systems and institutions. Although there were numerous and varied recommendations under this theme, many Indigenous partners recommended that Canada undertake a mass education campaign about the Declaration and the Act. Partners conveyed that a broad-based, Canada-wide education strategy about the Declaration and the Act was required in order to ensure that:

- All Canadians are sensitized to the universal, individual and collective rights of Indigenous peoples, in order to advance harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith

- Professional sectors, including the public service; justice and policing; court workers and judiciary; child welfare; media; resource and conservation; health; education; and social service sectors, are educated on the Declaration and the Act, in conjunction with cultural sensitivity and anti-racism training
- Indigenous peoples understand their rights under the Declaration and can use the Declaration to defend and assert their rights

Mzinigan Mdaaswi-shi-niiwin / Article 14 (Anishnaabemowin)

1. Anishinaabeg bemaadizijig daa'aanaawaa dedibinowe ji-yaamowaad miiniwaa ji-miikimoowaad doo-kinoomaagewinwaa miiniwaa nokiiwin wiiniwaa dinowewinowaa nakaazowaad, ezhi-ndowendaagok di-naadiziwinwaa nikeyaa ezhi-kinoomaading miiniwaa ezhi-kendaasong.
2. Anishinaabeg bebezhig, memdige go binoojiiyag, daa'aanaawaa dedibinowe kina go mooshkin minik miiniwaa nikeyaa ezhi-kinoomaading gimaakaaning gegoo tesnok bkaanendimowin.
3. Gimaakaaning gewiinwaa Anishinaabeg bemaadizijig, ji-dapinamoowaad dibizhigewinan, nji sa Anishinaabeg bebezhig memdigeh binoojiinyag, bekish dasg go endaajig zaagijeying shkonganing, ji teg gishkiweziiwin, pii ndowendaagok, ji-kinoomaading wiiniwaa sa-nji enaadiziwaad miiniwaa wiiniwaa di-nowewinwaa.

▶ English version

Specific recommendations for professional and public education about the Declaration and the Act included:

- Developing a national strategy for mandatory and ongoing Indigenous-specific, anti-racism education and cultural safety training for the public service and professional sectors, with accountability standards for racism and discrimination within these institutions
- Establishing an Indigenous-led Education Advisory Council to review, revise, suggest and update educational resources for public sector officials
- Undertaking public sector and professional sector education on:
    - the history, rights and cultures of all Indigenous peoples in Canada, including those with disabilities
    - the impacts of colonization, genocide and cultural genocide, intergenerational trauma, and white privilege and bias
    - Indigenous laws and treaty principles
    - anti-Indigenous racism and discrimination and decolonization
    - the rights and needs of First Nations, Inuit and Métis women, girls and 2SLGBTQI+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex and additional sexually and gender diverse) persons
    - Indigenous cultural awareness, sensitivity, humility, competency and safety
- Co-designing and co-developing a national public education campaign to raise awareness and increase knowledge about the Declaration and the Act, including through knowledge translation products, tools, and educational fora
- Undertaking educational efforts with municipalities to rename streets named after colonizers; remove statues and other memorials to colonizers; and increase funding for memorial installations for residential school gravesites.

Some Indigenous partners noted that, through their Indigenous-led consultations on the Declaration, there was significant lack of understanding or misunderstanding about the Declaration and the Act, including the purpose of the Act and the individual and collective rights of Indigenous peoples contained in the Declaration. Accordingly, some partners recommended measures to augment Indigenous peoples' understanding in this regard, including:

- Promoting Indigenous awareness and understanding of the Declaration through Indigenous language versions, plain language versions, audio versions in Indigenous languages; and Indigenous teaching methods
- Addressing technological and accessibility barriers to Indigenous education about the Declaration, the Act, and the Action Plan
- Developing awareness and education programs for urban Indigenous youth on the rights contained in the Declaration, and concerning systemic racism, discrimination against Indigenous peoples, and violence prevention/lateral violence
- Undertaking Indigenous education on specific human rights contained in the Declaration, with a focus on gender equality, in order to equip Indigenous women to use the Declaration as a tool in their bundles to navigate colonial systems
- Using the National Centre for Truth and Reconciliation as a hub for sharing information about the Declaration and distributing Declaration knowledge products produced by Indigenous organizations

In addition to Indigenous education about the Declaration and the Act, several partners focused on the education of Indigenous children, and the need to uphold Indigenous self-determination and self-governance over their children's education. A key recommendation of partners included addressing the legacy of Indian residential schools by committing financial

and technical assistance to support sustained implementation of the Truth and Reconciliation Commission's 94 Calls to Action. This recommendation included reporting on progress made in implementing the Calls to Action, in order to provide accountability and redress related to genocide and other forms of systemic repression and injustice, stemming from state involvement in Indigenous children's education. Other recommendations included:

- Financial and technical assistance to ensure Indigenous authority, control and responsibility for education systems and institutions, with accompanying federal education funding policy changes
- Establishing an Indigenous-led education reform committee to assist in transitioning education to Indigenous jurisdiction, with accountability measures
- Financial and technical assistance to support Indigenous children's linguistic and cultural education through Indigenous educational programming, culturally grounded curricula, land-based learning, and Indigenous language learning, with funding parity for Indigenous elementary, middle and high schools
- Undertaking a comprehensive review of the education system to ensure that the system aligns with the Declaration; is built in partnership with Indigenous nations; reflects Indigenous ways of knowing, being and doing; provides a meaningful role for Indigenous peoples in decision-making; and creates real change for Indigenous students and their communities
- Ensuring that all educational institutions accurately convey Indigenous history and have Indigenous representation among teaching faculty, through targeted recruitment in the education and academic sectors
- Ensuring that Indigenous rights, histories and realities are incorporated into primary, secondary and post-secondary education

curricula; and that Indigenous peoples are consulted about incorporating Indigenous-centric relationality education into curricula
- Investing in education pathways and allocating resources towards Indigenous-led post-secondary initiatives, including removing barriers to accessing the Post-Secondary Student Support Program (PSSSP), including by extending eligibility to all Indigenous peoples; ensuring sufficient funding for the PSSSP (Post-Secondary Student Support Program) to meet demand; and increasing transition supports, funding and loans, and return and retention supports for Indigenous post-secondary students
- Collaborating with provinces and territories on a nation-wide education curriculum that includes Indigenous histories, realities, colonization, anti-racism, and anti-oppression

Partners also conveyed several priorities and proposed legislative and policy measures relating to media and information, including:

- Exploring avenues to expand the term “Canadian content” in Canadian broadcasting policy, and establish a framework for monitoring, evaluation, and consultation with Indigenous peoples as a central focus of this expansion
- Mandating the Canadian Radio-television and Telecommunications Commission (CRTC) to provide annual reporting on the total hours of Indigenous-specific content, whether aired on radio and/or television throughout the broadcast year
- Amending the *Canadian Radio-television and Telecommunications Commission Act* to allow the right of Indigenous nations to establish their own radio and television platforms, recognizing them as essential services, and providing core funding
- Revising commercial radio policy to create a framework for centralizing implementation of OCAP (Ownership, Control, Access and Possession)

principles related to Indigenous digital content and art and create percentage requirements on Indigenous content to create greater systemic change across the commercial policy landscape

- Continuing to revise the CRTC (Canadian Radio-television and Telecommunications Commission)'s Native Broadcasting Policy to involve Indigenous youth in policy reform and support youth members of Indigenous communities to become involved in policy decision-making
- Establishing standards, in partnership with Indigenous peoples, that will encourage privately owned media to adequately reflect Indigenous cultural diversity, Indigenous governance and to promote anti-racism programming

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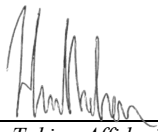
This is Exhibit "32" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Indian and Northern Affairs Canada
Affaires indiennes et du Nord Canada

First Nations Child and Family Services

National Program Manual

Social Policy and Programs Branch
Headquarters

May 2005

Canada

As of May, 2005

For any additional information or if you have any questions on the First Nations Child and Family Services Program - National Standards and Guidelines Manual, you may contact us through any of the following:

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Introduction

This Manual is an overview of the First Nations Child and Family Services Program (FNCFS) of Indian and Northern Affairs Canada (INAC) at the time of writing. It reflects the current authorities as outlined in Appendix B and the policy as outlined in Appendix A. The Manual outlines the current Terms and Conditions and FNCFS policy. It is also recognized that the program is in the process of evolving and that changes will be required and are desirable from time to time.

There were a number of recommended changes put forward in the First Nations Child and Family Services Joint National Policy Review of 2000 (NPR). Some of these have received Treasury Board or Departmental approval and are included in this document. The majority of recommendations, however, have not yet been implemented, but may be in future following further developmental work by the National Advisory Committee on First Nations Child and Family Services (NAC). As changes to the current policy and practices are approved, this Manual will be amended accordingly.

First Nations have indicated that, although the services to be provided under the operational formula are clearly outlined in the authorities, there may, in some circumstances, not be enough resources to provide these services. For example, when the formula was conceived in the early 1980s, computers were not used to the same extent as they are today. As well, there was less emphasis on prevention services than there is now. These changes have put increased pressure on Recipients with limited resources to adapt to current trends.

Further, in recognition of First Nations aspirations as expressed in Recommendation 1 of the NPR, the policies presented in this document are considered interim steps in the process of moving toward self-government. Some First Nations groups are already moving in this direction. It is an expression of their desire to regain control over their children and families and to move toward First Nation designed programming.

This Manual presents the program from a national perspective. It outlines the national authorities within which the program is required to operate. The Manual also explains the implications of non-compliance

with these authorities. It is not intended to cover everything. Rather, the Manual presents a framework within which the program must operate in INAC regions (hereafter region or regions).

Because the program is driven by provincial legislation and standards, regional variations exist . While this is a vital component of the program, federal authorities must also be respected.

It is expected that all regions will develop their own manuals and that these manuals should complement this national one. Because this manual focusses primarily on national authorities, it is anticipated that the regional manuals will focus more on the application of the program and the implications of provincial or territorial legislation and standards. The final regional product should provide a clear picture of FNCFS and how the program intends to meet both national INAC authorities and provincial legislation and standards.

Finally, while this manual is a blueprint on how INAC will administer the FNCFS program from a national perspective, it is also intended to be a teaching document for new staff at both INAC Headquarters and Regions. The combination of the national manual and the regional manuals should create a clear picture of INAC's role in FNCFS in Canada.

1 Backgrounder

1.1 History

1.1.1 Traditionally, assistance to Indian children and their families was provided informally, by band custom, within the network of the extended family. Children were maintained, educated and protected by many adults including grandparents, aunts and uncles, as well as by their natural parents. When circumstances required they be separated from their natural parents, children were taken in by relatives to live with them in their homes. These informal patterns of child raising gradually became inadequate as outside pressures began to affect First Nations communities. Children were often removed for long periods of time for educational purposes and families were separated, at least seasonally, when cash income became necessary to sustain the family.

1.1.2 The Joint Committees of the Senate and the House of Commons in 1946-1948 and again in 1959-1961 urged provinces and territories to increase their involvement in providing services to First Nations people. Some provincial and territorial governments at that time began to make preliminary arrangements to extend some child and family services into communities in order to fill the gaps resulting from disruptions to traditional patterns of community care. Other provinces adopted a policy of intervention only in matters of life and death. It was in this climate that INAC, in the mid 1950s, adopted a policy of extending some basic social services on reserve, although not in the area of child and family services.

1.1.3 In 1965, Cabinet authorized Canada's entry into an agreement with the Province of Ontario to enable social services to be extended to First Nations communities on an equal basis to what was provided for other provincial residents. Under the *Memorandum of Agreement Respecting Welfare Programs for Indians,* the Government of Ontario extends services under the *Child and Family Services Act* and INAC reimburses a portion of the costs to Ontario in accordance with the provisions of the Agreement.

1.1.4 Other provinces entered into bilateral agreements whereby INAC would reimburse them for the delivery of child and family services. This practice continued through the 1970s. In some provinces, INAC entered into informal arrangements with bands and tribal councils and

reimbursed caregivers for the placement of children. This practice was, however, without authority.

1.1.5 A child's death in Manitoba in the late 1970s led to a judicial inquiry by Judge Kimmelman. First Nations leadership continued to demand a return of jurisdiction and control to First Nations. This led to the first tripartite process involving the Province of Manitoba, the Manitoba Indian Brotherhood and INAC. Cabinet and Treasury Board authority was obtained. This resulted in the creation of the Manitoba First Nations agencies, managed and operated by First Nations, mandated by the Province of Manitoba and funded by INAC.

1.1.6 First Nations services began to expand into other provinces and territories, mostly in an unregulated manner. As a result, in 1986, a moratorium was placed on the expansion of child and family services agencies. This moratorium remained in place until 1990 when INAC received Cabinet and Treasury Board authority for creating a national First Nations Child and Family Services Program (FNCFS). The authorities received were reflected in the National Program Directive 20-1 Chapter 5. Under these authorities, FNCFS agencies operate and manage child and family services on reserve. Provinces and territories mandate and regulate agencies according to provincial or territorial legislation and standards. INAC provides funding on behalf of First Nations children ordinarily resident on reserve. From 1990 to 2003, FNCFS expanded from 34 agencies in selected regions to 102 agencies in all provinces of Canada. As of 2003, there were no agencies in the territories.

1.1.7 As a result of concerns expressed by First Nations agencies across Canada, that the current policy was out of date and needed to be reviewed, a National Policy Review (NPR) was started in 1999. The Review was a joint venture of INAC and the Assembly of First Nations. The Review was completed with the release of the final report in June 2000. The report provided recommendations advocating significant changes to the current policy and to how FNCFS is funded.

1.1.8 Independent from the NPR, a government-wide policy renewal process slowed progress on the NPR recommendations from 2000 to September 2003. New interim authorities were issued in September 2003. While the new authorities contain some of the NPR recommendations, such as increased flexibility in Maintenance funding, other recommendations require more development before being considered.

1.2 Legal Position

1.2.1 Section 92 of the *Constitution Act* states that provincial governments are responsible for welfare services, which include protection and care of children including children resident on reserve.

1.2.2 Section 91 of the *Constitution Act* empowers Canada to enact legislation in respect to Indians and Indian lands. To date, Canada has chosen not to exercise this discretionary power in respect to legislation governing the protection and care of Indian children.

1.2.3 Section 88 of *The Indian Act* states that laws of general application apply on reserve unless and to the extent that such laws conflict with the *Indian Act* and its treaties. Accordingly, consistent with Section 88, First Nation peoples on reserve fall under the child and family services legislation of the reference province or territory. These are laws of general application. To date, no conflict of laws have been identified.

The above represents INAC's position in law for the delivery of programs and services.

1.3 Program Objective and Principles

1.3.1 Primary responsibility for the care and nurturing of First Nations children rests with the family and community where the child lives.

1.3.2 The primary objective of the FNCFS program is to support culturally appropriate child and family services for Indian children and families resident on reserve or Ordinarily Resident On Reserve, in the best interest of the child, in accordance with the legislation and standards of the reference province.

1.3.3 In recognition of the Inherent Right Policy of 2000 and, as recommended in the final report of the National Policy Review on FNCFS of 2000, the FNCFS policy will be compatible with First Nations aspirations for self-government. The FNCFS policy, as outlined in this manual, reflects the current Treasury Board authorities for the FNCFS program. This policy is an interim step in the process of moving toward self-government.

1.3.4 FNCFS will be managed and operated by provincially mandated First Nations organizations (Recipients), which provide services to First Nations children and families Ordinarily Resident On Reserve. FNCFS

Recipients will manage the program in accordance with provincial or territorial legislation and standards. INAC will provide funding in accordance with its authorities.

1.3.5 The child and family services offered by FNCFS on reserve are to be culturally relevant and comparable, but not necessarily identical, to those offered by the reference province or territory to residents living off reserve in similar circumstances.

1.3.6 Protecting children from neglect and abuse is the main objective of child and family services. FNCFS also provide services that increase the ability and capacity of First Nations families to remain together and to support the needs of First Nations children in their parental homes and communities.

1.3.7 First Nation agencies and other Recipients will ensure that all persons Ordinarily Resident On Reserve and within their Catchment Area receive a full range of child and family services reasonably comparable to those provided off reserve by the reference province or territory. Funding will be provided in accordance with INAC authorities.

1.4 Current Authorities

Process

1.4.1 General policy authorities are obtained from Cabinet through a Memorandum to Cabinet (MC). The Memorandum requests general permission to begin or continue certain practices. It also outlines the broad terms and conditions under which the program will operate. If Cabinet approves the MC, a record of decision will be issued outlining what has been authorized. This then becomes the **policy authority**.

1.4.2 Once agreement has been secured from Cabinet on the general framework of the program, a proposal is submitted to Treasury Board, if required. This submission will be more specific. It will outline how the policy will be implemented in terms of enhanced new programming and the terms and conditions under which the money is to be spent. It will seek new money from Treasury Board to begin or continue programming as approved by Cabinet. If Treasury Board approves, new money will be provided to support the program. If Treasury Board does not approve, authority will remain for that aspect of the program

previously approved by Cabinet, but it may not be implemented. The letter of decision from Treasury Board, then, becomes the **program authority**.

Authorities

1.4.3 The authorities issued by Treasury Board in September 2003, subject to renewal by March 31, 2006, were to be managed within current levels of funding.

1.4.4 INAC is also authorized to reimburse a portion of the Government of Ontario's costs under Ontario's *Child and Family Services Act*, in accordance with the 1965 *Indian Welfare Agreement*. This authority takes precedence over INAC's FNCFS policy as outlined in the Directive and in this manual.

1.4.5 The current authorities obtained from Cabinet and from Treasury Board are reflected in the redrafted and revised Program Directive (see Appendix A). It must be pointed out, however, that it is not the Program Directive that forms the authority. The authorities are contained in the Terms and Conditions (see Appendix B). The Program Directive interprets the authorities and places them into a useable context. The Directive is to be used as a guide along with the current program manual. The Directive is INAC's policy position.

1.5 Roles and Responsibilities

1.5.1 The management of the FNCFS program depends on a clear understanding of roles and responsibilities. Without transparency among the parties (Headquarters, Regions, First Nation Recipients and a province or territory), it would be difficult to maintain the program and to ensure the safety and well-being of children. For this reason, a functional tripartite process is essential to resolve differences and to understand the positions of the other parties.

1.5.2 The role of Headquarters is:

- to provide, through the regions, funding for Recipients on behalf of children and families as authorized by the approved policy and program authorities;
- to lead in the development of FNCFS policy;

- to move forward proposals for change coming from regional representatives and First Nations practitioners;
- to provide oversight on program issues related to the FNCFS policy and to assist regions and First Nations in finding solutions to problems arising in the regions;
- to provide leadership in collecting data and ensure that reporting takes place in an orderly fashion;
- to interpret FNCFS policy and to assist regions in providing policy clarification to Recipients, a province or territory; and
- to provide amendments to the National Program Manual as required and to ensure that regional manuals are consistent with approved policy and program authorities.

1.5.3 The role of INAC Regions is:

- to interact with Recipients, Chiefs and Councils, Headquarters, the reference province or territory (or their legal delegates where they exist);
- to manage the program and funding on behalf of Canada and to ensure that authorities are followed;
- to provide oversight activities, which includes the reconciliation of Maintenance invoices in a timely manner and periodic on-site compliance reviews;
- to assure Headquarters that the program is operating according to authorities and Canada's financial management requirements;
- to be responsible for maintaining an interaction with the reference province or territory and Recipients through tripartite processes;
- to establish, in cooperation with Recipients, a process for dealing with disputes over issues relating to the operation of FNCFS; and
- to keep Headquarters informed about any issues that could potentially affect national policy and advise it regarding changes to provincial or territorial legislation and programs.

1.5.4 The role of Recipients is:

- to deliver the FNCFS program in accordance with provincial legislation and standards while adhering to the terms and conditions of their funding agreements;
- to report in a timely fashion on Maintenance expenses and to adhere to the terms and conditions of tripartite or dual bilateral agreements;
- to maintain records on their operations as required in their agreements and to involve Regions and the reference province or territory on issues as they arise;
- to involve the communities within their respective Catchment Areas so that services are provided as transparently as possible within provincial or territorial legislation and standards;
- to establish, in cooperation with the Region, a process for dealing with disputes over issues relating to the operation of FNCFS; and
- to participate and take a lead in tripartite discussions with INAC and the province or territory.

1.5.5 Child and Family Services falls within provincial jurisdiction. It is the role of the province or territory:

- to mandate Recipients in accordance with provincial or territorial legislation and standards;
- to regulate Recipients in their activities as they relate to the legislation and standards;
- to provide ongoing oversight to Recipients and to take action if the requirements are not being met;
- to participate in tripartite activities; that is, negotiations, tables, dispute resolution and consultations as well as regional tables; and
- to apply the legislation and standards for child and family services equally to all residents of the province or territory, on and off reserve.

2 Program Components

2.1 Development

2.1.1 Before beginning the start-up phase for a new agency (Recipient) or the separation of one or more First Nations from an existing agency (Recipient), there must be agreement by the affected First Nation(s), the affected Recipient, if relevant, the reference province or territory, region and Headquarters to proceed or take action. Band Council Resolutions (BCRs) will be required from the affected First Nations indicating that they intend to pursue creating a new Recipient or realigning First Nations with other Recipients. As well, the reference province or territory must indicate that they are willing to support the process of mandating or continuing to mandate the new First Nation entity. Once this has been accomplished, the parties may then proceed to the first step.

(Recipients with fewer than 801 children in their Catchment Area may be approved at the discretion of the Regional Director General and Headquarters if there are geographic or cultural reasons why they cannot belong to a larger agency. They must, however, be made aware that their funding will be adjusted according to child population (see Section 3.2.a) and that this may place them in a tenuous position. The reference province or territory must also be made aware of the implications of these lower numbers and must agree that they are willing to mandate and create the Recipient despite these considerations.)

2.1.2 Funding for this process will be available only once to each entity. If a First Nation, which is currently a member of an existing Recipient agency, decides to separate and create a new Recipient agency or if a First Nation wishes to leave one Recipient agency and join another, they would not be eligible for startup funding. On the other hand, if a First Nation, which has never belonged to a FNCFS Recipient, wishes to join an existing entity, they would be eligible for the Developmental funding (see the paragraph above).

2.1.3 Once the above steps have been taken and the status of the First Nation group has been agreed upon, the new entity would be eligible to receive funding in the form of a Flexible Transfer Payment for the **pre-planning phase**. This phase could include community consultation and studies to determine whether or not it is feasible for the First

Nations to create a FNCFS Recipient. It could also cover the cost of meeting with the province or territory and the region to discuss the process and steps involved in creating a FNCFS Recipient.

2.1.4 At this point, there should be a clear understanding on the part of the First Nation about the commitments it will be undertaking and the responsibilities it will be expected to fulfill.

2.1.5 When the pre-planning phase has been completed, the Recipient is eligible to receive funding in the form of a Flexible Transfer Payment to begin the **planning phase**. At this point, the region will require a written commitment on the part of the reference province or territory that they are prepared to mandate the new Recipient when discussions about the agreements are finished. Funding for this phase may be used to develop an agreement in conjunction with the province or territory and INAC. These agreements may be dual bilateral or tripartite (see Chapter 4), but must be in place before proceeding to the start-up phase (see Appendix A, Program Directive, for further details).

2.1.6 The **start-up phase** will be funded in the form of a Flexible Transfer Payment and may proceed once the pre-planning and planning phases have been completed. As outlined in APPENDIX A, the start up will include hiring staff, establishing offices, purchasing equipment and furniture and training staff and board members in their roles and responsibilities as a FNCFS Recipient.

2.1.7 The FNCFS Recipient will begin operating on the date specified by the reference province or territory in their mandating of authority documentation. The mandating documentation may be a provincial Order In Council or a letter confirming the provincial mandate to an agency or specified FNCFS worker(s) who are members in good standing of the FNCFS Recipient. **Without a mandate from the reference province or territory, INAC does not have authority to provide funding to a FNCFS Recipient.**

2.1.8 In the Ontario region, the development of new agencies is handled by the Province in consultation with the First Nation(s). The region requires the province to consult in advance with the region. The region would reimburse the Province on the basis of pre-determined costs.

2.2 Operations

2.2.1 The Operations allocation (see Chapter 3) is provided annually to Recipients in the form of a formula-driven Flexible Transfer Payment to deliver services. It covers all aspects of the agency's operations that are not covered under Maintenance or Development.

2.2.2 Components included in and covered under Operations are, but not limited to, the following (see Appendix B):

- salaries and benefits for all staff including protection and prevention staff, which includes salaries for homemakers and all other auxiliary staff;
- all Board of Directors expenses including board meetings, travel, expenses and training;
- all travel and expenses for staff, which includes staff persons accompanying a child to a home visit or an appointment;
- professional development services including staff training, workshops, conferences etc.;
- fee for service including foster home assessment, adoption home assessment, etc.;
- all legal services (including the care and protection of children), which includes legal services related to agency business as well as court costs related to apprehension and custody hearings;
- para-professional, family support and prevention services, which includes in-home services intended to maintain the family and keep children at home;
- recipient administration, including rent and utilities; however, there is no provision for capital expenses in the authorities;
- office expenses including computer hardware and software;
- annual audits and, from time to time, evaluations (except in years 3 and 6 when authorities allow INAC to provide a fixed allocation for evaluations);

- non-medical counseling services not covered by other funding sources, including casework, assessment and monitoring active cases; and

- adoption services where this is one of the services given in the mandate to the Recipient by the reference province or territory.

2.2.3 Although the authorities are clear on what is to be included in the Operations formula, First Nations have expressed a concern that because the formula was developed in the late 1980s, legislation, standards and practices have changed significantly. Although the following items are included under Operations, First Nations have stated that Recipients are under increasing pressure due to changes over time with respect to:

- *Information Technology*: In the late 1980s, use of computers was limited. Today, however, they are vital to operating social programs and services.

- *Prevention (Least Disruptive Measures)*: Recent trends in provincial and territorial legislation have placed a greater emphasis on prevention. Although prevention resources were included in the current formula, the level of funding may not provide enough resources to meet current trends.

- *Liability Insurance*: As with prevention, the Operations formula includes funding for insurance. However, since September 11, 2001 (9/11) insurance costs have increased dramatically.

- *Legal Costs*: Although legal costs are included in the Operations formula, they have become a larger issue than planned for when the formula was developed. A higher incidence of contested cases plus changes in provincial practice requiring cases to be presented by legal representatives rather than social workers has resulted in higher costs. Further, litigation on behalf of injured children can be very expensive, even when adequate liability insurance is carried.

It is anticipated that the review of the Operational formula will address these issues. At the present time, however, the current authorities must be applied.

2.3 Maintenance

2.3.1 Maintenance costs are those that are directly related to maintaining a child in Alternate Care out of the parental home. Costs are reimbursed to Recipients on the basis of actual expenses made in accordance with provincially established rates and as verified by monthly reconciliations conducted by regional offices or according to a FFOM agreement.

2.3.2 Children may come into Alternate Care through an apprehension, which must be sanctioned by the relevant provincial court; a voluntary placement agreement, which is a legal agreement between the Recipient and the custodial parent/guardian; or if sanctioned under provincial or territorial legislation, a private care arrangement between the custodial parent/guardian and a third party. If sanctioned and regulated by the province, these placements may be supported financially by INAC within provincial and territorial rates. In all cases, however, the placements must be licensed and/or regulated within the relevant legislation and standards. Please refer to the regional manual for province or territory-specific details.

2.3.3 In order to be eligible for reimbursement in accordance with provincial rates, foster homes, group homes and institutions, whether on or off reserve, must be licensed or regulated and monitored in accordance with provincial legislation and standards. **Letters of equivalency or letters of recommendation alone will not be accepted.**

2.3.4 Costs that may be billed to INAC under the Maintenance category, on behalf of Eligible Children in Alternate Care out of the parental home, are as follows:

- The provincially or territorially approved per diem rate in foster, group or institutional care for children placed out of the parental home under the FNCFS program. Standard provincial or territorial per diems normally cover food, clothing and shelter. Regional staff need to be aware of the provincial chart of accounts for all categories and know what is covered within the per diem rates.

- An activities allocation is usually included within the per diem, but, where this is not the case, recreational and other activity-related needs for children in care may be reimbursed according to provincial or territorial legislation, policy, practices and rates. Please refer to the regional manual for further details.

- In situations where other items are within INAC authorities and provincial and territorial legislation, but not included under the Chart of Accounts, they may be billed separately, provided they are properly documented.

- Non-medical specialized services to children with behavioural problems and specialized needs may also be covered provided the child has been diagnosed by a qualified professional as having a behavioural problem that is not caused by a medical condition (physical or mental). Examples of services are youth workers, parent aides and additional respite services.

- Psychological services for assessment and evaluation beyond that which is covered through the Health Canada Non-Insured Health Benefits (NIHB) program may also be provided in non-medical circumstances. Provincial standards will apply. This, however, does not include psychiatric services because they are insured services covered by the provinces and territories.

- Provincially or territorially approved purchases on behalf of children in Alternate Care not covered by other funding sources or other federal authorities. The authority for these charges would be provincial standards, although regional approval would be required in advance. An example of these would be school pictures, graduation costs, field trips from school not covered under the education program and counseling services beyond what is covered under the NIHB program.

- Provincial and territorial per diem rates for children in Alternate Care may be established to include professional services not covered through other sources of funding in accordance with provincial legislation and standards.

- Respite care to foster parents where not covered as part of the provincial or territorial per diem rate or not under the mandate of another federal authority. This is for social respite only. Medically oriented respite for children with complex medical problems are not eligible for reimbursement.

- Required non-medical travel for a child to parental visits, court appearances and other purposes not covered by other funding sources and as outlined in the legislation or policy of the reference province or territory. This does not include escorts who are agency staff persons because this is considered staff travel and is covered under Operations. If a foster parent is asked to be an escort in

these situations, these costs may be billed to INAC. Where the province or territory covers the cost of parental travel to visit a child in care, and where it is deemed to be in the best interest of the child to do so, payment is to be based on the actual cost of transportation or gas and should be the most economical or reasonable given the circumstances. Please refer to the regional manual for further details.

- For a child who is a permanent ward and reaches the age of majority as defined by the reference province or territory, a Recipient may continue to provide support beyond the age of majority provided the child is in the midst of an academic or other training program or is engaged in an age of majority plan. Such support may continue in accordance with the legislation and standards of the reference province or territory.

- When a Recipient is planning to return a child in Alternate Care to his or her custodial parents/guardians, the region may reimburse parent aide costs before the date the child is scheduled to return home in accordance with the legislation and standards of the reference province.

- Recipients who are managing the adoption program for permanent wards may continue foster care payments to the adoptive parents up to the date that the adoption becomes final. Payments must cease on that date. If the adoptive parents are on income assistance, the child will be included in their claim for assistance through the Income Assistance program. However, where an adopted child has a special need, support services may be continued in accordance with the legislation and standards of the reference province.

- Parents or guardians who are employed or who have income from sources other than Income Assistance will be expected to contribute to the support of children who have been taken into the care of a Recipient either as an apprehension or voluntary placement. Parental contributions will be in accordance with provincial legislation or regulations.

- Where it is established jointly by the Recipient and INAC that subsidized day care is not available from another federal, provincial or territorial funding source, the subsidy may be reimbursed in accordance with provincial or territorial legislation or standards.

- Expenses approved for special needs and items not included in the provincial Chart of Accounts may be made in accordance with the standards of the reference province or territory. They are to be approved on a case-by-case basis following the policy of the reference province or territory.

2.3.5 The following are not eligible for reimbursement:

- Insured health services, which are under the auspices of the provinces or territories.
- Where the mandate falls within the jurisdiction of another federal department or the provinces or territories, INAC will not be financially responsible. This would include costs related to medical requirements (Health Canada - see Section 2.5) and Young Offenders (Justice Canada and the provinces and territories).
- Costs related to children in the care of a Recipient, but who are incarcerated as a Young Offender.
- Where funding is being provided by another INAC program such as Education.
- Medical devices, or medically required renovations to houses, automobiles or other vehicles.

2.4 Children's Special Allowance

Children's Special Allowance is paid to a Recipient on behalf of a child where the child is in Alternate Care out of the parental home. Practices are different across Canada and in the different regions on how this is handled. Human Resources and Skills Development Canada (HRSDC) and Canada Revenue Agency (CRA) are currently reviewing this situation. A ruling will be communicated to INAC and Recipients in the near future. Adjustments may have to be made in the manner these payments are administered.

2.5 Non-insured Health Benefits (NIHB)

The Health Canada Non-insured Health Benefits (NIHB) program covers all Indians registered under the *Indian Act*, on and off reserve, for specified benefits not covered under provincially or territorially

insured health services. These benefits include dental, glasses, medical transportation, medical supplies and equipment, drugs and crisis intervention counselling. For further details on the NIHB program and coverage, please refer to Health Canada's Web page at http://www.hc-sc.gc.ca/fnihb-dgspni/fnihb/nihb. The NIHB program generally requires that all referrals be made by a medical practitioner, although there may be exceptions in some regions. Health Canada will generally not accept billings directly from Recipients. The correct procedure is for Recipients to refer the child to a medical practitioner who will then deal directly with the NIHB program. Under no circumstances will billings or referrals be accepted from Recipients directly. In situations where there are special circumstances and a proposal is required, these will have to be requested by a medical practitioner as well, not by the Recipient or a caseworker employed by the Recipient. In many cases, plans are rejected not because they are ineligible, but because the proper procedures were not followed.

2.6 Flexible Funding Option for Maintenance

2.6.1 Recipients may apply to enter a Flexible Funding Option provided they can meet the entry requirements as outlined in Annex E of Appendix A. Only those Recipients with a good management history will be eligible. Terms and conditions for entry and ongoing management are outlined in Annex E of Appendix A.

2.6.2 Flexible Funding Option for Maintenance (FFOM) provides increased flexibility in allocating Maintenance funding. While a standard Maintenance agreement is allocated in the form of Contribution funding (reimbursement of actual costs) for those children in Alternate Care out of the parental home, the FFOM is paid as a Flexible Transfer Payment. This allows the agency to reallocate savings in the Maintenance category into preventative services, thereby reducing the need to bring children into care.

2.6.3 Annex E of Appendix A outlines in detail the management regime to be followed in the initiation and ongoing management of FFOMs. It also outlines the procedures for annual adjustments and for renewal of the arrangements at the end of five years.

2.6.4 Agencies under the pilot programs on flexible funding must come under the new policy by April 1, 2005. To enter into an FFOM, the pilot agencies must follow the renewal process as outlined in Annex E of Appendix A.

3 Costing of Components

Note: In case of any discrepancy between this Chapter and the Program Directive 20-1, Chapter 5, Program Directive 20-1, Chapter 5 is to be used.

3.1 Development

3.1.1 PHASE 1: *Pre-planning*

- Funded at the rate of $11,101.06 per Recipient.
- An additional $1,665.16 per member band.

The funds are to be used for the purposes outlined in Section 2.1.3.

3.1.2 PHASE 2: *Planning*

- Funded at the rate of $88,808.48 per Recipient.

Funds are to be used in the manner described in Section 2.1.5.

3.1.3 PHASE 3: *Start-up*

A fixed amount per Recipient will be provided according to the following on reserve 0 - 18 child population reported annually by INAC's Lands Revenues and Trusts:

- Child Pop of 801 + = $185,387.70 per Recipient;
- Child Pop of 501 - 800 = $92,693.85 per Recipient;
- Child Pop of 251 - 500 = $46,346.92 per Recipient; and
- Child Pop of 0 - 250 = $0.

Plus each Recipient will receive 25% of the first year of Operational funding so that they may begin gradually implementing the program.

Funds are to be used in the manner described in Section 2.1.6. Calculation of the start-up amount will be based on the methodology outlined in Section 3.2.

3.2 Operations

The Operational formula is based on the on reserve population of children from 0 - 18 as reported annually by INAC's Lands Revenues and Trusts. These figures come from the statistics reported annually by bands from across Canada. The calculation of the Operational formula is done annually by Headquarters Finance Branch based on the December 31 population data of the year immediately proceeding the year being funded. (e.g. December 31, 2003 data would be used for fiscal 2004-2005 calculations.)

3.2.1 **Calculation of Formula**

An administrative allocation will be provided according to the following child populations:

- Child Pop of 801 + = $143,158.84 per Recipient;
- Child Pop of 501 - 800 = $71,579.43 per Recipient;
- Child Pop of 251 - 500 = $35,789.10 per Recipient; and
- Child Pop of 0 - 250 = $0.

3.2.2 In addition, Recipients will also receive:

- a fixed allocation of $10,713.59 for each member band in its Catchment Area; and
- an allocation of $726.91 for each child 0 - 18, as reflected in the Membership report each year.

3.2.3 An adjustment factor for remoteness is determined based on the same calculation for remoteness that is used for band support funding. The remoteness factor for each member band is averaged and a remoteness factor is arrived at for the Recipient. This is then used to adjust the funding as follows:

- the adjustment factor for remoteness is multiplied by $9,235.23 for each Recipient;
- the remoteness factor is multiplied by $8,865.90 times the number of bands within the Catchment Area; and

- the child population is multiplied by $73.65 times the remoteness factor.

3.2.4 The annual Operational formula, then, is the total made up of the administrative allocation, plus the allocation per member band, plus the allocation per child, plus the adjustments for remoteness outlined in 3.2.3. The Operational allocation covers those expenses outlined in Section 2.2.2.

3.3 Maintenance

3.3.1 There is no formula for paying Maintenance. Maintenance is paid in the form of a Contribution, which for FNCFS means a reimbursement of allowable expenses on a dollar-for-dollar basis. The items, which are permissible expenses under Maintenance, are as outlined in Section 2.3.4. Rates to be paid are those currently authorized by the reference province or territory in their legislation and standards and as reflected in their Chart of Accounts up to the maximum allowed in the Terms and Conditions (Appendix B) which in 2003 was $845.00 per child per day.

3.3.2 Maintenance expenses are to be reported to the regional offices on a monthly basis. Regions, in turn, are expected to conduct a reconciliation of these invoices to ensure that expenses comply with provincial rates and are permissible under current authorities. The reconciliation process will be discussed in greater detail in Chapter 6.

3.3.3 Maintenance is adjustable depending on provincial or territorial rates. If provincial or territorial rates for foster homes, group home and institutions increase, the rates paid by INAC will also be adjusted effective on the date set by the province or territory. Alternately, if provincial or territorial rates decrease, rates will decrease effective on the date set by the by the province or territory.

3.3.4 Expenses over and above the base rate set by the province or territory may be paid provided:

- they fall within the categories outlined in Section 2.3.4.;
- they are permissible under the provincial legislation and standards;
- are within the financial range acceptable to the reference province or territory; and

- are within INAC authorities as set out in Appendix B, SUMMARY OF PREVENTION AND PROTECTION SERVICES — CONTRIBUTION AUTHORITY, otherwise referred to as the Treasury Board approved Terms and Conditions.

3.4 Flexible Funding Option for Maintenance

3.4.1 Appendix A to this document presents the FNCFS Program Directive. Annex E of Appendix A outlines the methodology used to assess the readiness of Recipients to opt for the Flexible Funding Option for Maintenance (FFOM).

3.4.2 The methodology for determining the initial allocations for Recipients entering an FFOM is contained in Annex E of Appendix A, Section 6. It specifies that a compliance review must be done by the Recipient and the region. From this, a projection of year-end requirements will be determined. The allocation for year one will be arrived at by taking the projected year-end requirement and adjusting by the historical growth or reductions over the past three fiscal years. For greater clarity, the base year upon which the compliance review was conducted, is the final year of the three years upon which the calculation will be made. For further detail, refer to the document.

3.4.3 FFOMs will be reviewed annually by the Recipient and the region to determine that the objectives outlined in the initial proposal are being met. When a Recipient has been in an FFOM for five years, a renewal will be required. The renewal process is outlined in Annex E of Appendix A, Section 9. Recipients who have been in Flexible Funding pilot programs will comply with the Policy Directive as contained in Annex E of Appendix A. Recipients who do not comply with the Directive will return to Contribution funding.

4 Agreements

4.1 Requirement for Agreements

4.1 Current authorities require that, before entering into a funding arrangement with a Recipient, an agreement is in place between the province or territory and the Recipient that meets the requirements of INAC's national FNCFS policy. INAC policy requires that a tripartite agreement or a dual bilateral agreement must be in place. Although the preferred option is tripartite, for reasons of transparency and clarity regarding roles and responsibilities, dual bilateral agreements are also an option.

4.2 Tripartite Agreements

4.3.1 Tripartite agreements are to be developed between INAC, the Recipient and the reference province or territory. These agreements will not specify levels of funding, but will outline roles and responsibilities of the parties; items for which INAC is responsible both financially and programmatically; matters for which the reference province or territory is responsible both financially and programmatically; and areas for which the agency accepts responsibility.

4.2.2 Tripartite agreements will also specify the conditions under which funding will be provided by INAC and the province or territory and, wherever possible, the limits on the items that may be funded. Agreements may only be entered into when the reference province or territory has provided evidence that delegation has taken place in accordance with the legislation or standards of the reference province or territory. Agreements must not commit to programs and services that are beyond INAC's authorities to fund or in the manor in which INAC is authorized to fund them. They will demonstrate that professional liability insurance is in place in the amount required by the reference province or territory in its legislation or standards or by the Region in its procedures.

4.2.3 Circumstances may vary from province and territory to province and territory due to variation in provincial or territorial legislation and standards. However, the fundamental INAC authorities, as reflected in the revised Program Directive and the Treasury Board approved Terms and Conditions, must be followed.

4.3 Dual Bilateral Agreements

4.3.1 **Dual bilateral** agreements require that an agreement be in place between the reference province or territory and the Recipient. These agreements will specify the roles and responsibilities for the two parties, the areas for which the province or territory is financially and programmatically responsible and for which the Recipient is responsible. The terms and conditions of the mandate from the province or territory to the Recipient will also be clearly stated. A copy of the bilateral agreement and the mandating documents will be provided to the regional office.

4.3.2 Where dual bilateral is the agreement of choice, it is desirable, but not essential, that a bilateral agreement exist between INAC and the reference province or territory. This agreement should clearly spell out the roles and responsibilities of the reference province or territory and of INAC in the operations of the Recipient. It should also outline the areas within which each is financially responsible. Without a bilateral agreement between the reference province or territory and INAC, it is difficult to maintain transparency and a clear understanding of the roles and responsibilities of the parities.

4.4 Comprehensive Funding Arrangements (CFA)

4.4.1 The Treasury Board Policy on Transfer Payments (see Section 5.7 of this manual) requires that a funding agreement be in place before funding may be moved to a Recipient. In FNCFS, money may be moved from INAC to a Recipient using the Comprehensive Funding Arrangement (CFA). The CFA is a program-budgeted funding agreement that INAC enters into with Recipients for a one-year period. It contains components funded by means of a Contribution, which is a reimbursement of eligible expenses and Flexible Transfer Payments, which are formula funded. Surpluses from the Flexible Transfer Payment may be retained by the Recipient provided the terms and conditions of the CFA have been fulfilled. The FNCFS program expects that all surplus money will be used for FNCFS. It is also expected that Recipients will absorb any deficits. It is under the CFA that the terms and conditions of funding and the required deliverables are to be clearly spelled out.

4.4.2 Where a bilateral agreement exists between the reference province or territory and the Recipient, INAC may enter a CFA with an Recipient as the second part of the dual bilateral arrangement. Because there is no other bilateral agreement in place, roles and responsibilities as well as the funding detail *must* be clearly spelled out. Further, the issue of liability must also be dealt with in a similar manner to that outlined in the section on tripartite agreements.

4.4.3 Where the CFA is being used as a bilateral agreement between INAC and the Recipient, INAC must possess a current copy of the bilateral agreement between the province or territory and the Recipient as a condition of funding.

4.4.4 Where tripartite agreements are in place between INAC, the Recipient and the reference province or territory, a CFA will still be needed because this is the only way money may be moved to a Recipient.

4.4.5 The CFA for FNCFS is divided into two sections. Although all funding for FNCFS is considered Contributions, the Operational portion of funding is paid in the form of a Flexible Transfer Payment (FTP). This allows agencies maximum flexibility within the Operational allocation and allows the Recipient to retain surpluses from the Operational allocation provided terms and conditions have been fulfilled.

4.4.6 The Maintenance portion of funding is in the form of a Contribution. This reimburses the Recipient for eligible costs related to children in Alternate Care out of the parental home for expenses outlined in Section 2.3.4. Recently acquired authority, however, permits INAC to enter agreements with selected Recipients whereby the Maintenance allocation may be allocated in the form of an FTP. The methodology for this authority is outlined in Annex E of Appendix A.

4.4.7 A CFA is a legal document. Therefore, payment against a CFA may not be made until both parties have signed the CFA. Retroactive payments may be made at the discretion of the region when delays in signing are as a result of departmental delays.

4.5 Third-party Delivery

4.5.1 In the majority of cases, the CFA is directly between INAC and the Recipient, which is mandated to provide service. In cases where the Recipient is a chief and council or other organization (Alternate Recipient) and where this Alternate Recipient transfers program

funding to a third party (a mandated service delivery agent), the Alternate Recipient still retains primary responsibility for spending federal funds and performing the obligations under the CFA.

4.5.2 An agreement in writing between the Alternate Recipient and the mandated agency will have to be established. This agreement will set out the responsibilities of the parties and indicate the reporting requirements (see Sub-sections 2.1.1 to 2.1.4 in part C of the CFA to ensure consistency). The Alternate Recipient must ensure that the terms and conditions of the agreement and the INAC policy are met, that the third-party agency complies with provincial legislation and standards and that program and financial reporting is provided in a timely fashion as outlined in the CFA. In cases where Alternate Recipients transfer program responsibilities to a mandated agency, the Alternate Recipient must ensure that 100% of INAC funds provided on behalf of the mandated agency will be transferred to the agency.

4.6 Provincial and Territorial Agreements

4.6.1 In the majority of regions, First Nations coverage is not yet 100%. Where a FNCFS Recipient does not exist, provinces and territories are responsible for providing service to the entire on-reserve population. INAC has agreed to reimburse those items that have been agreed to in a federal-provincial-territorial agreement.

4.6.2 Regardless of any service agreements that may exist between INAC and the reference province or territory, funding arrangements are required to transfer funding to a Recipient. INAC is required to enter into funding arrangements on an annual basis in Ontario, where services are governed by the 1965 *Indian Welfare Agreement* between the Government of Canada and the Province of Ontario and Alberta, where services are governed by the 1991 *Arrangement for the Funding and Administration of Social Services* between the Government of Canada and the Province of Alberta.

4.6.3 The INAC-provincial-territorial funding arrangements will follow provincial or territorial legislation and standards, but also must be within federal authorities provided under the *Financial Administration Act*, the Treasury Board Transfer Payment Policy and the authorities provided to INAC by Cabinet and Treasury Board.

5 Mandatory Financial Requirements

5.1 Introduction

5.1 In addition to the authorities received from Cabinet and Treasury Board, the operation of the FNCFS program is governed by the terms of the *Financial Administration Act* (FAA) and the Transfer Payment Policy (TPP) of Treasury Board. For the purpose of this manual, however, we will deal only with a summary of those aspects of the FAA and the TPP that have a direct impact on managing the FNCFS program. We will also review the requirements under Chapter 5, Section 16 of INAC's Financial Management Manual from Corporate Services to ensure that all financial requirements have been considered. An understanding of these impacts will help users appreciate the need for reporting and compliance mechanisms, which can satisfy these requirements.

5.2 General Overview of Funding Arrangements (Not Specific to FNCFS)

5.2.1 INAC has developed two types of generic funding arrangements to use with First Nations that have not entered into their own self-government agreements: Comprehensive Funding Arrangements (CFA) and Canada/First Nation Funding Agreements (CFNFA). *Any change to the text of the agreements must be approved by Transfer Payments Directorate, Finance Branch, Headquarters.*

5.2.2 All INAC programs are covered together under a single funding arrangement with a First Nation. Individual First Nations will have either one or the other type of arrangement in place.

5.2.3 **Comprehensive Funding Arrangement (CFA)** - This is a program-budgeted funding arrangement that INAC enters into with First Nations for one year. CFAs contain programs funded by:

- **Contribution** is a conditional transfer payment to an individual or organization for a specified purpose pursuant to a Contribution Agreement that is subject to being accounted for and audited. Contributions would also include Alternate Funding Arrangements and Flexible Transfer Payments, which represent types of

Contributions that were developed for INAC to meet its unique program objectives.

- **Flexible Transfer Payments (FTP)** are based on a formula (surpluses can be kept as long as the terms and conditions have been met).

- **Grants** are a transfer payment made to an individual or organization, which is not subject to being accounted for or audited, but for which eligibility and entitlement may be verified or for which the recipient may need to meet pre-conditions. The FNCFS program does not have a Grant authority.

5.2.4 **Canada/First Nation Funding Agreements (CFNFA)** is a block-funded agreement that INAC enters into with a First Nation or Tribal Council for up to five years. It can include funding from other federal departments. This type of agreement is also called an *Alternative Funding Arrangement* or *Financial Transfer Agreement.* The CFNFA agreement contains a common set of funding terms and conditions in the main body of the agreement. The terms and conditions specific to each federal department are attached as schedules to the CFNFA.

5.2.5 The CFNFA is more flexible than the CFA. It provides First Nations with the ability to redesign programs and apply funds according to community needs, as long as certain specified minimum program requirements are met to ensure that a guaranteed level of service is provided.

5.2.6 The CFNFA encourages creative and innovative ways of providing programming because First Nations can use any money saved on other priorities within the community.

5.2.7 It should be noted that FNCFS funding cannot be included in the multi year block section of a CFNFA, although general principles and agreements relating to FNCFS may be included. FNCFS funding must be renewed on an annual basis.

5.3 Funding Authority

5.3.1 A funding *arrangement* is the contractual agreement signed between INAC and the Recipient. A funding authority is the *rules* established by Treasury Board that INAC must follow when funding a program or service.

Eligible Recipients

5.3.2 INAC arranges for the administration of funding for FNCFS services with the chiefs and councils of Indian bands recognized by the Minister of Indian and Northern Affairs Canada. Various funding options are available to chiefs and councils. Bands in the Northwest Territories and Nunavut are not eligible FNCFS program Recipients because there are provisions for these services in the territorial formula financing agreements.

5.3.3 **Third-party Agreements** - In some cases, where services are not administered directly by a band's chief or council, INAC may enter into agreements for service delivery or cost-sharing with other government agencies, private businesses or non-governmental organizations.

5.3.4 **Self-governing First Nations** - First Nations that have included child and family services in their self-government agreements are not eligible recipients for the purpose of this manual.

Flexible Transfer Payment

5.3.5 A Flexible Transfer Payment is based on a fixed amount rather than the reimbursement of eligible expenses. Recipients are expected to manage their agency or program within the fixed amount. As long as Recipients meet the minimum program requirements, Recipients can keep any surpluses. Deficits must be absorbed if there are cost overruns. FNCFS surpluses must be used within the FNCFS program.

5.3.6 The Recipient is accountable for providing the products or services specified in the funding arrangement. Program-specific reports are required during the year and at year-end.

5.4 Allocations to Regions

5.4.1 Program funds are allocated to the regions based on the national methodology. Each region is responsible for managing this budget and prioritizing how funds are allocated. Headquarters maintains a small reserve to fund provincial rate increases, and planned devolution.

Funding Allocations

5.4.2 **Maximum Amounts** - The maximum amounts payable under a CFA are set out in Appendix B, SUMMARY OF PREVENTION AND PROTECTION SERVICES - CONTRIBUTION AUTHORITY, otherwise referred to as the Treasury Board approved Terms and Conditions.

5.4.3 **Due Diligence** - INAC must have procedures and resources in place for ensuring due diligence in:

- approving funding amounts
- verifying eligibility and entitlement
- managing and administering the program.

5.4.4 **Approval** - Authority to sign and amend funding agreements is delegated to directors responsible for these programs.

5.4.5 **Basis and Timing of Payments** - Payments will be made according to Appendix B, SUMMARY OF PREVENTION AND PROTECTION SERVICES - CONTRIBUTION AUTHORITY, otherwise referred to as the Treasury Board approved Terms and Conditions.

5.5 Regional Exceptions

5.5.1 The following areas have unique funding arrangements. Further information will be available in the regional manuals:

5.5.2 **Ontario** - In Ontario, INAC provides funding under the 1965 *Indian Welfare Agreement.* For FNCFS, the Province of Ontario administers the CFS program and determines agency budgets. INAC reimburses the Province based upon the provisions of the 1965 *Indian Welfare Agreement.* Any amendment of the agreement requires INAC to obtain an Order in Council authorizing the Minister of Indian Affairs and Northern Development to sign the amendment on behalf of Canada. INAC may be required to submit a Treasury Board Submission to obtain the Order in Council.

In 2003, the maximum amount of funding for a federal-provincial cost-sharing arrangement to provide services to First Nations in Ontario is $240 million. Ontario invoices INAC for the provincial share following the agreement's provisions. Ontario must provide a cash flow forecast for the coming fiscal year. Once the estimated budget is approved,

INAC pays a one-month cash advance to cover immediate requirements at the beginning of the fiscal year, with monthly installments thereafter. Each advance includes a 10% holdback, which accumulates and is paid out after the annual provincial audit of the program is completed.

5.5.3 **Alberta** - In Alberta, under the 1991 *Arrangement for the Funding and Administration of Social Services*, INAC reimburses the Province for social services that Alberta delivers to First Nations individuals Ordinarily Resident on Reserve. Alberta's Deputy Minister is responsible for signing any amendments to the arrangement.

Alberta must provide a budget of projected expenses before the start of the fiscal year. Payments are made to the Province monthly, based on invoices submitted to INAC and in accordance with the funding provisions in the agreement.

5.5.4 **Yukon** - Yukon and INAC have entered into an agreement over funding of Status and non-Status Indians. INAC funds Status Indians and the Yukon funds non-Status Indians. Also, all residents in the Yukon are considered to be Ordinarily Resident on Reserve.

5.6 The *Financial Administration Act* (FAA)

For the purpose of this manual, the focus will be on Sections 32, 33 and 34 of the *Financial Administration Act* (FAA) because these have the most direct impact on the operation of FNCFS and other social programs. They reinforce the necessity of preforming adequate compliance in a timely fashion.

5.6.1 **Section 32 of the FAA** requires that no contract or arrangement requiring a payment shall be entered into unless it is certified that there is an appropriation from Parliament to which the payment may be charged. Further, that there is a enough unencumbered balance available to cover the expense. A Responsibility Centre Manager (RCM) is designated and has the responsibility to ensure that these conditions are met and that an Approved Authority exists for the activity before a commitment is made to fund a program or service. Once the RCM has signed under Section 32, he or she may be held accountable in the event that enough funds are not available and/or that an authority does not exist.

5.6.2 **Section 34 of the FAA** requires that an expense is not authorized until it has been verification that goods and services have been received. An RCM will be required to sign as confirmation that, in fact, the terms of the agreements have been met and that verification has been done on the reported activities. For FNCFS, this requires that Maintenance invoices, which are reimbursable as a Contribution, have been reconciled and that the expenses being billed are in fact for an eligible child, within Approved Authorities and in line with provincial or territorial rates. For Operations, reports must be received semi-annually and be in good order. When the RCM places his or her signature on the document, he or she is certifying that, in fact, proper verification has been done and that goods and services have been received in accordance with the terms of the funding arrangement.

5.6.3 **Sections 32 and 34**. RCMs may be the same Director or they may be different depending on the organizational structure of the region.

5.6.4 **Section 33** provides for the authorization of payment to the client or client group. The Financial Officer will receive the requisition signed by the RCM(s) under Section 32 and Section 34 verifying that the money is available, the matter is within Approved Authorities and that goods and services have been received. The Financial Officer will then sign the requisition approving the release of funds and send it for payment.

5.6.5 The implications that emerge, particularly from Section 34, must be seriously considered. The only way the requirements of Section 34 can be met for FNCFS Maintenance is if regular compliance is done on a month-to-month basis. This is the only way that receipt of goods and services (reimbursement of expenses that are within INAC authorities) can be verified. Reimbursement simply on the basis of having received an invoice is contrary to Section 34 and could put the RCM, who signs under Section 34, at risk of breaching the FAA.

5.7 Treasury Board Policy on Transfer Payments (PTP)

For the purpose of this manual, the focus of this section will be on Section 7.6 of the Policy on Transfer Payments (PTP), "Cash Management Policy: Installments of Grants and Advance Payments of Contributions" and the Policy on Transfer Payments, Appendix B ii, "Advance payments of contributions"). These are the most relevant sections because they outline the policy on advance payments for Contributions as practised in FNCFS.

5.7.1 CFAs, which include Contributions, are based on Treasury Board-approved terms and conditions for the program and reflect the principle that transfer payment assistance is provided for projects only at the minimum level to help reach the stated program objectives and expected results.

5.7.2 For FNCFS, Contributions are to be paid as a reimbursement of eligible costs incurred as in Maintenance or as an FTP for Operations and Developmental funding. However, where it is essential to the achievement of program objectives and specifically provided for in the agreement, advance payments of the government's share of allowable expenses may be made.

5.7.3 Under the PTP, departments must base any provision for advance payments of a Contribution on sensible cash management principles; that is the amount of each advance should be limited to the immediate cash requirements based on a monthly cash flow forecast from the Recipient that takes into account any outstanding advances.

5.7.4 In order to reduce the risk of over payments, a portion of a Contribution should only be paid following a satisfactory accounting for the Contribution by the Recipient. This would require that the department verify that the expenses were within authorities and the agreements.

5.7.5 Appendix B of the PTP places limits on the amount of funds that may be advanced under Contributions. Section 7.6.3 of the PTP requires departments to reduce the risk of overpayments by withholding a portion of the Contribution until the Recipient has done the final accounting of the Contribution.

5.7.6 INAC has received an exception from Treasury Board for the holdback provisions of Sections 7.6.3 and 7.6.4 of the PTP for the FNCFS program.

5.7.7 These exceptions were granted by Treasury Board on the understanding that Contribution funding would be based on information that had been verified to be within authorities; on behalf of Eligible Children and families; and for eligible expenses. Failure to meet these pre-conditions could place the exception in jeopardy. Should the exception be lost, it would force regions to implement holdbacks on all Contribution funding (including Flexible Transfer Payments). This could result in FNCFS agencies incurring interest charges to cover the expenses represented by the amount of the holdback. This could place some Recipients in a tenuous position because it would restrict their cash flow.

5.8 Corporate Services Financial Management Manual (FMM)

5.8.1 FMM Volume 3, Financial Policies and Procedures Manual, Transfer Payments Chapter 5, Section 16, "Funding Agreements - Management Control Framework for the Receipt of Reporting Requirements" outlines how INAC moves money is to Recipients. This applies to all INAC programs and services including FNCFS. The requirements under the FMM are outlined in the following sections.

5.8.2 For Maintenance, which is funded as a Contribution, a budget is developed at the beginning of a fiscal year based on verified expenses from the previous fiscal year and anticipated expenses for the new fiscal year.

5.8.3 Maintenance funding would then be advanced on a monthly basis taking into consideration the level of expenses claimed in the reports received from the Recipients. Once reports have been verified, in accordance with the FMM, adjustments would be made to the subsequent month's advance to bring the total amount advanced in line with the year to date actual eligible expenses.

5.8.4 For Maintenance, it is a requirement of the FMM that the Recipient submit monthly invoices within 15 calendar days of month end. The region is then required to conduct an initial review of the invoice within 15 calendar days of receiving the invoice from the Recipient.

5.8.5 A final reconciliation is required within 30 calendar days of receiving the invoice. If received on time, this allows a total of 45 calendar days as the period of time within which a final reconciliation of Maintenance invoices will be completed.

5.8.6 For Operations, which is funded as a Flexible Transfer Payment, the cash flow does not require monthly verification because it is funded according to a formula (see Section 3.2). The Recipient is required to provide reports twice per year, effective September 30 and March 31 as outlined in Chapter 6, Section 6.2. These reports should clearly indicate that the terms and conditions of the agreement have been met and that the Recipient continues to provide the service for which it is mandated.

5.9 Implications for Social Services Including FNCFS

5.9.1 The Treasury Board PTP stipulates that in order to process payments, the department must have procedures in place to meet the requirements of Section 34 of the FAA. More specifically, regions must verify that goods and services have been received and that the terms and conditions of a funding agreement have been met before processing a payment.

5.9.2 Programs, including FNCFS, may advance more than one month's funding if it is felt that it is required by a Recipient for purposes related to ongoing programming. This is an exception, however. The failure to provide adequate compliance could place this exception in jeopardy.

5.9.3 The FMM requires that final reconciliation of Maintenance invoices must be done within 30 calendar days of receiving the month-end invoices. If received on time, this means a total of 45 calendar days from month end (see Section 5.6.e). Any required adjustments arising from the reconciliation of invoices from month one must be made on the month three payment. Failure to meet these time frames are a breach of the FMM and cannot meet the requirements of the Policy on Transfer Payments.

6 Reporting and Compliance

6.1 Introduction

As indicated in previous chapters, reporting and compliance is a major component of effective program management. Without measures taken to demonstrate that the terms and conditions of agreements have been met and that INAC is paying for services that are within its authorities, it would be difficult to present a case for ongoing funding. The requirements outlined in this manual, are the minimum requirements. Regions may have other conditions that are regionally specific and essential to the successful operation of the program.

6.1.1 FNCFS Recipients must submit annual financial statements as set out in Chapter 5.17 of the FMM. These statements must be submitted within 120 calendar days of the end of the fiscal year. These financial statements must be conducted by an independent auditor.

6.2 Operations

As indicated in Chapters 2 and 3, the Operations portion of INAC's FNCFS funding is provided in the form of a Flexible Transfer Payment, which allows the Recipient to retain surpluses provided that the terms and conditions of their agreements have been met. It is also expected that Recipients will absorb any deficits.

6.2.1 **Protection Services:** The Recipient shall provide a report on September 30 and March 31, which shall be submitted to a regional office by the 15th day of the following month of each fiscal year. **The report, which will follow the Program Directive, shall contain the information as outlined in the First Nations Reporting Guide.**

6.2.2 It has been suggested that the information requested in the Reporting Guide is outdated and needs to be revised. One of the tasks that may be undertaken by the National Advisory Committee on First Nations Child and Family Services is to recommend revisions to the Directive that would make the information gathered more relevant to FNCFS. Some information that may be considered is:

- a list of services provided;
- the number of families for whom protection services have been provided without having to bring the children into Alternate Care;
- the number of families in which child protection intervention resulted in the placement of children in Alternate Care;
- the number of families in which parent aide services were used for child protection purposes;
- the average length of stay for children in Alternate Care by age;
- reasons for children coming into care (neglect or abuse);
- the current number of trained or approved foster homes;
- the number of children placed in off-reserve resource; and
- the number of approved adoption homes (if relevant in the reference province or territory).

6.2.3 **Prevention Services:** As with Protection Services, the Recipient shall provide a report on September 30 and March 31, which shall be submitted to the respective regional office by the 15th day of the following month in each fiscal year. **Reporting, as is done in Protection Services, shall follow the First Nations Reporting Guide.**

6.2.4 As with Protection Services, the Reporting Guide needs to be reviewed and may be discussed with the National Advisory Committee. Some of the points for inclusion, which may be considered, are:

- a list of services provided;
- legislated or discretionary services;
- the amount being spent on prevention compared to protection;
- number of families receiving service for each of the service areas provided;
- the number of children included in the families served (for each of the services provided);

- the number of community-based child and family services committees currently active;
- the number of Elders committees currently operating;
- the number of public information, education-related sessions and workshops held during the period; and
- the types of workshops held and the number of people attending.

6.3 Maintenance (General Considerations)

6.3.1 As indicated in Chapters 2 and 3, Maintenance is provided as follows:

- for standard Contribution funding, it is a reimbursement of eligible expenses for an Eligible Child taken into Alternate Care whose Custodial Parent is Ordinarily Resident On Reserve;
- for Recipients who are approved for entry into a Flexible Funding Option, it is in the form of a Flexible Transfer Payment, as is the Operational allocation.

6.3.2 For Contribution funding, Recipients are required to submit a monthly invoice for expenses for an Eligible Child in Alternate Care out of the parental home. Regions will then do a reconciliation of these invoices as outlined in Section 6.4. Timely completion of these reconciliations (within 45 calendar days as outlined in Section 5.8.5) will enable regions to accurately forecast their Maintenance requirements and to fulfill the requirements of Section 34 of the FAA.

6.3.3 For Recipients in a Flexible Funding Option (FFOM), the levels of funding are pre-determined in accordance with the methodology outlined in Annex E of Appendix A. There is still a requirement, however, for FFOM Recipients to submit quarterly reports outlining the numbers of children in Alternate Care and the activities funded through reinvestment (see Annex E of Appendix A).

6.3.4 For all Recipients, there is also a requirement for on-site reviews. These reviews must be conducted at least once every three years. If Recipients show large variances in their Maintenance reporting, an on-site review will become essential at more frequent intervals.

6.4 Contribution Funding of Maintenance (In-office Reconciliation)

Recipients whose Maintenance is funded by a Contribution are required to submit monthly invoices within 15 calendar days of the end of the month. These are reimbursed on the basis of allowable expenses for each Eligible Child in Alternate Care out of the parental home. The required components of the process for reconciling Maintenance Contributions is outlined below.

6.4.1 Upon taking a child into Alternate Care out of the parental home, the Recipient will submit to the region a notification of their action in accordance with established regional practice. This notification will identify:

- the child and his or her parents along with the relevant status number(s);
- whether or not the custodial parent/guardian was Ordinarily Resident On Reserve at the time of placement;
- the birth date and gender of the child;
- whether the placement is an apprehension, a voluntary placement or a private placement under provincial or territorial legislation and standards and the level of care which the child is deemed to require; and
- if the rate is above the basic provincial or territorial rate, a statement signed by a qualified social worker in the employ of the Recipient confirming the level and rate required.

The form of notification may vary from region to region. In some regions it may be a copy of the provincial or territorial notification form and in others, it may be a separate form or included in the first month invoice. It may be hard copy or electronic.

6.4.2 Regional staff review the notification and determine whether or not the child in question is a federal responsibility. The child is a federal financial responsibility if:

- the child is registered or eligible to be registered;

- the custodial parent/guardian was Ordinarily Resident On Reserve at the time of coming into care; and
- the child is under the age of majority in the reference province or territory.

6.4.3 The process for reconciliation will differ from region to region, but the basic requirements are:

- The Recipient will submit an invoice to the region by the 15th calendar day following the end of the month. The invoice will be in accordance with the First Nations Reporting Guide.
- The invoice will identify the child for whom the region is being billed and will itemize the charges on behalf of the child.
- Regional staff will verify the child's name with the approved notification forms and verify that the child is a federal financial responsibility.
- If the invoice appears to be in order, the region will, within 15 calendar days of receiving the invoice, advise the Recipient of its acceptance.
- The claim will then be verified. The charges will be examined and, if in line with the provincial or territorial per-diem rates for the level of care for which the child has been assessed, approval will be given.
- Where charges exceed the approved per-diem rate, the Recipient must itemize the additional charges and justify them.
- The region will then determine if these additional costs are in line with INAC authorities for Maintenance (see Chapter 2, Section 2.3).
- If they exceed INAC authorities or are felt by the regional officer to be excessive, the regional officer must reject that portion of the claim that is in dispute and advise the Recipient accordingly, including the reasons for rejection.
- If there are outstanding questions regarding some of the charges, the Recipient may resubmit in future monthly billings.

- Verification is to be completed within 30 calendar days of receiving the invoice or 45 calendar days from the end of the month if the report has been submitted on time (see Section 5.8.5).
- The region will have a process for sign off under Section 34 of the FAA for the approved amount.

6.4.4 For provinces and territories, which are delivering services on reserve, the same process applies. If the provincial or territorial practice is to bill on a monthly basis, the reconciliations must be done monthly. If the province or territory bills on a quarterly basis, the reconciliation would be done quarterly.

6.4.5 For the Province of Ontario, which provides direct funding to FNCFS Recipients, reconciliations are regularly done by the Province. Ontario will share the results of their reconciliation activities with the Ontario regional office.

6.5 Contribution Funding of Maintenance (On-site Reconciliation)

6.5.1 Periodic on-site reviews are an essential component in effective compliance. Although not conducted on a regular basis, each Recipient must be reviewed once every three years to ensure that proper records are being kept and that information contained in the monthly invoices are, in fact, accurate. Wherever possible, joint on-site reviews should be conducted with the province.

6.5.2 For Recipients experiencing difficulties, reviews may be required on a more regular basis. (See Appendix C, Child and Family Services Compliance Review Process and the First Nation National Reporting Guide.)

6.5.3 The purpose of the on-site review is to:

- confirm client eligibility;
- enable INAC to meet its accountability responsibilities to Parliament for spending public funds under Section 34 of the FAA (see chapter 5);
- determine and ensure compliance with provincial rates subject to Treasury Board-approved maximum amounts; and

- provide support to the Recipient and to the region for the effective and efficient operation of FNCFS.

6.5.4 The review team may be composed of INAC employees in partnership with the Recipient and provincial or territorial authorities, a third-party consultant, Consulting and Audit Canada or other suitable persons. The review should try to be inclusive wherever possible to ensure that the Recipient is fully involved. Wherever possible, the reference province or territory should be involved in the process.

6.5.5 The review will ensure consistency in the invoicing process and will involve four distinct activities:

- **Review of case files**: This is to be done by taking (as a minimum) a sample of case files in line with the options outlined in Section 8.2 of Appendix C. The sample must be large enough to give a clear picture of the operation. The list of items that should be included in the case files is outlined in the review process described in Section 8.2 of Appendix C. Likewise, the focus of the case file review and the intended outcomes are included in that section.

- **Review of foster parent files**: The sample should be selected as above. There is also a description in Section 8.2 of Appendix C of the components that should be contained in a foster parent file. The intended focus and outcome of the foster parent file review are outlined.

- An **administrative review** of the office practices of the Recipient and the accounting for payments made on behalf of eligible clients. Section 8.2.c of Appendix C outlines the components to be evaluated in an administrative review. The components may not be all-encompassing and the region may wish to add to this list of requirements.

- A **review of group homes and institutions** to ensure that the facilities are licensed/regulated in accordance with provincial or territorial standards and rates. The outline of items to be evaluated are contained in Section 8.2.d of Appendix C.

Note of clarification: For case and foster parent files, individual provincial practices may vary; however, INAC staff should only require access to those files (or information from them) required to verify the eligibility of the child and or the caregiver for reimbursement following the Treasury Board approved program Terms and Conditions. If INAC staff cannot certify that the child or caregiver are eligible under the

Treasury Board approved Terms and Conditions, INAC will not be able to authorize payment under Section 34 of the *Financial Administration Act*.

6.5.6 Once the review has been completed, there will be an on-site debriefing of the Recipient and chief and council, if appropriate. Where possible, the province or territory should also be included in the debriefing. Written confirmation of the findings will be provided to the Recipient within a reasonable time frame (not to exceed 60 days) following completion. Wherever possible, Recipients will correct the findings immediately.

6.5.7 If the Recipient cannot rectify the findings at time of the on-site review, a plan should be jointly developed to address the issues raised in the review. A second joint review may be required using the same methodology, but covering only the unresolved areas identified in the first review.

6.5.8 In the Province of Ontario, which directly funds FNCFS Recipients, on-site reviews will be done in accordance with the Province's terms and conditions. The results of such reviews will be shared with INAC's Ontario regional office.

6.6 Flexible Funding Option for Maintenance (FFOM)

Recipients, which have been approved for the FFOM option of Maintenance, will be subject to the terms and conditions outlined in Annex E of Appendix A. These Recipients will report quarterly.

FFOM Recipients will continue reporting on the number of children in care each month and the cost for each child. In addition, they will report on the use and the amount of re-investment money; money that has been successfully re-profiled from supporting children in Alternate Care to prevention services.

7 Definitions (Glossary of Terms)

The definitions contained in this glossary apply only to First Nations Child and Family Services

Alternative Funding Authority (AFA): – An authority whereby an Eligible Recipient receives multi-year funding in the form of a fixed allocation. Although FNCFS is excluded from AFA arrangements, it may be included as a targeted, non-core item under an AFA arrangement provided it is renewed annually.

Age of Majority – The age at which a person is considered to be an adult under the law of the relevant province or territory.

Age of Majority Services – Where a child is in the care of a FNCFS Recipient and is engaged in an educational or treatment plan at the time of reaching the age of majority, the child may remain in care until the plan is completed.

Alternate Care – Placement of a child out of the parental home in a foster home, group home, institution or in an independent living arrangement. This does not include children under the Children Out of Parental Home (COPH) program of Income Assistance.

Alternate Recipient– An Eligible Recipient that does not hold the mandate for the delivery of FNCFS, but receives INAC funding for this purpose and subsequently provides the funding to a mandated service deliverer. See Section 4.5.

Approved Authorities– INAC policy authorities received from Cabinet and the funding and program authorities received from Treasury Board as reflected in the revised Program Directive (APPENDIX A).

Band Council Resolution (BCR) – A resolution passed by a quorum of a Council confirming a decision.

Case Plan – A plan developed by a Recipient when a child needs protective services.

Catchment Area – The geographic area for which the reference province or territory grants a mandate to a FNCFS agency or other Eligible Recipient.

Chart of Accounts – The goods and services included in the per diem being charged by a province or territory for providing Maintenance.

Chief and Council – The leadership of a band as defined in the *Indian Act*.

Child at Risk – A child who is deemed to be at risk of neglect and/or abuse in accordance with the legislation and standards of the reference province or territory.

Child in Care – A child taken into care in accordance with provincial or territorial legislation and standards. This includes children in Alternate Care or children in care, but remaining in their own homes.

Children out of the Parental Home (COPH) – A short-term private arrangement between the parent of a child and a third party (usually a relative) for the care of a child. Where the parent does not have the resources to provide support on behalf of the child, an allowance may be paid to the third party out of Income Assistance in order to help pay the child's expenses. COPH is not to be seen as a mechanism to address protection concerns. **COPH falls under the Income Assistance program.**

Compliance Review – A review of the administration, operation and expenses of the FNCFS program administered by the Recipient to ensure that the program is being delivered in accordance with INAC's policies, which reflect Treasury Board and Cabinet authorities.

Contribution Funding – Contribution funding for FNCFS applies to Maintenance billings. These are paid in the form of a Contribution, which means a reimbursement of allowable expenses on a dollar-for-dollar basis.

Comprehensive Funding Arrangement (CFA) – A one-year funding arrangement with an eligible recipient containing programs funded by contributions, flexible transfer payments or grants, where applicable.

Custodial Parent – The mother of a child if she has sole custody. The father of a child if he has sole custody. If the parents have joint custody, the parent with whom the child resides most often.

Dual Bilateral Agreements – These are agreements between INAC and the Eligible Recipient and/or between the Eligible Recipient and the reference province or territory. These agreements outline the roles and responsibilities of the parties and clearly define the services offered.

Eligible Child – A child who is registered in accordance with the *Indian Act* or who is eligible to be registered according to the *Indian Act* and whose custodial parent is Ordinarily Resident On Reserve. In circumstances where the reference province or territory does not pay for Indians on reserve, only the Ordinarily Resident clause will apply.

Eligible Recipient (Recipient) – Organizations that have been mandated by the reference province or territory to provide FNCFS to on-reserve residents. Recipients may include FNCFS agencies, chiefs and councils or other organizations created to deliver mandated FNCFS services. This includes all provinces and the Yukon Territory, except Ontario, which is under the 1965 agreement, and the Northwest Territory and Nunavut, where provisions for these services are included in the territorial financing agreements.

***Financial Administration Act* (FAA)** – Federal legislation covering the financial administration of the Government of Canada, establishment and maintenance of the accounts of Canada, and the control of Crown corporations.

First Nations Child – In terms of the FNCFS program, a First Nations Child refers to an Indian Child. See definition for "Indian".

First Nations Child and Family Services (FNCFS) – The program designed to support culturally appropriate prevention and protection services for Indian children and families resident on reserve, in accordance with the legislation and standards of the province or territory of residence as outlined in the Program Directive (Appendix A) and this manual.

Flexible Funding Option for Maintenance (FFOM)– An option that allows Maintenance to be funded as a Flexible Transfer Payment. The methodology for entry into an FFOM is contained in Annex E of Appendix A.

Flexible Transfer Payment (FTP) – A conditional transfer payment made for a specified purpose where a fixed amount of funds is allocated to a Recipient, usually on the basis of a pre-determined formula. Recipients are expected to manage within the fixed amount. Recipients

may keep unspent balances as long as the program terms and conditions have been fulfilled. Surpluses must be spent in an approved manner. Deficits are the responsibility of the recipient.

Foster Home – An alternate family residence, regulated in accordance with the standards of the reference province or territory, where a First Nations Child may be placed when it is determined he or she needs protection and requires an alternate care arrangement as determined by the Case Plan developed by the Recipient.

Group Home – An alternate residence, regulated in accordance with the standards of the reference province or territory, which may accommodate several children in a setting that is more formal and structured than a foster home and where it is felt the child may need more intensive care as determined by the Case Plan.

Guardian – The guardian of a child as defined under the legislation of the reference province or territory.

Indian – "Indian" means a person who, pursuant to the *Indian Act* (R.S., 1985, c. I-5, s. 2), is registered as an Indian or is entitled to be registered as an Indian.

Institution – An alternate residence, regulated in accordance with the standards of the reference province or territory, which may accommodate larger numbers of children in a setting that is designed to provide more intensive intervention for children who need more intensive care as determined by the Case Plan.

Maintenance Funding – Funding provided to a Recipient either as a reimbursement for the actual costs of children in Alternate Care (Contribution) or in the form of a Flexible Transfer Payment for Recipients who have applied for and been approved to enter into an FFOM. See Section 2.3 on Maintenance.

Mandate – Authority granted by a province or territory for a Recipient to deliver FNCFS services in accordance with the relevant provincial legislation.

Memorandum to Cabinet (MC) – A proposal addressed to Cabinet seeking to obtain or change policy authorities for the operation of programs or services.

National Advisory Committee on FNCFS (NAC) – Following completion of the report of the Joint National Policy Review on FNCFS (NPR) in 2000, a National Advisory Committee, made up of First Nations and INAC representatives, was created to follow up on the NPR recommendations and make recommendations on their implementation.

Operations Funding – Funding provided to a Recipient in the form of an FTP for the purposes of service delivery as outlined in Section 2.2.

Ordinarily Resident on Reserve – Refers to children whose custodial parent/guardian, although they may be absent for a period of time for purposes related to education, health or other services that are unavailable in the reserve community where the child lives, maintain their primary residence on reserve. See Terms and Conditions, Application Requirements (Appendix B) for a full description.

Prevention Services – Services designed to reduce the incidence of family dysfunction and breakdown and to reduce the need to take children into Alternate Care.

Program Directive 20-1 CHAPTER 5 (Program Directive) – The INAC national policy statement on FNCFS (see Appendix A).

Program Authorities – Treasury Board decisions that govern a program. This authority is reflected in the Program Directive (see Appendix A) and in this manual.

Protection Services – Legislated services designed to protect children from neglect and abuse as provided by a provincially mandated FNCFS Recipient.

Reference Province or Territory – The province or territory within which a specified Recipient is located.

Reserve – A tract of land, the legal title to which is vested in Her Majesty, that has been set apart for the use and benefit of a band, as defined in the Indian Act.

Responsibility Centre Manager (RCM) – The manager who has authority delegated by the Minister of the relevant department of the Government of Canada to ensure that the requirements of the *Financial Administration Act* have been met.

Tripartite Agreements – Agreements between INAC, Recipients and the reference province or territory. These agreements outline roles and responsibilities of the parties and clearly define the nature of services to be provided. These agreements may be for a specific term or be open ended provided adequate provision is included for termination with reasonable notice. For a sample, please refer to APPENDIX D (to be added at a later date).

Appendix A: Program Directive Chapter 5 Social Development PD 5.1

First Nations Child and Family Services (FNCFS)

1.0 Purpose

This Directive states Indian and Northern Affairs Canada's (INAC) policy regarding the administration of the First Nations Child and Family Services Program.

2.0 Authority

This Directive is issued as a follow-up to Cabinet and Treasury Board authorities granted in 2003.

3.0 Issuing Authority

This Directive is issued under the authority of the Assistant Deputy Minister of Socio-Economic Programs and Policy.

4.0 Scope

This Directive applies to all employees, both at INAC Headquarters (hereafter, Headquarters) and in the INAC regions (hereafter, region or regions), in the carrying out of the department's functions regarding the funding and support of child and family services on reserves.

5.0 Responsibilities

5.1 Except where otherwise indicated, this Directive will be implemented by the Regional Director General.

5.2 The responsibility for approving developmental plans and new funding lies with Headquarters Finance Branch in cooperation with the Social Policy and Programs Branch at Headquarters.

5.3 The Social Policy and Programs Branch is responsible for interpreting this Directive and for inserting any necessary changes.

6.0 Principles

6.1 The department (INAC) is committed to expanding First Nations Child and Family Services on reserve to a level comparable to the services provided off reserve in similar circumstances. This commitment is independent of and without prejudice to any related right that may or may not exist under treaties.

6.2 INAC will support the creation of First Nations designed, controlled and managed services. It is committed to working toward ensuring that every First Nations person resident on reserve has access to services that are designed, controlled and managed by First Nations.

6.3 INAC is committed to ensuring that this policy will be consistent with First Nations aspirations toward self-government. INAC views this policy as a step toward realizing these aspirations.

6.4 INAC will support the development of First Nation standards for those services. It will work with First Nations organizations to encourage their adoption by provinces and territories.

6.5 This expansion of First Nations Child and Family Services (FNCFS) will be gradual as funds become available and First Nations are prepared to negotiate the establishment of new services or the take-over of existing services

6.6 Provincial child and family services legislation is applicable on reserves and will form the basis for this continued expansion. It is expected that the provinces will be a party to agreements.

6.7 INAC will only fund child and family services service providers that have been mandated by the reference province. INAC will also fund a First Nation recipient that is not mandated by the reference province provided that the First Nation has a service agreement for child and family services with a service provider mandated by the reference province or the province, and transfers 100% of INAC funding for child and family services to the mandated service provider.

7.0 Developmental Activities

7.1 INAC will fund the development of new FNCFS organizations as follows:

(a) *Pre-planning*: This activity will support community consultation, data collection and information gathering enough to prepare an initial community proposal and preliminary discussions with the province or territory and INAC. It should produce a detailed plan (direction and services wanted and how they intend to achieve this), and Band Council Resolutions indicating community support for developing FNCFS.

(b) *Planning*: This activity will support all the work leading up to and including a formal agreement between the parties (province or territory, INAC and First Nations groups) for the start up of a new organization. It will include needs assessment, identification of respective roles and responsibilities, description of services and delivery mode, elaboration of personnel policies (that is, organization chart, job descriptions, etc.) and financial policies (that is, accounting system, etc.), description of an implementation plan, funding arrangements, etc.

(c) *Start-up*: This phase will include hiring staff, establishing the office(s), purchasing equipment and furniture, setting up, orienting and training local committees and board of directors as well as initial staff training.

7.2 *A pre-condition for moving from one developmental phase to another, is completing the previous phase.* This funding will be provided only once for each phase to each group and or band. Funding for the pre-planning and planning phases can be incorporated in the Comprehensive Funding Arrangement (CFA) of the band, the tribal council, or agency and will be considered to be a Flexible Transfer Payment (FTP). The start-up funding will form part of a separate contribution agreement, as well the ongoing operating budget.

8.0 Scale of Organizations

8.1 Each organization should serve at least 1,000 children (0-18 years of age). It is realized that in certain circumstances this may be impossible. INAC is ready to consider exceptions to help potential organizations that would serve less than 1,000 children.

(a) *Grounds for Exceptions*:

(1) *isolation and remoteness*: the distance between bands that would otherwise work in cooperation is so great that efficiency would not be achieved by following the policy;
(2) *cultural contrast*: extreme cultural differences would not lead to effective working relationships; or
(3) *existing groupings*: some bands are already cooperating in administering and delivering other programs. It would be essential to acknowledge the same grouping in order to create an efficient FNCFS organization.

9.0 Delivery Options

The funding level proposed in Section 19 covers providing a full range of child and family services (protection and prevention). When it comes to the delivery of these services, the First Nation groups that will be setting up a new organization could decide to deliver only part of the services (that is, prevention) and decide to have someone else deliver the balance of services (that is, the province, another Indian organization or a private group that has the delegated authority). The group may also decide to start delivering the services on a gradual basis: for example, prevention in the first year, protection in the second year and adoption in the third year of operation. In this case, the province or one of its agencies would continue to provide the other services until the new FNCFS organization has assumed them, and would be paid from the total allocation. All of these options and other variations are acceptable so long as the agreement clearly indicates who will do what at any given time and so long as all services are provided within the allocated budget (according to the funding formula).

10.0 Evaluation

10.1 INAC believes that any new FNCFS organization needs to review its progress as it matures. For this reason, INAC will provide a contribution (FTP) of $30,600 to each new organization in its third and sixth year of operation to complete an internal review of its operation in order to identify weaknesses and strengths and to plan any desired improvements to the quality of its services. The report of this review is for the organization's benefit and does not have to be released to INAC. Reviews or evaluations after the sixth year of operation will be the financial responsibility of the FNCFS organization. Over and above these internal reviews, an organization may be required to complete an evaluation in

relation to its mandate regarding the protection of children from abuse and neglect, the provinces or territory would need to address this matter with the First Nation organization.

10.2 INAC evaluations will cover the entire child welfare program rather than specific organizations or agreements. As part of its periodic review of the results being achieved by the total program, INAC's Audit and Evaluation Directorate will analyze the information submitted by the provinces and territory and organizations, to ensure that objectives are being met and agreements are being fulfilled.

11.0 Agreements in Principle

Agreement(s) will be in place reflecting a comprehensive range of child and family services, service delivery mode, respective roles and responsibility of parties (FNCFS organization, INAC, province or territory). These agreements will follow INAC authorities and will ensure that there is not a duplication of services and/or cost. These agreements, which are agreements in principle, are separate from funding arrangements (see Section 13.0) and can be tripartite in nature or complementary bilateral (that is, INAC-First Nations and First Nations-province or -territory). These agreements may have an open term provided there are provisions for termination on six months notification.

11.1 INAC shall confirm that an agreement is in place between the province or territory and the eligible Recipient, which complies with INAC authorities as outlined in the national FNCFS manual.

11.2 In the case of a FNCFS agency, it must be mandated in accordance with the relevant provincial or territorial legislation and incorporated following provincial, territorial or federal legislation as verified by a copy of their incorporation documents.

11.3 Where it is agreed that INAC will fund a chief and council for FNCFS, the chief and council must demonstrate that they have an agreement in place with a mandated FNCFS agency or the host province or territory. They must use 100% of operational funds provided to purchase FNCFS.

12.0 Contribution Funding Agreements

First Nations Child and Family Services (FNCFS) are excluded from core funding of multi-year agreements with bands and tribal councils. The terms and conditions applicable to Comprehensive Funding Arrangements (CFAs), which may include Flexible Transfer Payments (FTPs), must be included in FNCFS CFA agreements as contained in the national generic model as amended from time to time (Annex A). CFAs must be renewed annually and cannot be multi-year. The Cash Management Policy also applies. Specific program terms and conditions (Annex B) will be kept to a minimum.

13.0 Liability Insurance

Recipients must maintain liability and general insurance as may be required under provincial or territorial legislation or as may be required by INAC for the provision of child and family services. Recipients will provide a copy of such policies when an annual CFA begins.

14.0 First Nations Standards

14.1 First Nation standards may be developed in each region in cooperation with the host province. These standards, when adopted by the province or territory, can be implemented provided they do not imply additional costs for Canada over and above the funding level described in Sections 18 to 20 inclusive.

14.2 Once these standards have been adopted, they should be made available to INAC and any other First Nation group in Canada that asks for a copy.

15.0 Tripartite Mechanism

Each region will initiate a regional tripartite panel or committee, composed of representatives from INAC, FNCFS organizations and the province, to review program objectives, the development of First Nation standards, and to be a vehicle for ongoing discussions on issues of regional concern.

16.0 Effective Date

This Directive has been implemented as of April 1, 2004.

17.0 Amendment

Based on input by First Nations and/or provincial or territorial governments, this Directive will be amended as required.

18.0 Developmental Activity Funding

18.1 Pre-planning will be funded at a rate of $11,101.06 per group and $1,665.16 per member band.

18.2 Planning will be funded at a rate of $88,808.48 per group and $3,330.32 per member band.

18.3 Start-up will be funded at a flat rate of $185,387.70 per organization plus 25% of the first year's operational funding as described in Section 19.

18.4 The above-mentioned flat rate of $185,387.70 may be adjusted as described in Section 20.1.

19.0 Operational Funding

19.1 Funding for Operational Allocations:

For the provision of comprehensive child and family services (both prevention and protection), the Operational allocation is intended to cover, but not be limited to, salaries, travel and benefits for agency staff (for example, agency director, senior management staff, supervisory staff, support staff, protection and prevention workers and resource workers); expenses related to board or committee operations; professional development services; special needs assessment and testing; legal services fees and costs; para-professional services; family support services; and agency administration including non-medical staff travel to accompany children, rent, office expenditures including computer hardware and software, audits, monitoring and evaluation.

Eligible expenditures may also include non-medical services designed to keep families together and children in their own homes (for example, homemaker and parent aid service, mentoring services for children, home management, non-medical counselling not covered by other funding sources, and group and individual activities designed to promote better parenting skills). Payment under this activity will be in the form of a Flexible

Transfer Payment. Operational funding will be provided to FNCFS organizations as follows:

(a) A fixed amount of $143,158.84 per organization + $10,713.59 per member band + $726.91 per child (0-18 years) + $9,235.23 x average remoteness factor + $8,865.90 per member band x average remoteness factor + $73.65 per child x average remoteness factor + actual cost of the per-diem rates of foster homes, group homes and institutions established by the province or territory.

(b) The above-mentioned fixed amount of $143,158.84 may be adjusted as described in Section 19.2.

(c) In its first year of operation, a new organization will receive 75% of the formula, 85% in its second year, 95% in its third year and 100% in its fourth year. These adjustments will reflect a gradual implementation of the formula over a four year period.

(d) The remoteness factors are the same as used for band support activities. The child population of 0 to 18 years on reserve is the same as reported by INAC's Lands and Trust Services. When calculating the funding formula in a given fiscal year, the child population counted in December of the previous year will be used.

(e) In the Quebec Region, Child and Family Services form part of a network of comprehensive social services. The proposed funding levels are for child and family services only. Existing funding for other social services will not be affected by introducing the above funding formula.

(f) The Operational budget (including developmental activities) has been authorized as a Flexible Transfer Payment (FTP) where the organization will have full authority to set the priorities to be funded (within the sphere of the Child and Family Services Program) so long as the mandate to protect children from neglect and abuse is met. The province or territory responsible for child protection that has delegated this responsibility to Indian organizations will need to address this matter with Indian organizations.

19.2 Funding Adjustment for Proposed Organizations Serving less than 1,000 Children:

For agencies with less than the suggested optimum number of children, adjustments will be made as follows:

a) *Start-up Costs*: if the number of children to be served is between 801 and 1,000, no adjustment. If the number of children to be served is between 501 and 800, the flat rate for start-up as described in Section 18.3 will be $92,693,85 rather than $185,387,70. If the number of children to be served is between 251 and 500, the flat rate for start-up will be $46,346,92 rather than $185,387,70. If the number of children to be served is less than 251, the flat rate for start-up will not be available.

b) *Operational Costs*: If the number of children to be served is between 501 and 800, the fixed amount per organization of $143,158,84 as described in Section 19.1 will be reduced to $71,579,43. This amount will be further reduced to $35,789,10 for organizations serving between 251 to 500 children. If the number of children to be served is less than 251, the fixed amount will not be available.

c) All other funding levels and future year adjustments remain as previously described.

20.0 Maintenance Funding

20.1 Standard Contribution Funding:

Maintenance consists of child maintenance in a foster home, group home or institution. Child Maintenance is the actual cost of maintaining First Nation children ordinarily resident on reserve in alternate care out of the parental home. Children must be taken into care in accordance with provincially or territorially approved legislation, standards and rates for foster home, group home and institutional care. This includes non-medical services to children with behavioural problems and specialized needs; non-medical travel for purposes related to court, parental visitations, education; purchases on behalf of children in care and other provincially approved expenses not covered by other funding sources. Foster, group and institutional per-diem costs, as set and approved by the reference province or territory, may include

professional services not covered through other sources of funding where the child has established eligibility. Maintenance payments are a Contribution and reimbursable on the basis of actual expenditures. Further considerations are as follow:

a) Reimbursement on behalf of eligible children will be made only when the foster, group home or institution has been approved or licensed in accordance with the legislation and standards of the reference province or territory. Letters of equivalency will not be accepted in lieu of this process.

b) INAC may reimburse agencies, subject to the legislation and standards of the reference province or territory, for assistance to children above the age of majority until the child has completed a course of education or treatment plan that was underway at the time of attaining majority.

c) Recipients will be required to submit monthly invoices for children in alternate care out of the parental home. Regions will ensure that the reconciliation of these invoices takes place in a timely fashion. The reconciliation of these invoices should never fall more than three months behind.

d) Recipients and regions will ensure that on-site compliance reviews take place at regular intervals. On-site compliance should occur with each Recipient once every three fiscal years following the INAC Child and Family Services Compliance Review Process Directive.

e) Upon bringing a child into alternate care, the Recipient shall, within 30 days, apply for the Children's Special Allowance (CSA).

f) The CSA will be applied against the eligible expenses under the *Children's Special Allowances Act* in accordance with Section 3(2) of the Act. In those cases, the Recipient shall document the use of these funds and shall be prepared to furnish copies to INAC as required.

20.2 Flexible Funding of Maintenance:

Recipients may apply by submitting a proposal or plan to regional offices to start the process for entering into a Flexible Funding Option (FFOM) for child and family services Maintenance. The

arrangement will provide increased flexibility for agencies to reprofile Maintenance funding under a Flexible Transfer Payment in order to provide increased resources for prevention. Following an assessment by the region, final approval of all FFAs must have the agreement of the Recipient in question, the region and Headquarters.

a) Entry into a FFOM is voluntary. A Recipient will not be required to enter such an arrangement.

b) The management regime for FFOMs is attached as Annex E. It will be dealt with in detail in the FNCFS program manual.

c) Funding provided through the FFOM will be used for child and family services as defined under the legislation and standards of the reference province.

21.0 Administrative Process

Regions are required to submit expansion plans (creation of new agencies) requiring additional funding to the Director General of Social Policy and Programs Branch and the Director General of Finance Branch in Headquarters for their approval. Plans will be assessed according to the availability of funding and on the basis of the policy of this Directive being respected.
Headquarters Finance has the responsibility for the budgetary allocations necessary for these activities. Regions must live within these budgets. The contents of the agreements to be negotiated pursuant to this Directive should be closely scrutinized by Legal Services to ensure that the respective roles and responsibilities of the parties are clearly spelled out.

22.0 Effective Date April 1, 2004

The financial components of the Directive will be implemented as funds become available. All monetary amounts reflect 1995-1996 values. These amounts will be increased by 2% every year subject to the availability of resources.

23.0 Enquiries

23.1 Anyone wishing further information or clarification regarding this Directive should contact the Regional Director General or the Director of Social Policy and Programs Branch at Headquarters.

24.0 Annexes

A - General Terms and Conditions Applicable to Comprehensive Funding Arrangements (CFA)

B - Specific Program Terms and Conditions

C - Annual Funding Levels

D - Specific Program Reporting for First Nations Child and Family Services

E - Flexible Funding Option for First Nations Child and Family Services Maintenance - Methodology

Annex A: General Terms and Conditions Applicable to Comprehensive Funding Arrangements (CFA)

The following items must be included in ICFS funding arrangements:

1. Recipient clearly identified
2. Purpose clearly stated
3. Definitions
   (a) Flexible Transfer Payment
   (b) Contribution
   (c) Surplus/Deficit
   (d) Action Plan/Remedial action
   (e) Expenditure Plan
   (f) Indian resident on reserve
   (g) Maintenance
4. Duration specified
5. Signing date
6. Effective
7. Roles and responsibilities of INAC and of the Recipient clearly described
8. Surplus/Deficit administration
9. Reporting requirements
   (a) Audit
   (b) Financial reports

10. Provisions for amendments and termination of agreement

11. Non-performance

    (a) Request for additional information required

    (b) action plan negotiated

    (c) remedial action if necessary

12. Schedule of funding levels (Annex C)

13. Expenditure plan/cash flow need

14. Cash disbursement schedule

15. Signature block for financial certification

16. Signature block for the Regional Director General and the Recipient

It is essential that regional practices are followed. Please consult the INAC regional officers responsible for transfer payments for a detailed explanation of the above-noted items and for the wording to be used.

Annex B: Specific Program Terms and Conditions

The following items must be included in the ICFS arrangements:

1. **Budget**

   (a) Operations:(administration and services)

   (b) Maintenance: monthly reimbursement of actual costs (an estimate amount must be stated in the funding arrangements)

2. **Definitions**

   (a) Indian ordinarily resident on reserve means:

      (1) that the final Recipients usually live at a civic address on reserve, or are children in joint custody who live on reserve most of the time; or

      (2) Students continue to be considered ordinarily resident on reserve if they return to live on reserve with their parents, guardians or maintainers during the year, even if they live elsewhere while attending school. The residence of a child who comes into the care of a mandated child welfare authority is derived from the residency of the child's parent or guardian at the time the child is taken into care. Such children shall be deemed to be ordinarily resident on reserve for as long as such care is required and continues to be unavailable on reserve.

   (b) Maintenance means: the actual cost of maintaining Indian children ordinarily resident on reserve who are taken into care according to provincially approved legislation, standards and placed in a foster home, a group home, or institutional care. This includes non-medical services to children with behavioural problems and specialized needs; purchases on behalf of children in care; and other provincially approved purchases not covered by other funding sources.

3. **List of services to be provided**

4. **Specific program reporting:**

   (a) for operations: twice a year on September 30 and March 31

   (b) for maintenance on a monthly basis

   (c) an annual report

The information required is described in Annex D.

Annex C: Annual Funding Levels

This arrangement is to provide funding for fiscal year _____ In the amounts described below for the purposes as set out in Section ____.

1. Flexible Transfer Payments
   Funding for Operations:
   (administration and services)

   $_____

2. Contribution Funding for Maintenance

   $_____

3. Total Funding

   $_____

Annex D: Specific Program Reporting for First Nations Child and Family Services

The required information falls in two major categories:

Information related to services provided (operations)

Information required for the actual reimbursement of maintenance

1. **Operations**

   (a) prevention services (to prevent children from coming into care)

      (1) list of services provided

      (2) number of families served (by service)

      (3) number of children included in families served (by service)

      (4) number of local child and family services' committees

      (5) number of Elders' committees

      (6) number of public information or education-related sessions or workshop

   (b) protection services (for children in care including children under supervision order in their own homes)

      (1) list of services provided

      (2) number of families served (by service)

      (3) number of foster homes

      (4) number of adoption homes

2. **Maintenance of Children in Care**

   (a) number of children in care at the end of each month by type of placement (foster home, group home, institution)

   (b) number of care days, unit cost and total cost for each type of placement

Annex E: Flexible Funding Option (FFOM) for First Nations Child and Family Services (FNCFS) Maintenance – Methodology

1.0 Current Authority

Agencies may apply by submitting a plan to the INAC regional office to enter into a FFOM for child and family services maintenance. The purpose of this arrangement is to provide increased flexibility for agencies to reprofile Maintenance funding in order to provide increased resources for prevention. Following an assessment by the region, final approval of all Flexible Funding Options must have the agreement of the agency in question, the region and Headquarters.

2.0 Introduction

2.1 This policy statement, because it deals with a new methodology, is viewed as a work in progress. A review of the policy should be undertaken within one year or at the point when a new Operational funding formula becomes operational, whichever occurs first. This policy statement relates to the flexible funding option of FNCFS maintenance only. Any procedures or methodologies outlined in this paper are not transferable to other programs or even to other aspects of the FNCFS program.

2.2 FFOMs are to be viewed as an option for agencies wishing to receive increased flexibility in the way they may use their Maintenance funding. It is intended to enable agencies to reinvest resources, normally available only for children out of the parental home, into alternate services. These alternate services are targeted prevention initiatives focussing on least disruptive measures. Alternate services are to be holistic and preventative in nature and designed to keep families together.

2.3 In his report on Flexible Funding, Dr. Brad McKenzie indicated that; "There are indications— that block funding has been successful in facilitating alternative forms of intervention for children and families. These efforts are consistent with a growing body of evidence that more investment in family support services, including Aboriginal approaches based on the concept of holism, can help to prevent more intrusive and costly forms of intervention."

2.4 FFOMs are to be cost neutral in that they are not intended to provide increased resources but are intended to provide increased flexibility. They are a mechanism an agency may use to provide a better quality of service within current reference levels of funding.

2.5 When the Operational formula is revised, this policy will need to be reviewed in light of a revised formula.

3.0 Alternate Services

3.1 The alternate services, referred to above, may be provided from the savings accumulated by providing alternate responses to protecting children at risk of neglect and abuse. For example, moving children from high-cost placements out of the home and community to their own homes or, at least, less expensive placements in the community. These savings may be reinvested into alternate services designed to keep children at risk, as defined by the reference province in its legislation and standards, and their families together and to reintegrate families that have been separated in the past.

3.2 These reinvestment resources may be applied to a broad range of services in the home or the development of programs and services designed to help children at risk and their families. These alternate services must be for the benefit of children and families and within the overall mandate of FNCFS as defined by the reference province in its legislation and standards.

4.0 Process for Entry into a FFOM

4.1 An agency applies to a regional office to enter into a FFOM by submitting a proposal or business plan outlining how it will manage the allocation and how it will shift focus from children in care to a more preventative approach. It must present a five year plan on how it will change the profile of service from primarily protection to a more prevention-oriented program. The agency will indicate how it plans to evaluate progress on an ongoing basis in order to track the transition process.

4.2 The plan will clearly outline the nature of services currently being offered, including numbers of children out of the home in alternate care and the numbers of children at risk in their communities. Also, agencies will identify the number of high-needs children and the costs related to these.

4.3 In order to ensure that the transition to the FFOM is successful, the First Nations agencies, regions and the provinces must agree with the business plan because provincial delegation and approval in the redesign of services is essential. The best interest of the child, however, must remain the overriding principle.

4.4 The region will advise Headquarters about the intent of a First Nations agency to begin the process leading to the agency entering such an arrangement.

4.5 The agency and the region will ensure that all of the preconditions for entry into such an agreement have been met (see Section 5 on Preconditions). This plan will be shared with Headquarters.

4.6 The agency and the region will then conduct a compliance review of the current fiscal year to verify the Maintenance base. The compliance review will be conducted following the national compliance Directive and as outlined in the FNCFS national manual. The average increase or decrease over the previous three fiscal years will then be determined. This information is to be shared with Headquarters.

4.7 Upon completing the compliance review and agreement on the part of all parties to a mutually acceptable level of authorized Maintenance expenditures, the parties will then develop the entry level allocation for flexible funding based on the methodology outlined in Section 6 on Determining Initial Allocations.

4.8 A Peer Review Committee (PRC) will consist of three First Nations representatives experienced in FNCFS and the concept of Flexible Funding appointed by the National Advisory Committee (NAC) along with the INAC National Manager of First Nations Child and Family Services and a representative from INAC Finance Branch. The PRC will discuss each application as it comes into Headquarters from the region.

4.9 The PRC will provide feedback to the applicant agency and region, suggest changes or improvements to the proposal and make recommendations on whether or not the application should be approved.

4.10 The recommendation will be presented to the Director General of Social Policy and Programs. Once the Director General has given final approval, the agreement will be put into effect.

4.11 Agencies must provide detailed reporting for children out of the parental home in alternate care as well as for reinvestment activities. Reports on children in alternate care will be submitted quarterly to the region along with reports on reinvestment activities. The reporting activities will reflect the proposal or business plan.

4.12 The agreement may be renewed annually for a period of five years at which time program funding levels will be reviewed and the arrangement may be renewed for a further five year period, See Section 9 on Renewals.

4.13 Annual adjustments will be provided in accordance with the methodology outlined in Section 7 on Annual Adjustments.

4.14 If large numbers of children come into care for reasons that cannot be controlled by the agency, or a small number of children result in a dramatic increase in expenditures, the agency may, at its discretion, invoke a special circumstance review. This process is described in the Section 8 on Special Circumstance Review.

5.0 Preconditions for Entry into a FFOM

An assessment of agency readiness will be conducted jointly by the region and the agency. This assessment will take into account the following factors:

5.1 FFOMs are designed for agencies that provide a full range of services and are fully delegated. Agencies that provide prevention services only would not benefit from a FFOM agreement. Delegated agencies that purchase protection services from the host province or another agency would, in their proposals, have to involve the reference province or external agency in the submission because the province has control of children coming into care. The agency and the province would have to provide details about how they plan to reprofile Maintenance dollars in order to change the focus of the service.

5.2 The financial and administrative "track record" of the agency and/or First Nations child and family services organization applying for a FFOM. This will include any surpluses or deficits the agency is experiencing; the consistency of financial records;

the case management records being in good order; and the concurrence of the province that the agency is in fact a good candidate for increased flexibility.

5.3 The degree to which the applicant agency has adequately trained staff and has developed a well-defined tracking and reporting system in line with provincial legislation and standards.

5.4 The capacity of the applicant agency to work collaboratively with and within its host communities, region and the province in establishing a new service direction with a strong preventative focus using an integrated holistic approach.

5.5 The stability of the service delivery system. Agencies with fairly stable caseloads (that is, no extreme fluctuations in children in alternate care out of the parental home) and a good record for protecting children will receive preference.

5.6 Size of the agency. Larger agencies have greater economy of scale and will be better able to benefit from the flexibility offered by a FFOM.

6.0 Method for Determining Initial Allocations

6.1 Results of the compliance review will establish the current Maintenance base and will be an accurate record of INAC reimbursable expenditures within current authorities during the current fiscal year. The percentage increase or decrease over the previous three fiscal years will also be determined.

6.2 The region and the First Nation agency will project a year-end level of spending for Maintenance within the current fiscal year. This will be accomplished by determining current levels of expenditure and adjustment made according to the trends that emerge during the reconciliation process.

6.3 The region and the First Nation agency will determine the allocation by using the year-end forecast as supported by the results of the agency review. The average annual variance over the past three years will provide the basis for an initial adjustment. However, there is no obligation to adjust upward to the full amount if it is determined that the adjustment is not required or supported by the business plan. Likewise, there is no obligation to adjust downward to the minimum if it is determined that the

agency could not manage. The maximum adjustment possible, however, would be the variance over the past three years.

6.4 Once the initial allocation has been determined, the Contribution Arrangement for the new fiscal year will be prepared. Funding will be in the form of a Flexible Transfer Payment for Maintenance as well as for Operations.

6.5 For fiscal year 2004-2005, FFOM arrangements may be entered into at the time when the applicant agency is prepared to begin operating. There will, however, be no retroactivity and the agency will receive flexible funding for only that portion of the fiscal year that they will actually be in a FFOM. Effective April 1, 2005; however, FFOM arrangements will only be entered into effective April 1.

7.0 Annual Adjustment

7.1 Authority for Flexible Funding is not multi-year; therefore, Contribution Arrangements must be renewed annually. For a FFOM, the Operations portion and the Maintenance portion of funding will both be in the form of a Flexible Transfer Payment, but separate entities within the agreement.

7.2 Adjustments are made annually in the Operations allocation based on the formula contained in the national policy. There are, however, no formula-based adjustments to the Maintenance allocation.

7.3 Because rates paid for children in care are driven by provincial rates, adjustments will be made to the Maintenance calculation to accommodate these shifts. Should the provincial rates for children in care rise, the Maintenance allocation will be adjusted effective on the date the adjusted rates become effective.

7.4 If the rates go up for any one of the categories for children in care (institutions, group homes or foster homes), a corresponding increase will be provided for those children in the care of the agency in those categories. The adjustment will use the child in care statistics provided by the agency in the previous fiscal year and will calculate the average cost per child in alternate care in each of the three categories. The percentage increase in the provincial rates will then be added to the average cost per child in alternate care by category and multiplied by the number of children in alternate care.

7.5 Alternately, if provincial rates drop, the same process in reverse will apply. Adjustments will occur effective the dates the rate changes come into effect.

7.6 Should cost of living adjustments be reinstituted for the Operational formula in future, these adjustments would not apply to Maintenance as Maintenance price is driven by provincial rates.

8.0 Special Circumstance Review

8.1 From time to time, circumstances may arise that are beyond the control of agencies and where large numbers of children may have to be brought into care due to breakdowns in a specific community. In other cases, extra ordinarily high costs for one or more children may result in a major increases to the cost of children in care out of the parental home. These situations are usually, but not always, temporary and may require a temporary adjustment.

8.2 When this occurs in an agency that is funded in the traditional fashion (that is, reimbursement of actual costs for children in care), the agency is able to pass the increase on to INAC through their normal Maintenance invoices. However, when this happens to an agency in a FFOM agreement, the impact of this emergency situation could create serious difficulties for the agency.

8.3 It is suggested the following process be adopted as part of the management framework for FFOM agreements:

a) If an agency in a FFOM agreement experiences a crisis in one or more communities that is beyond its control and that requires bringing a large number of children into care or, alternatively, it experiences a serious growth in special needs rates, the agency may, at its discretion, call for a Special Circumstances Review (SCR).

b) If 8% or more children, above forecasted levels, come into care over three months as reflected in the quarterly reports or if there is a surge in high-cost children resulting in a cumulative deficit equivalent to 8% or more of the agency's total annual Maintenance revenues (projected from quarterly reports), INAC will be obliged to call for a Special Circumstances Review (SCR).

c) The region and the agency will then set up a SCR and will advise Headquarters about this circumstance. In preparation for this review, the agency will be expected to produce a statistical summary of activities since entering the FFOM. Further, if the factor that is driving costs higher is high-cost children, the current situation will be compared with the numbers of high-cost children just before entering the FFOM.

d) The agency and the region will determine whether this special circumstance is likely to be of short or long-term duration.

e) If the duration is short, there are two possible options:

   i) it may be agreed by the agency and the region that the agency absorb this increased cost over a short period of time; or

   ii) the region may propose to provide a temporary supplement to the Maintenance allocation, which cannot exceed the shortfall. This temporary measure will never exceed six months. The region would them make this recommendation to Headquarters for final approval.

f) If it is likely to be of longer duration, there are three possible options:

   i) The agency, the region and Headquarters may agree upon a cost-sharing arrangement. This would then become part of the FFOM base until such time as the renewal took place.

   ii) The agency, region and Headquarters may agree that an adjustment to the base is required to cover the total amount of the shortfall. In this circumstance, renewal will be necessary and the business plan will require updating to reflect current realities. This will result in renewing the full agreement.

   iii) The region and the agency may agree that the agency revert to traditional Contribution funding, particularly if the impacts are significant. In such an event, six months would have to be allowed for the transition because a

number of programs and services may be effected. If such an agency wishes to re-enter a FFOM in future, they must reapply under the provisions of Section 4..

8.4 In the event that no agreement is reached in regard to Sections 8.3.e and 8.3.f above, the agency must return to traditional Contribution funding for Maintenance until the situation in the geographic area in which the agency operates stabilizes. In this circumstance, the agency would be subject to the provision in 8.3.f.iii.

8.5 In the event of a special circumstance that is outside INAC's current authorities to resolve, INAC will act to help bring the issue to the attention of the appropriate authority.

9.0 Renewal of the Allocation

9.1 Although the FFOM agreements must be renewed on an annual basis and an annual adjustment factor has been built into the methodology (based upon provincial rate increases), it is essential that, at some point, the levels of funding are reviewed and the agency's Maintenance allocation is renewed. With the anticipated shift from alternate care to in-home care for children at risk, the profile of agency service would change significantly and the considerations applied to new FFOM agreements would no longer apply.

9.2 With the shift in focus comes a significant change in the service profile. To renew without considering the alternate programming, which has been developed, would be counter-productive and would leave the FFOM agencies in an untenable position. On the other hand, it must be understood that the Maintenance base cannot continue to increase without justification and without periodic review.

10.0 Assumptions

10.1 That the shift in focus from taking children into alternate care toward prevention and alternate programming will be a gradual one that will take several years.

10.2 Renewal should only occur once a significant shift has taken place in programming. Therefore, Renewals will occur following five years of operation under a FFOM. In a review of the flexible funding pilot programs, it was found that there was a major shift only after the pilot program agency had been in flexible funding for more than five years.

10.3 The methodology for renewal will be done in a manner which is consistent, measurable and supportable according to existing data and authorities.

10.4 Flexible Funding was conceived as a methodology that would allow children at risk and their families to receive services at home, thereby reducing the need to remove children into alternate care. The Maintenance statistic of measurement, then, will no longer be children in alternate care alone, but a combination of children in alternate care plus children at risk of neglect and abuse being serviced by the agency.

10.5 Flexible Funding was conceived as a methodology to encourage an increased investment in preventative services. Should the Operational formula be redeveloped and additional funding is received for prevention or least disruptive measures, this methodology will have to be revisited.

11.0 Methodology

11.1 As part of the ongoing monitoring of the original proposal or business plan, the agency and region will meet a minimum of once per year to review the progress of the plan in moving from a protection-only agency to an agency that emphasizes prevention and service to children at risk in their own homes. These reviews will track the transition process so that when the renewal takes place, there will be no surprises. Provincial involvement in these periodic reviews should be encouraged wherever possible.

11.2 When a FFOM agency completes five years using the FFOM methodology, the process for renewal is as follows:

a) The region and the agency will set a date for the renewal to begin and will advise Headquarters accordingly. An on-site review will be conducted at the agency's offices. The review will include an assessment of all current year costs related to children in alternate care to ensure they follow current

authorities. The review will also track alternate services expenditures. The results of the review will then be matched against the original proposal or business plan.

b) The region and agency will do a projection of the current year's Maintenance and alternate program spending as supported by agency records. A trend will then be forecast to determine actual costs for the full year.

c) Once the projection is completed and has been verified by regional staff, the agency will advise the region about the number of children being serviced who are at risk of neglect or abuse in accordance with provincial legislation and standards plus the number of children in alternate care out of the parental home, which had already been jointly verified.

d) The number of care days will then be established on the basis of children out of the parental home. The number of non-care days will also be established by determining the number of at risk children being serviced in their own homes. In this way, a per-diem cost is established for children in care by dividing the total cost of in care by the number of care days. Similarly, a unit cost will be determined for non-care by dividing alternate service costs by number of at risk children being serviced by the agency.

e) Although not used in the first renewal, these per-diem costs become a useful tool for future comparisons. During the next renewal, the agency and INAC will be able to track the per-diem costs to determine if they are in line with the expectations of the business plan. If they are not, remedial action will be necessary.

f) Following the first renewal, agencies are to report on these per-diem costs along with the other reporting requirements so that they become a part of the agency profile for FFOMs.

g) Because the current actual base has been established and projected through the renewal process, it is not necessary to adjust for surplus or deficits. Accumulated surpluses may be retained by the agency to use to deliver FNCFS, but, on the other hand, accumulated deficits must be borne by the agency.

h) Having determined the allocation for the renewed agreement, the agency and the region, in consultation with the province, will develop a new business plan, which will become the basis for annual reviews and, subsequently, the standard against which the next five-year renewal will be measured. This renewed business plan will be forwarded to the Peer Review Committee for comment and recommendation. As are new FFOM agreements, final approval will be given by the Director General of Social Policy and Programs.

i) If an agreement cannot be reached on a new plan or level of funding, the agency will revert to Contribution funding. In this event, the same conditions as outlined in Section 8.3.f.iii of Special Circumstances Review would apply.

12.0 Agencies Currently in Flexible Funding Pilot Programs

12.1 Effective April 1, 2004, agencies currently in pilot programs will continue to be funded under current levels of funding and current operational arrangements until a renewal can occur, no later than April 1, 2005. At that time, the agency will be brought in line with the methodology set out in this policy.

12.2 As of April 1, 2005, all agencies currently in flexible funding pilot programs will either be under this policy or obliged to return to Contribution funding.

Appendix B: Summary of Prevention and Protection Services – Contribution Authority

Contributions to support culturally appropriate prevention and protection services for Indian children and families resident on reserve

Objective: To support culturally appropriate prevention and protection services for Indian children and families resident on reserve, in accordance with the legislation and standards of the province or territory of residence. The anticipated result is a reduction in family violence and a more secure and stable family environment for children on-reserve.

Eligible Recipients: Prevention and protection services for children and families on reserve is one of the essential services that is funded by DIAND for reserve communities. In the Northwest Territories and Nunavut, there are provisions for these services in the territorial formula financing agreements. In the rest of the country, DIAND arranges for the administration of funding for these services with the Chiefs and Councils of Indian bands recognized by the Minister of Indian Affairs and Northern Development. Chiefs and Councils may opt to deliver programs directly; share services with other member communities in tribal/district councils or incorporated political/treaty/First Nation organizations; or enter into agreements for service delivery with other provincial or municipal agencies, private businesses or non-governmental organizations.

In these cases, contributions for prevention and protection services for children and families ordinarily resident on reserve may be flowed to Indian organizations designated by Chiefs and Councils (bands/settlements, tribal councils, or political/treaty organizations, child and family services agencies, or family violence prevention shelters for abused mothers and children); or public or private organizations engaged by or on behalf of Indian communities to administer the program of prevention and protection services for Indian children and families (private firms or organizations retained as co-managers or third-party managers designated by DIAND).

In some cases, where services are not administered by Chief and Council of Indian bands, DIAND may opt to enter into agreements for service delivery or cost-sharing with other federal, provincial or municipal agencies, private businesses or non-governmental organizations. With respect to child and family services, because of jurisdictional and liability issues, DIAND will only fund child and family services service providers mandated by the province or territory or the province or territory itself to provide services.

Self-governing First Nations that have included child and family services or family violence in their self-government agreements are not eligible recipients under this contribution authority for those activities included in the self-government agreement.

Stacking Provisions do not generally apply to payments for abuse prevention and protection services, as DIAND usually provides 100% of the abuse prevention and protection services funding. Any other government funding received will serve to reduce DIAND's contribution.

Child and Family Services: Recipients shall account for parental contributions, as specified by the provincial or territorial legislation and standards, and apply these first towards maintenance costs. DIAND's reimbursement of maintenance costs shall be reduced by any parental contributions.

The Children's Special Allowance (CSA) will be applied exclusively against the eligible expenses under the *Children's Special Allowance Act* in accordance with section 3(2) of the *Act*. In those cases, the recipient shall document the diversion of funds and be prepared to furnish copies to DIAND when requesting reimbursement of maintenance costs.

Third Party Delivery: Where the recipient delegates authority or transfers program funding to an agency (i.e., an authority, board, committee or other entity authorized to act on behalf of the recipient), the recipient shall remain liable to the Minister for the performance of its obligations under the funding agreement. Neither the objectives of the programs, nor the expectations of transparent, fair, and equitable service may be compromised by this delegation or transfer of funds.

The recipient shall adhere to the management and accountability regimes outlined in the agreements, and include:

1. clear statements of expectations, roles and responsibilities (including financial roles and responsibilities) for the initial and final recipients;
2. transparent and open decision making processes; demonstration that the eligibility requirements are being met;
3. provision for ongoing assessment by DIAND to ensure that performance is in line with expectations and that the initial and final recipients exercise due diligence;
4. provision for DIAND's right of access to relevant documents and premises of the initial recipient and, where warranted, the final recipient; requirements for compliance and financial audits;
5. provision for DIAND to receive regular financial and performance reports from the initial recipient, certified by an officer of the company, including if appropriate: annual audited financial statements with an external auditor's report and opinion; specification of admissible administrative costs that can be applied to the contribution by the initial recipient based on an accounting of expenses; and any completed evaluations funded in whole or in part by the transfer payment program;
6. provision that DIAND obtains from the initial recipient, or has ready access to, a copy of all signed agreements with final recipients; and
7. a description of the redress provisions for ultimate recipients affected by decisions of the initial recipient; provision for appropriate reviews, program evaluations, and audits.

Application Requirements: Before entering into a funding arrangement, DIAND shall confirm its authorities to enter into an agreement with the recipient and to fund the proposed activities. In most cases, child and family services (including family violence prevention) would be one of several public services to be funded by DIAND for a particular recipient, and there would also be an expectation of an on-going relationship between DIAND and the recipient. The recipient, therefore, shall be required to provide a complete review of its accountability and management processes and systems. This review shall be based on appropriate accountability and management control frameworks.

Following the assessment, DIAND may also work with the recipient to prepare a development plan. Such a plan shall address any gaps identified by the assessment and be appended to the agreement. The development plan shall remain an integral part of all future agreements until all the recommended policies and procedures have been implemented.

Recipients shall comply with the *Conflict of Interest and Post-employment Code for the Public Service* and the *Conflict of Interest and Post-Employment Code for Public Office Holders*. Where a recipient employs or has a major shareholder who is either a current or former (in the last twelve months) public office holder or public servant in the federal government, compliance with the Code(s) must be demonstrated.

Initial recipients are required to demonstrate the eligibility of final recipients for child and family services (including family violence prevention) funding, according to the following criteria. Final recipients must:

a) ordinarily reside on reserve;
b) be in need of child and family services (as defined by provincial legislation and standards and in accordance with provincially mandated child welfare agency needs assessments), and/or family violence prevention support (in accordance with the needs assessment of police, child and family services agency staff, family support staff, health centre staff, or emergency shelter staff);
c) have a demonstrated requirement for child and family services support (including family violence prevention) and no other source of funding to meet such needs.

For the purposes of providing child and family services (including family violence prevention), ordinarily resident means that the final recipients: usually live at a civic address on reserve, or are children in joint custody who live on reserve most of the time.

Students continue to be considered ordinarily resident on reserve if they return to live on reserve with their parents, guardians or maintainers during the year, even if they live elsewhere while attending school . The residence of a child who comes into the care of a mandated child welfare authority is derived from the residency of the child's parent or

guardian at the time the child is taken into care; such children shall be deemed to be ordinarily resident on-reserve for as long as such care is required and continues to be unavailable on-reserve.

For the purpose of providing Child and Family Services and or Family Violence programs and services, residents of the following communities are considered to be ordinarily resident on-reserve: Kitcisakik - Canton de Hamon; Long Point First Nation - Winneway; Pakua Shipi - Saint-Augustin; Kanesatake - Oka; Barriere Lake - MaïganAgik; Aroland; Animbiigoo Zaagi'igan Anishina; Sandpoint; Nibinamik; McDowell Lake; Mathias Colomb Cree Nation - Granville Lake; Mathias Colomb Cree Nation - Marcel Colomb (Lynn Lake); Nisichawayasihk Cree Nation - South Indian Lake; War Lake First Nation - Ilford; Fox Lake First Nation - Gillam; Ocean Man; Athabasca Chipewyan First Nation (ACFN) - Ft. Chipewyan; Mikisew Cree First Nation - Ft. Chipewyan; Little Red River Cree Nation (LRRCN) - Garden River; FT. McKay First Nation; Lubicon Lake Band - Little Buffalo; Tsay Keh Dene First Nation (Ingenika Band); Old Massett Village Council; Lax Kw'alaams; Iskut; Lake Babine; Wet'suwet'en - Bromon Lake; Whe-La-La-U; and all Indian Residents of the Yukon.

Child and Family Services: DIAND shall also confirm that: (1) an agreement is in place between the province or territory and the eligible recipient which meets the requirements of the national First Nations Child and Family Services policy; (2) in the case of a First Nation Child and Family Services Agency, that it is mandated by the relevant province or territory, and that it is incorporated pursuant to provincial or federal legislation (as verified by a copy of their incorporation documents). Where it is agreed that DIAND will fund Chief and Council for Child and Family Services, the Chief and council must demonstrate that they have an agreement in place with a mandated child and family services agency or the relevant province or territory to use 100% of the funds to purchase services. In the case of a non-profit society, a copy of the documentation demonstrating that they are mandated by the province or territory to provide child and family services and copies of current incorporation documents which confirms that they are a society in good standing in their province or territory; (3) the recipient maintains the minimum insurance required under provincial legislation or regulations, or as may be required by DIAND for the provision of child and family services; and, (4) where the province or territory is providing the services, the province or territory

must provide documentation that the services are for an eligible beneficiary.

Subject to the legislation and standards of the province or territory of residence, child and family services agencies may continue to provide services to final recipients who have reached the age of majority until those recipients have completed a course of education or treatment plan that was underway at the time of attaining their majority.

Family Violence: Family Violence Prevention Projects must demonstrate that they promote a reduction in family violence and support a more secure environment for families on-reserve, through the promotion and public awareness, education campaigns, conferences and workshops, stress and anger management seminars, counselling, training, support groups and community needs assessments subject to the availability of funding.

Social Development Program Management Infrastructure Initiative: Eligible recipients will confirm they are Chiefs and Councils of Indian Bands recognized by the Minister of DIAND and/or First Nation organizations with a population catchment of at least 1400. No two entities will be funded for the same purpose for the same population catchment area. In addition, the proposal under this initiative will need to meet the following criteria:

1) integrated delivery of multiple social development programs;
2) show interface/linkages with provincial/territorial and/or federal programs; and,
3) demonstrate the capacity to perform at least one of the following functions:
   - test the effectiveness of sectoral or block funding;
   - support training for community level staff;
   - standardized procedures and support for compliance;
   - integrated and strategic approach to public accountability;
   - establish professional standards or provide professional development services;
   - support policy adaptation and interpretation and program design;
   - support/provide coordinated case-management services;
   - develop conceptual frameworks for indicators or integrated databases to support statistical development;

- modernize information technologies and develop integrated databases;
- develop community based indicators of program performance;
- report on data and analysis, and its importance to communities; or
- data collection and management activities required for program monitoring, planning, reporting and evaluation; maintenance and upgrading of systems.

Eligible Expenditures:

Child and Family Services:

Maintenance - Institutional Maintenance consists of child maintenance in a foster home, group home, or institution. Child Maintenance is the actual cost of maintaining Indian children ordinarily resident on reserve, and/or non Indian children ordinarily resident on reserve that are not receiving protection services from the relevant province or territory, who are taken into care in accordance with provincially approved legislation, standards and rates for foster home, group home and institutional care. This includes non-medical services to children with behavioural problems and specialized needs; purchases on behalf of children in care; and other provincially-approved purchases not covered by other funding sources.

Per diem costs for children in care in foster homes, group homes and institutions may include professional services not covered through other sources of funding where the child may have established eligibility.

Development/Devolution of Indian Child and Family Services agencies – allowances for assessment, community consultations, negotiation of agreements, research and development of service standards, hiring of staff, establishment of agency office, purchasing of equipment and furniture, orientation and initial training of local committees, boards of directors and agency staff. Payments under this activity may be made as a Flexible Transfer Payment.

Indian Child and Family Services Agency Operations – salaries, travel, and benefits for agency staff (e.g.: agency director, senior management staff, supervisory staff, support staff, protection and prevention workers, and resource workers); expenses related to board/committee

operations; professional development services; special needs assessment and testing; legal services fees and costs; paraprofessional services; family support services; agency administration including non-medical travel costs, rent, office expenditures including computer hardware and software, audits, monitoring and evaluation (i.e. costs of preparing agency evaluations). Eligible expenditures may also include non-medical services designed to keep families together and children in their own homes (e.g.: homemaker and parent aid services, mentoring services for children, home management, non-medical counselling services not covered by other funding sources, group and individual activities designed to promote better parenting skills). Payments under this activity may be made as a Flexible Transfer Payment.

Flexible Funding of Maintenance - Eligible recipients may apply by submitting a plan to DIAND to enter into a flexible funding arrangement for child and family services Maintenance. The purpose of this arrangement will be to provide increased flexibility for agencies to re-profile Maintenance funding, under a Flexible Transfer Payment, in order to provide increased resources for prevention. Following an assessment by the region, final approval of all flexible funding arrangements must have the concurrence of the agency in question, DIAND region and Headquarters.

Family Violence Prevention:

Family Violence Prevention - protection and prevention services may include: temporary shelter in First Nation shelters built on- or off-reserve, in commercial accommodation or provincial or private non-profit shelters; counselling for transition back into the community and other intervention activities; prevention activities such as public education and awareness activities; and such other activities and services operated in accordance with relevant provincial/territorial laws and standards.

Family Violence prevention expenses include: operating costs for First Nation family violence prevention shelters, including rental of temporary shelter; salaries and training for professional or para-professional family violence workers and administrators and related office costs; data collection and management activities required for project monitoring, planning, reporting and evaluation; funding to support the National Aboriginal Circle Against Family Violence to

provide and coordinate training, co-ordination of programs and services, seminars, conferences, research projects, and professional networking.

Projects – allowances for community-based family violence prevention initiatives, public awareness, education campaigns, conferences and workshops, training, stress and anger management seminars, support groups and community needs assessments (i.e. costs of books, pamphlets and materials, office expenditures, travel, facilitator per diem, and refreshments).

Shelter Operations – salaries and benefits for shelter professional staff (i.e. shelter director, assistant director, and family violence counsellors); professional development services; management of shelter committees and providing advice to band administrations; paraprofessional services (shelter support workers); agency administration (secretarial staff, travel costs, office expenditures); monitoring and evaluation (i.e. costs of preparing agency evaluations); and, other operational costs of maintaining families or individuals eligible for protection services (i.e. food, shelter, security systems, counselling, psychological services, career planning, referrals to other social agencies, personal items, special needs, emergency clothing, travel, and recreation).

Off Reserve Family Violence Prevention Emergency/Transition /Second Stage Shelter – If it is necessary for the safety of individuals or families to be placed off-reserve, the eligible expenditures are the actual costs of maintaining individuals or families in family violence prevention shelters off reserve, based on provincial/territorial per diem rates and rules (i.e. food, shelter, counselling, psychological services, career planning, referrals to other social agencies, personal items, special needs, emergency clothing, travel, and recreation).

Notes: Rent and maintenance costs for facilities located on reserve are not eligible expenditures under this contribution.

Social Development Program Management Infrastructure Initiative: Eligible recipients will confirm they are Chiefs and Councils of Indian Bands recognized by the Minister of DIAND and/or First Nation organizations with a population catchment of at least 1400. No two entities will be funded for the same purpose for the same population

catchment area. In addition, the proposal under this initiative will need to meet the following criteria:

1) integrated delivery of multiple social development programs;
2) show interface/linkages with provincial/territorial and/or federal programs; and,
3) demonstrate the capacity to perform at least one of the following functions:
   - test the effectiveness of sectoral or block funding;
   - support training for community level staff;
   - standardized procedures and support for compliance;
   - integrated and strategic approach to public accountability;
   - establish professional standards or provide professional development services;
   - support policy adaptation and interpretation and program design;
   - support/provide coordinated case-management services;
   - develop conceptual frameworks for indicators or integrated databases to support statistical development;
   - modernize information technologies and develop integrated databases;
   - develop community based indicators of program performance;
   - report on data and analysis, and its importance to communities; or
   - data collection and management activities required for program

Maximum Amounts Payable: Maximum amounts payable under this contribution program are based on the service standards and rate schedules of the province or territory of residence.

Child and Family Services: In accordance with the current operational formula for the operation of an agency, the maximum payable to a single recipient is $13.8 M per annum. The costs of maintaining eligible children in foster, group home and institutional care are reimbursed on actual costs; actual per diem rates are established by the province or territory, up to $845 per eligible child per day. Maximum payable to province or territory or territories who are delivering services in the absence of FNCFS agencies is $30.0 M per annum. Where eligible recipients have a flexible funding maintenance agreement with DIAND, the maximum allocation is not to exceed $15 M per annum.

For the developmental/devolution costs associated with establishing a new FNCFS agency, a one-time cost for pre-planning of up to $11,101 per group of bands forming an agency, plus $1,665 per member band; a one-time cost for planning of $88,808 per group of bands forming an agency, plus $3,330 per member band, and; a one-time cost for start-up of $185,388 plus 25% of first year operational funding. Unit costs for the development/devolution of FNCFS agencies are based on the elements specified in the national funding formula.

Maximum amounts payable may increase annually by a factor of no more than two percent (2%).

Family Violence Prevention: Maximum amounts payable under this contribution program are based on the service standards and rate schedules of the province or territory of residence.

Family Violence Prevention: The maximum amount payable for a single Family Violence Project is $900,000.00 annually. Unit costs for family violence prevention projects are based on a combination of project proposals and per-capita distribution. In several regions, funding is provided to regional organizations which then distribute project funding to Bands on a per capita basis and/or according to the proposals it has received.

In the remainder, project proposals are submitted directly to DIAND regional offices. All project-based proposals are required to meet specific criteria which are developed by DIAND and the body that administers the program, if applicable.

Violence Shelters – Shelter is $388,000.00 annually.

Off Reserve Family Violence Prevention Emergency/Transition/Second Stage Shelter – up to $132 per person per day to a maximum stay of fourteen weeks, or $12,936 for emergency / transition shelter, and up to $10,950 per year for second stage shelter. Unit costs for emergency family violence prevention shelter services provided off reserve are based on provincial / territorial rate schedules. Emergency/Transition shelter may be provided for up to fourteen weeks; second-stage shelter may be provided for up to one year.

Maximum amounts payable may increase annually by a factor of no more than two percent (2%).

Repayable Contributions: These provisions do not apply because no business will receive contributions which are intended to generate profits or to increase the value of the business.

Due Diligence: DIAND has procedures and resources for ensuring due diligence in approving these contributions, verifying eligibility and entitlement, and for managing and administering the program.

Approval: Authority to sign and amend agreements is delegated to directors responsible for these programs.

Basis and Timing of Payments: Payments are made monthly based on a cash flow forecast from the recipient or by the reimbursement of actual costs. Where advance payments are necessary, they are limited to the immediate cash requirements of the recipient and do not exceed the payment frequency set out in the provisions of the Cash Management Policy.

DIAND is seeking an exemption to the requirements in sections 7.6.3 and 7.6.4 of the Policy on Transfer Payments on holdback provisions, on the basis that contributions for culturally appropriate prevention and protection services to residents of reserves are a major component of an ongoing funding relationship between DIAND and recognized Indian bands. This expectation of an ongoing funding relationship is sufficient incentive for recipients to account fully for all expenditures incurred. It also helps to minimize the risk associated with the recipient not using the funds for the purpose contributed. Contribution Agreements, Comprehensive Funding Agreements, and Flexible Transfer Payments, therefore, do not have explicit holdback provisions. Instead, recipients are advised that "funding otherwise payable under this Arrangement may be withheld by the Minister, if the Audit and reports are not provided by the Council to the Minister as required under this Arrangement or its predecessor.

Any amounts so withheld shall be paid by the Minister to the Council, within sixty (60) days of the submission of the reports."

Funding Level Changes: DIAND is seeking an exemption to the requirements in section 7.3.6 of the Policy on Transfer Payments on provisions in the event that departmental funding levels are changed by Parliament, on the basis that funding agreements already contain a requirement that any payment made is subject to there being an appropriation by Parliament for the fiscal year in which the payment is made. This clause is based on section 40 of the *Financial Administration Act*, which also provides sufficient authority for DIAND to reduce or cancel agreements and payments in the event that Parliament changes departmental funding levels.

Duration: These terms and conditions are in effect to March 31, 2006.

Results-based Management and Accountability Framework and **Risk-Based Audit Framework:** DIAND is seeking an exception to section 8.1.1 (clauses xv and xvi) of the Treasury Board Policy on Transfer Payments, the requirement for the Results-based Management and Accountability Framework (RMAF) and the Risk-Based Audit Framework (RBAF). This request is premised on the fact that DIAND is currently in the process of finalizing a review of all its A-base budget programs and the organizational structure used to manage and administer these programs. The Department's management and accountability structure will change with the creation of a Regional Operations Support Sector. This change will enhance the Department's efforts to ensure that the guiding principles outlined in the Treasury Board's report entitled *Results for Canadians,* the Treasury Board Policy on Transfer Payments as well as Treasury Board's Modern Comptrollership initiative will be fully implemented.

It is anticipated that the results of this A-base review and the departmental re-structuring, will be finalized by late August or early September. At that time, the social development program's RMAF and RBAF reports can be finalized in a manner that facilitates strategic alignment with the department's revised management and accountability structure.

Other: DIAND has the capacity to manage this program, for which the planned direct expenditure in 2003-2004, is $385 million in Vote 15 (Grants and Contributions) in the department's reference level.

Appendix C: Child and Family Services Compliance Review Process

1.0 Purpose

This directive provides national direction to assist the regions and their staff with the conduct of First Nations Child and Family Services (FNCFS) Compliance Reviews.

This directive helps fulfil Indian and Northern Affairs Canada's (INAC/ the department) accountability requirements to Parliament as well as its obligations under the *Financial Administration Act* (FAA). It provides guidance to departmental staff on the expenditure of public monies, an essential managerial responsibility (e.g., section 34, FAA).

The objective of FNCFS Compliance Reviews is to confirm eligibility for funding and determine compliance with Cabinet and Treasury Board Authorities/Terms and Conditions, including the introduction of maximum amounts allowable under maintenance effective September 27, 2001, and with provincial rates for children in alternate care (i.e. foster care, group home care and institution care) as set out in the funding agreements. This includes providing support to all First Nations, Tribal Councils, Third Party or the Province (referred hereinafter as Administering Authorities) who administer FNCFS under a reimbursement of actuals contribution regime, in the effective and efficient operation of FNCFS.

2.0 Scope

This directive applies to all compliance reviews on FNCFS where the funding of FNCFS is based on INAC reimbursing to an Administering Authority the actual costs for maintenance expenditures associated with FNCFS (referred to hereafter as a "reimbursement of actuals contribution regime").

This directive applies to all INAC employees as well as persons under contract to INAC who conduct such compliance reviews, to all Administering Authorities who administer FNCFS under a reimbursement of actuals contribution regime and to all provincial agreements for the provision of FNCFS.

3.0 Authorities and References

The FAA, Cabinet Record of Decision, and Treasury Board regulations set out the Minister's authority with respect to the expenditure of public monies including grants and contributions.

4.0 Issuing authority

This directive is issued under the authority of the Assistant Deputy Minister, Corporate Services.

5.0 Definitions

Alternate Care: Placement outside of the parental home in foster care, group home care or institutional care placements, also referred to as maintenance.

Administering Authority: The body/organization responsible for providing Child and Family Services for Indian children normally resident on reserve. This can include a First Nation, a Tribal Council, or other Third Party acting on behalf of the First Nation, the Province or INAC.

Client: The Indian child normally resident on reserve and placed in alternate care for whom service is being provided under Provincial Legislation and for whom INAC has accepted financial responsibility.

Compliance Review: A review by INAC of the administration and operation of the FNCFS program administered by the Administering Authority to ensure that the program is being delivered in accordance with INAC's policies which reflect Treasury Board and Cabinet authorities.

Eligibility: Describes the requirements a client or recipient must meet in order to be entitled to a service that is provided with funding from the department.

Indian: "Indian" means a person who pursuant to the *Indian Act* (R.S., 1985, c. I-5, s. 2) is registered as an Indian or is entitled to be registered as an Indian.

Funding Agreement: A document containing the terms and conditions by which a transfer payment is made by INAC to an Administering Authority for the delivery of programs and services by the Administering Authority. Types of agreements include Contribution Arrangements (CA), Comprehensive Funding Arrangements (CFA), Financial Transfer Agreements (FTA)/CFNFA-Non-Core Agreements or Provincial Funding Agreements.

Maintenance: For the purposes of INAC funding, per diem costs (excluding any other support costs which are funded through the Operations funding formula) for eligible Indian children normally resident on reserve and placed in alternate care (i.e. Foster, Group, Institutional).

Recipient: The FNCFS administering authority responsible for the delivery of Child and Family services to clients. This can include a First Nation, a Tribal Council, or other third party acting on behalf of the First Nation, the Province or INAC.

Reimbursement of Actuals Contribution Regime: Funding approach by which INAC will reimburse the Administering Authority for all eligible FNCFS maintenance expenditures. Note this does not include any and all payments made by the Administering Authority. It is restricted to eligible payments for eligible clients/recipients based upon the provincial rates for maintenance, subject to Treasury Board approved maximum amounts. This regime also allows for the reimbursement to INAC of advances over the allowable eligible FNCFS maintenance expenditures.

Remedial Action: A series of steps set out in the Funding Arrangements Intervention Policy, and within a funding agreement, that confirm and correct problems which come to exist or are arising, with respect to an Administering Authority meeting its obligations.

Terms and Conditions: The obligations between the parties to a funding agreement or other documents referred to within the funding agreement.

6.0 Policy Statement

The basic principles to be followed in the administration and monitoring of FNCFS are as follows:

a) INAC's responsibility:

- as a matter of policy, INAC has accepted financial responsibility to fund FNCFS (using the Government of Canada funding principles and definitions) under Provincial Child Welfare legislation for Indian Children normally resident on reserve at time of apprehension or placement, or in the case of an agreement with the Province, the Province will be funded as per the administrative agreement in place with the Province;

- is to ensure that the tripartite and dual bilateral agreements with the Administering Authorities are consistent with the departmental authorities;

- is to ensure that all FNCFS funding agreements with the Administering Authorities are consistent with departmental authorities including Treasury Board approved Terms and Conditions for Child and Family Services;

b) Administering Authorities' responsibility:

- provide proof that the child is eligible for funding and to document the level of the financial support required;

- to manage FNCFS in accordance with the applicable provincial laws, regulations and rules and to put in place accountability mechanisms on the management of Child and Family Services;

- ensure compliance with departmental authorities, and National Program Policy 20-1 Chapter 5 with respect to INAC funding of FNCFS;

- adherence to the terms and conditions of Administrating Authorities agreements with INAC and the Provincial Governments with respect to the provision of FNCFS for Indian children normally resident on reserve;

c) As the authority to fund Administering Authorities for maintenance is on a reimbursement of actuals contribution regime and approved provincial rates, subject to Treasury Board approved maximum amounts, as paid to the Foster/Group/Institution, there cannot be a year-end surplus in the maintenance account.

The purpose of conducting compliance reviews is to:

a) confirm client eligibility

b) enable the department to meet its accountability responsibilities to Parliament for the expenditure of public funds under section 34 of the FAA;

c) determine and ensure compliance with provincial rates, subject to Treasury Board approved maximum amounts;

d) provide support to Administering Authorities in the effective and efficient operation of FNCFS.

INAC has no responsibility for services to First Nations members normally living off reserve and compliance reviews are not to be conducted upon these services. However, regions should consult with the Province to ensure that the provision of these services off reserve are not jeopardizing the provision of INAC funded FNCFS on reserve, and advise the Province and First Nations that INAC operations funding is to be utilized for on reserve services only.

6.1 Eligibility Criteria

INAC accepts financial responsibility to fund FNCFS under Provincial Child Welfare legislation for Indian Children normally resident on reserve at time of apprehension or placement, or in the case of an agreement with the Province, the Province will be funded as per the administrative agreement in place with the Province.

The eligibility of the Administering Authority is determined by the funding agreement and delegation agreement with the provincial authority for Child and Family Services.

7.0 Responsibilities

Except where otherwise indicated, the Regional Directors General are responsible for implementing this directive.

This directive represents a standard which regions must implement. There is nothing in the directive which limits regions from exceeding (e.g., more frequent reviews, larger samples, etc.) the requirements of this directive, subject to the terms and conditions of the funding agreement.

The Province is responsible for the monitoring of the "quality of service" of First Nation and Third Party Administering Authorities as the Province delegates the authority only, therefore having the ultimate responsibility for the appropriate application of the program.

The Finance Branch at headquarters is responsible for the interpretation of this directive and for the insertion of any necessary changes.

8.0 Review process

Manuals

A basic requirement of a complete compliance process is the existence of regional manuals or provincial/territorial directives that reflect the applicable provincial/territorial terms and conditions including rates and guidelines, subject to compatibility with federal legislation and INAC's authorities for FNCFS including maximum amounts payable. However, it should be clearly understood that INAC's funding authority is based upon Cabinet and Treasury Board authority and not Provincial definitions.

Manuals Time Frame

a) Regions have ninety (90) days from the date of provincially/territorially announced changes in terms and conditions, including rate changes, to update their manuals and advise the Administering Authorities of the changes.

b) However, to the extent that the provincial/territorial changes are consistent with federal legislation and INAC's authorities, the changes must be put into effect as of the same date as the provincial/territorial changes go into effect. Regions are to ensure that there is a mechanism in place to notify the Administering Authorities immediately of any such changes.

Notification of an on-site review

INAC will provide Administering Authorities at least two (2) weeks in advance (or less if mutually agreed to) with written advance notice of an on-site compliance review to be conducted in the up-coming calendar year and will arrange a mutually agreed upon date to conduct the on-site compliance review. Arrangements are to be made to ensure that the documentation required for the review, as well as the appropriate Administering Authority and representatives, are available to assist in the review. Regions should make every effort to include provincial representation in the conduct of an on-site review or to coordinate the on-site review with the provincial program review.

Review Sample Selection - On-Site and Provincial

A systematic approach should be used in the completion of compliance reviews. Two sampling methodologies are proposed. (Note, in Ontario, if the Province has an approved sampling methodology, then it is to be used in Ontario reviews.)

Option 1:

A random selection of the files to be reviewed could be determined as follows:

	Formula to be used for Case files and Foster files	Caseload Size Example				
		40	80	190	250	320
1	100% of first 25 files	25	25	25	25	25
2	50% up to the next 100 files	8	27	50	50	50
3	25% of files over 100	0	0	23	38	55
	Total Files to Review	33	52	98	113	130

Option 2:

Regions can use the sampling methodology developed by the Corporate Information Management Directorate (CIMD) of INAC as contained in the paper entitled "Program Review for Social Assistance: Sampling Guide" dated October 1995.

Verification
Regions should take reasonable care in verifying client eligibility and level of support. This will include verifying that foster parents are licensed or authorized in accordance with Provincial requirements to provide the necessary level of care.

8.1 In-Office Reviews

Eligibility Review
The in-office review includes on-going verification of client eligibility as per Section 6.1, that the client for whom the department has been billed is an Indian normally resident on reserve and has been placed in alternate care under the provision of provincial child welfare legislation. The information required to establish client eligibility would include but not be limited to: client's name, client's band/family/member number, client's date of birth, date of client's admission into care, client's legal status, and residency of client at time of apprehension, etc.

Where INAC itself is carrying out data sharing procedures between INAC and provincial/other government departments databases, a Memorandum of Understanding (MOU) or some other agreement is required between the region and the Province/other government department.

Verification of Ongoing Claims for Reimbursement
Regions are to ensure that their office procedures include a clearly defined process in the region to verify ongoing claims for reimbursement. This process must also include a notification process to advise the Administering Authority of the reasons why any portion of the claim has not been reimbursed and what corrective action, if any, is required with respect to the refused amounts.

Documentation required to support the amount claimed by the Administering Authority, in addition to the client information under eligibility would include but not be limited to: dates in care, type of care, daily per diems, and any other child specific maintenance charges that are eligible for reimbursement.

Where the supporting documentation is insufficient to substantiate the Administering Authority's claim for reimbursement, regions will not reimburse these Administering Authorities expenditures until the supporting documentation has been received and verified.

8.2 On-Site Reviews

FNCFS Compliance Reviews will be conducted in a respectful, supportive and timely manner involving both the Administering Authority, INAC and where possible, provincial representatives, throughout the process with the endeavour to resolve areas of concern as they are identified, thereby minimizing the number of follow-up items to the greatest extent possible.

The funding agreement terms and conditions require Administrating Authorities to open child care files for compliance reviews for the purpose of confirming eligibility and adherence to established standards and reviewing the quality of data which INAC uses for resourcing, operations, accountability, policy/planning and statutory requirements.

In the **Ontario Region**, FNCFS is administered by the Province of Ontario. Compliance reviews are carried out by the Province under provincial legislation. The Ontario Region is to ensure that the terms and conditions of the 1965 Ontario Indian Welfare Agreement are adhered to and that the reviews of First Nation Child and Family Services Agencies and Non First Nation Child and Family Services Agencies (providing services to First Nations) meet the objectives of this directive.

Region should request from the province a copy of the report outlining the findings of the compliance reviews.

Review Team

The review team can be composed of INAC employees in partnership with the FNCFS and Provincial authorities. Other means to complete the FNCFS compliance reviews are acceptable; these include, but not limited to, a third-party consultant, Consulting and Audit Canada, or other suitable persons or firm.

Components of the Review

The on-site review is to ensure consistency with invoicing to the department. The review is to be composed of, but not limited to, four distinct activities:

a) review of case files;

b) review of foster parent files;

c) an administrative review of the office practices of the First Nations Administering Authority and the associated accounting for payments made on behalf of eligible clients;

d) group/institutional care facilities review. This review would be for financial verification and confirmation that there is documentation that the facility meets the provincial requirements.

File Review

The files selected for review should ensure that the information being reviewed is consistent between the various files for each child in care, (i.e. case files, foster files, etc.) and should reflect the same dates in care, type of care, billing information, etc.

a) A complete case file must include, but not be limited to:

- verification that the child is an Indian normally resident on reserve at time of apprehension or placement or in the case of an agreement with the Province, the Province will be funded as per the administrative agreement in place with the region;
- verification of the legal status under provincial legislation (i.e. courts documents or voluntary care agreements);
- verification of placement type, caregiver and duration of placement;
- verification that maintenance rates and special needs rates for children in alternate care (out of parental home) are consistent with applicable provincial rates and policies and Treasury Board approved maximum amounts;
- verification that provincial regulations for follow-up and reevaluations are adhered to.

b) A complete foster parent file review will include, but not be limited to:

- verification that foster parents have met provincial requirements for approval (training and/or licensing) and have adequate liability insurance included where appropriate;
- verification that foster parents are approved to provide the level of care required for the child in alternate care;
- verification that foster parents' per diem and special rates are consistent with provincial policies and practices and Treasury Board approved maximum amounts.

c) The administrative review is completed to assess the financial and administrative operations of the First Nation and Third Party Administering Authority to ensure that they comply with acceptable office practices. A complete administrative review will include, but not be limited to:

- current delegation of authority under applicable legislation;
- liability insurance consistent with provincial requirements;
- verification that the society/agency remains in good standing within federal or provincial legislation;
- assessment of financial control (process for cheque authorization, signing and reconciliation);
- verification that INAC invoicing is consistent with actual disbursements to care providers;
- verification that INAC is billed in the appropriate category and level of care;
- internal operating procedures are documented, for example, current child welfare policy manuals and other reference manuals, personnel policies, job descriptions and organization charts;
- child welfare files are maintained in a confidential and secure environment;
- follow up on previous program and/or financial reviews.

d) Confirmation that group/institutional care facilities, including confirmation of provincial licensing/approval requirements, care invoicing and adequate liability insurance, are consistent with provincial requirements and that the per diem rate is consistent with the level of services provided and with Treasury Board approved maximum amounts.

Debriefing
Once the on-site review is finished and before leaving the site, Administering Authorities and representatives are to be debriefed on the preliminary findings of the review. Where appropriate, Chiefs and Councils and/or society/agency board member (whoever the funding agreement is with) should also be debriefed on-site. Written confirmation of these findings will be provided to the Administering Authority. If necessary, a follow-up review should be done, using the same procedures as the first but covering only those problem areas identified in the first review.

Resolution of Non-Compliance
The First Nation Administering Authority should be given every opportunity to address and resolve on-site any areas of non-compliance identified. The object is to minimize the number of follow-up items to the extent possible.

8.3 Provincial Reviews

The purpose of the Provincial Review Process is to ensure that INAC payments to the Province are only for those children for which INAC accepts financial responsibility and that INAC is being billed appropriately according to the terms of the provincial agreement and Treasury Board approved maximum amounts.

Review Team
The review team should include representatives from both the Province/Territory and INAC. Other means for INAC representation to complete the FNCFS compliance reviews are acceptable; these include, but not limited to, a third-party consultant, Consulting and Audit Canada, or other suitable persons or firm.

Components of Review
The review process is to be carried out in the manner that most appropriately reflects the operational structure of the region and the agreement between the department and the Province.

File Review
A file review must be carried out to ensure that the directive, funding authorities and/or provincial agreements are being adhered to.

The file review must reconfirm eligibility of the client and all other aspects of the funding formula contained in the provincial agreement.

This process must verify that information observed in the file review was appropriately transferred to the billing and that the appropriate provincial/territorial rate, subject to Treasury Board approved maximum amounts, was charged for the service provided.

Debriefing
Observations and findings must be presented to the review team for initial comment. The final report should include pertinent observations or outstanding differences remaining between the parties.

A copy of the final report, along with proposed actions and recommendations to improve the process, must be provided to the Province/Territory being reviewed.

Resolution of Non-Compliance
The Province should be given every opportunity to address and resolve any areas of non-compliance identified.

8.4 Financial Impact of Compliance Activity

Regions are to implement and maintain a system to capture and report on: the difference between an Administering Authority's claims for reimbursements and actual reimbursements (i.e. impact of in-office review); and amount recovered as a result of on-site reviews (if applicable).

8.5 Dispute Resolution and Records

Where the Administering Authority wishes to dispute decisions made during monthly verifications or on-site compliance reviews, such disputes should use the normal dispute resolution process in the region.

Maintenance of Records
In order to facilitate compliance monitoring and the processing of appeals, the Administering Authorities are required to maintain clients case files for at least three years after payments are made or for a longer period if required by provincial law.

8.6 Refusal of Access

Refusal of a First Nation Administering Authority to permit access to the files so that the on-site review can be completed will result in the immediate application of remedial action as permitted under the terms and conditions of the funding agreement. Such remedial action will continue in effect until the on-site compliance review has been completed.

Refusal of a Province to provide the necessary documentation to audit the provincial billing will result in the immediate application of remedial action as permitted under the terms and conditions of the provincial agreement.

8.7 Remedial Action (for items within INAC funding authority)

a) Where the findings of the review identify items or areas of non-compliance, where appropriate, the Administering Authority is to be given a reasonable period of time to take remedial action to correct these items. The length of time to be provided to the Administering Authority to take corrective action is dependant upon the extent and nature of the non-compliance problem.

b) Depending upon the extent of non-compliance, the Administering Authority can be requested to provide copies of the missing or incomplete documentation for claims where the child was eligible for funding. Alternatively, the region may arrange a follow-up visit to assess the corrective action taken on all the files identified as not being in compliance during the original review.

c) If corrective action has not been taken by the Administering Authority, the region is to initiate recovery of the payments to the Administering Authority for all files not in compliance for the extent of payments which are not in compliance. The recovery period is not limited to a set time period. Recovery actions are to be based upon the time the non-compliance began. Recovery is to be limited to only those files which have been reviewed. If, at any time, the compliance team identifies significant or systematic errors during the review, the sample should be expanded, if necessary to 100 percent, if anomalies warrant such an expansion. The Administering Authority is not to be reimbursed for clients where the file review

for that client indicated non-compliance, until such time as the Administering Authority has demonstrated that the file is in compliance.

d) In cases where there is evidence of a possible criminal act, the region shall consult with or refer such cases to the proper police authorities. Such action in itself does not prove a possible criminal act. It is an action to ensure that the evidence is considered by those mandated under law to consider such information in accordance with due process of law. (Refer to the February 26, 1998, letter from the Transfer Payments Directorate, Finance Branch, headquarters, entitled "Management of Allegations Involving First Nations".)

e) Where cases have been referred to the police, and once the police and crown attorney have indicated that such activities will not jeopardize the police investigation and/or potential prosecution, regions should continue with remedial action as set out in above paragraphs a) to c). Regions should consult with the police authorities on an ongoing basis on cases which have been referred to the police.

8.8 **Frequency**

The departmental compliance methodology is composed of a review and verification of ongoing claims for reimbursement supplemented by periodic on-site reviews of these transactions.

The in-office verification of client eligibility is to be done on an on-going basis along with the billing verification. Detailed confirmation of client eligibility will be done on-site as part of the on-site compliance review process.

In order to minimize any detrimental impact arising from recoveries under Section 8.7 c), on-site compliance reviews of every First Nation funded under a reimbursement of actuals contribution regime are required at least every three years in all regions subject to the risk assessment criteria outlined in Annex A.

Where provinces conduct regular program reviews of FNCFS Agencies, regions should endeavour to conduct on-site reviews at the same time.

The review and verification of ongoing claims for reimbursement are part of an effective compliance regime. This activity may result in the identification of Administering Authorities which should be subjected to further reviews as a result of anomalies in the ongoing claims.

8.9 Reporting

Regions are to report annually on their compliance activity results from the prior fiscal year. This reporting will normally take place in the first quarter of the fiscal year through the performance indicator exercise.

9.0 Enquiries

Enquiries relating to this directive should be addressed to the Director, Resource Management and Reporting Directorate, Finance Branch, Headquarters.

Annex A: Risk Assessment Criteria

First Nations will be identified for program review based upon several criteria. Financial criteria would be based upon Size/Variance.

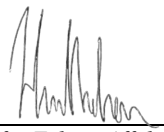
PRIORITY 1	Cost variance 4% and up	Average caseload 100 and up
PRIORITY 2	Cost variance 4% and up	Average caseload less than 100
PRIORITY 3	Cost variance less than 4%	Average caseload 100 and up
PRIORITY 4	Cost variance less than 4%	Average caseload less than 100

All First Nations CFS programs fitting in priority 1 category MUST be reviewed. Priority 2/3, depending upon financial impact, may require reviews. Priority 4 — unless there are other considerations — is the lowest priority.

Other factors to consider in the risk assessment would include:

- complaints from the Community or the Province;
- changes in management or professional staff turnover;
- changes in social and economic conditions on reserve.

This is Exhibit "33" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Government of Canada / Gouvernement du Canada

Jordan's Principle: guidance on the best interest of a child

To find out who's covered under Jordan's Principle, visit Who is covered.

This tool provides guidance on the best interests of a child and Canada's implementation of Jordan's Principle. It is intended to help build understanding regarding the term "best interests of a child".

On this page

- Summary
- Background and definition of a right
- Applying the best interests of the child lens
- Process used to consider the best interests of a child

Summary

As part of the Government of Canada's review of Jordan's Principle requests, the best interests of a child must be considered. This means that requests for needed products, services, and supports are not only about ensuring substantive equality, but also making sure that the child's safety and well-being are considered when making decisions.

Background and definition of a right

The United Nations defines human rights as "rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status."

As the Government of Canada seeks to achieve reconciliation with Indigenous peoples, a paradigm shift towards recognition of rights, respect, co-operation and partnership is required. The implementation of Jordan's Principle consistent with Canadian Human Rights Tribunal (CHRT) decisions is foundational to this work as it requires the government to work with First Nations in the co-development of a system of supports and services to consider the best interests of a child.

Jordan's Principle is a legal principle designed to address gaps in government-funded services and discrimination that can result in delay, disruption or denial of services to First Nations children. In 2017, the CHRT ruled that when a government-funded service is not necessarily available to all other children or is beyond the normative standard of care, the government department of first contact will evaluate the individual needs of the child to determine if the requested service should be provided to:

- ensure substantive equality
- ensure culturally appropriate services
- safeguard the best interests of the child

Evaluation of requests must also take into account a child's needs stemming from historical disadvantage, inequities and deficiencies in the availability of culturally informed public services.

Jordan's Principle also considers:

- children are significant recipients of public services, (for example, education, health, recreation, child care and other social programs, and

First Nations children have been disproportionately underserved by child welfare, juvenile justice, and youth services. As a result, First Nations children are impacted the most by both the intended and unintended impacts of policies and services

- as a basic principle, First Nations children are entitled to rely on the basic premise that any authority dealing with them would do so with due consideration to their human rights and their best interests
- the historical disadvantages and intergenerational impacts of colonization, such as the impacts of the Indian Residential Schools system and 60's scoop
- the discrimination arising from Canada's inequitable provision or denial of public services
- many other traumatic experiences of First Nations children, families and communities

In applying Jordan's Principle, the government must recall and recognize that many of colonization's historical disadvantages and intergenerational impacts were based on a colonial concept of a child's best interests. For example, Canada's "Regulations relating to the education of Indian children" of 1894 allowed Indian agents to issue warrants to commit First Nations children to residential schools when the Indian agent thought the child's parent was "unfit or unwilling to provide for the child's education" or the child was "not properly cared for".

Similar rationales were used to justify the transformation of residential schools into child welfare institutions, on the basis that some First Nations parents would not be able to assume the responsibility for the care of their children. As the Royal Commission on Aboriginal Peoples noted in 1996, these assessments, "were measured, of course, against non-Aboriginal

norms." Similarly, in the course of the 60's scoop, which wreaked profound and lasting psychological damage on First Nations children and communities, government employees who placed thousands of First Nations children with non-Indigenous families were making decisions they thought were in the best interests of those children.

The implementation of Jordan's Principle helps First Nations children access the products, services and supports they need, when they need them. In order to consider the best interests of the child, Jordan's Principle recognizes that understanding the impact of intergenerational trauma and the role of the child in the family and community is needed to appropriately take all measures to help First Nations children have an equal chance to live up to their full potential, taking full account of their distinct culture.

Applying the best interests of the child lens

The CHRT has ordered Canada to take into account the best interests of the child in the evaluation of requests under Jordan's Principle.

The 1989 *United Nations Convention on the Rights of the Child* (UNCRC) is the main United Nations human rights treaty on the protection of children. It has 4 general principles:

- the best interests of the child will be a primary consideration in all actions affecting children (article 3)
- there will be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status (article 2)
- states parties recognize that every child has the inherent right to life and will ensure to the maximum extent possible the survival and development of the child (article 6)

- children will be assured the right to express their views freely in all matters affecting them, their views being given due weight in accordance with the child's age and level of maturity (ariticle 12)

Canada ratified this convention in 1991, which also creates an obligation to consider the best interests of the child as a cornerstone to the application of Jordan's Principle.

The best interests of the child is a key child rights-based principle, enshrined in article 3(1) of the UNCRC providing:

> "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

Also relevant in the specific context of Indigenous children, the UNCRC requires in article 30 that the child also:

> "shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language."

As a substantive right and guiding principle that aims to ensure the enjoyment of all rights in the UNCRC, the best interests of the child speaks to the child's holistic development and requires a rights-based approach that promotes the child's human dignity. As recognized in the United Nations Committee on the Rights of Child General, Comment 11, Indigenous children and their rights under the Convention, Indigenous children, *"require special measures in order to fully enjoy their rights."*

The UNCRC is a binding international human rights treaty ratified by Canada that requires governments to take all appropriate measures to ensure children have the full enjoyment of all rights under the convention. In order to meet its obligations, it is important for the Government of Canada to consider the potential impacts of legislation, budgets, policies, programs and practices on children's rights. When providing services or supports, the Government of Canada is obligated to take all appropriate measures to ensure that a child is protected from discrimination. The best interests of the child right and the non-discrimination right are both "general principles" of the UNCRC and are mutually reinforcing.

Taking into consideration the dehumanizing, colonialist and oppressive legacy faced by First Nations children throughout much of Canada's history, consideration of the best interests of the child is contextual and requires an assessment on a case-by-case basis.

Process used to consider the best interests of a child

Applying the lens of the best interests of a child under Jordan's Principle requires an evaluation of information, considering the specific circumstances of each identified child or group of children, as well as being responsive to each child's particular age, capacity, diagnosis, needs, maturity and circumstance.

Decisions made about the safety and well-being of First Nations children should be guided by the United Nations Declaration on the Rights of Indigenous Peoples and the following principles:

Every First Nations child should:

- have a safe and nurturing environment so they may live up to their full potential
- be loved in ways that bring dignity, support, and meaning to their life
- have their cultural identity and linguistic needs valued and respected
- have access to their traditional land, resources, and teachings
- be free from discrimination or the long-term impacts of disadvantage
- have a safe and nurturing relationship with their family (including siblings and extended family), community and nation
- have available and timely access to supports and services of equivalent quality to those available to non-Indigenous children
- have their necessary needs related to physical, sensory, mental health or intellectual disabilities met to ensure substantive equality
- have their rights upheld in relation to education, health and a safe environment

The term "best interests" broadly describes the well-being of a child, which can be determined by a variety of individual circumstances, such as age, health status, presence or absence of parents, the child's environment, and life experiences.

When Indigenous Services Canada (ISC) receives a request under Jordan's Principle, the department's employees should consider the following factors in order to take into account the best interests of an identified First Nations child:

- First Nations children and their families, caregivers and communities are experts in their own experiences and determine what is in their best interest; they will advocate on behalf of a child to ensure decisions

are in keeping with the protection and enhancement of the child's health and well-being

- consideration for the whole child and their needs, including their physical, emotional, and spiritual well-being in the context of their right to grow up as a member of their cultural group
- consideration is given to the child's circumstances and the potential impact on their well-being and development
- specific attention or care is needed to ensure a child has access to health, social, or educational products, supports, and services to improve outcomes and develop with dignity
- the remedy requested respects and protects the rights of the child as a First Nations person

Other influential factors include:

- the need for timely responses given the health or developmental needs of the child and the impact of any delays in required supports and services on their development
- whether the child has been given the opportunity to be engaged in all matters affecting them according to their developmental capacity and maturity

The following questions guide a holistic best interests of the child approach when assessing a request to the implementation of Jordan's Principle:

1. Has consideration been given to the whole child and their needs, including their physical, emotional, and spiritual well-being in the context of their right to grow up as a member of their cultural group?
2. Has consideration been given to respect and protect the rights of the child as a First Nations person?

3. Will the action preserve a sense of identity, belonging, acceptance, and connection of the child to their community?
4. Do you understand the child's circumstances and the potential impact on their well-being and development?
5. Has consideration been given to protect the safety and integrity of the child's care within their family and community?
6. Have the child's rights relating to education, health, and safety been upheld?
7. Have the child's views been considered and given due weight in accordance with their age and maturity?

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Date modified: 2024-12-23

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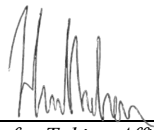

Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

IFSD
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ENABLING FIRST NATIONS CHILDREN TO THRIVE

Report to the Assembly of First Nations pursuant to contract no. 19-00505-001

Institute of Fiscal Studies and Democracy
at the University of Ottawa
December 15, 2018

December 15, 2018

Jonathan Thompson
Director, Social Development
Assembly of First Nations
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

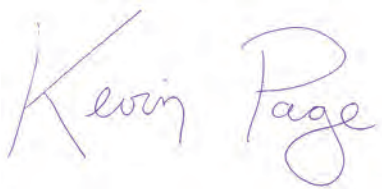
Dear Mr. Thompson,

Pursuant to contract no. 19-00505-001, the Institute of Fiscal Studies and Democracy at the University of Ottawa is pleased to submit the report: *Enabling First Nations Children to Thrive*.

We trust that this report meets the expectations set out in the terms of reference for this project.

We are grateful for the support of the Assembly of First Nations, the National Advisory Committee, and the First Nations Child and Family Caring Society, as well as to our expert panel and reviewers. We especially wish to thank the First Nations child and family services agencies, their leadership and their staff for their exceptional work.

Yours sincerely,



Kevin Page
President & CEO

ENABLING FIRST NATIONS CHILDREN TO THRIVE

Helaina Gaspard, Ph.D.

This report was prepared under the supervision of Kevin Page, President & CEO of the Institute of Fiscal Studies and Democracy (IFSD). The author wishes to acknowledge the contributions of Sahir Khan, Azfar Ali Khan, Janoah Willsie, Taylor Rubens-Augustson, Xin (Vivian) Liu, Salma Mohamed, Eli Dzik, and Stephanie Seiler.

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EXECUTIVE SUMMARY

In January 2016, the Canadian Human Rights Tribunal (CHRT) ruled that First Nations children were being discriminated against in the child welfare system. Overrepresented in a system that incentivized the placement of children in care, First Nations children and agencies were deemed to be underfunded relative to their needs. Through subsequent orders in 2018, the CHRT ordered analysis of the complete costs of the First Nations child welfare system based on the needs of First Nations agencies. Canada states that it is committed to implementing these orders.

As the complainants in the case, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada requested that the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa produce a response to CHRT (2018) orders 408, 418, and 421. IFSD engaged with AFN as the project contract holder and with the National Advisory Committee on First Nations Child and Family Services (NAC)[1] for directional and strategic support. Pursuant to the orders, IFSD was asked to:

1. Develop reliable data collection, analysis and reporting methodology for analyzing the needs of First Nations Child and Family Services (FNCFS) agencies, in alignment with the Canadian Human Rights Tribunal (CHRT) rulings on discrimination against First Nations children in care (CIC).

[1] The National Advisory Committee (NAC) is a committee established after the publication of the First Nations Child and Family Services Joint National Policy Review Final Report in 2000 in order to fulfill the recommendations made by the report. The committee consisted of Aboriginal Affairs and Northern Development Canada (AANDC) employees (what today has been divided into Indigenous Services Canada and Crown Indigenous Affairs), First Nations child and family services (FNCFS) agency staff and AFN representatives. After the CHRT decision in January 2016, the NAC was reconvened to monitor the reform of the FNFCS program. NAC's current terms of reference are available here: https://www.afn.ca/wp-content/uploads/2017/05/NAC-Final-Terms-of-Reference.pdf The current NAC is comprised of representatives from the federal government, representatives from the AFN, representatives from the First Nations Child and Family Caring society, regional representatives (generally from a FNCFS agency), a youth representatives and an elder representative. NAC is functionally managed by AFN (i.e. it convenes the meetings and can enter into contracts on behalf of NAC). In the context of this project, NAC served as a board of directors offering perspective and strategic advice (without interfering in the research, analysis and delivery of the project).

2. Provide technical expertise to analyze agency needs, provide strategic advice on how best to monitor and respond to actual agency needs from fiscal and governance perspectives, with an approach informed by understanding, existing research, the contractor's own research and analysis of assessments done by agencies and communities.

3. Analyze the needs assessments completed by agencies and communities, create a baseline definition of agency resource inputs and outputs and identify missing data, complete a cost analysis and prepare a final report.

Analysis and Findings

1. IFSD reviewed existing needs assessments completed by agencies and communities. IFSD's analysis concluded that this information was not collected and completed in a systematic manner and would not support the development of costing and performance assessments (see Appendix A).

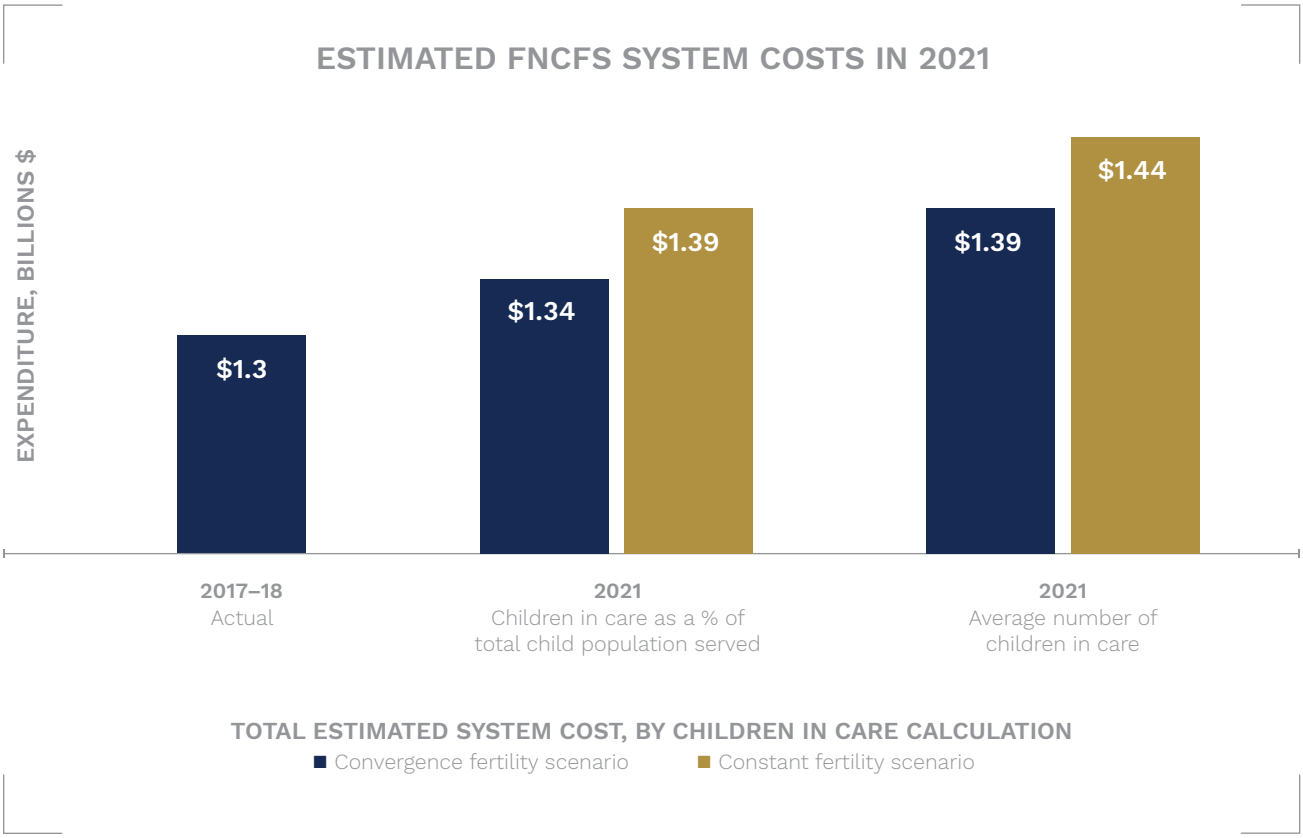
2. IFSD undertook its work, to understand agency needs, through primary data collection from May 2018 to June 2018, with consultations with agency directors and experts throughout the project. The data collection instrument was a 105-question survey covering various details from agency finances to employees to caseloads. IFSD is privileged to have learned from a representative 76% of FNCFS agencies.

3. Key observations and findings from the IFSD FNCFS Survey include:
   - Agency characteristics: These transcend provincial boundaries and funding formulas. An agency serving remote communities in Ontario shares characteristics similar to those serving remote communities in British Columbia.
   - Budgets: While most agencies do not run deficits, they emphasized need for investment in capital and people. Agency budgets are most tightly correlated with children in care (unsurprising, given the structure of the current system).
   - Employees: Most agencies (62%) cannot remunerate their employees at provincial salary levels. Agencies noted the regular over-extension of staff beyond their defined duties.

- Capital and information technology (IT): Nearly 60% of agencies indicated a need for capital repair and investment. Agency IT, funded on average at 1.5%, is severely underfunded when compared to the industry standard of approximately 5–6%.
- Governance and Data Capacity: While some agencies use internal data to improve their planning, programming and decision-making, significant data gaps exist in aligning inputs and outputs to better understand short-, medium-, and long-term outcomes for children and families that interact with the FNCFS system.

4. The most significant cost driver of the current system is the number of children in care, which correlates tightly to agency total budgets.

5. Costing models, based on the average cost of a child in care, suggest that under a no-policy change assumption, inflation and population alone would drive a total system cost increase of between **$40 million to $140 million** by 2021, depending on the population scenario assumptions used, from $1.3 billion in 2017–18.



6. IFSD undertook benchmark analysis to highlight specific gaps related to spending on prevention, capital and IT. These spending gaps would be in addition to baseline adjustments highlighted above for inflation and population which would ensure budgets are appropriately adjusted for demand and price going forward.
   - Prevention: Funded per capita across the total population served, from $800–$2,500 per person, prevention program costs estimates for 2019 range from **$224 million to $708 million**. These costs would be on-going in nature and subject to changes in population and inflation.
   - Capital: A *one-time* capital investment of **$116 million to $175 million**, with a recommended further budgeting of a 2% annual recapitalization rate, for a facility equivalent to the agency's headquarters.
   - IT: *Annual* expenditure of 5–6% of total budget, pursuant to industry standards, with a cost in the range of **$65 million to $78 million** per annum.

7. First Nations communities face systemic issues which add significant case complexity for child welfare workers. These issues include intergenerational trauma related to residential schools, higher incidences of inadequate housing, substance misuse, poverty, among others. Until these issues are addressed through an array of prevention type programs, incidences of child protection for First Nations Peoples will remain above those of non-First Nations. There is a cost to closing these gaps.
   - Median household incomes in 44% of First Nations communities served by FNCFS agencies fall below their provincial poverty line. *Raising those households only* to their respective provincial poverty line would require an **annual expenditure of $205 million**. For comparative purposes, raising the same households to median household incomes of their provinces would require an annual expenditure of about $2.6 billion.

8. Agency workers and independent experts consulted by IFSD have started to map a new system to support children, families and communities. Moving beyond a narrow focus on *protection* of children, to a vision of *enabling children to thrive*, the proposed approach would align results (outcomes) to activities (outputs) and required resources (inputs), across safety, child well-being,

family well-being and community well-being. This vision is focused on changing outcomes for children by empowering agencies, communities and families, and understanding progress through relevant and regular data collection on indicators connected to desired results (see Table A).

Recommendations

The current protection-focused system does not produce adequate results for children and families, fails to recognize the contextual challenges that lead to disadvantaged starting points for many communities, significantly underfunds prevention, has important gaps in capital and IT spending, struggles to remunerate employees relative to provincial levels, and falls short on data collection and analytics required to identify and support wise practices.

In this context, IFSD makes a number of recommendations:

1. It is recommended that block transfers be used to fund the FNCFS program to provide flexibility in allocation and accountability to stakeholders.

2. It is recommended that contextual issues such as poverty, be recognized and addressed through policy, programs and funding.

3. It is recommended that prevention be funded on a per capita basis for the total population served by the agency (not only children) at a rate of $800–$2,500 per person.

4. It is recommended that there be a one-time capital investment, and a benchmark recapitalization rate of a minimum 2% per annum (of asset base) added to agency budgets.

5. It is recommended that IT be funded at a rate of 5%–6% of total annual budgets, consistent with industry practices.

6. It is recommended that:
   - Social workers be remunerated at levels comparable to provincial salary levels.

- A study be undertaken to assess why FNCFS agencies are unable to remunerate their employees at provincial levels.
- A study on case complexity be undertaken, with consideration of differing community contexts when determining reasonable caseload levels.
- FNCFS employees have access to professional support and development, including leave for compassion fatigue.

7. It is recommended that a secretariat dedicated to results-oriented data be established to support FNCFS agencies in their work.

8. It is recommended that a FNCFS resource centre be established as a platform for knowledge sharing and collaboration among FNCFS agencies in support of their common mandates.

Recommendations for Further Research

IFSD has three recommendations with respect to next-steps to further the work undertaken in this study:

1. Establish a performance framework to underpin the FNCFS system across Canada.

2. Develop a range of options with regards to the funding models that would support an enhanced performance framework.

3. Transition to a future state in full consideration of data, human capital and governance requirements.

A Note of Thanks

IFSD wishes to thank the members of NAC for their on-going feedback and support of this work. We are grateful for the support of Dr. Cindy Blackstock and the Caring Society, Jonathan Thompson, Martin Orr and AFN.

We thank Thomas Anderson of Statistics Canada's Social and Aboriginal Statistics for clarifying availability and applicability of data. We thank our

expert reviewers, especially Professors Scott Bennett and John Loxley for their helpful comments in the research and analysis processes, as well as our expert roundtable composed of nationally recognized academic experts in social work, Indigenous health, evaluation, and substance misuse, as well as practitioners and agency leaders, whose knowledge was invaluable in framing performance considerations.

We thank the leadership and staff of FNCFS agencies for the incredible work that they do in saving lives of children in difficult and disadvantaged environments. The strong survey response rate and robustness of results was entirely dependent on the trust, participation, and support of FNCFS agencies and their leadership. IFSD is grateful for their confidence and for the knowledge and insight they shared.

TABLE A
FNCFS FUTURE STATE OVERVIEW

		DESCRIPTION	CURRENT STATE (2018)	FUTURE STATE		
			Protection	Protection	Prevention	Other
PERFORMANCE ATTRIBUTES	INPUTS	**Resources** (financial, human resources, information technology (IT), capital, etc.)	▪ $1.3B system-wide cost ▪ $12M average agency budget ▪ $63K per child in care ▪ Salaries—62% of agencies unable to compensate at provincial levels ▪ IT spending at approx. 1.5% of budget	▪ System-wide costs increasing up to $1.44B by 2021 ▪ By 2036, total system costs are estimated, based on population, to range from $1.6B–$2.8B	▪ Per person prevention spending should range from $800-$2,500 ▪ Total prevention cost estimates range from $224M–$708M in 2019	▪ $205M/year (to provincial poverty lines) ▪ $2.6B/year to provincial median household incomes ▪ IT spending should be 5%–6% of total annual budget, approximately $65M–$78M ▪ One-time capital investment from $116M–$175M, with a 2% annual recapitalization rate
	OUTPUTS	**Program activities**	▪ Activities are overwhelmingly linked to keeping children safe ▪ Funding essentially tied to putting children in care	▪ Status quo activities though with recognition of alternative models (e.g. kinship care)	▪ Services aimed at supporting the child, their family and community	▪ Services aimed at addressing the root causes of child welfare issues (e.g. poverty, intergenerational trauma, addiction) in communities
	OUTCOMES	**Results** (desired and realized)	▪ Safe children	▪ Thriving children		

INTRODUCTION

In January 2016, the Canadian Human Rights Tribunal (CHRT) ruled that First Nations children were being discriminated against in the child welfare system. Overrepresented in a system that incentivized the placement of children in care, First Nations children and agencies were deemed to be underfunded relative to their needs. Through subsequent orders in 2018, the CHRT ordered analysis of the complete costs of the First Nations child welfare system based on the needs of First Nations agencies. Canada states it is committed to implementing these orders.

As the complainants in the case, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada requested that the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa produce a response to CHRT (2018) orders 408, 418, and 421. IFSD engaged with AFN as the project contract holder and with the National Advisory Committee on First Nations Child and Family Services (NAC)[1] for directional and strategic support. Pursuant to the orders, IFSD was asked to:

1. Develop reliable data collection, analysis and reporting methodology for analyzing the needs of First Nations Child and Family Services (FNCFS) agencies, in alignment with the Canadian Human Rights Tribunal (CHRT) rulings on discrimination against First Nations children in care (CIC).

[1] The National Advisory Committee (NAC) is a committee established after the publication of the First Nations Child and Family Services Joint National Policy Review Final Report in 2000 in order to fulfill the recommendations made by the report. The committee consisted of Aboriginal Affairs and Northern Development Canada (AANDC) employees (what today has been divided into Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs), First Nations child and family services (FNCFS) agency staff and AFN representatives. After the CHRT decision in January 2016, the NAC was reconvened to monitor the reform of the FNFCS program. NAC's current terms of reference are available here: https://www.afn.ca/wp-content/uploads/2017/05/NAC-Final-Terms-of-Reference.pdf The current NAC is comprised of representatives from the federal government, representatives from the AFN, representatives from the First Nations Child and Family Caring society, regional representatives (generally from a FNCFS agency), a youth representative and an elder representative. NAC is functionally managed by AFN (i.e. it convenes the meetings and can enter into contracts on behalf of NAC). In the context of this project, NAC served as a board of directors offering perspective and strategic advice (without interfering in the research, analysis and delivery of the project).

2. Provide technical expertise to analyze agency needs, provide strategic advice on how best to monitor and respond to actual agency needs from fiscal and governance perspectives, with an approach informed by understanding, existing research, the contractor's own research and analysis of assessments done by agencies and communities.

3. Analyze the needs assessments completed by agencies and communities, create a baseline definition of agency resource inputs and outputs and identify missing data, complete a cost analysis and prepare a final report. See Appendix A for the analysis completed in April 2018.

IFSD undertook its work from April 2018 to December 2018 with a focus on understanding agency needs through primary data collection from May 2018–June 2018, with consultations with agency directors and experts throughout the project. IFSD is privileged to have learned from a representative 76% of all FNCFS agencies. This final report offers a complete overview of the project's methodology, findings, and proposed future state based on agency needs.

Draft findings of this report have been presented to NAC since July 2018. The draft findings were subject to feedback from NAC members and agency stakeholders, as well as IFSD's continuing review process.

As a result of this on-going process, in this final version of the report, there are changes to protection (total system costs), prevention, capital, technical and poverty cost estimates. The forecast total system costs are lower than in draft submissions.

Drafts are subject to revisions for three reasons: 1) feedback from NAC and stakeholders; 2) methodological refinements; and 3) on-going quality assurance and independent tests.

The overall narrative of the findings has not changed. The current protection-focused system does not produce results for children and families, prevention is comparatively underfunded, and there are important gaps in information technology (IT) spending. Contextual challenges such as poverty, inadequate housing, lack of access to potable water, broadband internet, intergenerational

trauma, etc. contribute to a disadvantaged starting point for many First Nations communities.

This report has been revised to remove agencies not on Indigenous Services Canada's (ISC) list provided to IFSD in April 2018 at the outset of this project (although some agencies were included in previous versions of analysis). This final report focuses on the self-reported data shared by FNCFS agencies and is supplemented with benchmarks and related data where appropriate.

IFSD wishes to thank the members of NAC for their on-going feedback and support of this work. We are grateful for the support of Dr. Cindy Blackstock and the Caring Society, Jonathan Thompson, Martin Orr and AFN.

We thank Thomas Anderson of Statistics Canada's Social and Aboriginal Statistics for clarifying availability and applicability of data. We thank our expert reviewers, especially Professors Scott Bennett and John Loxley for their helpful comments in the research and analysis processes, as well as our expert roundtable composed of nationally recognized academic experts in social work, Indigenous health, evaluation, and substance misuse, as well as practitioners and agency leaders, whose knowledge was invaluable in framing performance considerations.

We thank the leadership and staff of FNCFS agencies for the incredible work that they do in saving lives of children in difficult and disadvantaged environments. The strong survey response rate and robustness of results was entirely dependent on the trust, participation, and support of FNCFS agencies and their leadership. IFSD is grateful for their confidence and for the knowledge and insight they shared.

CURRENT STATE

Child Welfare

In Canada and around the world, child welfare is an evolving concept in constant flux, protecting the rights of children, while at the same time, upholding the rights of parents and the family. According to the Canadian Child Welfare Research Portal, child welfare is "a set of government and private services designed to protect children and encourage family stability," with a central focus on "safeguard[ing] children from abuse and neglect."[2]

The origins of child welfare in Canada date back to the late 19th century, where the first child protection organization was established in Toronto.[3] This emerged in response to an increasing number of impoverished children, propagated by the rise of industrialization and urbanization. Comprehensive social welfare programs were not yet in place, and Herbert and Albert (2013) describe how "growing numbers of homeless, destitute children in urban centres, greater juvenile crime, and changes in child-labour practices pressured governments to respond to the plight of children."[4] In other words, the establishment of Canada's child welfare system was largely a response to growing issues of child neglect.[5]

In 1893, the first piece of legislation related to child protection was passed in the province of Ontario, which "made the abuse of children an indictable offence…promoted foster care, gave children's aid societies guardianship power, and established the office of the superintendent of neglected children."[6] This was in line with the British doctrine parens

[2] Canadian Child Welfare Research Portal, 2011, "Frequently Asked Questions (Faqs)," http://cwrp.ca/faqs

[3] Jim Albert and Margot Herbert, "Child Welfare," in *The Canadian Encyclopedia*, Historica Canada, 2013; Karen Swift and Marilyn Callahan, 2002, "Problems and Potential for Canadian Child Welfare," Waterloo, ON: Wilfrid Laurier University, Partnerships for Children and Families Project.

[4] Albert and Herbert, 2013.

[5] Swift and Callahan, 2002; Katherine Schumaker, "An Exploration of the Relationship between Poverty and Child Neglect in Canadian Child Welfare," (2012); Public Health Agency of Canada, "Canadian Incidence Study of Reported Child Abuse and Neglect—2008: Major Findings," (Ottawa:2010).

[6] Albert and Herbert, 2013.

patraie, whereby the government held the authority to care for children who were deemed neglected and unable to care for themselves.[7] This allowed for government intervention in the private home, shifting the relationship between the family and the state. Child welfare organizations began to appear country-wide, often drawing from other jurisdictions' legislative policy to form their own.[8] The child welfare system has evolved over time, with notable legislative changes such as the introduction of mandatory reporting of suspected child abuse and neglect.

Canada's current system for child welfare and family services (for all children living off-reserve) is decentralized, with responsibility falling under provincial and territorial jurisdictions. With the exception of Ontario, Manitoba and Quebec, provincial child welfare services are a program of the provincial department of social services.

In Ontario, child protection is delivered through children's aid societies that are licensed by the province. These agencies receive their funding through transfer payments from the provincial government. In Manitoba, child protection agencies fall under one of four authorities: two First Nations authorities, one Metis authority and one general authority. These authorities oversee and distribute funding to the agencies. In Quebec, child protection is delivered through a network of integrated social services and health and youth centres. These centres deliver a broad range of services to children in their catchment areas.

Although the provinces' provision of child welfare services may slightly differ in organization, they benefit from more integrated systems of care. Constitutionally, provinces are accountable for providing the bulk of social services, e.g. health care, education, child care, etc. to their populations. This existing network of services may facilitate access of children in contact with the protection system to other types of provincial services, and may enable staff to leverage related services. The integration of the child protection service into the broader provincial bureaucracy benefits from the existing state apparatus of the province, through financial and human resources, its broader services, such as

[7] Swift and Callahan, 2002.

[8] Neil Gilbert, Nigel Parton, and Marit Skivenes, "Child Protection Systems: International Trends and Orientations," OUP USA, 2011; Swift and Callahan, 2002.

collective agreements, employee benefit and pension plans and its program offerings, e.g. prevention services.

By contrast, FNCFS agencies are principally funded by the federal government and are meant to mainly serve on-reserve populations. Whether by geography or funding, these agencies report that their ability to access and leverage resources from other sectors is limited.[9] Provincial and First Nations child welfare agencies have different starting points with repercussions for services, especially in often disadvantaged contexts on-reserve.

While direct comparisons between First Nations and provincial agencies may be difficult with their differing points of departure, it is even challenging to accurately compare provincial child welfare services. Given that each province and territory have their own child welfare legislation and different approaches to surveillance and reporting, using data to understand the current state of Canada's most vulnerable children and families has been complex. For example, the definition of a child varies depending on province or territory, ranging from 16 to 19 years of age, as does the definition of maltreatment.[10] Variances in

[9] The voluntary sector (including both people and donations) can supplement agency activities, particularly among non-FNCFS agencies. In Ontario for instance, the Ontario Association of Children's Aid Societies (OACAS) notes that volunteers play a significant role in Ontario child welfare services (Ontario Association of Children's Aid Societies, Volunteering in child welfare: It takes a community to keep kids safe, April 20, 2017). A 2017 survey conducted by the organization recorded volunteer involvement in children's aid societies in the province, finding that the median number of volunteers per agency was 111 (based on data from 28 reporting agencies) (Ontario Association of Children's Aid Societies, "Volunteer Services Program Survey Report, Fiscal Year 2016–2017", June 2018).

These volunteers performed a number of roles from driver, to mentor and tutor, to event and administrative support. In total, these volunteers supported agencies with a median of 20,325 hours of their time (based on data from 14 reporting agencies). To give some meaning to the hours, if these volunteers were paid at the Ontario minimum wage, their contribution would be upwards of $300,000 per agency.

Significant gaps remain in the study of the voluntary sector on-reserve. Cindy Blackstock and Samantha Nadjiwan's 2003 report, "Caring Across the Boundaries, Promoting Access to Voluntary Sector Resources for First Nations Children and Families," found that less than 10% of funds raised on-reserves (outside of government funding) came from philanthropic foundations. A study by the Circle on Philanthropy and Aboriginal Peoples in Canada (2011) found that these trends persist, with only 6% of Canadian grant making foundations giving grants to Aboriginal beneficiaries or causes (see https://pfc.ca/2016/07/partnering-indigenous-communities/). It is challenging to quantify the value of shelters, food banks, etc. to the work of child and family services agencies that receive federal, provincial and philanthropic funding off-reserve.

The reasons for these funding differences and their causes merit closer attention. As FNCFS agencies take on increasing roles as resource and programming centres, the repercussions of a limited or non-existent voluntary sector may be important.

[10] Gilbert, Parton, and Skivenes, 2011.

expenditure reporting, in definitions of what comprises child protection services, and in outcomes measurement make inter-provincial comparisons difficult.

As Fallon and colleagues note, "the lack of comparability of provincial and territorial data has hindered the ability of governments and social service providers to improve policies and programs that address the needs of maltreated children."[11] To address this issue, experts and service providers across the country collaborated to produce the 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-1998)—the first, national report on child maltreatment incidence. Two additional reports (one in 2003 and 2008) have since been released. While the CIS provide critical insight into the reasons children enter into care, data on the outcomes of children within and exiting the system would provide a better understanding of how the system performs as a whole. For those in the system, metrics such as school performance and meeting standard health and development targets are important indicators of well-being that are not consistently captured. When a child exits the welfare system, their education, job and health indicators would be helpful in assessing outcomes. Rather than capturing outcomes, output metrics such as the number of children in care and the number of kinship placements are measured. The data is useful but is limited in understanding the full picture of child welfare, notably the results for children.

First Nations Child and Family Services

Canada has constitutional obligations for the welfare of First Nations people living on-reserve—a population that is continuing to grow. Changing outcomes for children and families means recognizing and addressing the contextual disparities of these communities.

Collectively, Canada's Indigenous Peoples are worse-off than the non-Indigenous population in health indicators such as life expectancy, infant

[11] Sheila Kamerman, Shelley Phipps, and Asher Ben-Arieh, *From Child Welfare to Child Well-Being: An International Perspective on Knowledge in the Service of Policy Making*, vol. 1 (Springer Science & Business Media, 2009).

mortality, suicide mortality, chronic disease, alcohol and tobacco use,[12] and have lower rates of educational attainment[13] and employment.[14] In many First Nations communities these challenges are related to intergenerational trauma, substance misuse, inadequate housing, access to potable water, and access to broadband internet, impacting populations and their outcomes on-reserve.

One of the most striking repercussions of these contexts—amplified by a funding model that incentivizes the placement of children in care—is the disproportionate number of First Nations children in care. First Nations child welfare services on-reserve are funded—and up until the 1950s were delivered—by the federal government. According to Statistics Canada, First Nations People represent just under 3% of the total Canadian population, yet First Nations children make up 35% of those in care (see Figure 1).[15] These estimates of First Nations children in care may be under estimations, with agencies reporting higher rates of children in care in this analysis (see Figure 2, Figure 3 and Table 6).

[12] Public Health Agency of Canada, 2018, *"Key Health Inequalities in Canada: A National Portrait."*

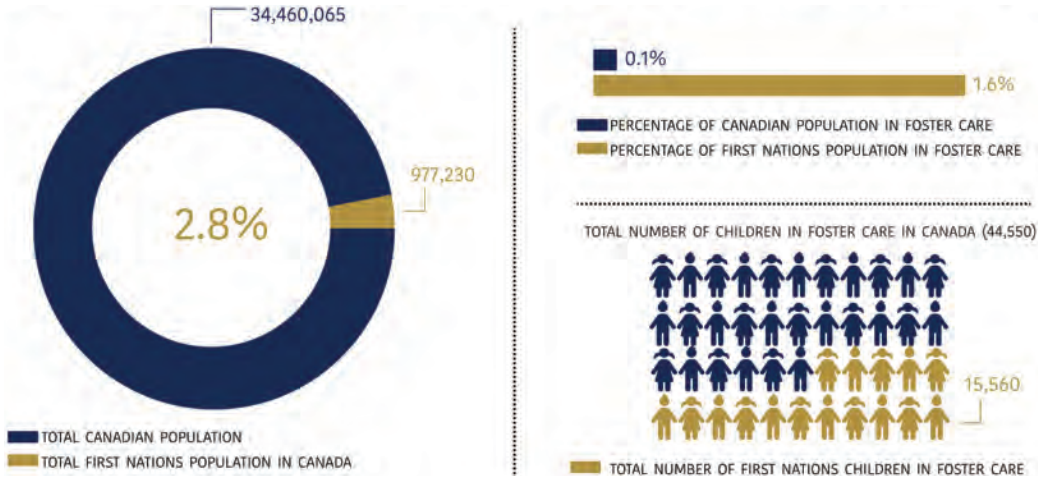
[13] Statistics Canada, "Education in Canada: Key Results from the 2016 Census," https://www150.statcan.gc.ca/n1/en/daily-quotidien/171129/dq171129a-eng.pdf?st=7_7gZfq7.

[14] Karen Kelly-Scott and Kristina Smith, *Aboriginal Peoples: Fact Sheet for Canada* (Statistics Canada, 2015).

[15] Statistics Canada, "Data Products, 2016 Census," January 3, 2018, http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/index-eng.cfm.

FIGURE 1

STATISTICS CANADA'S ESTIMATES OF FIRST NATIONS CHILDREN IN CARE



Source: Statistics Canada, "Data Products, 2016 Census," January 3, 2018.

FIGURE 2

AVERAGE NUMBER OF CHILDREN IN CARE PER AGENCY, BY PROVINCE

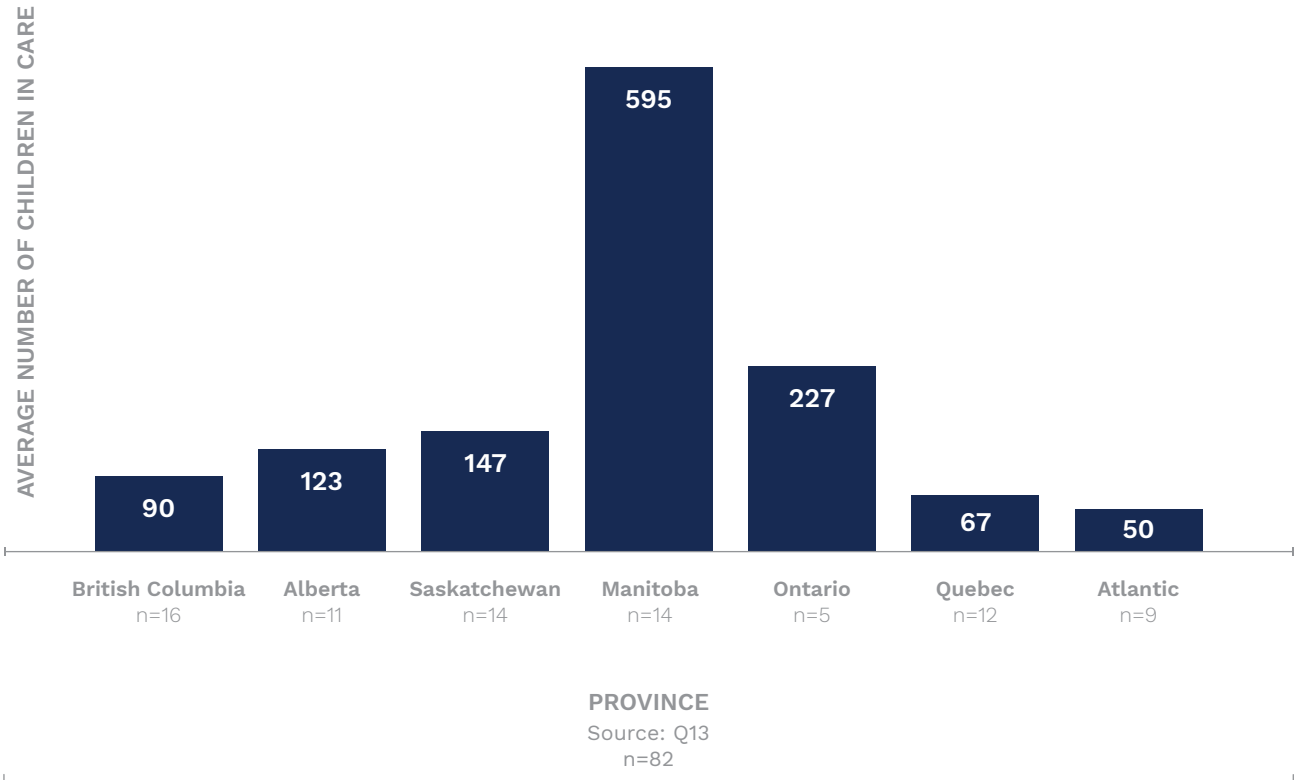
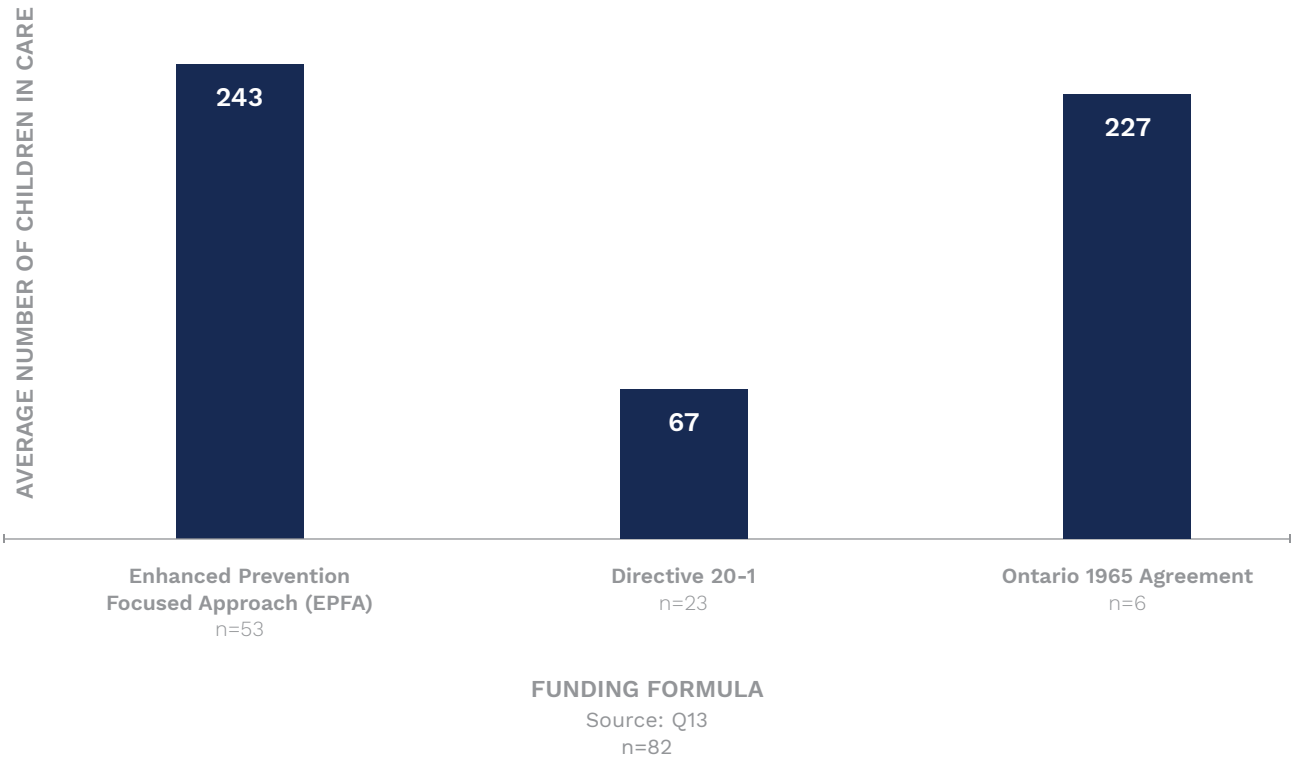


FIGURE 3

AVERAGE NUMBER OF CHILDREN IN CARE PER AGENCY, BY FUNDING FORMULA



Details and data to support better decision-making in child welfare are sparse at the national level, especially when it comes to First Nations children. For instance, there has been no national study in nearly ten years on why children enter into care. The last CIS that tracked this information was completed in 2008, leaving an important gap in understanding of current trends in child welfare.[16] While another study is expected, no CIS had been released at the time of this report's publication.

FNCFS agencies are often required to deliver more than protection services focused on child safety. These agencies are often the first and/or only point of contact for their communities when it comes to social, health and related services. FNCFS agencies are regularly extended

[16] Public Health Agency of Canada, "Canadian Incidence Study of Reported Child Abuse and Neglect—2008: Major Findings," Ottawa, 2010.

beyond their typical child safety mandates, may serve as a platform for connecting with other services, or they may find ways of providing some of those services themselves.

Important to understanding the emergence of First Nations child welfare services in Canada is the legacy of the Indian Act. First enacted in 1876, the Act gave the federal government authority over status Indians in Canada and the land reserved for Indians.[17] Under the Indian Act, the government forcibly removed generations of First Nations children from their homes to attend government-funded residential schools.[18]

First Nations communities were deeply impacted by the residential school policy. The schools were often located far from children's parents and communities, with little to no child-parent contact allowed.[19] At the schools, children were forbidden to speak their traditional languages and were instructed according to white customs and norms. The experience of residential schools had devastating impacts on First Nations children who returned to their communities. As a FNCFS agency representative from Quebec explains, "those who were forced to attend these schools expressed feelings of alienation, many could no longer speak their native language, family members were not familiar, [Indigenous] traditions and customs were alien to them, and social relationships were lacking."[20]

The removal of children from their families interrupted healthy family development. The abuse and trauma children experienced at residential schools had lasting effects on generations of First Nations communities. Those who survived residential schools, separated from their parents and having suffered trauma at the hands of adults during their formative years, lost the opportunity to grow up with healthy parental role models. Deprived of the right to learn from their own people in their youth and adolescence, many survivors struggled as adults in raising their own

[17] Cindy Blackstock, 2011, "The Canadian Human Rights Tribunal on First Nations Child Welfare: Why if Canada wins, equality and justice lose," *Children and Youth Services Review,* 33: 187–194.

[18] J. Milloy, *A national crime: The Canadian government and the residential school System—1879 to 1986* (Winnipeg: University of Manitoba Press, 1999).

[19] C.Blackstock, N. Trocmé, M. Bennett, 2004, "Child Maltreatment Investigations Among Aboriginal and Non-Aboriginal Families in Canada," *Violence Against Women,* Vol. 10, No. 8.

[20] IFSD FNCFS Survey, 2018.

children.[21] As a FNCFS agency representative from British Columbia explains, "there were no services offered to the parents who lacked parental skills as a result of the intergenerational syndrome of the residential schools and the cycle of removal would start over."[22] The repercussions of the residential school system led to an increased need for child welfare services in First Nations communities.

The Sixties Scoop

In the 1950s, an amendment to the Indian Act allowed provincial and territorial governments to begin providing child welfare services on reserves, and the federal government was expected to pay for these services.[23] Government intervention, however, perpetuated a negative cycle of separating First Nations children from their families: "the people did not have a choice but to accept services from a system whose alien concepts and standards frequently conflicted with those of native people," explains a FNCFS agency representative from Ontario, "and this conflict tended to create and perpetuate problems and needs."[24]

Many government social workers had little to no understanding of the systemic discrimination facing First Nations. In many cases, the struggles of First Nations families were perceived as signs of parental negligence and not recognized as the consequences of colonialism.[25] Language barriers, a lack of consideration for Indigenous cultural and social norms, a lack of community consultation in services or procedure, and a lack of focus on prevention characterized the government approach to child welfare services at this time. In some instances, children were removed from homes due to devastating misunderstandings, as one agency representative from British Columbia explains: "Social Workers would walk into a home unannounced and go directly for the kitchen where they would see what food was available. When the social workers did not see any store-bought food, they assumed that the children were being

[21] C. Blackstock, M. Bennett, R. De La Ronde, 2005, "A Literature Review and Annotated Bibliography on Aspects of Aboriginal Child Welfare in Canada: 2nd Edition," First Nations Research Site of the Centre of Excellence for Child Welfare, http://cwrp.ca/sites/default/files/publications/en/AboriginalCWLitReview_2ndEd.pdf.

[22] IFSD FNCFS Survey, 2018.

[23] C. Blackstock, 2011.

[24] IFSD FNCFS Survey, 2018.

[25] C. Blackstock, 2011.

starved. Most of the families canned, dried, salted and stored their foods in cellars that were not attached to the house."[26] This example illustrates how a lack of understanding of First Nations customs could have serious consequences for families.

Children separated from their families and communities were often placed in the care of non-Indigenous families. Some children were sent to residential schools, which started to be used as substitutes for foster homes.[27] In some tragic cases, children died in government care.[28] The mass removals of children from their communities during this period became known as the "Sixties Scoop", though the practices continued well into the next decade. Child welfare was traumatizing for many First Nations communities.

The Development of FNCFS Agencies

In response to the Sixties Scoop, First Nations began establishing their own child welfare services. From the 1970s onwards, there was an emergence of First Nation agencies whose dedicated focus was child and family welfare (see Figure 4). Having previously existed as prevention and community support groups, agencies began expanding their mandates to include child welfare. Inter-tribal amalgamation and increasing self-determination led to the growth of larger advocacy and governance groups that began taking on more services related to child welfare.[29]

[26] IFSD FNCFS Survey, 2018.

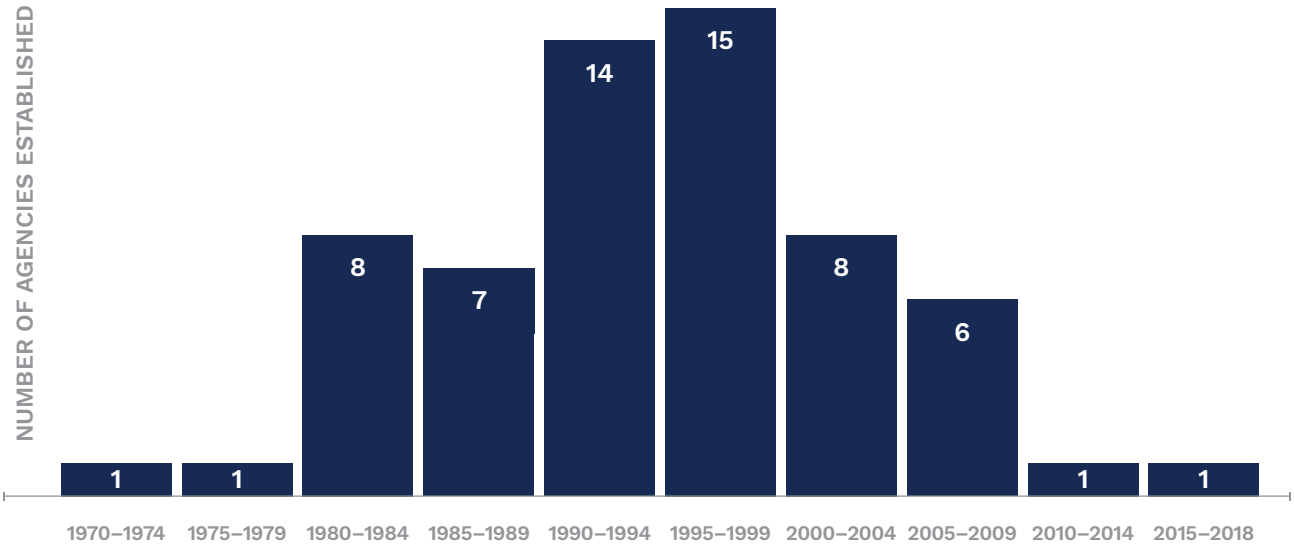
[27] C. Blackstock & N. Trocmé, "Community based child welfare for Aboriginal children," in Michael Ungar (ed.), *Handbook for working with children and youth: Pathways to resilience across cultures and contexts* (Thousand Oaks: Sage Publications, 2005).

[28] IFSD FNCFS Survey, 2018.

[29] IFSD FNCFS Survey, 2018.

FIGURE 4

NUMBER OF FIRST NATIONS CHILD AND FAMILY SERVICES AGENCIES ESTABLISHED BY FOUR-YEAR INTERVALS



Source: Q18
n=62

In 1988, the federal government put a moratorium on the creation of FNCFS agencies to develop a universal funding formula. Two years later in 1990, Directive 20-1 was established to cover all provinces and territories (except for Ontario, which remained under the Ontario 1965 Agreement).[30] Following the implementation of Directive 20–1, the number of FNCFS agencies continued to expand, but First Nations raised concerns that the funding structure was inadequate for meeting child

[30] Caring Society, n.d. Pre-Tribunal Timeline: History of First Nations Child and Family Services Funding, https://fncaringsociety.com/pre-tribunal-timeline-history-first-nations-child-and-family-services-funding.

In 1965, the first funding agreement for First Nations child and family welfare was established between the Province of Ontario and the federal government as a cost-sharing agreement in which the federal government reimbursed the province for the provision of First Nations child and family welfare services at a rate of 93% of costs. Known as the 1965 Agreement, the Memorandum of *Agreement Respecting Welfare Programs for Indians* is still in effect today.

welfare needs on reserves.[31] The criticism was echoed, notably, in the 2008 report of the Auditor General.[32]

In 2007, the federal government began implementing the Enhanced Prevention Focused Approach (EPFA) in several provinces, which was designed to address the shortcomings of Directive 20–1. It was introduced on a rolling basis in Alberta in 2007-08, Saskatchewan and Nova Scotia in 2008–09, Quebec and Prince Edward Island in 2009–10 and Manitoba in 2010–11.[33] It was expected that British Columbia, New Brunswick, Newfoundland and Labrador and Yukon, would eventually transition to EPFA. Many agencies are still concerned that the amount and structure of EPFA funding are insufficient for meeting their needs.[34] All three formulas however, tend to require that children enter into care in order to unlock funding (see Table 1).[35]

[31] Caring Society, n.d.

[32] Canada, The May 2008 Report of the Auditor General of Canada to the House of Commons (Ottawa, 2008).

[33] Aboriginal Affairs and Northern Development Canada, Aboriginal Affairs and Northern Development Canada's Role as a Funder in First Nations Child and Family Services (Ottawa, 2013).

[34] Caring Society, n.d.

[35] An opinion on liability insurance was requested by NAC to better understand the legal implications of an agency seeking its own jurisdiction in child and family services, i.e. developing its own laws and no longer being subject to provincial laws de facto (because no federal law exists on the matter). Alexander Holburn and Associates, LLP was retained and provided an opinion on the matter (see Appendix B). The firm's review found that not all provincial legislation requires FNCFS agencies to carry liability insurance, although others require it as a condition for delegation. Even though provinces may delegate child protection duties to FNCFS agencies, in the case of a breach, the province remains liable for non-delegated duties. If full responsibility for child welfare services are assumed by a First Nations government, then that government will assume the whole of the legal duty with respect to the delivery of child welfare services. There would be a potential increase in exposure liability, as the First Nation government would no longer be able to rely on the statutory immunity for negligence, and the costs of insuring the operations may increase to reflect the increase in exposure claims. For agencies that are covered, premiums range from $5,000 for a small organization to $100,000 for a larger organization. The average premium in Canada is around $20,000 for $5,000,000 coverage, with Aon Reed Stenhouse as the most common provider.

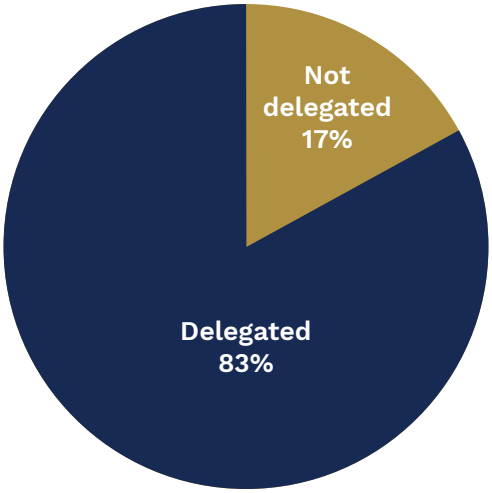
TABLE 1
EXISTING FNCFS FUNDING ARRANGEMENTS

FUNDING FORMULA	DESCRIPTION
Directive 20–1	A funding arrangement introduced in 1990 to fund First Nations child and family services for on-reserve populations. It includes funding for operational expenses and the maintenance of children in protection. It does not include built-in funding for prevention. It is still the active funding agreement in British Columbia, New Brunswick, Newfoundland and Labrador, and Yukon.
Enhanced Prevention Focused Approach (EPFA)	A funding arrangement introduced in 2007 which includes funding for operations and maintenance, similar to Directive 20-1, as well as funding for prevention programs. It is the active funding agreement in Alberta, Manitoba, Nova Scotia, PEI, Quebec and Saskatchewan.
Ontario 1965 Agreement (The Memorandum of Agreement Respecting Welfare Programs for Indians of 1965)	The funding agreement between the federal and Ontario governments signed in 1965. The agreement establishes a cost-sharing arrangement where ISC reimburses the Ontario government for approximately 93% of the cost of delivering child and family services on-reserve in the province.

FNCFS agencies define their mandates as providers of protection and prevention services for the well-being and safety of children in the community. A majority of the agencies (83%) that participated in the survey were child-protection delegated (Figure 5). In the survey, agencies highlighted their work supporting families by strengthening the family unit and working to keep children with their families in the community. Agencies reported strengthening communities by providing holistic, community-based approaches to child welfare that engage supportive networks of community members and leadership. In their work, agencies emphasized the promotion of cultural approaches to build strong, proud and healthy First Nations communities of children and adults. Approximately 60% of agencies perceive their relationships with their communities positively, although there is variation among provinces (Figure 6).

FIGURE 5

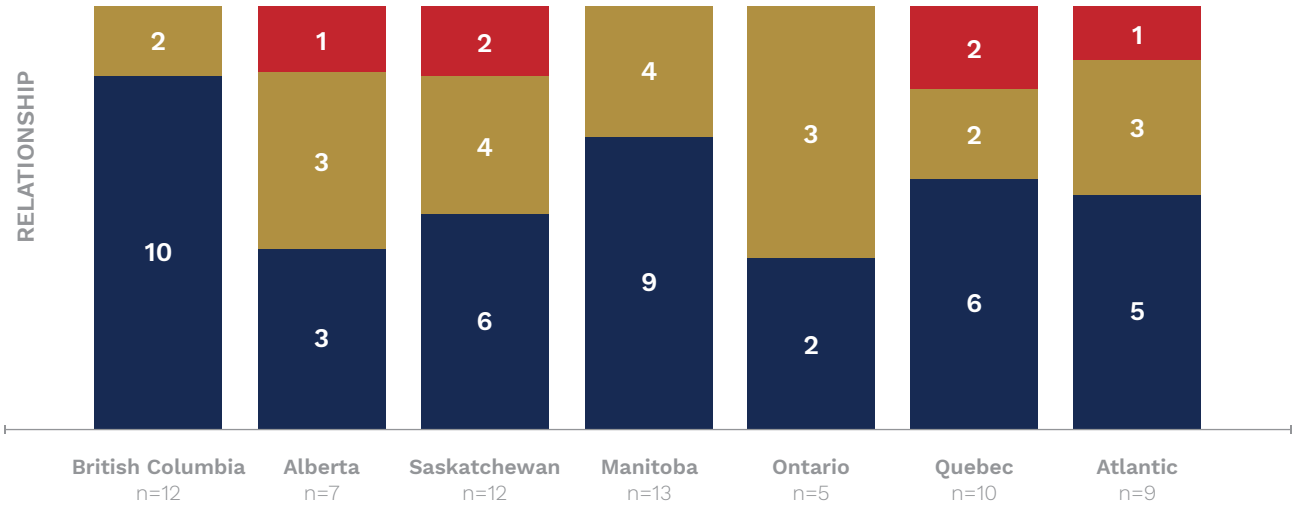
AGENCIES WITH CHILD-PROTECTION DELEGATION



Source: Q15
n=76

FIGURE 6

AGENCIES' PERCEIVED RELATIONSHIP WITH THEIR COMMUNITIES, BY PROVINCE



Source: Q96
n=68

For First Nations not affiliated with a FNCFS agency, the province provides protection services on-reserve and is reimbursed by the federal government. For instance, in Alberta, the federal and provincial governments established the Arrangement for the Funding and Administration of Social Services, a bilateral agreement signed in 1991 that provides for the reimbursement by the federal government for social services on-reserve. In British Columbia, a similar bilateral agreement called the British Columbia Service Agreement arranges for the federal government to reimburse the province for child welfare services in 72 First Nations communities.[36]

In its rulings, the CHRT found the federal government's FNCFS program to be discriminatory to children on-reserve because of inequitable funding levels for child welfare services. Following the CHRT orders, the federal government began increasing its prevention funding. In Budget 2016, the federal government committed $634.8 million over five years to reform and strengthen the FNCFS program, with ISC reporting $71.1 million for 2016–17.[37] Budget 2018 committed an additional $1.4 billion over six years.[38] With the February 2018 order from the CHRT, the federal government began funding the program at its actual cost. This however, is meant to be an interim solution until the federal government reforms the FNCFS program funding structure.

This report commissioned in response to the CHRT proceeds in two parts. Part 1 defines a baseline financial and program activity understanding of the current FNCFS system from agency-reported data. Part 2 defines a future-state program based on agency need and informed by consultations with agencies and experts.

[36] Caring Society, 2016, "Federal Funding for First Nations Child and Family Services: Funding Arrangements for Provinces and Territories. Information Sheet," https://fncaringsociety.com/sites/default/files/Prov%20and%20Territory%20description.pdf.

[37] ISC, "First Nations Child and Family Services," November 30, 2018, https://www.sac-isc.gc.ca/eng/1100100035204/1533307858805.

[38] Canada, Budget 2018, https://www.budget.gc.ca/2018/docs/plan/chap-03-en.html#Ensuring-That-Indigenous-Children-Are-Safe-and-Supported-Within-Their-Communities.

METHODOLOGY

Approach

RESEARCH ETHICS

The design of the research project and its instruments were developed in collaboration with NAC with input from FNCFS agencies. IFSD had the opportunity to visit agencies to learn from their staff and communities in 2017 (in conjunction with analysis being undertaken by IFSD at the request of NAC on agency operating characteristics). These visits were instrumental in building a better understanding of the current FNCFS system on-reserve, from a front-line perspective. The knowledge shared by agencies and communities during these visits helped to inform IFSD's development of the data collection instrument and thinking on an alternative funding model for FNCFS agencies.

Building on its previous work, IFSD's approach to this project was collaborative and informed by OCAP® principles. As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous Peoples and complies with the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans in all of its work. Pursuant to article 2.2 on the legal accessibility of information requested for this study and article 2.5 that exempts program evaluation and assessments of organizational performance from review, IFSD did not require Research Ethics Board review for its work.

All information collected from this survey, with the consent and participation of the agencies, has been shared back to participating agencies (via monthly updates) and NAC in an anonymized and aggregated format to protect the privacy of agencies and their communities. All results of this project will only be shared in an anonymized and aggregated format.

A physical copy of the data collected for this project is stored in a locked cabinet at the IFSD office. Electronic copies of data are maintained locally on IFSD research laptops only.

RESEARCH DESIGN

Following IFSD's review of FNCFS agency need assessments (see Appendix A), it was determined that current information available through the assessments and financial statements was insufficient and inconsistently collected to complete the analysis required by the CHRT orders. IFSD determined that it would develop its own data collection instrument aligned to the CHRT orders, and that accounted for federal financial and program activity architectures. The data collection instrument was a 105-question survey developed from April to May 2018. The instrument was designed as an online survey on the SurveyMonkey platform, accessible via weblink.

The instrument was reviewed by methodological experts[39] and by NAC and was then translated into French. Both English and French versions of the tool were made accessible to agencies to complete. All information requested from agencies was organizational in nature and related to the fulfilment of professional duties. No confidential or secret information was requested. For an overview of the survey questions, see Table 2 and the complete instrument in Appendix C.

The instrument was designed to complete a census of organizations. ISC provided IFSD with a list of 104 FNCFS agencies in April 2018 to contact for this project. Only data from the listed agencies that participated in this project is included in this report.[40]

[39] Professors Scott Bennett and John Loxley reviewed the instrument and provided feedback to refine the tool prior to its release to FNCFS agencies.

[40] Additional agencies contacted IFSD to participate in this project. Their data was directionally consistent with that of the 104 agencies on ISC's list. In previous drafts of this analysis, the additional agencies were included. However, for methodological consistency, they were removed from this analysis as they were not on the original list provided by ISC.

TABLE 2
OVERVIEW OF THE 2018 IFSD FNCFS SURVEY

CATEGORY	SURVEY QUESTIONS
AGENCY DETAILS Contact details for survey, location of agency and community/ies served; community accessibility; catchment and satellite office details; children in care; child population served; mandate, history and agency services and programs.	1–21
BUDGET AND FINANCES Total and program specific budgets (e.g. prevention, protection); budgetary changes.	22–41
CAPITAL ASSETS Capital expenditures and assets; nature of building occupancy (lease/own); details on agency headquarters (e.g. square footage, building materials); repair requirements and estimated costs.	42–54
TECHNICAL PROFILE Investments, satisfaction with and need for information technology (e.g. hardware, software, cloud-based infrastructure).	55–58
OPERATING AND MAINTENANCE The costs of doing business, e.g. legal and related fees.	59–65
EMPLOYEE DETAILS Salaries and benefits; salary ranges; personnel and retention.	66–75
Small agencies; remoteness; travel costs; gaps in service.	76–83
CASELOAD Understanding case complexity; average cases per employee and employee category.	84–91
GOVERNANCE AND DATA COLLECTION Agency management and accountability practices; community engagement; performance measurement.	92–105

Each FNCFS agency was invited to send two representatives to Ottawa to attend one of five workshops at IFSD to complete the survey (one workshop was hosted in Saskatoon, with logistics coordinated by the Saskatchewan First Nations Family and Community Institute). All travel, accommodation and incidental expenses were covered for the two participants by IFSD. Participants were not remunerated or incentivized to participate in the research process.

The two-day workshops were designed to work with agencies to complete the survey and enhance consistency in interpretation of questions (see Appendix D for a sample agenda and Appendix E for definitions used in the survey). A future state exercise was hosted on

the second day of each workshop, to better understand the agencies' perspectives on future need and vision for an improved FNCFS structure (see Appendix F for summaries). Convening agency leadership was fruitful for exchanges, knowledge sharing and network building. Participant evaluations of the workshops were positive (see Appendix G for the evaluation summary) and helped to improve future sessions.

Agency outreach was central to IFSD's efforts. FNCFS agency executive directors were first contacted via email by Kevin Page on May 1, 2018 using contact information provided by ISC and included a letter of endorsement from NAC (see Appendix H). A second email was sent to executive directors on May 3, 2018 by Helaina Gaspard, inviting agencies to attend one of four workshops scheduled in Ottawa (a fifth workshop in June was added to accommodate agencies who could not attend a May workshop) (see Appendix H). To follow-up on the invitation, IFSD contacted all agencies at least once by phone, first on May 4, 2018, and followed-up at least once with an email reminder, first sent on May 9, 2018.

IFSD is grateful to agency leadership and NAC whose efforts enhanced outreach on a regional basis. As a trusted leader and member of NAC, Cindy Blackstock recorded a promotional video that was shared with agencies and other stakeholders on May 8, 2018, to provide information about the project and to encourage agency participation.[41] Agencies unable to accommodate any of the workshop dates were given the option to complete the survey online remotely, with the support of IFSD staff (eleven agencies completed the survey remotely).

In total, 70 agencies[42] attended one of the five workshops in Ottawa and one workshop in Saskatoon (Table 3). Only IFSD staff were on-site to support agencies in their work in both English and French, with interpreters on-site for select sessions.

[41] A website (www.ifsd.ca/fncfs) was developed for the project that included monthly updates (that were also sent to stakeholders) and related information, including the video.

[42] Two agencies that participated in the workshop were subsequently removed from the analysis for methodological consistency (see footnote 41).

TABLE 3
WORKSHOP DATES AND LOCATIONS

DATE	LOCATION
May 14–15, 2018	Ottawa
May 17–18, 2018	Ottawa
May 22–23, 2018	Ottawa
May 24–25, 2018	Ottawa
May 30–31, 2018	Saskatoon
June 4–5, 2018	Ottawa

During the workshops, agencies were invited to complete the survey using the SurveyMonkey platform in English or in French. There were technical challenges with the platform during the first workshop that were corrected for all other workshops (participants from the first workshop were invited to submit an electronic or paper copy of the survey). Following the first workshop, minor refinements were made to the survey thanks to agency feedback. There were no losses to data integrity or aggregability with those changes.

When completing the survey, agencies were asked to report with information from fiscal year 2017–2018, referring to baseline funding levels. Agencies were asked to omit any supplementary funding from the CHRT orders to capture the typical or steady state of operations. In order to develop a future state model for agencies based on need, it was important to have a complete understanding of their point of departure, with potentially anomalous funding removed. To supplement responses, participants were encouraged to provide context to give meaning to the data they shared. Upon completion of the survey, a copy of the submission was returned to participants.

All submitted surveys were reviewed for completion by IFSD. Unanswered questions and unclear responses were flagged and compiled into a single reference document or email for each participating agency. Agencies were contacted at least twice (once by email and once by phone) to clarify the flagged questions. Follow-ups began in mid-May 2018 (following the first workshop) and continued into early July. Agencies were asked to submit their supplementary information or clarification, and approximately one third of the follow-up emails received responses. A final reminder was sent on July 13, 2018 and substantive data collection efforts ended

on July 31, 2018. As a census of a population, data collection remained open to any agency willing to participate but IFSD's outreach for survey participation ended.

With substantive data efforts complete, IFSD reached out one final time in October 2018 to all twenty-five non-responding agencies first by phone and then via email. The agencies were asked to provide four key pieces of information about their organization to ensure they were represented in the sample: 1) the number of children in care; 2) the agency's total budget (all sources of funds); 3) total federal funding only; 4) federal allocation for protection and prevention. A total of five agencies provided these details. There was one agency that requested to participate through a shortened survey of approximately 20 questions.

PARTICIPATION

This project's total sample population was 104 agencies. The final participation rate was 76%, with 79 of 104 agencies participating in the Survey (Figure 7). All ten provinces are well represented with over 50% of agencies in each province taking part in the survey (see Figure 8). It should be noted that participation per question varies, i.e. not all participating agencies answered all questions.

FIGURE 7

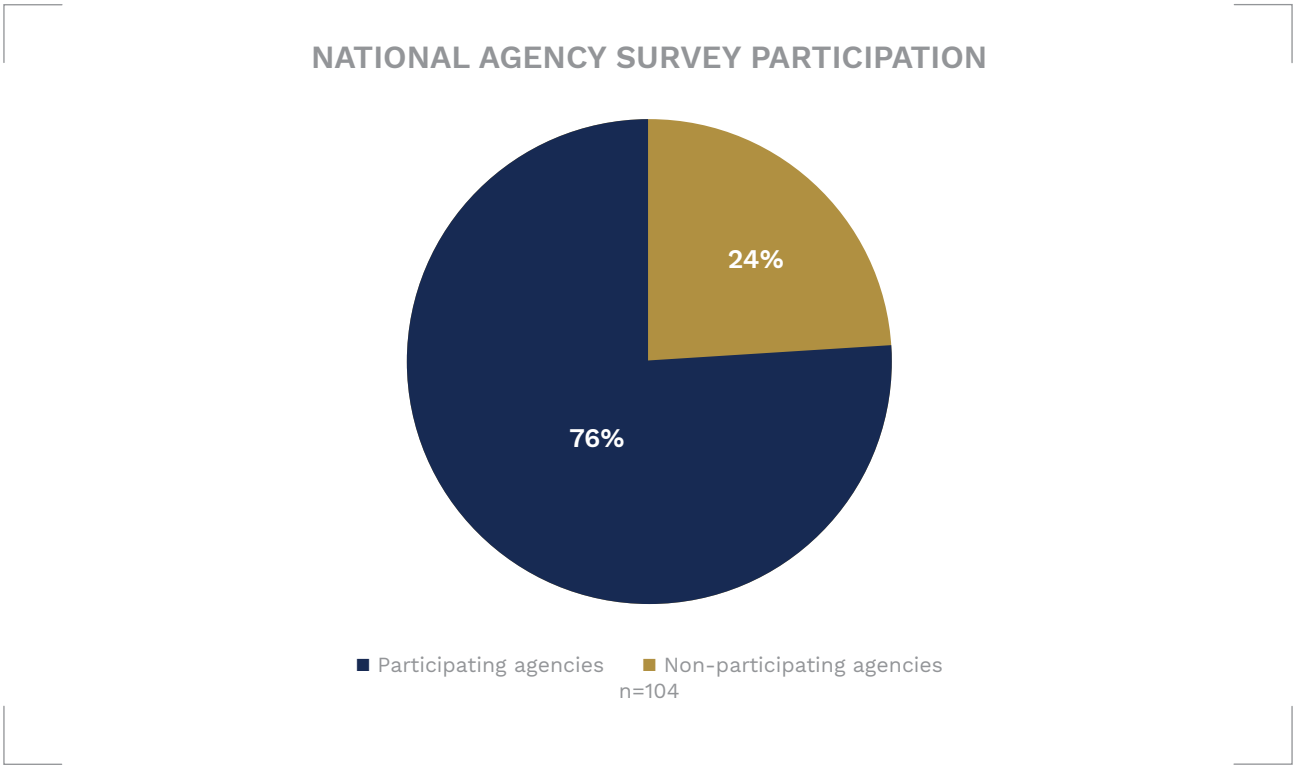


FIGURE 8

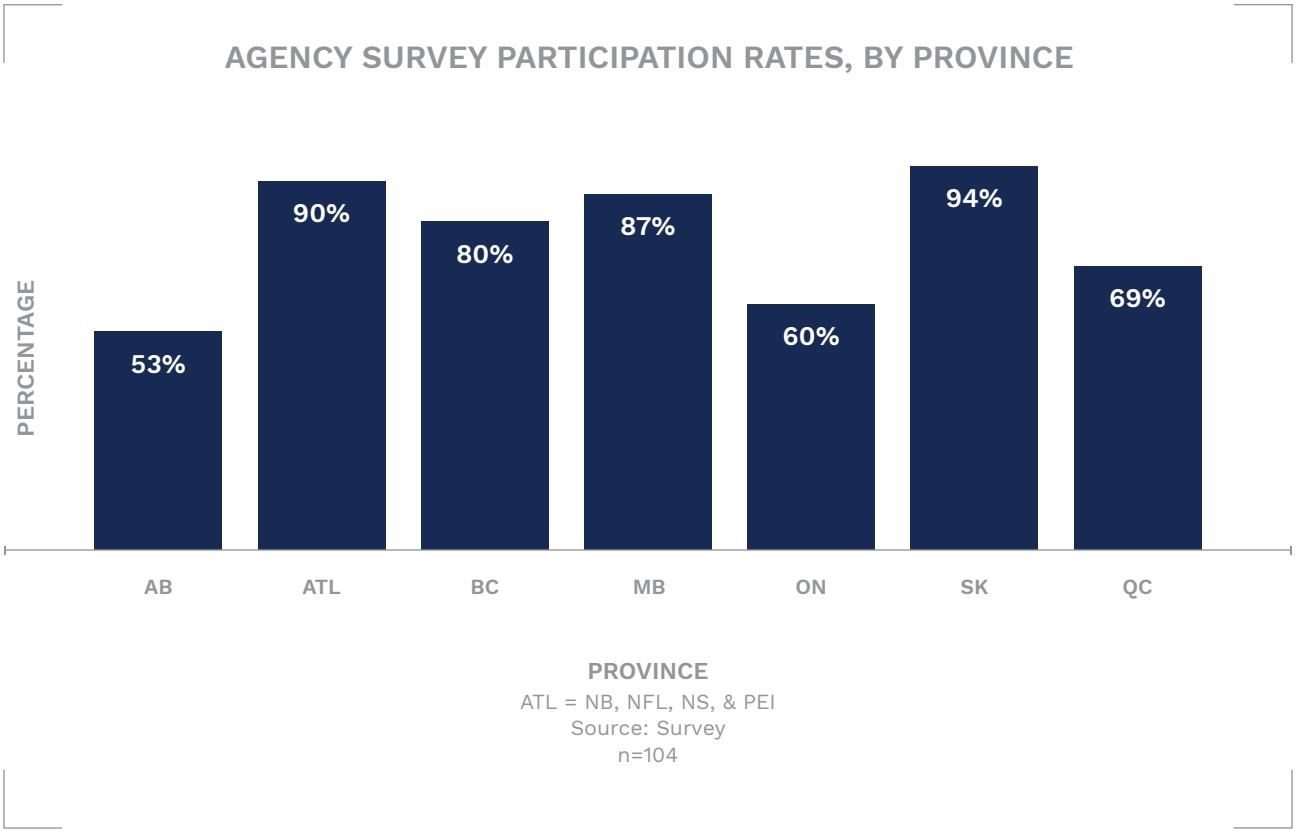


FIGURE 9

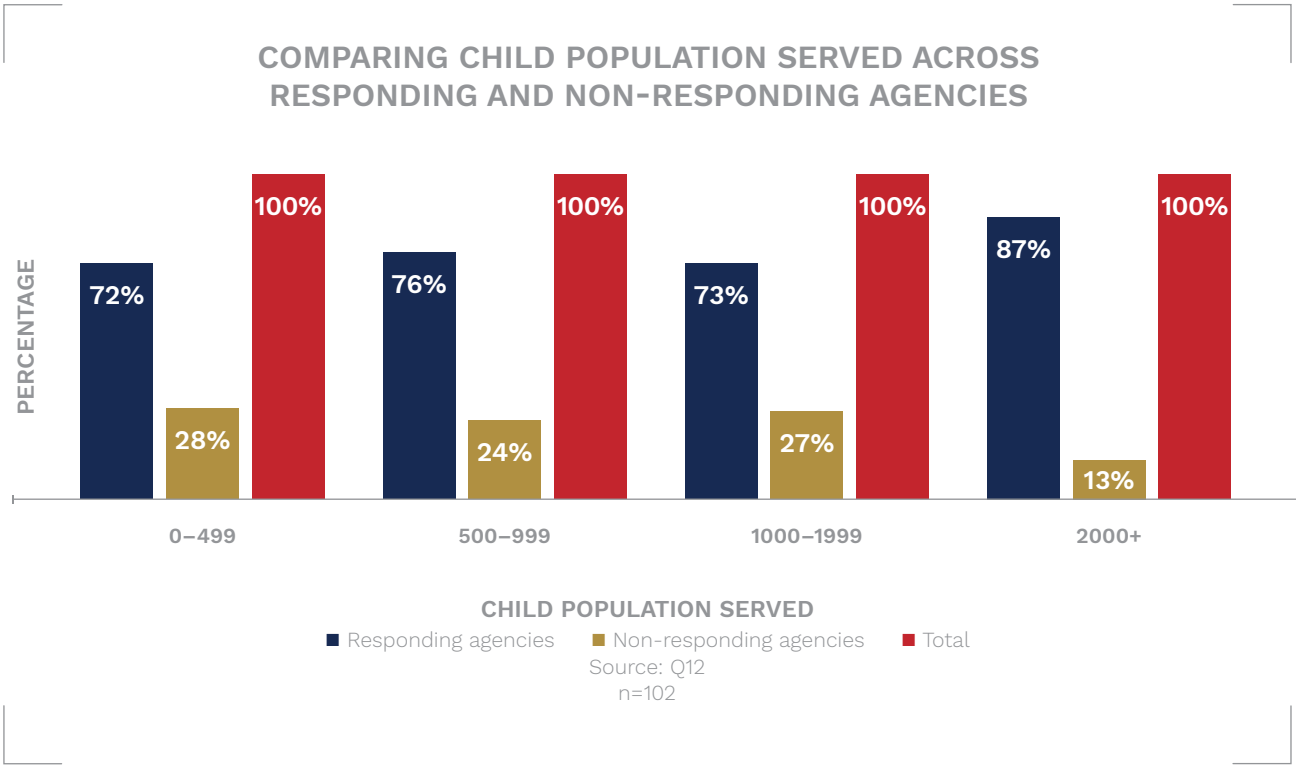


FIGURE 10

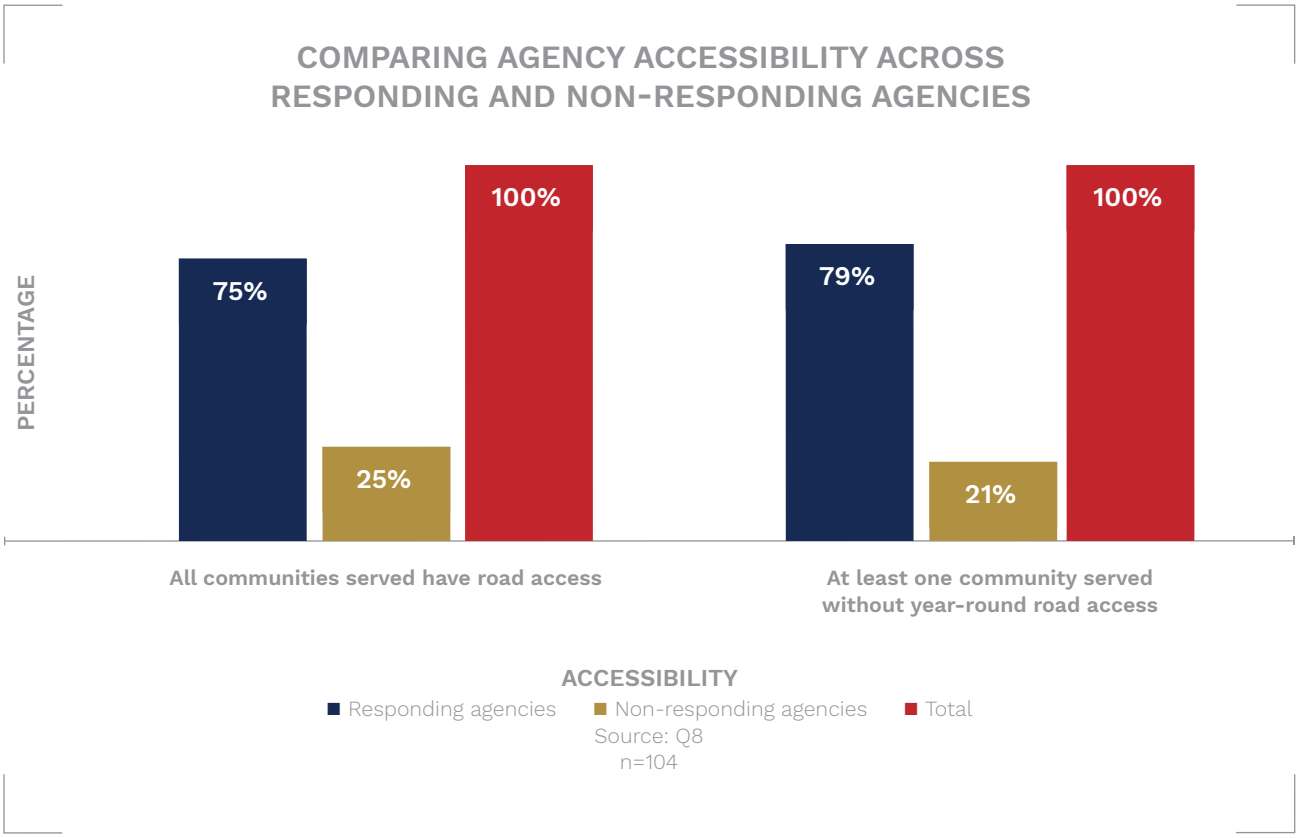
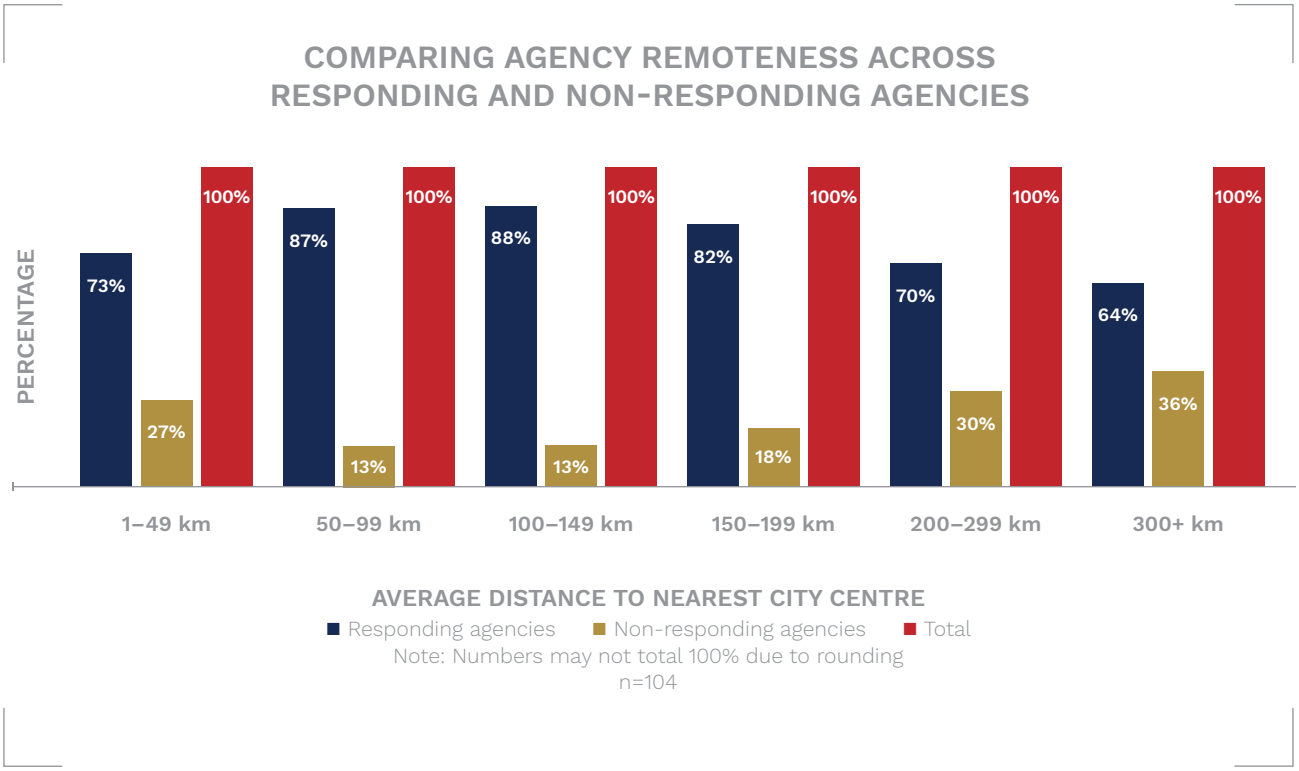


FIGURE 11



The limitation of any census of organizations such as this one is the imperfect response rate. However, the response rate of 76% as well as the provincial and typological representations of the agencies in the responding population helps to ensure that there is no major bias in representation. There can be, but there is sufficient publicly available information to help to assess the extent of the potential data gap.

The reliability of the sample was tested by sorting non-responding agencies into the three typologies using publicly available data. The data used included total child population served from Statistics Canada, as well as distance calculations using agency headquarters addresses and community locations. When assessed against the total potential sample in each of the three typologies, over 50% of each potential population is included in this project's sample (see Figure 9, Figure 10, Figure 11). For these reasons, the sample is considered representative. For an independent expert opinion from Professor Scott Bennett on the reliability of the data and the project's methodology, please see Appendix I.

ANALYSIS

Following the workshops, IFSD began coding all survey data in June 2018. A spreadsheet was designed to facilitate the entry of quantitative and qualitative responses. Using hardcopies of the survey, IFSD research assistants entered quantitative and qualitative data into the spreadsheet. Each entry was checked at least once by another research assistant. Following the initial data entry, the more complex qualitative questions were coded and integrated into the master spreadsheet. The master data set was spot-checked by a third research assistant, selecting questions and half of responding agencies at random to ensure completeness, consistency in coding, and accuracy. The master data file was finalized in early August 2018.

To make sense of the data, analysis was undertaken in three steps. First, data was assessed to better understand agency characteristics. This analysis tabulated for instance, the number of agencies that required building repairs and the number of agencies reporting service gaps. Once this overview was complete, analysis of characteristics continued by sorting data by different variables to better understand what impacted agency expenditures. Clustering agencies by total child population served, remoteness and accessibility of communities served offered insight into what drives expenditures for agencies. These three typologies were helpful in understanding trends in agency expenditures influenced by different characteristics (see Table 4). Second, correlations were run to understand the strength of relationships between variables. The strongest cost driving relationship in the data is the number of children in care to total agency budgets. Given the current funding arrangement, the strength of the relationship is not surprising as the system incentivizes the placement of children in care to unlock funding. The third step of the analysis was the cost estimation of the current and future states (see the Costing section of this report for a detailed discussion).

TABLE 4
TYPOLOGY DEFINITIONS

TYPOLOGY	DEFINITION	FINDINGS
Total child population served	The total population of persons 0–18 years of age within the agency's catchment area (i.e. in communities served).	Notwithstanding overall funding shortfalls, there are variances in expenditures and trends when agencies are assessed by population served. Analysis suggests that variances are largely driven by remoteness and accessibility.
Remoteness	Remoteness was determined as distance to a city centre, because analysis from Wen:de (2005) suggested that agencies must send clients to a city centre (Statistics Canada definition) to access services. The remoteness calculation for each agency was determined as an average of the distance of the communities they serve to the closest city centre.	Remote agencies exist across populations served, provinces, and budget ranges. Average number of staff and travel costs generally trend upward with remoteness; this is reflected in average budgets.
Accessibility	Agencies were clustered based on the communities that they serve. Agencies serving at least one community without year-round road access were grouped, and agencies serving only communities with year-round road access were grouped.	Agencies with at least one community without year-round road access have higher average budgets, staff, children in care and substantially larger travel budgets. Limited road access represents approximately 20% of the population.

AGENCY CHARACTERISTICS

Agency data was clustered to assess if agency characteristics could help to identify expenditure trends. This approach was helpful in demonstrating that agency characteristics were more representative than provincial or funding formula groupings (i.e. agency characteristics cross provincial boundaries and funding formulas). When data was sorted by province and by funding formula, there were limitations in the explanatory value of trends.

While average budgets by province varied, agencies in Ontario reported higher average budgets than their peers using other funding formulas. This however, may be a function of the size of the Ontario agencies and the geography that they cover (Figure 12 and Figure 13).

Most agencies did not report a deficit in fiscal year 2017–2018, whether sorted by province or funding formula (Figure 14 and Figure 15). This does not necessarily imply sufficient funding, but may indicate that agencies are operating nearly exclusively within planned authorities.

FIGURE 12

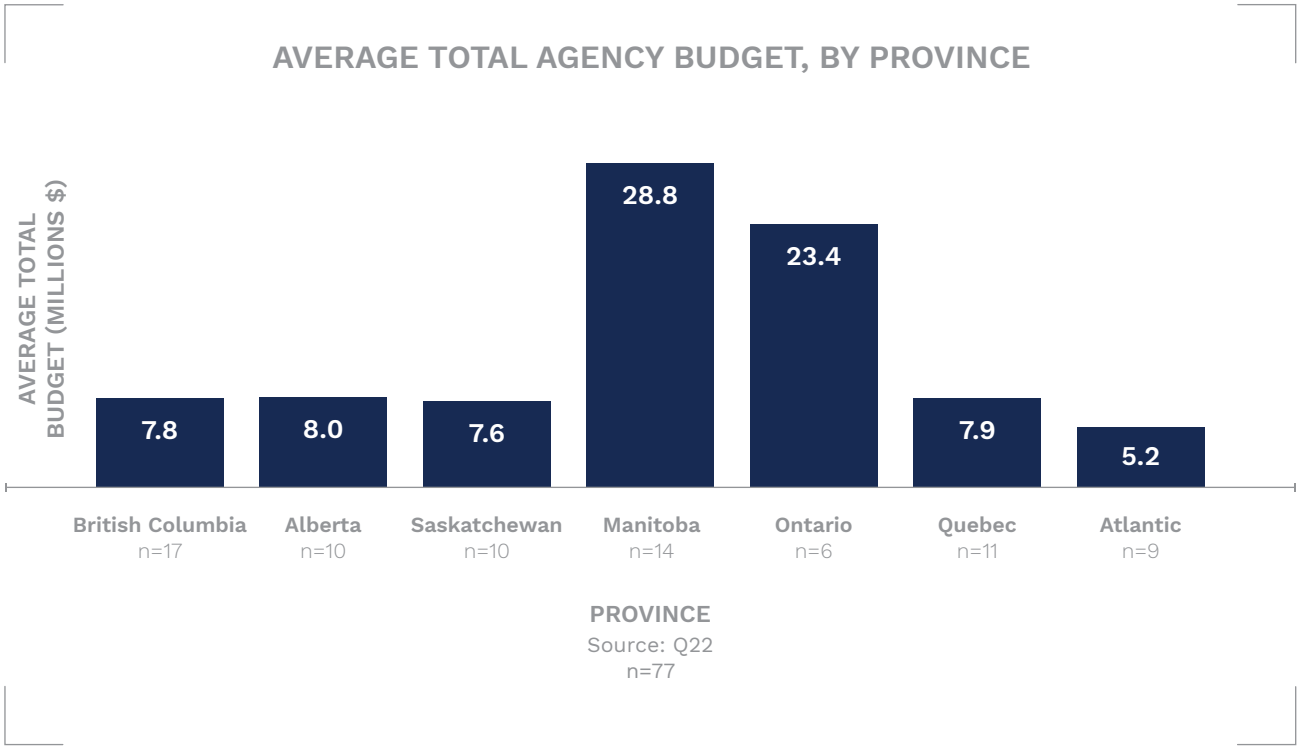


FIGURE 13

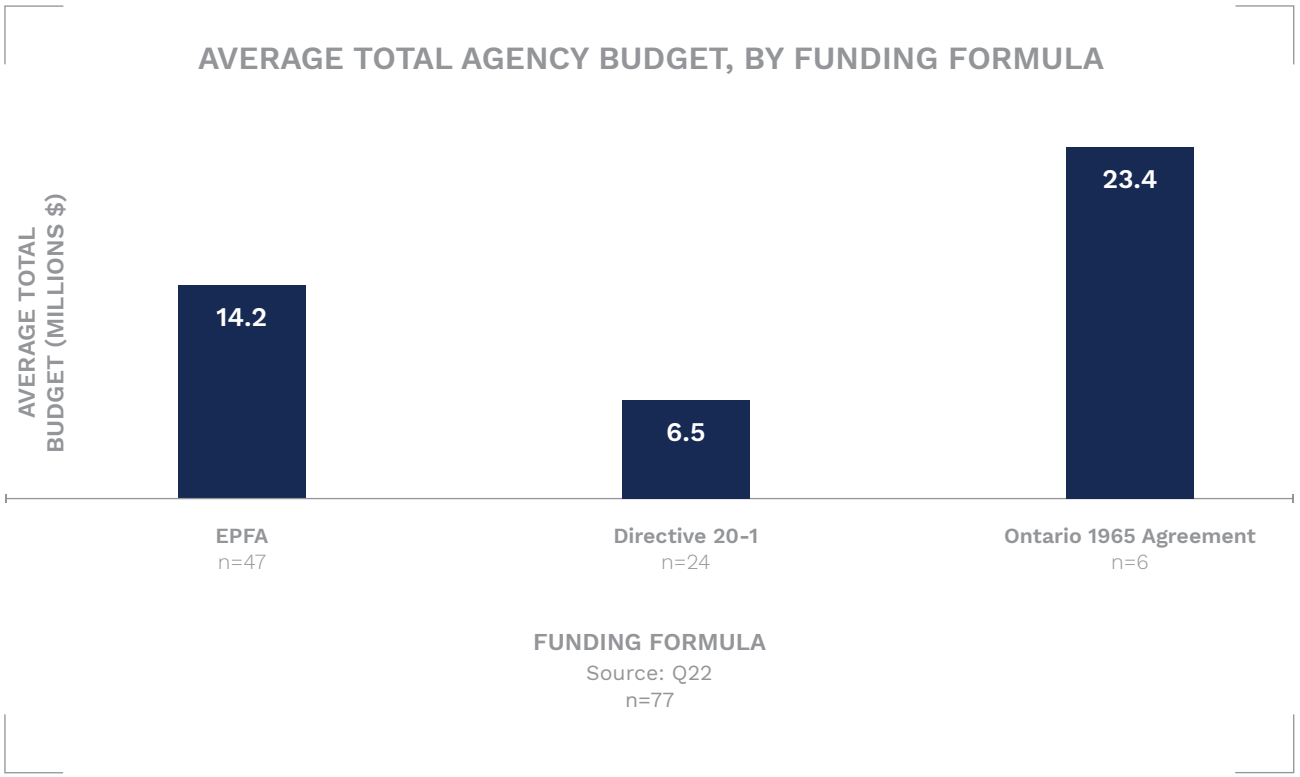


FIGURE 14

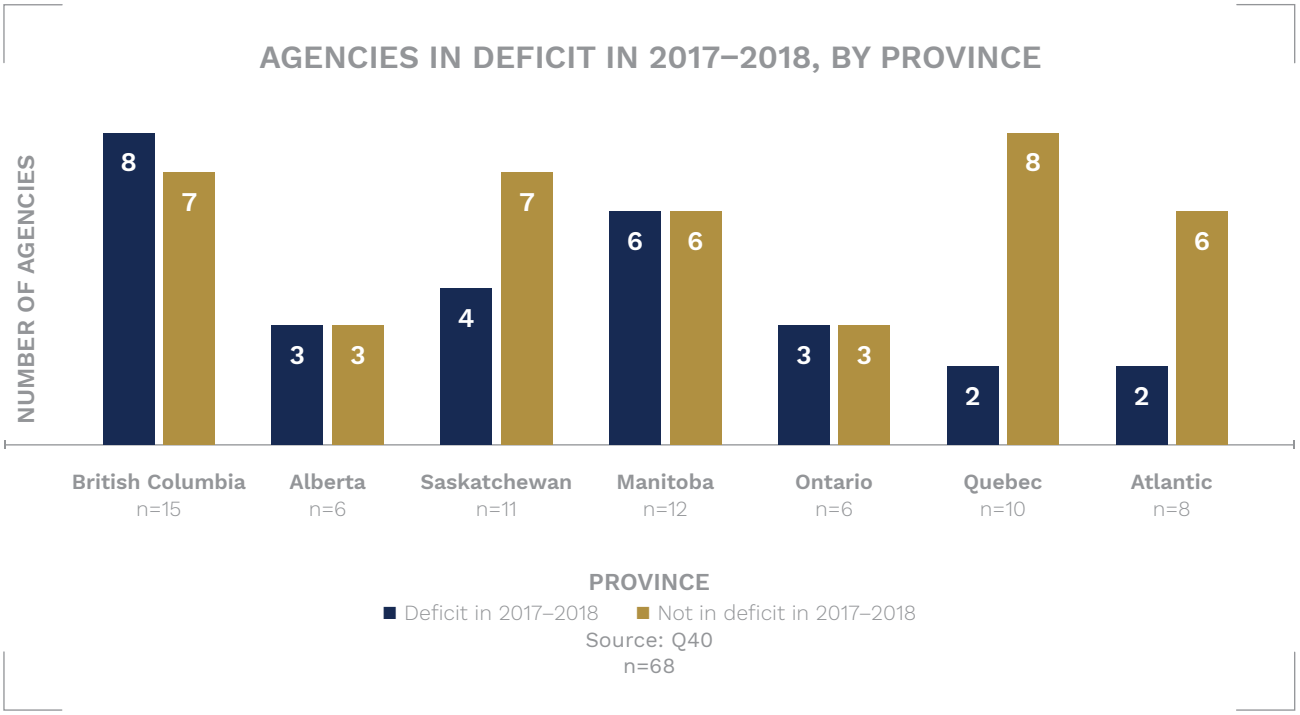
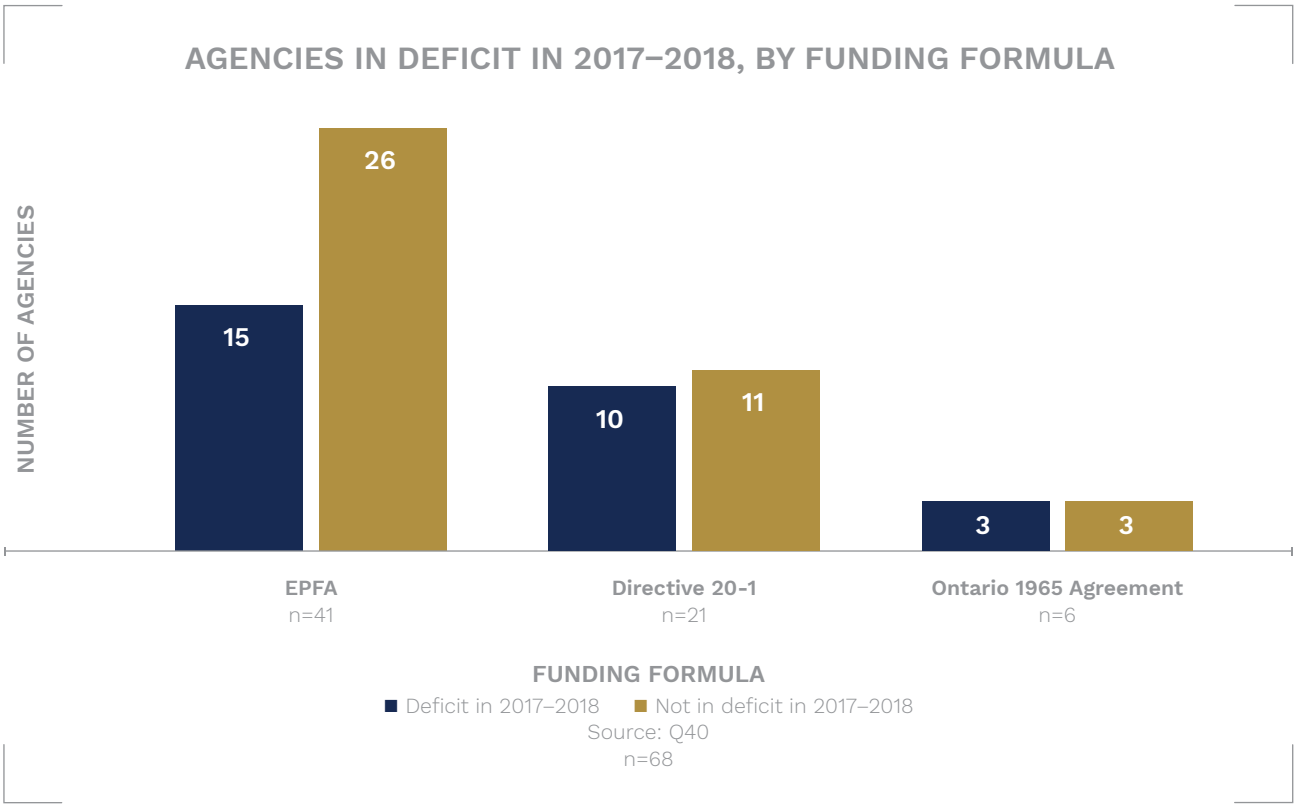


FIGURE 15



Provinces, although they can offer insight into the legislation governing child and family services, are not indicative of inherent characteristics of agencies. Similarly, clustering by funding formula is not helpful in deciphering agency characteristics. Characteristics such as geographic location (remote versus near an urban centre) or total population of children served are independent of provincial borders and funding formulas. An agency serving remote communities in Ontario under the 1965 Agreement can exhibit similar expenditure trends to an agency serving a similar community in British Columbia under a modified version of Directive 20–1.

POPULATION SERVED

There is some variance in average agency budgets by child population served as reported by agencies (Figure 16). Average agency budgets trend upwards with population served using Statistics Canada's custom catchment data (Figure 17).

FIGURE 16

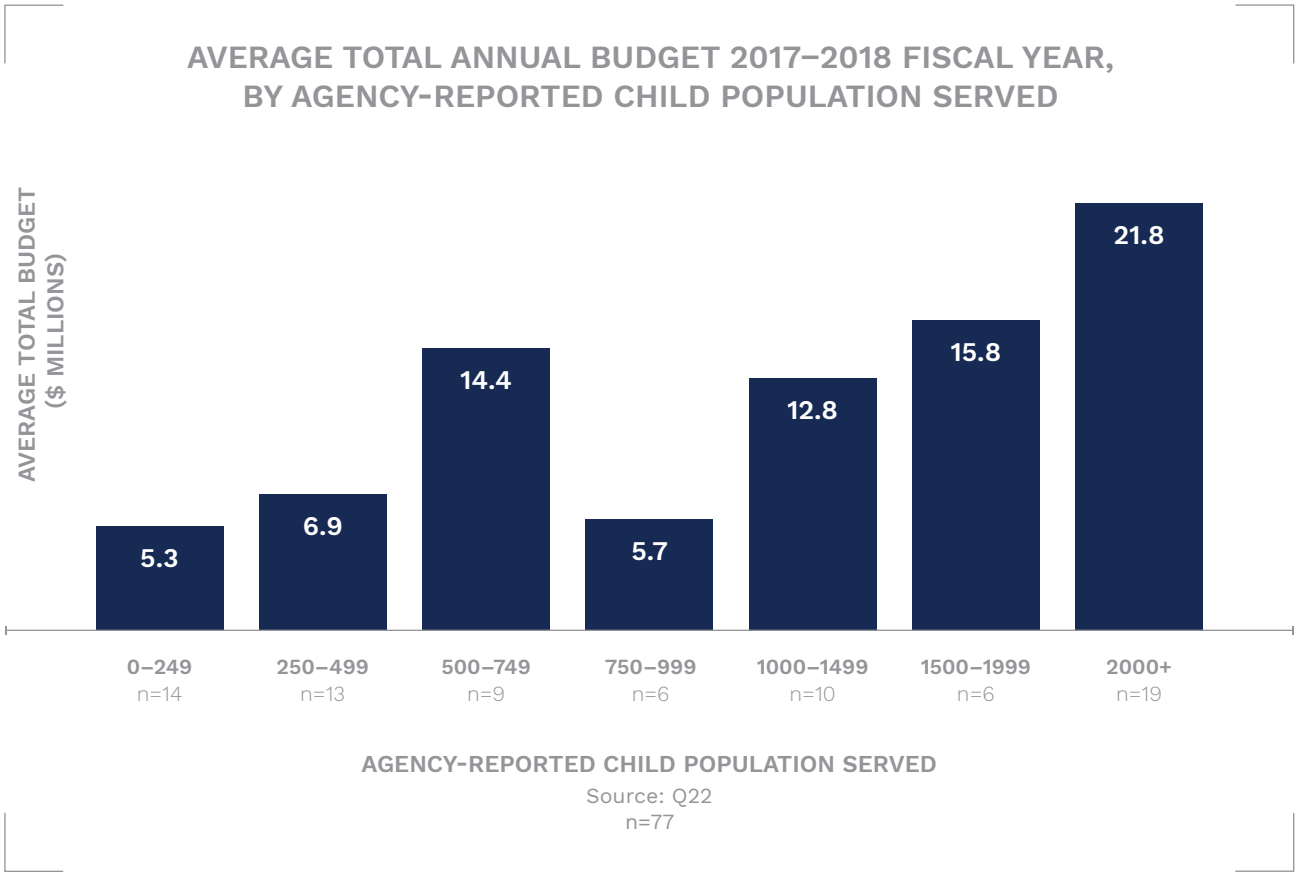
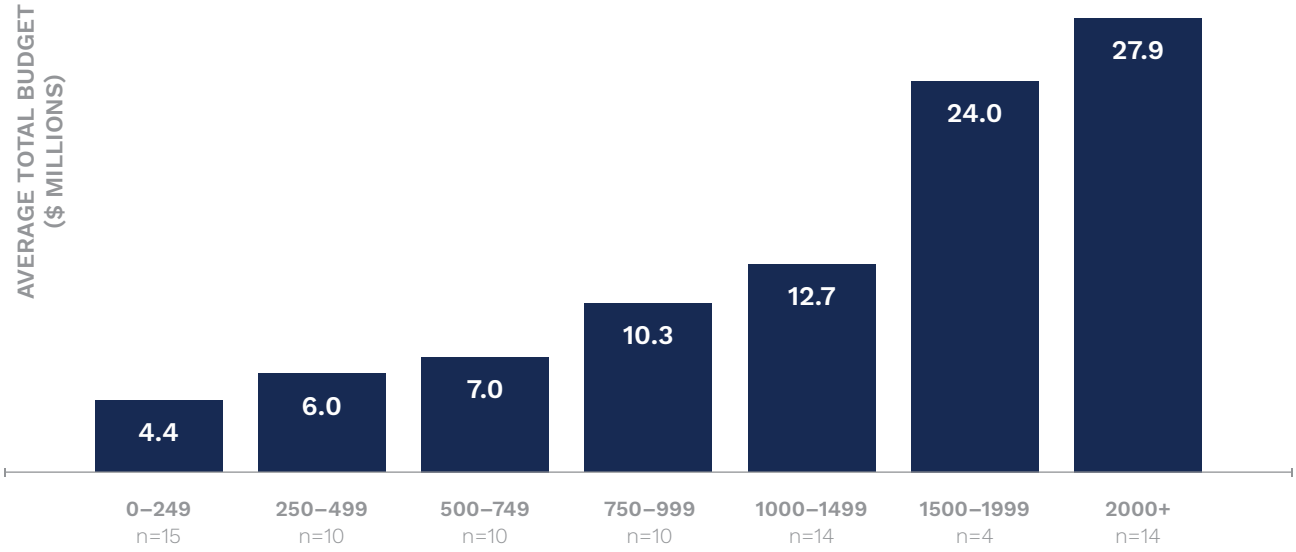


FIGURE 17

AVERAGE TOTAL ANNUAL BUDGET 2017–2018 FISCAL YEAR, BY STATISTICS CANADA'S CUSTOM CATCHMENTS OF CHILD POPULATION SERVED



Source: Q22
n=77

There is some variance in the relationship between number of children in care and the size of the child population served whether sorted by agency self-reported (Figure 18) or using Statistics Canada's custom catchment data (Figure 19).

FIGURE 18

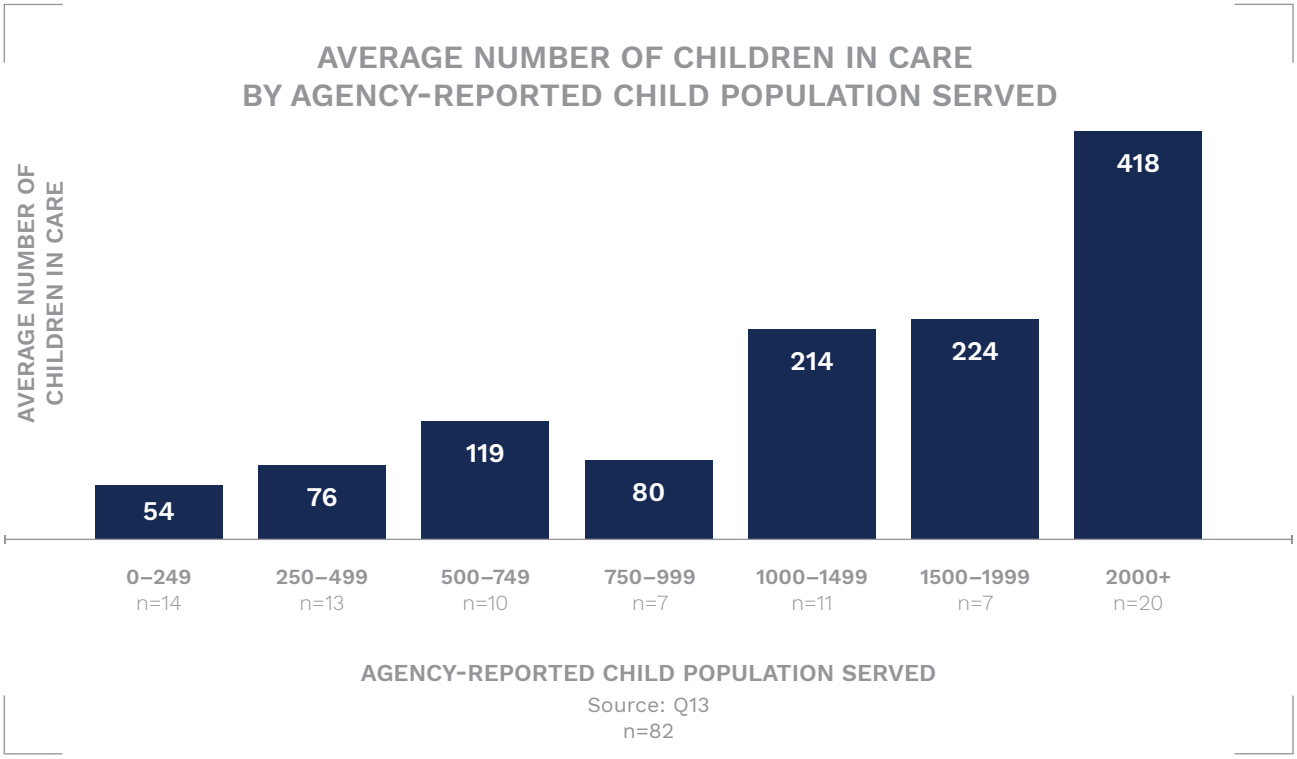
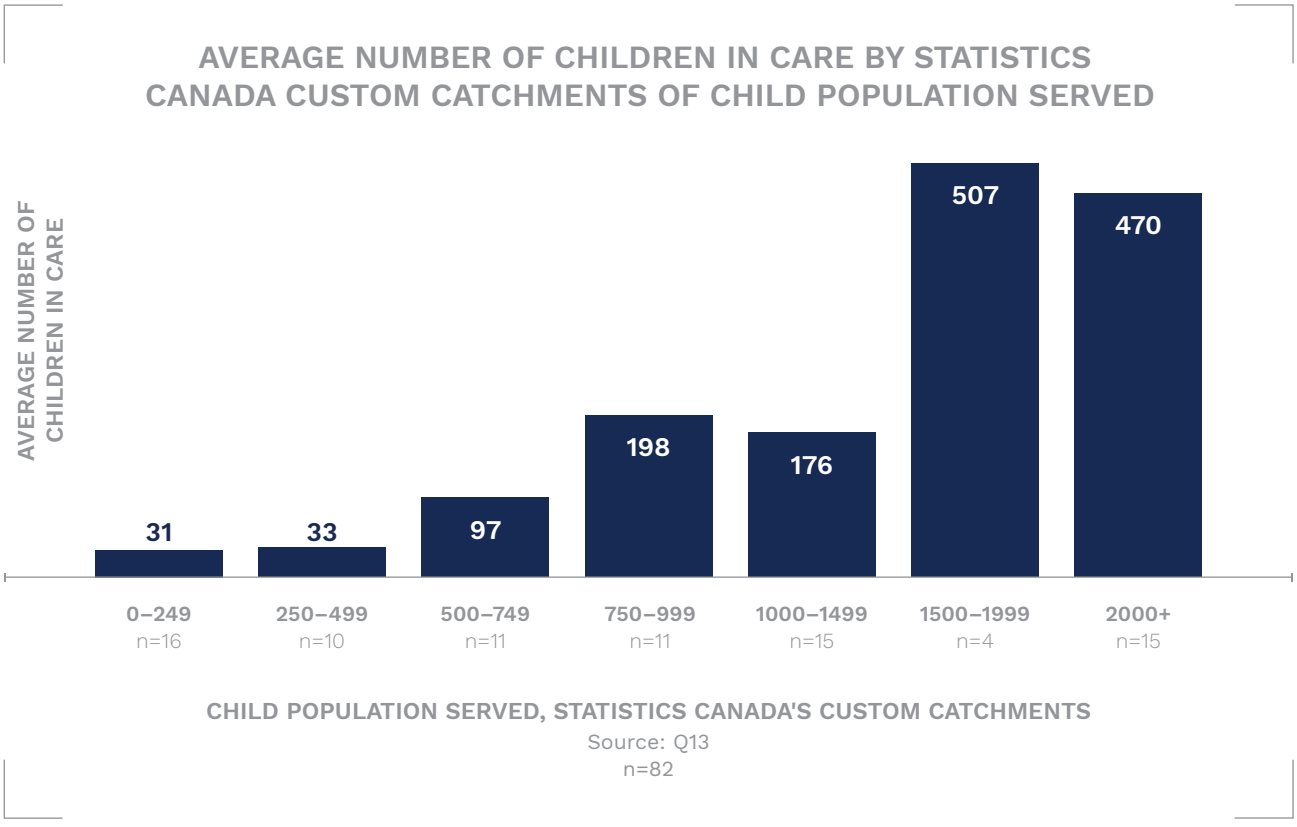


FIGURE 19



There is variance in agency travel costs when analyzed by child population served whether self-reported (Figure 20) or using Statistics Canada's custom agency catchments (Figure 21).

FIGURE 20

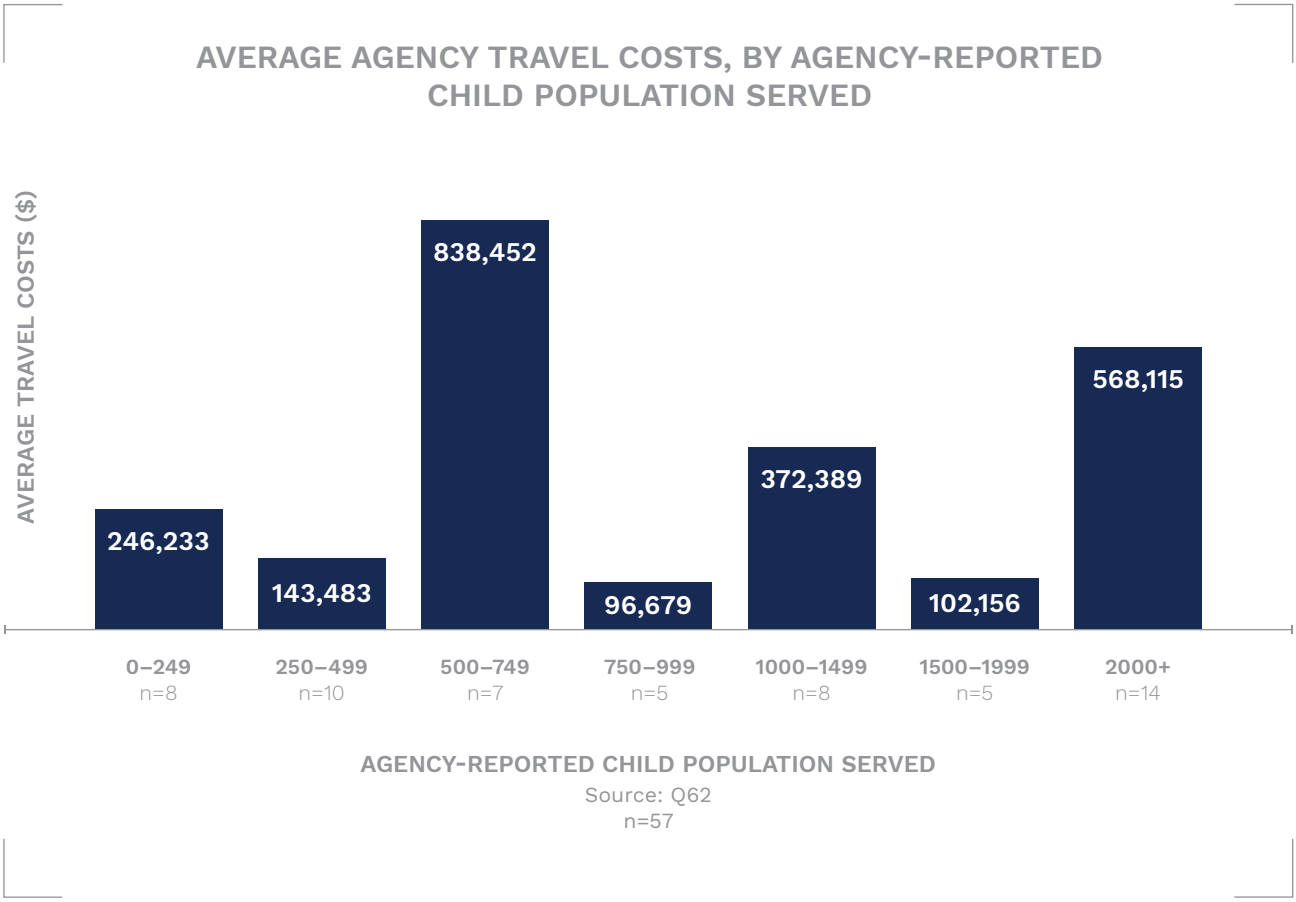
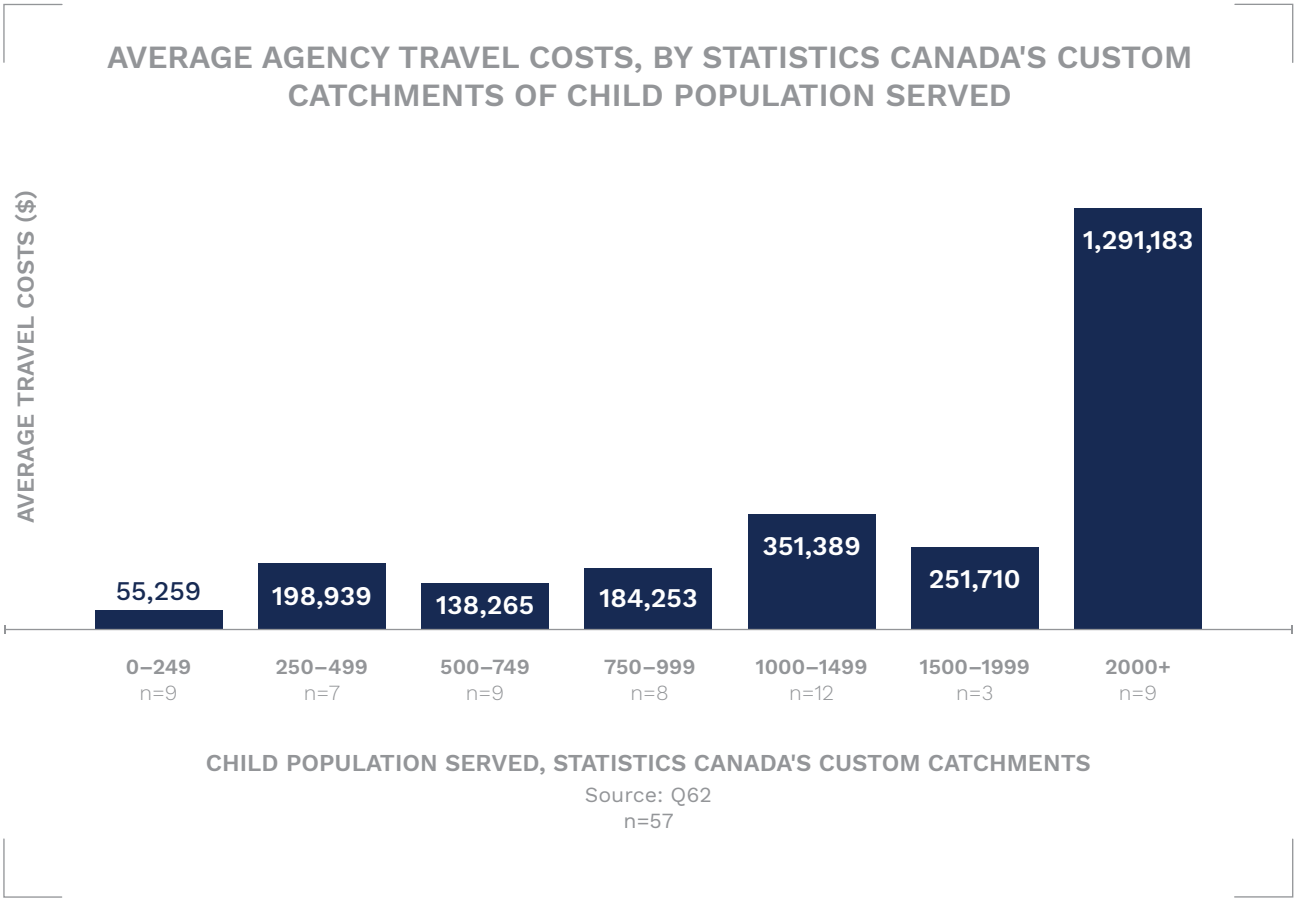


FIGURE 21

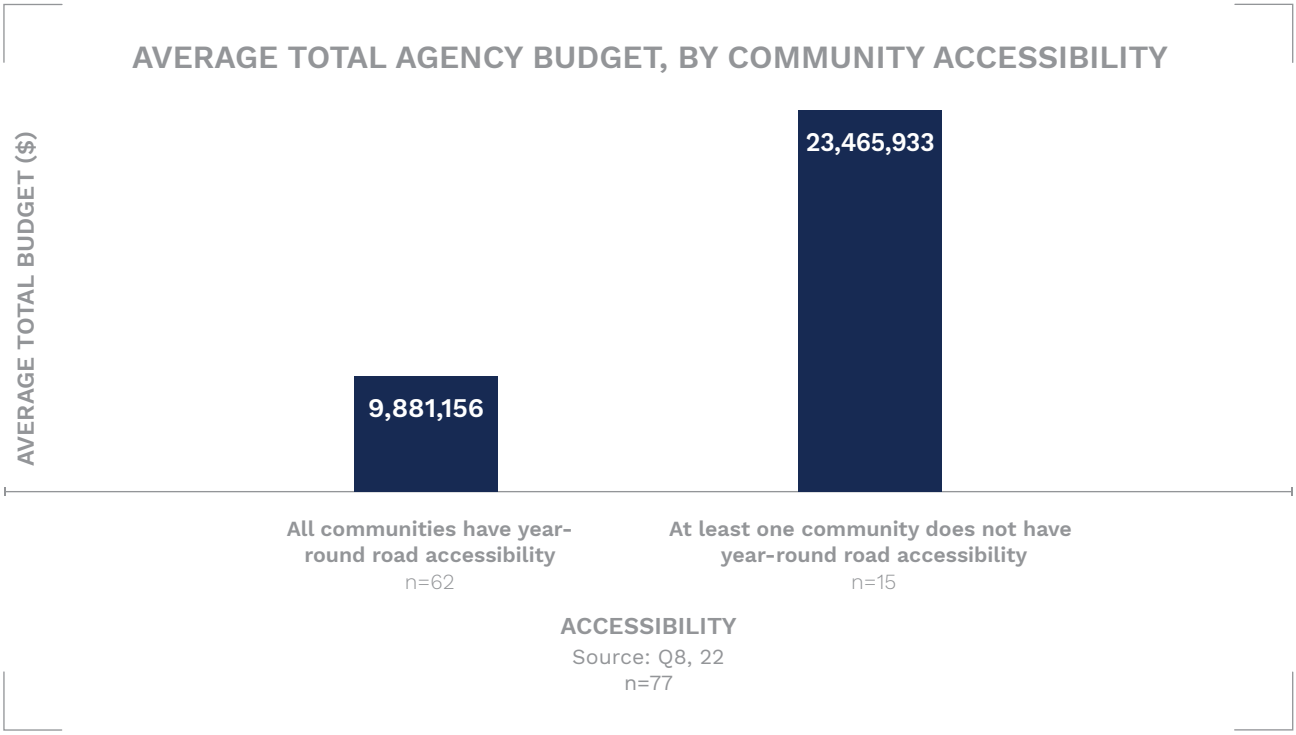


ACCESSIBILITY

Agencies were clustered based on the communities that they serve. Agencies serving at least one community without year-round road access were grouped, and agencies serving only communities with year-round road access were grouped.

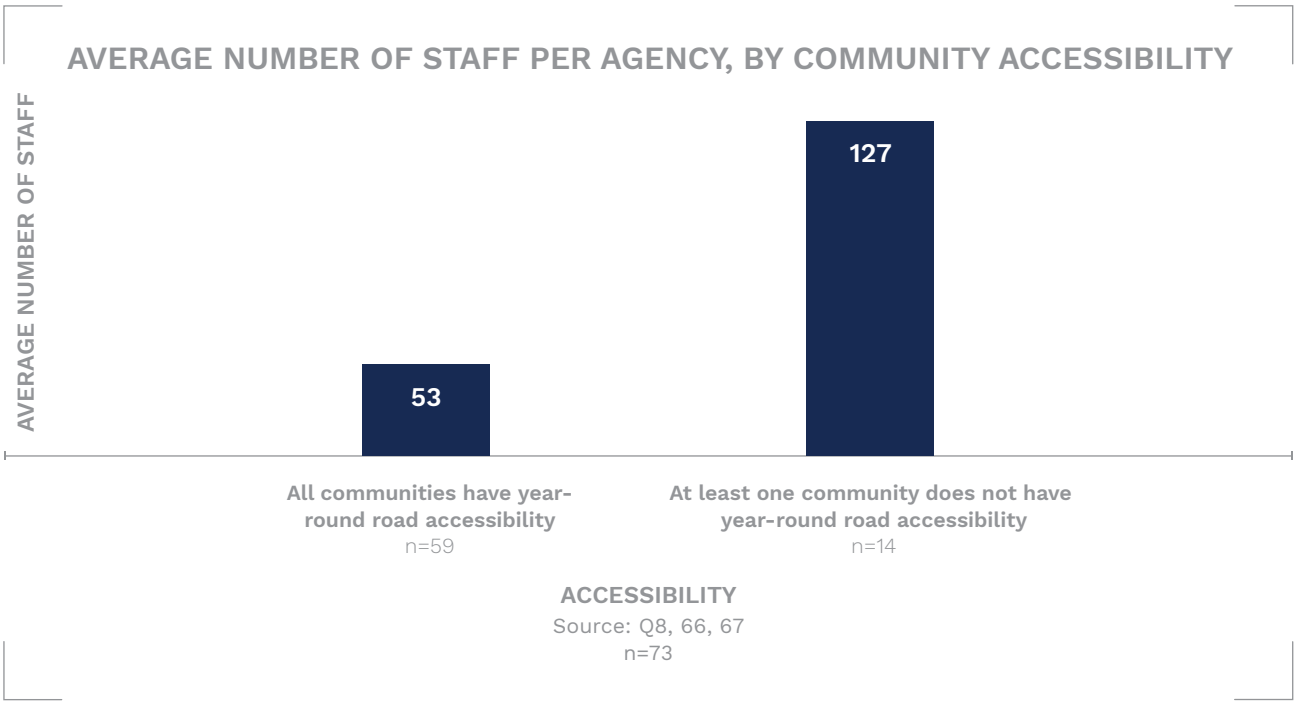
Agencies with at least one community without year-round road access have more than twice the average annual budget than those with all-year road access (Figure 22).

FIGURE 22



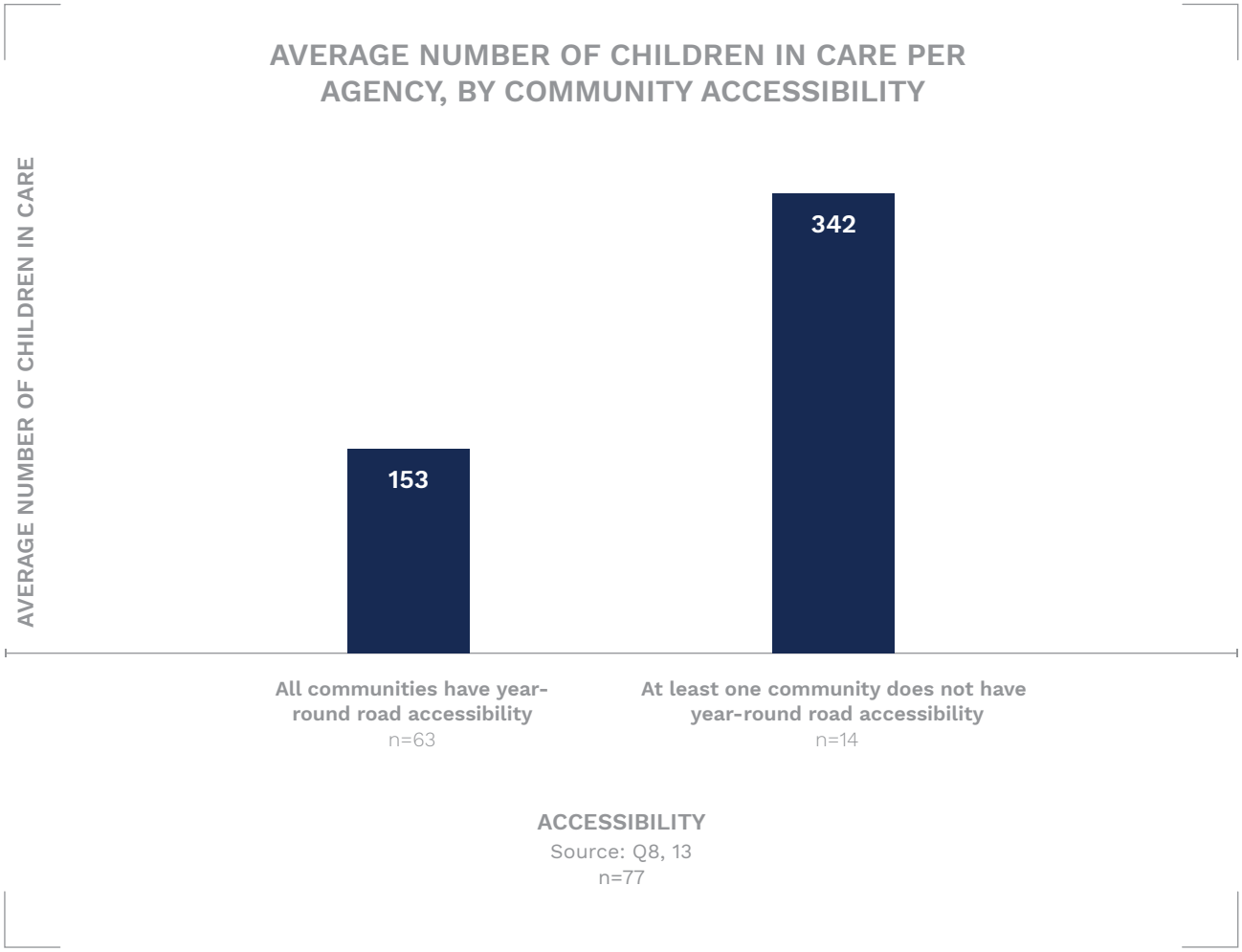
Agencies with at least one community without year-round road access have on average, approximately two times more staff than agencies with all-year road access (Figure 23).

FIGURE 23



Agencies with at least one community without year-round road access have on average, more than twice the number of children in care than agencies with all-year road access (Figure 24).

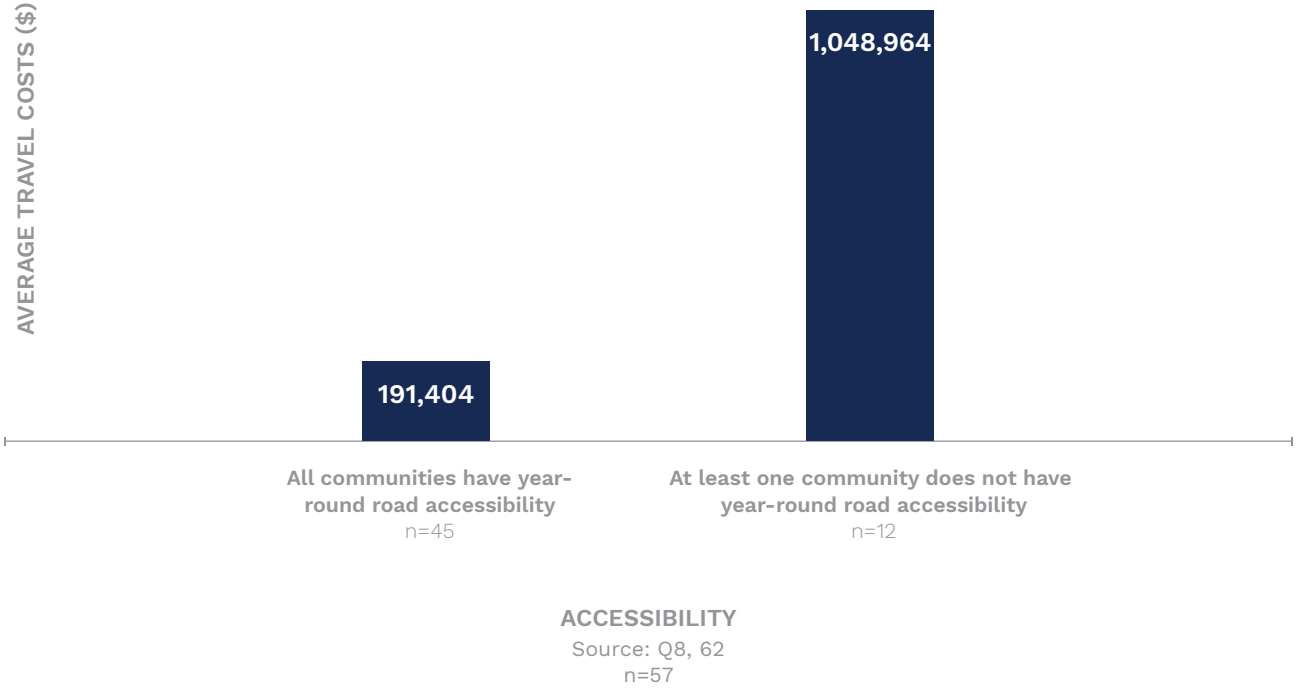
FIGURE 24



Agencies with at least one community without year-round road access have on average, travel costs over five times greater than agencies with all-year road access (Figure 25).

FIGURE 25

AVERAGE TRAVEL COSTS PER AGENCY, BY COMMUNITY ACCESSIBILITY



Agencies with at least one community without year-round road access have higher average budgets, staff, children in care and substantially larger travel budgets.

REMOTENESS (DISTANCE TO CITY-CENTRE)

Remoteness was determined as distance to a city centre, because analysis from Wen:de has suggested that agencies must send clients to a city centre to access services. The remoteness calculation for each agency was determined as an average of the distance of the communities they serve to the closest city centre.

Average budget by remoteness varies among agencies (Figure 26). There is a slight upward trend in average number of staff per agency as distance from a city-centre increases (Figure 27). There is no relationship between the average number of children in care and their remoteness profile (Figure 28). Travel costs generally trend upwards as distance from a city-centre increases (Figure 29). Remote agencies exist across populations served, provinces, and budget ranges.

FIGURE 26

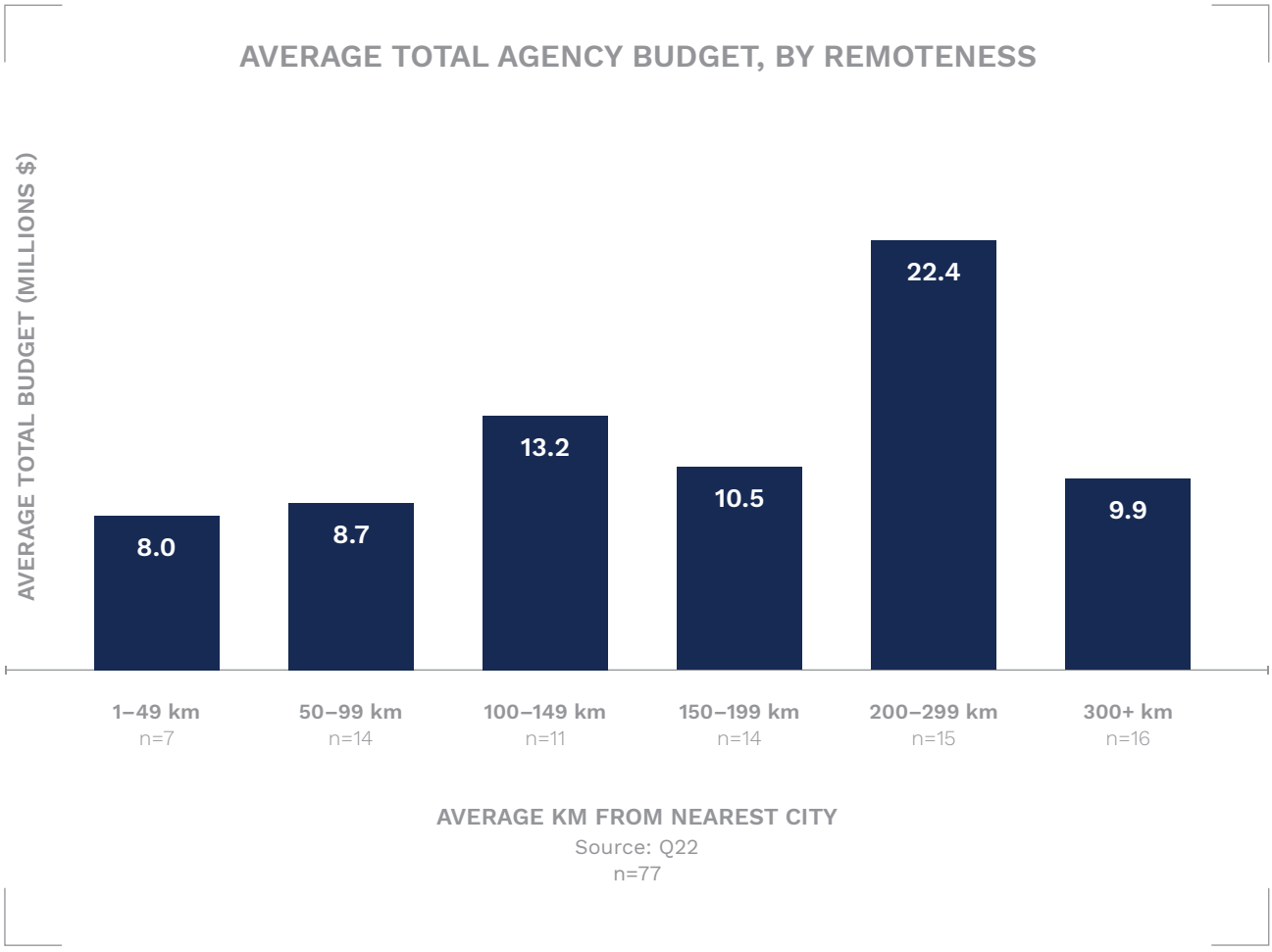


FIGURE 27

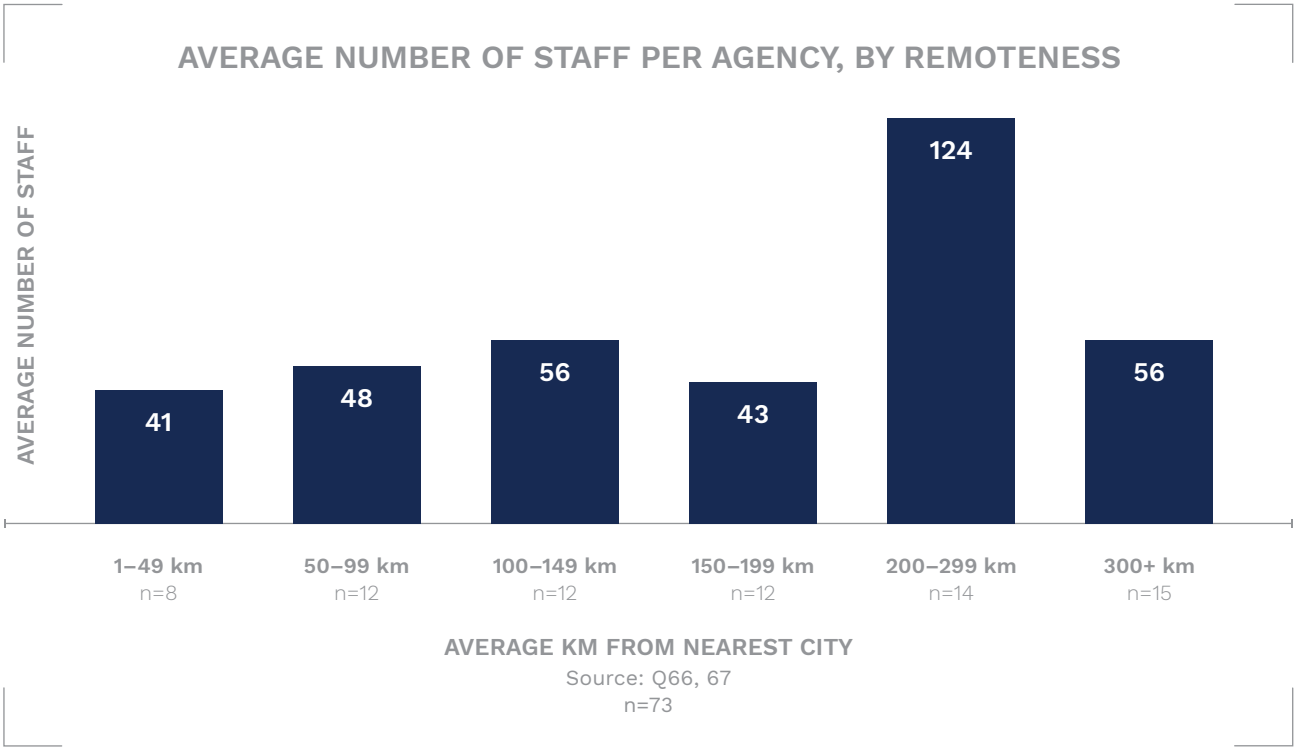


FIGURE 28

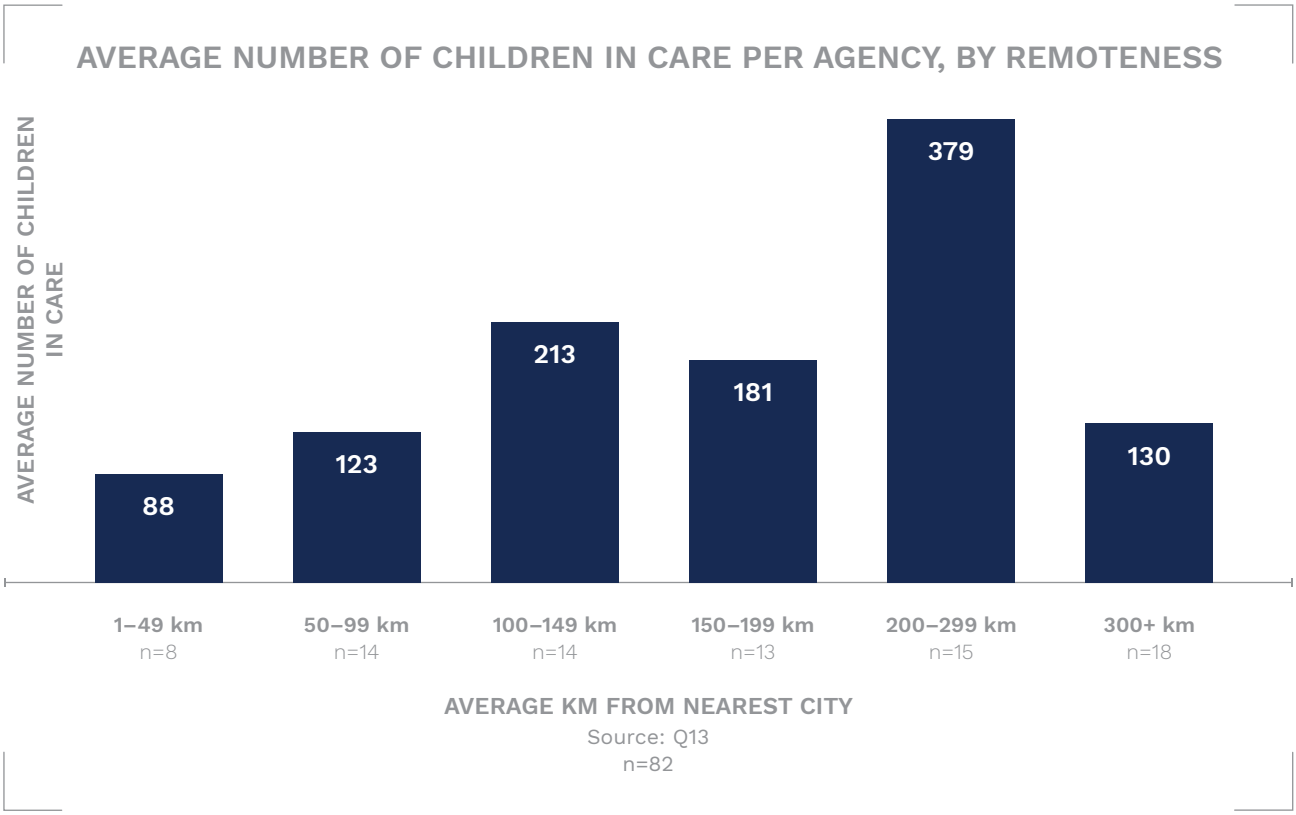
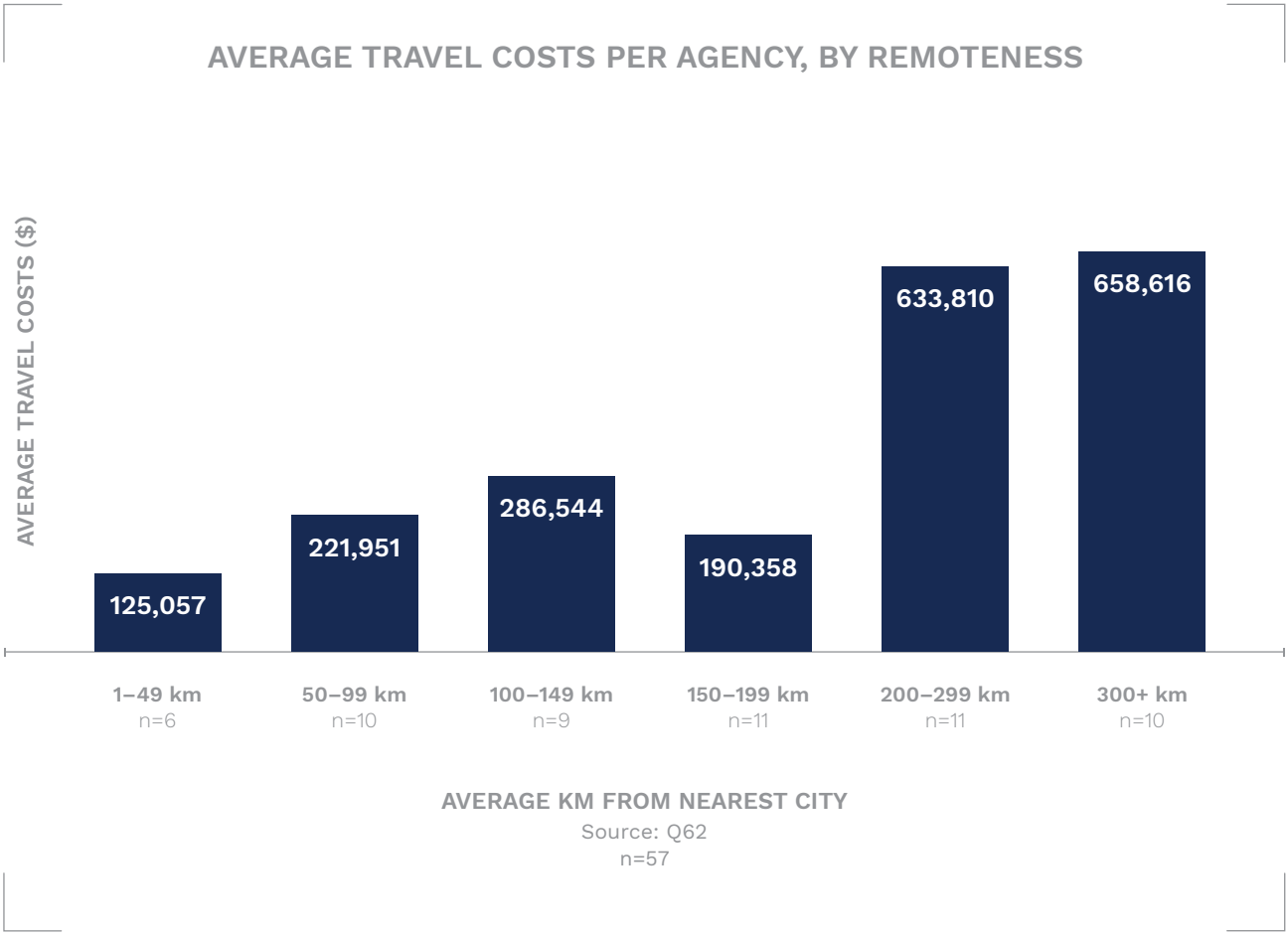


FIGURE 29



Clustering agencies by relevant typology was necessary to understand trends and to assess if specific characteristics influenced agency expenditures. The data suggests that agencies serving at least one community with limited road access have increased overall expenditures. By contrast, it is only travel costs that increase significantly when agencies are 200 km or more from a city centre. Analysis by typology suggests that the total population of children served is a useful indicator of resource requirements for agencies that are not remote and that are accessible year-round by road, as expenditures generally trend upwards with larger populations. Agencies with at least one community without year-round road access have higher average budgets, staff, children in care and substantially larger travel budgets. Remoteness, beyond serving as an indicator for service gaps, has limited explanatory value with respect to agency expenditures.

Correlations were run to explore associations between independent and dependent variables in the data set (Table 5). Calculations were run between these variables in each of the three typologies (total child population served, remoteness, accessibility) and for the total population. The correlations were undertaken to explore potential cost drivers and to determine which variables drive agency expenditures. Running correlations across typologies and the general population provided a test of reasonableness to determine if cost driving relationships were the same or differed among types of agencies. When clustered by typology, the strength of the relationships between the variables was mixed.

TABLE 5
INDEPENDENT AND DEPENDENT VARIABLES TESTED IN CORRELATIONS

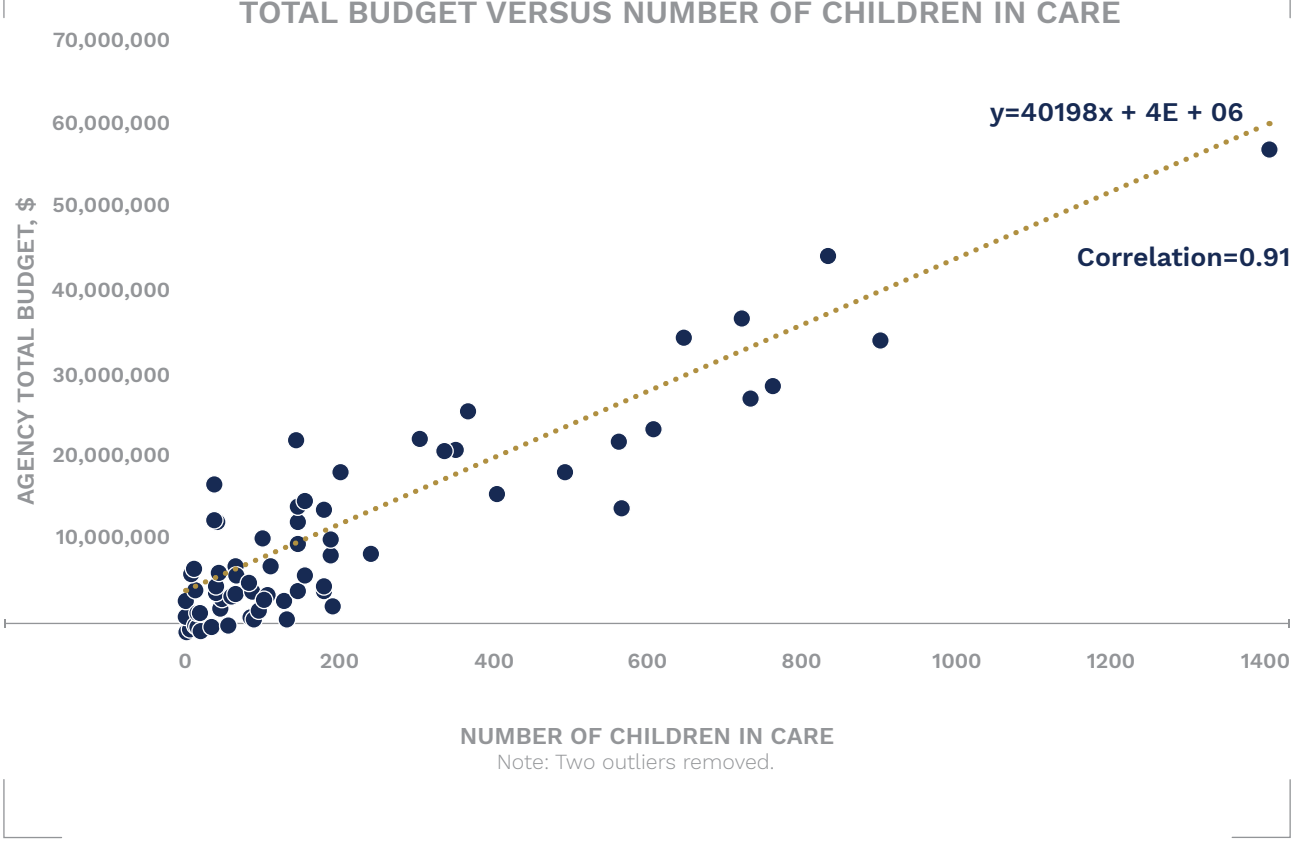
INDEPENDENT VARIABLES	DEPENDENT VARIABLES
▪ Remoteness (distance to city center) ▪ Accessibility (by year-round road to communities served) ▪ Child population served ▪ Number of offices ▪ Number of communities served ▪ Children in care	▪ Total budget ▪ Staff total ▪ Salary and benefits expenditures ▪ Professional or contract services expenditures ▪ Travel expenditures ▪ Overhead and other expenditures ▪ Repairs and maintenance expenditures ▪ Protection and maintenance program expenditures ▪ Prevention program expenditures

Across typologies and the general population, there was no consistently strong relationship other than that between total budget and children in care. This result suggests that regardless of agency characteristics, children in care is what drives budgets. This also suggests that as an indicator of total costs, the number of children in care is a reliable way of estimating the total cost of the current system. The result confirms that the system operates as designed by unlocking funding when a child is placed in protection.

The number of children in care correlates tightly with total budget (see Figure 30). Total budget was used to test expenditure behaviour as it should be independent of the source of funds. This approach permits an assessment of cost behaviour independent of individual provincial agreements. With the strength of the relationship, children in care is used as the cost driver because it is by far, the most reliable cost driver to forecast the baseline funding requirement, i.e. protection focused. Children in care, while it serves as a forecasting baseline, represents the

minimum baseline of funding required to ensure that children are safe. Additional programing requirements, tied to desired outcomes, are built from this base scenario.

FIGURE 30



IFSD's analysis provided a financially-driven description of the program's current state, presented a means of organizing agencies by typology, and defined key program activities of agencies and the challenges and opportunities therein. The data confirmed what stakeholders may have intuitively known: the current program structure is underfunded, reinforces protection, and does not deliver results. An improved prevention-focused future state is desired but will require a structural change in funding and a holistic vision of child well-being.

Costing

The cost estimations in this project are designed to provide a baseline profile of financial and operational characteristics of FNCFS agencies based on the current program and to estimate needs-based supplementary expenditures for a desired future state. The future state models derive from agency consultations and expert counsel (from a roundtable hosted by IFSD) on improving child, family and community well-being among First Nations.

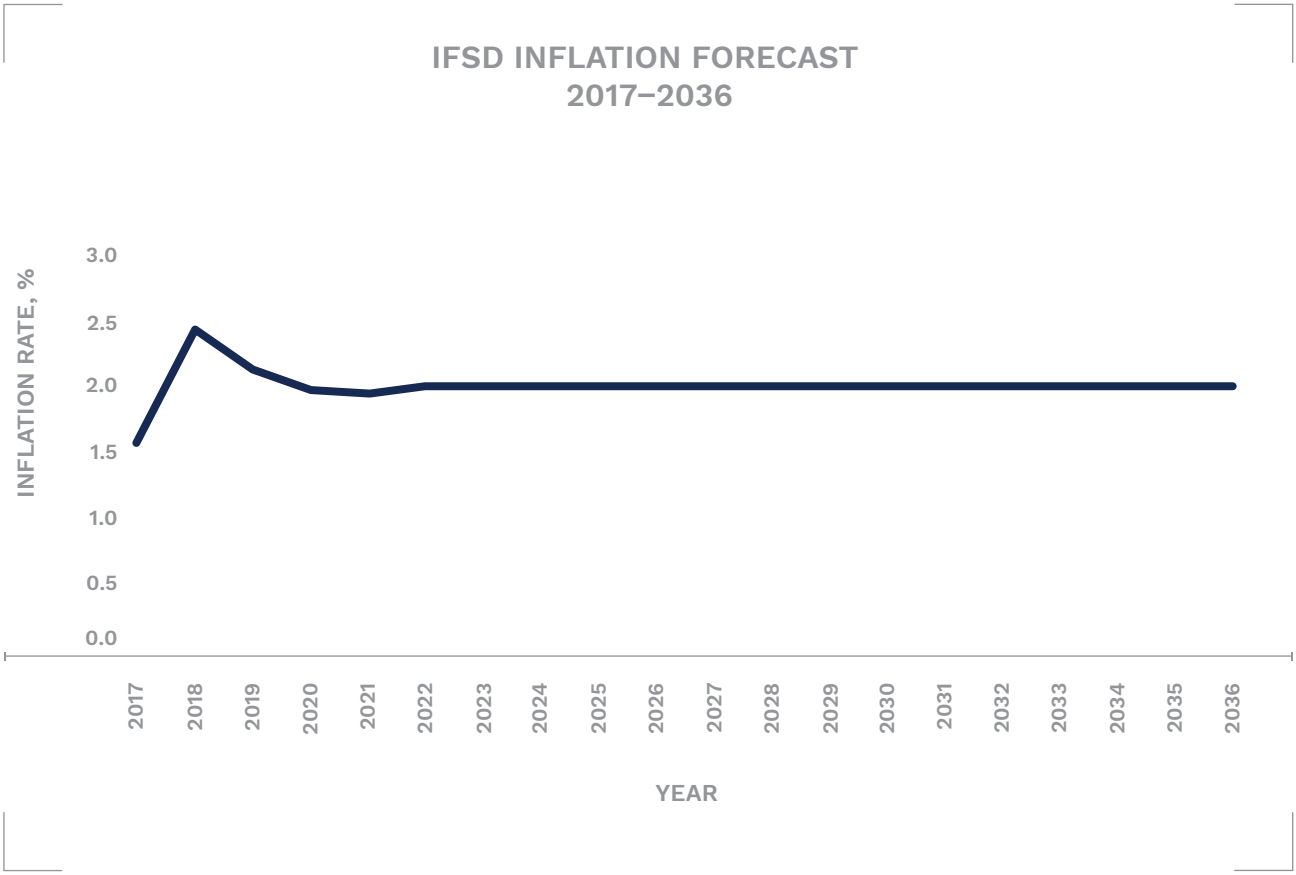
A costing is an estimate of the financial resources required for an activity over time, based on a series of assumptions about independent variables, such as population growth. A costing does not produce a single number, but rather a range of estimates based on a variety of scenarios. As an estimate, a costing is not absolute but is meant to be indicative of future expenditure requirements based on current trends and assumptions about the future. For this project, two sets of cost estimates are produced: 1) a baseline profile of the current program's costs into the future; 2) estimates of needs-based expenditures for an alternative program model focused on well-being.

For each of these cost estimates, population and inflation are applied as growth factors. Widely used, population and inflation changes are applied to existing program costs to estimate their costs into the future. For cost models in this project, two population growth scenarios and three inflation assumptions are used to present a range of possible costs.

INFLATION

Inflation is the rate at which the price of a basket of goods and services is projected to increase overtime, reflecting the decrease in purchasing power of a currency. IFSD's inflation forecast, holding steady at 2% to 2036 is used in this project's calculations (see Figure 31). Other agencies, such as the Bank of Canada and the Parliamentary Budget Office have similar long-term inflation forecasts. Scenarios with inflation at 2%, 2.5% and 3% were calculated to illustrate cost impacts, should the inflation rate change. Inflation was applied to program costs and compounded over time.

FIGURE 31



POPULATION SCENARIOS

Custom population projections were requested from Statistics Canada to project the population growth of First Nations in Canada for all ages and for the 0–18 age group. Statistics Canada produces a total of five scenarios for these population projections,[43] two of which are used for cost estimates in this project. The convergence scenario assumes that gradually, the fertility rate of First Nations will converge to that of the general population (see Appendix J). This implies a decline in the First Nation population over time. Deemed the 'reference' scenario, all other scenarios differ from this (the convergence scenario) by only one element. The constant scenario is also used (see Appendix J). This scenario assumes that the fertility rate among First Nations does not converge with that of the general population. This implies that the First Nations population is expected to grow over time. Sharing similar slight

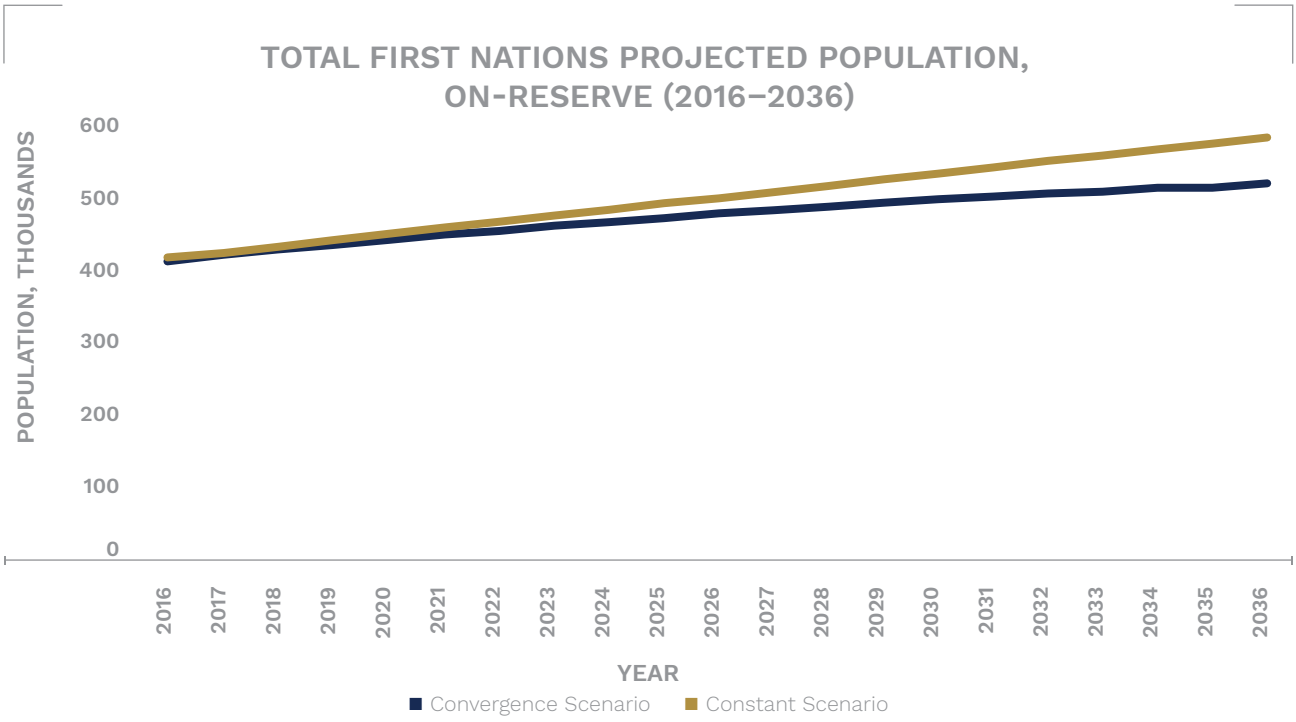
[43] Detailed descriptions of Statistics Canada's scenarios are available here https://www150.statcan.gc.ca/n1/pub/91-552-x/2015001/section06-eng.htm.

upward trends, the convergence scenario trends downward as the constant scenario grows the population into 2036 (Figure 32).

As with the general First Nations population projection on-reserve, the 0–18 population initially increases in both the convergence and constant scenarios. The convergence scenario however, trends steeply downward as the constant scenario trends upward (Figure 33).

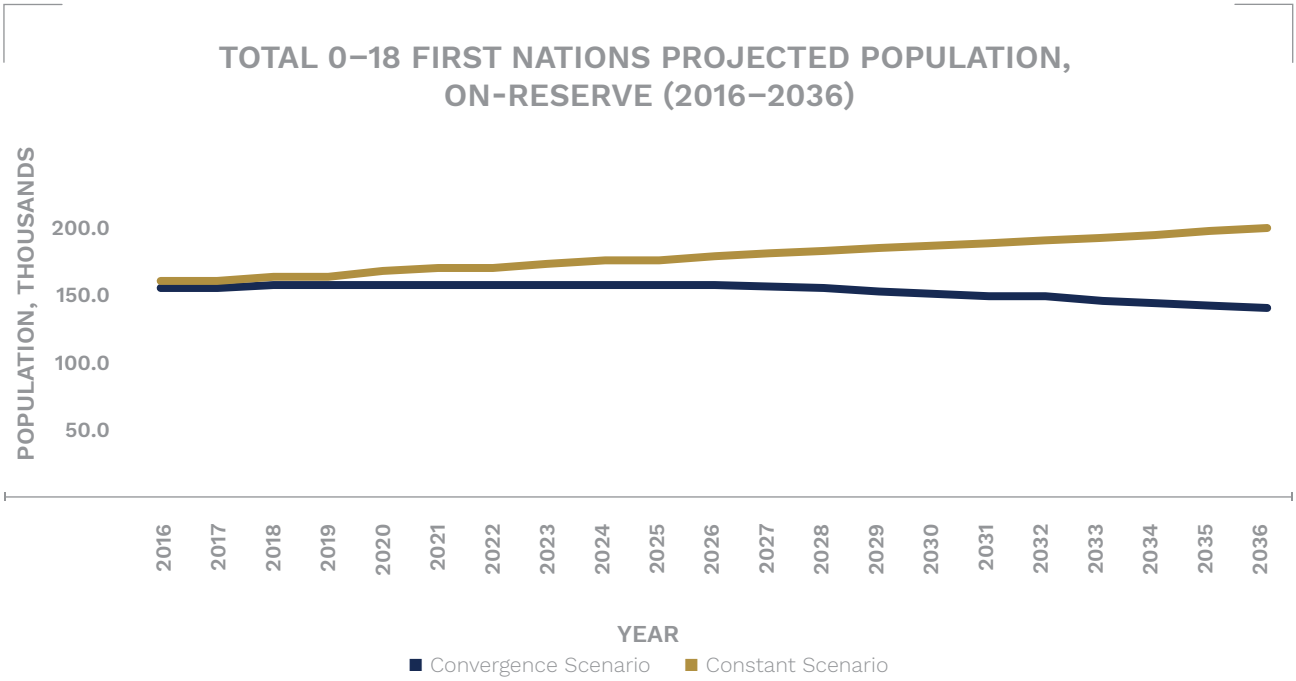
Total populations and projections were provided at five-year intervals. Growth rates were interpolated on an annual basis (see Appendix J) in order to estimate yearly program costs. The total population growth rates were applied to current total agency catchment populations to estimate the costs of prevention funding per capita. The agency catchment populations were a custom tabulation developed with Statistics Canada's census data. For the child population in the custom catchments, the 0–19 population was used. This slight difference between the catchment and 0–18 population projection age group is a function of the census data that was used in the custom catchment tabulations.

FIGURE 32



Source: Statistics Canada (2015), Projections of the Aboriginal Population and Households in Canada, 2011 to 2036.

FIGURE 33



Source: Statistics Canada (2015), Projections of the Aboriginal Population and Households in Canada, 2011 to 2036.

The only instance in which the 0–18 growth rate is applied to the 0–19 age group is when the number of children in care is being imputed for 22 non-responding agencies in the children in care calculations (see Table 6). In all other instances, when calculating future numbers of children in care, the 0–18 growth rate is applied to current numbers of children in care, that covers the 0–18 age group. The 0–18 category however, makes up most of the 0–19 age group, and is hypothesized to have sufficiently similar growth trends over time. Thus, the groups are considered sufficiently similar to apply the 0-18 growth rate onto the 0–19 population base from 2016.

CHILDREN IN CARE

The number of children in care reported by agencies participating in the survey was 15,786 for fiscal year 2017–2018. To estimate the projected number of children in care for the entire system (including non-responding agencies) and to project the number of children in care in future years, two calculations of children in care were undertaken. One approach uses the agency self-reported number of children in care and

assigns the average children in care for non-responding agencies. The other approach calculates the rate of children in care as a percentage of the child population served, and applies that rate to non-responding agencies by using their Statistics Canada defined total child population served. Two different estimates of children in care are produced (see Table 6).

TABLE 6
OVERVIEW OF CHILDREN IN CARE ESTIMATE CALCULATIONS

	ESTIMATED NUMBER OF CHILDREN IN CARE (2017–18)	DEFINITION	ESTIMATED TOTAL SYSTEM COST ($63,136.87/CIC)
Average number of children in care	20,032	▪ Using only data from agencies that reported their children in care (CIC) (n=82, CIC=15,786), an average number of children in care was calculated (15,786/82 = 193). ▪ The imputed average number of children in care (193) was applied to 22 non-responding agencies, for a total of 4,246 children in care (193 x 22 = 4,246). ▪ The estimated system total children in care was calculated as follows: (15,786 + 4,246) = 20,032.	$1.27B
Children in care as a % of total child population served	19,252	▪ Using only data from agencies that reported their children in care (n=80, CIC=15,664) and having Statistics Canada's custom agency catchments of total child population served for those agencies (n=80, total child population served=91,285), a rate of children in care of 17.2% was calculated by dividing children in care by the total child population served ((15,664/91,285) x 100% = 17.2%). ▪ For agencies that did not report their children in care (n=22), the rate of 17.2% was applied to Statistics Canada's custom agency catchments of total child population served for twenty-two agencies (18,615 x 17.2% = 4,681). ▪ Among agencies who reported their children in care (n=82), two agencies did not have custom agency catchments of total child population served as they were deemed incompletely enumerated by Statistics Canada, meaning that data collection on-reserve was not permitted or interrupted. For these two agencies, the average number of children in care (193) was assigned (193 x 2 = 386). ▪ The estimated system total children in care was calculated as follows: 15,664 + 3,202 + 386 = 19,252.	$1.22B

Projections of children in care up to 2036 were estimated using four approaches that combine the two approaches for estimating the total number of children in care (described in Table 6 above) and the convergence and constant population growth scenarios from Statistics Canada (discussed in the population scenarios section). Table 7 provides a summary of the four combinations used to estimate future numbers of children in care on an annual basis. The growth rates were interpolated from custom population projections from Statistics Canada for the 0–18 age group. The custom agency catchment data to identify the total child population served uses the 0–19 age group, due to the limitations of census age categorizations (the 0–18 age group is considered sufficiently representative of the 0–19 group for reasonable application of the growth rate).

Using the convergence scenario, the number of children in care increases until roughly 2026 before declining. Using the constant scenario, the number of children in care increases (see Figure 34 and Figure 35). For the complete children in care estimates, see Appendix K.

TABLE 7
DATA AND ASSUMPTION COMBINATIONS FOR ESTIMATING PROJECTIONS OF CHILDREN IN CARE (CIC)

Average number of CIC + CONVERGENCE population scenario	Average number of CIC + CONSTANT population scenario
CIC as a % of total child population served + CONVERGENCE population scenario	CIC as a % of total child population served + CONSTANT population scenario

FIGURE 34

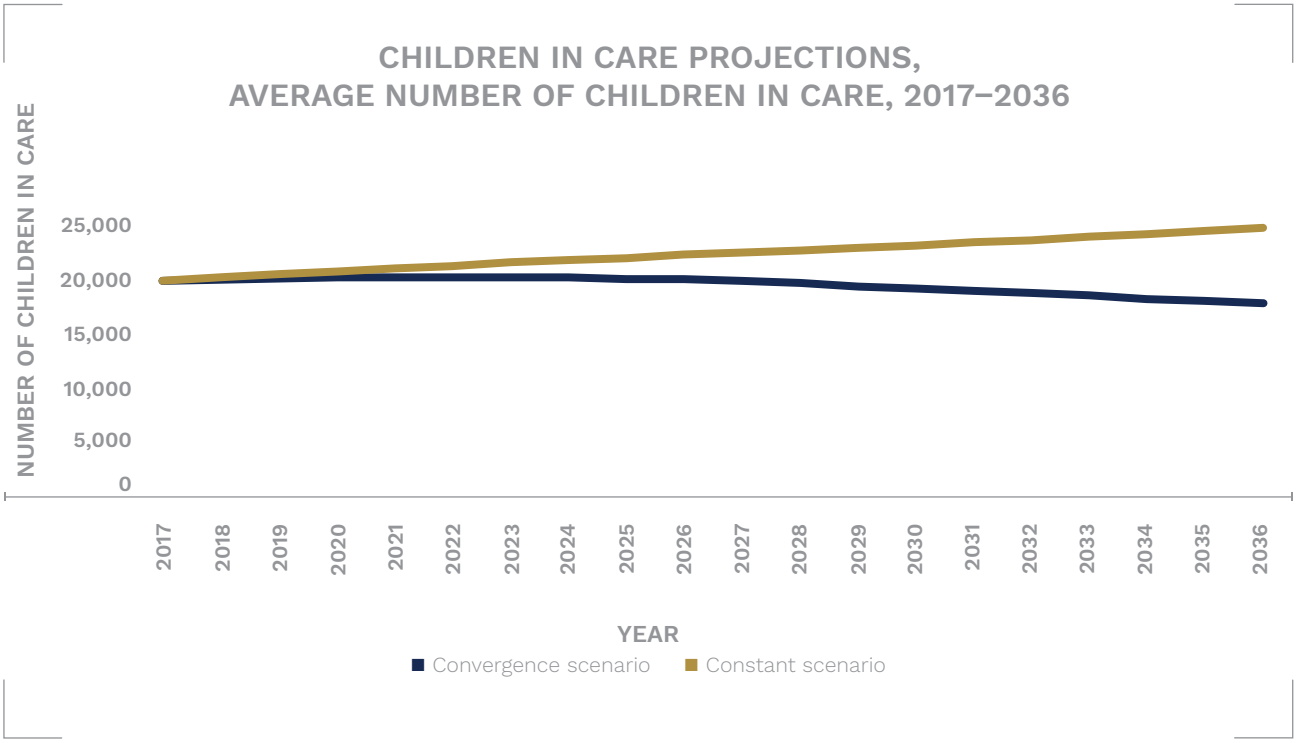
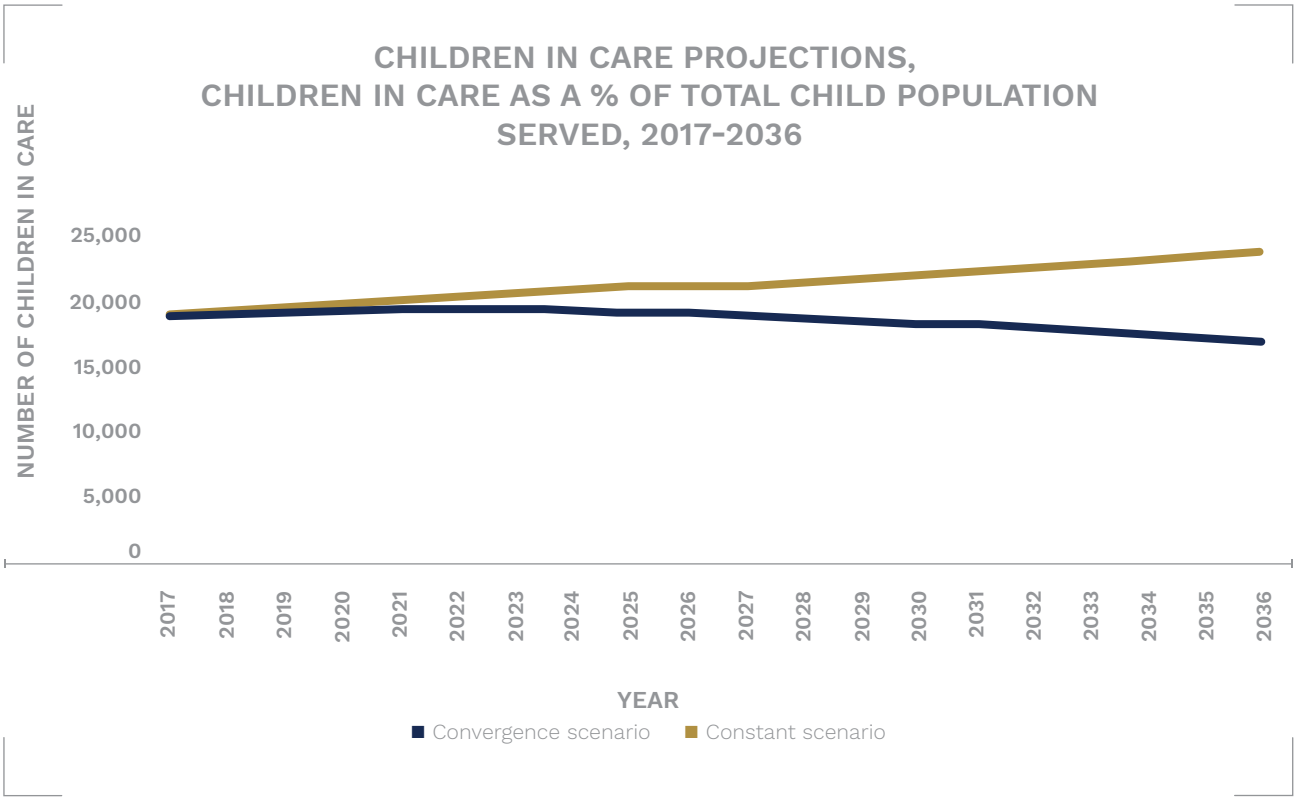


FIGURE 35



CURRENT STATE

With estimates of children in care, the total costs of the current FNCFS program can be estimated into the future using the per capita cost of a child in care with population and inflation as growth factors.

To calculate total program costs, the following formula was used:

TOTAL COST = POPULATION X (AVERAGE COST X INFLATION)
Example:
Population = 100 children in care
Average cost = $500 per child in care
Inflation = 2%
Total cost = 100 (500 x 1.02)
Total cost = $51,000

In the current FNCFS system, approximately $1.3 billion was spent this year with poor results for First Nations children, families and communities (see Table 8). The baseline cost of the current system was calculated using survey data. Total budgets were tabulated for all responding agencies (n=77, $965 million). For those agencies that did not respond, the average budget of approximately $12 million ($965 million/77) was imputed. To estimate the total cost of the current system, the budgets of the responding agencies, plus the value of the non-responding agencies (n=27) were tabulated, with a system cost estimated at $1.3 billion.

TABLE 8
CURRENT SYSTEM EXPENDITURE OVERVIEW

TOTAL BUDGET (N=77) All sources of funds, rounded	**$965,000,000**
Estimated total system cost, rounded (n=104)	$1,300,000,000
Average budget per agency (n=77) All sources of funds, rounded	$12,000,000
Total children in care (n=82)	15,786

FIGURE 36

RATIO OF FEDERAL PROTECTION VERSUS PREVENTION EXPENDITURE

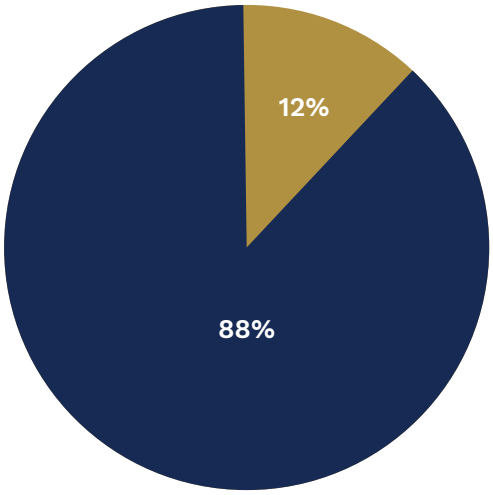


TABLE 9
CURRENT SYSTEM AVERAGE EXPENDITURES

AVERAGE COST/CIC (N=76), ROUNDED	$63,137
Average prevention (federal only)/per capita (total population served) (n=55), rounded	$416

The current FNCFS program's incentive to place children in care is reflected in federal funding allocations with 88% of federal funding dedicated to protection versus 12% of federal dollars allocated to prevention (see Figure 36). On a per capita basis, federal prevention spending across an agency's catchment population (all ages, not only children) is approximately $416 (Table 9).

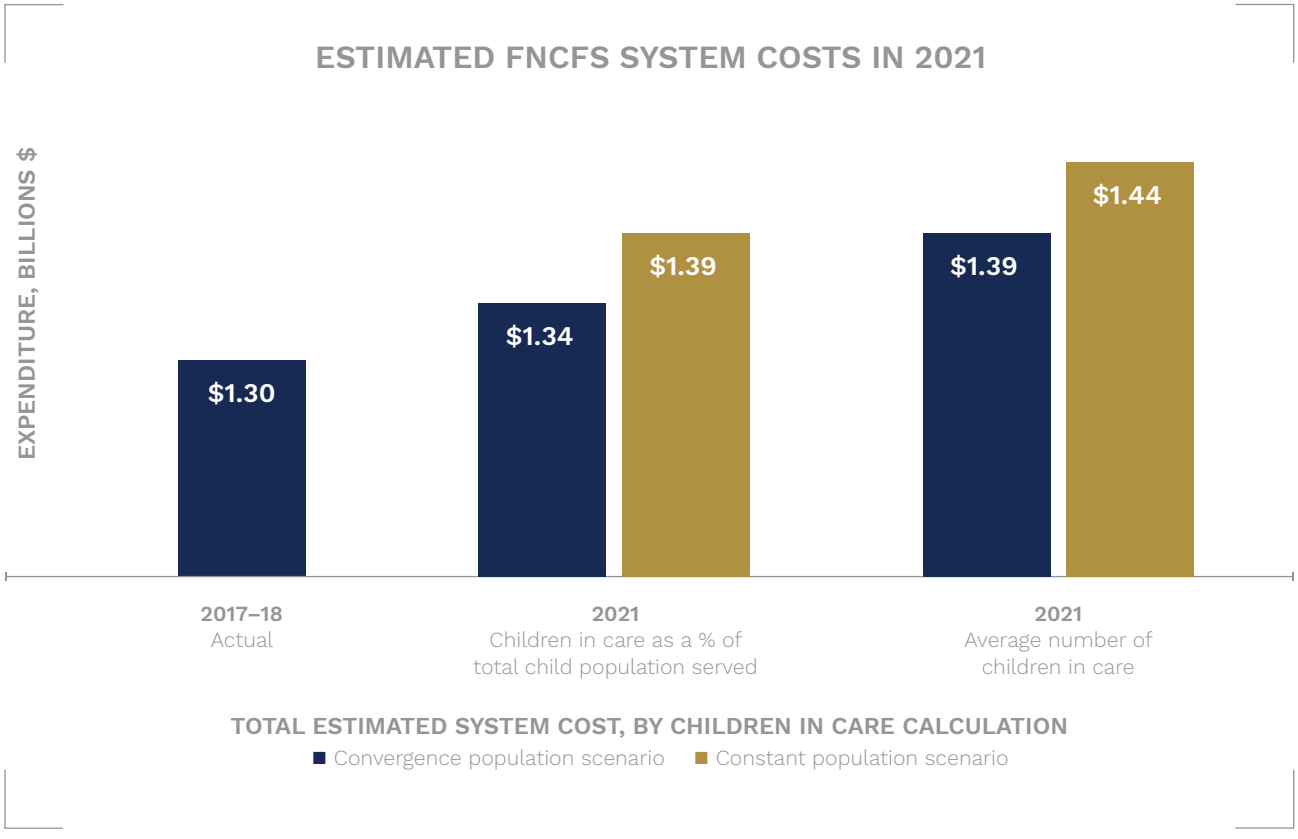
In the current program state, system-wide agency expenditures are expected to increase due to demographic and inflationary pressures. To estimate the total cost of the current FNCFS system in future years, the average cost of a child in care adjusted for population and inflation is used. As a function of total budget, the average cost of a child in care was determined by dividing the total budget by the reported number of children in care (using only data from agencies that answered both

questions (n=77, $965 million/15,786 CIC). With the strength of the relationship between children in care and total agency budget, it is the most reliable driver of cost for the current system.

Assuming no program changes, the cost of the FNCFS system is estimated by taking the current per capita cost of a child in care, approximately $63,137, and multiplying by inflation and population. See Appendix L for an overview of the total system cost using four estimates of projected numbers of children in care and three inflation scenarios (2%, 2.5% and 3%). These models provide a range of potential scenarios, reflecting that a costing does not produce a single number, rather a range based on hypothetical contextual changes (i.e. population and inflation, for this report).

Net annual increases over the next three years range from $40M to $140M (see Figure 37). The ranges result from the four children in care projection scenarios. If the program and its structure remain the same, system-wide expenditure needs will continue to increase over time without any commensurate improvements in outcomes for First Nations children.

FIGURE 37



FUTURE STATE

ENABLING CHILDREN TO THRIVE

There was consensus among agencies, experts and existing research that the holistic well-being of children, families and communities was crucial to improve outcomes for children. Through research from existing literature, consultations with agencies during workshops and an expert roundtable[44] a future normative state for agencies was developed, rooted in the vision *enabling children to thrive.*

A normative state is premised on a restructuring of the current system to fund for outcomes. This requires a new funding model that enables agencies to drive outcomes as opposed to the current model that funds inputs and outputs, with an incentive to place children in care to unlock funding.

The message from agencies and experts was clear: FNCFS is not only about safety, it is about well-being. There are contextual challenges connected to poverty, inadequate housing, access to potable water and, intergenerational trauma, among others that disadvantage First Nations communities and future outcomes for children. FNCFS agencies are not alone the solution; they are one important part of the holistic network of service, care and infrastructure needed to support well-being. With 44% of households in communities served by FNCFS agencies below their provincial poverty line, there are broader challenges that remain and that must be addressed.

An emphasis on children thriving does not eliminate the safety role that agencies will have to continue to play, but refocuses the agency's role to encompass additional services that target multiple, interdependent components of a child's environment which are shaped by the social determinants of health. Equipping FNCFS agencies with the resources and tools to combat issues broader than protection (i.e. the "causes

[44] IFSD convened experts in child welfare, Indigenous health, substance misuse, and performance measurement in November 2018 for a one and a half-day roundtable on refining a normative state of FNCFS. The roundtable built on the desired goals of agencies shared during the workshops. The experts worked with IFSD to develop a series of goals, indicators, and required resources for communities and agencies to frame a new way forward for FNCFS agencies that are focused on well-being of children, families, and communities.

of the causes" which drive children into care) is what can make a sustainable difference for outcomes of at-risk children, their families and communities.

The path to a future state informed by context and focused on well-being must include families and communities (see Figure 38). To this end, funding gaps related to poverty, prevention, capital and technology must be addressed.

FIGURE 38

LINKING SAFETY, CHILD, FAMILY AND COMMUNITY WELL-BEING

FUTURE STATE OVERVIEW

Poverty

In this report, poverty is used euphemistically as a marker of the contextual inequities and disadvantaged starting points of many First Nations people living on-reserve. Challenges such as inadequate housing, lack of potable water, limited access to broadband internet, intergenerational trauma, food security, etc. influence people, communities and the organizations that serve them. While not directly within the mandate of FNCFS agencies, these contextual matters contribute to the substantively inequitable point of departure for First Nations children, families and communities and the work of agencies.

An improved funding model and outcomes-based performance structure for FNCFS agencies will not solve broader contextual challenges or repair all existing service gaps. For instance, over half of responding agencies reported being unable to access services at reasonably commutable distances (Figure 39), and a majority of all agencies reported significant service gaps in mental health services, addiction treatment centres, and medical specialists for their communities (Figure 40).

This next section is designed to highlight specific challenges related to poverty through the lenses of household income, with connections to child welfare. Gaps in housing, water and broadband internet access are highlighted as they are impediments to any sustainable progress. While costing these specific gaps are beyond the scope of this project, these and other gaps are highlighted as critical directions for future studies and needs assessments.

FIGURE 39

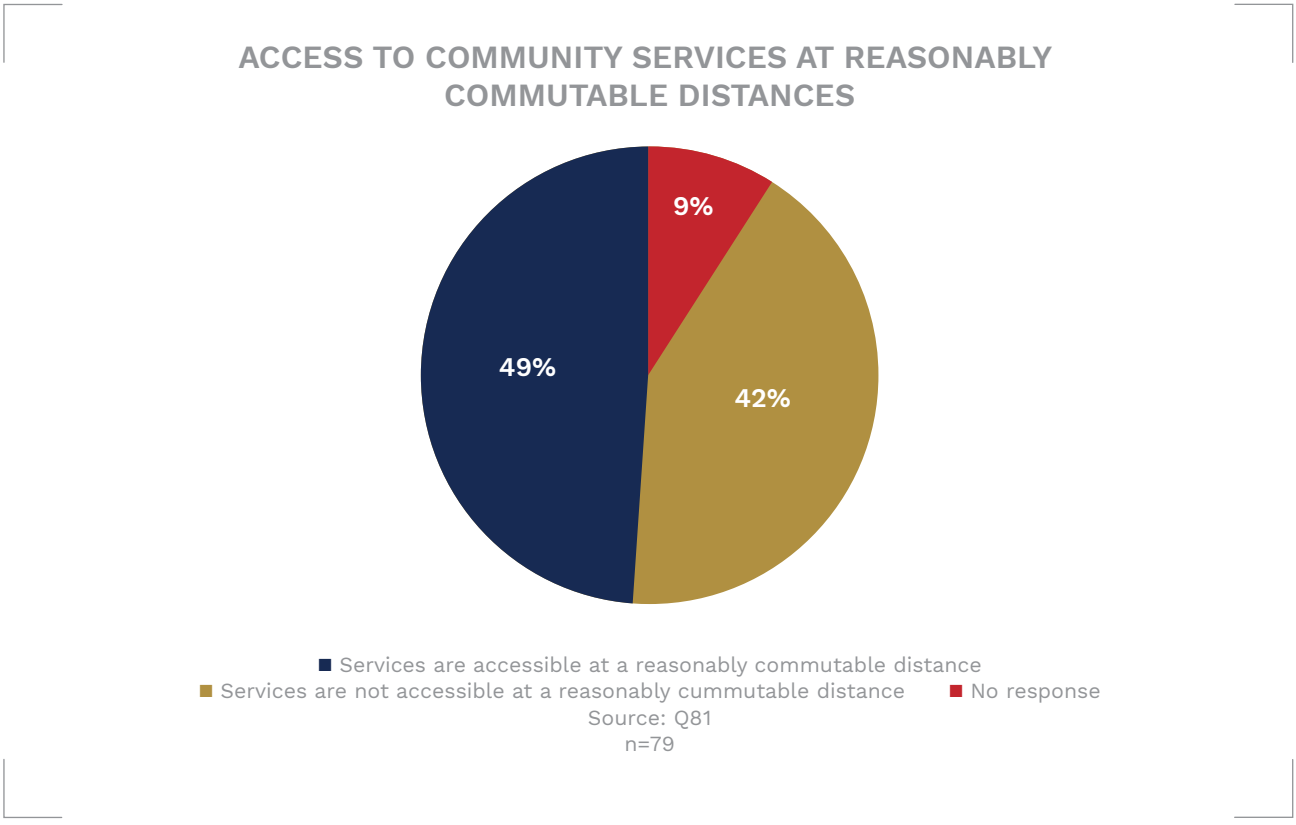
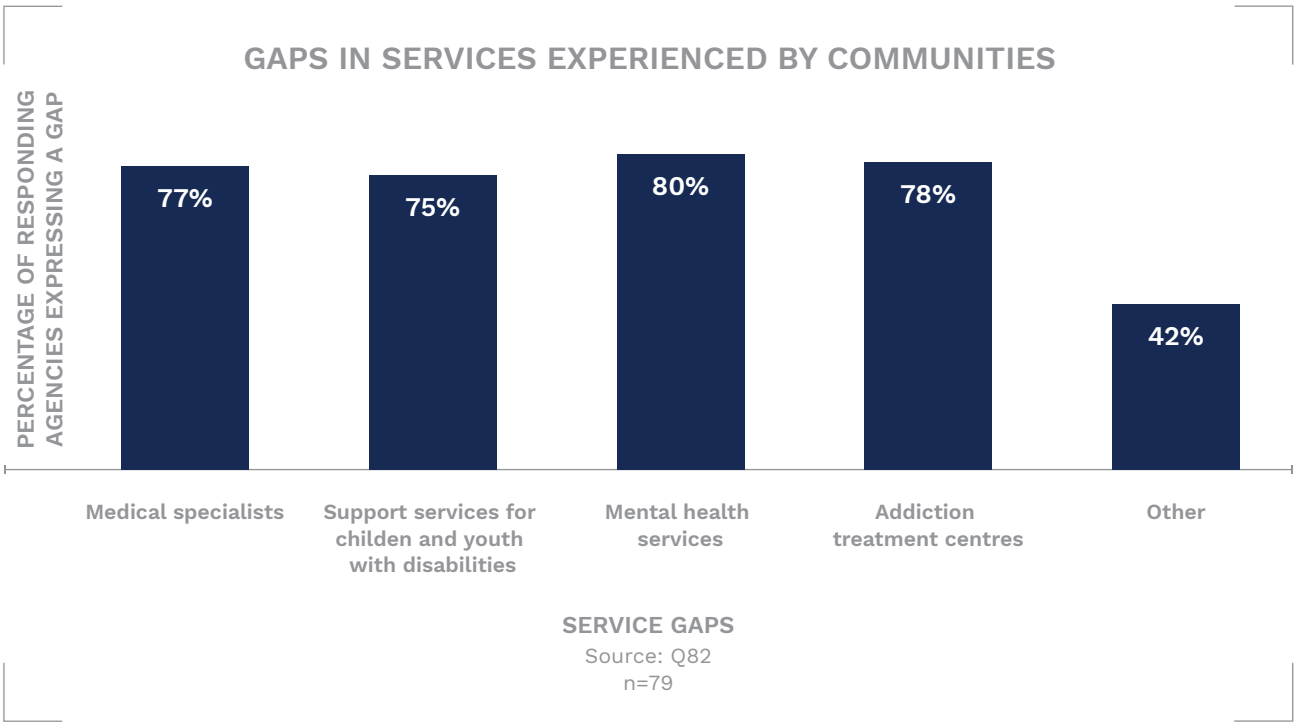


FIGURE 40



POVERTY AND CHILD WELFARE

As Gustavsson and MacEachron (2010) assert, "there is little disagreement about the association of poverty with child welfare involvement."[45] Individual poverty levels—and increasingly, community poverty levels—have been repeatedly linked with a multitude of negative child welfare outcomes. Precisely identifying poverty's repercussions can be difficult, as its influence is broad, and its ramifications can vary.

From a national perspective, nearly half of all households on-reserve (44%) served by FNCFS agencies are below their provincial poverty line (see Figure 41 and Figure 42). Using Statistics Canada's "Official Poverty Line," known previously as the "Market Based Measure," household poverty was assessed on a provincially-defined basis (with variation by population size).[46] The median household income was compared to that of their provincial poverty line. Populations in Saskatchewan and New Brunswick have more households on-reserve below than above their provincial poverty lines.

[45] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *National Association of Social Workers* (2010), 279.

[46] Agency specific catchments were tabulated by Statistics Canada and assume that on-reserve populations are exclusively First Nations. While Household Median Total Income is not divided by Aboriginal identity, the specificity of the catchment assumes that all respondents are on-reserve First Nations. The provincially-specific Mixed Basket Measure is available for urban and rural areas. For this report, the measure applied was that for a population under 30,000, since most communities have populations below 10,000. Excluded exclusively from the household median income analysis is Toronto-based Native Child and Family Services. The urban agency serving off-reserve populations was an outlier relative to the other 103 agencies. For reliability and specificity of the analysis, the outlier was removed.

FIGURE 41

FIRST NATIONS ON-RESERVE MEDIAN HOUSEHOLD INCOMES COMPARED TO PROVINCIAL POVERTY LINES

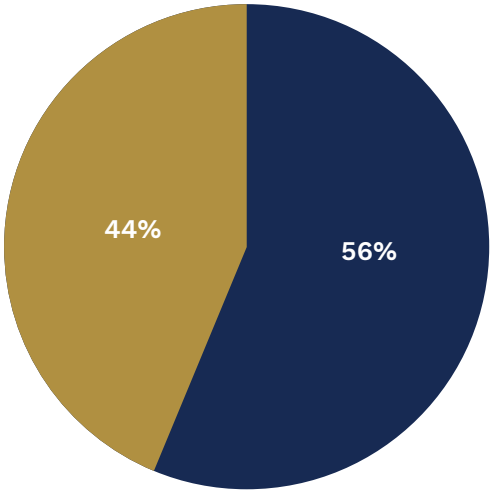
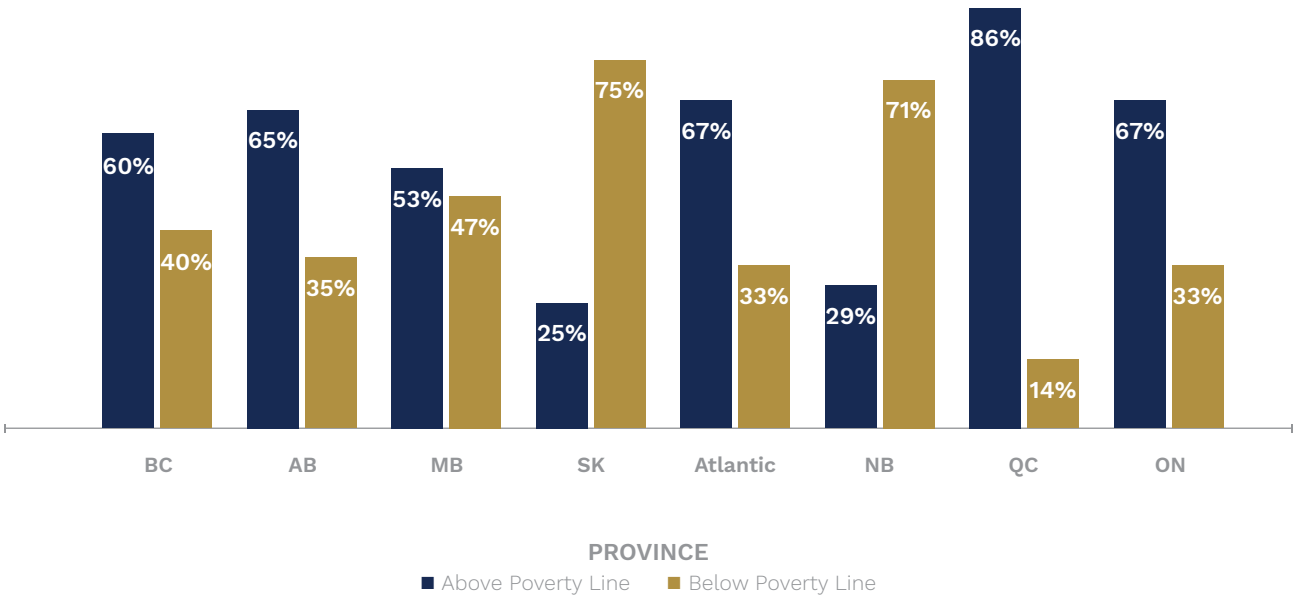


FIGURE 42

FIRST NATIONS ON-RESERVE MEDIAN HOUSEHOLD INCOMES COMPARED TO PROVINCIAL POVERTY LINES



A household is considered to be in poverty if it does not have enough money to buy a specific basket of goods and services that allows it to meet its basic needs and achieve a modest standard of living in its community. As this measure is based on having or not having enough money to purchase a fixed basket of goods and services, it is an absolute measure of poverty.[47]

An estimated $205M investment is needed just to raise all households on-reserve to their provincial poverty lines (by comparison, the gap to raise these households to the median household income of their provinces is roughly $2.6B).

Typical child welfare systems are not always effective at addressing overarching issues such as poverty. Rather, they function to address the immediate needs of children and families interacting with the system, with intervention often times targeting the symptoms of the issue rather than the issue itself.[48]

The current FNCFS program is safety-focused, with an emphasis on placing children in care. This approach—while designed to ensure children's lives are not endangered—fails to address challenges to the holistic well-being of children and families, and not addressing their underlying causes. Designing public policy to address a 'problem' (like child safety) is different than designing policy to address the "broader social inequalities from which problems stem,"[49] with for instance, a focus on well-being.

There is a strong association between poverty and child abuse and neglect.[50] In addition to a lack of material resources, the stress of living in poverty can lead to issues with child safety and to the "accumulation of negative life experiences that contribute to increases in risk factors such as depression, low self-esteem, or substance abuse," which can lead to challenges in the family's ability to properly protect and nurture

[47] Statistics Canada, "Mixed Basket Measure," November 27, 2015, https://www150.statcan.gc.ca/n1/pub/75f0002m/2014003/mbm-mpc-eng.htm.

[48] Gustavsson and MacEachron, 2010.

[49] David Berridge, "Theory and explanation in child welfare: education and looked-after children," *Child and Family Social Work,* Vol 12 (2007), 8.

[50] L. H. Pelton, 2015, "The Continuing Role of Material Factors in Child Maltreatment and Placement," *Child Abuse Neglect,* 41 (Mar 2015).

their children.[51] The challenge of intergenerational trauma may only be compounded in these instances.

When a parent or family is living in poverty, the impacts on the child can be cumulative: "children can be hungry, be living in substandard housing or be homeless, be unsupervised while a parent works or is meeting other responsibilities, be truant from failing schools, lack medical care, or have a caretaker with untreated mental illness or substance abuse."[52] The stressors that exist for children living in poverty can lead to emotional and behavioral problems as well as further disruptions in schools and to friendships.[53]

Poverty is also associated with poor early childhood development and is a risk factor for family breakdown, both of which have been linked to poor educational performance in children.[54] While the primary aim of child welfare services is to protect the child from further maltreatment and abuse, many of these programs do not address poverty as a root cause of these outcomes.

Economically distressed areas experience higher rates of child maltreatment reports, that often correlate with inadequate housing and single-parenthood.[55] Community poverty has also been linked to health disparities and language development in children.[56] Naturally, this implies that interventions at the level of the community are critical for children's development, especially in disadvantaged circumstances.[57]

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[51] Vandna Sinha, et al., "Understanding the investigation-stage overrepresentation of First Nations children in the child welfare system: An analysis of the First Nations component of the Canadian Incidence Study of Reported Child Abuse and Neglect," *Child Abuse and Neglect* (2008), 823.

[52] Gustavsson and MacEachron, 2010.

[53] Masten, Miliotis, Graham-Bermann, Ramirez, and Neemann "Children in homeless families: risks to mental health and development," *Journal of Consulting and Clinical Psychology,* Vol 62, No. 3 (1993), 335.

[54] Berridge, 2007, p. 1; Patrice L. Engle and Maureen M. Black, "The Effect of Poverty on Child Development and Educational Outcomes," *Annals of the New York Academy of Sciences* 1136, no. 1 (2008).

[55] See for instance Gustavsson and MacEachron, 2010; Brenda D. Smith, et al., "Child maltreatment in rural southern counties: Another perspective on race, poverty and child welfare," *Child Abuse and Neglect,* 80 (2018), 52–61.

[56] CA Farrell, EW Fleegler, MC Monuteaux, et al. "Community Poverty and Child Abuse Fatalities in the United States," *Pediatrics,* Vol. 139, No. 5 (2017), 2.

[57] Alice K Butterfield, James L Scherrer, and Katarzyna Olcon, 2017, "Addressing Poverty and Child Welfare: The Integrated Community Development and Child Welfare Model of Practice," 60, no. 2; Gordon Jack, "Child Protection at the Community Level," 13, no. 6 (2004).

Housing:

The link between housing and improved health and well-being is well established.[58] On First Nations reserves however, access to and the quality of housing have been persistent problems. In 2016, 44.2% of First Nations people living on-reserve lived in a home that needed major repairs.[59] An earlier study suggested that 94% of First Nations had waiting lists for housing and that for 30% of those on the lists, the wait was four to six years.[60] Waitlists for housing far exceed the capacity of First Nations to build new homes.[61]

While there is agreement that a housing shortage exists on-reserves, the number of units needed is often debated. There is no federal legislation that addresses housing on-reserve, although the federal government retains accountability. It is currently ISC that provides some funding for on-reserve housing through the First Nation On-Reserve Housing Program, with an annual budget of $143 million.[62]

The literature suggests that policies have thus far neglected to address the multigenerational impact of poverty as well as the need to focus on community aspects of poverty. Without a focus on creating greater equality within communities, the child welfare system will continue to support one-off interventions that do not address the root causes of poor outcomes for children.[63]

[58] World Health Organization, 2018, "WHO Housing and Health Guidelines," S.1.1.

[59] Statistics Canada, 2017, "Census in Brief: The housing conditions of Aboriginal people in Canada."

[60] Assembly of First Nations, 2013, "Fact Sheet—First Nations Housing On-Reserve."

[61] Senate of Canada, 2015, Standing Committee on Aboriginal Peoples, "Housing on First Nations Reserves: Challenges and Successes," p. 6.

[62] ISC, 2018, "First Nation On-Reserve Housing Program."

[63] Pickett, Kate and Richard Wilkinson, "The Ethical and Policy Implications of Research on Income Inequality and Child Well-being," *Pediatrics,* Vol. 135, No. 2 (2015), 39.

Water:

The problems with access to safe-drinking water on-reserve are well-documented and long-standing. The federal government is legally and financially responsible for First Nations drinking water on-reserve. The *Safe Drinking Water for First Nations Act* came into effect in 2013, and allows the federal government to develop regulations surrounding: access to safe, clean, and reliable drinking water; effective treatment of wastewater; and protection of sources of drinking water on First Nations lands. First Nations are responsible for the design, construction, and operation of their water systems (though this process is overseen by ISC).[64] First Nations split construction, operation, and maintenance costs 20/80 with ISC.[65]

A 2017 report by the Parliamentary Budget Officer suggested that 560 First Nations were served by 807 drinking water systems,[66] with water delivered to reserves through three principal means: piped systems (72%), water truck deliveries (13.5%), and individual water wells (13%).[67] Long- and short-term water advisories abound. ISC reports 66 current long-term drinking water advisories (lasting longer than 12 months)[68] and 42 short-term advisories (which last less than 12 months).[69] Federal approaches and policies on water have not accounted for the diversity of water management challenges on-reserve,[70] nor for the jurisdictional confusion on roles and responsibilities.[71]

Reliance on social services was also found to be linked to involvement with protection services. Evidence suggests that bias exists within the system when the child welfare system is involved with First Nations families. Further analysis using data from the CIS-2008 study found

[64] T. Simeone, and Troniak, S., 2012, Library of Parliament, "Legislative Summary of Bill S-8: The Safe Drinking Water for First Nations Act," p. 2.

[65] Simeone and Troniak, 2012.

[66] Office of the Parliamentary Budget Officer, 2017, "Budget Sufficiency for First Nations Water and Wastewater Infrastructure," p.4.

[67] Office of the Parliamentary Budget Officer, 2011.

[68] ISC, 2018, "Ending long-term drinking water advisories."

[69] ISC, 2018, "Short-term drinking water advisories."

[70] C. Gulli, 2015, "Why can't we get clean water to First Nation reserves? (interview with Dr. Lalita Bharadwa)" Maclean's.

[71] Simeone and Troniak, 2012.

that "the weight that workers assigned to caregiver substance abuse, housing problems, and presence of a lone caregiver when substantiating neglect [differs] for First Nations and non-Aboriginal children."[72] In order to meet the needs of First Nations families, child welfare services must be equipped to address these factors that disproportionately affect First Nations and influence the ability to care for children.[73]

Broadband:

The internet is a critical communication tool, especially for remote communities. There is a recognized lack of access to broadband on reserves, but the severity of the problem is difficult to diagnose given the lack of quantitative data. ISC (then AANDC) tracked broadband access for First Nations on its website, but the site has not been updated since 2012.[74] At the time, most First Nations had some access to broadband, but many were not operating at CRTC established minimum speeds.[75] In 2013, a report by the Centre for the Study of Living Standards estimated that 30% of reserves did not have access to broadband.[76] The Assembly of First Nations adopted a resolution calling for greater broadband access on reserves in 2008.[77] Ten years later, there may be consensus among First Nations, government officials and legislators that broadband access is an issue, but no decisive action has been taken.[78] Broadband access is more than an issue of internet connectivity, but one of access to services that connect to health, education, and well-being.

It is recommended that contextual issues such as poverty, be recognized and addressed through policy, programs and funding.

[72] Vandna Sinha, Stephen Ellenbogen, Nico Trocmé, 2013, "Substantiating neglect of first nations and non-aboriginal children," Children and Youth Services Review. Volume 35, Issue 12.

[73] Vandna Sinha, et al., 2008, 821.

[74] ISC, 2012, "Connectivity for Aboriginal and Northern Communities in Canada."

[75] ISC, 2012, "Connectivity for Aboriginal and Northern Communities in Canada."

[76] Centre for the Study of Living Standards, 2013, "The Contribution of Broadband to the Economic Development of First Nations in Canada," p.19.

[77] Assembly of First Nations, 2008, "Resolution no. 16/2008."

[78] See meetings no. 121–123, 126–128 of the Standing Committee on Indigenous and Northern Affairs. These meetings form part of a study on northern infrastructure which discusses, but does not fully elaborate on, reserve broadband access.

Prevention

Preventive child welfare services are a continuum of services from public education campaigns for the general population, to targeted programs for at risk populations, to intensive family preservation programs to assist families in crisis. Preventive care can address the physical and mental health of the child, can teach good parenting practices, can address underlying causes of neglect such as poverty and can counsel and support a family in crisis. More than a clinical approach to care, prevention programs and initiatives are designed to heal, and to promote the development of life skills. Preventive care can keep children out of the protection system, can support their reunification with their family (in an improved environment) after protection, and can also support children who are not in the protection system.

Programs such as Carrier Sekani Family Services' Intensive Family Preservation Services are designed to support families in crisis and provide them support to keep them together. This 28-day program includes in-home counselling and crisis intervention, the direct support of a clinician for 10 hours a week, as well as the ability to access support 24 hours a day, 7 days a week. The outcomes for children participating in the program have been positive. In 2016–17, of 66 participating cases, 61 have resided with their parents, 3 resided with extended family, and only 2 resided in foster care.[79]

When there are no options other than protection, Nisichawayashik Cree Nation Family and Community Wellness Centre developed an alternative to the placement of children in care. At their Nelson House (Manitoba) location, the Centre introduced the *Intervention and Removal of Parents Program* beginning in 2002. Novel at the time, the Centre worked to encourage a Band Council Resolution requiring the removal of anyone causing harm to children from a home on-reserve. As the landlord of all homes on-reserve, the Band Council could refuse tenancy to anyone harming children. The Centre could then keep children in need of protection in their homes with a member of their extended family or with an emergency worker. The approach flipped the traditional protection model on its head: instead of removing children from their

[79] Carrier Sekani Family Services, *2017 CSFS Annual General Assembly,* 2017, http://www.csfs.org/uploads/CSFS%2027th%20Annual%20AGA%20Booklet%20WEB.pdf.

home, parents were removed and were forced to face trauma as would their children being placed in foster care, not knowing where they were going or who would care for them. Since 2013, rates of children in care at the Nelson House location have declined from 167 to 114 in 2017.[80] According to the Centre, with the Removal of Parents Program and an integrated approach to family care, the agency has been able to reunify families 85% of the time.[81]

At its core, preventive care is about holistic, wrap-around services and support for a community in order to build social trust, that educates, and promotes health and wellness on multiple levels. Kanaweyimik Child and Family Services in Saskatchewan encourages a holistic approach to well-being by facilitating monthly inter-agency meetings with key service providers including those in health, social development, education, justice, members of the Royal Canadian Mounted Police (RCMP) as well as Kanaweyimik and band officials. The objective of these meetings is to improve services to community members by creating effective partnerships and awareness of what services are offered by various service providers.[82] Prevention oriented programs extend beyond reactions to concerns for child safety and are meant to encompass a broader community perspective.

As an approach to child and family services, prevention departs from the current protection-oriented model by focusing on families and their preservation, as well by addressing and attempting to mitigate contextual challenges that can lead to the need for protection. With prevention, the goal is healing and with a focus on building tool sets to improve the likelihood of positive results for families and children into the future. While not a panacea, a prevention-focused approach is an important step in managing the contextual challenges that impact overall well-being.

Current data on prevention suggests that enhanced prevention services helps to reduce the number of children in care. The number of children

[80] Nisichawayashik Cree Nation Family and Community Wellness Centre, *Annual Report 2016–17,* 2017, http://www.ncnwellness.ca/wp-content/uploads/AnnualReport_2017_web.pdf.

[81] Helaina Gaspard, 2018, "Wise Practices from Within: Approaches to First Nations Child Welfare," Institute of Fiscal Studies and Democracy http://www.ifsd.ca/en/blog/last-page-blog/approaches-first-nations-child-welfare#_ftn9.

[82] Ibid.

in care alone however, is not a sufficient indicator of improvement. Ideally, evaluations of impacts of prevention programming would be connected to results for children in the medium- and long-terms. Indicators of a child's results could include a child's school success, social relationships etc. Linking desired outcomes to data and budgets would be an important step in better understanding results for children, resource requirements, and would enable agencies to improve their program and strategic planning.

The case of West Region Child and Family Services (WRCFS) in Manitoba provides lessons on the importance of prevention programing. In 1992, WRCFS entered into a block funding agreement with the federal government. This provided the agency with flexibility to determine how funds would be spent and enabled WRCFS to develop community-focused programming for parenting, violence prevention, etc. The funding model shifted WRCFS's model to one focused on prevention, even in instances of child protection (with an emphasis on extended family placements). In a 1994 evaluation of the then pilot program, Dr. Brad Mackenzie found that the approach was working well. WRCFS had a well-developed cost-analysis tracking mechanism connected to its services to families and children, better informing its planning practices.[83] For instance, children in care planning emphasized treatment to identify and address challenges. Mackenzie's report recommended that the block funding approach be maintained for WRCFS and even extended as an option to other agencies.[84]

In a subsequent study, Mackenzie estimated savings from prevention focused services to be $21 million dollars by 2005. Rates of children in care declined at WRCFS from 10.5% to 5.2% over the span of the pilot block funding program. The focus on prevention is credited with the results.[85] in 2013–2014, many of those programs had to be cancelled due to a change in funding formulas[86] in which WRCFS lost its block funding

[83] Brad Mackenzie, 1994, "Evaluation of the Pilot Project on Block Funding for Child Maintenance West Region Child and Family Services, Final Report," p. 104.

[84] Ibid, p. 106.

[85] ISC, "Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program," December 14, 2015, https://www.aadnc-aandc.gc.ca/eng/1431520132322/1431520217975.

[86] Manitoba agencies moved to the Enhanced Prevention Focused Approach (EPFA), implemented from 2010–2013 https://www.aadnc-aandc.gc.ca/eng/1431520132322/1431520217975.

and saw a significant reduction to its ability to provide prevention services. Rates of children in care began to increase following the end of the pilot, after having been on the decline.

Evidence on outcomes of youth who have aged out of care provides a compelling argument that efforts to enhance prevention services and approaches to children and families in crisis should be actively pursued.

Numerous studies from other countries, like the United States, have demonstrated an association between experience in foster care and a host of poor outcomes in adulthood, including lower high school completion and employment rates, lower income, and higher rates of homelessness, poor mental health, substance abuse and criminality. There is a gap however, in Canadian studies on outcomes of children in care (with much less information available on First Nations children).[87]

One of the more well-known studies examining longitudinal outcomes of youth who have aged out of foster care is the Midwest Evaluation of the Adult Functioning of Former Foster Care Youth (the "Midwest Study"). Since 2001, researchers have documented outcomes of 763 former foster youth in the states of Illinois, Iowa and Wisconsin, on a variety of indicators including relationships with family of origin, physical and mental well-being, education, employment, involvement in the criminal justice system, etc.[88] Compared to a nationally representative sample of young adults who participated in the National Longitudinal Study of Adolescent Health (the "Add Health Study"), results show that former foster care youth fare much worse in nearly every outcome measured, such as high school completion rates, receipt of food stamps, employment rates, median income, arrests, incarceration, etc.[89]

Foster care experience has also been found to be a strong risk factor for homelessness. Often lacking social support and receiving little to no financial assistance or guidance when transitioning out of care

[87] Laura Gypen, Johan Vanderfaeillie, Skrallan De Maeyer, Laurence Belenger, and Frank Van Holen, "Outcomes of Children Who Grew up in Foster Care: Systematic-Review," *Children and Youth Services Review* 76 (2017): 74–83.

[88] M. Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 23 and 24," (Chicago, IL: Chapin Hall at the University of Chicago, 2009); M. Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011).

[89] Ibid.

(sometimes as young as 18 years old), these youth face significant housing challenges compared to the general population who are typically supported by parents beyond this age.[90]

In a study published in 2017, the Canadian Observatory on Homelessness found that nearly 60% of youth who had experienced homelessness had been in contact with child protection services at some point in their lives, and that "youth experiencing homelessness are 193 times more likely to have been involved with the child welfare system than the general public".[91] Risk of homelessness among this subgroup has been associated with multiple moves while in care, a history of running away, presence of a mental health disorder, a history of physical abuse, and being male.[92]

Much less is known about the long-term outcomes of First Nations adults who have aged out of care. A 2001 study by Correctional Service Canada found that approximately two-thirds of incarcerated Indigenous Peoples had entered protective care at some point in their childhood, compared to one-third of non-Indigenous inmates.[93] Based on information provided by the RCMP, news sources report that young Indigenous women in foster care are at high risk of becoming victims of sexual violence and trafficking, contributing to the missing and murdered Indigenous women and girls crisis.[94] Limited empirical data on First Nations youth who have aged out of care impedes the ability to reach firm conclusions; however, it is not unreasonable to assume that this subpopulation is exhibiting similar, if not worse outcomes than the general population given the disadvantaged starting point of many communities.

[90] Amy Dworsky, Laura Napolitano, and Mark Courtney, 2013, "Homelessness During the Transition from Foster Care to Adulthood," *American journal of public health* 103 Suppl 2, no. Suppl 2; Rachel Rosenberg and Kim Youngmi, Journal of public child welfare, "Aging out of Foster Care: Homelessness, Post-Secondary Education, and Employment." 12, no. 1 (2018): 99–115.

[91] N. Nichols et al., "Child Welfare and Youth Homelessness in Canada: A Proposal for Action," (Toronto: Canadian Observatory on Homlessness Press, 2017).

[92] Dworsky, Napolitano, and Courtney, 2013.

[93] S. Trevethan, S. Auger, and J.P. Moore, "The Effect of Family Disruption on Aboriginal and Non-Aboriginal Inmates," (Ottawa: Correctional Service Canada, 2001).

[94] P. Palmater, "Foster Care System One of the Paths to Murdered and Missing Indigenous Women," *The Canadian Broadcasting Corporation (CBC),* 2018.

The results of prevention and early intervention programming in education and early childhood development provide compelling evidence to support increased prevention funding. Early intervention does not have a fixed definition but is rather a broad concept to describe various approaches to improving developmental outcomes in early childhood.[95] The delivery of early intervention programs can be as varied as the groups which they target and the outcomes they intend to influence. Programs can be administered by delivery services directly to the child, parent, or both. It may be professionally trained staff or community members delivering the programming in the home, at a centre or at some combination of the two. No matter how it is delivered, in children who are at risk for suboptimal development, intervening in the most critical, sensitive years of growth offers a window opportunity to improve a child's developmental trajectory and future outcomes.[96]

Outcomes, especially in social areas, can be difficult to assess, but education, health, and family well-being can be useful proxies in understanding changes in a community. A well-established home-visiting intervention that has shown to improve a variety of outcomes for both new mothers and their children is the United States' based Nurse-Family Partnership (NFP).

Analysis by Heckman and colleagues (2017),[97] suggests that at two years of age, statistically significant treatment effects were found "on home environments, parenting attitudes, and maternal mental health", and at six years of age, the NFP yielded improvement in cognitive development. This analysis also examined mediating program factors that were linked to treatment effects and found that improvements in maternal mental health as well as enhancing parenting skills as a result of participating in the NFP by age two were key drivers of positive childhood outcomes.[98] Programs such as the Martin Family Initiative's Early Years program combine early intervention for both mothers and children with activities

[95] Jack P. Shonkoff, Andrew S Garner, "The Lifelong Effects of Early Childhood Adversity and Toxic Stress," Pediatrics (2011): peds. 2011–663; Lynn A. Karoly, M. Rebecca Kilburn, and Jill S. Cannon, *Early Childhood Interventions: Proven Results, Future Promise,* Rand Corporation, 2005.

[96] Phillips and Shonkoff, 2011.

[97] James J Heckman et al., "An Analysis of the Memphis Nurse-Family Partnership Program," (National Bureau of Economic Research, 2017).

[98] Heckman et al., 2017.

such as home visiting and centre-based early childhood education (or preschool).

While it is clear that child welfare is not something that can be approached in isolation of its context, it is also unrealistic for FNCFS agencies to bear the responsibility of addressing all elements impacting well-being. In this sense, it is essential that lateral initiatives that address substantive equality and reconciliation (e.g. the Spirit Bear Plan and Touchstones of Hope) are realized. It is inevitable that families will encounter hardship or conflict at some point. What can make the difference of whether or not children are apprehended by protection services is the degree to which their families have social support and resources within community to help navigate through a crisis and foster resilience.

The federal government is spending significant resources in a number of critical areas for First Nations health and social programming, with a subset of these programs oriented toward prevention. There are few, if any performance measures focused on outcomes. The majority are focused on outputs, without consideration of targets connected to well-being and the results the programs generate. Following a special request, ISC produced the data table in Appendix M and shared it with IFSD on December 14, 2018. The program spending breakouts were collected by program staff, since public data is unavailable. Without connecting activities to outcomes, it is nearly impossible to assess the results of the current program and their connections to the well-being of children. The future state in child welfare should include a clear and trackable means to assessing the results of programming.

Prevention was the focus of experts and agencies, and consistently defined as the most significant funding gap that agencies are facing. The gap in prevention funding is a challenge and is connected to the system's current funding structure that incentivizes the placement of children in care.

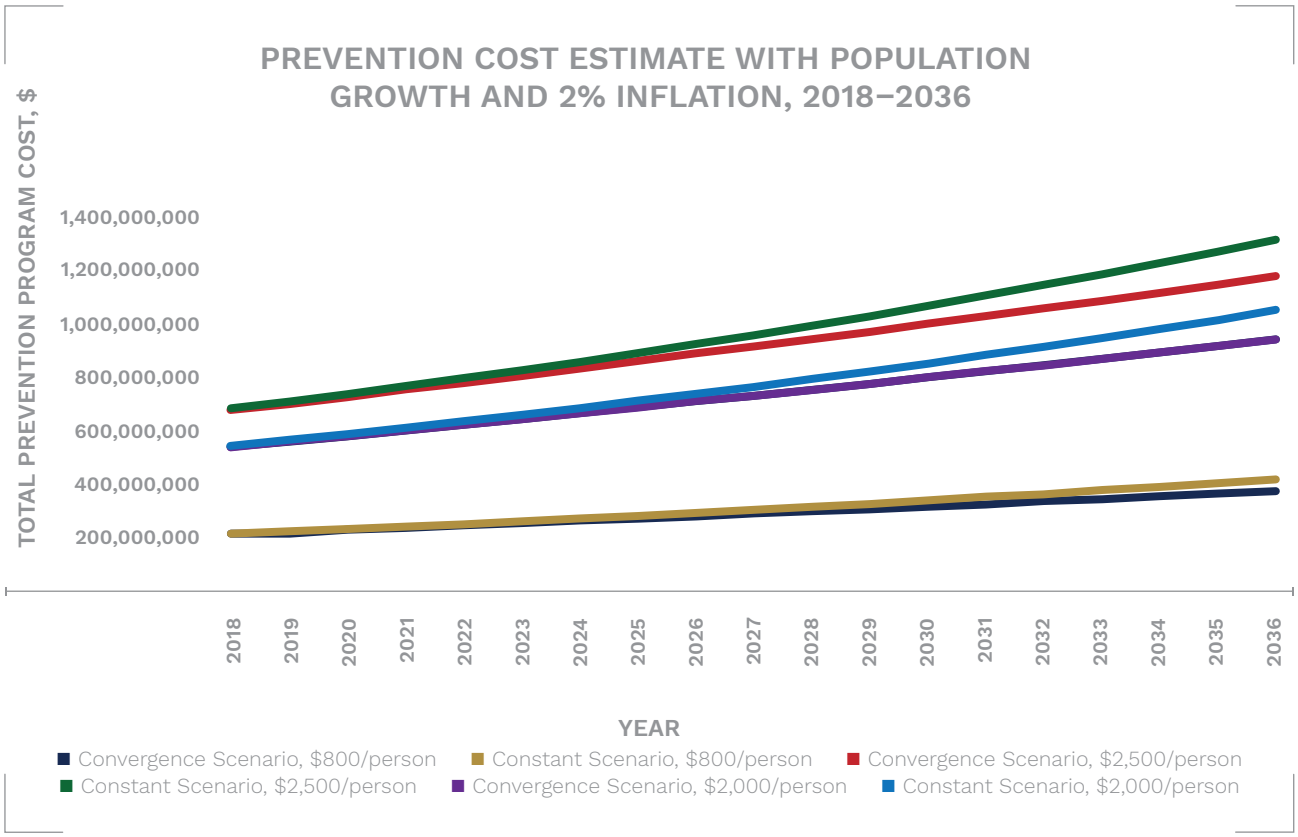
Shifting to a prevention-focused approach will require increased investment and a change in funding structure, such that agencies have the ability to allocate resources to meet community need. To cost-estimate an increase in prevention funding for FNCFS agencies, benchmarks of current prevention spending were identified and a range

of per capita investments in prevention were defined: $800, $2,000 and $2,500.

The per capita costs are based on current prevention services and actual spending described in the case studies below. The prevention cost estimates are premised on the assumption that prevention should target the entire population in the agency's catchment and not only the child population served.

Cost estimates for increased prevention funding were calculated based on Statistics Canada's custom tabulations of on-reserve populations within FNCFS agency catchments. In this analysis, the two agencies serving incompletely enumerated reserves were not included in the calculation, as no total population data was available.

FIGURE 43



Prevention cost scenarios were estimated using the three benchmark costs $800, $2,000, and $2,500, agency catchment populations, and inflation at 2%, 2.5% and 3% to present a range of possible

circumstances (see Appendix N for an overview of prevention cost calculations). On a per capita basis, the total prevention cost estimate for 2019 ranges from $224 million to $708 million. Overtime, prevention costs are projected to increase based on population growth and inflation (Figure 43).

Profile 1[99]—$800 per person (and $2,000 per person)

In October 2017, a First Nation community appointed a Prevention Coordinator. Chief and Council made the decision to fund the position after the community decided they needed help with social challenges. The role, complemented by one prevention worker, was designed to support the community, work through intergenerational issues and break cycles.

"Not waiting for things to happen, but working so that things don't happen."

A former social worker, the Coordinator has 10 years of experience working as a consultant and trainer for the provincial ministry of social services.

The community's population is mixed with both traditional and Western educated people. This provides community-based resources the Coordinator can leverage in their work, e.g. facilitators, educators, etc. All instructors in prevention programming come from the community.

Current program offerings for youth include drama and acting, bead work, drumming and singing. Prevention programming extends beyond youth and includes programming for parents, such as the young fathers hunting program, parenting courses, and suicide assistance.

"It's okay to say that you need help."

[99] The participant requested that the name of the First Nation and their name be withheld.

It has taken time for the Coordinator to build trust with the community. The community is under the child welfare jurisdiction of the provincial ministry, which fostered initial concerns that the Coordinator was a conduit for protection services only. While at times, community members may be hesitant to reach out to the Coordinator for help, they are even more hesitant to phone provincial social services. The combination of a personalized approach and regular programming however, has helped the Coordinator to build relationships with community members and organizations, like the school. For instance, the Coordinator will reach out directly to parents if their child is underperforming at school or will congratulate others when their child is doing well.

"What do you want for your children when they grow up?"

To build confidence in prevention programming and to break the stigma of taking part in prevention activities, the Coordinator ensures it's known that training is open to all community members. It's not only "prevention" families that are invited to attend activities.

The community is now exploring prevention related programs, such as community "safe houses," on-reserve so that children in trouble have a safe place in community to stay if their parents are being taken away or need time heal.

Prevention is not just about keeping children out of care, it's about working with families to build healthy communities. Regular life challenges like divorce, grief, depression, suicide, etc. can be amplified when communities face internal challenges. The prevention programming in the community is designed to reach as close to 100% of the population as possible, whether through personal contact or through program participation.

The need for prevention programming in the community is greater than the funds available for the Coordinator. The Coordinator and their team regularly volunteer their time to drive community members to various meetings and appointments, take them on hunting trips, etc.

For a team with two people, the Coordinator and prevention worker appear to take on a variety of roles in the community from social worker, to counsellor, to personal support worker.

When asked what funding would be required to achieve a suitable level of programming to meet the needs of the community, the Coordinator estimated a cost of $500,000 per year or $2,000 per community member. This estimate provided the third scenario for the prevention funding estimates of this study. The estimate was deemed to be reasonable, falling within the $800–$2,500 per capita spending range identified from different agencies.

By the numbers:
On-reserve population = 250
Total funding = $200,000 (from ISC)
Per capita funding on-reserve only = $200,000/250 = $800 per person
Funding covers:

- 2 salaries
- Programming (e.g. buses, vehicles to visit parents, shuttle service)
- Snacks for youth attending after-school activities
- Teachers/facilitators
- Special excursions (e.g. laser tag)
- Family integration and connection activities

Profile 2—$2,500 per person
K'wak'walat'si Child and Family Services
'Namgis First Nation

K'wak'walat'si Child and Family Services (KCFS), serves the 'Namgis First Nation and the village of Alert Bay on Cormorant island off the coast of British Columbia (First Nation and non-First Nation communities live side-by-side). Since 2007, not a single child has been placed in care. This success has been largely credited to the introduction of comprehensive prevention programming.

"Prevention is a no-brainer."

The community is older, which is attributed to increasing rates of urbanization, with young people and families moving in search of employment opportunities. The small size of the community, both geographically and population-wise, has facilitated the development of a community-based model to prevention programming.

"Care is NOT an option."

Following unexpected changes in 2005, a new Director (a former social worker) was hired. Taking charge, the Director combined existing programs (and eventually, introduced new ones) and formed the 'Namgis Community Service. Combining services meant combining resources from all federal sources and from the province. The decision integrated programs and services to focus on holistic well-being. Programming is guided by four principles: belonging, mastery, independence and generosity.

The focus of the agency is "better serving families."

While the primary focus of prevention is early childhood and adolescence to build resilience, much of the programming does not just target the child—it targets the entire community. The agency offers a variety of programs, including community-based activities and family support, legal support, victim services, social work, and social assistance. The active learning style initiatives range from education on fetal alcohol syndrome and brain development to emergency homes for respite.

When a crisis arises, the agency plays the role of facilitator, focusing on family and community ownership. Working with the family, the agency provides information, resources, support and food. Families coming together and owning their own solutions is considered to be the best course of action to move forward.

"It's not about what works outside, it's what works for them [families]"

The agency focuses on building capacity by leveraging partnerships with several sectors of the community, including schools, healthcare services and the police. This is to ensure that everyone "speaks the same language" when it comes to child and family well-being and to promote consistency and solidarity in the approach. For example, KCFS maintains a close relationship with local schools, sharing knowledge and working together to identify root causes of family problems, their impacts on the child, and the best course of action to support the child and their family. These partnerships also ensure that staff at KCFS know where to turn when certain resources that are needed are not accessible within the community.

"Be the community, not the ministry."

Given the long history of removal of First Nations children from their families, feelings of distrust towards the Ministry are widely prevalent in the community. This is especially relevant for families struggling to cope with mental health issues, addictions, and poverty. However, persistently engaging in the community and displaying compassion and respect for families has over time established a more trusting relationship between families and child welfare services. In times of crises, allowing families to take authority and ownership over their decisions moving forward has been influential in developing trust. Fear of using child welfare services as a resource for help when family issues arise seems to be declining.

The biggest obstacle to providing services and programming has been the issue of recruiting and retaining qualified staff, such as social workers. As a result, the Director and the small team at KCFS have taken on a number of roles to support programming.

By the numbers:
Population of the island = 900
Total funding = $2,307,115 (federal and provincial governments)
Per capita funding = $2,563.46 (rounded to $2,500)
Funding covers: all agency programs and services

The case for prevention is clear from both FNCFS agency cases and from existing research. The unanimity from agencies and experts on the importance and need for a focus on prevention services and funding to match cannot be overemphasized.

It is recommended that prevention be funded on a per capita basis for the total population served by the agency (not only children) at a rate of $800–$2,500 per person.

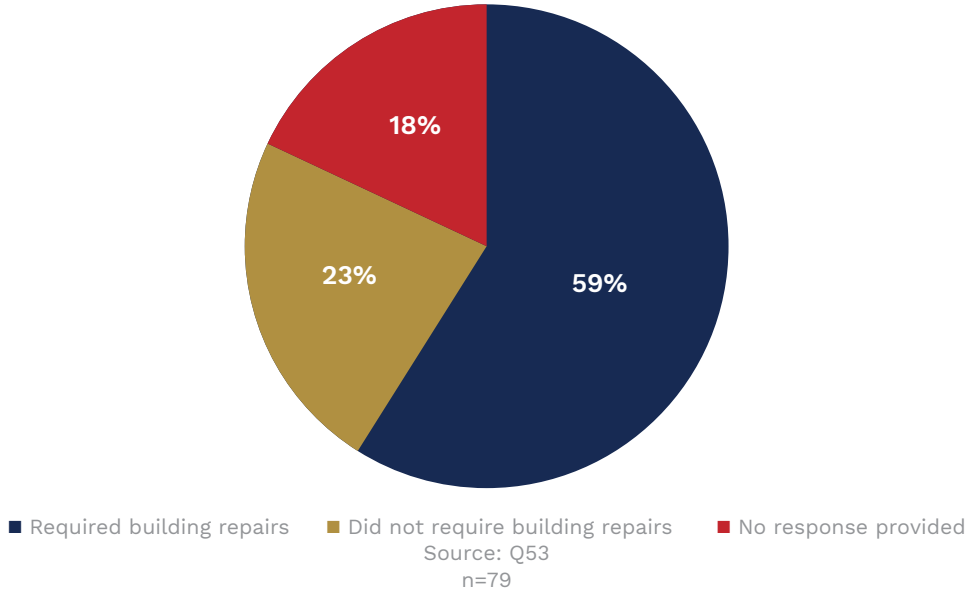
Capital

The IFSD-FNCFS Survey sought to better understand the nature and condition of the assets underlying agency operations. The survey found that the large majority of agencies rented their facilities and had relatively modest asset bases. Agencies, especially those more remotely located, tended to also have vehicles as part of their asset mix.

When respondents were asked to identify whether or not they needed building repairs, 59% of agencies reported requiring building repairs (Figure 44). Further, during the various workshops held by IFSD, agencies also expressed concern about the suitability of their facilities for program needs, particularly prevention programming.

FIGURE 44

BUILDING REPAIR REQUIREMENTS AMONG AGENCIES (2017–18)



Source: Q53
n=79

With approximately 88% of federal funding for FNCFS agencies associated with protection, it is expected that facilities reflect this orientation. The desired future state of FNCFS agencies is prevention-focused. To this end, a reconsideration of facilities is necessary to support the shift in activities.

The FNCFS space footprint was costed as a one-time capital investment under three scenarios:

- Scenario 1: Federal space allocations only
- Scenario 2: Survey reported headquarters square footage + federal space allocations for non-responding agencies
- Scenario 3: Survey reported headquarters square footage + average square footage (based on survey reporting) for non-responding agencies

It should be noted that the costs to construct and fit-out the office space requirements for the FNCFS agencies is largely based on the *current state* space requirement. It is assumed that such an analysis would be used as a *baseline* to consider the space requirements of a future program activity structure.

In Scenario 1, the first step was to allocate space per full-time equivalent (FTE) based on the assumption that agencies had an average of 15% of leadership workers and 85% fixed workers. In the case of the Government of Canada federal space allocation approach, the following square feet of office space were applied to each category of agency worker: leadership worker (153 sq. ft./worker) and fixed worker (48 sq. ft./worker) for total agency FTEs based on Government of Canada Workplace 2.0 Fit-up Standards. Non-responding agencies were assigned an average of 64 FTEs.

In Scenario 2, the survey responses were used to estimate the required costs to build equivalently sized office space. Using the square footage of headquarters office space reported in the survey, on average square footage of 95.7 sq.ft./FTE was calculated. Non-responding agencies were assigned office space allocations based on the Government of Canada standards.

In Scenario 3, the survey responses were used (as in Scenario 2), with non-responding agencies assigned average square footage based on survey reporting.

Once the required space allocation was determined, the cost for construction and fit-out was applied to each of the office space scenarios using the 2018 Canadian Cost Guide (Altus Group) with median construction costs for commercial, Class B office building, under five storeys with surface parking and related Class B interior fit-out costs.[100] Regional indices were applied to estimate costs for each metropolitan area.[101]

[100] According to the Altus Group: "The costs assume base building construction only, including mechanical and electrical services, washrooms, and finishing of ground floor entrance lobby and elevator lobbies to upper floors. The cost of tenant partitioning and finishes, with the exception of ceiling and column finishes, are excluded. The cost of finishing this space can fluctuate depending on the density of partitioning and the quality of finishes. Costs assume standalone buildings and are not representative of a component within a mixed use building" (Altus Group 2018, p. 14–15).

[101] See Altus Group, "2018 Canadian Cost Guide," p. 11 and 13.

TABLE 10
ESTIMATED REQUIRED CAPITAL INVESTMENT

SCENARIO 1 Federal space allocations	**SCENARIO 2** Survey reported square footage + federal space allocations	**SCENARIO 3** Survey reported square footage + average square footage (based on survey reporting)
$116,797,983	$151,708,061	$175,251,101
NB: Based on industry standards, a minimum 2% annual recapitalization rate should also be included.		

With various repair needs of FNCFS agencies and new infrastructure requirements for changing activities, the three one-time capital investment scenarios were modelled. Costs range from approximately $116 million to $175 million to rebuild agency headquarters.

It is recommended that there be a one-time capital investment, and a benchmark recapitalization rate of a minimum 2% per annum added to agency budgets.

Information technology

Information technology (IT) has become a crucial element in the successful operations of modern organizations. It supports mission critical processes ranging from service delivery to finance to governance. Properly applied, technology has the potential to transform organizations and way the people inside them work.

Adequate investments are necessary to maximize the benefits technology can offer, as is an understanding of the risks and opportunities created by emerging technologies such as the cloud, big data and much more.

An examination of the IT spending of FNCFS agencies was undertaken via the survey (see Table 11) to understand the current state and how it compares to sector benchmarks.

There are certain commonly used benchmarks related to IT spending. These include IT spending as a percentage of revenue/budget and IT spending per employee.

Spending as a percentage of revenue/budget

Overall, businesses appear to spend between 4–6% of their revenue on IT, and this range is recommended by CIO Magazine:

- The average small company (less than $50 million in revenue) spends 6.9% of their revenue on IT
- Mid-sized companies (between $50 million—$2 billion) spend 4.1%
- Larger companies (over $2 billion) spend a relatively small 3.2%

Data from the Deloitte Insights November 2017 CIO Insider report citing "Deloitte 2016–2017 Global CIO Survey" (n=747) corroborates the ranges published by CIO Magazine and puts the education and non-profit sector at an average of 5.77% with an average of 3.28% across all sizes and industries.

The tenth annual "Non-profit Technology Staffing and Investments Report" published by NTEN in May 2017 focused specifically on technology in non-profits (n=259). NTEN found, across all sizes of non-profits, technology accounted for 5.7% of annual budgets on average.[102] Additionally, they found that smaller non-profits had higher spending as a percentage of their total budget.

IT spending per employee

IT spending per employee can also vary significantly from sector to sector and across company size. Nonetheless, the consensus of several credible sources suggests that a value of at least USD 10,000 per employee would not be unusual.

- Gartner indicated that average IT spend (USD) per employee rose from $12,724 to $13,164 in 2013.
- The all-industries average from IDC's US IT Budget Benchmarks program, which collects multiple IT statistics across all industries (excluding government and education), is just under USD 9,900 per employee.

[102] NTEN reported on operating budgets. Since FNCFS agencies are primarily service organizations with operations accounting for most of their costs, the technology spend was imputed as a percentage of the total budget.

- CIO Magazine surveys report mid-sized companies spend USD 13,100 per employee on IT. Large companies spend USD 11,580 per employee.

TABLE 11
AVERAGE TECH SPENDING REPORTED BY AGENCIES

Average tech spend per full-time equivalent (FTE) N=37	$3,731.41
Average tech spend as % of total budget N=37	1.5%

As technology transforms how and where organizations can conduct operations, technology-related spending has steadily risen over time. Failure to make adequate investments can hamper productivity, security and even staff retention. The IFSD FNCFS Survey data indicates that, on average, agencies are not investing/spending adequately on technology versus industry benchmarks. Agencies surveyed cover the entire spectrum from very current technology with major upgrades in the past 12 months to those who have not seen updates in more than five years.

The survey results are also supported through anecdotal evidence, acquired through the workshops, such as the age of tools used by agency staff. Many of the workshop participants were using significantly older versions of productivity software, operating systems and dated hardware—some of which are no longer even updated or supported by the manufacturer.

At the other extreme, one agency described how they equipped staff with state-of-the-art tools such as Microsoft Surface tablet computers for use in the field to directly enter case notes. This has resulted in significant productivity gains as social workers no longer have to transcribe hand written notes upon returning to the office.

Agencies were asked to estimate the required one-time capital investment to bring their technology platform to a state where it can fully support their requirements. This was an attempt to understand the size of the investment gap to modernize the current technology platform to meet agency needs. However, agencies responding to these questions estimated requirements well below industry averages at 2.8% of their annual budget or an estimated $303,600 investment. While it is possible that these numbers accurately reflect agency needs, it is more

likley that respondents may not have had a full understanding of their IT requirements. Few respondents, if any, were technology specialists.

The emergence of cloud computing represents one of the largest transformations IT has experienced in a generation. This has created tremendous opportunities and introduced new risks that must be considered.

Cloud spending/adoption is rapidly expanding across most organizations in the broader economy. The use of cloud technologies offers numerous benefits including, but not limited to, reduced need for capital, quicker deployments, continuously upgraded solutions, as well as better alignment of capacity with demand. Further, cloud-based tools can lessen the dependency on IT resource supporting the agencies.

Agencies were asked to "describe any cloud-based technology services (such as Office 365) currently in use by your agency or under consideration by your agency." Only 40% of agencies indicated they were using or considering cloud-based technologies. Microsoft Office 365 was the most commonly cited cloud service in use, but others included disaster recovery, online backup and accounting software.

Many survey responses included statements indicating that cloud would not be considered. This may indicate a lack of knowledge regarding the opportunities offered by the cloud or concerns regarding perceived risks of the cloud.

Significant strides have been made in recent years by cloud offerings in Canada. Major organizations, such as Microsoft, now operate multiple data centres on Canadian soil easing concerns over data residency issues. Additionally, major providers have obtained and maintain advanced certifications for the security and privacy of their offerings and facilities.

One of the greatest impacts the cloud is having on IT spending is the shift from capital expenditures to operating expenses. Cloud services are typically offered on a subscription basis charged on either an annual or monthly basis. This allows an organization to tightly align technology service consumption with demand. This fundamental shift requires a different approach to IT budgets. Traditional, capital intensive, IT budgets and associated depreciation are shifting to a more flexible operating

expense orientation. While some agencies may be slow in adopting cloud technologies, any revised funding model should consider this new budgeting reality.

Many major technology vendors offer exceptional discounts to non-profits. These companies include Microsoft, Google, Amazon, Adobe, and many more. TechSoup Canada operates a website to help non-profits take advantage of offers from many of these vendors. Additionally, major vendors host additional offers on their own sites. Discounts are particularly compelling for their cloud offerings.

With most sectors targeting 4–6% it is clear that (when combining the capital plus operating and maintenance spending) agencies appear dramatically below normal investment levels, reporting average IT spending at 1.5% of total budgets, or approximately $3,730 per employee in fiscal year 2017–2018. There may be a number of causes to the lower level of spending by FNCFS agencies. It is possible that benchmark levels of expenditures are not contemplated in the planning cycle or that available funds are diverted to program activities that may be deemed a higher priority. The risk to the agencies of chronic underspending is not just the loss of productivity but also the risk that case management itself is inadequately supported by agency infrastructure.

When estimating required IT investment for FNCFS agencies, funding was calculated as a percentage of reported total budget. This approach was considered to be the most reliable based on the consistent available industry benchmarks for IT spending for the education and not-for-profit sectors. Two scenarios were used to estimate required annual IT budgets: 5% and 6% (the rounded industry average). The average total budget of approximately $12 million was used for agencies that did not provide a total budget and for non-participating agencies.

TABLE 12
ESTIMATED REQUIRED TECHNOLOGY INVESTMENT

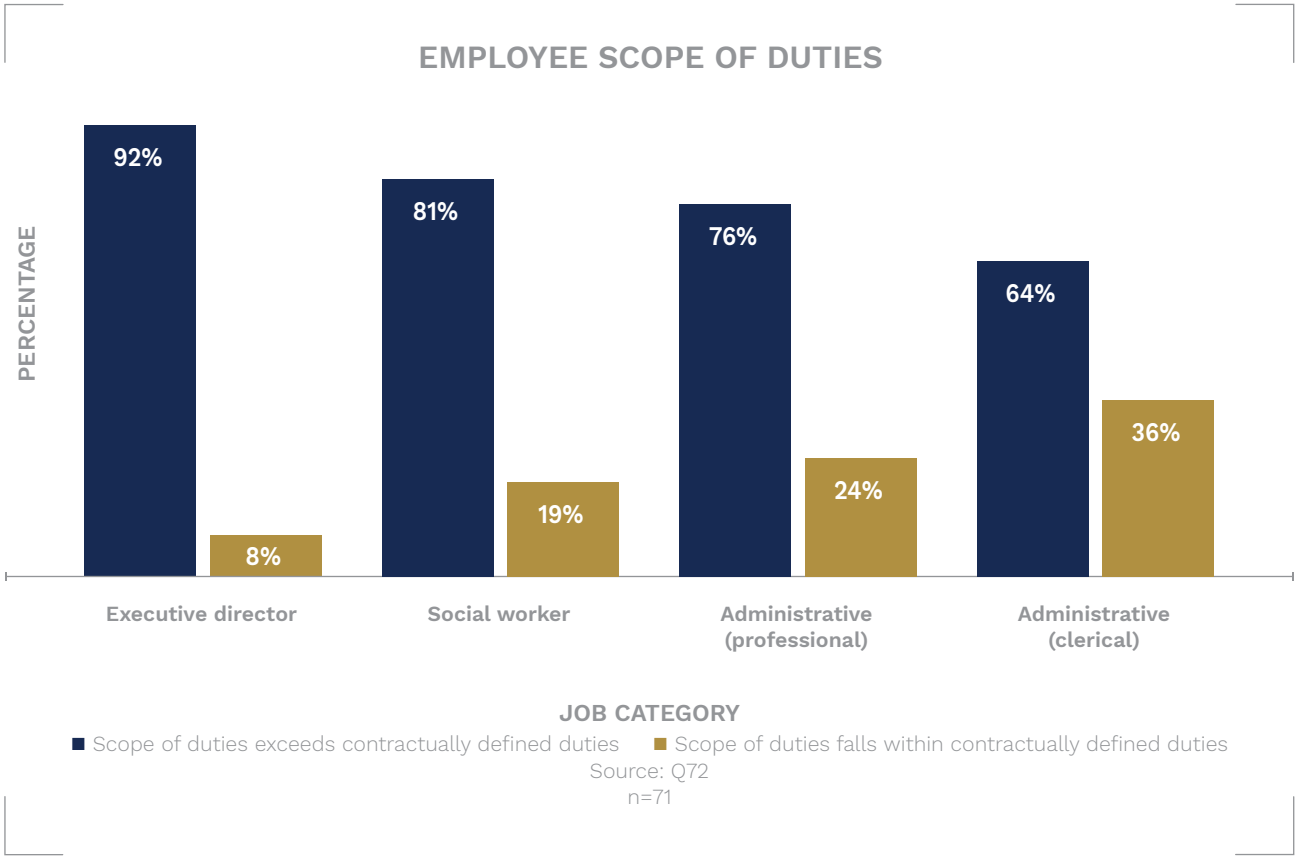
PERCENTAGE OF TOTAL BUDGET	ESTIMATED ANNUAL IT COSTS
5%	$65,143,213
6%	$78,171,855

It is recommended that IT be funded at a rate of 5%–6% of total annual budgets, consistent with industry practices.

Salaries

During workshops and visits to agencies, experiences and anecdotes were shared with examples of agency staff going above and beyond their duties, often without compensation. In the survey, agencies reported that the scope of duties of their employees exceeded those that were contractually defined. This trend was most prominent among executive directors and social workers (see Figure 45), with 92% and 81% respectively, reportedly exceeding their agreed duties.

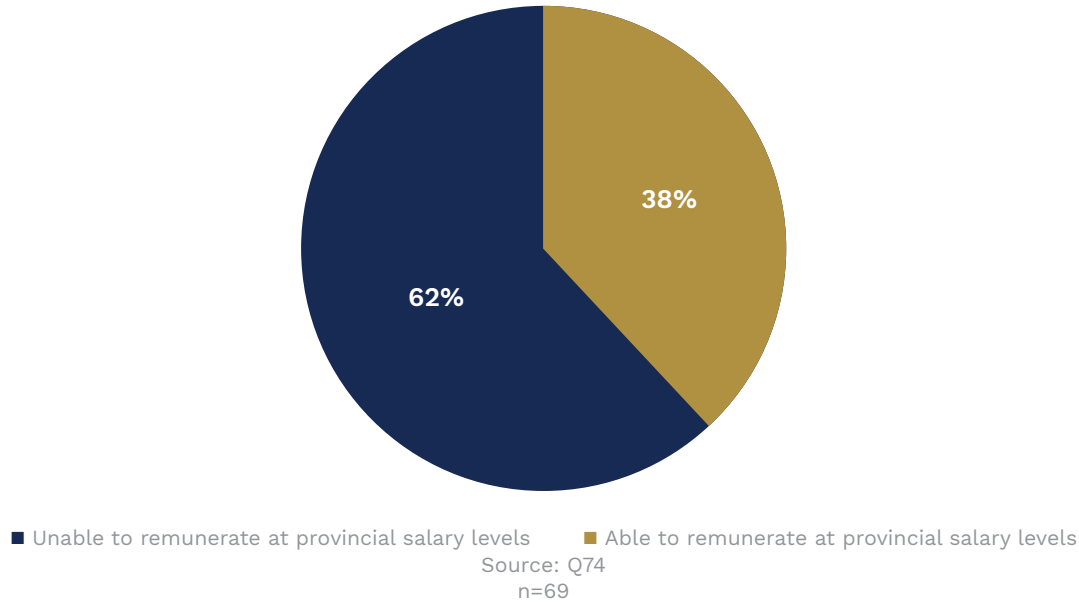
FIGURE 45



Beyond the extended duties, 62% of agencies reported being unable to remunerate employees at provincial salary levels (see Figure 46). The two exceptions were Alberta and the Atlantic region, which reported greater numbers of agencies able to remunerate at provincial salary levels than those that could not.

FIGURE 46

AGENCIES' ABILITY TO REMUNERATE STAFF AT PROVINCIAL SALARY LEVELS



Source: Q74
n=69

These findings raise two matters for further consideration. First, is the issue of pay equity. FNCFS agencies are not compensating their employees at provincial salary levels. The reasons for this difference in pay merit further study. Second, employees are exceeding their contracted duties and hours of work. This may point to issues of case complexity and the different resource profiles required to address them.

The matter of case complexity has been raised by the Canadian Association of Social Workers (CASW)[103] in their 2019 pre-budget submission, calling for a caseload study to collect national data and to begin to develop national standards on reasonableness of caseloads. CASW's proposed study would seek to better understand cases through their complexity and apply that measure to determine appropriate caseloads for social workers.[104]

[103] The Canadian Association of Social Workers (CASW) was established in 1926 to set professional standards of practices for social workers in Canada. Its mission today is to "promot[e] the profession of social work in Canada and advances social justice," through activities such as professional development and training, advocacy, resource development, etc.

[104] Canadian Association of Social Workers' Pre-Budget Submission to the Standing Committee on Finance, "Supporting Social Workers for Better Social Outcomes," 2018 (for the 2019 Pre-Budget Consultation).

A 2017 study[105] by the CASW interviewed current and previous social workers from child protection services. The results suggest that an unmanageable workload was a common reason for leaving (46%), along with stress, compassion fatigue or vicarious trauma (45%) and the emotional toll of their work (34%). Pay and benefits were causes to leave for fewer than 20% of respondents.[106] Of those still working in the field, unmanageable workload was frequently identified as an issue (75%) and was also reported to be the most significant challenge. Emotional toll of the work (63%) and a lack of resources to address compassion fatigue (56%) were also cited as critical challenges,[107] with 54% of respondents wishing they had the resources to address the fatigue.[108]

The CASW findings on employees overburdened by workloads and fatigue parallel IFSD FNCFS Survey findings of overworked FNCFS employees. While salary ranges between provinces and FNCFS agencies may vary, the most important challenge faced by social workers appears to be the issue of workload, making case complexity a matter in need of further study. It may be likely that the challenge of a social workers role is only compounded by the complexities of the community and environment in which they do their work. Social workers serving FNCFS agencies face not only the challenges of families in crisis, but also those of their communities, such as poverty and intergenerational trauma. It is not only First Nations communities that experience these challenges, but they are disproportionately affected relative to the general population. Beyond the contextual challenges, a lack of related services and resources (e.g. mental health workers, specialists, child psychologists, etc.) makes a social worker's job more difficult by not being able to access or refer their clients to the services required. Anecdotally, FNCFS agencies have shared that

[105] The purpose of this survey was to explore the issues, challenges and barriers that social workers experienced in their practice, their working conditions, their reasons for leaving the child welfare field, sources of job satisfaction and trends in de-professionalism. Conducted in 2017, the survey contained 35 questions that were predominantly closed-ended, with some opportunity for qualitative responses. It was divided in three parts: (1) information on participant characteristics, completed by all respondents and also by social workers who had never worked in child welfare; (2) completed by social workers who had previously worked in child protection and currently worked in a different social work role; (3) completed by social workers currently working in child welfare. A total of 3,258 social workers across the country responded; (1,389 to part two and 1,438 to part three). Since the total number of social workers in Canada is unknown, calculating the response rate was not possible. Over 10% of CASW members responded to the survey.

[106] Canadian Association of Social Workers, 2018, *Understanding social work and child welfare: Canadian survey and interviews with child welfare experts,* chart 7.

[107] Ibid, chart 13.

[108] Ibid, chart 15.

their social workers and staff sometimes have to be "all things, to many people."

The importance of assessing caseload through the lens of case complexity is highlighted well in the 2013 testimony of Sylvain Plouffe, former director of the Centre de Jeunesse de l'Abitibi-Témiscamingue.[109] In a nearly perfect comparative case, M. Plouffe's agency served two communities: one First Nations (East, characterized by Lac Simon) and one non-First Nations (West, characterized by Val d'Or). The differences in the communities' experiences were striking and connected to their social and economic contexts.

In Lac Simon, there were approximately 380 reported cases of substantiated abuse or neglect for every 1,000 children, whereas Val d'Or had only 35 cases per 1,000 children (see Table 13). Reflective of their case rates, Lac Simon and surrounding communities registered higher rates of negligence, substance misuse, housing overcrowding and unemployment relative to neighbours in non-First Nations communities such as Val d'Or. Compared to the East, the West had lower case rates which M. Plouffe speculated, may be linked to the paper mill in the West, which generated more opportunity for employment among members of the community and thus lead to lower rates of poverty.

TABLE 13
OVERVIEW OF THE CENTRE DE JEUNESSE DE L'ABITIBI-TÉMISCAMINGUE CHRT PROFILE

	VAL D'OR (NON-FIRST NATION)	LAC SIMON
Staff (not necessarily all front-line workers)	**200 (approx.)**	**20 (approx.)**
Cases per 1,000	35	380
Staff : population	1:205	1:75

[109] Testimony before the Canadian Human Rights Tribunal, (2013) (statement of Sylvain Plouffe, director general of the Centre Jeunesse de l'Abitibi-Témiscamingue).

The social workers serving the communities in the East and West had the same training and the same pay, but their contexts differed. Communities such as Lac Simon required more resources, especially staff, to support the more complex needs. M. Plouffe and his team were able to secure a federal block funding grant to hire local prevention-focused staff and develop programming to respond to the community challenges in the East.

The case of the Centre de Jeunesse de l'Abitibi-Témiscamingue and the research undertaken by the CASW, suggest that case complexity merits attention, especially in First Nations contexts. With challenges and needs that may outstrip standard agency service offerings, FNCFS agencies require supplementary prevention-focused services to address the needs of their communities that may range from poverty, to substance misuse. The matter of salaries is not only about equity, but about the need to consider the complexity of the issues that staff address in different communities.

It is recommended that:

- **Social workers be remunerated at levels comparable to provincial salary levels.**
- **A study be undertaken to assess why FNCFS agencies are unable to remunerate their employees at provincial levels.**
- **A study on case complexity be undertaken, with consideration of differing community contexts when determining reasonable caseload levels.**
- **FNCFS employees have access to professional support and development, including leave for compassion fatigue.**

FUNDING STRUCTURE FOR THE FUTURE OF FNCFS AGENCIES

A funding structure is not only about financial allocations; it's about the ways in which money can be used as a tool to incentivize or alter outcomes. Both governance (including performance, reporting, and accountability) and the value of the allocations must be considered. Internal consistency that aligns inputs, outputs, and outcomes is necessary for accountability to communities and stakeholders. As a foundation for a performance framework it is critical that, resources and activities are connected to the desired outcomes for First Nations children.

In the current FNCFS system, agencies are funded for children in care with limited control and flexibility over how to allocate and spend their money. Placing a child in care represents a nearly guaranteed means of unlocking resources required for the child, incentivizing their placement in care. The current funding structure fails to account for the contextual challenges with which agencies must grapple in their work. Further, for FNCFS agencies there is little connection between the resources that they expend and the outcomes that they are trying to achieve. This mis-match is fundamental to effective budget and performance management in virtually any public administration context. Beyond the challenging socio-economic context for First Nations communities, for FNCFS agencies, there exist pronounced funding gaps in prevention, capital, and information technology, that impact operations and results.

Moving beyond the current system requires an alternative structure. Funding in this new structure should be allocated in blocks and align to the activities of agencies, in the areas of: protection and maintenance, prevention, capital, operating, data and governance. The approach to block funding is one where resources are allocated to specific activity areas through a grant-style allocation.

Working with experts convened to build on the future vision defined by agencies, overviews of FNCFS service delivery and services to First Nations children, families and communities through the lenses of indicators (i.e. what to measure), activities (i.e. programs or services), and inputs (i.e. required resources) was developed (see Table 14). These

overviews emphasize the connections between outcome definition and measurement, related activities and required resources.

As a point of departure, this mix of indicators, activities and resources was developed recognizing the heterogeneity of agencies and their communities. Instead of defining a single approach that combines results definition with activities and resources, the experts defined a framework that can be applied in a variety of circumstances and to varying degrees.

Importantly, the framework recognizes the often substantively unequal point of departure experienced by FNCFS agencies working in their communities and the layers of holism that must be nurtured around the core agency mandate of protection. In the framework, from both the perspectives of agencies as service delivery organizations and that of services to communities (including children and families), there are four streams of activity to consider: safety, child well-being, family well-being, and community well-being. While an agency may not be solely accountable for the outcomes of the people that they serve, their work has broader impacts and should be understood, evaluated, and resourced accordingly. Consider for instance, using school success as an indicator of child well-being or the number of moves a child experiences in care to better understand how they are faring in their care placement.

TABLE 14

RESULTS-BASED OVERVIEW OF A DESIRED FNCFS SYSTEM

		CHILD SAFETY	CHILD WELL-BEING	FAMILY WELL-BEING	COMMUNITY WELL-BEING
INDICATORS	Service Delivery, FNCFS Agencies	▪ Child injury (non-accidental) ▪ Child sexual abuse ▪ Staff qualifications (based on activities and services) ▪ Retention rates of staff ▪ Staff vacancies	▪ School success (understand how a child is doing) ▪ Staff qualifications (based on activities and services) ▪ Retention rates of staff ▪ Moves in care (understand how a child is doing) ▪ Staff vacancies	▪ Housing stability ▪ Mental health and rates of substance misuse ▪ Staff qualifications (based on activities and services) ▪ Retention rates of staff ▪ Rates of removal of children ▪ Rates of reunification ▪ Rates of reunification breakdown ▪ Staff vacancies	▪ Proportion of children placed in community resources ▪ Staff qualifications (based on activities and services) ▪ Retention rates of staff ▪ Agency responsiveness ▪ Quality of staffing/activities ▪ Perception of care and services ▪ Staff vacancies
	Services for First Nations children, families, communities	▪ Substantive equality ▪ Number of non-voluntary interventions ▪ Perceived coercion in interventions ▪ Non-accidental child injuries (observable and non-observable) ▪ Child sexual abuse ▪ Suicides ▪ Suicide attempts ▪ Self-harm related behaviour ▪ Feeling hope, belonging, purpose and meaning	▪ Substantive equality ▪ Vocabulary (indicator = total word count) ▪ School success ▪ Social/relationships ▪ Well-equipped schools ▪ Awareness/fluency of Indigenous language(s) ▪ Feeling hope, belonging, purpose and meaning	▪ Substantive equality ▪ Time and quality of family time/interaction ▪ Number and quality of partnerships (service partnerships and social support) ▪ Honouring of family rituals and traditions (frequency/regularity) ▪ Feeling hope, belonging, purpose and meaning	▪ Substantive equality ▪ Access to clean water ▪ Food security ▪ Adequate housing ▪ Number of community members to teach Indigenous languages ▪ Self-determination over system (i.e. policing, health, recreation, etc.) ▪ Community rates of substance misuse ▪ Community rates of trauma and psychological distress ▪ Access to services within community (education, health, social services) ▪ Access to broadband and connectivity tools ▪ Feeling hope, belonging, purpose and meaning

		CHILD SAFETY	CHILD WELL-BEING	FAMILY WELL-BEING	COMMUNITY WELL-BEING
ACTIVITIES	Service Delivery, FNCFS Agencies	▪ Programs for prevention of child sexual abuse ▪ Programs for infant injuries (i.e. shaken baby syndrome)	▪ Child support services ▪ Trauma support services for victims of sexual abuse	▪ Family support services (i.e. for kids at risk)	▪ Out of family home-based care ▪ Residential programs for adolescents ▪ Programming for transitions out of care – adult services or independently ▪ Stakeholder engagement
	Services for First Nations children, families, communities	▪ Trauma-based interventions for sexual abuse ▪ Culturally-informed practice ▪ Teaching and revealing healthy behaviours of community ▪ Partnering children and elders	▪ Activities (clubs/camps/ libraries etc) ▪ Special needs programs ▪ Play spaces ▪ Support programs for foster siblings and pets (keeping siblings together; nurturing relationships)	▪ Development of collaborative networks of care/integrated resources (social services, housing, trauma/mental health) ▪ Maternal-child interaction interventions ▪ Father-child programs	▪ Programming/activity options for children ▪ Opportunities to engage in community activities ▪ Community wellness (i.e. addressing history)

INPUTS (RESOURCES)	CHILD SAFETY	CHILD WELL-BEING	FAMILY WELL-BEING	COMMUNITY WELL-BEING
Service Delivery, FNCFS Agencies	▪ Liaison staff with healthcare professionals ▪ IT (broadband/video connection); internal and outside connection ▪ Data architecture and analysis ▪ Peer support among agencies ▪ Staff trained to deliver programs effectively ▪ Employee assistance program ▪ Case mix adjusted case load (must better understand case complexity)	▪ Liaison staff with the school system (staff in schools who can get to know the kids) ▪ IT (broadband/video connection); internal and outside connection ▪ Data architecture and analysis ▪ Staff trained to deliver programs effectively ▪ Personalized coaching support (who does a child have in their community that helps them along?)	▪ Liaison staff with adult substance use and mental health services ▪ IT (broadband/video connection); internal and outside connection ▪ Data architecture and analysis ▪ Staff trained to deliver programs effectively	▪ Capital (buildings, vehicles, IT, staff) ▪ Human (foster parents from community, kinship parents, community care (traditional)) ▪ IT (broadband/video connection); internal and outside connection ▪ Data architecture and analysis ▪ Staff trained to deliver programs effectively
Services for First Nations children, families, communities	▪ Intergenerational program resources (people, funding) ▪ Specialized social workers for issues such as sexual abuse, safety and neglect ▪ Group homes ▪ Family and child care workers ▪ Specialized foster parents ▪ Policy specialists ▪ Legal specialists/in-house counsel ▪ After-care team for family post-removal (mental health, youth, social workers) ▪ Capital (agency building) ▪ Data	▪ Peer support ▪ School buildings ▪ Stable, quality teachers and administrators ▪ Culturally-based learning resources ▪ Social-emotional development (e.g. mall trips) ▪ Mental and physical health workers (for children and family) ▪ Child and youth workers ▪ Group homes ▪ Transportation ▪ Family and child care workers ▪ Trained staff ▪ Specialized foster parents ▪ Data	▪ Capital/per person (IT infrastructure, vehicles, housing, home appliances) ▪ Peer support among agencies ▪ Family resource centres ▪ Mental health and substance misuse workers ▪ Community recreation centres, gardens, kitchens ▪ Access to good legal counsel ▪ Transportation (i.e. trips to Costco) ▪ Family support workers ▪ Family well-being/resource centres ▪ Data	▪ Dispute resolution mechanism; community oversight ▪ Community wellness funding ▪ Peer support among agencies ▪ Knowledge and access to services ▪ Foundations for “healing” ▪ Dispute resolution mechanism ▪ Community wellness funding ▪ Data

To secure this outcomes-based approach in the funding allocations to agencies, one must take a step back to the source of funds (i.e. the consolidated revenue fund and the fiscal framework) for FNCFS program activities. At its source, funding for the FNCFS program should be ring-fenced or allocated as a separate line item in the departmental budget on which Parliament must vote. The ring fencing should encompass funding targeting program activities that are aligned to desired outcomes.

While the Treasury Board may make decisions possible through funding allocations from the planned fiscal framework, Parliament's approval is required before moneys can be disbursed from the Consolidated Revenue Fund (CRF) for the government's use. Annually, Parliament reviews and approves (or rejects) the government's spending proposals for the whole of government by voting on the Appropriations (as supply bills).[110] The bills are supported by the Estimates or "blue books," which are explanatory compendiums of the appropriations acts. Divided by department (as are the supply bills), the Estimates break down spending into voted categories (e.g. program, capital expenditures, operating expenditures, grants and contributions, and other), and provide some high-level information on the nature of departmental spending. For information purposes only, the Estimates also break down spending by program areas.

The current vote structure provides departments with blocks of money to be used for set purposes (e.g. operating, capital, grants and contributions). This vote structure however, does not let one see how money is assigned to program priorities, nor does it prevent a department from reallocating resources between programs and priorities (within the voted category).[111]

Parliament is accountable for financial control before it votes on appropriations, and after the money has been spent (through the

[110] In practice, with a majority government, supply bills, as with most other bills, easily pass. Any money bills, e.g. supply bills, the budget bill, etc., are matters of confidence. Should a government lose such a vote, convention would require that they would seek dissolution by the Governor General.

[111] When cabinet approves a policy or program, the Treasury Board is responsible for assessing and recommending the authorities required for departments to operationalize the policy and funding decision. A committee of cabinet, the Treasury Board is led by the President of the Treasury Board (currently, the Hon. Scott Brison) and is supported administratively by the Treasury Board of Canada Secretariat (TBS).

assessment of results). Performance information, which is critical for assessing value for money, is not presented by operating expenditures, capital expenditures and grants and contributions, but by program activity areas. This further complicates Parliament's ability to assess resource allocations against outcomes.

The purpose of 'ring-fencing' funding (i.e. voting by program activity) is to have a program's allocation appear as a separate line-item in the supply bills i.e. within the Grants and Contribution vote. It is the Treasury Board that makes the recommendation on the vote structure and can suggest that a program appear as a distinct line-item in the supply bills. By ring-fencing funding, a department is allocated a set amount of funding for that specific program or priority that is distinct, easily identifiable and traceable (instead of collapsing that allocation into a broader spending category). Also, the amount cannot be reallocated to other vote categories without Parliament's approval.

Consider for instance, ISC's $9.3 billion in voted appropriations for 2018–2019 (see Figure 47).[112] Of the $9.3 billion total, we cannot determine from the Estimates how that money will be spent on specific priorities or programs, such as First Nations child and family services. All that we can see are three vote categories: operating, capital and grants and contributions. For informational purposes only, program purposes and transfer payments are listed below the vote structure, but we can only surmise as to which funding category will source First Nations child and family services.

[112] Treasury Board of Canada, Secretariat, "Estimates 2018–2019," https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates/2018-19-estimates/main-estimates.html#idchapter563701088

FIGURE 47

Table 117. Organizational Estimates (dollars) - Department of Indigenous Services Canada

	2016–17 Expenditures	2017–18 Main Estimates	2017–18 Estimates To Date	2018–19 Main Estimates
Budgetary				
Voted				
1 **Operating expenditures**	0	0	105,920,875	1,514,225,594
5 **Capital expenditures**	0	0	1	5,411,792
10 **Grants and contributions**	0	0	253,685,391	7,726,188,009
Total Voted	0	0	359,606,267	9,245,825,395
Total Statutory	0	0	0	79,386,979
Total Budgetary	0	0	359,606,267	9,325,212,374

Note: Additional details by organization are available on the Treasury Board Secretariat website – http://www.canada.ca/en/treasury-board-secretariat.html

The Departmental Plans, which represent the annual business plan of a department can be read in concert with the Estimates. This document offers insight into how spending is being planned for the department, but the government has the opportunity to adjust the plan without going back to Parliament for approval. A department may reallocate money within its appropriated budget to different activities within the vote category. By ring-fencing funding, one establishes a guarantee that a defined amount of the department's budget must be allocated to a specific program and cannot be changed or reallocated by the department, unless approved by Parliament.

For instance, the Department of Transport is part of a pilot project of a program-based vote structure for grants and contributions (see Figure 48).[113] This means that in the department's votes in the supply bills, separate votes were defined for types of grants and contributions. The department had votes for operating expenditures, capital expenditures, and three separate votes for grants and contributions with defined purpose in the vote. This is a positive step ensuring the department must spend in the priority areas and cannot move money away from the vote's set allocation. While this does ring-fence funding in the priority areas, we still have to guess as to which grant and contribution programs fall into each vote category.

[113] Treasury Board of Canada, Secretariat, "Estimates 2018–2019," https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates/2018-19-estimates/main-estimates.html#idchapter320832720

FIGURE 48

Table 141. Organizational Estimates (dollars) - Department of Transport

		2016–17 Expenditures	2017–18 Main Estimates	2017–18 Estimates To Date	2018–19 Main Estimates
Budgetary					
Voted					
1	Operating expenditures	534,936,182	596,606,256	672,727,368	696,852,654
5	Capital expenditures	89,538,022	138,591,900	142,291,900	122,989,854
10	Grants and contributions – Efficient Transportation System	0	0	0	401,910,138
15	Grants and contributions – Green and Innovative Transportation System	0	0	0	41,601,775
20	Grants and contributions – Safe and Secure Transportation System	0	0	0	27,772,681
–	Grants and contributions	312,300,832	336,776,516	378,778,927	0
Total Voted		936,775,036	1,071,974,672	1,193,798,195	1,291,127,102
Total Statutory		254,383,748	230,857,877	236,872,393	223,825,936
Total Budgetary		1,191,158,784	1,302,832,549	1,430,670,588	1,514,953,038

Note: Additional details by organization are available on the Treasury Board Secretariat website – http://www.canada.ca/en/treasury-board-secretariat.html

In an ideal situation, the grant and contribution vote would breakout funding by a specific activity or funding area. For instance, ISC would have a series of grant and contribution votes for program areas such as child and family services, First Nations and Inuit health, etc.

The separate program activity vote or ring-fencing approach establishes a program to deal with a specific public policy issue, funded by a separate line-item in the Appropriations (supply bills). While annual parliamentary approval is required to allocate the funds, the funding amount for the year is clear as it is published as a separate line in the Estimates. In addition, it helps to focus the attention of the Executive and Parliament on desired outcomes.

This type of funding arrangement offers flexibility, as it can be adjusted on an annual basis before it is voted by Parliament. Should a government wish to reallocate money during the fiscal year, it would have to return to Parliament for approval (obtained through a vote transfer or adjustment to the fiscal framework). While funding may increase, it risks being decreased as well. As a separate vote in the supply process, there is an added measure of accountability to this arrangement. Money allocated to the program cannot be moved around or assigned to other

departmental priorities. While transparent and targeted, this funding arrangement is not responsive in-year to changing user needs.

With the opportunity for changes to the FNCFS funding structure, an approach that ring-fences funding for the program and then allocates it based on program activity areas would be a step to enhanced transparency and accountability for funding. This would enable FNCFS agencies and stakeholders to more clearly track allocations related to the FNCFS program within ISC.

Working from this approach, funding allocations to agencies would also be aligned to activity areas. This means that agency funding would be allocated and performance assessed against program activity areas such as protection and maintenance, prevention, capital, operating, and governance and data.

Once the Estimates vote structure and departmental grant & contribution funding has been reconsidered, agency level funding mechanisms must also reflect the desired performance framework. Grant and contribution funding would then be allocated to individual FNCFS agencies. These agencies will require funding to achieve three objectives: adequacy (short and long term), flexibility (to (re)allocate to priorities) and connected to desired outcomes (for performance, reporting and accountability). IFSD research and consultations regarding best practices has found that *block funding* at the agency level would best support these three fundamental objectives. Funding agencies in blocks, reflecting individual program activities, where agencies are accountable for managing their priorities and resources would alter incentives. Instead of working around the system, agencies could focus on working with the system to plan and deliver their services with regularized funding allocations that align to their operations.

It is recommended that block transfers be used to fund the FNCFS program to provide flexibility in allocation and accountability to stakeholders.

Precedent for block funding to FNCFS agencies exists. West Region Child and Family Services (WRCFS) was part of a pilot project on block funding that was evaluated in 1994. The evaluation found that the approach was successful in not only decreasing the number of children in care, but in

improving planning for children (emphasizing treatment) and focusing on community care programming. It was recommended that the block funding approach be made available to other agencies. Accountable for managing its block grant, WRCFS's approach to cost analysis was considered sophisticated in the evaluation and was reported to be used for program planning.[114] The block funding ended however, with the introduction of the EPFA formula. For WRCFS, this resulted in a reduction in resources and flexibility in its program design and planning abilities. The agency lost its community-focused and prevention-oriented mechanisms for care and services.

The importance of relevant data collection and its use for agency planning and program development cannot be overstated. In an attempt to secure a block funding grant to fund increased prevention-focused services for one of its First Nation communities, the Centre de Jeunesse de l'Abitibi-Témiscamingue,[115] used its own data to make the case for differentiated and increased need. The Centre's data tracked when a child accessed services, whether or not the child was placed in care, and the recurrence of the child's contact with the system. With this information, the Centre was able to demonstrate that children in the First Nation community of Lac Simon had significantly higher demand and need for services than those in the neighbouring non-First Nation community. The cases of WRCFS and the Centre de Jeunesse de l'Abitibi-Témiscamingue reflect the importance of aligning expenditures to outcomes and measuring what matters to improve planning.

In order to better serve the country's most vulnerable families and children, Canada needs to rethink its approach to responding to cases of child maltreatment. Instead of asking "how do we protect children?", experts convened for the IFSD roundtable emphasized that a better point of departure is asking "what do children need to thrive?" In addition to pivoting to an outcomes and prevention-based frame, there is a need to establish contextually-relevant, evidence-based services that are rooted in improving long-term outcomes among children and families involved in the child welfare system.

[114] Mackenzie, 1994, p. 104.

[115] Testimony before the Canadian Human Rights Tribunal, (2013) (statement of Sylvain Plouffe, director general of the Centre Jeunesse de l'Abitibi-Témiscamingue).

Understanding outcomes among First Nations peoples has been traditionally complicated by a lack of reliable data. There are several challenges unique to First Nations data collection and management that have made it difficult to measure the scope of health issues and limit comprehensive analysis. Some of these include the failure to separate First Nations identity from the general population, gaps in coverage, aggregation that is geographically too broad, multiple data sources, ambiguity and lack of regulation over who owns and controls the data, and the use of culturally inappropriate indicators. Current efforts have also been critiqued for focusing on secondary issues (e.g. disease prevalence) as opposed to root causes of ill health and well-being.[116]

More broadly, this is an important issue to address, as "data can highlight inequality and bring an evidence-based lens to policy making," and "provides baselines and benchmarks which allow for measurements of change over time."[117] At the program level, as with child welfare, data is essential to inform good strategic planning and provide the space for knowledge sharing and innovation among FNCFS agencies.

As McBride (n.d.) notes, "data is only as useful as the ability of communities to assess and respond to it," and for "communities to engage with data, there has to be local capacity to access, collect, and analyze it."[118] Many FNCFS agencies currently lack this capacity. Among agencies that do have this capacity, there is no streamlined mechanism around what data is collected, why and how. Therefore, a consistent recommendation from experts is to establish a First Nations data secretariat and resource centre for FNCFS.

In the proposed future state for the FNCFS program, there's an emphasis on performance and outcomes for agencies and communities. Focused on holistic well-being, prevention funding for FNCFS agencies is proposed to address contextual challenges and general population needs, not only those of protection-related services. Various agencies have demonstrated the importance of measuring what matters to better adjust planning and programming for communities. Building

[116] Kate McBride, "Data Resources and Challenges for First Nations Communities: Document Review and Position Paper," (The Alberta First Nations Information and Governance Centre, n.d.).

[117] McBride, n.d.

[118] McBride, n.d.

on data as a tool for improved services, it is also necessary for performance evaluation.

Among FNCFS agencies, there is no consistent set of indicators of well-being that are regularly tracked and collected. This leaves a gap in understanding of outcomes for children, families, communities and the agencies' own organizations. With a new funding structure, there is an opportunity to establish a secretariat dedicated to FNCFS agencies and the well-being of the communities they serve. Working with FNCFS agencies and experts, this secretariat would develop a streamlined reporting system that would have agencies report on overall indicators of well-being for their people and organizations (similar to those in Table 14 from the expert roundtable). Assessing indicators in the categories of child safety, child well-being, family well-being and community well-being would enable agencies and communities to better plan and respond to changing needs.

The proposed secretariat would be guided by OCAP® principles and would ensure that the data shared by FNCFS agencies is returned directly to them, publicizing only national aggregated data with the permission of the participating FNCFS agencies. There would be a learning period of at least one full year in which the secretariat would undertake its work. The secretariat may request that a variety of data be collected to better understand their utility and to identify continued gaps in understanding. The year would allow the secretariat to refine its data collection process with feedback from stakeholders, ensuring it is responsive and relevant in its work.

British Columbia's First Nations Health Authority (FNHA) may be a partial model for the secretariat from the perspective of its data collection, maintenance and dissemination practices. Since 2013, the FNHA has been responsible for planning, managing, funding, and delivering health programs in partnership with First Nations in British Columbia.[119] Their culturally relevant approach to knowledge gathering and indicators to measure well-being may serve as a starting point for developing related data practices that include safety and the well-being of children, families and communities. A stakeholder focused organization, the FNHA frequently and purposefully engages with its communities to gather

[119] First Nations Health Authority, 2018, "About the FNHA."

knowledge and identify areas in need of improvement.[120] The First Nations Information Governance Centre (FNIGC) may similarly offer a model to emulate. First Nations-led, the FNIGC is dedicated to producing "portraits of the lives of First Nations people and the communities they live in," with the goal of improved decision-making. The secretariat's mandate would differ slightly and would focus on indicators to better understand the results of contextual challenges, programs and policies on children, families and communities.

Having reliable data means improving accountability for stakeholders and opportunities for improvement and refinement of policies, programs and activities. Agencies have demonstrated the utility of sound data for decision-making. Enhancing the data collection process to ensure it is meaningful, relevant and produces information agencies and communities can leverage is possible and should be pursued.

It is recommended that a secretariat dedicated to results-oriented data be established to support FNCFS agencies in their work.

The characteristics of FNCFS agencies transcend boundaries and funding formula divisions. Agencies and experts agreed that their shared experiences and common challenges would benefit from a national resource centre at the service of all FNCFS agencies. A resource centre dedicated to aggregating content, developing resources and supporting agencies would serve as a platform for engagement, ideas sharing, and collaboration among agencies.

Developed as an online platform, the resource centre would have a small team dedicated to fulfilling its mandate. The opportunity with the resource centre is to share the human and resource requirements of developing new programming or strategies for addressing challenges common to FNCFS agencies. The centre also has the opportunity to serve as an archive or library of wise practices and approaches to care and holistic well-being. For instance, if an agency has successfully developed a program for supporting families struggling with substance misuse, they may share the details with the centre, which in turn could connect the agency delivering the program to others who may wish to learn from it. The most recurring comment from 60% of workshop

[120] First Nations Health Authority, 2018, "Engagement process."

attendees was that the most valuable part of the workshop was collaborating, sharing ideas and networking with peers from across the country. The possibility of leveraging that knowledge and sharing it across FNCFS agencies represents an unparalleled opportunity for amplification of efforts and the possibility for positive change.

As an organization sharing specific knowledge and expertise, the First Nations Lands Management Resource Centre (FNLMRC) may be a model for the role of an FNCFS resource centre. Dedicated to supporting First Nations at various points in the land management process, the FNLMRC offers a variety of services and strategic advice to meet a diversity of needs. Similarly, the FNCFS centre may seek to develop its expertise in FNCFS wise practices, as well as related issues such as health and supporting infrastructure. The focus of the centre's mandate would be to serve as a platform for collaboration and network building among agencies. Expanding capacity and sharing knowledge can help to multiply FNCFS agency efforts and encourage constant growth and learning.

Should they be established, the secretariat and centre would benefit from including common existing practices of other First Nations organizations in their operations and mandate. Such practices include a board of directors representative of the First Nations served; the provision of First Nations-specific services; and annual reporting on objectives, progress and finances.

It is recommended that a FNCFS resource centre be established as a platform for knowledge sharing and collaboration among FNCFS agencies in support of their common mandates.

CONCLUSION: RECOMMENDATIONS AND FUTURE RESEARCH DIRECTIONS

The current protection-focused system does not produce adequate results for children and families, fails to recognize the contextual challenges that lead to disadvantaged starting points for many communities, significantly underfunds prevention, has important gaps in capital and IT spending, struggles to remunerate employees relative to provincial levels, and falls short on data collection and analytics required to identify and support wise practices.

In this context, IFSD makes a number of recommendations (as listed in the Executive Summary):

1. It is recommended that block transfers be used to fund the FNCFS program to provide flexibility in allocation and accountability to stakeholders.

2. It is recommended that contextual issues such as poverty, be recognized and addressed through policy, programs and funding.

3. It is recommended that prevention be funded on a per capita basis for the total population served by the agency (not only children) at a rate of $800–$2,500 per person.

4. It is recommended that there be a one-time capital investment, and a benchmark recapitalization rate of a minimum 2% per annum (of asset base) added to agency budgets.

5. It is recommended that IT be funded at a rate of 5%–6% of total annual budgets, consistent with industry practices.

6. It is recommended that:
   - Social workers be remunerated at levels comparable to provincial salary levels.
   - A study be undertaken to assess why FNCFS agencies are unable to remunerate their employees at provincial levels.

- A study on case complexity be undertaken, with consideration of differing community contexts when determining reasonable caseload levels.
- FNCFS employees have access to professional support and development, including leave for compassion fatigue.

7. It is recommended that a secretariat dedicated to results-oriented data be established to support FNCFS agencies in their work.

8. It is recommended that a FNCFS resource centre be established as a platform for knowledge sharing and collaboration among FNCFS agencies in support of their common mandates.

Recommendations for Further Research

IFSD has three recommendations with respect to next-steps to further the work undertaken in this study:

1. Establish a performance framework to underpin the First Nations Child and Family Services system across Canada.

2. Develop a range of options with regards to the funding models that would support an enhanced performance framework.

3. Transition to a future state in full consideration of the data, human capital and governance requirements.

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APPENDIX A

Needs Assessment

IFSD
IFPD

115 Séraphin-Marion Private, Room 107, Ottawa, ON K1N 6N5
613-562-5800 x 1402 | kevin.page@ifsd.ca

April 10, 2018

Re: Request for analysis of existing needs assessments

At the request of the Caring Society, the Assembly of First Nations (AFN), and Indigenous Services Canada (ISC), the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa undertook analysis of First Nations child and family services (CFS) agencies' needs assessments submitted to ISC between June 2017 and March 2018. The needs assessments were submitted in response to a letter from then Indigenous and Northern Affairs Canada (INAC) to First Nations CFS agencies dated October 28, 2016.[1]

In its review, the IFSD was asked to provide:

1) A summary of findings from existing needs assessments prepared by First Nations CFS agencies to inform a funding approach (pursuant the Canadian Human Rights Tribunal's (CHRT) February 2018 order);
2) An assessment as to whether the information from existing needs assessments could inform a cost analysis of First Nations CFS agencies while accounting for operating, capital, programmatic, governance, and other considerations for both average and small agencies (pursuant to 2018 CHRT 4 pars. 231 and 408; 249-250 and 418-419); and
3) A research plan to collect the required data and to conduct analysis to respond to the CHRT's orders, should the existing needs assessments fail to yield the required information.

IFSD received existing needs assessments on a USB key from ISC on March 21, 2018. There were 73 agencies that had completed the needs assessments, as well as reports from three regional organizations that aggregated regional findings, with some appending contributing agencies' needs assessments. Based on an agency list provided by ISC in 2017, there are 109 First Nations child and family services agencies in Canada. IFSD reviewed the 73 needs assessments and regional reports leveraging its approach from the National Advisory Committee (NAC)-IFSD survey of First Nations CFS agencies.

[1] In a letter addressed to "First Nations Child and Family Services Agencies (Executive Directors, Directors, and Managers)," dated October 28, 2016, then Indigenous and Northern Affairs Canada (INAC) offered two one-time funding opportunities, in response to the 2016 CHRT 16, par. 39. The first was $25,000 for a needs assessment, and the second was up to $75,000 for the development and implementation of culturally appropriate programs and tools for the communities served. The needs assessments to provide information about the agencies' "distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services," was the focus of the IFSD's analysis. IFSD was not asked to comment on the submissions for the second block of funding.

In its analysis, IFSD used a framework that captured the elements of the CHRT order by assessing whether the needs assessments commented on and provided cost data for capital, operating, programmatic, governance and other particular circumstances (see Annex 1 for definitions). The framework was developed to respond to the requests above, by aggregating results to determine if the information in the needs assessments could inform a funding approach and a cost analysis for all agencies, with attention to small agencies. IFSD did not comment on the quality of the information presented, but only on whether a narrative and/or cost estimate appeared in the submitted document (see Annex 2 for the framework). However, while narratives on the current-state provide useful context, without data related to cost estimation, the assessments would not support the fulfillment of the CHRT order.

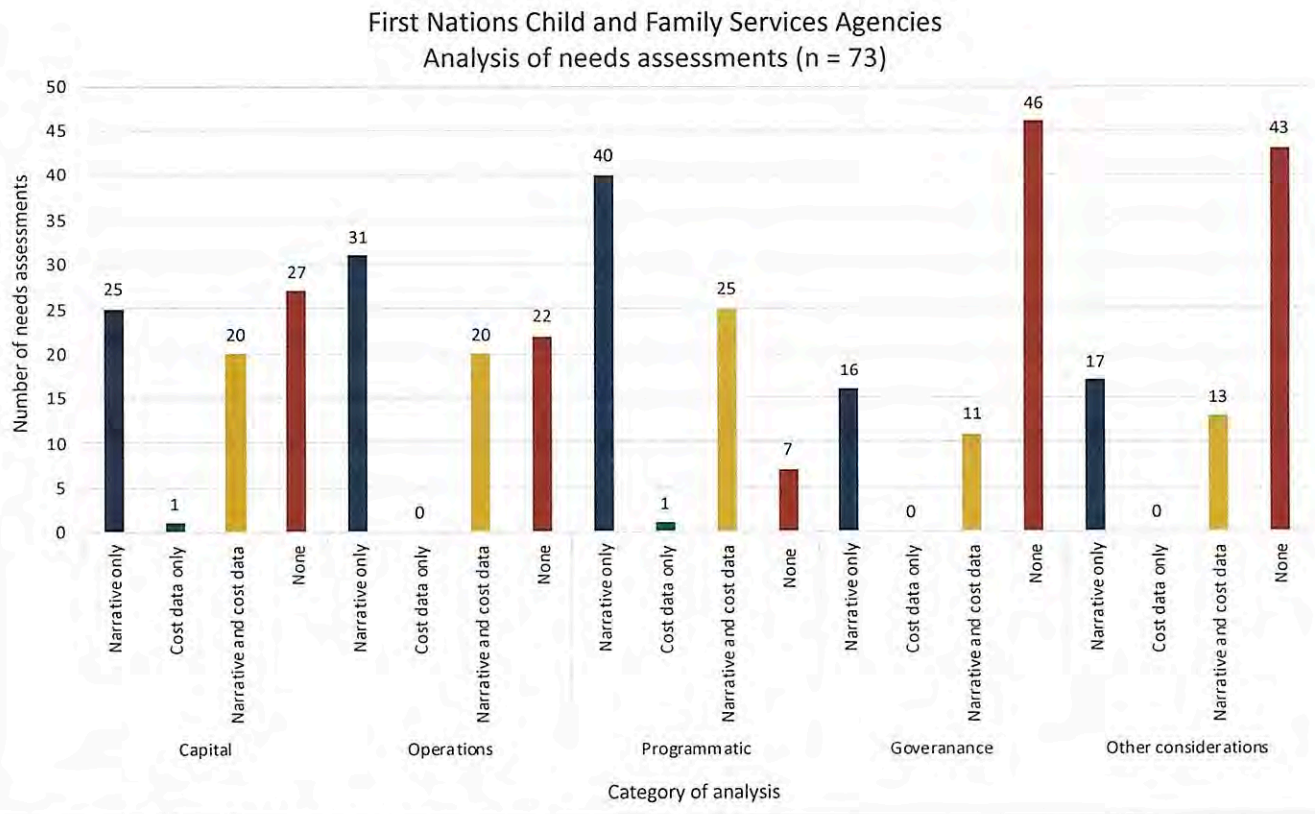

Figure 1: Summary of needs assessments reporting.

While the needs assessment exercise may have been designed to support a number of processes, the results are insufficient and as a result, unusable in the context of a cost analysis to inform a funding approach.

The results of IFSD's analysis of the 73 needs assessments suggest that (see Figure 1):

1) The qualitative and quantitative information submitted in the needs assessments is inadequate to undertake a program cost analysis.
2) It appears that the instructions provided by INAC in the October 28, 2016 letter were sufficiently vague allowing for wide interpretation by agencies and resulting in a variety of responses, that were not conducive to the acquisition of financial data required for cost analysis of funding needs. This may have contributed to the array of data and narrative formats of the needs assessments, resulting in significant variance in the nature and quality of the information presented.
3) Needs assessments from Manitoba-based agencies reported effectively with quantitative cost data and qualitative narratives to define and explain gaps in capital, operating, and programming budgets, as well as to identify other considerations particular to their agencies. While useful, more detailed information will be required for the cost analysis.
4) Nearly all (90%) of needs assessments reported on programmatic considerations (protection and/or prevention), with approximately 61% of those reporting only with a narrative and approximately 38% reporting with both cost and narrative data.
5) 70% of agencies reported on their operational needs, mostly in narrative form.
6) 63% of agencies reported on their capital needs, mostly in narrative form.
7) Few agencies reported on governance considerations (37%) and on other considerations (41%) in their needs assessments.
8) Of the 73 needs assessments, 42% reported on the size of the community they serve. From the reporting group, there are 9 small agencies (serving less than 1,000 children) and 22 average size agencies. The sizes of the other agencies were not reported in the needs assessments.

Financial analysis will require information aligned to the cost categories defined in Annex 1 based on agency needs (e.g. capital, which includes building maintenance, repairs and retrofitting of buildings, land, vehicles, and technology equipment). For compliance with the CHRT order of a cost analysis, the data collected from this exercise is insufficient.

Given this result, the IFSD has appended a proposed research plan to this letter (see Annex 3) to collect the required data and to conduct analysis in fulfilment of the order, pursuant to the request made by the Caring Society, AFN, and ISC.

Respectfully submitted,

Kevin Page

Kevin Page
President & CEO, Institute of Fiscal Studies and Democracy
University of Ottawa
(Former Parliamentary Budget Officer of Canada)

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Annex 1 – Definitions

Category		Definition and examples	Tribunal References and Notes
Capital		**The acquisition and maintenance of fixed assets.** Examples include maintenance, repairs and retrofitting of buildings, land, vehicles, and technology equipment (e.g. phones, computers, software).	
Operations		**The ongoing costs of doing business.** Examples include salaries, benefits, agency legal fees, staff training, travel expenses, and small agency deficits.	
Programmatic	Protection	**Programs associated with placing a child in alternative care outside of the parental home.** Examples include non-medical services to children in care with behavioural problems and specialized needs, purchases on behalf of children in care, per diem costs for children in care in placements out of the parental home (including foster care, group homes, institutional care, and kinship care), post-adoption subsidies and supports, professional services not covered by other jurisdiction or by Health Canada's Non-Insured Health Benefits Program,	The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada to analyze the needs assessments completed by First Nations agencies in consultation with the Parties, interested parties (see protocol order below), and other experts; and to do a cost-analysis of the real needs of First Nations agencies including prevention/least disruptive measures, intake and investigation, building repairs and legal fees related to child welfare taking into account travel distances, case load ratios, remoteness, the gaps and/or lack of surrounding services and all particular circumstances they may face. (2018 CHRT 4 para 408)
	Prevention	**Programs designed to reduce the incidence of family dysfunction and breakdown or crisis and to reduce the need to take children into out-of-home care or the amount of time a child remains in out-of-home care.** Examples include violence prevention and family support services, mentoring and non-medical counselling services, home management services, land-based and cultural programming, intensive family reunification programs, least disruptive measures, purchase of basic needs items (eg security deposit, money for diapers), intake and investigation, transportation and accommodation for medical and non-medical appointments, home management services, Child Service Purchase Amount, and respite care.	
Governance		**Accountability, transparency and decision-making mechanisms.** Examples include Content Management Systems, collecting and analysing data, audits and evaluations, Band councils, Elder councils, and advisory boards.	
Size of agency		**Small agencies are agencies that serve a child population of less than 1000. (2016 CHRT 2 para 187)**	The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada to analyze the needs assessments completed by First Nations agencies in consultation with the Parties, interested parties (see protocol order below), and other experts and to do a cost-analysis of the real needs of small First Nations agencies related to child welfare taking into account travel distances, case load ratios, remoteness, the gaps and/or lack of surrounding services and all particular circumstances they may face. (2018 CHRT 4 para 418)
Other considerations		**Related to the unique situation of an agency.** Examples include remoteness, and availability of services in the community.	The Panel ordered INAC to immediately address how it determines funding for remote FNCFS Agencies. Current funding does not account for such things as travel to provide or access services, the higher cost of living and service delivery in remote communities, the compounded effect of reducing core funding for remote agencies that may also be smaller agencies (see paras. 213-233 and 291 of the Decision). In its subsequent ruling in 2016 CHRT 16, the Panel ordered INAC to provide detailed information to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows them to meet the actual needs of the communities they serve. (2018 CHRT 4 para 339)
Narrative		Qualitative information or explanatory notes to give meaning to the cost category.	
Cost data		Quantitative financial information ($) of the agency's expenses in the cost category.	

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Annex 2 – Needs Assessment Framework

Province	Agency name	Capital		Operations		Programmatic		Goveranance		Other considerations		Small agency	
		Narrative	Cost Data	Narrative	Cost Data	Narrative	Cost Data	Narrative	Cost Data	Narrative	Cost Data	Yes	No

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Annex 3 – Research proposal

Project Plan
Analyzing First Nations Child and Family Services (FNCFS) Agency Needs

Context

The Canadian Human Rights Tribunal (CHRT), in its January 2016 decision and subsequent rulings, has found that Canada has used a discriminatory funding approach for FNCFS agencies. Canada states it is committed to implementing these orders.

In support of Canada's efforts to develop an alternative system to fund First Nations child and family services, Indigenous Services Canada requires the services of a funding/technical and research expert with knowledge of Indigenous issues, and Indigenous practices with respect to data collection and Indigenous intellectual property as well as child and family services.

Purpose

Our understanding of your needs suggests that the purpose of this project is to develop reliable data collection, analysis and reporting methodology for analyzing the needs of FNCFS Agencies. Specifically, this project will support the implementation of the following orders:

1) Work with experts to develop a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines for analyzing the needs of First Nations Agencies (Order defined in par. 421);
2) Canada is accountable for analyzing the needs assessments and undertake a cost-analysis of the needs of agencies, in consultation with the parties and other experts (Orders defined in pars. 408 and 418).

If selected as the Contractor, the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa will provide technical expertise to analyze agency needs, will provide strategic advice on how to best monitor and respond to actual agency needs from fiscal and governance perspectives, with an approach informed by understanding, existing research, and analysis of assessments done by agencies and communities.

The IFSD will engage with the Assembly of First Nations (AFN) as the project contract holder.

Guiding Questions

1) What are agencies' needs in *protection* (e.g. intake and investigation, least disruptive measures (secondary, tertiary prevention and family case conferencing)), *prevention* (e.g. child purchase amount and primary prevention needs (public education, early childhood interventions etc.)), *operations* (e.g. salaries, legal fees related to child welfare), *capital* (e.g. building repairs, vehicles, information technology), and *governance/reporting*?

2) What are the gaps between the current and desired states of agencies?

3) What are the funding requirements to support these agencies at the desired state (i.e. cost analysis)?

4) How can agencies' defined needs and their costs be translated into a new vision for First Nations child and family services, that focuses on leveraging cultural approaches and best evidence to support healthy families and communities and ensure the best interests of children?

5) How can agencies establish performance measures and conduct evaluations that promote organizational learning and development?

Methodology

As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous peoples, the project will follow the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans and OCAP principles in all of its work.

This means that IFSD will be subject to the University of Ottawa's ethics board review per the Tri-Council Policy Statements on Ethical Conduct for Research involving Humans.

Part 1: Needs assessments

Defining needs in a way that articulates the problem and performance objectives will drive design, governance, reporting, and implementation strategies.

1) Propose categories of agency activities in table form. Seek approval of table from stakeholders during May 2018 workshop at IFSD. This portion of the project will seek

consensus to define elements of a desired future state for First Nations child welfare. Proposed global indicators include:

a. Protection
b. Prevention
c. Operations
d. Capital
e. Governance/reporting
    i. Policy development capacity
    ii. Organizational evaluation and learning
    iii. Community communication and engagement

The proposed indicators are intended to enable agencies to define their needs on an activity basis and to facilitate the costing of these needs (i.e. desired outcomes) and initiatives in Phase 3. This part of the project will invite agencies to present their desired or normative state of operations, including multi-year funding structures to support long-term planning and program sustainability.

2) Analyze existing needs assessments undertaken by agencies and communities. Any gaps in data will be identified and filled by liaising directly with agencies or more granular research will be undertaken as required to support robust program design, effective governance, reporting and sustainable implementation strategies.
3) Leverage results of NAC-IFSD First Nations agency surveys to develop typology of agencies based on mandates, size, and needs.

NOTE: IFSD will produce monthly updates to communicate project progress and interim results to the project's stakeholders. These written updates (submitted via email and potentially posted on the project website) can be supplemented with briefings to interested parties by IFSD.

Part 2: Baseline definition and gap analysis

1) Define current baseline of agency *resource inputs* (i.e. financial, human resources (including regular working hours, and those supplementary hours worked without pay) budgets and *outputs* (i.e. activities). Design a survey to assess agency baseline indicators. Test the survey with agencies in different regions and of different sizes (based on NAC-IFSD survey research on agency characteristics).
Note: A more granular assessment of the current state can be undertaken by IFSD with agency/community visits. Having built existing research partnerships with various jurisdictions, IFSD understands the challenges and importance of building

trust, and co-developing research approaches with agencies and members of their communities. Establishing a clear current baseline across inputs, outputs, and outcomes will be paramount to defining the gap between the current and desired state of agencies.

2) Review results from Phase 1. Scrub data and prepare for program-level bottom-up costing, based on aggregated agency needs data for each type of agency.
3) Define detailed costing procedure and sources of actual cost data from agencies. Consider factors (beyond those defined in the needs assessment in Part 1) such as:
    a. Cross-agency collaborations on items such as peer support, professional development, communications, etc.
    b. Lost purchasing power related to the lack/insufficiency of inflation adjustments in Directive 20-1 and EPFA
    c. Identify extraordinary cost items that may require the establishment of national or regional pools such as liability costs, natural disaster contingencies, community emergency response contingencies)
4) Identify any missing data or other required analytic elements before proceeding with costing.

Part 3: Cost analysis

1) For each type of agency (defined in Part 1), cost agency needs by leveraging actual cost data. Costing will be undertaken on an indicator-basis (protection, prevention, operations, capital, governance/reporting), with line-items generated based on agency needs assessments.
2) Produce an overview of the costing exercise by agency type (for projections, cost analysis will include inflation).
3) Seek acceptance of findings during stakeholder workshop at IFSD in September 2018.

Phase 4: Final reports

1) Produce an initial assessment of findings:
    a. Cost analysis (by agency type)
    b. What does the agency organization have to look like to close the gap between the desired and current state?
    c. What procedure can be integrated for monitoring on-going agency and governance across inputs, outputs and outcomes?
2) Present report to stakeholders for feedback.

3) Allow for minor corrections or minor revisions to report based on stakeholder feedback.
4) The final report will make recommendations for DISC in pursuit of reforms to support a new funding approach, that promote long term planning and program sustainability (i.e.: multi-year funding, avoiding reliance on proposal-based projects).

Timelines and Deliverables

See Annex A

NOTE: Timelines are indicative and subject to the pace of data availability and acquisition commensurate with the needs and resources of the project. Based on previous experience, acquiring sufficient and reliable data is critical to establishing a strong foundation for subsequent stages of the project including the development of a forward strategy for First Nations child welfare. Data collection should be considered an ongoing exercise in continual improvement.

Data Sources

This work is to build on the extensive body of previous research in this area, including (but not limited to):

- Bridging Econometrics with First Nations Child and Family Services (Joint National Policy Review of First Nations Child and Family Services);
- Wen:de: We are Coming to the Light of Day;
- Wen:de: The Journey Continues;
- Decision and Orders of the Canadian Human Rights Tribunal;
- Phase 1 of the Remoteness Quotient research;
- Auditor General of Canada Reports (2008, 2011);
- NAC-IFSD survey of First Nations child welfare agencies;
- Existing agency and community needs assessments;
- Data requested from Indigenous Services Canada;
- National Advisory Committee Interim Report (2018);
- Other publicly available data and research relevant to the project.

Future Research Directions

It is expected that this research project will inform a new program architecture for funding First Nations child welfare and inform the following questions:

1) To what degree have agencies been supported to design culturally appropriate long-term plans to meet the needs of the children and families in the communities they serve? If agencies were supported, how were they funded and at what rate ($)? How was the implementation of existing plans supported in an evolving community context? For those agencies that did not have support, what inputs and implementation supports would be required to produce a long-term plan and implement it?

2) What are the primary current cost drivers for agencies in the areas of operations, protection, and prevention?

3) What are the costs associated with culturally based child welfare policy and program development and evaluation?

4) What are the most significant spending areas in agency budgets?

5) Are most agencies in surplus or deficit statuses?

6) How should "prevention" be defined? How should agencies define their prevention services? How can agencies foster a greater community role in providing well-being and prevention services? To what degree is effective prevention related to a need for equity in other federally funded services? How can prevention services be structured to ensure effective program development and sustainable operations?

7) How can funding be delivered in a way that enables agencies to be responsive to the unique needs of First Nations children, youth, families and communities?

8) What data architecture should be in place to identify and track the needs of First Nations child welfare agencies? What data architecture can agencies use to track the needs of their communities? What supports are needed for agencies to set community based performance measures and institute regular evaluations to enhance organizational learning?

9) What governance arrangements would support the achievement of agreed outcomes for First Nations child well-being? Would the governance arrangements differ based on agency type/characteristics? How does each governance arrangement define accountability, reporting, and evaluation (based on key performance indicators)?

10) What are appropriate models to forecast future agency needs for technology, infrastructure, administration and travel costs?

11) What are the core administrative staffing and related requirements of small agencies? How are these different than larger agencies or multi-site agencies?

12) What is the minimum size of agency and related population consistent with good social work practice to ensure the adequate provision of protection and prevention services based on community needs? What supports can be provided to First Nations communities without a First Nations agency regardless of population (e.g. primary prevention resources)?

Deliverable	Description	Accountability & resources	Deadline
Phase 1			
Approved project plan	– Client approves project plan and timelines	IFSD	April 5, 2018
Ethics reviews	– Submit ethics review to the University of Ottawa Research Ethics Board and to any First Nations communities as needed	IFSD	April 15, 2018
Analysis of existing needs assessment	– Evaluate content of agency needs assessment collected by DISC – Release public letter (addressed to Caring Society, AFN, and DISC) noting relevant data from the needs assessments and any gaps, given the diversity of the cost submissions and narratives	IFSD	April 15, 2018
Indicators table and survey design	– Define needs indicators that will inform needs analysis and costing exercise – Needs indicators will serve as cost categories – Prepopulate indicators (or request where not public available) to capture contextual data including special considerations for child need, agency demographics, community demographics, etc.	IFSD in consultation with client	May 15, 2018
Workshop #1	– Convene stakeholders to seek approval and agreement of indicators table	IFSD in consultation with	May 2018 (date TBC)

		AFN, NAC, Caring Society	
Analysis of existing assessments	– Collect and analyze existing agency and community assessments to inform needs analysis – Liaise directly with agencies to fill any data gaps – Are there needs trends in agencies based on characteristics such as mandate, region, size, etc.?	IFSD in consultation with agencies and communities (as required)	July 31, 2018
Phase 2			
Gap analysis	– Undertake a deep-dive analysis of current agency cost data across Canada – Define current baseline budget and cost information for agencies based on agency consultation visits	IFSD	September 30, 2018
Define costing procedure	– Produce costing procedure plan and approve with client	IFSD in consultation with client	
Cluster agencies based on typology	– Using NAC-IFSD survey data, cluster agencies into characteristic-based typologies – Seek client approval of agency typologies – Prepare to produce aggregate costing based on agency typology	IFSD in consultation with client	
Define and fill data gaps prior to costing	– Confirm access and availability of all costing-related data	IFSD	
Phase 3			

Costing assessment table	– Produce costing assessment based on agency typology – Present in table form based on needs indicators	IFSD	October 31, 2018
Draft findings	– Produce draft report on high-level findings of costing – Review results with client	IFSD in consultation with client	October 31, 2018
Workshop #2	– Convene stakeholders to seek approval of costing findings – Discuss paths forward for the development of a new program architecture for First Nations child welfare	IFSD in consultation with AFN, NAC, Caring Society	November 2, 2018
Phase 4			
Final report	– Leverage project and related analysis to respond to research questions in "Future research directions" section of project plan – Align needs and costing assessments to way forward for improved outcomes in First Nations child welfare	IFSD	November 15, 2018
Stakeholder feedback	– Review final report with client for feedback – Share final report with stakeholders for feedback – Allow for minor revisions and minor adjustments to final report	IFSD in consultation with client and stakeholders	November 15, 2018
Project completed			

APPENDIX B

Liability Insurance Opinion

August 31, 2018

VIA E-MAIL

Reply to: Eileen E. Vanderburgh
Direct Line: 604.484.1732
Direct Fax: 604.484.9732
E-mail: evanderburgh@ahbl.ca
Matter No.: 1137549

Institute of Fiscal Studies and Democracy (IFSD)
115 Séraphin-Marion Private #107
Ottawa, Ontario
K1N 6N5

Attention: Helaina Gaspard, Ph.D., Director, Governance & Institutions

Dear Sirs/Mesdames:

Re: Legal Opinion regarding First Nations Child and Family Services (FNCFS)

We write to provide IFSD with a legal opinion on matters related to the delegation of Child and Family Services to First Nations agencies as outlined in our letter of July 31, 2018.

OVERVIEW OF OUR OPINION

In Part I, we provide our assessment of the scope of any legal obligation of the provinces to provide insurance coverage for agencies delegated to provide child welfare services within each province. We conclude that none of the provinces in Canada are statutorily required to provide insurance coverage to child welfare agencies. However, it appears that some provinces include provisions in their delegation agreements that require child welfare agencies to carry liability insurance coverage as a condition of performing delegated services to children. Liability insurance issues between those provinces and their respective delegated child welfare agencies are therefore governed by the principles of contract law.

In Part II, we provide an overview of market-based, third-party liability insurance products available to First Nations child welfare agencies in Canada, and the approximate cost of these insurance products. We focus our inquiry on coverage for physical and sexual abuse claims because, based on our review of the jurisprudence, physical and sexual abuse claims tend to form the basis of actions brought against child welfare agencies.

Our overview of market-based insurance products is based on the information provided to us by IFSD and information from brokers used by IFSD's partner organizations. As such, we have not provided an exhaustive overview in this part, but rather, a sample of the type of coverage available to child welfare agencies.

In terms of the cost of third-party liability insurance, we conclude that the premium payable for an insurance product will be influenced by the nature of the work performed by a

particular agency, the risk-management protocols followed by the agency, and the number and type of staff employed by the agency. Generally however, the premiums range from $5000 for a small organization to $100,000 for a larger organization. The average premium in Canada is around $20,000 for $5,000,000 coverage.

In Part III, we provide an overview of the key liability judgments pertaining to children harmed while in the care, custody or control of a federal, provincial or other child welfare organization. We provide a breakdown of the general heads of damages in these cases and an explanation of the compensation principle, which informs the quantum of all damage awards. We also set out the various legal bases on which an agency may be found liable, whether pursuant to the doctrine of vicarious liability, or by way of direct liability for negligence or breach of a fiduciary duty. Lastly, we set out a range of damage awards, in present day values, to assist child welfare agencies with determining how much third-party liability coverage may be necessary for their services.

I. REVIEW OF PROVINCIAL CHILD WELFARE LEGISLATION

Canada has a decentralized child welfare system. Each province has its own child welfare legislation, which applies to all child and family service agencies, both on and off reserve.

We have reviewed the relevant child welfare legislation in each of the ten provinces. None of the provinces are expressly required by their respective statutes to provide liability insurance to child welfare agencies that are delegated to administer child welfare services, either on or off reserve.

A. British Columbia

In British Columbia, the Master Insurance Program offers commercial general liability insurance to foster parents *only* who perform services on behalf of the Province or a delegated Aboriginal agency. Under the Master Insurance Program, foster parents have $2,000,000 liability coverage per occurrence for claims that arise from incidents that occur during the provision of foster care services. This coverage insures foster parents against personal injury, bodily injury and third party property damage.

The third party coverage includes any person outside the foster family, including the foster child. For example, if the foster parent *accidently* injured the foster child or anybody else outside the family, those claims would be covered. Similarly, *property* belonging to other people is covered under this policy if the foster parent accidentally damaged it in carrying out the foster care services.

The Master Insurance Plan does not provide coverage to First Nations child welfare agencies directly; however, agencies may be added to the plan, by agreement, at the sole discretion of the Ministry of Children & Family Development.

B. Saskatchewan

In Saskatchewan, the *Child and Family Services Act*, SS 1989-90, c C-7.2 provides that child welfare service agreements must contain a clause that requires welfare agencies to carry insurance coverage satisfactory to the minister (s. 62.1(1)(f)). We have reviewed the sample agreement IFSD provided for our consideration (the "Agreement").

The Agreement provides as follows:

> Q. INSURANCE, LIABILITY AND INDEMNIFICATION
>
> 1. The purpose and objective:
>
> 1.1 The Parties acknowledge the risks and responsibilities associated with providing services to children and families. While it is the intention to deliver services which are beyond criticism, it is recognized that claims, which are beyond the control of the Parties, may nonetheless be made and that there are potential costs associated with defending such claims and with the imposition of any liability.
>
> 1.2 The Parties further recognize that in some circumstances such as Case Transfers it may be difficult to separate the acts or omissions of the Parties in the event of an assessment of liability.
>
> 1.3 The Parties further acknowledge that the paramount consideration in all matters shall be the best interests of the child and the welfare of the families that they serve.
>
> 1.4 The Parties therefore agree that is prudent that the [the Agency and First Nation] avail themselves of any limits upon liability which may be available to them in law and that they further require insurance to cover those instances when claims may be made against them.
>
> 1.5 Further, the Parties recognize that it is appropriate to agree to indemnify the other Party in those instances when a claim is made against one Party however liability is ultimately assessed against the other Party.

Additionally, the Agreement includes indemnification provisions, whereby the parties agree to indemnify each other, their officers, employees and agents from and against all claims, actions, damages, costs and expenses arising from any act or omission by the other party, its officers, employees and agents, which contravenes Saskatchewan law or which causes injury to any person (including death) or damages or loss to property where that act or omission is related to the performance or purported performance of the Agreement.

The Agreement also expressly provides that the agency is entitled to rely on the immunity protection set out in section 79 of *The Child and Family Services Act* and that the standard of care expected of the agency shall be no greater than that which is found in section 79 of the act. Section 79 currently provides as follows:

> 79(1) No action lies or shall be instituted against the minister, the ministry, a peace officer or any officer or employee of the ministry or agent of the minister, where the minister, ministry, peace officer, officer, employee or agent is acting pursuant to

> the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.
>
> 79(2) An agency, or any officer or employee of an agency, is entitled to the same protection provided to the minister in subsection (1).

As we explain in Part III below, immunity provisions such as section 79 provide a statutory defence to negligence claims in the sense that, in the absence of a finding of bad faith, actions against officers, agents or employees of the Minister cannot succeed. Section 79 limits liability for negligence to cases where bad faith in the performance of a statutory duty is alleged and established by a plaintiff.

With respect to insurance coverage, the Agreement requires the agency to purchase and maintain throughout the term of the Agreement, public liability, property damage and directors liability insurance against claims for personal injury, death or damage to property, arising out of the operations of the agency under the Agreement, or as a result of any of the acts or omissions of the agency, it's officers, employees or agents.

In particular, the agency is required to carry insurance that:

(a) names Saskatchewan, it's officers, employees and agents as Additional Insureds;

(b) includes a cross-liability clause;

(c) provides coverage for premises and operations, blanket contractual, extended bodily injury, broad form property damage, non-owned automobile, as well as any applicable errors and omissions or professional liability coverage;

(d) provide one million dollars per occurrence minimum limits for third party liability; and

(e) contains a clause which states that the insurers will not cancel, materially alter or cause the policy to lapse without giving 30 days prior notice in writing to Saskatchewan.

Effectively, the Agreement provides that the agency is required to carry its own insurance and, additionally, is required to indemnify the Province of Saskatchewan for liability arising out of its own acts or omissions or the acts of omissions of its employees, agents and officers, not protected by the immunity clause. We have not reviewed any delegation agreements between other provinces and agencies; however, it is likely that similar liability,

insurance, contribution and indemnity and immunity provisions would be included in agreements of the same nature.

C. Delegation Agreements Generally

Notwithstanding a mandatory insurance coverage provision in a provincial delegation agreement, each of the provinces is subject to the non-delegable duty doctrine, which provides that a party upon whom the law has imposed a strict statutory duty to do a positive act cannot escape liability simply by delegating the work: *Lewis (Guardian ad litem of) v. British Columbia*, [1997] 3 SCR 1145. This ensures that the government responsible for performing certain statutory duties will retain its obligation to perform those duties and to ensure the adequate performance of the same. In the case of a breach of non-delegable child welfare duties, the government will be legally liable for damages that flow from the breach even if the duties were delegated as authorized by the statute: *B. (M.) v. British Columbia*, 2003 CSC 53.

When the courts find a government liable to a plaintiff, the Crown proceedings statute of Canada and each of the ten provinces provides for the payment of the judgment to the plaintiff. Pursuant to these statutes, the government must pay the judgment amount. Each statute requires the Treasurer or Minister of Finance, as the case may be, to pay out of the Consolidated Revenue Fund the amount due by the Crown under a court order. In Ontario and in British Columbia, the duty to pay a debt includes out-of-court settlements.[1]

Despite the government's legal liability for non-delegable duties, a child welfare agency may be contractually liable for the judgment debt in cases where a delegation agreement contains an indemnification clause as set out above.

II. AGENCY ABILITY TO ACCESS LIABILITY INSURANCE

A. First Nations Child Welfare Agency Insurance

In Canada, Aon Reed Steenhouse Inc. ("Aon") appears to be the primary broker for liability insurance for First Nations child welfare agencies. We contacted a commercial account executive at Aon in Saskatchewan to discuss insuring agreements for First Nations child welfare agencies generally. He advised us that any First Nations group in Canada can access Aon's program of insurance automatically. The program includes commercial general liability, health care professional service liability and sexual and physical abuse liability; however, not all First Nations groups will qualify for the sexual and physical abuse coverage. To obtain sexual and physical abuse coverage, First Nations groups must establish that they have strict protocols in place to manage the risk of such abuse. A First Nations group that has the requisite protocols can access sexual and physical abuse coverage that extends to circumstances where the group's protocols fail or where abuse is alleged but unproven.

Our contact advised us that the First Nations liability insurance program usually covers employees of the named insured, including registered professionals etc., except where the policy contains exclusions to the contrary. In general, the program will cover the agency

[1] Hogg, Peter W., and Patrick J. Monahan, *Liability of the Crown*, 3rd ed, Scarborough, Ont.: Carswell, 2000, 52-54.

against liability for the acts of others but it does not cover direct liability judgments where there are findings of criminal or intentional wrongdoing. In cases of criminal or intentional wrongdoing, the insurer would agree to defend allegations up to the point that there is a guilty finding, after which it would cease to offer coverage.

As with any insurance product, the premiums payable for the First Nations liability insurance program is largely determined by the specific insurance needs of a particular agency and can vary greatly depending on the nature of the services provided by the agency. For example, the premiums can range from $5000 for a small organization to $100,000 for a larger organization with the average premium being around $20,000. Similarly, the coverage limits in this program range from $5,000,000 to $10,000,000.

B. Professional Liability Coverage offered by Associations

Separate and apart from agency liability insurance, many professional associations, including the Canadian Association of Social Workers, the Canadian Psychological Association and the Canadian Counselling and Psychotherapy Association offer their members professional liability insurance. BMS Canada Risk Services Ltd. ("BMS") appears to the primary broker for these professional liability policies.

Professional regulators in Canada, such as the board of registration for social workers in British Columbia (established by the *Social Workers Act,* SBC 2008, c. 31) and the Council of the College of Social Workers and Social Service Workers in Ontario (established by the *Social Work and Social Service Work Act,* 1998 SO 1998, c. 31) are authorized by statute to require registrants and members to carry professional liability insurance. In British Columbia for example, the *Health Professions Act,* RSBC 1996, c. 183 authorizes the colleges responsible for the regulation of the various health professions, including psychiatry and psychology, to establish requirements respecting professional liability insurance. The effect of these statutes is to require registered professionals to carry professional liability insurance often in addition to the insurance carried by a child welfare agency.

We spoke with a portfolio manager at BMS and were advised that typically, child welfare agencies carry professional liability insurance for the agency. Agency professional liability policies can include coverage for employees, whether registered with a regulatory body or not, depending on the needs of the agency. Our contact at BMS was not able to provide us with a range of premiums for agency professional liability policies because, as with Aon, the premiums vary significantly depending on the number of professionals, number of employees, the nature of the work of the agency, and the type of professionals employed to do the work of the agency. We note that through the Canadian Association of Social Workers (and BMS) social workers can obtain professional liability coverage for $105/year.

C. The Manitoba Policy

To assist us with determining the cost range for liability insurance premiums, ISFD provided us with a Public Entity Casualty Policy issued to a First Nations child welfare agency in Manitoba (the "Manitoba Policy"). The Manitoba Policy provides an example of the policy wording for Children's Aid Society Liability as well as an example of the premiums and coverage limits for physical and sexual abuse policies.

The Manitoba Policy grants $5,000,000 liability coverage for all damages arising out of one accident or occurrence or series of accidents or occurrences from one cause, except in the case of claims containing any allegations of actual or threatened abuse. Abuse claims are limited to $2,000,000 liability coverage.

Abuse is defined in the Manitoba Policy as sexual abuse, physical abuse, psychological or emotional abuse, molestation or harassment including corporal punishment. For clarity, the following definitions are included in the limit of liability:

> **"Physical Abuse"** means wilful and deliberate misconduct;
>
> Causing or permitting another person to suffer unjustifiable pain or suffering, or
>
> Causing or permitting another person to be placed in a situation in which his or her life or limb likely would be endangered or his or her health likely would be impaired.
>
> **"Sexual Abuse"** means any conduct constituting a sexual offence under the Criminal Code of Canada including sexual assault offences resulting from physical contact.

The total premium for the Children's Aid Society Liability is $68,012. We have not reviewed the declarations page for this policy and, therefore, we are unable to provide an overview of who might be covered under this policy. For example, it is unclear whether this policy includes registered health care professionals (i.e. social workers, psychiatrists, psychologists and/or counsellors) and/or support staff such as office and janitorial staff and volunteers. As we were advised by BMS and Aon, the premium payable by an agency will be largely influenced by the extent to which the agency requires coverage for its operations.

In addition to the Manitoba Policy, IFSD provided us with details about various policies held by First Nations child welfare agencies across Canada. The annual premiums range from $58,000 for umbrella liability insurance, to $10,700 for health care professional insurance with $5,000,000 coverage. The premiums appear to be as low as $5000 for general liability; however, as illustrated above, the specific wording of each of these insurance policies, which we have not reviewed, will determine what coverage is available to the agency.

III. LIABILITY JUDGMENTS

A. Damages Generally

When a child welfare agency is liable to a plaintiff for harm caused by the agency, or someone acting on behalf of the agency, the plaintiff is entitled to full compensation for pecuniary losses, both past and future and, with respect to non-pecuniary losses, to compensation that is fair and reasonable in the circumstances: *Andrews v. Grand & Toy Alberta Ltd.* (1978), 83 DLR (3d) 452 (SCC).

(a) Pecuniary Damages

Pecuniary damages are awarded to compensate a plaintiff for losses that have monetary value. For example, they include: (a) special damages such as pre-trial cost of care, pre-

trial loss of working capacity and other pre-trial out-of-pocket expenses; (b) future loss of earning capacity; and (c) future cost of care such as counselling, therapy, medical treatments and prescriptions. Typically, in cases involving harm to children, pecuniary damages can be hard to establish in law, because the plaintiff's losses must be causally related to the conduct at issue in order for the losses to be compensable.

(b) Non-Pecuniary Damages

In addition to pecuniary damages, where liability has been established, the plaintiff will be entitled to compensation that is fair and reasonable for non-pecuniary damages, which are awarded to compensate a plaintiff for losses that cannot be monetarily quantified. Non-pecuniary damages include pain, suffering and loss of enjoyment of life: *Wilhelmson v. Dumma,* 2017 BCSC 616 at para 169.

In Canada, non-pecuniary damages are currently capped at approximately $367,000, an amount that is adjusted for inflation each year. In *Andrews, supra*, the Supreme Court of Canada explained that the cap on non-pecuniary damages is necessary because no amount of money will ever truly compensate a person for the loss of happiness and therefore, full compensation for lost happiness will never be possible.

When assessing the quantum of non-pecuniary damages, courts will look at the plaintiff's individual circumstances to determine the plaintiff's personal need for solace. This will have a major influence on where the award is eventually placed, whether that is inside or outside the customary range for the nature of the plaintiff's specific injuries. The following is a non-exhaustive list of factors used to quantify an award for general damages: (a) age of the plaintiff; (b) nature of the injury; (c) severity and duration of pain; (d) degree of disability; (e) emotional suffering; (f) loss or impairment of life; (g) impairment of family; (h) marital and social relationships; (i) impairment of physical and mental abilities; and (j) loss of lifestyle.

(c) Aggravated and Punitive Damages

Aggravated damages are non-pecuniary in nature and are often awarded in cases where the damage to the plaintiff was aggravated by the manner in which the conduct at issue was committed. Generally, aggravated damages are awarded to compensate a plaintiff for injury to dignity and pride. Punitive damages are also available to a plaintiff in cases where a person's wrongful conduct was intentional, high-handed, arrogant, and where the conduct demonstrates a reckless disregard for the plaintiff's rights, resulting in damage to the plaintiff's pride, self-respect and reputation.

Our review of the case law below includes damages payable for pecuniary losses; however, for the purpose of establishing a range of damages payable by child welfare service providers, we focus primarily on non-pecuniary damages because pecuniary damages require a contextual analysis of the specific factual circumstances of the plaintiff.

(d) Joint and Several Liability

When more than one person or legal entity is found liable to a plaintiff, the law considers each of the liable parties fully responsible to the plaintiff for the full amount of the loss. The plaintiff is therefore generally entitled to pursue payment of the damage award from either or both of the liable parties.

B. Basis for Liability of an Agency

In Canada, child welfare agencies face exposure to liability under the doctrine of vicarious liability, in negligence and for breach of a fiduciary duty.

(a) Vicarious Liability

Under the doctrine of vicarious liability, employers are held liable for the tortious conduct of their employees whether or not the tortious conduct was intentional or based in negligence: *Bazley v. Curry*, [1999] 2 SCR 534.

In *B. (K. L.)*, 2003 SCC 51, the Court explained that vicarious liability, unlike direct liability, is imposed on the theory that the person may properly be held responsible where the risks inherent in his or her enterprise materialize and cause harm, provided that liability is both fair and useful (at para 18). Accordingly, a plaintiff must demonstrate that the relationship between the tortfeasor and the person against whom liability is sought is sufficiently close as to make a claim for vicarious liability appropriate. Second, a plaintiff must demonstrate that the tort is sufficiently connected to the tortfeasor's assigned tasks that the tort can be regarded as a materialization of the risks created by the enterprise.

The concept of liability in the absence of fault was described by the Supreme Court of Canada in *John Doe v. Bennett*, 2004 SCC 1:

> 17 ...The doctrine of vicarious liability imputes liability to the employer or principal of a tortfeasor, not on the basis of the fault of the employer or principal, but on the ground that as the person responsible for the activity or enterprise in question, the employer or principal should be held responsible for loss to third parties that result from the activity or enterprise.

In *Bazley*, the seminal case on vicarious liability, a non-profit organization was held liable for the sexual abuse of one of its employees. The organization operated residential facilities for children and employed individuals to act as substitute parents authorized to do everything a parent would do, from general supervision to bathing children, and tucking children in at bedtime. In assessing the application of vicarious liability to intentional tortious conduct, the Supreme Court of Canada determined that a key determination in child welfare cases will be whether the employer's enterprise increased the opportunity for the employee to commit a wrong, and whether the enterprise fostered power-dependency relationships that materially enhanced the risk of harm.

In *Blackwater v. Plint*, 2005 SCC 58, former students of a residential school claimed damages for sexual abuse and other harm perpetrated by employees of the school, against the federal government and the church that ran the school. At trial, a dormitory supervisor was found liable to six of the plaintiffs for sexual assaults. The federal government was held to be vicariously liable for the assaults, together with the church. Non-pecuniary damages, including aggravated damages, were awarded as follows as against the federal government and the church jointly:

Frederick Leroy Barney	$145,000
R.F.	$85,000
R.J.	$20,000
D.S.	$10,000
M.W. (1)	$125,000
M.W. (2)	$15,000

Similarly, in *W. (D.) v. Canada (Attorney General),* 1999 SKQB 187, a student at a residential school operated by the federal government was sexually assaulted by the administrator of the school. Years after the student left the school, he commenced an action against the administrator and the federal government. He claimed against the government directly on the basis that it had negligently failed to properly evaluate, monitor and investigate the administrator and on the basis that it had breached its fiduciary duty to him by failing to prevent the administrator's conduct. The court found that the government did not have the requisite knowledge of the administrator's conduct to support direct liability or breach of fiduciary duty, but found that it was vicariously liable nonetheless. The court awarded damages against the federal government and the administrator jointly in the amount of $69,500 for pre-trial loss of earning capacity, $65,000 for non-pecuniary damages, and $10,000 for aggravated damages. Additionally, the court awarded punitive damages in the amount of $ 25,000.00 against the administrator.

(b) Intentional Torts

Vicarious liability often arises where the perpetrator of an intentional tort is deceased or impecunious. Intentional torts in the child welfare context can include assault and battery, intentional infliction of mental suffering, false imprisonment and breach of privacy.

(i) Assault and Battery

Assault and battery are typically claimed against the perpetrator of the violence, in addition to the perpetrator's employer and/or the province. Assault and battery are defined as causing another person to apprehend the infliction of immediate harmful or offensive force on her person coupled with the actual infliction of that harmful or offensive force: *M.K. v. M. H.,* [1992] 3 SCR 6 at para 25.

(ii) Intentional Infliction of Mental Suffering

Intentional infliction of mental suffering is often pleaded alongside assault and battery, but can constitute its own claim. For example, if a person is intimidated and sexually harassed through repeated telephone calls or emails, or if a person witnesses violence perpetrated on another person, that person may have a claim for intentional infliction of mental harm: *S. J. v. Clement* (1995), 122 DLR (4^{th}) 449 at 531 and *Boothman v. Canada*, [1993] 3 FC 381.

(iii) False Imprisonment

While less common, claims for false imprisonment can arise in the context of providing care to children. In the case of *Y. (A.D.) v. Y (M.Y.)*, [1994] 5 WWR 623, the son was physically and emotionally abused by his parents. He was often punished by being locked in his

bedroom, meals were passed into him to eat and he was forced to use a hole in the wall to urinate and defecate.

In *Y. (A.D.) v. Y (M.Y.),* the plaintiff recovered $85,000 in non-pecuniary damages, $125,000 for loss of future earning capacity, and $50,000 in punitive damages, for a total of $260,000 for assault, battery, false imprisonment and intentional infliction of mental harm.

(iv) Breach of Privacy

Breach of privacy varies across the provinces according to the relevant statutes. In British Columbia for example, the tort is constrained by the *Privacy Act*, RSBC 1996, c. 373, and there is no common law equivalent of the tort: *Ari v. Insurance Corporation of British Columbia*, 2015 BCCA 468. In Ontario, however, the court has recognized the existence of a common law cause of action for breach of privacy: *Jones v. Tsige*, 2012 ONCA 32. In the child welfare context, breach of privacy can arise, for example, if a person surreptitiously observes or video-records a child while they undress or shower: *L. (T.K.) v. P. (T.M.),* 2016 BCSC 789.

Notably, the government may not be vicariously liable for torts committed by foster parents against foster children in their care because foster parents are generally not, in their daily affairs, acting "on account of" or on behalf of the government: *B. (K. L.) v. British Columbia*, 2003 SCC 51 and *G. (E. D.) v. Hammer*, 2003 SCC 52. Whether vicarious liability will attach in certain circumstances requires a consideration of the relationship at issue and the nature of the duties imposed by the statutory regime at issue.

(c) Negligence

Negligence is the most commonly pleaded cause of action giving rise to direct liability for child welfare agencies. Generally, to make out a claim in negligence, the plaintiff must establish: (a) that the defendant owed the plaintiff a duty of care; (b) that the defendant breached the duty of care; (c) that the plaintiff suffered damages which were a reasonably foreseeable consequence of the breach; and (d) that the defendant's breach caused those damages. In most provinces, the plaintiff must also establish that the defendant acted in bad faith in performing the particular duty of care at issue.

With the exception of Alberta, each province has included a variation of Section 79 of Saskatchewan's *Child and Family Services Act* (the immunity provision discussed above) in its child welfare legislation. For example, in British Columbia, section 101 of the *Child, Family, and Community Service Act*, RSBC 1996, c 46 provides as follows:

> 101 No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of:
>
> (a) a power, duty or function conferred under this Act, or
>
> (b) a power, duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred under this Act.

In Ontario, the *Child, Youth and Family Services Act*, 2017, SO 2017, c. 14 provides that:

> 34(6) No Crown liability
>
> No action or other proceeding shall be instituted against the Crown in right of Ontario for any act or omission of a society or its members, officers, employees or agents.
>
> ...
>
> 37. No personal liability
>
> No action shall be instituted against a member of the board of directors or an officer or employee of a society for any act done in good faith in the execution or intended execution of the person's duty or for an alleged neglect or default in good faith in the execution of that duty.

By comparison, in Manitoba, the immunity provision is narrower in that it applies only to directors of the First Nations of Northern Manitoba Child and Family Services Authority; the Southern First Nations Network of Care (formerly the First Nations of Southern Manitoba Child and Family Services Authority); the Metis Child and Family Services Authority; and the General Child and Family Services Authority.

Section 10 of *The Child and Family Services Authorities Act*, SM 2002 c 35 provides:

> 10 No action for damages may be commenced against a director of a board for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other Act.

There is no parallel provision in *The Child and Family Services Act*, SM 1985-1986, c 8, which sets out the duties required of the authorities named above.

Subject to the variations in scope between the provinces, these immunity provisions enable the court strike a plaintiff's claim in negligence unless the plaintiff properly pleads that the agency and/or its employee acted in bad faith in the performance of the duty set out in the legislation. In cases where bad faith is pleaded, the agency and/or employee will be entitled to rely on good faith as a statutory defence, such that, if the duty was performed in good faith, the defendant may not be liable to the plaintiff notwithstanding a breach of the duty: *Lowery v. Saskatchewan,* 2008 SKQB 115 at para 57 and *D. (M.L.) v. British Columbia (Ministry of Children and Family Development),* 2014 BCSC 1104 at para 54.

The presence or absence of good faith is an important consideration in determining whether the standard of care has been breached: *M. (B.) (Litigation Guardian of) v. M. (R.),* 2009 BCCA 413 at para 54. In British Columbia, for example, the courts have found that a high degree of negligence can amount to bad faith in certain circumstances: *H. (C.) v. British Columbia,* 2004 BCCA 385.

In negligence, whether a defendant in an action owes the plaintiff a duty of care will be determined by: (a) the common law; (b) the defendant institution's internal codes or policy statements, which articulate the standard of conduct that inform the reasonable expectations of the parties; and, (c) the applicable legislation: *J. (A.) v. D. (W.),* [1999] 11 WWR 82 (Man QB). However, commonly pleaded negligence claims against child welfare service providers (including provincial and federal governments) include a failure to apprehend, a failure to supervise and/or negligent supervision, negligent placement and negligent performance of specific statutory duties.

In *B. (K. L.) v. British Columbia,* 2003 SCC 51, four siblings were placed into two foster homes by the province of British Columbia after they were removed from the care of their biological parents. The siblings were subjected to harsh and arbitrary discipline measures in both foster homes. They alleged that the province was negligent because the social workers failed to visit the home for several months after the placement, they failed to investigate prior concerns with the placement, they placed double the recommended number of children in the home and they failed to investigate the reported unhappiness of the children in the home.

The Supreme Court of Canada held that the province owed the siblings a duty of care to place them in adequate foster homes and to supervise their stay under the *Protection of Children Act.* Finding that it is reasonably foreseeable that some people, if left in charge of children, will use excessive physical and verbal discipline the Court held that the province was liable to the siblings on the basis of direct negligence.

Damages were assessed globally for each of the siblings. In each of the cases, the judge considered the harm the siblings had suffered prior to being placed in the foster homes. She awarded $25,000, $15,000, $10,000 and $13,000 based on the individual experiences of each sibling.

In *K. (K.A.) (Litigation Guardian of) v. British Columbia*, 2011 BCSC 1391, six of eleven children brought a claim against the Province for failing to apprehend them from the care of their parents when it was, or should have been, apparent to the Province that the siblings needed to be removed from the home. At trial, the Province admitted liability. The Court particularized the damage awards as follows.

CHILD 1		**CHILD 2**	
Non-pecuniary damages	$80,000	Non-pecuniary damages	$120,000
Future care costs		Future care costs	
Assisted living	$170,000	Substance abuse treatment	$30,000
Substance abuse treatment	$ 30,000	Psychological treatment	$25,000
Psychological treatment	$ 25,000	Education assistance	$10,000
Employment assistance	$ 8,000	Employment assistance	$ 5,000
Total	$233,000	Total	$70,000
Future loss of earning capacity	$50,000	Future loss of earning capacity	$80,000
Total	**$363,000**	**Total**	**$270,000**

CHILD 3		**CHILD 4**	
Non-pecuniary damages	$95,000	Non-pecuniary damages	$30,000
Future care costs		Future care costs	
Substance abuse treatment	$25,000	Psychological treatment	$10,000
Psychological treatment	$35,000		
Education assistance	$20,000	**Total**	**$40,000**
Employment assistance	$ 5,000		
Total	$85,000		
Future loss of earning capacity	$95,000		
Total	**$275,000**		
CHILD 5		**CHILD 6**	
Non-pecuniary damages	$15,000	Non-pecuniary damages	**$20,000**
Future care costs			
Psychological treatment	$ 5,000		
Total	**$20,000**		

In *M. (K.M.) v. Roman Catholic Episcopal Corp. of the Diocese of London in Ontario*, 2011 ONSC 2143, the plaintiff was sexually assaulted by a priest for a period of time when she was between 7 and 10 years old. The diocese admitted vicarious liability and was also found to be directly liable. The plaintiff recovered $190,000 in general damages.

(d) Breach of Fiduciary Duty

Although the breach of a fiduciary duty is a commonly pleaded claim in child welfare cases, it is much more difficult for a plaintiff to establish. A fiduciary duty is a trust-like duty, involving duties of loyalty and an obligation to act in a disinterested manner that puts the recipient's interest ahead of all other interests: *B. (K.L.) v. British Columbia*, *supra* at para 49. A fiduciary duty has, at its core, an undertaking of loyalty on the part of the fiduciary to act in the best interests of the beneficiary: *Perez v. Galambos,* 2009 SCC 48 at para 69.

In *B. (K.L.),* the Court explained that:

> 38 ...The government, through the Superintendent of Child Welfare, is the legal guardian of children in foster care, with power to direct and supervise their placement. The children are doubly vulnerable, first as children and second because of their difficult pasts and the trauma of being removed from their birth families. The parties agree that, standing in the parents' stead, the Superintendent has considerable power over vulnerable children, and that his placement decisions and monitoring may affect their lives and well-being in fundamental ways.

Concern for the best interests of the child informs the fiduciary relationship of a parent or a person standing in the place of a parent. The duty imposed is to act loyally, and not to put one's own or others' interests ahead of the child's in a manner that abuses the child's trust or exploits their vulnerability.

In *M. (F.S.) v. Clarke*, [1999] B.C.J. No. 1973, the plaintiff brought a claim against his former dormitory supervisor after he was repeatedly sexually assaulted while he was a student residential school operated by the defendant Diocese. The plaintiff had informed the bishop at the Diocese about the abuse, but the Diocese took no action against the supervisor.

The only issue at trial was whether the Diocese was liable to the plaintiff for the supervisor's abuse. Damages were agreed to by the parties. In reaching her conclusion, the judge reiterated the three general characteristics required to establish a fiduciary duty: (a) the fiduciary must have scope for the exercise of some discretion or power; (b) the fiduciary can unilaterally exercise that power or discretion so to affect the beneficiary's legal or practical interests; and (c) the beneficiary must be particularly vulnerable. In applying this test, the judge concluded that the Diocese had breached its fiduciary duty to the plaintiff because it took no action after the plaintiff disclosed the abuse.

SUMMARY OF OUR OPINION

- Provincial child welfare legislation does not expressly require a province to provide insurance coverage to child welfare agencies; however some provinces appear to have included provisions in delegation agreements that require agencies to carry liability insurance coverage as a condition of exercising delegated authority to care for children.

- First Nations child welfare agencies in Canada can access market-based, third-party liability insurance products. We recommend that each child welfare agency seeking insurance coverage consult with an insurance broker to determine which insurance products are best suited to meet the individual needs of the agency.

- Damages for liability in child welfare cases, whether for intentional torts or for negligent conduct, vary depending on the losses established. The range for non-pecuniary damages is a minimal award of $12,500 to the current maximum available at law of $367,000. In addition, our case review shows pecuniary damages ranging from $10,000 to $300,000.

- First Nations child welfare agencies, as employers, are exposed to liability under the doctrine of vicarious liability, as well as liability based in negligence (subject to any relevant statutory immunity provisions), and for breaches of their fiduciary duty to children in their care.

- Depending on the nature of the claim, a First Nations child welfare agency may share liability with the province and/or the federal government from which the authority to provide services is delegated. Ultimately, the specific facts of each case will determine the quantum payable to the particular plaintiff and the degree of liability of each named defendant in the action.

We look forward to discussing any questions you may have at your convenience.

Yours truly,

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Per:

Eileen E. Vanderburgh
Partner
EEV/NJK

APPENDIX C

IFSD FNCFS Survey

Agency Details

NAC-IFSD Survey of First Nations Child and Family Services Agencies

1. Agency name:

2. Survey contact person:

3. Phone number:

4. E-mail address:

5. Agency's mailing address (including postal code):

NAC-IFSD Survey of First Nations Child and Family Services Agencies

6. Agency Catchment (i.e. communities and/or urban centres served) (include postal code(s)):

Community 1:	
Community 2:	
Community 3:	
Community 4:	
Community 5:	
Community 6:	
Community 7:	
Community 8:	
Community 9:	
Community 10:	

7. Name(s) and relevant ID numbers (if available) of First Nations communities served:

Community 1:	
Community 2:	
Community 3:	
Community 4:	
Community 5:	
Community 6:	
Community 7:	
Community 8:	
Community 9:	
Community 10:	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

8. How are your communities accessed (e.g. road, fly-in only)?

Community 1:	
Community 2:	
Community 3:	
Community 4:	
Community 5:	
Community 6:	
Community 7:	
Community 8:	
Community 9:	
Community 10:	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

9. How many satellite offices does your agency have?

10. What are the addresses (including postal codes) of your community-based (satellite) offices?

Community 1:

Community 2:

Community 3:

Community 4:

Community 5:

Community 6:

Community 7:

Community 8:

Community 9:

Community 10:

NAC-IFSD Survey of First Nations Child and Family Services Agencies

11. How does your province define 'child'? Please provide the range, e.g. 0-18.

12. How many children does your agency serve (to identify small agencies)?

On-reserve

Off-reserve

NAC-IFSD Survey of First Nations Child and Family Services Agencies

13. How many children are currently in care in your agency (protection only)?

On-reserve

Off-reserve

14. How many requests did you receive for services (e.g. prevention programming, protection) from families/children off-reserve in fiscal year 2017-2018?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

15. Is your agency child-protection delegated?

- ◯ Yes
- ◯ No

16. Does your agency provide ancillary services outside of delegated duties? Please check all that apply. For the purpose of this survey, ancillary services include all services beyond child protection offered by the agency, e.g. health services, family services, etc.

- ☐ Health
- ☐ Family
- ☐ Cultural and traditional healing
- ☐ Land-based programming
- ☐ Other (please specify)

NAC-IFSD Survey of First Nations Child and Family Services Agencies

17. What is your agency's mandate? Please define.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

18. Please describe the history of your agency including year of founding and reason for its creation. (500 words maximum). If preferable, you can append a succinct document that provides an overview of the history. What is your agency's mandate? Please define.

19. Should you wish to include a document about your agency's history, please upload it here.

Choose File No file chosen

NAC-IFSD Survey of First Nations Child and Family Services Agencies

20. What are your agency's principal functions in:

Prevention (e.g. running an intensive family reunification program, hosting violence prevention workshops)

Protection (e.g. intake investigations, family placements)

NAC-IFSD Survey of First Nations Child and Family Services Agencies

21. What are your agency's principal activities in:

Governance (i.e. how your agency fulfills its mandate accountably relative to stakeholders)

Data collection and reporting (i.e. internal data collection to support planning and decision-making)

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Budget and Finances

NAC-IFSD Survey of First Nations Child and Family Services Agencies

22. What was your agency's total annual budget for the 2017-2018 fiscal year (include funding from all orders of government and any other sources, for all activity areas)?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

23. What was your agency's total annual budget exclusively for child and family services for the 2017-2018 fiscal year?

24. Approximately what percentage of your overall budget would you estimate to be related to each of these functions, including salaries, travel, materials? (Note that the total may not add up to 100% of your child and family services budget).

Prevention	
Protection	
Governance	
Data collection and reporting	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

25. What amounts were spent in the 2017-2018 fiscal year on the following maintenance cost categories? (Maintenance includes: direct costs of placing First Nation children into temporary or permanent care out of the parental home (such as foster care rates and group home rates)).

Foster care	
Group homes	
Institutional care	
Kinship care	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

26. What amount of your total annual budget was allocated by the federal government exclusively for protection and related services, i.e. intake and investigation (excluding maintenance)?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

27. What were your agency's actual protection related costs in the 2017-2018 fiscal year (irrespective of the allocation noted above)? For the purpose of this survey, protection costs are those associated with placing a child in alternative care outside of the parental home.

Intake and investigation	
Purchases on behalf of children in care	
Non-medical services to children in care with behavioural problems and specialized needs	
Other provincially-approved purchases not covered by other federal/provincial funding sources	
Post-adoption subsidies and supports	
Per diem costs for children in care in placements out of the parental home (i.e. maintenance costs)	
Professional services	
Professional services not covered by other jurisdiction or by Health Canada's Non-Insured Health Benefits Program	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

28. What amount of your total annual budget was allocated by the federal government for prevention and least disruptive measures?
(For the purpose of this survey, prevention costs are designed to reduce the incidence of family dysfunction and breakdown or crisis and to reduce the need to take children into out-of-home care or to reduce the amount of time a child remains in out-of-home care).

NAC-IFSD Survey of First Nations Child and Family Services Agencies

29. What are your agency's actual prevention and least disruptive measures related costs (irrespective of the allocation noted above) under the following categories?

Violence prevention and family support services	
Mentoring and non-medical counselling services	
Home management services	
Land-based and cultural programming	
Intensive family reunification programs	
Least disruptive measures purchase of basic needs items, e.g. security deposit, money for diapers	
Respite care	
Transportation and accommodation for medical and non-medical appointments	

30. What are two best practices for prevention that exist in your agency? Please define/explain the program. How do you currently fund the program (e.g. federal, provincial, private donor, etc.)? What are the annual costs?

Program description 1	
Sources of funds program 1	
Cost of program 1	
Program description 2	
Sources of funds for program 2	
Cost of program 2	

31. This question relates to the actual cost of the Child Service Purchase Amount as referenced in the CHRT 2018 order paragraph 416.

What are your agency's costs for the Child Service Purchase Amount?

On what was the money from the Child Service Purchase Amount spent?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

32. This question and the following question relate to the actual cost of performing intake and investigations at your agency as referenced in the 2018 CHRT order paragraph 410.

Choose the statement that best applies to your agency.

- ◯ My agency does not perform intake or assessment work. (Intake assessment worker: Receives referrals, responds to allegations and establishes whether a child is a in need of protection).
- ◯ My agency does perform intake and assessment work. All our social workers perform these duties in conjunction with their other guardianship duties.
- ◯ My agency does perform intake and assessment work. We have specialized intake and assessment social workers who performs theses duties specifically.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

33. If your agency does perform intake and assessment work with specialized social workers:

How many specialized intake and assessment social workers does your agency have?

What is the average caseload of your specialized intake and assessment social workers?

34. What additional costs does your agency incur while performing intake and investigation work? (e.g. are these social workers compensated at a higher rate, additional travel funds). Please provide the name of each cost category and its related cost.

Cost category 1	
Cost category 2	
Cost category 3	
Cost category 4	
Cost category 5	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

35. What is your spending ratio between protection costs and prevention costs? (Identify how a dollar is split between major cost categories)?

36. Does your agency fund a band designate? If yes, at what cost?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

37. For the fiscal year 2017-2018, what were your sources of funds and their amounts?

Department of Indigenous Services Canada	
Health Canada	
Other federal government departments	
Province	
Other (please define)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

38. What is your current funding model (e.g. Directive 20-1, EPFA, 1965 Agreement)?

How frequently do you receive funding? Monthly, yearly?	
How are your payments transferred, e.g. grant (no conditions), contribution, lump sum payments?	
Are there conditions on receiving your payments?	
Does your agency have specific requirements for its reporting on spending and outcomes to orders of government that fund its activities? If yes, please describe the criteria.	

39. In the 2017-18 fiscal year, did your agency reallocate money from one funding category to another to cover budgetary shortfalls (e.g. moving money from prevention to operating budget)? Please explain.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

40. Was your agency in deficit in the 2017-2018 fiscal year?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

41. In the last ten years, has your agency experienced significant changes in its funding or operating budget? If yes, why? If no, why? Please describe.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Capital Assets

NAC-IFSD Survey of First Nations Child and Family Services Agencies

42. What were your agency's capital expenditures in the following categories for the 2017-18 fiscal year (excluding operating and maintenance costs (O&M))? For the purpose of this survey, capital refers to the acquisition of assets (including upgrades) where economic benefits are likely to accrue beyond a year.

Property	
Structures	
Vehicles	
Technology equipment (e.g. phones, computers, software, other equipment)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

43. What were your agency's operating and maintenance costs (O&M) (all period costs such as minor repairs, maintenance, rent etc.) on the fixed assets identified in the following categories for the 2017-18 fiscal year?

Property	
Structures	
Vehicles	
Technology equipment (e.g. phones, computers, software, other equipment)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Agency Headquarters

44. Are your agency’s headquarters owned or rented?

45. What is the square footage of your agency’s headquarters?

46. What are the composing elements of agency’s headquarters (i.e. what’s it made of? e.g. steel and concrete, wood)?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

47. Are your agency's headquarters accessible in the following ways:

Offering service in the local Indigenous language(s) (Y/N)? If yes, how many staff speak the language(s)?	
Is your main office accessible by provincial standards?	

Satellite Offices

48. Are your satellite offices owned or rented?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

49. Please provide the 1) location; 2) square footage; 3) composing elements (i.e. what's it made of? e.g. steel and concrete, wood) of your satellite offices, individually.

Satellite office 1	
Satellite office 2	
Satellite office 3	
Satellite office 4	
Satellite office 5	
Satellite office 6	
Satellite office 7	
Satellite office 8	
Satellite office 9	
Satellite office 10	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

50. Are your satellite office(s) accessible in accordance to provincial standards?

Satellite office 1	
Satellite office 2	
Satellite office 3	
Satellite office 4	
Satellite office 5	
Satellite office 6	
Satellite office 7	
Satellite office 8	
Satellite office 9	
Satellite office 10	

51. Do your satellite offices offer service in the local Indigenous language(s) (Y/N)? If yes, how many staff speak the language(s)?

Satellite office 1	
Satellite office 2	
Satellite office 3	
Satellite office 4	
Satellite office 5	
Satellite office 6	
Satellite office 7	
Satellite office 8	
Satellite office 9	
Satellite office 10	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

52. Does your agency's First Nation provide rental accommodation? Does this impact building maintenance? Please describe.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

53. This question relates to the actual cost of building repairs at your agency as referenced in the CHRT 2018 order paragraph 410.

Did your agency require building repairs (in relation to child welfare) in the 2017-2018 fiscal year? If yes, were the repairs undertaken and at what cost? If no, why not?

54. If your agency was to complete all required building repairs on your agency buildings, what would be the estimated cost of these repairs?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Technical Profile

NAC-IFSD Survey of First Nations Child and Family Services Agencies

55. On average (across your organization) how old would you estimate the following categories of technology investments to be:

	Largely new in the last 12 months	Upgraded in the past 12-36 months	Upgraded 3-5 years ago	Last upgrade was 5+ years ago	Not sure
Worker Productivity Hardware (Desktop PCs, Laptops, etc.)	○	○	○	○	○
Worker Productivity Software (Microsoft Office, Video Conferencing, etc.)	○	○	○	○	○
IT Infrastructure (Servers, Data Storage, Networks, etc.)	○	○	○	○	○
Mission Critical Applications (Case Management, Accounting Software, etc.)	○	○	○	○	○
Mobility Tools (Tablets, Smart Phones, Remote connectivity, etc.)	○	○	○	○	○

NAC-IFSD Survey of First Nations Child and Family Services Agencies

56. On average (across your organization) how satisfied would you estimate your agency to be with the following categories of technology investments.

	Very dissatisfied	Moderately dissatisfied	Neutral	Moderately satisfied	Very satisfied
Worker Productivity Hardware (Desktop PCs, Laptops, etc.)	○	○	○	○	○
Worker Productivity Software (Microsoft Office, Video Conferencing, etc.)	○	○	○	○	○
IT Infrastructure (Servers, Data Storage, Networks, etc.)	○	○	○	○	○
Mission Critical Applications (Case Management, Accounting Software, etc.)	○	○	○	○	○
Mobility Tools (Tablets, Smart Phones, Remote connectivity, etc.)	○	○	○	○	○

NAC-IFSD Survey of First Nations Child and Family Services Agencies

57. Can you estimate the required capital investment ($ by category) to bring your agency's technology platform to a state where it can fully support your requirements?

Worker Productivity Hardware (Desktop PCs, Laptops, etc.)

Worker Productivity Software (Microsoft Office, Video Conferencing, etc.)

IT Infrastructure (Servers, Data Storage, Networks, etc.)

Mission Critical Applications (Case Management, Accounting Software, etc.)

Mobility Tools (Tablets, Smart Phones, Remote connectivity, etc.)

58. Please describe any cloud-based technology services (such as Office 365) currently in use by your agency or under consideration by your agency.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Operating and Maintenance Costs

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Salaries and Benefits

59. What were your agency's operating expenses in the 2017-2018 fiscal year for child and family services only in the following categories ($):
(For the purpose of this survey, operational expenses are related to the ongoing cost of doing business).

Total wages (annualized; based on full-time equivalents (FTE))	
Professional services/contractors	
Other (please define)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

60. What were your agency's employee benefit expenses in the 2017-2018 fiscal year for child and family services only in the following categories:

Health and dental benefits (monetary equivalent)

Retirement benefits (monetary equivalent)

Other (please define)

NAC-IFSD Survey of First Nations Child and Family Services Agencies

61. What were your agency's staff professional development expenses (monetary equivalent) for the 2017-2018 fiscal year in the following categories:

Training

Well-being

NAC-IFSD Survey of First Nations Child and Family Services Agencies

62. What were your agency's costs in the 2017-2018 fiscal year for the following services:

Audit and evaluation

Travel

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Legal Fees

63. What was the actual cost of legal fees for your agency in the 2017-18 fiscal year?

64. What proportion of these legal fees dealt exclusively with children?

65. Has your agency faced any situations where you were unable to cover the cost of legal services? If fees were met, did this result in cuts elsewhere?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Employee Details

NAC-IFSD Survey of First Nations Child and Family Services Agencies

66. What number of full-time equivalents (FTE) are employed by your agency?

67. What number of part-time equivalents (PTE) are employed by your agency?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

68. How full-time employees in your agency have the following job titles?

Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

69. How many part-time employees in your agency have the following job titles?

Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

70. How many hours on average do employees in each of the following job categories work per week (e.g. 40 hours, 35 hours)?

Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

71. In order to understand your agency's experience with retention, how long, in years, do employees typically spend in the following positions (e.g. 5 years, 2 years)?

Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

72. On average, do the actual scope of employees' duties in each job category exceed their contractually defined ones?

	Exceeds
Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

73. What are the salary ranges (wages only) for agency employees in the following job categories (e.g. $30,000-40,000, $54,000-$75,000, $100,000-$120,000, etc.)?

Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

74. Do you believe you are able to pay your employees at the level of provincial employees for comparable work?

- ◯ Yes
- ◯ No

75. Are your employees compensated for overtime? If yes, how (e.g. monetary compensation, vacation time)?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Small agencies, remoteness, travel costs, gaps in service

NAC-IFSD Survey of First Nations Child and Family Services Agencies

76. This question relates to remoteness as referenced in the CHRT 2018 order paragraph 418. Does your agency remunerate for remoteness, i.e. a salary supplement to compensate for location of work?

- ◯ Yes
- ◯ No

NAC-IFSD Survey of First Nations Child and Family Services Agencies

77. If your agency remunerates for remoteness, in one or more of the following categories, what is the cost ($) to the agency?

% of salary supplement	
Bonus	
Credit for gas	
Housing allowance	
Other (please define)	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

78. This question relates to travel distances and its associated costs as reference in the CHRT order paragraph 418. To fulfill their job requirements, do employees in your agency travel (between their principal office and project site(s))

	Distance travelled
Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative (professional, e.g. financial officer)	
Administrative (clerical, e.g. receptionist)	
Members of the Board of Directors	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

79. On average, how far must a family or child seeking your agency's services travel to receive them (at the nearest available agency office/site)?

- ◯ 100km or more in a single direction
- ◯ Between 50km-99km in a single direction
- ◯ Between 20-49km in a single direction
- ◯ Between 0-19km in a single direction

NAC-IFSD Survey of First Nations Child and Family Services Agencies

80. What is the cost your agency spent on the following items related to travel in the 2017-18 fiscal year?

Gas	
Vehicle wear and tear and repairs	
Accommodations during travel	
Flights	
Incidentals during travel	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

81. This question relates to service gaps in your catchment area in reference to the CHRT 2018 order paragraph 418. Do you consider your agency and its clients in the communities you serve able to access surrounding services at a reasonably commutable distance?

- ◯ Yes
- ◯ No

82. If the communities you serve are lacking services, what are the gaps in surrounding services accessible at a reasonably commutable distance?

- [ ] Addiction treatment centres
- [ ] Mental health services
- [ ] Support services for children and youth with disabilities
- [ ] Medical specialists
- [ ] Other (please specify)

NAC-IFSD Survey of First Nations Child and Family Services Agencies

83. Was your agency required to do additional work in order to connect community members to typical social services? If yes, how much money did your agency spend in the 2017-18 fiscal year connecting community members to social services beyond your child and family services mandate (e.g. travel costs, employee time spent coordinating services)?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Caseloads

NAC-IFSD Survey of First Nations Child and Family Services Agencies

84. What is your agency's current total caseload? Please include all cases.

(Case: The most recent number of active cases (children or families) currently assigned to a social worker).

85. How many of these cases are being served in a culturally-appropriate way and/or leveraging traditional healing practices?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

86. What is your agency's current exclusively child welfare caseload?

(Caseload: Caseload reflects a ratio of cases (or clients) to full time equivalent staff members.)

87. On average, what is the number of staff (including social workers, support staff, administrative staff) assigned to an open case?

88. What is the average number of open cases a social worker manages? (e.g. 5 cases/social worker)

NAC-IFSD Survey of First Nations Child and Family Services Agencies

89. What's the average caseload of each category of employees (staff : cases)?

Executive Director	
Social Workers	
Health care workers (please define the type of health care worker, such as psychologist, nurse practitioner, other)	
Administrative	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

90. In an attempt to better understand the complexity of cases in your agency, please estimate the percentage of your total cases where your agency spends:

1-5 hours per week per case	
6-10 hours per week per case	
10-15 hours per week per case	
15-20 hours per week per case	
More than 20 hours per week per case	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

91. What percentage of substantiated maltreatment cases at your agency had the following as its primary category of maltreatment over the 2017-2018 fiscal year?

Emotional Maltreatment	
Exposure of intimate partner violence	
Neglect	
Physical Abuse	
Sexual Abuse	
Other, please define	

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Governance and Data Collection

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Governance

92. How is your agency governed, e.g. does it have a board of directors?

93. Are Chiefs members of your board of directors?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

94. What are your standards of practice that guide your agency's activities, e.g. code of ethics, wise practices, cultural guidelines, etc.?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

95. How do you involve local communities in your governance (e.g. community councils, community representatives etc.)?

96. How would you characterize your relationship with your communities?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

97. Do your community/ies engage in prevention activities?

98. Do your community/ies guide your prevention activities?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

Data and Reporting

99. How does your agency define success? Please share your existing vision and mission statements.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

100. How does your agency measure success in its prevention program outcomes? Please provide all performance indicators your agency uses to track its progress/success.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

101. How does your agency measure success in its protection activity outcomes? Please provide all performance indicators your agency uses to track its progress/success.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

102. Does your agency use scorecards to track what you do and confirm ongoing progress/success? If yes, please share a copy of your scorecard. If you do not use a scorecard, please elaborate on the approach you use for tracking & reporting.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

103. Does your agency have a policy or programming to support children aging out of care? If yes, please describe. What resources are allocated ($)?

NAC-IFSD Survey of First Nations Child and Family Services Agencies

104. Are there other particular circumstances that your agency faces that were not captured in this survey? If yes, please describe them here and include a cost ($) where possible.

NAC-IFSD Survey of First Nations Child and Family Services Agencies

105. Please share any further comments, notably unique practices or services your agency provides or other details that may not have been captured in this survey.

Détails de l’agence

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

1. Nom de l'agence

2. Personne-contacte de l'agence:

3. Numéro de téléphone:

4. Adresse courriel:

5. Adresse postale de l’agence (incluant le code postal):

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

6. Zone d’influence de l’agence (c’est-à-dire les communautés et/ou les centres urbains desservis) (incluant le(s) code(s) postal(aux) :

Communauté 1:

Communauté 2:

Communauté 3:

Communauté 4:

Communauté 5:

Communauté 6:

Communauté 7:

Communauté 8:

Communauté 9:

Communauté 10:

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

7. Nom(s) (et numéros d’identification pertinents) des communautés de Premières Nations desservis:

Communauté 1:

Communauté 2:

Communauté 3:

Communauté 4:

Communauté 5:

Communauté 6:

Communauté 7:

Communauté 8:

Communauté 9:

Communauté 10:

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

8. Comment peut-on accéder à vos communautés (par exemple : route, vols intérieurs)?

Communauté 1:

Communauté 2:

Communauté 3:

Communauté 4:

Communauté 5:

Communauté 6:

Communauté 7:

Communauté 8:

Communauté 9:

Communauté 10:

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

9. Combien de bureaux satellite sont associés à votre agence?

10. Quels sont les adresses (y compris les codes postales) de vos bureaux communautaires (satellites)?

Communité 1:	
Communité 2:	
Communité 3:	
Communité 4:	
Communité 5:	
Communité 6:	
Communité 7:	
Communité 8:	
Communité 9:	
Communité 10:	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

11. Quelle est la définition ‘d’enfant’ dans votre province? Prière de fournir la gamme, ex. 0-18 ans.

12. Combien d’enfants votre agence sert-elle (pour identifier si c’est une agence de petite taille)?

Sur réserve	
Hors réserve	

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13. Combien d’enfants sont pris en charge (protection) actuellement?

Sur réserve	
Hors réserve	

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14. Combien de demandes de services (ex. programme de prévention ou protection) avez-vous reçu de la part de familles/d'enfants hors réserve durant l'année financière 2017-2018?

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15. Est-ce que votre agence est déléguée à la protection de l'enfance?

- ◯ Yes
- ◯ No

16. Est-ce que votre agence fournit des services auxiliaires en dehors des fonctions déléguées? Choisissez toutes les options pertinentes. Pour le but de ce sondage, les services auxiliaires incluent tous les services offerts par l'agence au-delà de celui de la protection de l'enfant, par exemple les services de santé, les services familiaux, etc

- ☐ Santé
- ☐ Famille
- ☐ Soins culturels et traditionnels (par exemple par les anciens, les cérémonies, etc.)
- ☐ Programmation terrestre
- ☐ Autre (décrivez-le nous)

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17. Quel est le mandat de votre agence? Prière de nous le définir.

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18. Veuillez décrire l’historique de votre agence incluant l’année de sa fondation et la raison de sa création (500 mots maximum). Si jugé nécessaire, vous pouvez partager un document succinct fournissant une vue d’ensemble de l’historique.

19. Si vous avez un document à partager, prière de le téléverser ici.

Choose File No file chosen

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20. Quelles sont les principales fonctions de votre agence dans :

La prévention (par exemple : administrer un programme de regroupement familial intensif, la tenue d’ateliers de prévention de la violence).

La protection (par exemple : les enquêtes d’admission, les placements familiaux).

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21. Quelles sont les principales activités de votre agence dans :

La gouvernance (i.e. comment l'agence réalise son mandat vis-à-vis ses partis prenants).

La collecte de données et le rapportage (i.e. la collecte de données interne pour informer la planification et la prise de décision).

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Budget et finances

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22. Quel était le budget total annuel de votre agence pour l'année financière 2017-2018 (inclure toutes allocations des ordres de gouvernement et d'autres sources, pour tout vos activités)?

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23. Quelle somme de votre budget annuel de l'année financière 2017-2018 était dédié exclusivement aux services à l'enfance et aux familles?

24. De façon approximative, quel pourcentage de votre budget total, selon votre estimation, est lié à chacune de ces fonctions, y compris les salaires, voyages et les matériaux? (Prenez-note que la somme totale ne sera probablement pas 100%).

Prévention	
Protection	
Gouvernance	
Collecte de données et rapportage	

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25. Quelle somme de votre budget annuel est associé aux coûts d'entretien des catégories suivantes? (Entretien : coûts directs de placement des enfants des Premières nations dans des soins temporaires ou permanents hors de la maison parentale (par exemple, taux de prise en charge familiale et taux de foyer de groupe).

Famille d'accueil	
Foyers collectifs	
Soin institutionnel	
Placement dans la parenté	

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26. Quelle somme de votre budget total annuel allouée par le gouvernement fédéral était consacrée exclusivement aux services à l'enfance et à la famille (incluant uniquement la protection et les services afférents, par exemple l'admission et l'enquête, en excluant les coûts d'entretien)?

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27. Quels étaient les coûts actuels reliés à la protection de votre agence pour l’année financière 2017-2018 (peu importante le montant alloué ici-haut)? Pour les besoins du présent sondage, les coûts de protection sont ceux associés avec le placement d’un enfant en protection alternative hors du domicile familial.

Admission et enquête.	
Achats au nom de l’enfant placé.	
Services non médicaux aux enfants placés avec des problèmes de comportement et des besoins spécifiques.	
Autres achats approuvés pas la province non couverts par d’autres sources de financement fédéral/provincial.	
Coûts quotidiens pour les enfants pris en charge dans des placements hors du domicile familial (coûts d’entretien).	
Subventions et soutiens post-adoption	
Services professionnels non couverts par d’autres compétences ou par le Programme de soins de santé non couverts de Santé Canada.	

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28. Quelle somme de votre budget total annuel alloué par le gouvernement fédéral était exclusivement consacrée à la programmation préventive et aux mesures les moins perturbatrices?

Dans le contexte de ce sondage, les coûts de prévention sont conçus pour réduire l’incidence du dysfonctionnement familial, de la rupture ou de la crise et pour réduire le besoin de placer un enfant ou réduire le temps où un enfant reste placé.

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29. Quels sont les coûts actuels liés à la programmation prévention et aux mesures les moins perturbatrices de votre agence (peu importante la somme mentionnée ici-haut) selon les catégories suivantes?

Prévention de la violence et services de soutien familial.	
Mentorat et services de conseil non médicaux.	
Services de gestion domestique.	
Programmation terrestre et culturelle.	
Programmes de regroupement familial intensif.	
Achat de biens de première nécessité dans le cadre des mesures les moins perturbatrices, par exemple : dépôt de garantie, argent pour les couches.	
Soins de répit.	
Transport et logement pour les rendez-vous médicaux et non médicaux.	

30. Quelles sont les deux meilleurs pratiques pour la prévention qui existent dans votre agence? Veuillez définir/expliquer le programme. Comment financez-vous actuellement ce programme (par exemple : fédéral, provincial, donateur privé, etc.)? Quels sont les coûts annuels associés?

Description du programme 1	
Source de financement 1	
Coût du programme 1	
Description du programme 2	
Source de financement 2	
Coût du programme 2	

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31. Cette question est liée au coût réel du Montant d'achat de services pour enfants tel que référencé dans l'ordonnance de 2018 du TCDP au paragraphe 416.

Quel est la valeur du Montant d'achat de services pour enfants de votre agence?	
Comment est-ce que les fonds étaient dépensés?	

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32. Cette question est liée au coût réel de l'admission et des enquêtes pour votre agence tel que référencé dans l'ordonnance de 2018 du TCDP au paragraphe 410.

Choisissez l'énoncé qui s'applique le mieux à votre agence.

- ◯ Mon agence n'assure pas le travail d'admission et d'enquête. (Préposé à l'évaluation à l'admission : reçoit des recommandations, répond aux allégations et détermine si un enfant a besoin de protection).
- ◯ Mon agence n'assure pas le travail d'admission et d'enquête. Tous nos travailleurs sociaux remplissent ces fonctions conjointement aux autres fonctions de tutelle.
- ◯ Mon agence assure le travail d'admission et d'enquête. Nous avons des travailleurs sociaux spécialisés en admission et évaluation qui remplissent spécifiquement ces fonctions.

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33. Si votre agence assure le travail d’admission et d’enquête avec des travailleurs sociaux spécialisés:

Combien de travailleurs sociaux spécialisés en admission et évaluation a votre agence?

Quel est le nombre moyen de dossiers de vos travailleurs sociaux spécialisés en admission et évaluation?

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34. Quels coûts additionnels encourt votre agence en assurant ce travail d’admission et d’enquête? (par exemple : ces travailleurs sont rémunérés à un taux plus élevés, fonds de voyage additionnels). Veuillez fournir le nom de chaque catégorie de coût et son coût afférent.

Catégorie 1

Catégorie 2

Catégorie 3

Catégorie 4

Catégorie 5

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35. Quel est votre ratio de dépenses entre les coûts de prévention et ceux de protection? Identifiez comment un dollar est partagé entre ces principales catégories de coûts.

36. Est-ce que votre agence finance un agent de bande désignée? Si oui, à quel coût?

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37. Pour l’année financière 2017-2018, quelles étaient vos sources de financement et leurs montants?

Ministère des Services autochtones Canada	
Santé Canada	
Autres ministères fédéraux	
Province	
Autre, veuillez définir	

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38. Quel est votre modèle de financement actuel (par exemple, Directive 20-1, l'approche améliorée axée sur la prévention)?

Quelle est la fréquence à laquelle vous recevez le financement? Mensuellement, annuellement?

Comment vos versements sont-ils transférés, par exemple : subventions (sans condition), contributions, paiements forfaitaires?

Existe-t-il des conditions aux versements de vos paiements?

Existe-t-il des exigences de rapportage de dépenses et/ou de résultats aux autres ordres de gouvernement qui subventionnent les activités de l'agence? Si oui, prière de nous fournir les critères.

39. Est-ce que votre agence a redistribué de l'argent d'une catégorie de financement à une autre pour couvrir les déficits budgétaires (par exemple : déplacer l'argent du budget de prévention vers le budget opérationnel)? Prière de nous informer.

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40. Est-ce que votre agence était en déficit pour l'année financière 2017-2018?

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41. Lors des 10 dernières années, est-ce que votre agence a subi des changements de subvention ou de budget majeurs? Si oui, pourquoi? Si non, pourquoi? Prière de nous les décrire.

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Immobilisations

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42. Quelles étaient les dépenses en capital de votre agence pour l'année fiscale 2017-2018 (excluant les coûts non incorporables tels que réparations mineures, entretien, location etc.) dans les catégories suivantes? Pour les besoins de ce sondage, le capital réfère à l'acquisition (incluant la modernisation pour laquelle les retombées économiques vont être probablement générées au-delà d'un an).

Propriété	
Structures	
Véhicules	
Équipement technologique (par exemple : téléphones, ordinateurs, logiciels, autre équipement).	

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43. Quels étaient les coûts non incorporables pendant l’année fiscale 2017-2018 tels que les réparations mineures, entretien, location etc. dans les catégories suivantes?

Propriété	
Structures	
Véhicules	
Équipement technologique (par exemple : téléphones, ordinateurs, logiciels, autre équipement)	

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Siège de l'agence

44. Est-ce que le siège de votre agence est loué ou la propriété immobilière de votre agence?

45. Quelle est la superficie du siège de votre agence?

46. Quels sont les éléments composants (matériaux) du siège de l’agence (c’est-à-dire : de quoi est-il fait? Par exemple : acier et béton, bois)?

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47. Est-ce que le siège de votre agence est accessible dans les façons suivantes :

Est-ce les services sont offerts dans la(les) langue(s) autochtone(s) locale(s)? Si oui, combien de membres du personnel parle cette (ces) langue(s)?	
Est-ce que votre bureau principal est accessible selon les normes provinciales?	

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Satellite Offices

48. Est-ce que vos bureaux satellites sont loués ou la propriété immobilière de votre agence?

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49. Fournissez 1) la location; 2) la superficie; 3) les éléments composants (c'est-à-dire : de quoi est-il fait? Par exemple : acier et béton, bois), pour chaque bureau satellite individuellement.

Bureau satellite 1	
Bureau satellite 2	
Bureau satellite 3	
Bureau satellite 4	
Bureau satellite 5	
Bureau satellite 6	
Bureau satellite 7	
Bureau satellite 8	
Bureau satellite 9	
Bureau satellite 10	

50. Est-ce que votre (vos) bureau(x) satellite(s) est (sont) accessible(s) d'après les normes provinciales?

Bureau satellite 1	
Bureau satellite 2	
Bureau satellite 3	
Bureau satellite 4	
Bureau satellite 5	
Bureau satellite 6	
Bureau satellite 7	
Bureau satellite 8	
Bureau satellite 9	
Bureau satellite 10	

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51. Est-ce que vos bureau(x) satellite(s) offres des services dans la(les) langue(s) autochtone(s) locale(s)? Si oui, combien de membres du personnel parle cette (ces) langue(s)?

Bureau satellite 1	
Bureau satellite 2	
Bureau satellite 3	
Bureau satellite 4	
Bureau satellite 5	
Bureau satellite 6	
Bureau satellite 7	
Bureau satellite 8	
Bureau satellite 9	
Bureau satellite 10	

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52. Est-ce que la Première Nation de votre agence fournit des locaux loués? Si oui, est-ce que cela impact l'entretien des locaux? Prière de nous informer.

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53. Cette question est liée au coût réel des réparations de bâtiment à votre agence tel que référencé à l'ordonnance de 2018 du TCDP au paragraphe 410.

Votre agence avait-elle besoin d'effectuer de réparations d'immeubles (en lien avec le bien-être des enfants) durant l'année financière 2017-2018? Si oui, est-ce que les réparations ont été effectuées et à quel coût? Si non, pourquoi pas?

54. Si vous deviez compléter toutes les réparations d'immeuble nécessaires sur les bâtiments de votre agence, quelle serait l'estimation des coûts de ces réparations?

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Profil technique

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55. En moyenne, à travers votre organisation, quel est l’âge estimé des catégories d’investissements technologiques suivantes:

	Généralement nouveau, 12 derniers mois	Amélioré dans les derniers 12-36 mois	Amélioré dans les derniers 3-5 ans	Il y a 5 ans ou plus depuis la dernière amélioration	Incertain
Matériel pour l’amélioration de la productivité (ex. ordinateurs, portables, etc.)	○	○	○	○	○
Logiciel pour l’amélioration de la productivité (ex. Microsoft Office, videoconference, etc.)	○	○	○	○	○
Infrastructure informatique (ex. (serveur, réseaux, stockage des données etc.)	○	○	○	○	○
Applications critiques (ex. gestion des cas, comptabilité, etc.)	○	○	○	○	○
Outils de mobilité (ex. tablettes, téléphones intelligents, connectivité à distance etc.)	○	○	○	○	○

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56. Moyennement, à travers votre organisation, comment satisfait estimerez-vous est votre agence dans les catégories d’investissement technique suivantes:

	Très insatisfait	Moyennement insatisfait	Neutre	Moyennement satisfait	Très satisfait
Matériel pour l’amélioration de la productivité (ex. ordinateurs, portables, etc.)	○	○	○	○	○
Logiciel pour l’amélioration de la productivité (ex. Microsoft Office, videoconference, etc.)	○	○	○	○	○
Infrastructure informatique (ex. (serveur, réseaux, stockage des données etc.)	○	○	○	○	○
Applications critiques (ex. gestion des cas, comptabilité, etc.)	○	○	○	○	○
Outils de mobilité (ex. tablettes, téléphones intelligents, connectivité à distance etc.)	○	○	○	○	○

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57. Pouvez-vous estimer l’investissement capital requis ($ par catégorie) afin d’augmenter votre profil technique pour soutenir vos besoins:

Matériel pour l’amélioration de la productivité (ex. ordinateurs, portables, etc.)	
Logiciel pour l’amélioration de la productivité (ex. Microsoft Office, videoconference, etc.)	
Infrastructure informatique (ex. (serveur, réseaux, stockage des données etc.)	
Applications critiques (ex. gestion des cas, comptabilité, etc.)	
Outils de mobilité (ex. tablettes, téléphones intelligents, connectivité à distance etc.)	

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58. Prière de nous décrire vos services techniques dans le nuage (ex. Office 365) qu’utilise actuellement votre agence ou qui sont en considération.

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Coûts d’opération et d’entretien

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Salaries and Benefits

59. Quelles étaient vos dépenses d'opération de votre agence pour l'année financière 2017-2018 uniquement pour les services aux enfants et aux familles dans les catégories suivantes ($):

(Dans le contexte de ce sondage, les dépenses opérationnelles sont liées au coût récurrent d'exploitation).

Total des salaires (annualisé : basé sur les équivalents temps plein (ETP))	
Services professionnels/entrepreneurs	
Autre (le définir)	

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60. Quelles étaient vos dépenses pour les régimes de prestations aux employés (RPE) de votre agence pour l'année financière 2017-2018 dans les catégories suivantes:

Régime d'assurance-maladie et d'assurance dentaire (équivalent monétaire)	
Prestations de retraite (équivalent monétaire)	
Autre (le définir)	

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61. Quelles étaient vos dépenses pour le développement professionnel (équivalent monétaire) de votre agence pour l'année financière 2017-2018 dans les catégories suivantes:

Formation	
Bien-être	

62. Quelles étaient vos dépenses pour les services suivants (équivalent monétaire) de votre agence pour l’année financière 2017-2018?

- ◯ Coûts de vérification et d’évaluation
- ◯ Dépenses de voyage

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Legal Fees

63. Quel était le coût réel des frais juridiques pour votre agence pour l’année financière 2017-2018?

64. Quelle proportion des coûts des frais juridiques s’appliquent exclusivement aux enfants?

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65. Est-ce que votre agence a rencontré des situations où vous étiez incapable de couvrir les coûts des services juridiques? Si vous aviez payé les coûts, fallait-il couper vos dépenses quelque part d’autre?

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Détails sur les employés

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66. Quel est le nombre d’équivalents temps plein sont employés par votre agence?

67. Quel nombre d’équivalents temps partiel sont employés par votre agence?

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68. Combien d’employés à temps plein dans votre agence ont les titres de poste suivants :

Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	

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69. Combien d’employés à temps partiel dans votre agence ont les titres de poste suivants :

Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	

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70. Combien d’heures par semaines en moyenne travaillent les employés dans chaque catégorie d’emploi (par exemple, 40 heures, 35 heures)?

Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	

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71. Afin de comprendre l’expérience de votre agence en ce qui concerne la rétention, quel temps moyen, en années, les employés passent-ils dans les postes suivants? Par exemple, 5 ans, 2 ans.

Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	

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72. En moyenne, est-ce que la portée des fonctions des employés dans chacune des catégories d’emploi dépasse celle définit contractuellement?

	Dépasse
Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	

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73. Quelle est l’échelle salariale (rémunération seulement) des employés de l’agence pour chacune des catégories d’emploi (par exemple : 30 000$ - 40 000$, 54 000$-75 000$, 100,000$-120,000$)?

Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	

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74. Vous croyez-vous capable de rémunérer vos employés au niveau des employés provinciaux pour un travail comparable?

- ◯ Oui
- ◯ Non

75. Est-ce que vos employés sont indemnisés en cas d’heures supplémentaires? Si oui, comment, ex. indemnisation financière, vacances.

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

Petites agences, éloignement, frais de voyage, lacunes de services

76. Cette question et la question suivante sont liées à l'éloignement tel que référencé à l'ordonnance de 2018 du TCDP au paragraphe 418. Est-ce que votre agence indemnise l'éloignement, c'est-à-dire qu'il y a un supplément salarial à titre d'indemnisation dû au lieu de travail?

- ◯ Oui
- ◯ Non

77. Si votre agence indemnise pour cause d'éloignement, quel est le coût ($) pour l'agence?

% de supplément salarial	
Prime	
Crédit pour l'essence	
Allocation de logement	
Autre (le définir)	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

78. Cette question est liée aux distances de voyage et leurs coûts associés tel que référencé dans l’ordonnance de 2018 du TCDP au paragraphe 418. Afin de satisfaire aux exigences du poste, est-ce que les employés de votre agence voyagent (entre leur bureau principal et le(s) site(s) de projet)?

	Distance de voyage
Directeur exécutif	
Travailleurs sociaux	
Travailleurs de la santé (veuillez définir le type de travailleur de la santé tel que psychologue, infirmière praticienne, autre)	
Personnel administratif (ex. agent financier)	
Personnel de bureau (ex. réceptionniste)	
Membres du conseil d'administration	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

79. En moyenne, quelle distance parcourt une famille ou un enfant qui recherche les services de votre agence afin d’en bénéficier (au bureau/site de l’agence disponible le plus proche)?

- ◯ 100 km ou plus dans une seule direction
- ◯ Entre 50 et 100km dans une seule direction
- ◯ Entre 20 et 49 km dans une seule direction
- ◯ Entre 0 et 19 km dans une seule direction

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

80. Quel est le coût que votre agence a payé pour les éléments suivants reliés au voyage durant l’année financière 2017-2018?

Essence	
Usure du véhicule et réparations	
Logements pendant le voyage	
Vols	
Frais accessoires durant le voyage	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

81. Cette question est reliée aux lacunes des services dans votre zone de dessertest tel que référencé dans l’ordonnance de 2018 du TCDP au paragraphe 418. Considérez-vous que l’agence et ses clients dans les communautés que vous servez sont capables d’accéder aux services environnants à une distance de trajet raisonnable?

- ◯ Oui
- ◯ Non

82. Si les communautés que vous servez manquent de services, quelles sont les lacunes dans les services environnants accessibles à une distance de trajet raisonnable?

- ☐ Centres de traitement de la dépendance
- ☐ Services de santé mentale
- ☐ Services de soutien pour les enfants et les jeunes souffrant d’handicaps.
- ☐ Spécialistes médicaux
- ☐ Autre (le définir)

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

83. Est-ce que votre agence a dû faire du travail additionnel afin de mettre en contact les membres des communautés avec des services sociaux typiques? Si oui, combien d'argent votre agence a dépensé durant l'année financière 2017-2018 pour mettre en contact les membres des communautés avec les services sociaux au-delà de votre mandat de services à l'enfance et à la famille (par exemple : frais de voyage, temps de l'employé passé à coordonner les services)?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

Nombre de cas

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

84. Quel est le nombre de cas total de votre agence? Veuillez inclure tous les cas.

(Cas : le nombre de cas actifs (enfants ou familles) actuellement assignés à un travailleur social le plus récent).

85. Combien de ces cas sont traités de façon appropriée culturellement/ ou optimisent les pratiques de soins traditionnels?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

86. Quel est le nombre de cas actuel exclusivement consacrés aux enfants et aux familles?

(Nombre de cas : le nombre de cas reflète un ratio de cas (ou clients) par membres du personnel travaillant en équivalent temps plein.)

87. En moyenne, quel est le nombre d'employés (incluant les travailleurs sociaux, le personnel de soutien, le personnel administratif) affectés à un dossier ouvert?

88. Quel est le nombre moyen de dossiers ouverts que gère un travailleur social (par exemple : 5 dossiers/ travailleur social)?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

89. Quel est le nombre moyen de dossiers de chaque catégorie d'employé (personnel : cas)?

Directeur exécutif	
Travailleurs sociaux	
Travailleurs en santé (veuillez définir le type de travailleur en santé tel que psychologue, infirmière praticienne, autre).	
Personnel administratif	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

90. Pour tenter de mieux comprendre la complexité des cas dans votre agence, veuillez estimer le pourcentage du total de vos cas pour lesquels votre agence passe :

1 à 5 heures par semaine par dossier	
6 à 10 heures par semaine par dossier	
10 à 15 heures par semaine par dossier	
15 à 20 heures par semaine par dossier	
Plus de 20 heures par semaine par dossier	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

91. Quel pourcentage de cas de maltraitance corroboré dans votre agence était la catégorie principale de maltraitance parmi les points suivants pendant l'année financière 2017-2018?

Maltraitance psychologique	
Violence conjugale	
Négligence	
Violence physique	
Violence sexuelle	
Autre (le définir)	

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

Gouvernance et la collecte de données

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

Governance

92. Comment est gouvernée l’agence, c’est-à-dire : a-t-elle un conseil d’administration?

93. Est-ce que les Chefs siègent comme membres du conseil d’administration?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

94. Quelles sont vos normes en matière de pratique qui guident les activités de votre agence, c’est-à-dire un code d’éthique, des pratiques éclairées, des lignes directrices au niveau culturel, etc.?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

95. Comment impliquez-vous les communautés locales dans votre travail (c’est-à-dire les conseils communautaires, les représentants communautaires, etc.)?

96. Comment qualifieriez-vous vos relations avec les communautés?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

97. Est-ce que votre (vos) communauté(s) est/sont engagée(s) dans des activités de prévention?

98. Est-ce que votre (vos) communauté(s) guide(nt) vos activités de prévention?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

Data and Reporting

99. Comment votre agence définit-elle la réussite? Veuillez partager votre vision et les énoncés de mission.

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

100. Comment votre agence mesure-t-elle le succès dans ses résultats issus du programme de prévention? Veuillez fournir tous les indicateurs de rendement que votre agence utilise pour tracer le progrès/le succès.

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

101. Comment votre agence mesure-t-elle le succès dans ses résultats issus de l'activité de protection? Veuillez fournir tous les indicateurs de rendement que votre agence utilise pour tracer le progrès/le succès.

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

102. Est-ce que votre agence utilise des tableaux de bord pour tracer ce que vous faites et qui confirment le progrès continu/ le succès? Si c'est le cas, veuillez partager une copie de votre tableau de bord. Dans le cas contraire, veuillez élaborer sur l'approche que vous utilisez pour le suivi et le reportage.

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

103. Est-ce que votre agence a une politique ou programme pour les jeunes quittant la prise en charge? Si oui, prière de nous le décrire. Quelles ressources y sont consacrées ($)?

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

104. Est-ce qu'il y a d'autres circonstances particulières auxquelles fait face votre agence qui n'ont pas été évoquées dans ce sondage? Si oui, veuillez les décrire ici et inclure un coût ($) où c'est possible.

CCN-IFPD: Sondage des agences aux services à l'enfance et aux familles Premières Nations

105. Veuillez partager tout commentaire, notamment des pratiques ou services uniques que votre agence fournit ou d’autres détails qui pourraient ne pas avoir été pris en compte dans ce sondage.

APPENDIX D

Sample Agenda

First Nation Child and Family Services (FNCFS) Agency Workshop

DATE

Welcome to IFSD!

Wifi at IFSD
Network:
Password:

Day 1

08:00	Breakfast
08:30	Welcome Ceremony
09:00	Opening Remarks from Cindy Blackstock (via video)
09:15	Getting to know our communities of practice Working toward the goals of healthy and happy children, families, and communities, there's much to learn from our diverse community of practice. What's something unique or notable about child and family services at your agency or in your province? Does your agency have a lesson to share about a practice or program? *Survey Part 1: Agency Details*
10:15	Budgets and Finances Ideally, the allocation of resources is an exercise in aligning priorities to spending. However, it can sometimes be a reaction to current or emerging needs. How does your agency align its resources to its priorities? Has your agency experienced significant changes in its funding in the last ten years? How does your agency grapple with competing demands on its resources?

	Survey Part 2: Budget and Finances
12:00	Lunch
13:00	*Survey Part 2: Budget and Finances* (Continued)
14:30	Health Break
14:45	Operational and other considerations Staff teams are critical drivers of the success of any organization – especially one at the service of children, their families, and communities. Does your agency have the staff it requires to fulfill its mandate? What are some of the operational tradeoffs your agency has had to make to balance budget and results? *Survey Part 3: Employee details and remoteness*
17:00	Close

Wifi at IFSD
Network:
Password:

Day 2

08:00	Breakfast
08:30	Future directions Agencies are at the centre of efforts to improve the lives of children, families, and their communities. What resources do they require to achieve their mandates and goals? How can community input be integrated into agencies' visions? What does the future of First Nations child welfare look like? How can it be achieved?
9:30	Caseloads and workloads Agencies manage a variety of programs and initiatives from protection to culturally-based prevention programming. What does it take for a child to enter into care in your jurisdiction? When your agency manages cases, how are the number and nature of support determined? Do caseloads at your agency influence the complexity and time of your staff's work? *Survey Part 4: Caseloads*
10:45	Health Break
11:00	Governance, data, and performance Sound measurement is a tool for agencies to refine and enhance their existing operations. How does your agency take stock of its progress? Does your agency have tools or processes in place to use data to assess performance? What does sound governance look like for agencies? *Survey Part 5: Governance*

12:00	Lunch
13:00	Closing ceremony

APPENDIX E

Survey Definitions

Category		Definition and examples	Tribunal References and Notes
Capital		**The acquisition and maintenance of fixed assets.** Examples include maintenance, repairs and retrofitting of buildings, land, vehicles, and technology equipment (e.g. phones, computers, software).	The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada to analyze the needs assessments completed by First Nations agencies in consultation with the Parties, interested parties (see protocol order below), and other experts; and to do a cost-analysis of the real needs of First Nations agencies including prevention/least disruptive measures, intake and investigation, building repairs and legal fees related to child welfare taking into account travel distances, case load ratios, remoteness, the gaps and/or lack of surrounding services and all particular circumstances they may face. (2018 CHRT 4 para 408)
Operations		**The ongoing costs of doing business.** Examples include salaries, benefits, agency legal fees, staff training, travel expenses, and small agency deficits.	
Programmatic	Protection	**Programs associated with placing a child in alternative care outside of the parental home.** Examples include non-medical services to children in care with behavioural problems and specialized needs, purchases on behalf of children in care, per diem costs for children in care in placements out of the parental home (including foster care, group homes, institutional care, and kinship care), post-adoption subsidies and supports, professional services not covered by other jurisdiction or by Health Canada's Non-Insured Health Benefits Program.	
	Prevention	**Programs designed to reduce the incidence of family dysfunction and breakdown or crisis and to reduce the need to take children into out-of-home care or the amount of time a child remains in out-of-home care.** Examples include violence prevention and family support services, mentoring and non-medical counselling services, home management services, land-based and cultural programming, intensive family reunification programs, least disruptive measures, purchase of basic needs items (eg security deposit, money for diapers), intake and investigation, transportation and accommodation for medical and non-medical appointments, home management services, Child Service Purchase Amount, and respite care.	
Governance		**Accountability, transparency and decision-making mechanisms.** Examples include Content Management Systems, collecting and analysing data, audits and evaluations, Band councils, Elder councils, and advisory boards.	
Size of agency		**Small agencies are agencies that serve a child population of less than 1000. (2016 CHRT 2 para 187)**	The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada to analyze the needs assessments completed by First Nations agencies in consultation with the Parties, interested parties (see protocol order below), and other experts and to do a cost-analysis of the real needs of small First Nations agencies related to child welfare taking into account travel distances, case load ratios, remoteness, the gaps and/or lack of surrounding services and all particular circumstances they may face. (2018 CHRT 4 para 418)
Other considerations		**Related to the unique situation of an agency.** Examples include remoteness, and availability of services in the community.	The Panel ordered INAC to immediately address how it determines funding for remote FNCFS Agencies. Current funding does not account for such things as travel to provide or access services, the higher cost of living and service delivery in remote communities, the compounded effect of reducing core funding for remote agencies that may also be smaller agencies (see paras. 213-233 and 291 of the Decision). In its subsequent ruling in 2016 CHRT 16, the Panel ordered INAC to provide detailed information to clearly demonstrate how it is determining funding for remote FNCFS Agencies that allows them to meet the actual needs of the communities they serve. (2018 CHRT 4 para 339)
Narrative		Qualitative information or explanatory notes to give meaning to the cost category.	
Cost data		Quantitative financial information ($) of the agency's expenses in the cost category.	

APPENDIX F

Workshop Future State Summaries

First Nations Child and Family Services (FNCFS)

Workshop Exercise:
Identifying Ideal States for Agencies

2018

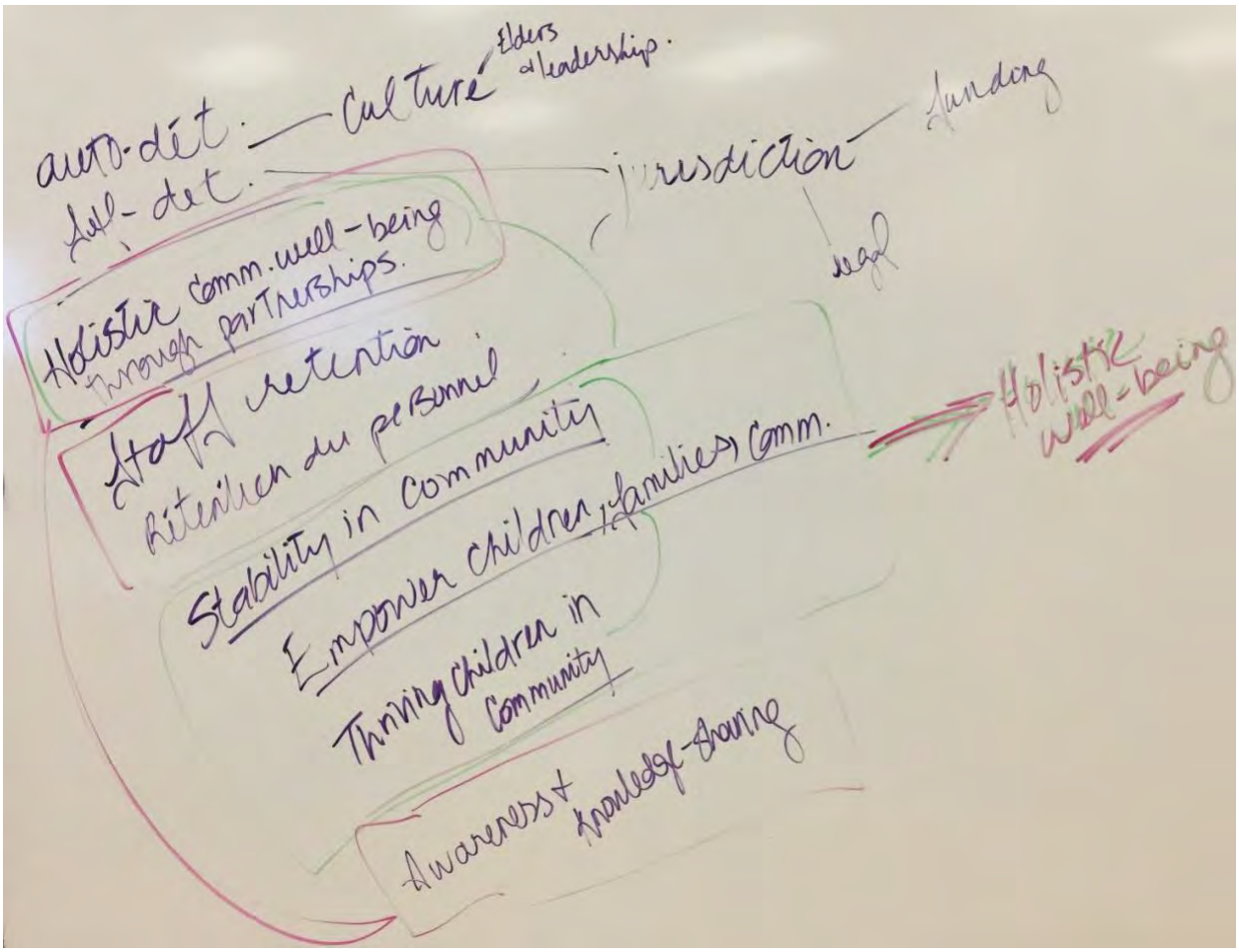
There are four main areas related to agency and community success: Self-determination, Holistic Well-being, Partnerships through Awareness and Knowledge, and Sustainable Capacity Building.

Self-determination
Self-determination is about the community's ability to direct its own course. Clear jurisdiction and a clear understanding of the legal and funding responsibilities of Provincial and Federal governments to agencies is necessary and can support this goal. The support of Elders and community leadership was also identified as important for grounding self-determination in a strong cultural identity.

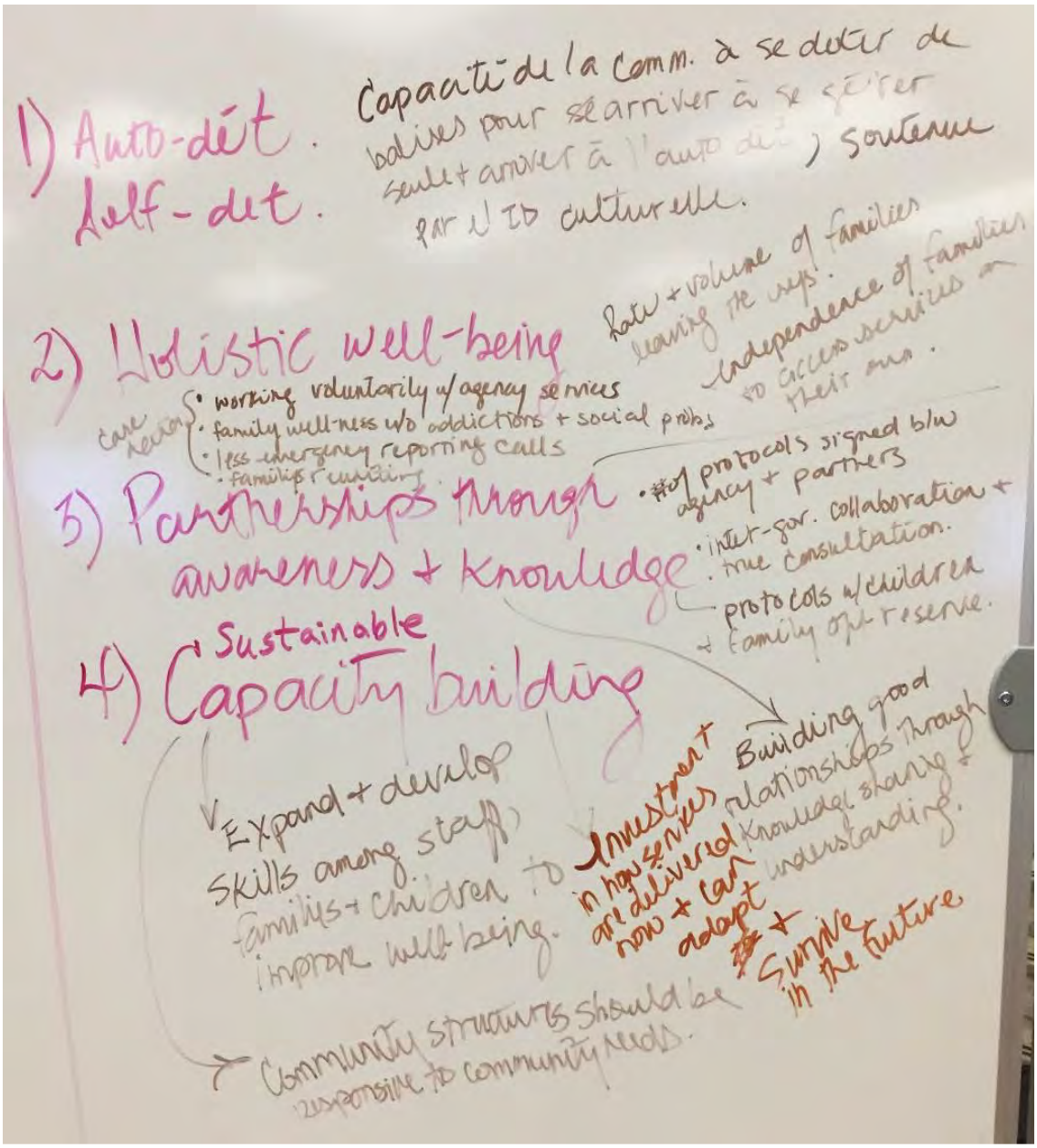
Holistic Well-being
The goal of agencies is to empower children, families, and communities so that children can thrive. Retaining long-term staff at agencies is as an important way to encourage stability in the community. Agency success in nurturing holistic well-being might be measured by the rate and volume of families leaving the system, the number of families accessing services voluntarily, reduced instances of addiction or social problems, less emergency reporting calls, and by families reuniting.

Partnerships through Awareness and Knowledge
Partnerships involve establishing protocols between agency and partners, promoting intergovernmental collaboration and true consultation, establishing protocols with children and families off reserve, and building good relationships through knowledge sharing and understanding.

Sustainable Capacity Building
Skills among staff, families and children must be expanded and developed to improve well-being, community structures should be responsive to community needs, and investments must be made to services delivered now so that they can adapt and survive in the future.



Photos of workshop exercise


1) Auto-dét. Self-det.
Capacité de la comm. à se doter de balises pour s'arriver à se gérer seule + arriver à l'auto dét) soutenue par l'ID culturelle.
2) Holistic well-being
Rate + volume of families leaving the sys.
Independence of families to access services on their own.
care leavers
• working voluntarily w/ agency services
• family well-ness w/o addictions + social probs
• less emergency reporting calls
• families reuniting
3) Partnerships through awareness + knowledge
• # of protocols signed b/w agency + partners
• inter-gov. collaboration + true consultation.
protocols w/ children + family off-reserve.
4) Sustainable Capacity building
Expand + develop skills among staff, families + children to improve well-being.
Investment in how services are delivered now + can adapt to survive in the future
Building good relationships through knowledge sharing + understanding.
Community structures should be responsive to community needs.

Services à l'enfance et à la famille des Premières Nations (SEFPN)

Exercice en atelier : Détermination des états idéaux pour les agences

2018

Pour les agences et les communautés, il existe quatre facteurs de succès : l'auto-détermination; le bien-être holistique; les partenariats fondés sur la prise de conscience et le savoir; un renforcement durable des capacités.

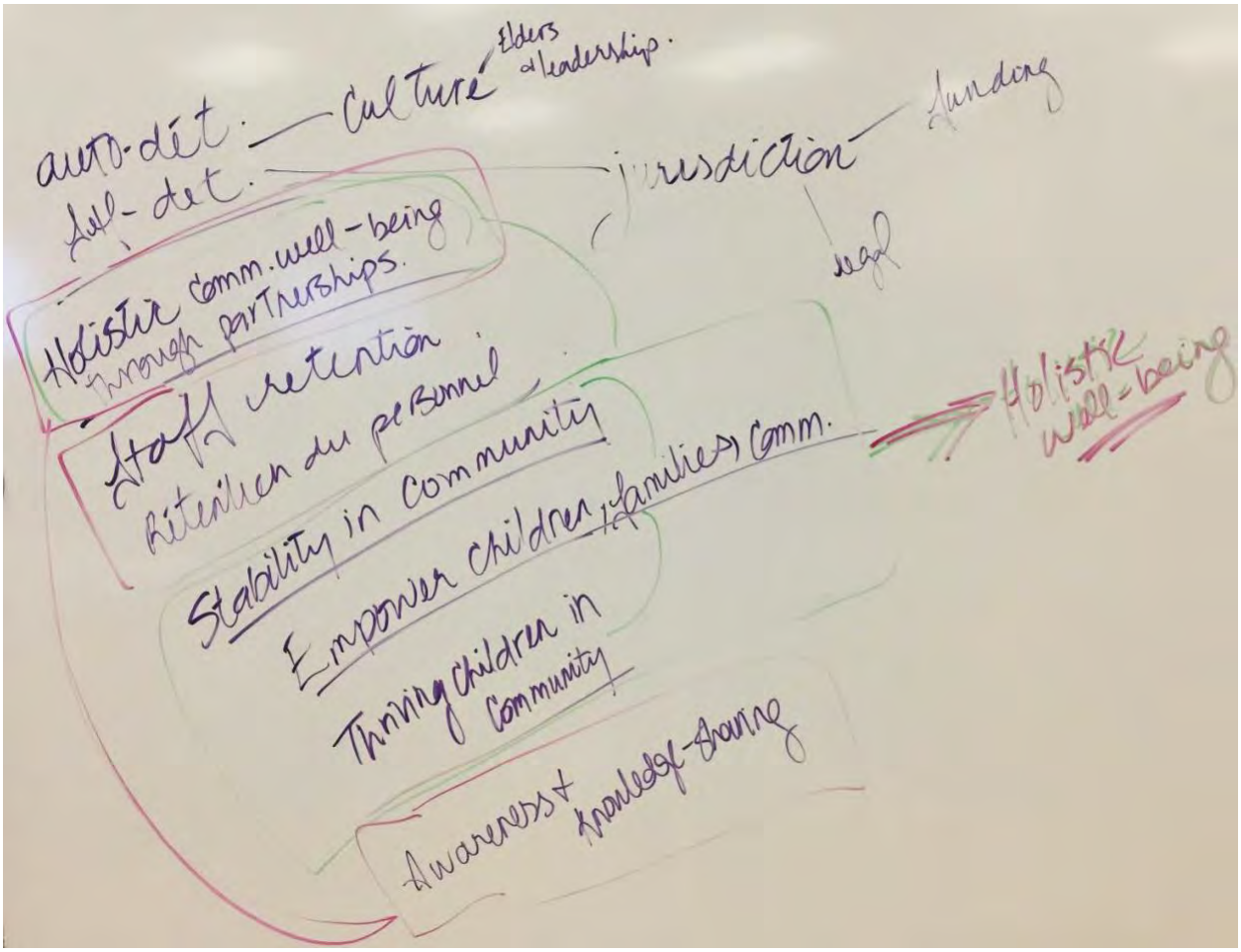
Auto-détermination
L'auto-détermination réside dans la capacité d'une communauté à tracer sa propre voie. L'atteinte de cet objectif passe obligatoirement – et peut être favorisée – par une délimitation et une compréhension claires des responsabilités juridiques et financières qui incombent au gouvernement fédéral et aux provinces à l'égard des agences. Le soutien des aînés et des leaders de la communauté a également été jugé important pour ancrer l'auto-détermination dans une solide identité culturelle.

Bien-être holistique
Les agences ont pour objectif de donner aux enfants, aux familles et aux communautés les outils nécessaires à l'épanouissement des enfants. La rétention à long terme du personnel des agences est un moyen important d'encourager la stabilité dans la communauté. Le degré auquel les agences réussissent à favoriser un bien-être holistique peut être mesuré par le taux et le nombre de familles qui quittent le système, par le nombre de familles accédant volontairement aux services, par la baisse du nombre de cas de dépendance ou de problèmes sociaux, par la diminution du nombre d'appels signalant des urgences et par la réunion de familles.

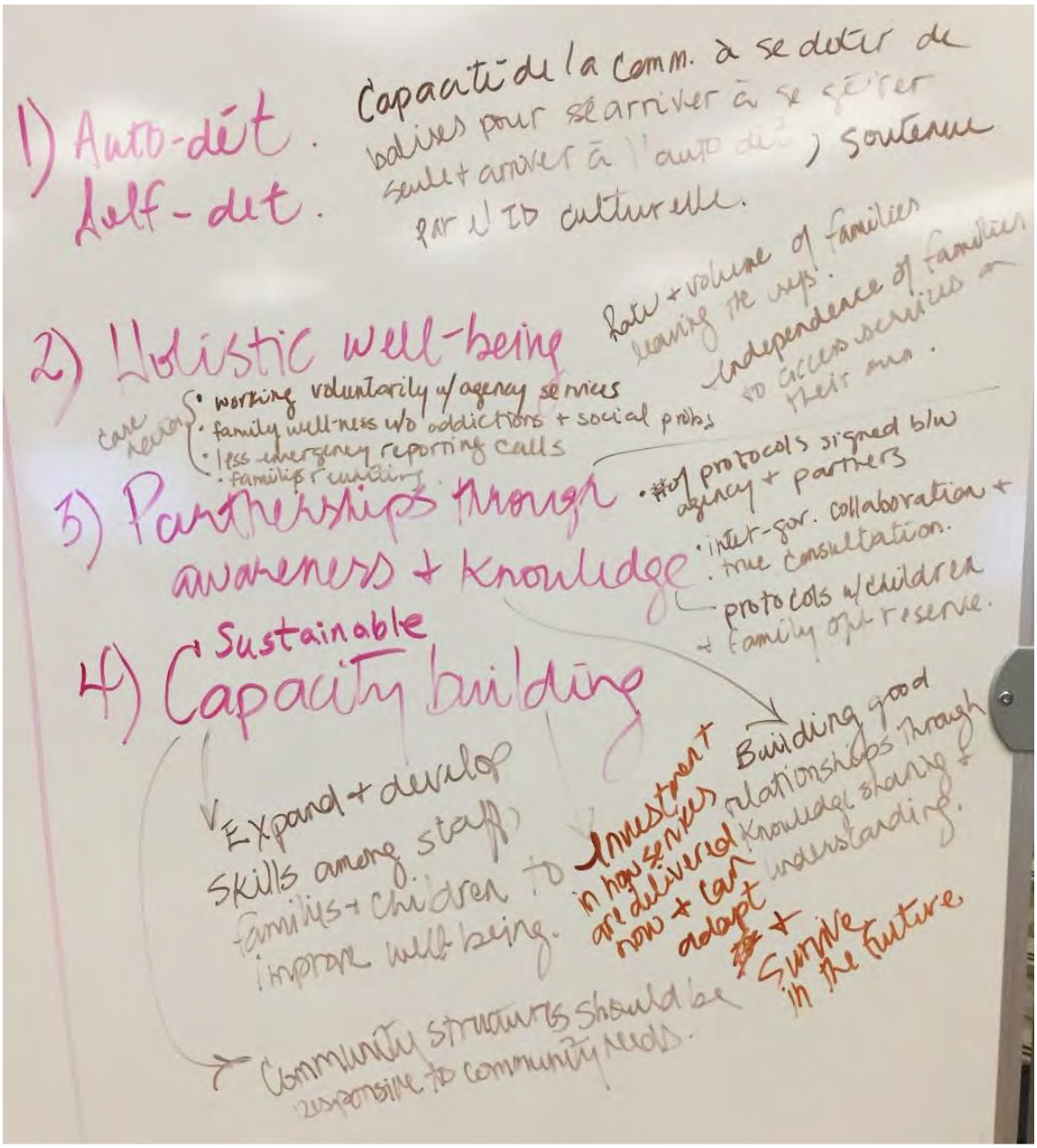
Partenariats fondés sur la prise de conscience et le savoir
Les partenariats consistent à établir des protocoles entre l'agence et ses partenaires, à promouvoir une collaboration intergouvernementale et une réelle consultation, à

instaurer des protocoles pour les enfants et les familles vivant hors-réserve et à forger de bonnes relations par le partage du savoir et la compréhension.

Renforcement durable des capacités
Il faut élargir et développer les compétences du personnel, des familles et des enfants pour améliorer le bien-être communautaire, il faut que les structures communautaires donnent suite aux besoins de la communauté, et il faut investir maintenant dans les services offerts pour pouvoir ultérieurement les adapter et les pérenniser.



Photos de l'exercice en atelier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Building good relationships through knowledge sharing + understanding.
Community structures should be responsive to community needs.

First Nations Child and Family Services (FNCFS)

Workshop Exercise:
Identifying Ideal States for Agencies

2018

Healthy communities, pursuing "the good life" is the ultimate goal for agencies. Working toward the "the good life" involves a holistic approach to community health, in which the community is engaged from "womb-to-tomb" in the economic, legal, social and political aspects of an individual's life.

Togetherness, unity, and a sense of belonging, through truth telling, empowerment and knowledge sharing are integral to overall community well-being. Connections to community, land and self are paramount. The ability of communities to know and lay claim to their inherent rights and to self-govern are necessary to achieve an ideal state for agencies and communities.

A holistic approach to community well-being embraces culture and tradition, such as language, land-based practices and Elders, to foster identities firmly grounded in cultural roots. Importantly, this approach involves encouraging emotional intelligence and helping individuals build foundational skills, such as the ability to adapt and respond to challenges in a healthy way.

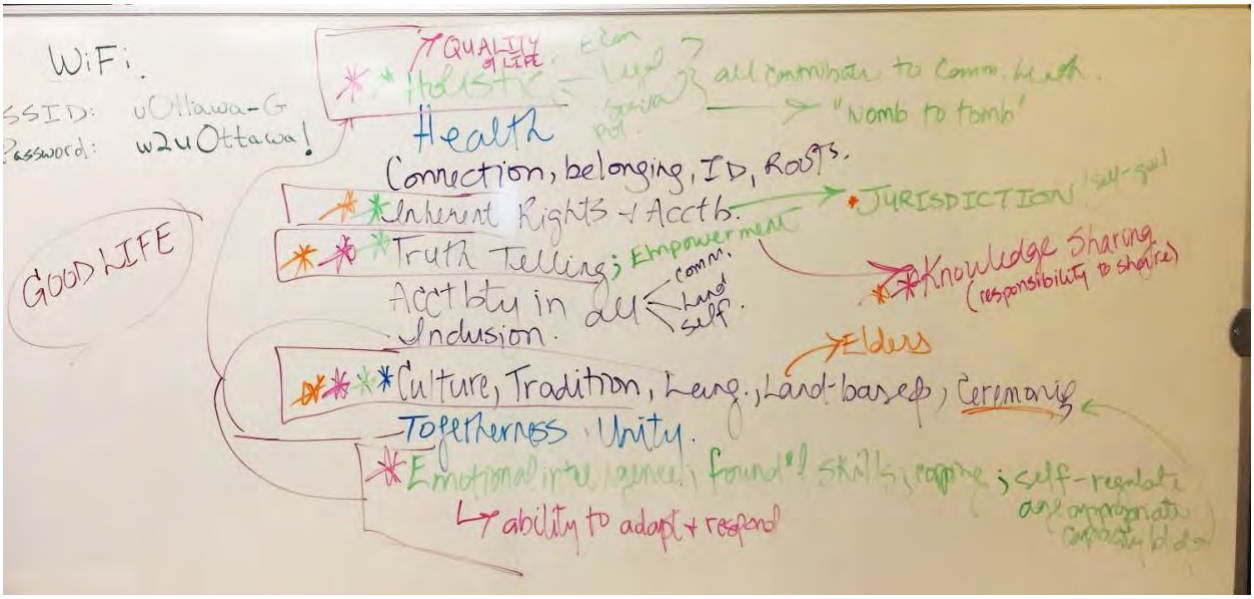


Photo of workshop exercise

Services à l'enfance et à la famille des Premières Nations (SEFPN)

Exercice en atelier : Détermination des états idéaux pour les agences

2018

Les agences ont comme objectif ultime de faire émerger des communautés en santé et en quête de « la bonne vie ». Cheminer vers « la bonne vie » suppose l'adoption d'une approche holistique de santé communautaire, où la communauté participe « du berceau au tombeau » aux aspects économiques, juridiques, sociaux et politiques de la vie des individus.

Le vivre-ensemble, l'unité et un sentiment d'appartenance sont essentiels au bien-être global de la communauté et nécessitent le dévoilement de la vérité, l'autonomisation et le partage du savoir. Les liens avec la communauté, avec le territoire et avec soi-même revêtent une importance vitale. Pour les agences et les communautés, l'atteinte d'un état idéal passe par la capacité des communautés à connaître leurs droits inhérents et à se gouverner elles-mêmes.

Une approche holistique du bien-être communautaire recouvre la culture et la tradition (langue, pratiques basées sur le territoire, aînés, etc.) afin d'encourager la constitution d'identités solidement enracinées dans la culture. Point important, cette approche exige qu'on encourage l'intelligence émotionnelle et qu'on aide les individus à acquérir des habiletés de base, telles que la capacité de s'adapter et de réagir aux défis d'une façon saine.

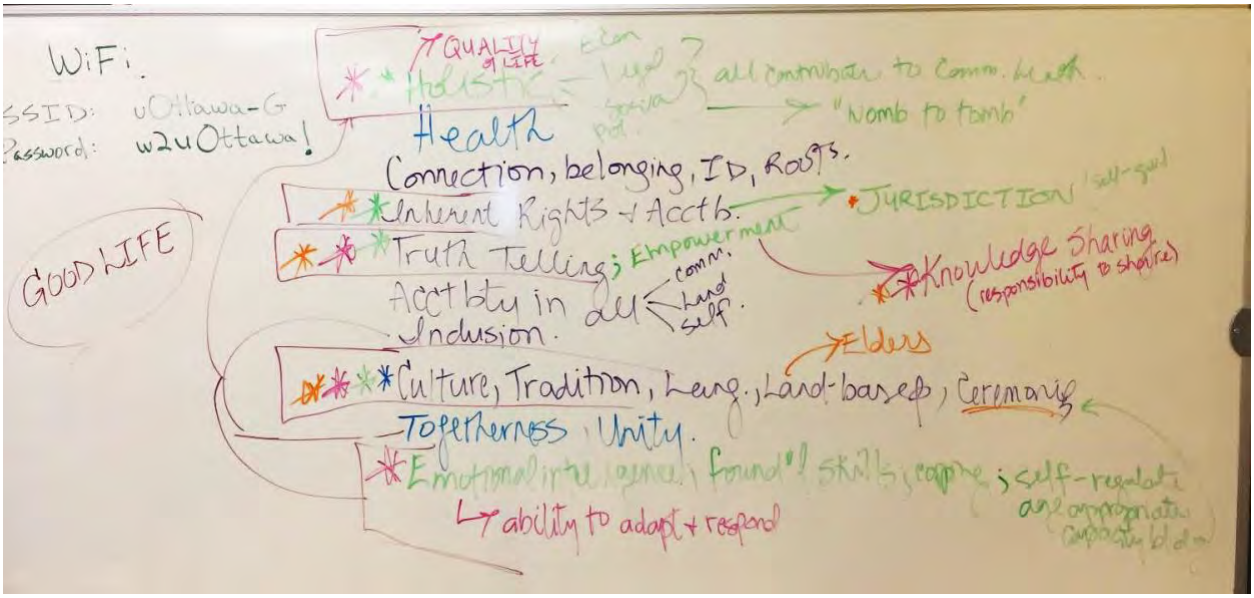


Photo de l'exercice en atelier

First Nations Child and Family Services (FNCFS)

Workshop Exercise:
Identifying Ideal States for Agencies

2018

Relational Accountability, Family Connection and Community Support, and Continuity and Stability through Flexibility are key components of community and agency success.

Relational Accountability
Relational accountability is about "relating as one," by promoting relationships grounded in ritual, being perceptive to the uniqueness of communities and stakeholders, and encouraging mutual respect (rather than one-way compliance).

The emphasis on relational accountability recognizes people as a community's strongest resource, encourages strong family and community connections, and values knowledge sharing and giving back to the community.

Relational accountability might be measured according to agency engagement with the community, such as through agency participation in non-Child Family Services activities, or in meetings with stakeholders and funders that aim to build relationships and dialogue. Success might be tracked according to the number of legal fees or cases in court.

Family Connections, Well-Being and Community Support
A holistic approach to child and family services is one that creates a "circle-of-care" around the child to ensure their well-being throughout their life in the community.

Collaboration within the agency and with different departments, engaging with communities and leadership to make holistic well-being a focus, drawing on Elder and community knowledge, rebuilding trust with communities, and taking into account social determinants of health were identified as ways of fostering a holistic approach.

Measuring success in developing family and community support could be measured by the number of attendees at programs offered by the agency, and by the extent that agencies have the support and participation of community leadership (Chief, council, board).

Success might also be indicated by the level of trust community members place in the agency, which might be measured by families and individuals accessing services by self-referral. Social determinants of health might be tracked by establishing a checklist for different ages and life stages. Also identified as important to overall community well-being was education, which might be tracked by grading at age level, and the number of people graduating high school or accessing post-secondary education.

Continuity and Stability through flexibility

With the child at the centre of care, sometimes plans have to be adapted to support them. A holistic approach to chart paths for healing requires ongoing communication between child, family, and community. A child's ongoing adaptability is an important marker of success.

It is also important for an agency to be adaptable and flexible. Flexibility might be fostered through exercises such as seeking community opinion to evaluate the usefulness and efficacy of programs. This might also be measured through entrance and exit interviews with children in care to identify implications, as well as internal and external reviews for staff and agency.

Accessing services can sometimes be a challenge, especially when some are not aware of options and opportunities available to them. Those who require services must be able to access equitable services and resources across the country without being deterred by bureaucratic barriers or limited experience.

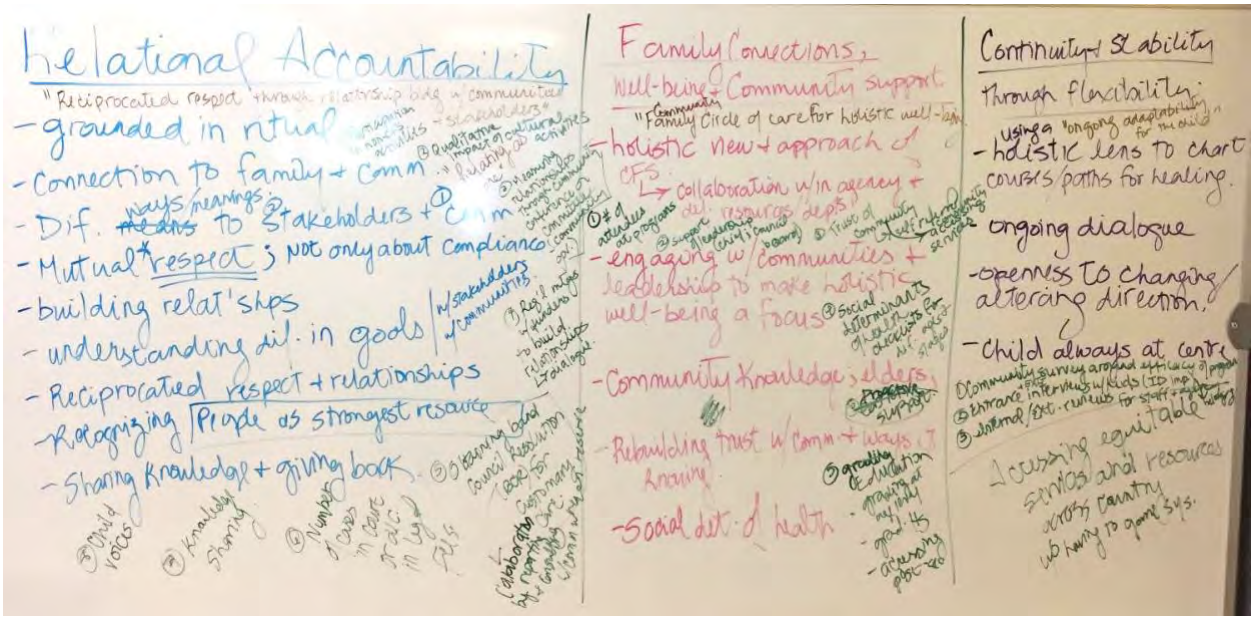
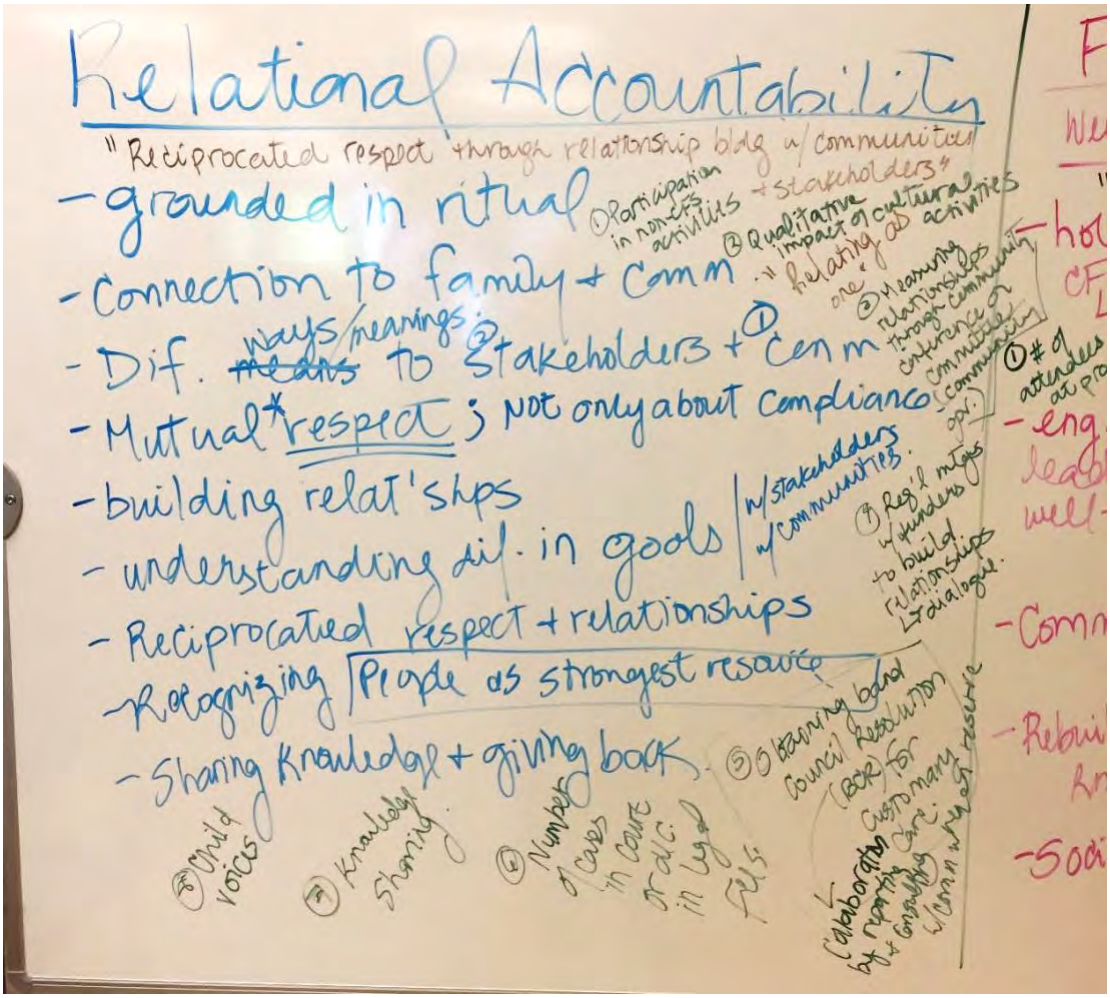
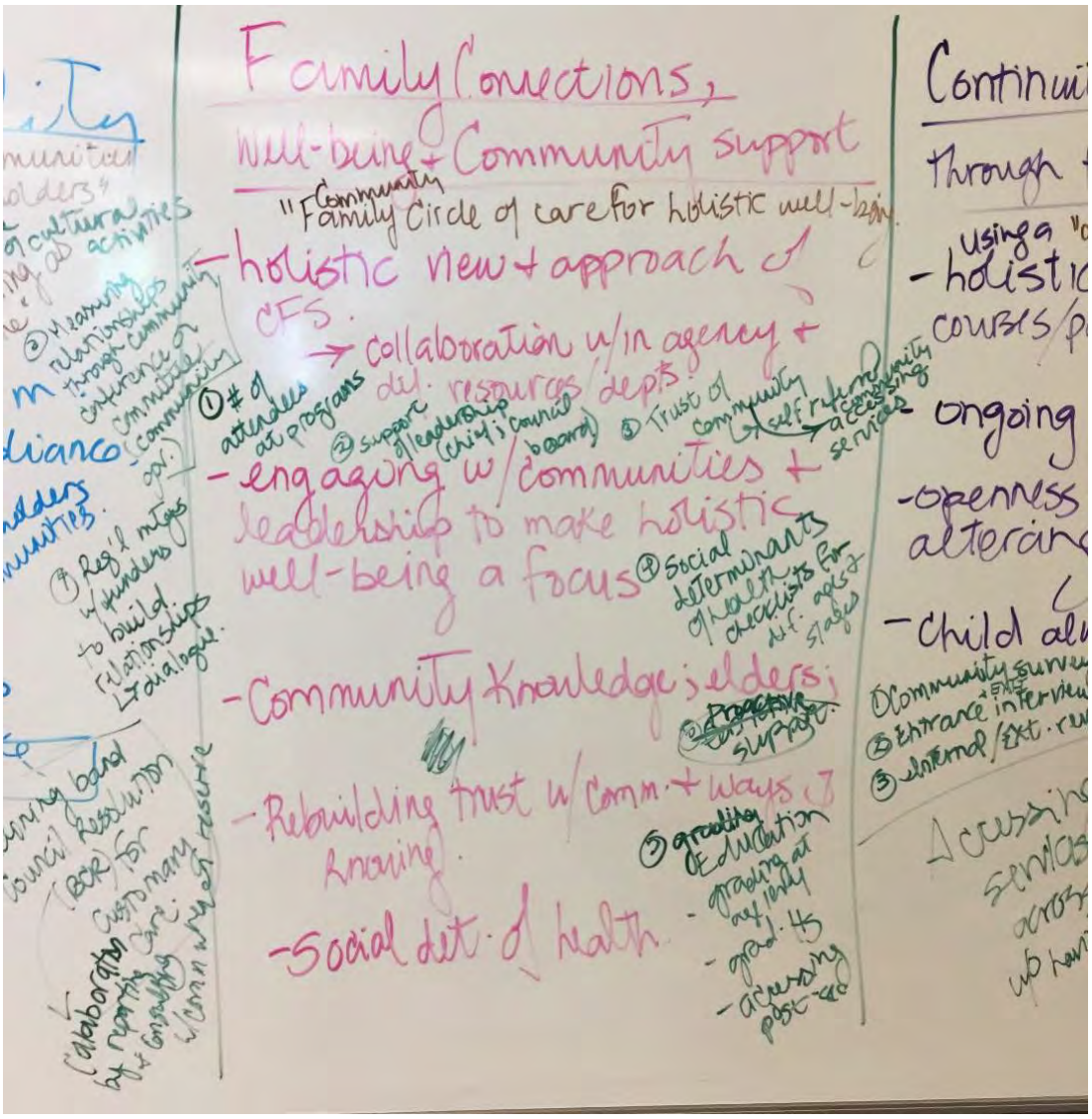


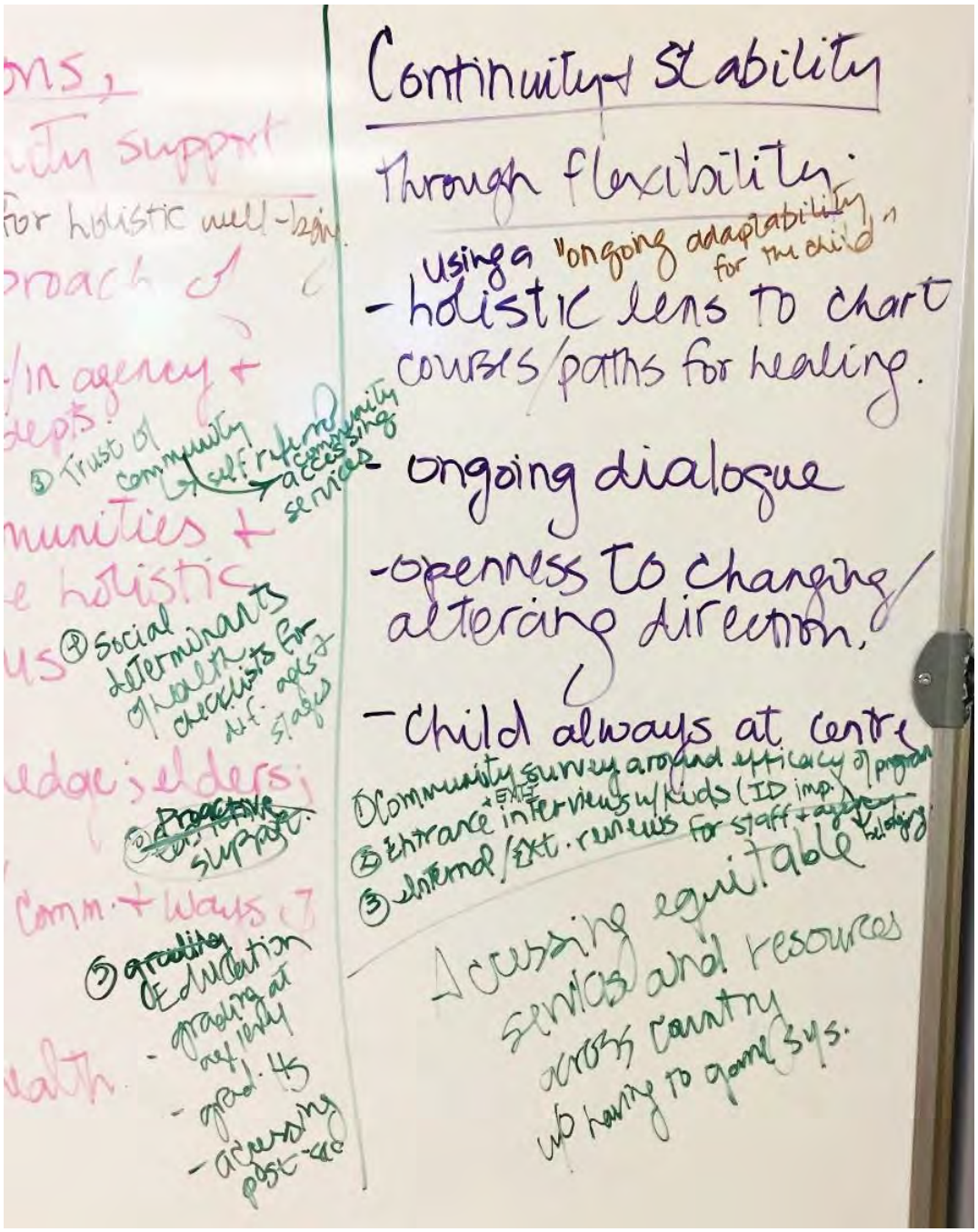
Photo of workshop exercise



"Relational Accountability"



"Family Connections"



"Continuity and Stability through Flexibility"

First Nations Child and Family Services (FNCFS)

Workshop Exercise:
Identifying Ideal States for Agencies

2018

A holistic approach to Child and Family Services, is one that promotes a "good life" and "good mind." A community-based and culturally rooted approach to the well-being of individuals and places the child at the centre of a circle of care, supported by their extended family, the community, and the Nation.

Community connection, cultural awareness, inclusivity and respect are important components of community well-being. Reviving, revaluing and following traditional First Nation laws and practices, while at the same time striving to balance First Nations laws with modern life, are elements of community-building.

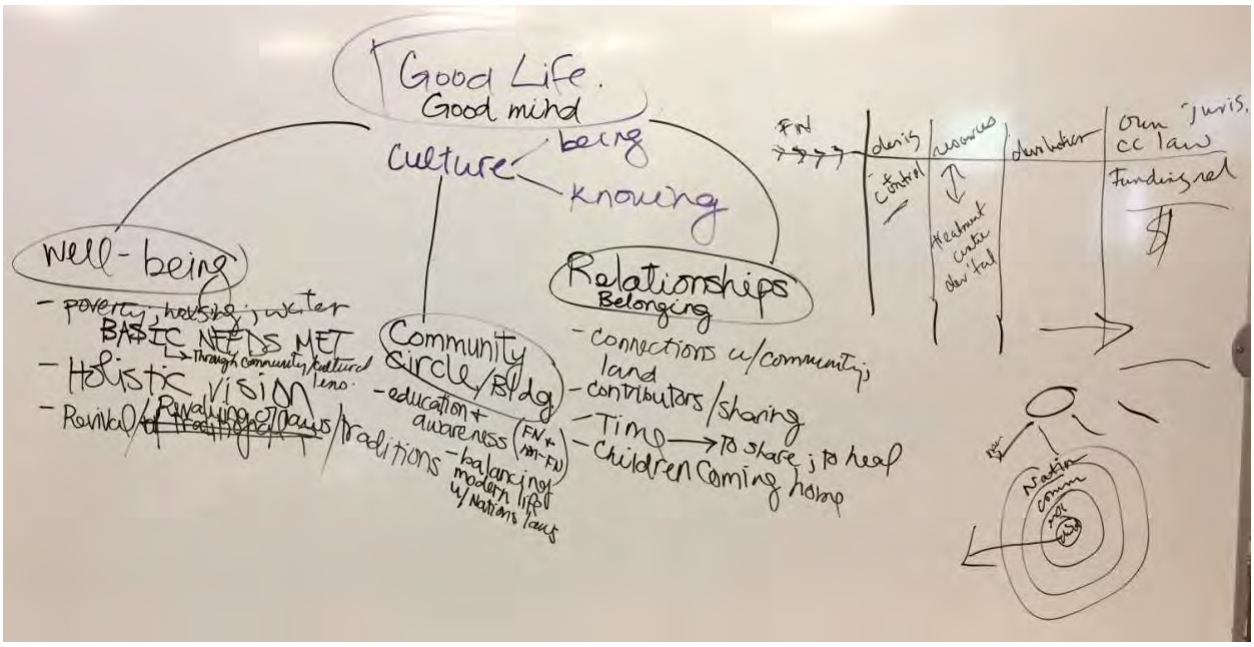
Living fully in culture by "walking in culture" might involve embracing traditional cultural practices such as traditional adoption ceremonies, co-parenting, or naming ceremonies. Speaking traditional language, practicing traditional medicine, and respecting the land were also identified as elements of cultural connection. As important as promoting cultural connection is ensuring community members' basic needs are met (such as access to clean water and housing).

Education and awareness between First Nations and non-First Nations to work towards reconciliation are crucial. Identified as equally important was the need to acknowledge history and past, to revalue connection to the land, and to continue to challenge the existing system where injustices exist.

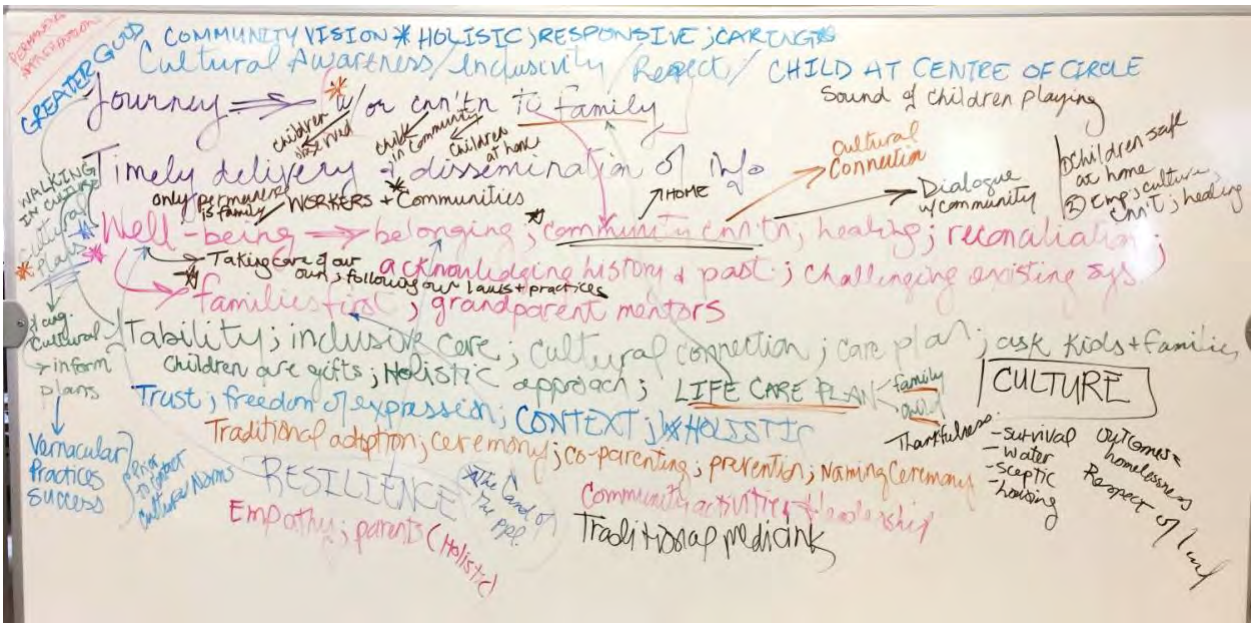
This workshop identified the importance of trust and stability for agencies. They emphasized the importance of regular communication with children and families to appreciate their unique needs, exercising empathy for parents of children in care to

promote healing for the whole family, and valuing the role of grandparents as mentors.

A caring and responsive approach on behalf of the agency is needed to meet the needs of families. Children are viewed as a gift from the Creator, and their health and success reflects the health and success of the community. It is important to keep children close to the community where they are valued.



Photos of workshop exercise



Workshop Exercise:
Identifying Ideal States for Agencies

2018

Self-determination is crucial for nations and agencies because they are distinct.

There is no "cookie cutter" approach for child and family service agencies. Agencies are unique, as are the individuals and communities they serve. The uniqueness of provinces, traditions, languages, and cultures must be taken into account.

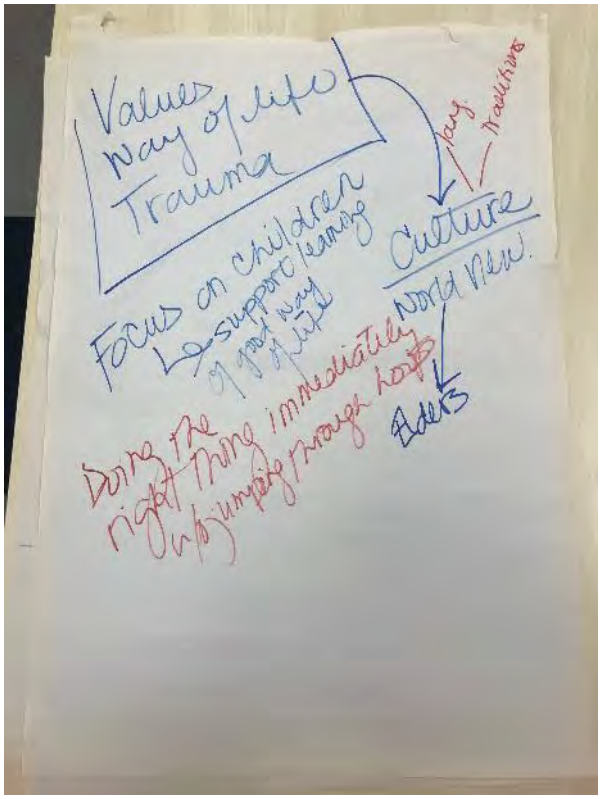
An actuals-based funding formula will be rejected.

Financial autonomy is a tool that recognizes self-determination and distinctness as it would enable spending based on community needs. Agencies need the authority to allocate funding as needed to achieve their goals and require flexibility to manage spending and respond case-by-case.

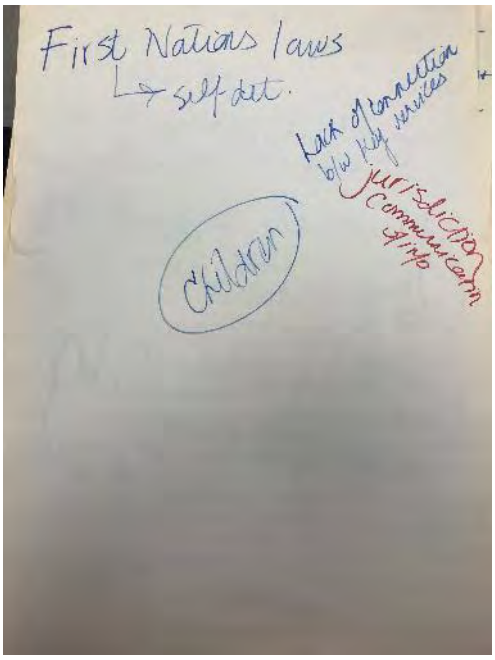
Clear legislation regarding jurisdiction is necessary to define the responsibilities of the Provincial and Federal governments to Child and Family Service agencies.

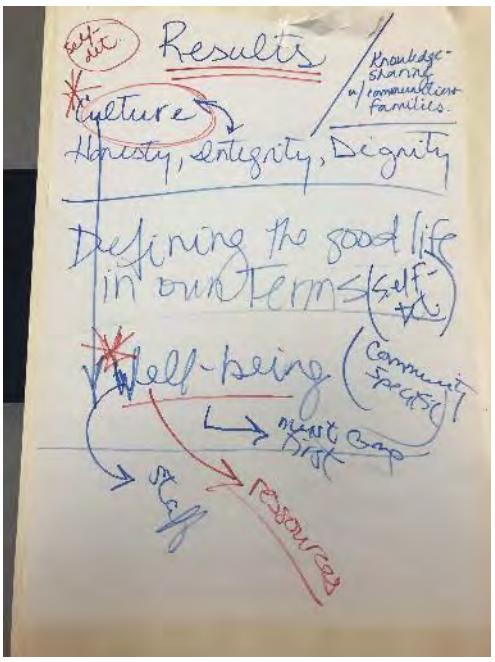
Community well-being is very important and requires resources and staff to be oriented towards the well-being of the whole community. Doing the right thing for the child, family or community, regardless of institutional obstacles is important.

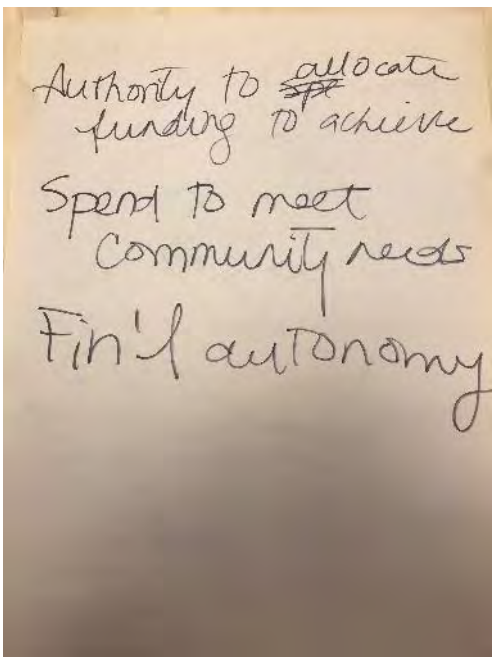
Integral to the well-being of the community is the well-being of families. Relationships with children and families must be grounded in integrity, honesty, dignity, and respect. The intention of agencies is to have children safe and families together. This focus involves supporting children as they learn good and healthy "ways of life".

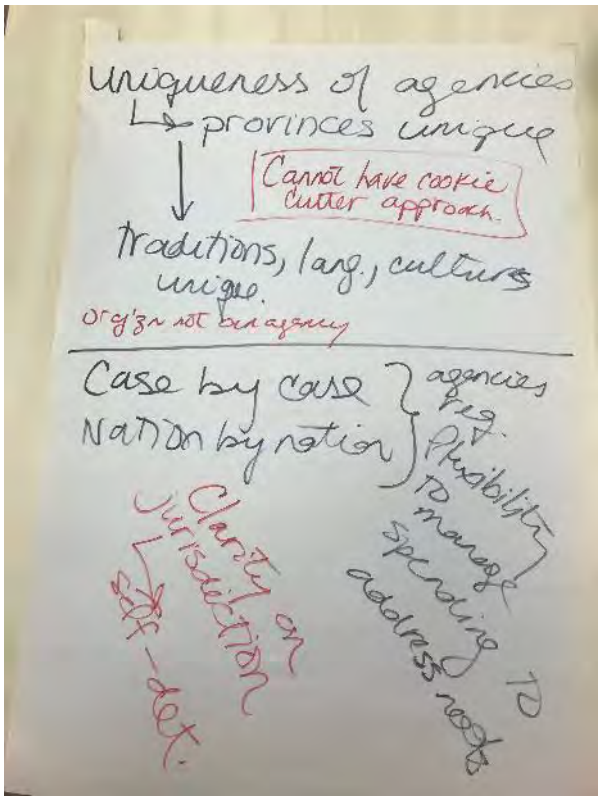


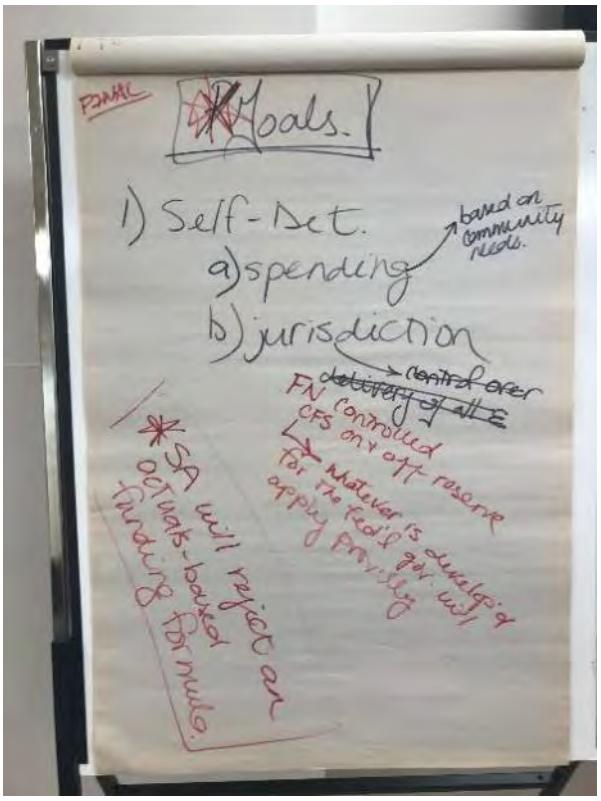
Photos of workshop exercise


First Nations laws
self-det.
Lack of connection b/w key services
Jurisdiction
Communication gaps
Children


Results
Knowledge-sharing w/ communities + families.
Culture
Honesty, Integrity, Dignity
Defining the good life in our terms (self-det.)
Well-being
Community specific
must come first
Self
Resources


Authority to allocate funding to achieve
Spend to meet Community needs
Fin'l autonomy


Uniqueness of agencies
provinces unique
Cannot have cookie cutter approach.
Traditions, lang., cultures unique.
org'zn not by agency
Case by case
Nation by nation
agencies req. flexibility to manage spending to address needs
Clarity on Jurisdiction
self-det.


FNHAL
Goals.
1) Self-Det.
a) spending
based on community needs.
b) jurisdiction
control over
delivery of all E
FN controlled CFS on + off reserve
Whatever is developed for the feds will apply Provincially
SA will reject an actuals-based funding formula.

APPENDIX G

Workshop Evaluation Form

First Nation Child and Family Services (FNCFS) Agency Workshop

Feedback Form

1=Strongly disagree Agree 2=Disagree 3=Somewhat 4= Agree 5= Strongly Agree

Compared to other experiences in data collection, did you find the workshop approach helpful in completing the survey?	1	2	3	4	5	N/A
Did the materials provided prior to the workshop (i.e. the letter from NAC, the project website) prepare you for what to expect at the workshop?	1	2	3	4	5	N/A
Overall, were the survey questions clear and comprehensive?	1	2	3	4	5	N/A
Was it helpful to have IFSD staff on-hand to ask questions related to the survey?	1	2	3	4	5	N/A
Were you comfortable sharing your data with IFSD?	1	2	3	4	5	N/A
Was the collaborative process conducive to peer-to-peer learning?	1	2	3	4	5	N/A
Did you use the project website to access information about the workshop?	1	2	3	4	5	N/A
Overall, was the workshop value for your time?	1	2	3	4	5	N/A

What was the most valuable part of the workshop for you?

What would you change about the workshop?

Other comments?

Atelier des agences de services à l'enfance et à la famille des Premières Nations (SEFPN)

Formulaire de rétroaction

1=Fortement en désaccord 2=En désaccord 3= Moyennement 4= D'accord
5= Fortement d'accord

Comparativement à d'autres expériences de collecte de données, jugez-vous utile l'approche retenue (atelier) pour remplir l'enquête?	1	2	3	4	5	S.o. (sans objet)
Est-ce que la documentation fournie avant l'atelier (lettre du Conseil consultatif national, site web du projet) vous a préparé(e) à la tenue de l'atelier?	1	2	3	4	5	S.o.
Dans l'ensemble, est-ce que les questions de l'enquête étaient claires et complètes?	1	2	3	4	5	S.o.
Avez-vous trouvé utile que du personnel de l'IFPD soit présent sur place pour répondre aux questions concernant l'enquête?	1	2	3	4	5	S.o.
Étiez-vous à l'aise avec le fait de partager vos informations avec l'IFPD?	1	2	3	4	5	S.o.
Est-ce que le processus de collaboration favorisait l'apprentissage entre pairs?	1	2	3	4	5	S.o.
Avez-vous consulté le site web du projet pour obtenir de l'information sur l'atelier?	1	2	3	4	5	S.o.
Globalement, est-ce que le temps que vous avez consacré à l'atelier en valait la peine?	1	2	3	4	5	S.o.

Quelle partie de l'atelier vous a été le plus utile?

Quels changements recommanderiez-vous d'apporter à l'atelier?

Autres commentaires?

Participants were generally satisfied with the workshops and the exchanges with their colleagues.

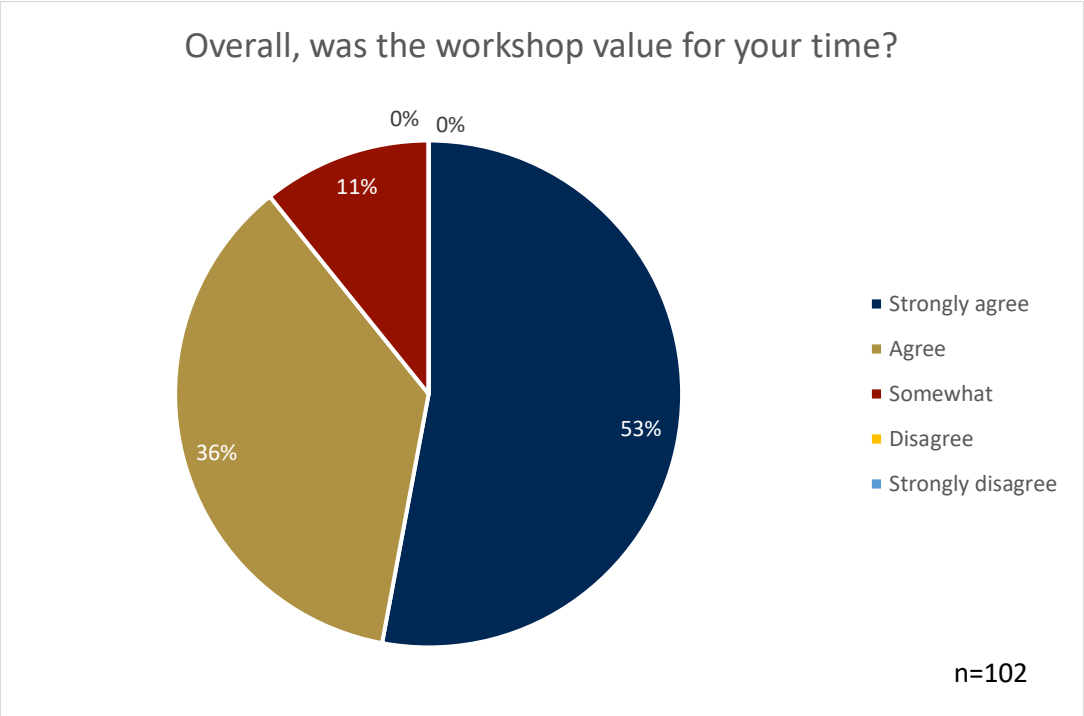


Figure 1: Participant feedback from workshop.

APPENDIX H

Agency Outreach for Workshops

Le texte français suit l'anglais.

May 1, 2018

Attention: First Nation Delegated Child and Family Services Agencies

I am writing on behalf of the National Advisory Committee (NAC).

We at the Institute of Fiscal Studies and Democracy (IFSD) are pleased to be working with NAC, the Assembly of First Nations (AFN), and the Family Caring Society of Canada (Caring Society) to support Canada's efforts in developing a data-driven program architecture for First Nations Child and Family Services agencies. I invite you to review the attached letter from NAC on this matter.

Members of my team at IFSD will contact you this week with an invitation to participate in this project. Should you have any questions, I invite you to contact Dr. Helaina Gaspard (helaina.gaspard@ifsd.ca).

With kind regards,

Kevin Page
PRESIDENT & CEO | PRÉSIDENT & PDG
+1.613.797.2444 | kevin.page@ifsd.ca | IFSD.CA
—
IFSD | IFPD @UOTTAWA
—

SENIOR FELLOW, MASSEY COLLEGE
UNIVERSITY OF TORONTO

1er mai, 2018

À l'attention des: Organismes de services à l'enfance et à la famille délégués des Premières Nations

Je vous écris de la part du Comité consultatif National (CCN).

Nous à l'Institut des finances publiques et de la démocratie (IFPD), ont le plaisir de travailler avec le CCN, l'Assemblée des Premières Nations (APN) et la Société de soutien à l'enfance et à la famille des Premières Nations du Canada (Société de soutien) afin de soutenir les efforts du Canada de développer une architecture de programme axé sur les données pour les agences de services à l'enfance et à la famille des Premières Nations. Je vous invite à consulter la lettre du CCN ci-jointe à cet effet.

Mon équipe à l'IFPD vous contactera cette semaine avec une invitation à participer à ce projet. Pour toutes questions, je vous invite à contacter la Dr. Helaina Gaspard (helaina.gaspard@ifsd.ca).

Très cordialement,

Kevin Page
PRESIDENT & CEO | PRÉSIDENT & PDG
+1.613.797.2444 | kevin.page@ifsd.ca | IFSD.CA
—
IFSD | IFPD @UOTTAWA
—

SENIOR FELLOW, MASSEY COLLEGE
UNIVERSITY OF TORONTO

May 1, 2018

Attention: First Nation Delegated Child and Family Services Agencies

The Canadian Human Rights Tribunal (CHRT), in its January 2016 decision and subsequent rulings, has found that Canada has used a discriminatory funding approach for First Nations Child and Family Services and has issued specific orders regarding funding for First Nations child and family service agencies. Canada states it is committed to implementing these orders.

In support of Canada's efforts to meet the CHRT compliance orders, the National Advisory Committee (NAC) (see Appendix 1 for a description), the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society of Canada (Caring Society) are working with Mr. Kevin Page, former Parliamentary Budget Officer and now President & CEO of the Institute of Fiscal Studies and Democracy (IFSD) | l'Institut des finances publiques et de la démocratie (IFPD) at the University of Ottawa to develop reliable data collection, analysis and reporting methodology for analyzing the needs of First Nations child and family services agencies (see Appendix 2 for Mr. Page's biography).

Many of you may be familiar with the work undertaken by Mr. Page and his team at IFSD in Fall 2017 at NAC's request on the characteristics of First Nations child and family services agencies. Thanks to your participation, the research initiative was successful with a 57% response rate. The final report helped to inform Indigenous and Northern Affairs Canada (INAC) on the financial needs of agencies in the areas of salaries and benefits, capital, etc.

With the recent CHRT orders, we are at a critical juncture for First Nations child welfare and have an important opportunity to create meaningful positive change in the funding approach for First Nations child and family services that supports culturally based and equitable services. We can only do this with your help.

This week, you will receive a phone call followed by a letter of invitation from IFSD to participate in a project that will help to inform a way forward in First Nations child welfare through a cost estimation of current and future needs. This is a significant undertaking that will depend on the participation of agencies. We urge you to support IFSD's efforts by responding to their request for participation.

IFSD is committed to working in partnership with agencies to develop baseline information on cost and need, work that has not been done since the Wen:de reports in 2005. This data will be crucial in establishing a program architecture with funding that meets the needs of agencies and the communities that they serve.

For this project, IFSD has been resourced to support the participation of agencies in an Ottawa-based workshop to complete the data request. IFSD is inviting up to two representatives per agency to join them in Ottawa. We hope you will participate. IFSD will provide you with as much support as possible to ensure your meaningful participation does not detract from your important work with children, their families and communities.

Any information collected from this survey will be shared publicly or with the government only in an anonymized and aggregate form to protect the rights of agencies and communities. The collection and use of this information will follow the OCAP principles of Ownership, Control, Access and Possession as well as the Tri-Council Policy on Research Ethics.

Please do not hesitate to contact Dr. Helaina Gaspard at IFSD (helaina.gaspard@ifsd.ca) or Martin Orr at AFN (morr@afn.ca) at any time with questions or concerns.

Sincerely,

The National Advisory Committee

Appendix 1

TERMS OF REFERENCE
National Advisory Committee on
First Nations Child and Family Services (FNCFS) Program Reform

Purpose:
The purpose of these Terms of Reference is to set out the mandate, membership and roles and responsibilities of the National Advisory Committee.

Background:

1. The Joint INAC/AFN NAC met regularly from 2001-2008, primarily to oversee implementation of the National Policy Review's 17 Recommendations to the Minister of INAC on changes needed to the DIAND policy governing the FNCFS Program. In 2004 and 2005, the NAC produced three reports regarding the FNCFS Program known as the *Wen:De* reports.

2. On January 26, 2016, the Canadian Human Rights Tribunal ("the Tribunal") released its decision (2016 CHRT 2 "Decision") in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* ("the Complaint"). The Complaint had been filed in 2007. The Tribunal determined that the federal government discriminated against First Nations children on the grounds of race and national ethnic origin by failing to ensure substantive equality in the provision of child and family services for First Nations peoples. The Tribunal also found that the federal government's definition, policies and application of Jordan's Principle to be discriminatory. The Tribunal has retained jurisdiction over the matter and issued a subsequent order on April 26, 2016 (2016 CHRT 10). A further Tribunal order is pending.

3. The Tribunal ordered Aboriginal Affairs and Northern Development Canada (now Indigenous and Northern Affairs Canada ("INAC"), to cease its discriminatory practices and reform the First Nations Child and Family Services ("FNCFS") Program and the *Memorandum of Agreement Respecting Welfare Programs for Indians* applicable in Ontario ("1965 Agreement") to reflect the findings in the Decision. INAC was also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of the principle. In 2016 CHRT 10, the Tribunal further clarifies that the order is to "immediately implement" not immediately start discussions to review the definition in the long term. The Tribunal further "orders INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided." In 2016 CHRT16, the

Tribunal further noted that Jordan's Principle applies on and off reserve and ordered INAC to immediately implement several measures regarding child and family services funding.

4. INAC has committed to working with First Nations leadership and organizations; child and family services agencies; front-line service providers; the parties to the Complaint; and other stakeholders, on steps towards FNCFS Program reform and meaningful change for First Nations children and families.

5. The Tribunal has deferred consideration of medium- to long-term relief until its consideration of immediate relief has concluded. In their submissions to the Tribunal, both the AFN and the Caring Society sought the establishment of a joint policy development initiative between INAC and the Complainants to reform the FNCFS Program, and which also may guide the Tribunal in determining appropriate Orders on mid-terms and long-term relief.

6. INAC has undertaken to immediately establishing and adequately resourcing a NAC, in order to begin the necessary and critical reform of the FNCFS Program. Establishing a NAC is a crucial first-step in addressing the medium to long-terms changes to the FNCFS Program.

Guiding Principles

7. The National Advisory Committee's process will be guided by the following principles:

   a. Consistent with the United Nations Convention on the Rights of the Child, the United Nations Committee on the Rights of the Child General Comment 11, the United Nations Declaration on the Rights of Indigenous Peoples and the TRC's Calls to Action, the best interests and well-being of First Nations children will be paramount.
   b. Federal, provincial/territorial and First Nations' decision-making processes must be respected.
   c. Involvement of community, parents, and extended family as a corner stone of effective and culturally based child and family services.
   d. INAC and other federal government departments engaged in the provision of services to First Nations children and families have a legal obligation not to discriminate against those children and families.
   e. Policies, programs and services must be responsive and relevant to the distinct needs of children and to community needs and realities.
   f. Whenever possible, families have the right to stay together. All services and preventative measures ought to be exhausted before a child is removed from the family.

   g. First Nations have an interest in the well-being of all of their members, regardless of where they live.

Mandate

8. The NAC is mandated to provide advice, input into the design and assist in the development of reforms of First Nations child and family services policies and programs on-reserve to First Nations leaders and agencies and the Minister of INAC. The NAC shall review across-

the-board reforms, including federal government authorities, policies and practices, to the national framework to support FNCFS Agencies, the greater needs of First Nation children, each First Nations community's cultural vision of safe and healthy children and families, provincial/territorial variances, and mechanisms to ensure communication, accountability and dispute resolution.

9. The National Advisory Committee will provide advice on future reforms to the First Nations Child and Family Services Program in a way that promotes the safety and best interests of First Nations children, taking account of the distinct needs and circumstances of First Nations children and families – including historical and ongoing disadvantage and their cultural, linguistic and geographical needs and circumstances – in order to ensure substantive equality in the provision of child and family services to them.

10. Upon agreement by the members of NAC, NAC may select and retain experts to assist it in its work, on an as-needed basis. Preference will be given to experts with demonstrated expertise regarding First Nations child and family services.

11. In addition, the NAC may establish action tables to further the goals, work and objectives of NAC, as appropriate.

12. The NAC will address, but will not be limited to, the elements of the current FNCFS Program. The NAC can provide advice to assist in the reform of the program on an interim basis throughout its term as well as producing reports or research as it sees fit.

13. The NAC's deliberations, and the information provided to and/or produced by the NAC, will be made available to the public.

14. The copyright of materials produced at the direction of the National Advisory Committee will be determined within the individual service contracts. Members of the NAC and participating member organizations respect the intellectual and moral property rights regarding Indigenous cultures, languages and traditional knowledge. All research will be conducted in keeping with the OCAP research principles (Ownership, Control, Access and Possession) and observe ethics review processes, including First Nations research ethics boards where they operate.

15. INAC agrees to provide documentation on an ongoing basis of all CFS and Jordan's Principle documents, reports, data, budgets and policies that it is legally able to provide to the NAC and the NAC will be provided with copies of documents requested (including portions of documents that are not redacted), in a timely manner, to enable the NAC to complete its work and mandate.

16. The members of the Committee agree to work together to achieve the mandate of the Committee and to collectively provide recommendations for the program reform of the FNFCS program.

Term of the NAC

17. The NAC will commence its work in January 2017 and will complete its recommendations by January 31, 2018. Extension of time will be agreed to by the members of the Committee.

Membership

18. The National Advisory Committee will be composed of the following members:
    a. One (1) national chair;
    b. Three (3) representatives of the Federal Government including one or more regional INAC representatives;
    c. One (1) representative of the AFN;
    d. One (1) representative of the First Nations Child and Family Caring Society of Canada;
    e. Ten (10) regional representatives, one representative from each of AFN's regions, with alternates available when needed;
    f. One (1) First Nation youth representative; and
    g. One (1) First Nation Elder(s) representative.

19. The ten (10) regional representatives/their alternates, youth and elder members will be selected by the AFN through its ordinary processes. Observers are also welcome to attend.

20. INAC will provide adequate funding that is necessary for the NAC to complete its work, activities and mandate.

21. The National Advisory Committee will be chaired by a person agreed to by INAC, the AFN, and the First Nations Child and Family Caring Society of Canada.

22. By consensus representatives of the Provinces and Yukon Government may be invited to participate in the NAC's work, in order to provide assistance to the NAC and its members.

23. The Canadian Human Rights Commission may participate as an interested party.

Responsibilities of the National Advisory Committee

24. The Committee will be responsible for:
    a. Making recommendations, input into the design and assist in the development of FNCFS Program reform(s).
    b. Making recommendations on the design of engagement processes to assist in developing approaches for reform.
    c. Providing an advisory and support role to existing regional tables in the engagement processes and supporting the development and operation of regional tables in regions where they do not currently operate.
    d. Developing mechanisms for sharing information of the work and the activities of NAC, including with First Nations and Provincial Territorial Organizations, as appropriate.
    e. Developing and providing approval of a work plan for the work of the committee and

the work of any advisory or expert action tables

f. Overseeing processes for decision making, and recording decisions, understandings and minutes of NAC meetings.
g. Making recommendations regarding implementation activities and following-up as appropriate.

Operating Principles

25. The NAC will operate on the basis of consensus and any dispute will be resolved by the Chair, with the assistance of an Elder.

26. The costs for regional representatives to participate in the work of the NAC shall be borne by the INAC/AFN.

Canadian Human Rights Tribunal (Tribunal)

27. These Terms of Reference shall be filed with the Tribunal. The Committee shall provide reports and/or minutes of its meetings to the Tribunal as long as the Tribunal retains jurisdiction over the complaint or until it orders otherwise or the parties to the complaint agree otherwise.

ANNEX A

Suggested Topics to be addressed by the National Advisory Committee

(to be discussed once Committee is fully formed)

The National Advisory Committee may address the following elements of the FNCFS Program:

A. General

i. Jurisdictional models eligible for funding under the FNCFCS Program

ii. General funding structure, stacking provision considerations, and considerations of eligible costs including funding arrangements between INAC and Provinces/Territories and non-Aboriginal service providers.

iii. Provisions for First Nations children not served by a FNCFS Agency to ensure comparable and culturally appropriate services.

iv. Provisions for extraordinary costs related to unusual occurrences that engage higher child welfare costs such as natural disasters, substantial increases in mental health or substance misuse, and unusual requirements for mandatory staff participation in inquiries.

v. Provisions for organizational networking and learning to promote the sharing of research and best practices among FNCFS Agencies.

vi. A process for economically modelling revisions to funding policy and formula and evaluating the efficacy of such changes on an ongoing basis to ensure they are non-

discriminatory and safeguard the best interests of the children.

vii. A funding structure that takes into account costs related to historic disadvantage and distinct cultures and languages of First Nations.

viii. FNCFS Agency staff salaries, benefits, and training.

ix. Training for public servants involved in the FNCFS Program to ensure proper training for management of the program, including professional development on child development, First Nations cultures/histories, the Truth and Reconciliation Commission, and the history of the FNCFS Program including the Tribunal decisions.

x. Creating a new definition of "neglect" that takes into account First Nation norms, values and culture.

xi. Mechanisms for ensuring that reforms do not reduce current funding levels or numbers of arrangements for FNCFS Agencies.

xii. Levels of service provided by FNCFS service providers and INAC reporting requirements imposed on FNCFS service providers should be comparable to the level of service provided by or imposed on provincial territorial governments and not pose an undue burden on agency staff .

xiii. FNCFCS funding agreements should promote long term planning, sustainable service provision and evaluation.

xiv. FNCFS services should be based on effective First Nations models, including jurisdictional models, for the design, delivery and evaluation of First Nations Child and Family Services and on sharing information and effective practices.

xv. FNCFS service providers serving small populations of eligible children should receive sufficient resources to allow them to provide culturally appropriate services that are comparable to those provided by FNCFS service providers serving large populations of eligible children.

xvi. FNCFCS funding for service providers serving more than 1000 children in care must account for the full population served.

xvii. There are to be no reductions or further restrictions in the level of FNCFS funding for any agency.

xviii. INAC approval criteria and processes for the development and operation of new First Nations child and family service agencies.

xix. First Nations efforts to exercise jurisdiction and/or initiatives to create separate self-

governing child welfare regimes are to be supported and acknowledged

xx. The Touchstones of Hope framework for the design and implementation of community based visions of child safety and wellbeing.

B. Creation of a new FNCFS regime

i. Creation of a new FNCFS regime to fully replace the existing programs and services.

ii. New regime shall consider the distinct needs and circumstances of First Nations children and families living on-reserve, including their cultural, historical and geographical needs and circumstances.

iii. Program shall address the higher service needs of Frist Nation children resulting from intergenerational impacts of Indian Residential School and

effects of colonization, along with higher costs to deliver those services

iv. Ensure substantive equality in the provision of child and family services to First Nations children and families living on-reserve.

v. Develop enhanced funding mechanisms to ensure isolated, remote and northern communities serviced by agencies will be provided with equitable services and a full range of programs offered elsewhere.

C. Maintenance

i. Calculation of yearly maintenance.

ii. Appeal mechanisms regarding eligible maintenance expenses.

iii. Reimbursement of legal costs.

iv. Funding of support services intended to reunite children in care with their family.

D. Operations

i. Baseline assumptions of children in care for funding of FNCFS Agencies.

ii. Mechanisms to account for historical and ongoing inflation losses and annual adjustments going forward to ensure FNCFS Agency funding keeps pace with inflation.

iii. Corporate legal costs and costs for liability claims.

iv. Funding of remote agencies and agencies in urban areas to account for higher operations and maintenance costs.

v. Funding for records management, policy development and human resources management, liability insurance, audits, janitorial services, and security.

vi. Funding of costs related to the receipt, assessment and investigation of child welfare

reports for all FNCFS Agencies that hold delegation for these functions including costs for after-hours service delivery.

vii. Funding of capital costs that takes into account increased need due to augmentation of prevention staff, services, and programs, and to ensure that buildings, computers, and vehicles meet the applicable safety regulations, are child safe, accessible by persons with disabilities, and support comparable child and family services.

viii. Funding of emergency repairs and maintenance of buildings.

ix. Funding for staff travel and travel costs related to children and families

receiving child welfare services.

x. Definition of eligible child.

xi. Any changes to the funding structures to FNCFS Agencies or their reporting requirements.

E. Prevention Funding

i. Funding for the adequate and sustained provision of primary, secondary, and tertiary prevention services.

ii. Funding for the development, operation and evaluation of culturally-based prevention programs and reforms based on those evaluations.

F. Jordan's Principle

i. An approach to implement the full meaning and scope of Jordan's Principle in compliance with the CHRT orders across all children, all jurisdictional disputes and all federal services ensuring no delays in service provision related to the child's First Nations status.

ii. The creation of a non-discriminatory, accessible and transparent process for reporting of federal Jordan's Principle cases.

iii. The creation of non-discriminatory and transparent assessment criteria and assessment processes for reports of federal Jordan's Principle cases.

iv. The creation and implementation of an independent appeal process for federal Jordan's Principle cases.

v. Recommending mechanisms and required resources for public education regarding Jordan's Principle among First Nations, FNCFS Agencies, federal/provincial/territorial government officials and other stakeholders (such as: health professionals, teachers, and early childhood educators).

G. Accountability

i. The creation of an independent permanent expert structure with the authority, resources and mandate to monitor and publicly report on INAC's performance in maintaining non-discriminatory and culturally-appropriate First Nations child and family services and in fully implementing Jordan's Principle.

ii. The creation of a mechanism to act as a national and publicly accessible repository for all non-privileged information relevant to the provision of FNCFS services.

iii. All proposed reforms will be presented to the AFN Chiefs-in-Assembly for consideration, discussion and input.

iv. INAC shall carry out its duty to consult with first Nation governments and accommodate any First Nation interests with regard to any final proposal for program reform.

v. Training and capacity building for INAC and other federal government officials to ensure non-discriminatory, culturally based and equitable child and family services and implementation of Jordan's Principle.

Appendix 2
Kevin Page, Biography

Kevin Page is the founding President & CEO of the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa.

Mr. Page was appointed Canada's first Parliamentary Budget Officer on March 25, 2008 where he served a five-year term providing Canadian parliamentarians and taxpayers with independent analysis on trends in the national economy, the state of nation's finances and the estimates of the government. Mr. Page led a small but talented team that built the first legislative budget office in Canada and one that was viewed as a leading practice among peer nations by such organizations as the IMF and OECD. While PBO, Mr. Page documented the shortfalls in First Nations school funding in 2009.

Following his tenure as Parliamentary Budget Officer and a 27-year career in the federal public service (many of these years were spent in central agencies, e.g. Department of Finance, Treasury Board of Canada, Secretariat and Privy Council Office), Mr. Page was appointed Chair of the Jean-Luc Pepin Research Chair at the University of Ottawa. As Chair, Mr. Page designed and taught courses in public finance and economics and oversaw research and advisory projects in Canada and around the world.

A globally recognized authority on fiscal matters, Mr. Page serves as advisor to the South African Parliamentary Budget Office, the Slovakian Fiscal Council, as well as the World Bank's Global Network of Parliamentary Budget Offices (GN-PBO).

1er mai, 2018

À l'attention des: Organismes de services à l'enfance et à la famille délégués des Premières Nations

Le Tribunal canadien des droits de la personne (TCDP), dans sa décision de janvier 2016 et ses décisions ultérieures, a déterminé que le Canada a utilisé une approche de financement discriminatoire envers les agences délivrant le Programme des services à l'enfance et à la famille des Premières Nations (SEFPN) et a publié les ordonnances en ce qui concerne le financement pour les SEFPN. Le Canada déclare qu'il s'engage à mettre en œuvre ces ordonnances de conformité.

En soutien aux efforts du Canada de respecter les ordonnances exécutoires du TCDP, le Comité consultatif national (CCN) (pour une description, voir l'annexe 1), l'Assemblée des Premières Nations (APN) et la Société de soutien à l'enfance et à la famille des Premières Nations du Canada (Société de soutien) travaillent présentement avec M. Kevin Page, ancien Directeur parlementaire du budget et maintenant président et directeur général de l'Institut des finances publiques et de la démocratie (IFPD) | Institut of Fiscal Studies and Democracy (IFSD) de l'Université d'Ottawa, pour développer une méthodologie de collecte de données, d'analyse et de rapport fiable pour analyser les besoins des agences du programme de services à l'enfance et à la famille des Premières Nations (voir l'annexe 2 pour la biographie de M. Page).

Plusieurs d'entre vous sont peut-être familiers avec le travail entrepris par M. Page et son équipe de l'IFPD | IFSD en Automne 2017 à la demande du CCN sur les caractéristiques des agences du programme de services à l'enfance et à la famille des Premières Nations. Grâce à votre participation, l'initiative de recherche a été un succès avec un taux de réponse de 57%.

Le rapport final a aidé à informer le ministère des Affaires indiennes et du Nord Canada (AINC) sur les besoins financiers des agences dans les domaines des salaires et des avantages sociaux, du capital et autres caractéristiques.

Avec les ordonnances de conformité du TCDP, nous sommes à un point crucial concernant le bien-être des enfants des Premières Nations et avons une occasion énorme de créer un changement positif significatif dans l'approche financement pour les agences de services à l'enfance et à la famille des Premières Nations qui soutient des services équitable et basé culturellement. Nous ne pouvons pas l'accomplir sans votre aide.

Cette semaine, vous recevrez un appel suivi d'une lettre d'invitation de la part de l'IFPD | IFSD afin de participer à un projet qui aidera à informer sur le moyen d'aller de l'avant à propos du bien-être des enfants des Premières Nations à travers une estimation des coûts des besoins actuels et futurs. C'est une entreprise significative qui dépendra de la participation des agences. Nous vous exhortons à soutenir les efforts de l'IFPD | IFSD en répondant à sa demande de participation.

L'IFPD | IFSD s'engage à travailler en partenariat avec les agences afin de développer une base de référence sur les coûts et les besoins qui n'a pas été établie depuis les rapports Wen :de en 2005. Ces données seront cruciales pour l'établissement d'une architecture de programmes avec un financement qui respecte les besoins des agences et des communautés qu'ils servent.

Pour ce projet, l'IFPD | IFSD a obtenu les moyens financiers pour soutenir la participation des agences à un atelier à Ottawa afin de compléter la demande des données. Nous espérons que vous y participerez en envoyant jusqu'à deux représentant(e)s de votre agence. L'IFPD | IFSD vous soutiendra autant que possible pour assurer que votre participation significative ne diminuera pas votre travail essentiel avec les enfants, leurs familles et leurs communautés.

Tout renseignement recueilli dans ce sondage sera partagé publiquement ou au niveau gouvernemental uniquement, sous une forme anonyme et cumulative, afin de protéger les droits des agences et des communautés. La collecte et l'utilisation de ces renseignements suivront les principes de PCAP (propriété, contrôle, accès et possession) ainsi que l'Énoncé de politique des trois Conseils en matière d'éthique de la recherche.

N'hésitez pas à contacter la Docteure Helaina Gaspard à L'IFPD | IFSD (helaina.gaspard@ifsd.ca) ou bien Martin Orr de l'APN (morr@afn.ca) à tout moment pour toute question ou toute préoccupation sur ces enjeux.

Sincèrement,

Le Comité consultatif national

Annexe 1

TERMS OF REFERENCE

National Advisory Committee on

First Nations Child and Family Services (FNCFS) Program Reform

Purpose:

The purpose of these Terms of Reference is to set out the mandate, membership and roles and responsibilities of the National Advisory Committee.

Background:

1. The Joint INAC/AFN NAC met regularly from 2001-2008, primarily to oversee implementation of the National Policy Review's 17 Recommendations to the Minister of INAC on changes needed to the DIAND policy governing the FNCFS Program. In 2004 and 2005, the NAC produced three reports regarding the FNCFS Program known as the *Wen:De* reports.

2. On January 26, 2016, the Canadian Human Rights Tribunal ("the Tribunal") released its decision (2016 CHRT 2 "Decision") in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* ("the Complaint"). The Complaint had been filed in 2007. The Tribunal determined that the federal government discriminated against First Nations children on the grounds of race and national ethnic origin by failing to ensure substantive equality in the provision of child and family services for First Nations peoples. The Tribunal also found that the federal government's definition, policies and application of Jordan's Principle to be discriminatory. The Tribunal has retained jurisdiction over the matter and issued a subsequent order on April 26, 2016 (2016 CHRT 10). A further Tribunal order is pending.

3. The Tribunal ordered Aboriginal Affairs and Northern Development Canada (now Indigenous and Northern Affairs Canada ("INAC"), to cease its discriminatory practices and reform the First Nations Child and Family Services ("FNCFS") Program and the *Memorandum of Agreement Respecting Welfare Programs for Indians* applicable in Ontario ("1965 Agreement") to reflect the findings in the Decision. INAC was also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of the principle. In 2016 CHRT 10, the Tribunal further clarifies that the order is to "immediately implement" not immediately start discussions to review the definition in the long term. The Tribunal further "orders INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children

with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided." In 2016 CHRT16, the Tribunal further noted that Jordan's Principle applies on and off reserve and ordered INAC to immediately implement several measures regarding child and family services funding.

4. INAC has committed to working with First Nations leadership and organizations; child and family services agencies; front-line service providers; the parties to the Complaint; and other stakeholders, on steps towards FNCFS Program reform and meaningful change for First Nations children and families.

5. The Tribunal has deferred consideration of medium- to long-term relief until its consideration of immediate relief has concluded. In their submissions to the Tribunal, both the AFN and the Caring Society sought the establishment of a joint policy development initiative between INAC and the Complainants to reform the FNCFS Program, and which also may guide the Tribunal in determining appropriate Orders on mid-terms and long-term relief.

6. INAC has undertaken to immediately establishing and adequately resourcing a NAC, in order to begin the necessary and critical reform of the FNCFS Program. Establishing a NAC is a crucial first-step in addressing the medium to long-terms changes to the FNCFS Program.

Guiding Principles

7. The National Advisory Committee's process will be guided by the following principles:

    a. Consistent with the United Nations Convention on the Rights of the Child, the United Nations Committee on the Rights of the Child General Comment 11, the United Nations Declaration on the Rights of Indigenous Peoples and the TRC's Calls to Action, the best interests and well-being of First Nations children will be paramount.
    b. Federal, provincial/territorial and First Nations' decision-making processes must be respected.
    c. Involvement of community, parents, and extended family as a corner stone of effective and culturally based child and family services.
    d. INAC and other federal government departments engaged in the provision of services to First Nations children and families have a legal obligation not to discriminate against those children and families.
    e. Policies, programs and services must be responsive and relevant to the distinct needs of children and to community needs and realities.
    f. Whenever possible, families have the right to stay together. All services and preventative measures ought to be exhausted before a child is removed from the family.

g. First Nations have an interest in the well-being of all of their members, regardless of where they live.

Mandate

8. The NAC is mandated to provide advice, input into the design and assist in the development of reforms of First Nations child and family services policies and programs on-reserve to First Nations leaders and agencies and the Minister of INAC. The NAC shall review across-the-board reforms, including federal government authorities, policies and practices, to the national framework to support FNCFS Agencies, the greater needs of First Nation children, each First Nations community's cultural vision of safe and healthy children and families, provincial/territorial variances, and mechanisms to ensure communication, accountability and dispute resolution.

9. The National Advisory Committee will provide advice on future reforms to the First Nations Child and Family Services Program in a way that promotes the safety and best interests of First Nations children, taking account of the distinct needs and circumstances of First Nations children and families – including historical and ongoing disadvantage and their cultural, linguistic and geographical needs and circumstances – in order to ensure substantive equality in the provision of child and family services to them.

10. Upon agreement by the members of NAC, NAC may select and retain experts to assist it in its work, on an as-needed basis. Preference will be given to experts with demonstrated expertise regarding First Nations child and family services.

11. In addition, the NAC may establish action tables to further the goals, work and objectives of NAC, as appropriate.

12. The NAC will address, but will not be limited to, the elements of the current FNCFS Program. The NAC can provide advice to assist in the reform of the program on an interim basis throughout its term as well as producing reports or research as it sees fit.

13. The NAC's deliberations, and the information provided to and/or produced by the NAC, will be made available to the public.

14. The copyright of materials produced at the direction of the National Advisory Committee will be determined within the individual service contracts. Members of the NAC and participating member organizations respect the intellectual and moral property rights regarding Indigenous cultures, languages and traditional knowledge. All research will be conducted in keeping with the OCAP research principles (Ownership, Control, Access and Possession) and observe ethics review processes,

including First Nations research ethics boards where they operate.

15. INAC agrees to provide documentation on an ongoing basis of all CFS and Jordan's Principle documents, reports, data, budgets and policies that it is legally able to provide to the NAC and the NAC will be provided with copies of documents requested (including portions of documents that are not redacted), in a timely manner, to enable the NAC to complete its work and mandate.

16. The members of the Committee agree to work together to achieve the mandate of the Committee and to collectively provide recommendations for the program reform of the FNFCS program.

Term of the NAC

17. The NAC will commence its work in January 2017 and will complete its recommendations by January 31, 2018. Extension of time will be agreed to by the members of the Committee.

Membership

18. The National Advisory Committee will be composed of the following members:
    a. One (1) national chair;
    b. Three (3) representatives of the Federal Government including one or more regional INAC representatives;
    c. One (1) representative of the AFN;
    d. One (1) representative of the First Nations Child and Family Caring Society of Canada;
    e. Ten (10) regional representatives, one representative from each of AFN's regions, with alternates available when needed;
    f. One (1) First Nation youth representative; and
    g. One (1) First Nation Elder(s) representative.

19. The ten (10) regional representatives/their alternates, youth and elder members will be selected by the AFN through its ordinary processes. Observers are also welcome to attend.

20. INAC will provide adequate funding that is necessary for the NAC to complete its work, activities and mandate.

21. The National Advisory Committee will be chaired by a person agreed to by INAC, the AFN, and the First Nations Child and Family Caring Society of Canada.

22. By consensus representatives of the Provinces and Yukon Government may be invited to participate in the NAC's work, in order to provide assistance to the NAC and its members.

23. The Canadian Human Rights Commission may participate as an interested party.

Responsibilities of the National Advisory Committee

24. The Committee will be responsible for:
    a. Making recommendations, input into the design and assist in the development of FNCFS Program reform(s).
    b. Making recommendations on the design of engagement processes to assist in developing approaches for reform.
    c. Providing an advisory and support role to existing regional tables in the engagement processes and supporting the development and operation of regional tables in regions where they do not currently operate.
    d. Developing mechanisms for sharing information of the work and the activities of NAC, including with First Nations and Provincial Territorial Organizations, as appropriate.
    e. Developing and providing approval of a work plan for the work of the committee and the work of any advisory or expert action tables
    f. Overseeing processes for decision making, and recording decisions, understandings and minutes of NAC meetings.
    g. Making recommendations regarding implementation activities and following-up as appropriate.

Operating Principles

25. The NAC will operate on the basis of consensus and any dispute will be resolved by the Chair, with the assistance of an Elder.

26. The costs for regional representatives to participate in the work of the NAC shall be borne by the INAC/AFN.

Canadian Human Rights Tribunal (Tribunal)

27. These Terms of Reference shall be filed with the Tribunal. The Committee shall provide reports and/or minutes of its meetings to the Tribunal as long as the Tribunal retains jurisdiction over the complaint or until it orders otherwise or the parties to the complaint agree otherwise.

ANNEX A

Suggested Topics to be addressed by the National Advisory Committee

(to be discussed once Committee is fully formed)

The National Advisory Committee may address the following elements of the FNCFS Program:

A. General

i. Jurisdictional models eligible for funding under the FNCFCS Program

ii. General funding structure, stacking provision considerations, and considerations of eligible costs including funding arrangements between INAC and Provinces/Territories and non-Aboriginal service providers.

iii. Provisions for First Nations children not served by a FNCFS Agency to ensure comparable and culturally appropriate services.

iv. Provisions for extraordinary costs related to unusual occurrences that engage higher child welfare costs such as natural disasters, substantial increases in mental health or substance misuse, and unusual requirements for mandatory staff participation in inquiries.

v. Provisions for organizational networking and learning to promote the sharing of research and best practices among FNCFS Agencies.

vi. A process for economically modelling revisions to funding policy and formula and evaluating the efficacy of such changes on an ongoing basis to ensure they are non-discriminatory and safeguard the best interests of the children.

vii. A funding structure that takes into account costs related to historic disadvantage and distinct cultures and languages of First Nations.

viii. FNCFS Agency staff salaries, benefits, and training.

ix. Training for public servants involved in the FNCFS Program to ensure proper training for management of the program, including professional development on child development, First Nations cultures/histories, the Truth and Reconciliation Commission, and the history of the FNCFS Program including the Tribunal decisions.

x. Creating a new definition of “neglect” that takes into account First Nation norms, values and culture.

xi. Mechanisms for ensuring that reforms do not reduce current funding levels or

numbers of arrangements for FNCFS Agencies.

xii. Levels of service provided by FNCFS service providers and INAC reporting requirements imposed on FNCFS service providers should be comparable to the level of service provided by or imposed on provincial territorial governments and not pose an undue burden on agency staff .

xiii. FNCFCS funding agreements should promote long term planning, sustainable service provision and evaluation.

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iii. Program shall address the higher service needs of Frist Nation children resulting from intergenerational impacts of Indian Residential School and

effects of colonization, along with higher costs to deliver those services

iv. Ensure substantive equality in the provision of child and family services to First Nations children and families living on-reserve.

v. Develop enhanced funding mechanisms to ensure isolated, remote and northern communities serviced by agencies will be provided with equitable services and a full range of programs offered elsewhere.

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i. Calculation of yearly maintenance.

ii. Appeal mechanisms regarding eligible maintenance expenses.

iii. Reimbursement of legal costs.

iv. Funding of support services intended to reunite children in care with their family.

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ii. Mechanisms to account for historical and ongoing inflation losses and annual adjustments going forward to ensure FNCFS Agency funding keeps pace with inflation.

iii. Corporate legal costs and costs for liability claims.

iv. Funding of remote agencies and agencies in urban areas to account for higher operations and maintenance costs.

v. Funding for records management, policy development and human resources management, liability insurance, audits, janitorial services, and security.

vi. Funding of costs related to the receipt, assessment and investigation of child welfare reports for all FNCFS Agencies that hold delegation for these functions including costs for after-hours service delivery.

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iii. All proposed reforms will be presented to the AFN Chiefs-in-Assembly for consideration, discussion and input.

iv. INAC shall carry out its duty to consult with first Nation governments and accommodate any First Nation interests with regard to any final proposal for program reform.

v. Training and capacity building for INAC and other federal government officials to ensure non-discriminatory, culturally based and equitable child and family services and implementation of Jordan's Principle.

Annexe 2
Biographie de Kevin Page

Kevin Page est le président fondateur et le président directeur général de l'Institut des finances publiques et de la démocratie (IFPD) de l'université d'Ottawa.

M. Page a été nommé tout premier Directeur parlementaire du budget le 25 mars 2008, où il a exécuté un mandat de 5 ans afin de fournir aux parlementaires et contribuables canadiens une analyse indépendante sur les tendances de l'économie nationale, l'état des finances de la nation et les dépenses du gouvernement. M. Page a dirigé une petite mais talentueuse équipe qui a bâti le premier bureau du budget législatif au Canada qui a été remarqué pour ses pratiques d'excellence parmi les nations paires par des organisations telles que le FMI et l'OCDE. En tant que DPB, il a documenté les insuffisances du financement des écoles des Premières Nations en 2009.

Suite à son mandat de Directeur parlementaire du budget et une carrière de 27 ans dans la fonction publique fédérale (dont plusieurs années au sein des agences centrales : ministère des finances, Conseil du Trésor du Canada, Secrétariat et Bureau du Conseil privé) M. Page a été nommé président de la chaire de recherche Jean-Luc Pépin de l'université d'Ottawa. En tant que titulaire de la chaire, il a conçu et a donné des cours en finances publiques et en économie et a supervisé des projets de recherche et de consultation au Canada et à l'international.

Figure d'autorité reconnue internationalement en ce qui concerne les enjeux financiers, M. Page agit en tant que conseiller du Bureau parlementaire du budget d'Afrique du Sud, le Conseil des finances de Slovaquie ainsi que le Réseau mondial des Bureaux parlementaires du budget de la Banque Mondiale.

May 2, 2018

Dear

The Institute of Fiscal Studies and Democracy (IFSD), led by Kevin Page, is pleased to be working with the Assembly of First Nations (AFN), the National Advisory Committee (NAC) and the First Nations Child and Family Caring Society of Canada (Caring Society) to support Canada's efforts in developing a data-driven program architecture for First Nations Child and Family Services (FNCFS) agencies.

You may remember the research IFSD conducted at NAC's request in Fall 2017 to identify gaps in salaries and benefits in FNCFS agencies. IFSD will be building on this work by analyzing and providing strategic advice on how to best monitor and respond to actual agency needs from financial and governance perspectives. For further information, please consult the project overview.

The success of this project depends on your participation. FNCFS agencies have an historic opportunity in response to the Canadian Human Rights Tribunal's (CHRT) orders to revisit the program architecture and associated funding for First Nations child welfare. **We need your help** to develop a baseline of existing resources (financial, human, programmatic, etc.) in order to measure the gap between the current and desired states of FNCFS agencies.

A survey will be the main tool for data collection to complete the baseline (a copy of the survey is attached). IFSD is committed to working collaboratively with FNCFS agencies throughout this project. To this end, **you and a colleague are invited to attend a two-day workshop in Ottawa** during which time you will complete the agency survey, working with IFSD staff. For further information on preparing for the workshop, please consult our short guide. Travel, accommodation, and related expenses for up to two representatives per agency will be covered by IFSD (e.g. Executive Director and Director of Finance).

In an effort to work with the response timelines of the CHRT, you are requested to register for an Ottawa workshop on or before May 8, 2018 by completing the online registration form. Shortly after your registration, you will receive a travel booking request from Merit Travel in Ottawa, who will directly manage all travel-related information.

As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous peoples. The project will follow the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans and OCAP principles in all of its work. All information that will be collected will only be shared in an aggregate, anonymized (i.e. unidentifiable) form. For further information, please consult the overview of the project's research ethics guidelines.

As your agency's delegate for this exercise, you will play an important role as representative and liaison between IFSD and your agency. You are invited to visit the project website where you will find helpful information on the project.

Your efforts will directly contribute to the development of the first-ever baseline on the cost and needs of FNCFS agencies since the Wen:de reports in 2005. We value your time and your commitment, and we look forward to working collaboratively with you to improve outcomes for First Nations communities, children, and families.

I welcome your comments, questions, and feedback. Please do not hesitate to reach out to me directly via phone or email.

With kind regards,

Helaina Gaspard, Ph.D.
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APPENDIX I

Expert Opinion: Data Reliability and Methodological Review

An Assessment of Major Phases of the Research Methodology Used in IFSD's First Nations Child and Family Services Project

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Preface

The author was involved with commenting on and observing many aspects of this project and was given good access to relevant documents and data. In addition, when constructing the final stages of this assessment, he was able to communicate with key personnel in order to clarify final questions. Dr. Helaina Gaspard and Ms. Janoah Willsie were particularly helpful as sources of final clarification.

Although the author of this assessment was not involved in the decisions preceding this study, it is important to consider the decisions and processes that led to the project which this assessment considers. These decisions and processes cannot be described in detail here, but readers of this assessment are encouraged to look at the relevant documents leading to the IFSD's First Nations Child and Family Services Project. A brief overview of the background follows.

The organizational and policy history preceding the IFSD study is complex and involves a variety of institutional actors. The National Advisory Committee (NAC) has been one of the central organizations in this area. The National Advisory Committee was created after the "First Nations Child and Family Services Joint National Policy Review Final Report" was issued in 2000, and this was done in order to fulfill the recommendations made by the report. Recently, The NAC took on guidance and oversight of some activities that followed from a number of Canadian Human Rights Tribunal (CHRT) decisions.

In 2016, the Canadian Human Rights Tribunal issued a decision (2016 CHRT 2) stating that First Nation's Child and Family Services (FNCFS) have been subject to discrimination and ordered that this discrimination be addressed by the Government of Canada. This was shortly followed by 3 other CHRT decisions relating to non-compliance

(2016 CHRT 10, 2016 CHRT 16 and 2017 CHRT 14) which provided for clarification and implementation of the original decision. Basically, discriminatory polices had to be changed immediately, applied with a broad definition of coverage and not hindered by intergovernmental disputes about financial responsibility for service. Most recently an order was issued (2018 CHRT 4) which had a number of components. Of central importance to the project on which the paper focuses is the requirement that a study be done to assess the needs to be met by FNCFS agencies and to cost those needs. The IFSD was charged with the conduct of such a study of the current and future states of First Nations Child and Family Services, This assessment covers the main part of the IFSD's data oriented activities in this area. The NAC (composed of a various stakeholder representatives)[1] was charged with oversight and guidance of the research. The Assembly of First Nations (AFN) plays a central role in providing functional support to the NAC and financial support to the IFSD project.

Much more could be said about the complexity of the organizational background to the IFSD research, but the above at least suggests the basic organizational relationships of interest. In addition, the IFSD had to work within fairly exacting ethical standards. These standards include: OCAP principles and the Tri-Council Policy Statement on research involving humans as well as the University of Ottawa's research standards. In light of all this, the successfully conducted study to be considered in the following comments is particularly remarkable

[1] One national chair, three representatives of the federal government including at least one or more regional INAC representatives, one representative of the AFN, one representative of the First Nations Child and Family Caring Society of Canada, 10 regional representative one from each of AFN's regions, one First Nations youth representative, one First Nations Elders representative

Introduction

The IFSD was tasked with gathering and analyzing data to assist in the description and possible improvement in Child and Family Services organizations that serve various First Nations communities. Central to this project was the characterization of costs of providing services and using this characterization to suggest improvements in funding arrangements. Between the initial conception of the project and the final analysis leading to recommendations are a great many stages of activity, and each one affects the quality of the project.

This report will consider the major stages of activity in the project and comment on the quality of each stage. For our purpose, the major stages to be considered are:

-General research design

-Design of the data collection instruments

-Administering the instruments to gather data

-Coding and quality control procedures used with gathered data

-Analytic decisions and techniques

-Foundation for reporting and recommendations

At a general level, this project is based on a fairly well known type of research design. However, this design has been implemented in a way that is complex, and it serves analytic purposes that have special policy implications. All of this was intended as it suited the policy making purposes of this project, which are indeed innovative, and the organizations being studied.

General Research Design

The design used in this project is similar to what is often called a "cross-sectional survey". A cross-sectional survey is simply a survey questionnaire based project that is administered to a sample (or, in some cases, a population) at one point in time or during a definable period of time. This is a very strong design if one is primarily concerned with measuring the characteristics of a group at a given point or period of time. This includes both the basic univariate characteristics as well as more elaborate bivariate and multivariate relations. At the same time, this design, while very powerful and often used, is less useful in sorting out some kinds of causal relationships that require measurement over several points or period in time. Having said that, very few commonly used policy designs provide a flawless basis for sorting out causality, and causality is not always a central analytic concern. Furthermore, project researchers for this study took some care to understand the temporal context in which the data emerged, and this strengthens our ability to make reasonable assumptions about causal patterns.

One other important aspect of the logic of research design is the way researchers conceive of the sample being used and its relation to the population. In very broad, non-technical terms, samples can be thought of as probability samples, non-probability samples and censuses. Of course, there are many variations within each of these categories. The appropriate way to view the case selection aspect of this project is that it is an attempted census. Since some readers will be unfamiliar with this perspective, some further elaboration of this point is provided below.

A census is any survey in which the intent is to give every element in the population of interest a chance to provide data. So, the intended sample is the same as the population

of interest, and the population of interest is the intended sample. Since most people probably associate a census with the near perfect coverage of a census of individuals conducted by a national statistical agency, it is important to remember that the concept of census has a broader meaning. Thus, there will be censuses where the intent is to measure a whole population, but it is not implemented at the near perfect levels of typical official censuses of individuals.

In the case of the IFSD study, the population was child welfare agencies that provide services to First Nations communities. An attempt was made to contact every one of them. A high degree of success was achieved with 80 out of 106 agencies providing some useful information. Thus, the census was successfully implemented with respect to 75.5 percent of the population. While this is a lower response rate than a government census of individuals, it compares very favorably with other censuses of organizations in which the author has been involved. It is certainly much better than the typical response rate in almost any sort of sample survey conducted in recent years for almost any sort of reasonably large population.

By way of specific comparison with other types of studies, a very well conducted census of individuals might achieve a response rate percentage in the high 90s. Of course, this is achieved with a massive infusion of government resources and the compulsion of law. In a recent non-mandatory census of Canadian municipalities focused on infrastructure, there was a gross response rate of 57 percent. Note that this is an organizational population where most organizations have some established capacity for dealing with information requests. Of course, when one looks beyond censuses to samples

surveys, contemporary response rates are often below 20 percent apart from surveys done by official statistical agencies with massive resources and the support of legislation.

Since this is viewed as a census, it will have implications for analysis and decisions about statistical presentation. This will be discussed in more detail later. The important point to summarize here is that this is a well-conceived and well implemented example of an organizational census and based on a design logic that is suitable for the analytic purposes at hand. The specific suitability of design features to analytic goals will emerge in various parts of this report.

Design of the Data Collection Instruments

The questionnaire was developed during the period of April 9, 2018 to May, 16 2018. However, the form of the questionnaire was influenced by even earlier activities. Specifically, the IFSD was involved in an earlier version of this data collection activity in the fall of 2017. Based on that experience, the contents of the current questionnaire were expanded. In addition, there were additions to the current questionnaire made in response to an order from the Canadian Human Rights Tribunal of February, 2018. Several experts reviewed the questionnaire as well as the National Advisory Committee It is worth noting that there were some minor updates made to the instrument after the first set of workshops involving child welfare agencies was held in May of 2018. Additional questions were added, and some questions were reformulated. Those who took the slightly different earlier version of the instrument were given a chance to complete the later questions, and some did this. All information from the initial early form of the survey was easily merged into the slightly different new format. Basically, this is a simple example of adaptive survey research design.

Once the instrument was stabilized, it was translated from English into French. After translation, the instrument was input into SurveyMonkey for online administration. There were some minor problems in using SurveyMonkey initially, but workarounds were found for this, and, ultimately, formatting was successfully adjusted to use with SurveyMonkey. However, in the early stages before issues with SurveyMonkey were resolved, respondents had to submit responses in WORD or Excel Format. This was then entered into a master Excel spread sheet.

The most important thing to consider when viewing the instrument is that it differs in certain general ways from a typical, survey questionnaire. However, this was intended and appropriate to the goals of the project. This is a very long instrument that often requires detailed information of numeric and textual natures. The PDF version of the instrument is 90 pages long with 105 questions, many of which have detailed subsets. It is not the typical survey questionnaire which must be constructed with an eye to reduce respondent fatigue while measuring certain features of a respondent in a highly condensed and sometimes artificial manner. This was a detailed framework for recording fundamental budgetary and organizational information about child welfare agencies and the communities they serve.

Despite it being different it worked very well, and there are very good reasons for this. First of all, the respondents represented organizations that had a definable interest in improving information on budgetary information relating to child welfare services for First Nations communities. Second, considerable energy and resources were directed to helping respondents think through and work with the questionnaire. More will be said on this later. Third, the project has always been conceived as one in which participants could gain a

better basis for future organizational decision making, and, in this respect, more is involved here than measuring more or less complex characteristics during a given period of time. So, the instrument made it possible to characterize organizations while, at the same time, involving respondents in a learning experience with ample time to refer to relevant informational sources.

It is useful to understand the scope of the instrument and to get some idea of what it does include and what it doesn't include. The major blocks of items in the instrument are:

Agency Details --- This includes the agency name, its relevant contact information and coordinates, the catchment areas served by the agency, the identifiers for the First Nations communities served by the agency, the form of transport used to access each community, the number and locations of any satellite office of the agency, definitional aspects of the administrative meaning of child as well as the number of children served by an agency (on or off reserve), number of children currently in protective care of agency (on or off reserve), number of times requests from off –reserve for certain types of services (prevention and protection) were received during fiscal year 2017-2018, agency's designation to provide child protection, types of ancillary services provided by an agency, a detailed description of an agency's mandate, a detailed description of an agency's history, an agency's functions in both protection and prevention, an agency's activities in the realms of governance and data collection

Budget and Finances --- an agency's total annual budget for fiscal year 2017-2018; total annual budget for fiscal year 2017-2018 specifically related to child and family services; percentage breakdown of budget for protection, prevention, governance, data collection and reporting; maintenance costs in 2017-2018 for each of foster care, group homes,

institutional care and kinship care; percentage of total annual budget allocated by the federal government exclusively for protection and related services, i.e. intake and investigation (excluding maintenance); a detailed breakdown of an agency's protection related costs for fiscal year 2017-2018; annual amount allocated by federal government for prevention and least disruptive services; a detailed breakdown of agency's budget for various aspects of prevention and least disruptive services; detailed description of best practices for prevention and related funding and costs; spending and service description relating to child service purchase amount under definitions determined by CHRT; presence of intake and investigation and mode of delivery; for an agency with intake and investigation functions how many staff are utilized and what are their average caseloads; detailed additional cost breakdown for different aspects of intake and prevention; spending ratio between protection and prevention coasts, presence and funding of a band designate; detailed breakdown of sources of funds for 2017-2018 fiscal year; identification of current funding model and administrative features of payment frequency and reporting; any transferring of funds from one category to another to cover shortfalls during fiscal year 2017-2018, was agency in deficit in 2017-2018 fiscal year; agency experienced any change in funding or operating budget with descriptions; physical features and ownership status of agency headquarters

Capital Assets --- breakdown of agency's capital expenditure budget for fiscal year 2017-2018; operating and maintenance costs for main categories of assets for fiscal year 2017-2018; nature of agency headquarters accessibility; ownership status of agency satellite office; locations and physical features of satellite offices; accessibility of each satellite office; indigenous language capability of each satellite office; does associated First Nation

provided rental accommodations for agency; cost of building repairs needing for agency in fiscal year 2017-2018

Technical Profile --- Detailed indication of how new agency software, hardware and related are; satisfaction with current software and related; detailed breakdown of estimated costs to bring agency's technology platform to a state where it can fully support requirements; description of any cloud based technology used by the agency

Operating and Maintenance Costs --- Salaries and benefits for the fiscal year including employee salaries, costs of professional services and contractor, other expenses similar to salary or fees; employee benefit expenses for the fiscal year including health and dental, retirement, other benefits; staff professional development expenses for the fiscal year including training, well-being; agency fiscal year costs for audit and evaluation, travel; legal fees for the fiscal year including total legal fees, legal fees pertaining exclusively to children; any shortfalls in capacity to cover legal fees either through not using legal service or through budget reallocation

Employee Details --- Number of full-time equivalents employed by agency; number of part-time equivalents employed by agency; distribution of number of employees by type of job; distribution of number of part time employees by type of job; Average hours worked per week for different types of employees; length of time different types of employees typically spend in a position; do the scope of different types of employees typically exceed their contractual duties for different types of employees; salary ranges for different types of employees; is agency able to pay its employees at a level comparable to provincial employees who do similar work; are employees compensated for over time; agency and clients able to access services at a reasonably commutable distance; gaps ins services due

to lack of reasonably commuting distances; amount in fiscal year spent on connecting community members to services beyond mandate

Small Agencies, Remoteness, Travel Costs, Gaps in Service --- Does agency remunerate for remote work; cost of different forms of remuneration to agency; distances travelled by different types of employees to do their job; average distances people seeking help from agency must travel; cost of different types of travel expenses to the agency during the fiscal year

Caseloads --- Current total caseload; number of cases within total caseload served in a culturally appropriate manner; agency's current exclusively child based case load; average number of staff assigned to an open case; average number of cases per social worker; average caseload for each of various categories of employees; percentage of cases per various ranges of hours of service per week; percentage of substantiated maltreatment cases during fiscal year per various types of maltreatment

Governance --- How agency governed; are chiefs members of the board; agency standards of practice; how are communities involved in governance; characterization of relations with communities; does community engage in prevention activities; do communities guide prevention activities.

Data and Reporting --- Describe agency's definition of success; how agency measures success in prevention programs; how agency measures success respecting protection activity outcomes; how does agency monitor activities and measure success, does agency have program to support children aging out of care and if relevant an indication of resources devoted to this; any circumstances for agency not covered in the survey with a

description and resource implications if relevant; any other comments on practices or services of agency not covered in survey.

It is clear that there is a lot of detail here. Agency representatives sometimes, but not always, had appropriate data on hand from existing documents. However, it was often the case that an agency would not have a clear response to some detailed item without doing a bit of special assessment of some aspect of the agency. So, the instrument is something like a conventional questionnaire but a questionnaire in which agency respondents could draw on existing or producible records and reports. In some ways, the instrument represents a melding of administrative data and the reasoned response of the agency representatives. It produced a data set that is essentially a merging of individual responses and administrative data. This, by the way, is not a negative thing. Many surveys would be better if they allowed for thoughtful assessment of records prior to a final informed response. In addition, one of the latest themes in survey methodology concerns how different data sources can be integrated to reduce overall error.

This sometimes means that questions will be posed in the instrument in a way which is not purely consistent with what one might find in a conventional survey questionnaire. However, this is appropriate because the instrument is not a typical questionnaire. As noted it merges data from a variety of sources as filtered through the judgement and participation of the agency representatives.

Perhaps the point that will stand out most for those who are used to conventional policy oriented questionnaires is that it does place a heavy weight on asking agency respondents their subjective views about how well the agency was doing in some area or how satisfied they were with some aspect of the agency. There is some of this, but there are

many parts of the instrument that do not generate that kind of data. In light of this, it should be stressed that this is all consistent with the purposes of the project. The main concern was to get at objective organizational dimensions of agencies and to analyze those with a view to predicting costs. Furthermore, this all had to be done with an emphasis on obtaining particular kinds of hard organizational data.

It may well be that future iterations of this project could ask additional subjective questions about satisfaction, preferences, etc. this would seem more feasible once participants are used to the core aspects of the questionnaire. At the same time, it is worth noting that the motivations behind people's responses to preference and satisfaction questions can be very complex and somewhat strategic. This is particularly true when dealing with the funding of agencies where respondents are employed. Thus, there is a certain wisdom to the balance of question formats used here, and a stress on the more objective aspects of organizational profiles is wise.

In summary, the instrument differs in some ways from what has come to be seen as a typical survey questionnaire, but that is perfectly acceptable in that serves a purpose different from a typical questionnaire. Furthermore, it gathers and integrates much more complex kinds of data than a typical survey questionnaire. The instrument was developed with very detailed attention to the policies of interest and with detailed involvement of the organizations and communities involved in the policy. Thus, it is well designed to reflect the current state of child welfare agencies serving First Nations communities, and it also provides a basis for reflective learning by all those involved in the administration and development of these services.

As we shall see this level of detailed attention to quality and usefulness is further pursued in the next stage of the research process, data collection.

Administering the Instruments to Gather Data

Data collection took place from between May 14, 2018 to July 31, 2018. [2]The first part of this stage began with an email from Kevin Page May 1, 2018, President and CEO of the IFSD, to the Executive Directors of the 104 First Nations Child and family service agencies that formed the initial population of interest in this study. The initial contact information was provided by Indigenous Services Canada (ISC). The email contained an endorsement of the project from the National Advisory Committee (NAC). This is excellent practice for this type of project. It serves to underline the legitimacy of the research and to prepare agencies for the content of interest in the project. This sort of early description and support for a project is critical to encouraging a good response rate.

Dr. Helaina Gaspard, Director of Governance and Institutions at IFSD, emailed a letter to the agency Executive Directors on May 3, 2018. It provided a more detailed outline of the project and invited agency representatives to attend one of four workshops scheduled in Ottawa in May or one in Saskatoon at the end of May. The Saskatoon workshop was added a bit later in the decision process based on suggestions from First Nations Child and Family Services agencies in Saskatchewan. A sixth workshop in June was added to further accommodate agencies who could not attend a May workshop. This is

[2] It should be kept in mind that a few responses that come in after this deadline will not be refused, and, if they are received before too much time passes, it may be possible to integrate them into the final analysis data set. It is just worth noting that eventually one must decide to accept a given set of agency responses as a stable data set so that a final report can be produced.

further evidence of the detailed groundwork that was laid to ensure participation in the project.

It is also worth noting that those agency representatives who came to the Ottawa workshops had their relevant expenses covered or reimbursed. Flights and accommodations for up to two representatives per agency were booked for them by IFSD. Representatives were reimbursed for any travel by car or taxi as well as provided a per diem for food and expenses. This is in some ways similar to the response incentive systems that are part of many well-funded research programs. In some respects, it is more neutral than an incentive because it is covering costs of participation and not providing a reward or a payment for time utilized.

Further advance preparation and participation priming took place when every agency in the population received at least one phone call starting on email on May 4, 2018. At least one email reminder was sent to each agency starting on May 9, 2018. Response rates for the project were further encouraged by NAC regional outreach and by Cindy Blackstock's video promoting the project and associated workshops. This was sent to all project stakeholders including potential participants on May 8, 2018.

So, as we can see, there were extensive preparations made to alert agencies about the study and to encourage to participate in the workshops. The level of effort in this area is at a superior level compared to basic standards for contacting and encouraging respondents. Ultimately, the proof of its excellence is in the level of response, and we shall see that that was very good. One of the secondary effects of this contact effort is that 2 agencies came forward that had not been included on ISC lists. They were not on those lists

because of some of their special characteristics. However, they were relevant to the study and were included in the relevant population which now counted 106 agencies.

Of the 106 agencies that constituted the population, 68 were able to attend one of the 6 workshops thus yielding an initial response rate of 64 percent. Those who attended a workshop were administered the instrument in a format presented on SurveyMonkey. They were assisted with necessary by IFSD staff who were available at the workshops. This is an interesting feature of the study in that it very directly allows respondents to seek clarification regarding questions and formats in the instrument. This kind of clarification is sometimes provided in other types of surveys through contact emails or phone numbers, or in a telephone interview, it might be provided remotely by an interviewer or supervisor. In this case, assistance was provided in a much more direct and potentially detailed way. It assisted the respondents in providing more detailed context to their responses, and this was an intended and important part of the project.

Another aspect of the workshop experience was that respondents were involved in future state exercises to discuss goals and measures of success for their agencies and communities. While this might not be a standard aspect of a conventional survey or strictly designed policy experiment, it was always intended that there would be a qualitative element to this project as well as an element that allows respondents to put current and future responses into a richer context.

Even though the level of response encouragement had been very high and the results of that initial effort were very good, the project staff went even further and extended the initial deadline to register for a workshop. There was additional email or telephone follow up to encourage participation. A fifth Ottawa workshop was scheduled for

June 4-5, 2018 to accommodate those who had not been able to attend a May workshop. Finally, 5 agencies that were not able to make any of the workshops were allowed to complete the instrument remotely online with assistance from IFSD staff.

Data Collection was finally closed off on July 31. In conjunction with these data collection activities, there were also initial quality control activities that will be described in the next part of these comments. Again, note that there may be some minor adjustments to this cutoff date depending on the amount and nature of any late responses.

As we can see, efforts to encourage the response rate were at a very high level. Furthermore, efforts to make sure that respondent could seek clarification about the instrument were also at a very high level. The final results of this data collection stage were 80 completions out of a sample of 106 yielding a response rate of 74.5 percent. In the current era, this is an extremely good response rate and well above what is achieved in surveying many types of populations. At the end of the day, the only things that I would recommend here are of a very secondary nature and could be explored at a later time. For example:

1. Examine the differences between late responding agencies and early responding agencies.
2. In so far as possible, examine differences between non-responders and responders. This has already been done in a preliminary way, and there does not appear to be any major differential non-response by province.
3. As a very minor point, explore responses differences between those who completed the instrument remotely and those who completed it as part of a workshop.

4. Consider in more detail the relationship between the future state exercises at the workshop and various instrument topics. This is a legitimate part of the study and its long term trajectory, but more details about it would be useful.

The above are very minor points but will provide more context for considering secondary analysis of the data. They do not affect the fundamental excellence of the data collection stage. There are conventional ways to approach all of these aspects of data quality analysis

Coding and Quality Control Procedures Used with Gathered Data

The main coding and quality control phase of the project took place from June 12, 2018 to August 3, 2018. However, partially preceding this and overlapping with main coding and quality control activity, all submitted surveys were reviewed for completion. Follow-up emails and calls were made to address missing or unclear responses whenever they occurred. Follow-ups began in Mid-May of 2018 following the first workshop. They continued into early July of 2018. Approximately one third of the attempted follow-up contacts received responses. A final reminder was sent on July 13, 2018, and, as indicated before, data collection was closed on July 31, 2018.

While this activity is part of the data collection process, it is also part of quality control activities, and it is described here for that reason. This was a well-conceived and implemented part of the project which is seldom matched in data collection and quality control activities in the current era. Such high level quality control activity was once a common part of excellent surveys in an earlier era prior to the advent of various technologies for contacting respondents electronically.

The main quality control and coding phase came next as indicated. Here, the primary concern was accurate coding and data recording, but there was quality control

with respect to that activity itself. The main steps in this process as described by project staff member Janoah Willsie are as follows:

1. A spreadsheet was designed to capture responses and to facilitate coding. Codes were assigned for multi-part questions and for questions with qualitative responses. Data input sheets provide more information on coding details.
2. All surveys were printed. Data was entered into the spreadsheet from the surveys and marked on the paper copy as it was inputted. Each entry was inputted by one team member and checked at least once by another member of the team.
3. Following initial data entry, the more complex qualitative questions were coded and integrated into the master spreadsheet.
4. The full data set was spot-checked by a third person. Over half of the surveys (41/80) were selected at random and entries were checked to ensure consistent coding and accuracy.

Considerable effort was made to enter and code data in a manner that was checked at two different points in the process. This is an excellent level of quality control and coding. Perhaps the one thing that could be suggested for future activity is that a method should be found to transfer data entered in the computerized online instrument into a software based spreadsheet, thus avoiding any printing and transcription. This not so much a suggestion with respect to accuracy as with respect to efficiency. There were enough checks in the process to ensure that data were accurately input into a spreadsheet from a printout, but the activity could have been completed more quickly had there just been an export from the digital instrument to some kind of spreadsheet or data file software. It is likely that there is software that could accommodate this. Having said that, the step of

printing out survey results and entering them into a final file did create another opportunity to view some of the qualitative aspects of the data. Yet, I still think something like this could have been achieved without hard copy as an intermediate stage.

As a first major pass at this kind of project, the process that was used was fine. However, in the future hard copy printouts could probably be avoided. Coding can also be done on a digital spreadsheet and double checked or cross checked in that format as well. This is an appropriate point to discuss one other aspect of data quality having to do with any variations in the quality of responses across instruments across different types of questions. This can have just as much impact on the quality of data as the overall gross response rate. We can actually get a pretty good picture of this aspect of data quality because of the intimate involvement of the main coding and quality control people with the detail of the data. We will relate some of the determinations on these matters as they emerged from discussion with coding and quality control staff.

First of all, of the 80 responding cases, one of the agencies submitted an instrument that had so few useful responses that it was essentially unusable as a case. Two other instruments were lacking useful responses to about one third of the questions. So, these were of some use but not ideal. This does not substantially affect the overall quality of the data.

In addition, we can look across the whole spectrum of questions and see if there were some that generally did not yield many useful responses. Although there was nothing extremely problematic to report here, it does appear to be the case that respondents in general were less likely to give useful responses to items 99 to 104 near the end of the instrument. This is very likely just a function of respondent fatigue and is not unusual in

very long instruments. Other questions that tended to be answered in a less than ideal fashion or did not have many usable responses were items 31, 35, 36, 42, 43, 77, 90 and 91. In examining those items, it is likely that they required respondents to think in terms of accounting and administrative categorizations that may be relatively detailed and/or relatively rare in the context of some agencies. This is useful to be aware of for the future, but it does not fundamentally impact the main objectives of the project.

Analytic Decisions and Techniques

Analysis began on June 28, 2018, and is ongoing as this report is being written. It is expected that analysis will be completed by the end of September, 2018. The first part of the analysis was essentially an examination of the properties of the main variables represented in the data. For the most part, variables were examined independently in a kind of basic univariate analysis. Apart from providing a first view of the data, this was used to begin to conceptualize further characterizations of the data. These characterizations were called "typologies," and they were focus of the next stage of analysis.

Initial analysis indicated that six typologies would be useful means to summarizing the data. These were defined in terms of: agency budget, child population served, distance from nearest city, rurality, province and funding formula that relates to an agency. Within each of these typologies, data were analyzed to see connections with other variables and relationships with agency costs across different parts of a typology. An example of the preliminary results of this part of the analysis was the finding that travels costs were an important cost-driver for agencies. This particular finding was further examined to see whether agencies with fly-in vs. road accessible communities differ in terms of travel costs

represented in their budgets. Of the original six typologies, it proved fruitful to direct further analysis to three in particular. These were the child population served typology, the remoteness typology and the accessibility typology. This typology analysis is essentially a form of bivariate analysis, and in, in some cases, verges on a very basic type of multivariate analysis. In later stages of analysis which are still ongoing, regression analysis will be used to see more directly how much certain variables can explain costs and how sensitive costs are to other factors.

What has been done thus far has proved to be quite useful and illuminating. The analysis is not based on the use of highly sophisticated statistical techniques, but it more in the realm of basic to intermediate techniques. Nevertheless basic techniques are often sufficient to reveal the main patterns of interest in a policy related research, and, in this instance, they have been applied with skill. Having said that, there is probably more that could be done with more complex regressions, cluster analysis, factor analysis and so forth. There is also probably more information to be mined from the richer qualitative responses. However, much of this can be left to researchers involved in secondary analysis of the data. The important point at this stage is that useful and illuminating analysis has been done in a way which provides insights into the central policy problems of interest. For the most part, that has been achieved.

Now that the basic outline of the analysis has been described, let us proceed to some background analytic issues that are useful to keep in mind and which are linked to comments in other parts of this report. These comments are more directed at potential readers of the results of the study on which this note comments. It is not intended as guidance or criticism of what has been done.

Specifically, let us consider how one approaches the analysis of census data and the sometimes unexpected features of such analysis. One of the interesting things about census data is that it does not need to be analyzed using conventional statistical inference or significance tests. This is not commonly understood in some circles, but it is a point that is making inroads into various official guidelines. So, while a full range of descriptive (non-inferential) statistics can be applied to much of the data, there is really no fundamental reason to apply tests of significance or inference. That is not to say, they can't or absolutely shouldn't be applied. It is just to say that it is not really necessary to apply them with this sort of data.

The reasoning here is that inference and significance is usually examined in terms of random sampling error generated when a subset of a population, the sample, is drawn to generate an estimate of the whole population. When one is targeting the whole population there is no sampling error as such. Therefore, significance and inference tests are not necessary or of central importance. However, to the extent that the census is not perfectly implemented there may well non-response bias. This is worth considering, but it cannot be addressed with inference and significance statistics.

People sometimes make more or less knowledgeable defenses for the use of significance tests in these situations. Often, this has to do with having some tool to decide what relationships or estimates are more important than others. This is somewhat misguided, but since people are used to it, there is no harm in including such statistics as long as their limitations are noted. With census data, the important issue is how big are the effects and relationships generated from the population data. People have to arrive at their own bench marks for this that are appropriate to a specific set of analytic goals. This forces

one to come to grips with the nature of census data. Also, as noted, one should give some thought to the possible non-response bias arising from less than 100 percent coverage of the population.

As a minor side comment, note that even if one wanted to deal with this kind of data as if it were a sample, the precision of the estimates it produced would be extremely good as this would then be an example of finite population sampling. However, as indicated, this writer does not favor viewing this as a sampling process.

Foundation for Reporting and Recommendations

To summarize and conclude, let us consider the foundation on which analysis and reporting will be constructed. We have found that the project:

1. Utilizes a well-known research design in that it is a cross-sectional attempted census. This is quite a powerful and useful design though, in and of itself, it might have some limitations in sorting out causality or over-time changes. However, it could be extended to cover the passage of time.
2. The instrument was designed with a great deal of care and attention to detail and translated in to both official languages. It differs to some extent from a typical survey research questionnaire in that it does not, for example, make use of certain overall preference questions to the same extent as a typical questionnaire, but this is consistent with the research purposes and future plans for this project. There are some preference items, and this writer was interested to see that additional ones are being experimented with in requests embedded in updates sent out to responding agencies and other relevant parties. It is also true that the instrument is quite long and detailed compared to many questionnaires, but this is also consistent

with research purposes and seemed to work well with the specific types of agencies studied and their representatives.

3. Enormous effort was made to prepare the relevant population of agencies for participation in the study and to make it possible for them to complete the instrument. The results were outstanding, yielding a response rate of 75.5 percent. Generally, completed instruments were consistently completed, but there may be some merit in considering in more detail whether there is a subset that tend to be less responsive on an item or question basis. Earlier we noted some of the question items that seemed to attract fewer useful responses. This is quite acceptable, and the writer expects that these will improve in any subsequent studies simply because respondents will have become more used to some of the concepts involved.
4. Quality control really began while some aspects of field work were being completed and continued on for some time. This happened in conjunction with coding and data transcription activities. All of this done with double checking and cross –checking throughout the process. These were well managed activities involving a very high level of effort, and this was obviously positive from the standpoint of data quality. It may be that future iterations of this sort of project could benefit from exporting directly from survey instrument software to spreadsheet or analytic software.
5. Initial analysis of the data was completed using basic and intermediate analytic techniques, and this was done with excellence. Some interesting and useful profiles were produced which will provide a foundation for further analysis and reporting. Readers of the report should be alerted to the census nature of the design and its

implication that significance tests are not all that useful and, if provided, are provided on an "as if" basis. [3]

6. There would probably be some merit in analyzing differences between non-respondents and respondents and similar kinds of distinctions. [4]In the longer term, it may also be useful to apply more advanced techniques to some of the data. However, this is more of a matter for late stage, secondary analysis.

In summary, this is a very high quality project that involved an enormous amount of effort in characterizing organizations that are not typically easy to reach. In many respects, it is outstanding. It should be a very reliable foundation for characterizing and analyzing the needs of the First Nations child and family service agencies. This is true in general as well as with respect to specific concerns with budgetary and cost analysis.

This is such high quality and interesting data that I hope its use will be permitted in a wide variety of secondary analysis.

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[3] To illustrate the "as if" aspect of the way some organizations portray sample precision, consider the following as an example. Some organizations try to create an imagined sense of precision for a non-probability sample by calculating confidence intervals for the non-probability sample results as if they were based on a probability sample with the same number of cases.

[4] The basic idea in looking at differences between respondent and non-respondents is to take the background information we have on members of both groups and see if there are any major differences. We do indeed know some things about both responding and non-responding agencies in that we know their location. This creates the opportunity to look at a number of location based variables. For that matter, if one wanted to take this a step further, one could also get (in some cases) meaningful aggregate data about the socio-economic characteristics of communities associated with respondents compared to non–respondents. In some cases, this may not be possible because some standard government surveys do not deal with certain situations such as very remote communities or reserves.

APPENDIX J

Population Projections and Growth Rates

FIRST NATIONS POPULATION PROJECTIONS ON-RESERVE, CONVERGENCE SCENARIO

TOTAL FIRST NATIONS POPULATION ON-RESERVE CONVERGENCE SCENARIO (IN THOUSANDS)			
Year	**Population**	**5-year overall growth**	**Annualized growth**
2011	375		
2016	416	10.93%	2.10%
2021	451	8.41%	1.63%
2026	481	6.65%	1.30%
2031	504	4.78%	0.94%
2036	522	3.57%	0.70%

FIRST NATIONS 0–18 POPULATION PROJECTIONS ON-RESERVE, CONVERGENCE SCENARIO

0–18 FIRST NATIONS POPULATION ON-RESERVE CONVERGENCE SCENARIO (IN THOUSANDS)			
Year	**Population**	**5-year overall growth**	**Annualized growth rate**
2011	152		
2016	157	3.29%	0.65%
2021	160	1.91%	0.38%
2026	159	-0.63%	-0.13%
2031	150	-5.66%	-1.16%
2036	141	-6.00%	-1.23%

FIRST NATIONS POPULATION PROJECTIONS ON-RESERVE, CONSTANT SCENARIO

TOTAL FIRST NATIONS POPULATION ON-RESERVE CONSTANT SCENARIO (IN THOUSANDS)			
Year	**Population**	**5-year overall growth**	**Annualized growth rate**
2011	375		
2016	418	11.47%	2.19%
2021	460	10.05%	1.93%
2026	502	9.13%	1.76%
2031	544	8.37%	1.62%
2036	585	7.54%	1.46%

FIRST NATIONS 0–18 POPULATION PROJECTIONS ON-RESERVE, CONSTANT SCENARIO

0–18 FIRST NATIONS POPULATION ON-RESERVE CONSTANT SCENARIO (IN THOUSANDS)			
Year	**Population**	**5-year overall growth**	**Annualized growth rate**
2011	152		
2016	159	4.61%	0.90%
2021	170	6.92%	1.35%
2026	180	5.88%	1.15%
2031	189	5.00%	0.98%
2036	200	5.82%	1.14%

Total populations and projections were provided at five-year intervals. The annual growth rate was needed to calculate program costs. By interpolation (assuming that every year has the same growth rate), the annual growth rate was determined by reverse compounding within the five-year interval. This approach can be modelled as:

$(1+r)^5$= five-year growth rate, accounting for the previous year's population increase

To calculate the annual growth rate within that five-year period, the following interpolation was used:

$(1+r)^5$= five-year growth rate
1 = the benchmark year's population
r = the growth rate
5 = the five-year period

As an example, the calculation for the annual growth rate between 2016-2021 for the 0-18 First Nation population (on-reserve only, constant scenario) is modelled below.

2016 is the benchmark population year
Population in 2016 = 159,000
Population in 2021 = 170,000
Five-year growth rate between 2016 and 2021 = 6.92%

The five-year growth rate was determined by calculating the percentage difference between the two populations in 2016 and 2021. The percentage difference calculation is modelled as:

% difference = (B-A)/A
B = population in 2021
A = population in 2016

% difference = (170,000-159,000)/159,000
% difference = 11,000/159,000
% difference = 0.0692
% difference = 6.92%

To interpolate the annual growth rate, we solve for "r" in the formula:

$(1+r)^5$= 6.92%
$(1+r) = \sqrt[5]{6.92\%}$
$r = (\sqrt[5]{6.92\%})-1$
r = 1.35%

Annual population growth rates for the convergence and constant scenarios were interpolated for the total First Nation population on-reserve (see. The total population growth rates were applied to current total agency catchment populations to estimate the costs of prevention funding per capita. The agency catchment populations were a custom tabulation using Statics Canada's census data.

ANNUAL FIRST NATIONS POPULATION PROJECTIONS ON-RESERVE, 2016–2036, CONVERGENCE SCENARIO

YEAR	ANNUALIZED GROWTH RATE	ENTIRE FIRST NATIONS POPULATION ON RESERVE: CONVERGENCE FERTILITY (IN THOUSANDS)
2016	2.10%	416.0
2017	1.63%	422.8
2018	1.63%	429.7
2019	1.63%	436.7
2020	1.63%	443.8
2021	1.63%	451.0
2022	1.30%	456.8
2023	1.30%	462.8
2024	1.30%	468.8
2025	1.30%	474.8
2026	1.30%	481.0
2027	0.94%	485.5
2028	0.94%	490.1
2029	0.94%	494.7
2030	0.94%	499.3
2031	0.94%	504.0
2032	0.70%	507.5
2033	0.70%	511.1
2034	0.70%	514.7
2035	0.70%	518.3
2036	0.70%	522.0

ANNUAL FIRST NATIONS POPULATION PROJECTIONS ON-RESERVE, 2016–2036, CONSTANT SCENARIO

YEAR	ANNUALIZED GROWTH RATE	ENTIRE FIRST NATIONS POPULATION ON RESERVE: CONSTANT FERTILITY (IN THOUSANDS)
2016	2.19%	418.0
2017	1.93%	426.1
2018	1.93%	434.3
2019	1.93%	442.7
2020	1.93%	451.3
2021	1.93%	460.0
2022	1.76%	468.1
2023	1.76%	476.4
2024	1.76%	484.8
2025	1.76%	493.3
2026	1.76%	502.0
2027	1.62%	510.1
2028	1.62%	518.4
2029	1.62%	526.8
2030	1.62%	535.3
2031	1.62%	544.0
2032	1.46%	552.0
2033	1.46%	560.0
2034	1.46%	568.2
2035	1.46%	576.6
2036	1.46%	585.0

ANNUAL FIRST NATIONS 0–18 POPULATION PROJECTIONS ON-RESERVE, 2016–2036, CONVERGENCE SCENARIO

YEAR	ANNUALIZED GROWTH RATE	0–18 FIRST NATIONS POPULATION ON RESERVE: CONVERGENCE FERTILITY (IN THOUSANDS)
2016	0.65%	157.0
2017	0.38%	157.6
2018	0.38%	158.2
2019	0.38%	158.8
2020	0.38%	159.4
2021	0.38%	160.0
2022	-0.13%	159.8
2023	-0.13%	159.6
2024	-0.13%	159.4
2025	-0.13%	159.2
2026	-0.13%	159.0
2027	-1.16%	157.2
2028	-1.16%	155.3
2029	-1.16%	153.5
2030	-1.16%	151.8
2031	-1.16%	150.0
2032	-1.23%	148.2
2033	-1.23%	146.3
2034	-1.23%	144.5
2035	-1.23%	142.8
2036	-1.23%	141.0

ANNUAL FIRST NATIONS 0–18 POPULATION PROJECTIONS ON-RESERVE, 2016–2036, CONSTANT SCENARIO

YEAR	ANNUALIZED GROWTH RATE	0–18 FIRST NATIONS POPULATION ON RESERVE: CONSTANT FERTILITY (IN THOUSANDS)
2016	0.90%	159.0
2017	1.35%	161.1
2018	1.35%	163.3
2019	1.35%	165.5
2020	1.35%	167.7
2021	1.35%	170.0
2022	1.15%	172.0
2023	1.15%	173.9
2024	1.15%	175.9
2025	1.15%	178.0
2026	1.15%	180.0
2027	0.98%	181.8
2028	0.98%	183.5
2029	0.98%	185.3
2030	0.98%	187.2
2031	0.98%	189.0
2032	1.14%	191.2
2033	1.14%	193.3
2034	1.14%	195.5
2035	1.14%	197.7
2036	1.14%	200.0

APPENDIX K

Children in Care Calculations

The calculation of estimated future number of children in care can be modelled as:

(1 + annual growth rate) x Number of Children in Care** in Year*$_{n-1}$ *= Number of Children in Care in Year*$_{n}$

The annual growth rate is the rate at which the 0-18 on-reserve population increases or decreases.

ANNUAL CHILDREN IN CARE PROJECTIONS, 2018–2036, WITH AVERAGE NUMBER OF CHILDREN IN CARE AND CONVERGENCE SCENARIO

YEAR	ANNUALIZED GROWTH RATE	TOTAL PROJECTED FIRST NATIONS CHILDREN IN CARE
2017		20,032
2018	0.38%	20,108
2019	0.38%	20,184
2020	0.38%	20,261
2021	0.38%	20,338
2022	-0.13%	20,312
2023	-0.13%	20,287
2024	-0.13%	20,261
2025	-0.13%	20,236
2026	-0.13%	20,211
2027	-1.16%	19,976
2028	-1.16%	19,745
2029	-1.16%	19,516
2030	-1.16%	19,290
2031	-1.16%	19,067
2032	-1.23%	18,832
2033	-1.23%	18,600
2034	-1.23%	18,372
2035	-1.23%	18,146
2036	-1.23%	17,923

ANNUAL CHILDREN IN CARE PROJECTIONS, 2018–2036, WITH AVERAGE NUMBER OF CHILDREN IN CARE AND CONSTANT SCENARIO

YEAR	ANNUALIZED GROWTH RATE	TOTAL NATIONAL CHILDREN IN CARE
2017		20,032
2018	1.35%	20,302
2019	1.35%	20,575
2020	1.35%	20,852
2021	1.35%	21,133
2022	1.15%	21,376
2023	1.15%	21,622
2024	1.15%	21,871
2025	1.15%	22,122
2026	1.15%	22,376
2027	0.98%	22,596
2028	0.98%	22,817
2029	0.98%	23,041
2030	0.98%	23,267
2031	0.98%	23,495
2032	1.14%	23,763
2033	1.14%	24,033
2034	1.14%	24,306
2035	1.14%	24,583
2036	1.14%	24,863

ANNUAL CHILDREN IN CARE PROJECTIONS 2018–2036, WITH CHILDREN IN CARE AS A % OF TOTAL CHILD POPULATION SERVED AND CONVERGENCE SCENARIO

YEAR	ANNUALIZED GROWTH RATE	TOTAL NATIONAL CHILDREN IN CARE
2017		19,252
2018	0.38%	19,325
2019	0.38%	19,398
2020	0.38%	19,472
2021	0.38%	19,546
2022	-0.13%	19,521
2023	-0.13%	19,497
2024	-0.13%	19,472
2025	-0.13%	19,448
2026	-0.13%	19,424
2027	-1.16%	19,199
2028	-1.16%	18,976
2029	-1.16%	18,756
2030	-1.16%	18,539
2031	-1.16%	18,324
2032	-1.23%	18,099
2033	-1.23%	17,876
2034	-1.23%	17,656
2035	-1.23%	17,439
2036	-1.23%	17,225

ANNUAL CHILDREN IN CARE PROJECTIONS 2018–2036, WITH CHILDREN IN CARE AS A % OF TOTAL CHILD POPULATION SERVED AND CONSTANT SCENARIO

YEAR	ANNUALIZED GROWTH RATE	TOTAL NATIONAL CHILDREN IN CARE
2017		19,252
2018	1.35%	19,511
2019	1.35%	19,774
2020	1.35%	20,040
2021	1.35%	20,310
2022	1.15%	20,544
2023	1.15%	20,780
2024	1.15%	21,019
2025	1.15%	21,261
2026	1.15%	21,505
2027	0.98%	21,716
2028	0.98%	21,929
2029	0.98%	22,144
2030	0.98%	22,361
2031	0.98%	22,580
2032	1.14%	22,837
2033	1.14%	23,097
2034	1.14%	23,360
2035	1.14%	23,626
2036	1.14%	23,895

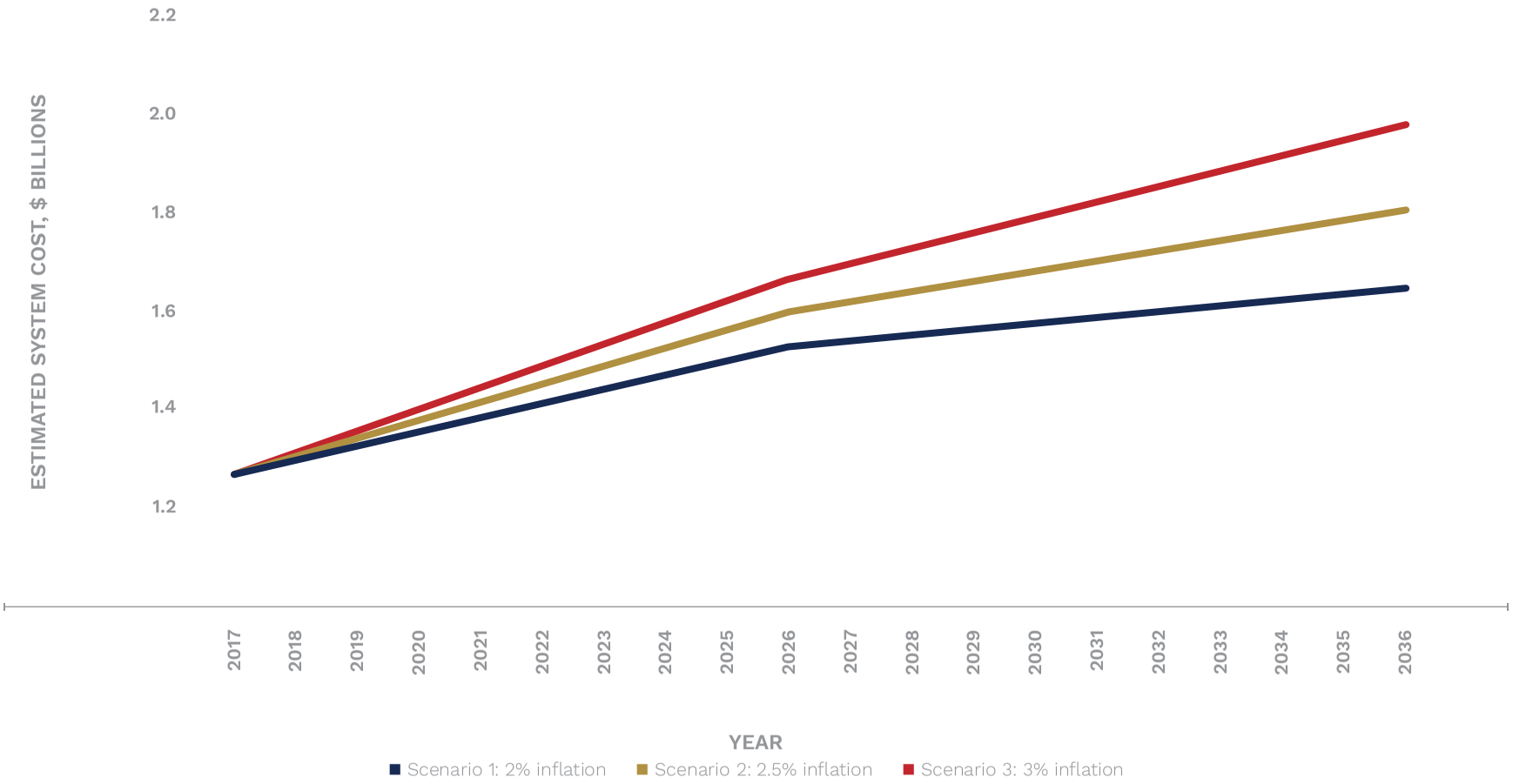
APPENDIX L

Total System Cost Estimates

TOTAL SYSTEM COST ESTIMATES, WITH AVERAGE NUMBER OF CHILDREN IN CARE AND CONVERGENCE SCENARIO

AVERAGE NUMBER OF CHILDREN IN CARE (CIC)		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	**Number of CIC**	**Program cost** (CIC x $63,136.87) + 2% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 2.5% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 3% inflation	**Estimated program cost**
2018	20,108	$64,399.61	$ 1,294,945,817.79	$ 64,715.29	$ 1,301,293,591.41	$ 65,030.98	$ 1,307,641,365.02
2019	20,184	$ 65,687.60	$1,325,854,402.91	$ 66,333.17	$1,338,884,834.73	$ 66,981.91	$ 1,351,978,985.05
2020	20,261	$ 67,001.35	$ 1,357,500,733.66	$ 67,991.50	$ 1,377,561,998.70	$ 68,991.36	$ 1,397,819,941.23
2021	20,338	$ 68,341.38	$ 1,389,902,419.04	$ 69,691.29	$ 1,417,356,452.94	$ 71,061.10	$ 1,445,215,206.53
2022	20,312	$ 69,708.21	$ 1,415,923,894.84	$ 71,433.57	$1,450,969,819.24	$ 73,192.94	$ 1,486,706,278.84
2023	20,287	$ 71,102.37	$ 1,442,432,539.51	$ 73,219.41	$1,485,380,344.50	$ 75,388.72	$ 1,529,388,529.52
2024	20,261	$ 72,524.42	$ 1,469,437,473.74	$ 75,049.90	$1,520,606,933.77	$ 77,650.39	$ 1,573,296,156.41
2025	20,236	$ 73,974.91	$ 1,496,947,988.97	$ 76,926.15	$1,556,668,940.44	$ 79,979.90	$ 1,618,464,339.18
2026	20,211	$ 75,454.40	$ 1,524,973,550.57	$ 78,849.30	$ 1,593,586,176.88	$ 82,379.29	$ 1,664,929,267.46
2027	19,976	$ 76,963.49	$ 1,537,451,094.43	$ 80,820.53	$ 1,614,500,732.04	$ 84,850.67	$ 1,695,008,339.95
2028	19,745	$ 78,502.76	$ 1,550,030,731.27	$ 82,841.04	$ 1,635,689,774.15	$ 87,396.19	$ 1,725,630,829.27
2029	19,516	$ 80,072.82	$ 1,562,713,296.44	$ 84,912.07	$ 1,657,156,905.64	$ 90,018.08	$ 1,756,806,552.95
2030	19,290	$ 81,674.27	$ 1,575,499,632.10	$ 87,034.87	$ 1,678,905,776.21	$ 92,718.62	$ 1,788,545,505.88
2031	19,067	$ 83,307.76	$ 1,588,390,587.33	$ 89,210.74	$1,700,940,083.47	$ 95,500.18	$ 1,820,857,863.50
2032	18,832	$ 84,973.91	$ 1,600,232,355.56	$ 91,441.01	$ 1,722,021,033.21	$ 98,365.19	$ 1,852,417,356.11
2033	18,600	$ 86,673.39	$ 1,612,162,406.53	$ 93,727.04	$ 1,743,363,254.03	$ 101,316.14	$ 1,884,523,844.51
2034	18,372	$88,406.86	$ 1,624,181,398.41	$ 96,070.21	$1,764,969,984.05	$ 104,355.63	$ 1,917,186,809.33
2035	18,146	$ 90,175.00	$1,636,289,994.27	$ 98,471.97	$ 1,786,844,501.50	$ 107,486.29	$ 1,950,415,895.55
2036	17,923	$ 91,978.50	$1,648,488,862.13	$100,933.77	$ 1,808,990,125.26	$ 110,710.88	$ 1,984,220,915.30

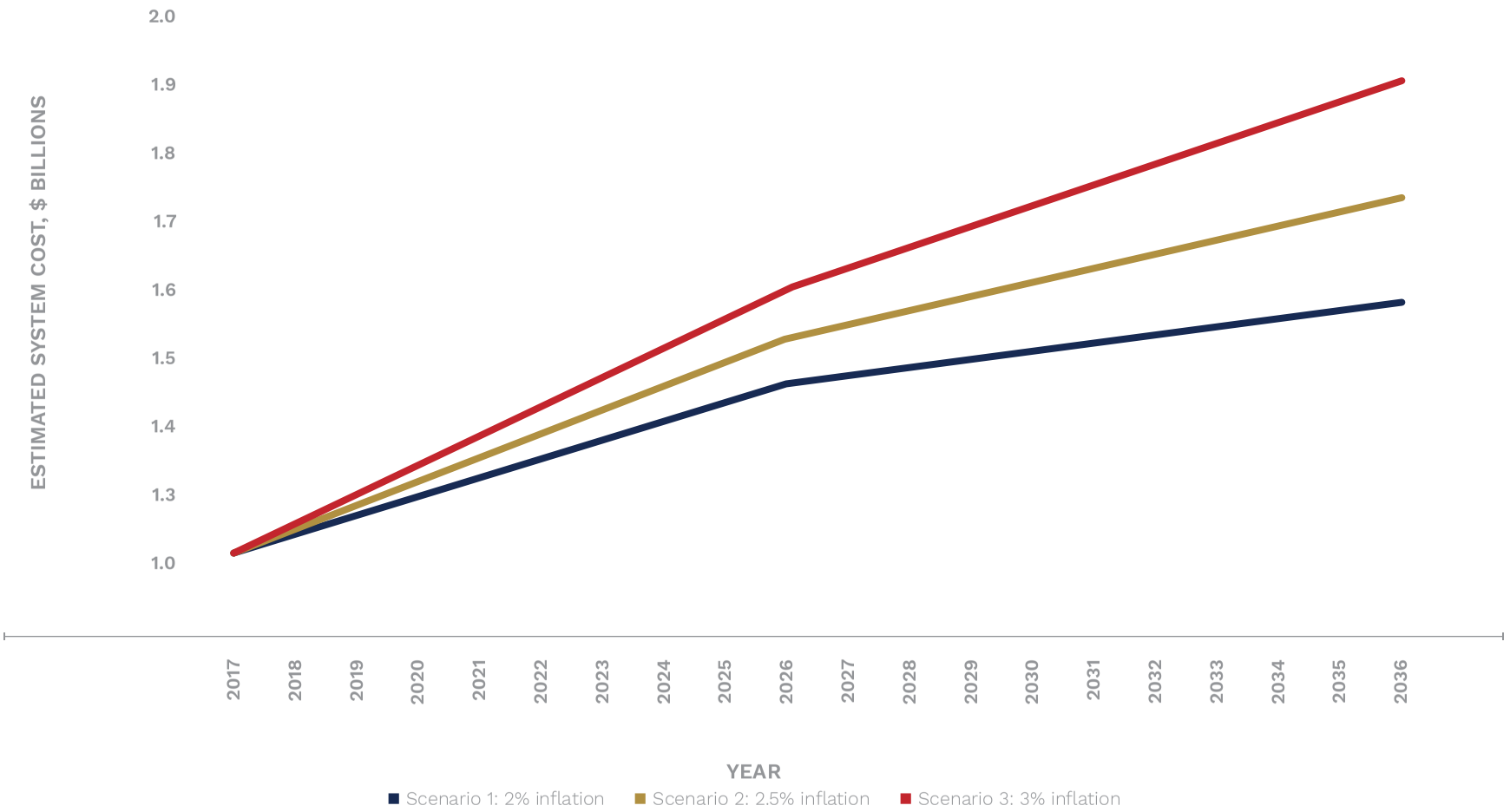
TOTAL SYSTEM COST ESTIMATES, WITH AVERAGE NUMBER OF CHILDREN IN CARE AND CONVERGENCE SCENARIO



TOTAL SYSTEM COST ESTIMATES, WITH CHILDREN IN CARE AS A % OF TOTAL CHILD POPULATION SERVED AND CONVERGENCE SCENARIO

CHILDREN IN CARE (CIC) AS A % OF TOTAL CHILD POPULATION SERVED		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	**Number of CIC**	**Program cost** (CIC x $63,136.87) + 2% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 2.5% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 3% inflation	**Estimated program cost**
2017	19,252	$ 63,136.87	$ 1,215,511,021.24	$ 63,136.87	$ 1,215,511,021.24	$ 63,136.87	$ 1,215,511,021.24
2018	19,325	$64,399.61	$1,244,523,606.43	$ 64,715.29	$ 1,250,624,212.35	$ 65,030.98	$ 1,256,724,818.26
2019	19,398	$ 65,687.60	$ 1,274,228,682.34	$ 66,333.17	$ 1,286,751,739.13	$ 66,981.91	$1,299,336,033.35
2020	19,472	$ 67,001.35	$ 1,304,642,777.78	$ 67,991.50	$1,323,922,903.30	$ 68,991.36	$1,343,392,048.15
2021	19,546	$ 68,341.38	$ 1,335,782,816.07	$ 69,691.29	$ 1,362,167,853.04	$ 71,061.10	$ 1,388,941,850.85
2022	19,521	$ 69,708.21	$ 1,360,791,075.45	$ 71,433.57	$1,394,472,392.18	$ 73,192.94	$ 1,428,817,356.25
2023	19,497	$ 71,102.37	$ 1,386,267,534.48	$ 73,219.41	$ 1,427,543,050.73	$ 75,388.72	$ 1,469,837,658.26
2024	19,472	$ 72,524.42	$ 1,412,220,958.69	$ 75,049.90	$ 1,461,397,997.65	$ 77,650.39	$ 1,512,035,623.16
2025	19,448	$ 73,974.91	$ 1,438,660,277.74	$ 76,926.15	$1,496,055,832.73	$ 79,979.90	$1,555,445,060.80
2026	19,424	$ 75,454.40	$1,465,594,588.43	$ 78,849.30	$ 1,531,535,596.91	$ 82,379.29	$ 1,600,100,751.66
2027	19,199	$ 76,963.49	$ 1,477,586,285.44	$ 80,820.53	$ 1,551,635,787.40	$ 84,850.67	$ 1,629,008,614.25
2028	18,976	$ 78,502.76	$ 1,489,676,100.16	$ 82,841.04	$ 1,571,999,776.95	$ 87,396.19	$1,658,438,734.28
2029	18,756	$ 80,072.82	$ 1,501,864,835.41	$ 84,912.07	$ 1,592,631,027.73	$ 90,018.08	$1,688,400,547.00
2030	18,539	$ 81,674.27	$ 1,514,153,300.58	$ 87,034.87	$ 1,613,533,047.31	$ 92,718.62	$ 1,718,903,658.11
2031	18,324	$ 83,307.76	$ 1,526,542,311.66	$ 89,210.74	$ 1,634,709,389.32	$ 95,500.18	$ 1,749,957,846.85
2032	18,099	$ 84,973.91	$ 1,537,922,988.68	$ 91,441.01	$1,654,969,495.38	$ 98,365.19	$1,780,288,485.42
2033	17,876	$ 86,673.39	$ 1,549,388,510.91	$ 93,727.04	$1,675,480,699.21	$ 101,316.14	$ 1,811,144,821.01
2034	17,656	$88,406.86	$ 1,560,939,510.90	$ 96,070.21	$ 1,696,246,112.86	$104,355.63	$1,842,535,965.11
2035	17,439	$ 90,175.00	$ 1,572,576,625.89	$ 98,471.97	$ 1,717,268,886.92	$107,486.29	$ 1,874,471,187.15
2036	17,225	$ 91,978.50	$ 1,584,300,497.89	$100,933.77	$ 1,738,552,211.04	$ 110,710.88	$ 1,906,959,917.20

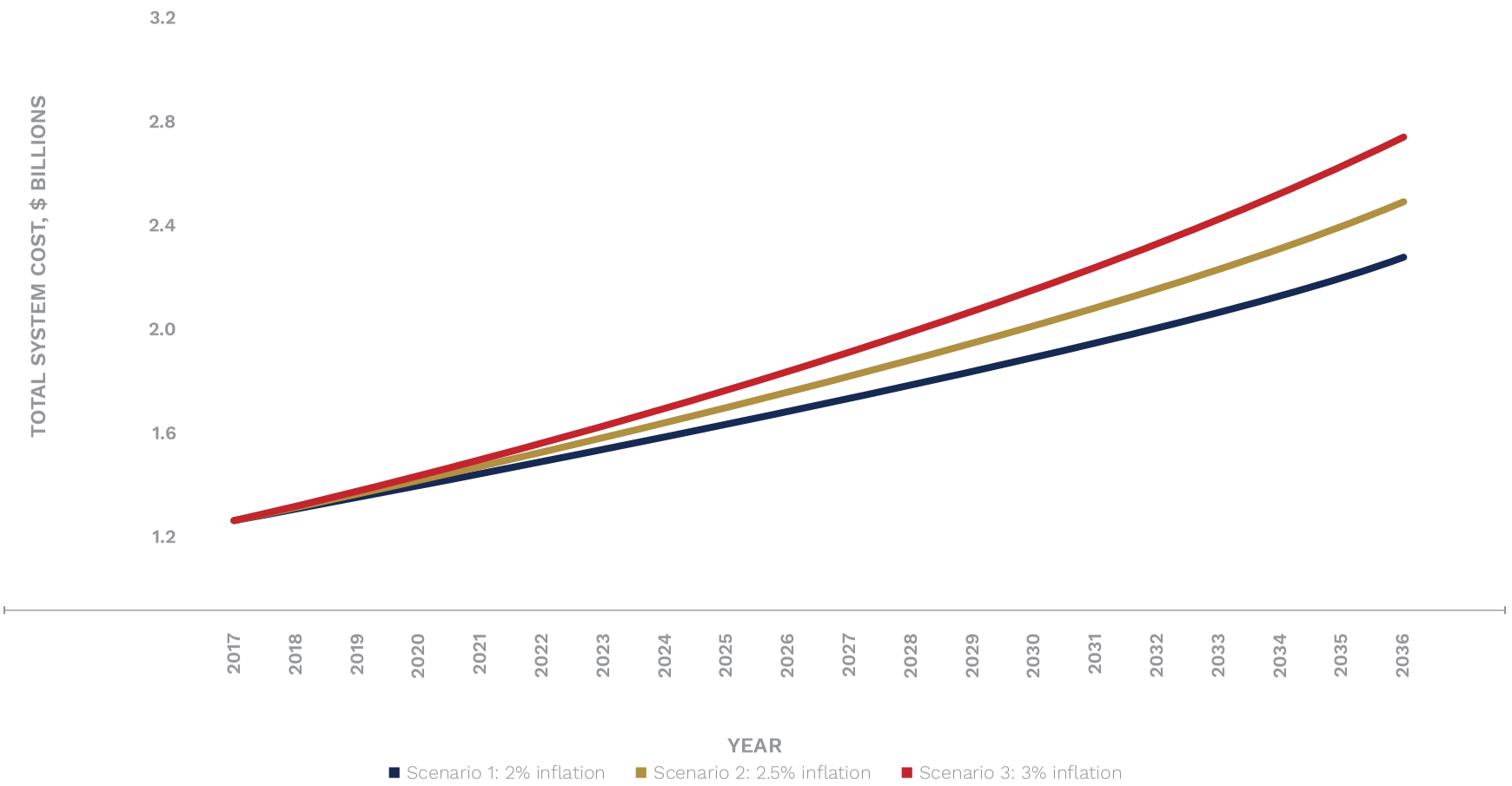
TOTAL SYSTEM COST ESTIMATES, WITH CHILDREN IN CARE AS A % OF TOTAL CHILD POPULATION SERVED AND CONVERGENCE SCENARIO



TOTAL SYSTEM COST ESTIMATES, WITH AVERAGE NUMBER OF CHILDREN IN CARE AND CONSTANT SCENARIO

AVERAGE NUMBER OF CHILDREN IN CARE (CIC)		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	**Number of CIC**	**Program cost** (CIC x $63,136.87) + 2% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 2.5% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 3% inflation	**Estimated program cost**
2017	20,032	$ 63,136.87	$ 1,264,757,779.84	$ 63,136.87	$ 1,264,757,779.84	$ 63,136.87	$ 1,264,757,779.84
2018	20,302	$64,399.61	$1,307,428,328.43	$ 64,715.29	$ 1,313,837,290.82	$ 65,030.98	$1,320,246,253.22
2019	20,575	$ 65,687.60	$ 1,351,538,501.06	$ 66,333.17	$ 1,364,821,354.94	$ 66,981.91	$ 1,378,169,161.65
2020	20,852	$ 67,001.35	$ 1,397,136,867.96	$ 67,991.50	$ 1,417,783,879.26	$ 68,991.36	$ 1,438,633,310.64
2021	21,133	$ 68,341.38	$ 1,444,273,637.98	$ 69,691.29	$ 1,472,801,638.85	$ 71,061.10	$ 1,501,750,191.53
2022	21,376	$ 69,708.21	$1,490,096,424.91	$ 71,433.57	$ 1,526,978,214.15	$ 73,192.94	$ 1,564,586,711.95
2023	21,622	$ 71,102.37	$ 1,537,373,041.47	$ 73,219.41	$ 1,583,147,658.84	$ 75,388.72	$1,630,052,450.15
2024	21,871	$ 72,524.42	$ 1,586,149,613.62	$ 75,049.90	$ 1,641,383,280.04	$ 77,650.39	$ 1,698,257,418.36
2025	22,122	$ 73,974.91	$ 1,636,473,730.79	$ 76,926.15	$ 1,701,761,081.44	$ 79,979.90	$ 1,769,316,231.97
2026	22,376	$ 75,454.40	$1,688,394,492.28	$ 78,849.30	$1,764,359,862.52	$ 82,379.29	$1,843,348,302.13
2027	22,596	$ 76,963.49	$1,739,049,558.01	$ 80,820.53	$1,826,202,338.81	$ 84,850.67	$ 1,917,266,516.70
2028	22,817	$ 78,502.76	$ 1,791,224,372.64	$ 82,841.04	$ 1,890,212,452.20	$ 87,396.19	$ 1,994,148,849.57
2029	23,041	$ 80,072.82	$ 1,844,964,531.55	$ 84,912.07	$ 1,956,466,180.39	$ 90,018.08	$ 2,074,114,161.81
2030	23,267	$ 81,674.27	$1,900,316,998.07	$ 87,034.87	$ 2,025,042,164.21	$ 92,718.62	$ 2,157,286,080.81
2031	23,495	$ 83,307.76	$ 1,957,330,144.51	$ 89,210.74	$2,096,021,800.90	$ 95,500.18	$ 2,243,793,191.39
2032	23,763	$ 84,973.91	$ 2,019,193,291.64	$ 91,441.01	$ 2,172,867,775.26	$ 98,365.19	$2,337,403,493.80
2033	24,033	$ 86,673.39	$ 2,083,011,678.14	$ 93,727.04	$ 2,252,531,136.23	$ 101,316.14	$ 2,434,919,186.75
2034	24,306	$88,406.86	$ 2,148,847,101.08	$ 96,070.21	$ 2,335,115,177.04	$104,355.63	$2,536,503,201.84
2035	24,583	$ 90,175.00	$ 2,216,763,310.68	$ 98,471.97	$2,420,726,977.90	$107,486.29	$2,642,325,268.11
2036	24,863	$ 91,978.50	$2,286,826,072.05	$100,933.77	$2,509,477,544.90	$ 110,710.88	$ 2,752,562,195.63

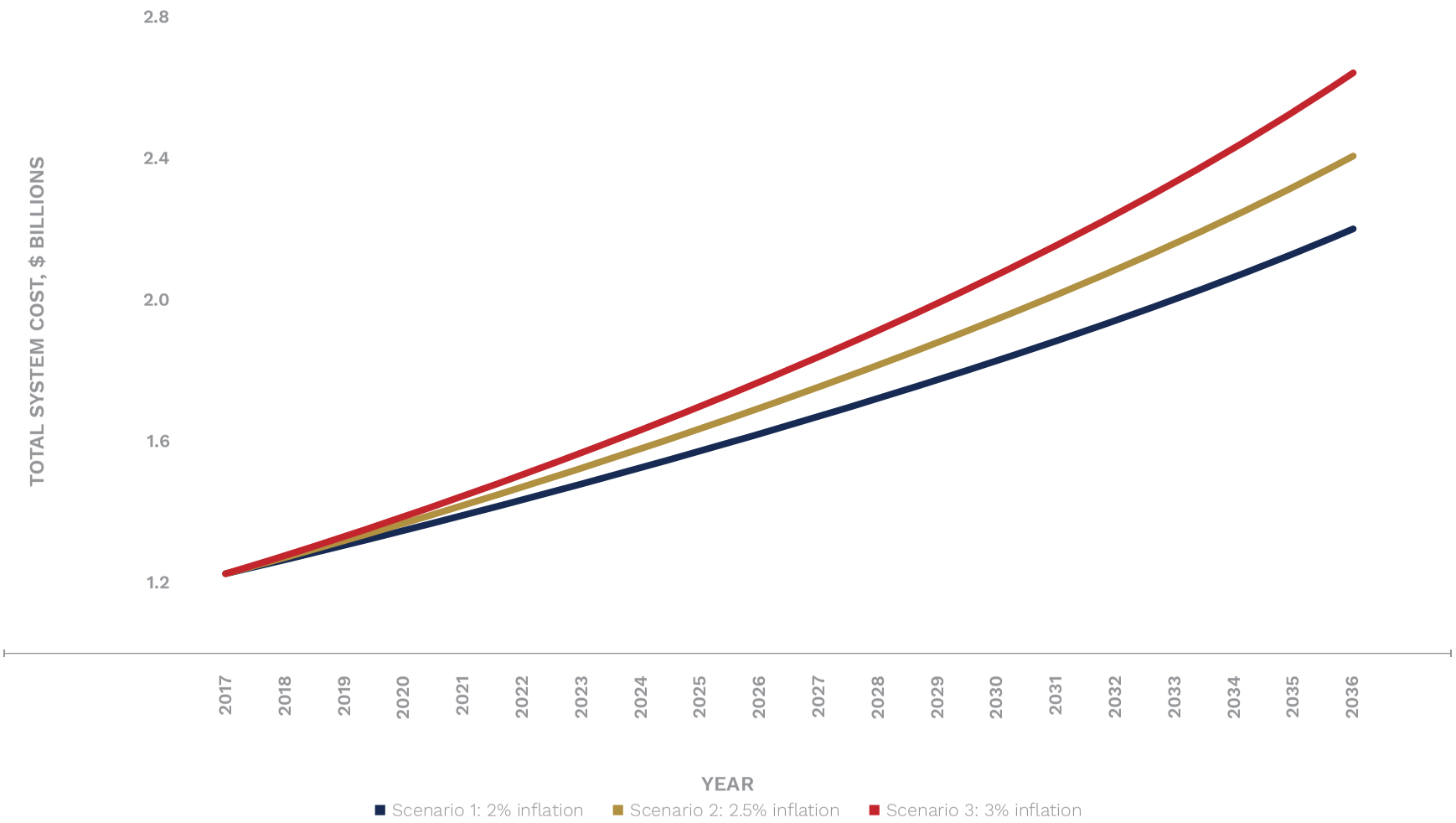
TOTAL SYSTEM COST ESTIMATES, WITH AVERAGE NUMBER OF CHILDREN IN CARE AND CONSTANT SCENARIO



TOTAL SYSTEM COST ESTIMATES, WITH CHILDREN IN CARE AS A % OF TOTAL CHILD POPULATION SERVED AND CONSTANT SCENARIO

CHILDREN IN CARE (CIC) AS A % OF TOTAL CHILD POPULATION SERVED		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	**Number of CIC**	**Program Cost** (CIC x $63,136.87) + 2% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 2.5% inflation	**Estimated program cost**	**Program cost** (CIC x $63,136.87) + 3% inflation	**Estimated program cost**
2017	19,252	$ 63,136.87	$ 1,215,511,021.24	$ 63,136.87	$ 1,215,511,021.24	$ 63,136.87	$ 1,215,511,021.24
2018	19,511	$64,399.61	$1,256,520,076.82	$ 64,715.29	$1,262,679,488.96	$ 65,030.98	$1,268,838,901.10
2019	19,774	$ 65,687.60	$ 1,298,912,700.80	$ 66,333.17	$ 1,311,678,350.90	$ 66,981.91	$1,324,506,424.72
2020	20,040	$ 67,001.35	$ 1,342,735,572.18	$ 67,991.50	$1,362,578,636.36	$ 68,991.36	$ 1,382,616,238.84
2021	20,310	$ 68,341.38	$1,388,036,944.81	$ 69,691.29	$ 1,415,454,130.95	$ 71,061.10	$1,443,275,493.58
2022	20,544	$ 69,708.21	$ 1,432,075,497.83	$ 71,433.57	$ 1,467,521,195.03	$ 73,192.94	$1,503,665,304.44
2023	20,780	$ 71,102.37	$ 1,477,511,271.68	$ 73,219.41	$ 1,521,503,530.75	$ 75,388.72	$ 1,566,581,957.38
2024	21,019	$ 72,524.42	$1,524,388,596.32	$ 75,049.90	$ 1,577,471,590.82	$ 77,650.39	$ 1,632,131,181.02
2025	21,261	$ 73,974.91	$ 1,572,753,208.13	$ 76,926.15	$ 1,635,498,419.52	$ 79,979.90	$ 1,700,423,127.89
2026	21,505	$ 75,454.40	$1,622,652,294.60	$ 78,849.30	$ 1,695,659,748.07	$ 82,379.29	$ 1,771,572,559.53
2027	21,716	$ 76,963.49	$ 1,671,334,968.59	$ 80,820.53	$1,755,094,220.59	$ 84,850.67	$ 1,842,612,568.86
2028	21,929	$ 78,502.76	$ 1,721,478,215.96	$ 82,841.04	$ 1,816,611,927.40	$ 87,396.19	$ 1,916,501,280.55
2029	22,144	$ 80,072.82	$ 1,773,125,856.70	$ 84,912.07	$ 1,880,285,887.82	$ 90,018.08	$ 1,993,352,927.48
2030	22,361	$ 81,674.27	$ 1,826,323,025.51	$ 87,034.87	$ 1,946,191,680.58	$ 92,718.62	$2,073,286,323.27
2031	22,580	$ 83,307.76	$ 1,881,116,211.17	$ 89,210.74	$ 2,014,407,533.49	$ 95,500.18	$ 2,156,425,045.96
2032	22,837	$ 84,973.91	$1,940,570,549.65	$ 91,441.01	$2,088,261,302.38	$ 98,365.19	$2,246,390,378.52
2033	23,097	$ 86,673.39	$2,001,903,994.98	$ 93,727.04	$ 2,164,822,755.33	$ 101,316.14	$ 2,340,109,034.71
2034	23,360	$88,406.86	$ 2,065,175,938.00	$ 96,070.21	$ 2,244,191,163.56	$104,355.63	$ 2,437,737,601.93
2035	23,626	$ 90,175.00	$ 2,130,447,646.63	$ 98,471.97	$2,326,469,437.83	$107,486.29	$2,539,439,200.36
2036	23,895	$ 91,978.50	$ 2,197,782,325.23	$100,933.77	$ 2,411,764,261.90	$ 110,710.88	$2,645,383,755.50

TOTAL SYSTEM COST ESTIMATES, WITH CHILDREN IN CARE AS A % OF TOTAL CHILD POPULATION SERVED AND CONSTANT SCENARIO



APPENDIX M

Indigenous Services Canada (ISC) Program Spending Breakouts

Program Name	17-18 Funding5	Breakout in Departmental Costs vs. funds to First Nations6	Performance criteria and results reporting for each program
FNIHB / HC			
Aboriginal Head-start on-reserve	$30,561,340	Vote 1 $607,678 Vote 10 $29,953,662	Number of children in First Nations communities accessing early literacy and learning services and supports https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1
Healthy child development	$32,044,848	Vote 1 $5,638,051 Vote 10 $26,406,797	Percentage of First Nations communities that screen for risk factors for developmental milestones through participation in healthy child development programs and services https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1 Percentage of First Nations communities with maternal and child health programming that provide group breastfeeding support activities. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1
Mental Wellness	$160,210,929	Vote 1 $11,245,084 Vote 10 $148,965,845	Percentage of addictions counsellors in treatment centres serving First Nations and Inuit clients who are certified workers. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1 Percentage of First Nations communities that report service linkages with external service providers in delivering Mental Wellness promotion https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1
Canada Prenatal Nutrition Program (on-reserve First Nations and Inuit)	$12,935,948	Vote 1 $240,866 Vote 10 $12,695,082	Number of women in First Nations communities accessing Prenatal and Postnatal Health services and supports including Nutrition https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1
Brighter Futures	$56,295,405	Vote 1 $39,319 Vote 10 $56,256,086	Brighter Futures focuses on community-based health promotion and ill-health prevention programs for First Nations and Inuit communities. Performance criteria and results for programs such as these are sought from Healthy Child Development, Mental Wellness, and Healthily Living

[5] Information collected from Program staff

[6] For most programs this is distinguished through Vote 1 (departmental operations) and Vote 10 (Grants and Contributions)

Program Name	17-18 Funding5	Breakout in Departmental Costs vs. funds to First Nations6	Performance criteria and results reporting for each program
Building Healthy Communities	$46,241,107	Vote 1 $457,533 Vote 10 $45,783,554	Building Healthy Communities is designed to assist First Nations and Inuit communities to develop community-based approaches to drug abuse and mental health crises. Performance criteria and results are sought from Mental Wellness.
Children's Oral Health Initiative	$6,300,779	Vote1 $1,991,149 Vote 10 $4,309,630	Average number of decayed teeth in the 0–7 year population in First Nations communities with access to the Children's Oral Health Initiative (COHI). https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1
Fetal Alcohol Spectrum Disorder Initiative – First Nations and Inuit component	$7,735,902	Vote 1 $208,966 Vote 10 $7,526,936	% of communities with access to a Fetal Alcohol Spectrum Disorder Community Coordinator or Mentoring programs* Indigenous Services Canada, First Nations Inuit Health Branch, Community Based Level Reporting-National Summary Report 2015-16 Fiscal Year.
Maternal and Child Health Program	$15,694,477	Vote 1 $354,878 Vote 10 $15,339,599	Difference in percentage of children aged 0 to 11 who we Percentage of First Nations children on-reserve who have received the MMR vaccine.re breastfed longer than six months in First Nations communities with Maternal Child Health (MCH) programs versus those without MCH programs. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1 Percentage of First Nations communities with maternal and child health programming that provide group breastfeeding support activities. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1 Percentage of women in First Nations communities accessing maternal and child health program activities who breastfed for 6 months or more https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1

Program Name	17-18 Funding5	Breakout in Departmental Costs vs. funds to First Nations6	Performance criteria and results reporting for each program
Jordan's Principle	$145,067,987	Departmental $3,193,423 First Nations $141,874,564	Number of approved service requests for services and supports under Jordan's Principle https://www.canada.ca/en/indigenous-services-canada/services/jordans-principle.html
Other			Percentage of First Nations children on-reserve who have received the MMR vaccine. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1 Percentage of First Nations communities that deliver physical activities. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1 Percentage of First Nations and Inuit communities that deliver healthy eating activities under the Aboriginal Diabetes Initiative. https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a4_1
ISC - Social Programs			
Family Violence Prevention Program	$41,795,145	Vote 1 - $1,576,939 Vote 10 - $40,218,206	Number of women and children accessing the department's funded shelters Percentage of projects directed to community priorities/needs
Income Assistance	$973,376,126 (Includes day care)	Vote 1 - for 2017-2018: $7,557,278.15 Vote 10 - for 2017-2018: $965,818,847.74 (includes day care)	https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a2_2_1

Program Name	17-18 Funding5	Breakout in Departmental Costs vs. funds to First Nations6	Performance criteria and results reporting for each program
On reserve Day Care in AB and MB ON	$19,249,525 This amount is also included in the 2017-2018 funding for Income Assistance as on-reserve day care in AB and ON is funded within the Income Assistance Program.	Vote 10 for 2017-2018: ON: $2,657,313.00 AB: $16,592,212.00 National total: $19,249,525.00 This amount is included in the Income Assistance Vote 10 amount.	See Income Assistance
Assisted Living	$115,899,008	Vote 1 for 2017-18: $1,888,651.79 Vote 10 for 2017-18: $114,010,356.14	https://www.sac-isc.gc.ca/eng/1538154166265/1538154312961#a2_2_2
ISC – Education			

Program Name	17-18 Funding5	Breakout in Departmental Costs vs. funds to First Nations6	Performance criteria and results reporting for each program
Elementary & Secondary	$ 1,245,608,813	Vote 1- $27,252,721 Vote 10- $1,218,356,092	In 2017-18, Education programs sought to measure results on 6 publically-reported indicators, as listed on the GC Infobase. Funding recipients are required to submit data through a number of DCIs, which are uploaded to the Education Information System (EIS). EIS is an information technology system that was designed to provide the Department with the ability to analyze and report on education data, to reduce the reporting burden to First Nations, and to provide a reporting mechanism back to the funding recipients. Once reports are finalized within the EIS system, data is transferred to the Education Reports and Analysis Solution (ERAS), where de-personalized data is extracted and used for purposes such as reporting on performance indicators, informing program decisions, and developing policy to improve education outcomes for First Nations students.
High Cost Special Education Program (HCSEP)	$270,428,162	Vote 1- $1,747,894 Vote 10- $268,680,268	Collected through Education Information System (EIS). See note above.
First Nation Student Success Program (FNSSP) – Ending Apr 1, 2019	$106,323,084	Vote 1- $1,763,595 Vote 10- $104,559,489	Proposal based program ending April 1, 2019. Funding flowing directly to First Nations' education budget to support principle of First Nation control of First Nation education.

Program Name	17-18 Funding5	Breakout in Departmental Costs vs. funds to First Nations6	Performance criteria and results reporting for each program
New Paths for Education (NP) – Ending Apr 1, 2019	$133,972,831	Vote 1- $173,753 Vote 10- $133,799,078	Proposal based program ending April 1, 2019. Funding flowing directly to First Nations' education budget to support principle of First Nation control of First Nation education.
Cultural Education Centres Program (CECP)	$9,894,600	Vote 1- NA Vote 10- $9,894,600	Collected through Education Information System (EIS). See note above.
Post-Secondary Education (PSE)	$369,414,978	Vote 1- $2,435,317 Vote 10- $366,979,661	Collected through Education Information System (EIS). See note above.
Post-Secondary Partnerships Program (PSPP)	$25,032,745	Vote 1- NA Vote 10- $25,032,745	Collected through Education Information System (EIS). See note above.
Indspire	$7,817,000	Vote 1- NA Vote 10- $7,817,000	Annual reporting to the Department.

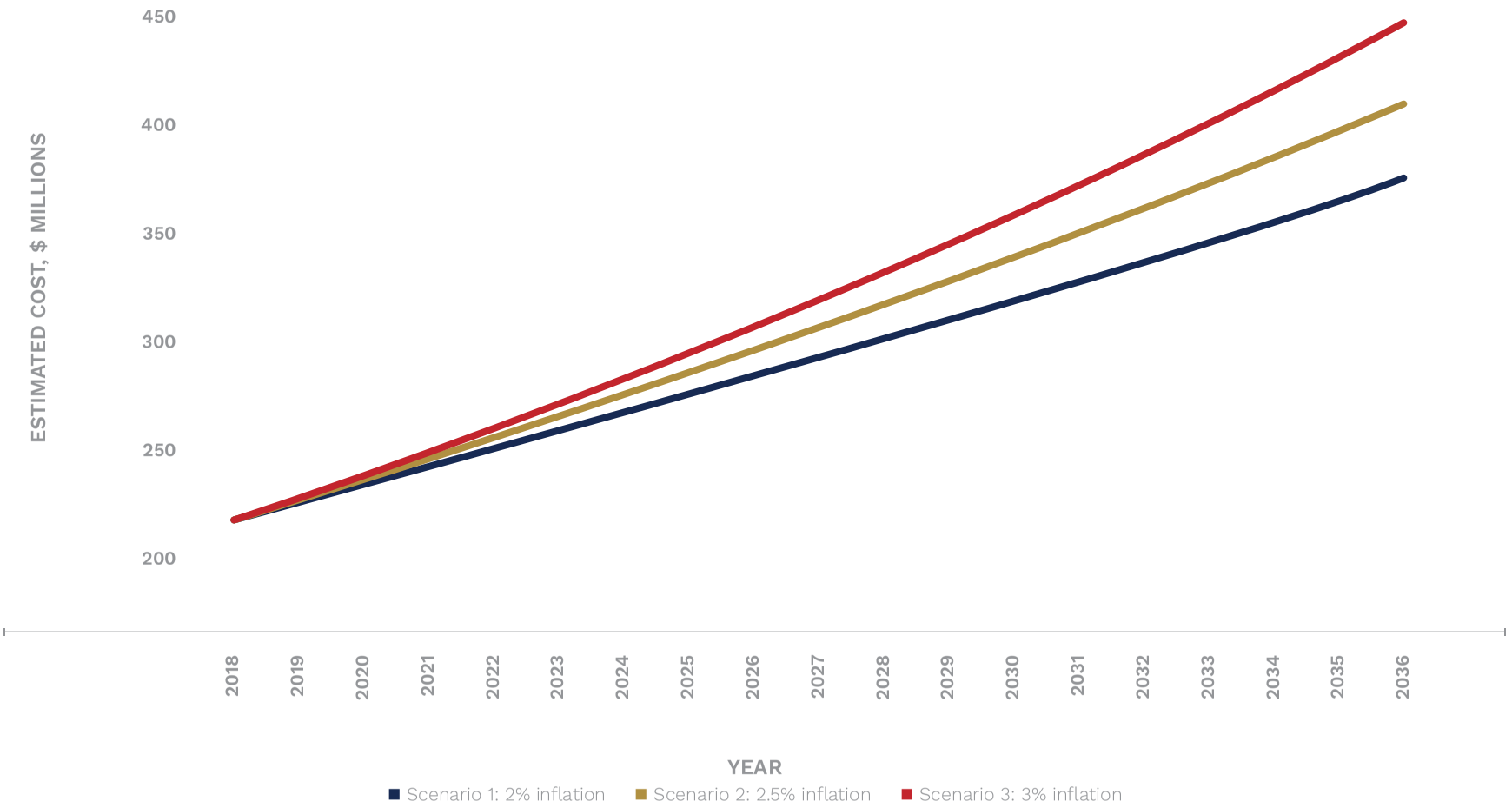
APPENDIX N

Prevention Cost Estimates

PREVENTION COST ESTIMATE, $800 PER PERSON WITH CONVERGENCE SCENARIO

CONVERGENCE SCENARIO		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	Population	$800/person + inflation 2%	Total program cost	$800/person + inflation 2.5%	Total program cost	$800/person + inflation 3%	Total program cost
2018	271,038	$ 800.00	$ 216,830,415.81	$ 800.00	$ 216,830,415.81	$ 800.00	$ 216,830,415.81
2019	275,453	$ 816.00	$ 224,769,312.22	$ 820.00	$ 225,871,122.57	$ 824.00	$ 226,972,932.92
2020	279,939	$ 832.32	$ 232,998,878.52	$ 840.50	$ 235,288,780.03	$ 848.72	$ 237,589,879.11
2021	284,499	$ 848.97	$ 241,529,757.14	$ 861.51	$ 245,099,105.10	$ 874.18	$ 248,703,446.39
2022	288,187	$ 865.95	$ 249,553,993.08	$ 883.05	$ 254,483,305.88	$ 900.41	$ 259,485,285.23
2023	291,922	$ 883.26	$ 257,844,814.64	$ 905.13	$ 264,226,803.05	$ 927.42	$ 270,734,540.39
2024	295,707	$ 900.93	$ 266,411,078.49	$ 927.75	$ 274,343,353.13	$ 955.24	$ 282,471,475.39
2025	299,540	$ 918.95	$ 275,261,935.53	$ 950.95	$ 284,847,239.33	$ 983.90	$ 294,717,232.21
2026	303,423	$ 937.33	$ 284,406,840.66	$ 974.72	$ 295,753,291.74	$ 1,013.42	$ 307,493,869.40
2027	306,271	$ 956.07	$ 292,817,684.30	$ 999.09	$ 305,992,332.70	$ 1,043.82	$ 319,691,271.00
2028	309,145	$ 975.20	$ 301,477,264.20	$ 1,024.07	$ 316,585,851.41	$ 1,075.13	$ 332,372,508.61
2029	312,047	$ 994.70	$ 310,392,936.29	$ 1,049.67	$ 327,546,119.97	$ 1,107.39	$ 345,556,774.61
2030	314,976	$ 1,014.59	$ 319,572,274.06	$ 1,075.91	$ 338,885,835.31	$ 1,140.61	$ 359,264,022.71
2031	317,932	$ 1,034.89	$ 329,023,074.98	$ 1,102.81	$ 350,618,133.98	$ 1,174.83	$ 373,514,998.10
2032	320,171	$ 1,055.58	$ 337,967,175.30	$ 1,130.38	$ 361,914,707.85	$ 1,210.07	$ 387,430,014.80
2033	322,426	$ 1,076.69	$ 347,154,410.34	$ 1,158.64	$ 373,575,246.31	$ 1,246.37	$ 401,863,424.85
2034	324,697	$ 1,098.23	$ 356,591,389.42	$ 1,187.60	$ 385,611,475.92	$ 1,283.77	$ 416,834,540.60
2035	326,984	$ 1,120.19	$ 366,284,901.53	$ 1,217.29	$ 398,035,501.10	$ 1,322.28	$ 432,363,393.86
2036	329,287	$ 1,142.60	$ 376,241,920.21	$ 1,247.73	$ 410,859,816.24	$ 1,361.95	$ 448,470,762.71

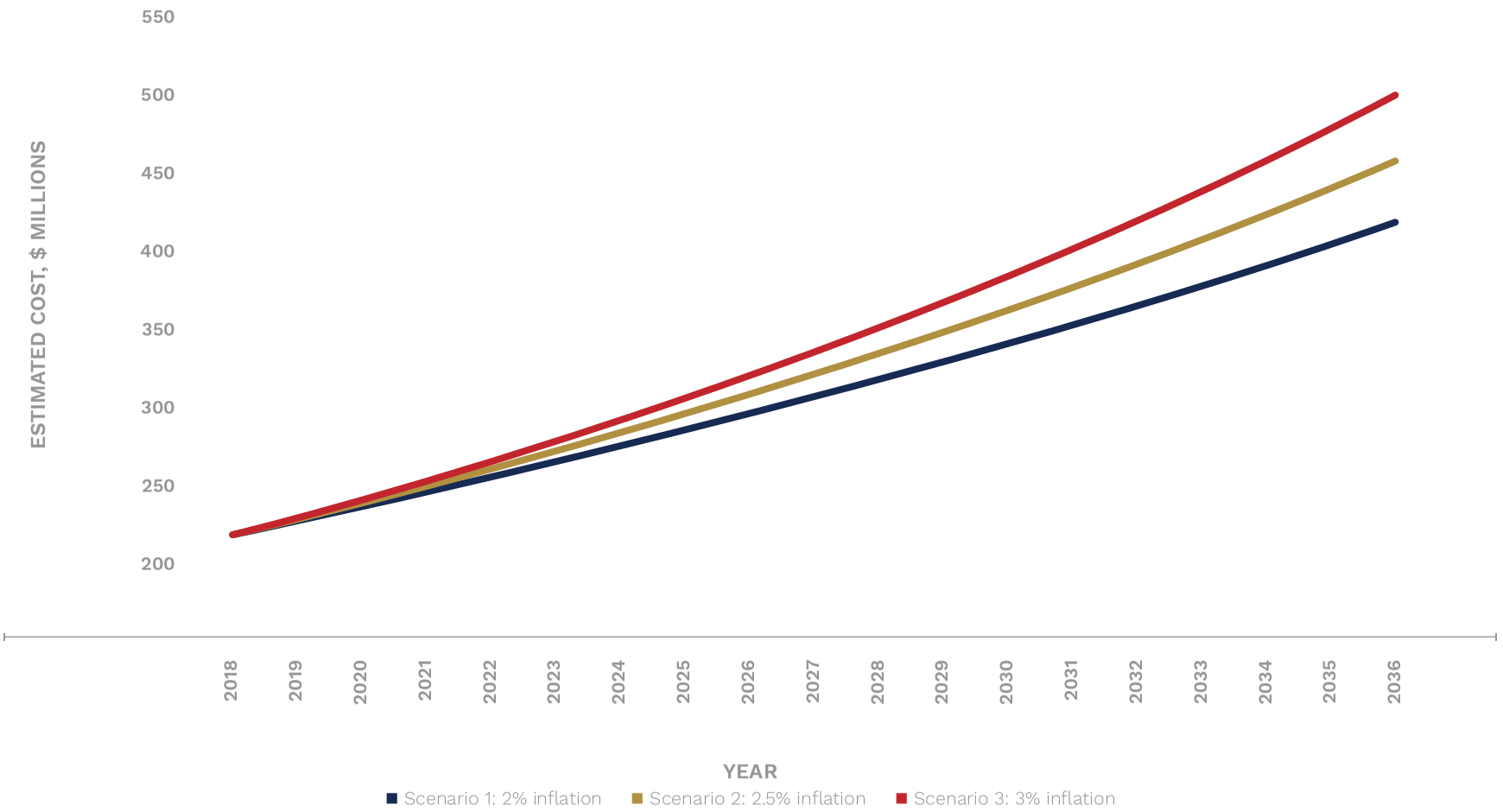
PREVENTION COST ESTIMATE, $800 PER PERSON, WITH CONVERGENCE SCENARIO



PREVENTION COST ESTIMATE, $800 PER PERSON, WITH CONSTANT SCENARIO

CONSTANT SCENARIO		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	Population	$800/person + inflation 2%	Total program cost	$800/person + inflation 2.5%	Total program cost	$800/person + inflation 3%	Total program cost
2018	272,665	$ 800.00	$ 218,132,078.75	$ 800.00	$ 218,132,078.75	$ 800.00	$ 218,132,078.75
2019	277,937	$ 816.00	$226,796,328.59	$ 820.00	$ 227,908,075.30	$ 824.00	$ 229,019,822.00
2020	283,310	$ 832.32	$235,804,724.16	$ 840.50	$ 238,122,201.39	$ 848.72	$ 240,451,011.02
2021	288,788	$ 848.97	$ 245,170,935.02	$ 861.51	$248,794,092.62	$ 874.18	$ 252,452,771.09
2022	293,878	$ 865.95	$254,482,740.03	$ 883.05	$ 259,509,407.85	$ 900.41	$ 264,610,177.41
2023	299,059	$ 883.26	$ 264,148,215.48	$ 905.13	$ 270,686,221.11	$ 927.42	$ 277,353,049.79
2024	304,331	$ 900.93	$ 274,180,794.09	$ 927.75	$282,344,408.64	$ 955.24	$290,709,582.60
2025	309,696	$ 918.95	$284,594,418.74	$ 950.95	$294,504,702.77	$ 983.90	$ 304,709,327.98
2026	315,155	$ 937.33	$ 295,403,561.90	$ 974.72	$ 307,188,728.73	$ 1,013.42	$ 319,383,261.22
2027	320,261	$ 956.07	$ 306,192,772.97	$ 999.09	$ 319,969,202.28	$1,043.82	$334,293,869.57
2028	325,449	$ 975.20	$ 317,376,045.22	$1,024.07	$ 333,281,402.71	$1,075.13	$349,900,589.04
2029	330,721	$ 994.70	$ 328,967,771.20	$1,049.67	$ 347,147,452.32	$ 1,107.39	$ 366,235,918.01
2030	336,078	$1,014.59	$340,982,869.11	$1,075.91	$ 361,590,393.80	$ 1,140.61	$ 383,333,872.10
2031	341,523	$1,034.89	$353,436,802.04	$ 1,102.81	$ 376,634,228.52	$ 1,174.83	$ 401,230,054.92
2032	346,522	$1,055.58	$365,782,845.46	$ 1,130.38	$ 391,701,328.79	$ 1,210.07	$ 419,316,618.85
2033	351,595	$1,076.69	$ 378,560,153.51	$ 1,158.64	$ 407,371,182.32	$1,246.37	$ 438,218,485.11
2034	356,742	$1,098.23	$ 391,783,790.84	$ 1,187.60	$ 423,667,902.01	$1,283.77	$ 457,972,405.72
2035	361,964	$1,120.19	$405,469,348.39	$ 1,217.29	$ 440,616,565.40	$1,322.28	$ 478,616,789.40
2036	367,262	$1,142.60	$ 419,632,961.66	$ 1,247.73	$458,243,253.22	$ 1,361.95	$ 500,191,776.27

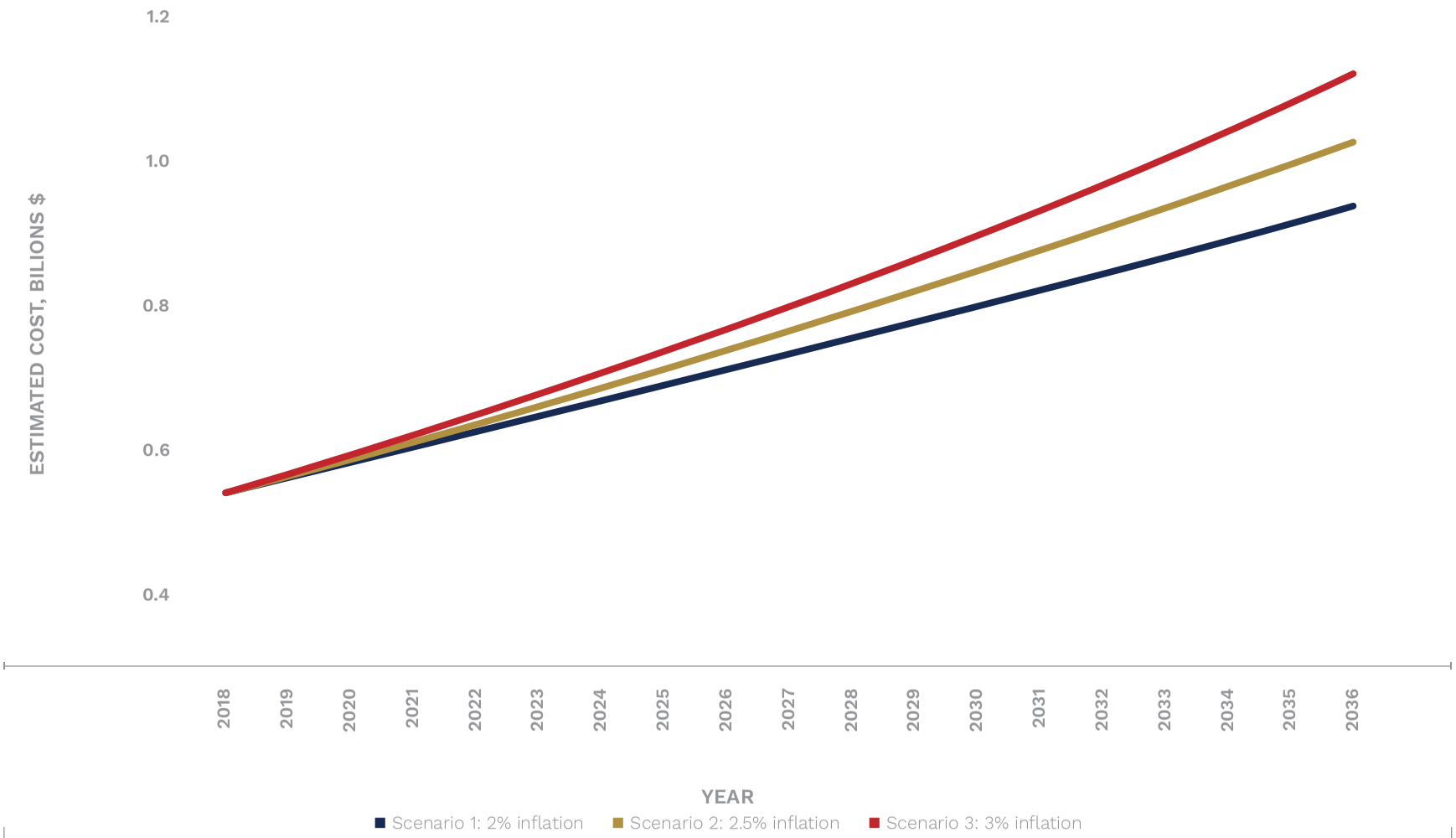
PREVENTION COST ESTIMATE, $800 PER PERSON, WITH CONSTANT SCENARIO



PREVENTION COST ESTIMATE, $2,000 PER PERSON, WITH CONVERGENCE SCENARIO

CONVERGENCE SCENARIO		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	Population	$2,000/person + inflation 2%	Total program cost	$2,000/person + inflation 2.5%	Total program cost	$2,000/person + inflation 3%	Total program cost
2018	271,038	$2,000.00	$ 542,076,039.53	$2,000.00	$ 542,076,039.53	$2,000.00	$ 542,076,039.53
2019	275,453	$2,040.00	$ 561,923,280.54	$2,050.00	$ 564,677,806.42	$2,060.00	$ 567,432,332.31
2020	279,939	$2,080.80	$ 582,497,196.31	$ 2,101.25	$ 588,221,950.09	$ 2,121.80	$ 593,974,697.77
2021	284,499	$ 2,122.42	$ 603,824,392.86	$ 2,153.78	$ 612,747,762.76	$ 2,185.45	$ 621,758,615.97
2022	288,187	$ 2,164.86	$ 623,884,982.70	$ 2,207.63	$ 636,208,264.70	$ 2,251.02	$ 648,713,213.08
2023	291,922	$2,208.16	$ 644,612,036.61	$2,262.82	$ 660,567,007.63	$ 2,318.55	$ 676,836,350.98
2024	295,707	$ 2,252.32	$ 666,027,696.24	$ 2,319.39	$ 685,858,382.82	$2,388.10	$ 706,178,688.47
2025	299,540	$ 2,297.37	$ 688,154,838.82	$ 2,377.37	$ 712,118,098.33	$ 2,459.75	$ 736,793,080.53
2026	303,423	$ 2,343.32	$ 711,017,101.64	$ 2,436.81	$ 739,383,229.34	$ 2,533.54	$ 768,734,673.50
2027	306,271	$2,390.19	$ 732,044,210.75	$ 2,497.73	$ 764,980,831.76	$2,609.55	$ 799,228,177.50
2028	309,145	$ 2,437.99	$ 753,693,160.49	$2,560.17	$ 791,464,628.54	$ 2,687.83	$ 830,931,271.52
2029	312,047	$2,486.75	$ 775,982,340.72	$ 2,624.17	$ 818,865,299.91	$ 2,768.47	$ 863,891,936.53
2030	314,976	$ 2,536.48	$ 798,930,685.16	$2,689.78	$ 847,214,588.28	$ 2,851.52	$ 898,160,056.77
2031	317,932	$ 2,587.21	$ 822,557,687.45	$ 2,757.02	$ 876,545,334.95	$ 2,937.07	$ 933,787,495.24
2032	320,171	$ 2,638.96	$ 844,917,938.26	$ 2,825.95	$ 904,786,769.63	$ 3,025.18	$ 968,575,037.00
2033	322,426	$ 2,691.74	$ 867,886,025.85	$2,896.60	$ 933,938,115.77	$ 3,115.93	$ 1,004,658,562.13
2034	324,697	$ 2,745.57	$ 891,478,473.54	$2,969.01	$ 964,028,689.81	$ 3,209.41	$ 1,042,086,351.50
2035	326,984	$2,800.48	$ 915,712,253.81	$ 3,043.24	$ 995,088,752.76	$ 3,305.70	$ 1,080,908,484.65
2036	329,287	$ 2,856.49	$ 940,604,800.53	$ 3,119.32	$ 1,027,149,540.60	$ 3,404.87	$ 1,121,176,906.79

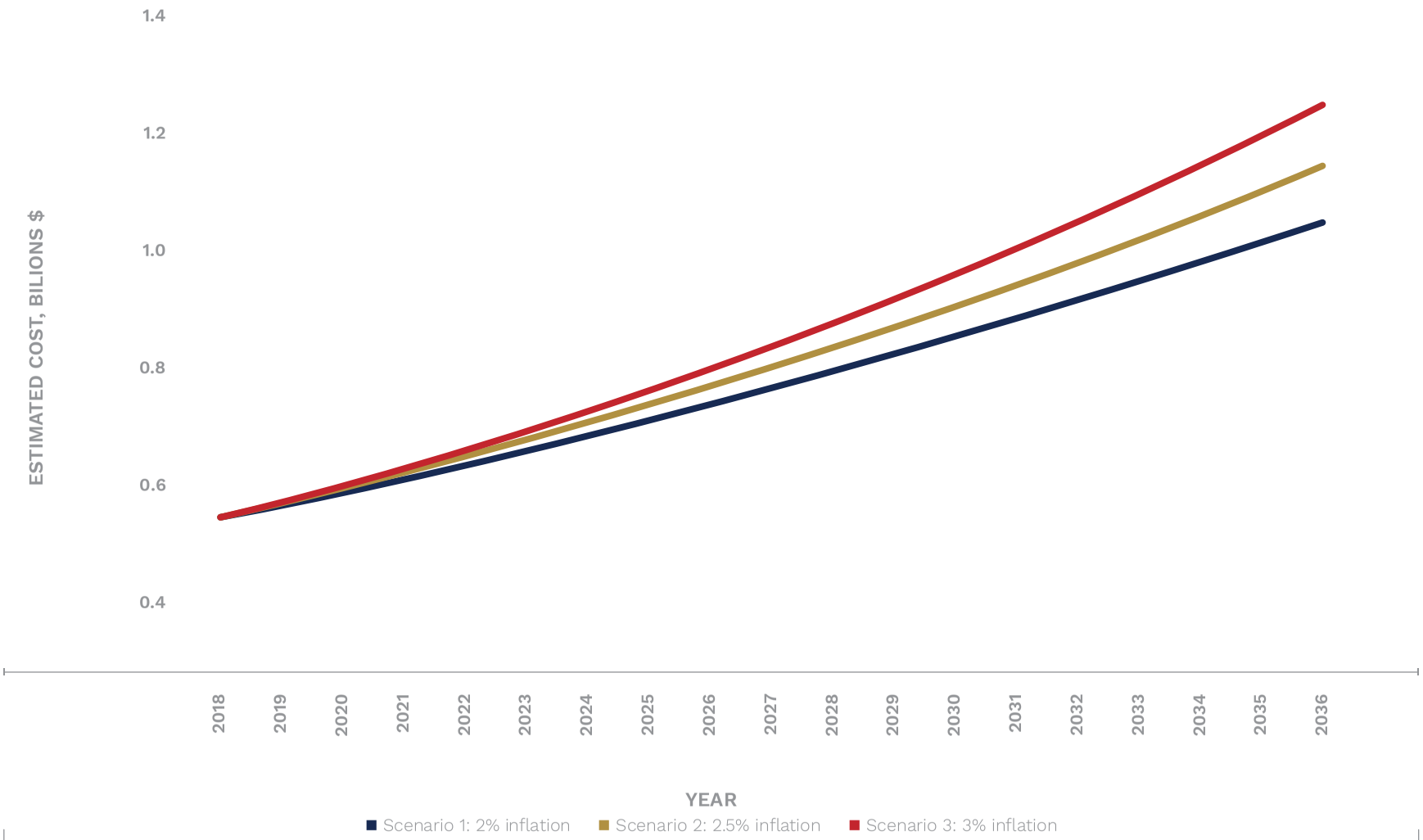
PREVENTION COST ESTIMATE, $2,000 PER PERSON, WITH CONVERGENCE SCENARIO



PREVENTION COST ESTIMATE, $2,000 PER PERSON, WITH CONSTANT SCENARIO

CONSTANT SCENARIO		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	Population	$2,000/person + inflation 2%	Total program cost	$2,000/person + inflation 2.5%	Total program cost	$2,000/person + inflation 3%	Total program cost
2018	272,665	$2,000.00	$ 545,330,196.87	$2,000.00	$ 545,330,196.87	$2,000.00	$ 545,330,196.87
2019	277,937	$2,040.00	$ 566,990,821.47	$2,050.00	$ 569,770,188.24	$2,060.00	$ 572,549,555.01
2020	283,310	$2,080.80	$ 589,511,810.41	$ 2,101.25	$ 595,305,503.47	$ 2,121.80	$ 601,127,527.55
2021	288,788	$ 2,122.42	$ 612,927,337.54	$ 2,153.78	$ 621,985,231.55	$ 2,185.45	$ 631,131,927.73
2022	293,878	$ 2,164.86	$ 636,206,850.07	$ 2,207.63	$ 648,773,519.64	$ 2,251.02	$ 661,525,443.53
2023	299,059	$2,208.16	$ 660,370,538.70	$2,262.82	$ 676,715,552.77	$ 2,318.55	$ 693,382,624.47
2024	304,331	$ 2,252.32	$ 685,451,985.21	$ 2,319.39	$ 705,861,021.60	$2,388.10	$ 726,773,956.50
2025	309,696	$ 2,297.37	$ 711,486,046.84	$ 2,377.37	$ 736,261,756.92	$2,459.75	$ 761,773,319.95
2026	315,155	$ 2,343.32	$ 738,508,904.74	$ 2,436.81	$ 767,971,821.81	$ 2,533.54	$ 798,458,153.05
2027	320,261	$2,390.19	$ 765,481,932.43	$ 2,497.73	$ 799,923,005.69	$2,609.55	$ 835,734,673.92
2028	325,449	$ 2,437.99	$ 793,440,113.06	$2,560.17	$ 833,203,506.77	$ 2,687.83	$ 874,751,472.59
2029	330,721	$2,486.75	$ 822,419,428.00	$ 2,624.17	$ 867,868,630.80	$ 2,768.47	$ 915,589,795.04
2030	336,078	$ 2,536.48	$ 852,457,172.78	$2,689.78	$ 903,975,984.50	$ 2,851.52	$ 958,334,680.24
2031	341,523	$ 2,587.21	$ 883,592,005.11	$ 2,757.02	$ 941,585,571.31	$ 2,937.07	$ 1,003,075,137.29
2032	346,522	$2,638.96	$ 914,457,113.66	$ 2,825.95	$ 979,253,321.98	$ 3,025.18	$ 1,048,291,547.14
2033	351,595	$ 2,691.74	$ 946,400,383.76	$2,896.60	$1,018,427,955.80	$ 3,115.93	$ 1,095,546,212.79
2034	356,742	$ 2,745.57	$ 979,459,477.11	$2,969.01	$1,059,169,755.04	$3,209.41	$ 1,144,931,014.31
2035	361,964	$2,800.48	$ 1,013,673,370.97	$3,043.24	$ 1,101,541,413.50	$3,305.70	$ 1,196,541,973.51
2036	367,262	$2,856.49	$1,049,082,404.16	$ 3,119.32	$ 1,145,608,133.06	$3,404.87	$ 1,250,479,440.67

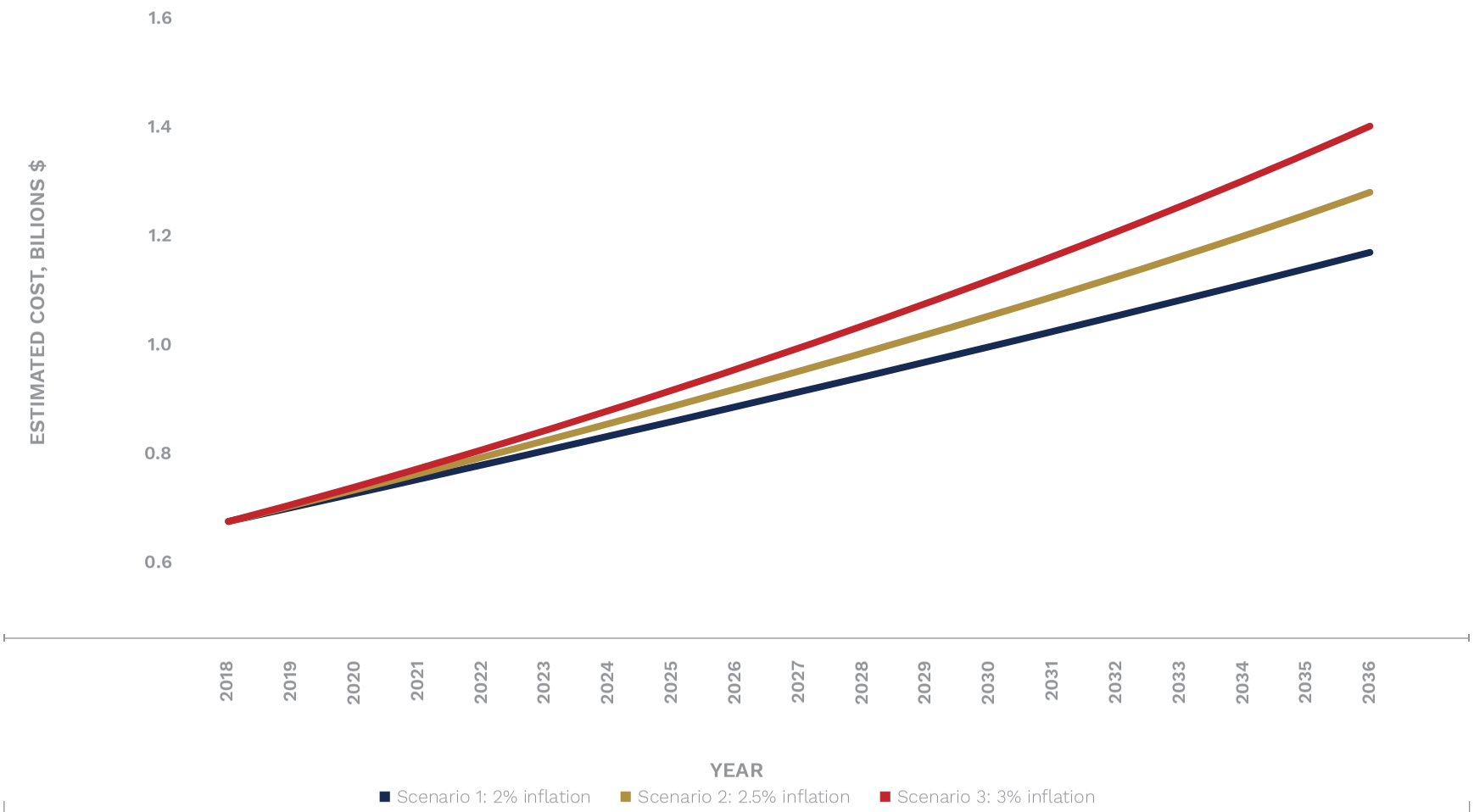
PREVENTION COST ESTIMATE, $2,000 PER PERSON, WITH CONSTANT SCENARIO



PREVENTION COST ESTIMATE, $2,500 PER PERSON, WITH CONVERGENCE SCENARIO

CONVERGENCE SCENARIO		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	Population	$2,500/person + inflation 2%	Total program cost	$2,500/person + inflation 2.5%	Total program cost	$2,500/person + inflation 3%	Total program cost
2018	271,038	$2,500.00	$ 677,595,049.41	$2,500.00	$ 677,595,049.41	$2,500.00	$ 677,595,049.41
2019	275,453	$2,550.00	$ 702,404,100.67	$2,562.50	$ 705,847,258.03	$2,575.00	$ 709,290,415.39
2020	279,939	$ 2,601.00	$ 728,121,495.38	$2,626.56	$ 735,277,437.61	$2,652.25	$ 742,468,372.22
2021	284,499	$2,653.02	$ 754,780,491.08	$2,692.23	$ 765,934,703.45	$ 2,731.82	$ 777,198,269.97
2022	288,187	$2,706.08	$ 779,856,228.38	$2,759.53	$ 795,260,330.88	$ 2,813.77	$ 810,891,516.35
2023	291,922	$2,760.20	$ 805,765,045.76	$2,828.52	$ 825,708,759.54	$2,898.19	$ 846,045,438.73
2024	295,707	$ 2,815.41	$ 832,534,620.30	$2,899.23	$ 857,322,978.53	$2,985.13	$ 882,723,360.59
2025	299,540	$ 2,871.71	$ 860,193,548.52	$ 2,971.71	$ 890,147,622.91	$ 3,074.68	$ 920,991,350.66
2026	303,423	$2,929.15	$ 888,771,377.05	$3,046.01	$ 924,229,036.68	$ 3,166.93	$ 960,918,341.88
2027	306,271	$ 2,987.73	$ 915,055,263.44	$ 3,122.16	$ 956,226,039.70	$ 3,261.93	$ 999,035,221.88
2028	309,145	$ 3,047.49	$ 942,116,450.61	$3,200.21	$ 989,330,785.67	$3,359.79	$1,038,664,089.40
2029	312,047	$ 3,108.44	$ 969,977,925.90	$3,280.22	$ 1,023,581,624.89	$3,460.58	$1,079,864,920.66
2030	314,976	$ 3,170.60	$998,663,356.45	$3,362.22	$ 1,059,018,235.34	$3,564.40	$ 1,122,700,070.96
2031	317,932	$3,234.02	$1,028,197,109.31	$3,446.28	$ 1,095,681,668.68	$ 3,671.33	$ 1,167,234,369.05
2032	320,171	$3,298.70	$1,056,147,422.83	$3,532.43	$ 1,130,983,462.04	$ 3,781.47	$ 1,210,718,796.25
2033	322,426	$3,364.67	$1,084,857,532.31	$3,620.75	$ 1,167,422,644.71	$3,894.92	$ 1,255,823,202.66
2034	324,697	$ 3,431.96	$1,114,348,091.92	$ 3,711.26	$ 1,205,035,862.26	$ 4,011.77	$ 1,302,607,939.37
2035	326,984	$3,500.60	$1,144,640,317.27	$3,804.05	$ 1,243,860,940.95	$ 4,132.12	$ 1,351,135,605.81
2036	329,287	$ 3,570.62	$1,175,756,000.67	$3,899.15	$ 1,283,936,925.76	$4,256.08	$ 1,401,471,133.48

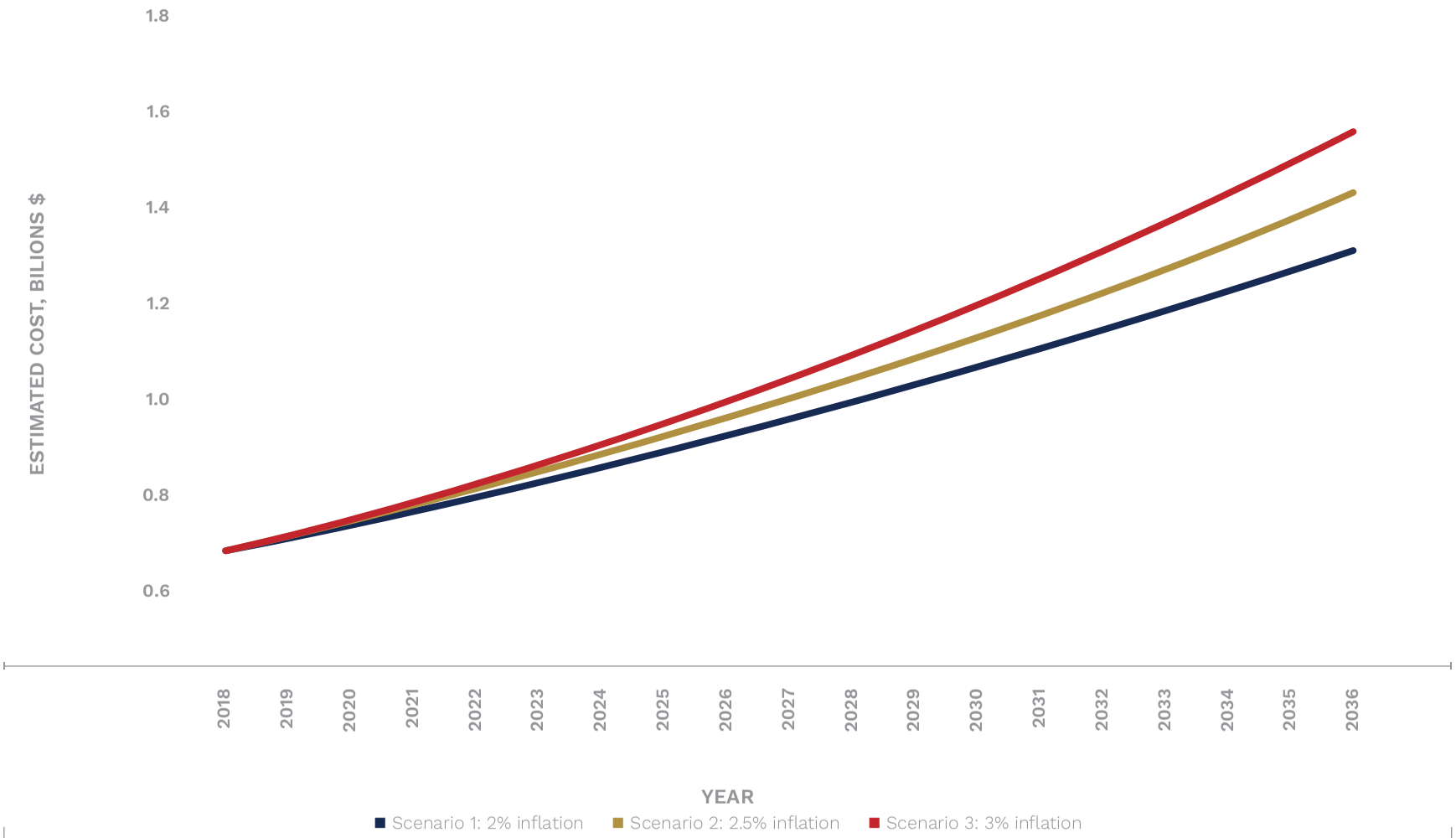
PREVENTION COST ESTIMATE, $2,500 PER PERSON, WITH CONVERGENCE SCENARIO



PREVENTION COST ESTIMATE, $2,500 PER PERSON, WITH CONSTANT SCENARIO

CONSTANT SCENARIO		SCENARIO 1: 2% INFLATION		SCENARIO 2: 2.5% INFLATION		SCENARIO 3: 3% INFLATION	
Year	Population	$2,500/person + inflation 2%	Total program cost	$2,500/person + inflation 2.5%	Total program cost	$2,500/person + inflation 3%	Total program cost
2018	272,665	$2,500.00	$ 681,662,746.09	$2,500.00	$ 681,662,746.09	$2,500.00	$ 681,662,746.09
2019	277,937	$2,550.00	$ 708,738,526.83	$2,562.50	$ 712,212,735.30	$2,575.00	$ 715,686,943.76
2020	283,310	$2,601.00	$ 736,889,763.01	$2,626.56	$ 744,131,879.34	$2,652.25	$ 751,409,409.44
2021	288,788	$2,653.02	$ 766,159,171.92	$2,692.23	$ 777,481,539.44	$2,731.82	$ 788,914,909.67
2022	293,878	$2,706.08	$ 795,258,562.59	$2,759.53	$ 810,966,899.55	$2,813.77	$ 826,906,804.41
2023	299,059	$2,760.20	$ 825,463,173.38	$2,828.52	$ 845,894,440.96	$2,898.19	$ 866,728,280.59
2024	304,331	$2,815.41	$ 856,814,981.52	$2,899.23	$ 882,326,277.01	$2,985.13	$ 908,467,445.62
2025	309,696	$2,871.71	$ 889,357,558.55	$2,971.71	$ 920,327,196.15	$3,074.68	$ 952,216,649.94
2026	315,155	$2,929.15	$ 923,136,130.93	$3,046.01	$ 959,964,777.27	$3,166.93	$ 998,072,691.32
2027	320,261	$2,987.73	$ 956,852,415.53	$3,122.16	$ 999,903,757.11	$3,261.93	$1,044,668,342.39
2028	325,449	$3,047.49	$ 991,800,141.32	$3,200.21	$1,041,504,383.46	$3,359.79	$1,093,439,340.74
2029	330,721	$3,108.44	$1,028,024,285.00	$3,280.22	$1,084,835,788.50	$3,460.58	$ 1,144,487,243.80
2030	336,078	$3,170.60	$1,065,571,465.98	$3,362.22	$1,129,969,980.62	$3,564.40	$ 1,197,918,350.31
2031	341,523	$3,234.02	$1,104,490,006.39	$3,446.28	$ 1,176,981,964.14	$3,671.33	$1,253,843,921.61
2032	346,522	$3,298.70	$ 1,143,071,392.08	$3,532.43	$1,224,066,652.47	$3,781.47	$1,310,364,433.92
2033	351,595	$3,364.67	$1,183,000,479.70	$3,620.75	$1,273,034,944.75	$3,894.92	$1,369,432,765.98
2034	356,742	$3,431.96	$1,224,324,346.39	$3,711.26	$1,323,962,193.80	$4,011.77	$ 1,431,163,767.88
2035	361,964	$3,500.60	$ 1,267,091,713.72	$3,804.05	$1,376,926,766.88	$4,132.12	$1,495,677,466.89
2036	367,262	$3,570.62	$ 1,311,353,005.20	$3,899.15	$ 1,432,010,166.33	$4,256.08	$1,563,099,300.83

PREVENTION COST ESTIMATE, $2,500 PER PERSON, WITH CONSTANT SCENARIO



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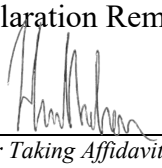
INSTITUTE OF FISCAL STUDIES AND
DEMOCRACY | INSTITUT DES FINANCES
PUBLIQUES ET DE LA DÉMOCRATIE @ UOTTAWA

This is Exhibit "35" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

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Funding First Nations child and family services (FNCFS): A performance budget approach to well-being

Institute of Fiscal Studies and Democracy
at the University of Ottawa

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Funding First Nations child and family services (FNCFS): A performance budget approach to well-being

Institute of Fiscal Studies and Democracy
at the University of Ottawa

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July 31, 2020

Jonathan Thompson
Director, Social Development
Assembly of First Nations
55 Metcalfe Street, Suite 1600
Ottawa, ON K1P 6L5

Dear Mr. Thompson,

Pursuant to contract no. 20-00513-001, the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa is pleased to submit the report: *Funding First Nations child and family services (FNCFS): A performance budget approach to well-being.*

We trust that this report meets the expectations set out in the terms of reference for this project.

We are grateful for the support of the Assembly of First Nations, the National Advisory Committee, and the First Nations Child and Family Caring Society, as well as to our consulting experts. We especially wish to thank the First Nations child and family services agencies, their leadership, and their staff for their exceptional work.

Yours sincerely,

Kevin Page
President & CEO

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Funding First Nations child and family services (FNCFS): A performance budget approach to well-being

Helaina Gaspard, Ph.D.

This report was prepared under the supervision of Kevin Page, President & CEO of the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa.

With contributions by Sahir Khan, Azfar Ali Khan, Mostafa Askari, Aimeric Atsin, Vivian Liu, and Alex Reeves.

The author wishes to acknowledge the contributions of IFSD's research assistants: Taylor Rubens-Augustson, Laura Fernz, Jordon White, Andrew Heffernan, Nicholas Dahir, Kyra Carmichael, and Jan Kurman. With administrative support from Kim Paquet.

This project was supported by the expert contributions of Dr. Fred Wulczyn, Dr. John Loxley, and Elsie Flette.

We are grateful to the contributing FNCFS agencies and communities for sharing their lived experiences and wise practices as case studies and through the FNCFS survey. Your insight and contributions have shaped this work.

We are indebted to the members of the consultative working group and to the National Advisory Committee (NAC) who served as advisors throughout this project.

We wish to recognize the efforts of Statistics Canada's Centre for Indigenous Statistics and Partnerships, Social, Health and Labour Statistics Field, for clarifying availability and applicability of data.

Dedication

This report is dedicated to First Nations children and their futures and to John Loxley, Ph.D., FRSC. Dr. Loxley was a professor of economics at the University of Manitoba. A scholar, teacher and advisor in international finance, international development and community economic development, Dr. Loxley was also highly regarded for his work on Indigenous economic development and the funding of First Nations child and family services. Dr. Loxley passed away in July 2020 and his collaboration on this report would prove to be among his final research projects. The authors wish to recognize Prof. Loxley's life and career and dedicate this report in his memory. John Loxley's contribution will carry on in the lives of the First Nations children that he held so dear.

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Glossary of Acronyms

AFN	Assembly of First Nations
CFS	Child and Family Services
CHRT	Canadian Human Rights Tribunal
CIC	Children in Care
FNCFS	First Nations Child and Family Services
FNIGC	First Nations Information Governance Centre
FNIHB	First Nations and Inuit Health Branch
IFSD	Institute of Fiscal Studies and Democracy
INAC	Indigenous and Northern Affairs Canada
ISC	Indigenous Services Canada
NAC	National Advisory Committee
TBS	Treasury Board of Canada Secretariat

Glossary of Definitions

Assembly of First Nations (AFN)
National body that advocates on behalf of First Nations in Canada.

Child and Family Services (CFS)
Services provided by governmental or non-governmental organizations to support the well-being of children and their families.

Canadian Human Rights Tribunal (CHRT)
Tribunal mandated to apply the Canadian Human Rights Act and hears cases related to discrimination.

First Nations Child and Family Services (FNCFS)
Indigenous Services Canada (ISC) program that funds prevention and protection services with the aim of supporting the safety and well-being of First Nations children and families living on-reserve.

First Nations Information Governance Centre (FNIGC)
Non-profit organization that receives its mandate from the AFN's Chiefs in Assembly. Working with its regional partners, FNIGC conducts data-gathering initiatives to put together culturally relevant portraits of the lives of First Nations peoples and their communities.

First Nations and Inuit Health Branch (FNIHB)
A branch of Indigenous Services Canada (ISC) responsible for health care and related services in First Nations and Inuit communities.

Institute of Fiscal Studies and Democracy (IFSD)
Canadian research institute in public finance and state institutions at the University of Ottawa.

Indigenous Services Canada (ISC)
Government of Canada department responsible for supporting self-determination of Indigenous peoples, as well improving access to services for Indigenous communities. Formerly, Indigenous and Northern Affairs Canada (INAC).

Indigenous and Northern Affairs Canada (INAC)
See Indigenous Services Canada (ISC).

National Advisory Committee (NAC)
Mandated to assist in reforming FNCFS policies and programs on-reserve by supporting First Nations leaders and agencies, as well as the Minister of ISC. The NAC is comprised of a national Chair, three representatives of the federal government, one representative of the AFN, one representative of the Caring Society, ten regional representatives (one from each AFN region), one youth representative, and one Elder(s) representative.

Treasury Board of Canada Secretariat (TBS)
Advises the Treasury Board committee of ministers with regards to how the government spends money on programs and services, and how public money is managed.

Executive Summary

Introduction

With the endorsement of the National Advisory Committee (NAC), the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa was asked by the Assembly of First Nations (AFN) and the Caring Society to define a **funding approach** and **performance measurement framework** for First Nations child and family services, with funding support from Indigenous Services Canada (ISC).

The purpose of this project is to present stakeholders with a funding **structure**; a means of developing **evidence** to understand the well-being of children, families and communities; and a range of scenarios to **cost** the proposed approach. There are four parts to this work:

1. **Expenditure analysis and funding impacts:** Defining the existing baseline of FNCFS program allocations, expenditures and their impacts, including CHRT-mandated funding.

2. **Performance framework:** Defining a measurable future state from which to build a funding approach for thriving children.

3. **Funding approaches:** Identifying and analyzing approaches to funding that support improved outcomes for children.

4. **Transition plan:** Defining approaches and considerations in moving to a new system of performance and funding focused on thriving children.

Context for change

Supporting the well-being of First Nations children, families, and communities is the principal goal of this work. The current state is a challenging point of departure, with disparities in poverty, access to potable water flowing from a tap, health outcomes, the effects of intergenerational trauma, food sovereignty, safe and suitable housing, and broadband connectivity. Well-being is holistic and connected to an individual's environment and their community. Fostering well-being means considering the many contextual factors and considerations that shape children, families, and communities.

An Act respecting First Nations, Inuit, Métis children, youth and families, commits to reconciliation, substantive equality, and the well-being of

Indigenous children, youth, and families. Read through the lens of its preamble, the Act is an opportunity to restructure and resource First Nations child and family services (FNCFS) to deliver better results for children, families and communities with commitment to substantive equality, a culturally informed approach and the best interests of the child.

There is an opportunity to address the challenges associated to the protection system that the Canadian Human Rights Tribunal (CHRT) found to be discriminatory and underfunded in its rulings. A child's contact with the protection system has long-term consequences and increases their likelihood of interacting with social services such as the welfare system, the criminal justice system etc. later in life. These systems are corrective measures, often addressing downstream effects of risks that had the potential for mitigation. Independently costly to run, these systems are designed as final backstops to social challenges rather than addressing the *causes of the causes*. The current system invests in reactionary measures rather than proactive ones, that end up being more costly and less effective (see The cost of doing nothing).

This project seeks to reset the structure, funding, and governance of the current FNCFS system to mitigate and address the causes of contact with the protection system.

Phase 2 approach

This work is developed from the ground-up, with collaboration and insight from FNCFS agencies, First Nations, and experts. Twelve in-depth case studies, a survey on FNCFS expenditures, three expert roundtables, and supplementary research and analysis from Canada and the United States, form the foundation of this work.

The existing funding gaps in the FNCFS system were well-defined by the Phase 1 project, *Enabling First Nations Children to Thrive*. With the participation of 76% of FNCFS agencies, gaps in funding for prevention, poverty, information technology, and capital were identified.

This project (Phase 2) builds on the findings from Phase 1. With the goal of holistic well-being, Phase 2 proposes a performance framework (Measuring to Thrive) and a need-based block funding approach (Table 1).

BLOCK FUNDING APPROACH:

Resources are allocated based on a combination of previous financial data (to fund maintenance and protection) and need (e.g. population size, geography, poverty level, etc.).

Funds are provided for general purposes identified under terms and conditions in a contribution agreement or a statute. Service providers have flexibility to adjust allocations (e.g. operations and capital, protection and prevention).

The capacity to "carry forward" money (ability to move monies forward if not spent, in a current year, like the 10-year grant) and access to emergency funding, as provided, are consistent and additive to a block funding approach.

Emergency funds would be available should a service provider—due to an exceptional increase in service demands (e.g. protection requests, an increase in health-related issues)—be unable to meet the needs of their communities with pre-defined revenues.

In the proposed approach, risk is managed to empower service providers to act in the best interest of children, families, and communities.

TABLE 1: Current state and proposed future state comparison of the FNCFS program.

Current state	Proposed future state
▪ Funding driven by children in care	▪ Funding driven by indicators of well-being
▪ Top-down; formula-based funding with ad-hoc supplements	▪ Bottom-up budgeting complemented by need and performance components
▪ Mixed governance model	▪ First Nation control (*An Act respecting First Nations, Inuit and Métis children*)

Performance framework

The Measuring to Thrive framework marks a departure from the current state of performance measurement for the FNCFS program. From four output-based measures focused on protection, to seventy-five indicators that capture the well-being of a child, their family, and their community environment (Figure 1). Understanding a child's environment is integral to their well-being. How can a child be well if their housing is not safe and

secure? If potable water is not readily available? If the effects of trauma and addictions impact their communities? Measuring to Thrive connects children, families, and communities to capture a holistic vision of well-being. Thriving First Nations children need thriving First Nations communities.

FIGURE 1: Current state and proposed future state comparison of performance measures.

Current state FNCFS performance measures

1) Percentage of First Nation communities offering family support services aimed at keeping families together.

2) Percentage of First Nations children on-reserve, in care.

3) Percentage of First Nation children entering care for the first time.

4) Percentage of children in care placed with a family member.

Proposed future state:
Measuring to Thrive

FAMILIES
(6 indicators)

Performance area	Sample measures of indicators
Wellness and social engagement	▪ Families reporting livable income to meet needs ▪ Families demonstrating social engagement through participation in cultural traditions, teachings and ceremonies ▪ Incidents of family violence

CHILDREN
(42 indicators)

Performance area	Sample measures of indicators
Safety	▪ Incidences of child sexual abuse ▪ Number of moves in care ▪ Rates of family reunification
Cognitive development	▪ Children achieving basic numeracy and literacy targets
Social relationships	▪ Youth reporting ties to elders ▪ Youth reporting ties to siblings, extended family, friends
Emotional, cultural and spiritual well-being	▪ Children/youth reporting eating traditional foods ▪ Children/youth reporting pride in Indigenous identity
Physical health and well-being	▪ Children/youth reporting regular physical activity ▪ Percentage of teenage births

COMMUNITY
(27 indicators)

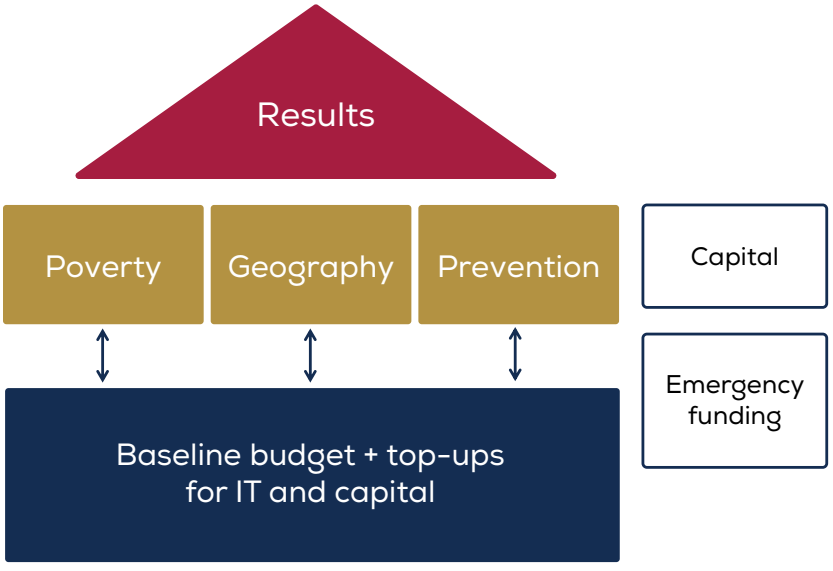
Performance area	Sample measures of indicators
Basic needs	▪ Households with drinking water flowing from tap for consumption, bathing and other uses ▪ Households with internet connectivity ▪ Community employment rate
Community services and engagement	▪ Community spaces for gatherings ▪ Community controls and runs health services
Wellness	▪ Rates of violent crime ▪ Rates of chronic health conditions
Education	▪ Community offers and controls elementary education ▪ High school graduation rates

The approach in Measuring to Thrive is a manifestation of the Treasury Board of Canada Secretariat's Policy on Results and *Guide to Departments on the Management and Reporting of Horizontal Initiatives.*[1] By collecting data on the *causes of the causes* that inform well-being, the measurement framework is a results-based tool to plan, monitor, and assess the performance of policies and programs, against the goal of thriving First Nations children, families, and communities. The horizontal view adopted in the framework is an expression of the interrelated criteria of wellness.[2] This type of integrated performance framework could be considered by provinces and unaffiliated First Nations to capture and track well-being in communities.

Funding approach

To deliver on the desired goal expressed in Measuring to Thrive, a funding approach that is informed by need with latitude for service providers to act in the best interests of those they serve is necessary. A bottom-up funding approach was designed as a block transferred budget with components addressing gaps in need, including prevention, poverty, geography, IT, capital, with supplements for the shift to a results-focused approach (Figure 2).

FIGURE 2: Proposed funding approach overview.



[1] Treasury Board of Canada Secretariat, "Guide to Departments on the Management and Reporting of Horizontal Initiatives," *Government of Canada*, updated May 17, 2018, https://www.canada.ca/en/government/system/finances/horizontal-initiatives-database/guide-departments-management-reporting-horizontal-initiatives.html.

[2] A cloud-based application for data collection, tracking, and reporting has been developed by IFSD for use by FNCFS agencies and First Nations.

The funding approach is connected to the Measuring to Thrive framework and is intended to provide FNCFS agencies with the resources necessary to deliver the programs and services needed for thriving First Nations children, families, and communities. The approach is consistent with the Act that commits to fiscal arrangements to support the delivery of FNCFS to secure long-term positive outcomes,[3] as well as the efforts on devolved fiscal relations for First Nations.

Spending implications

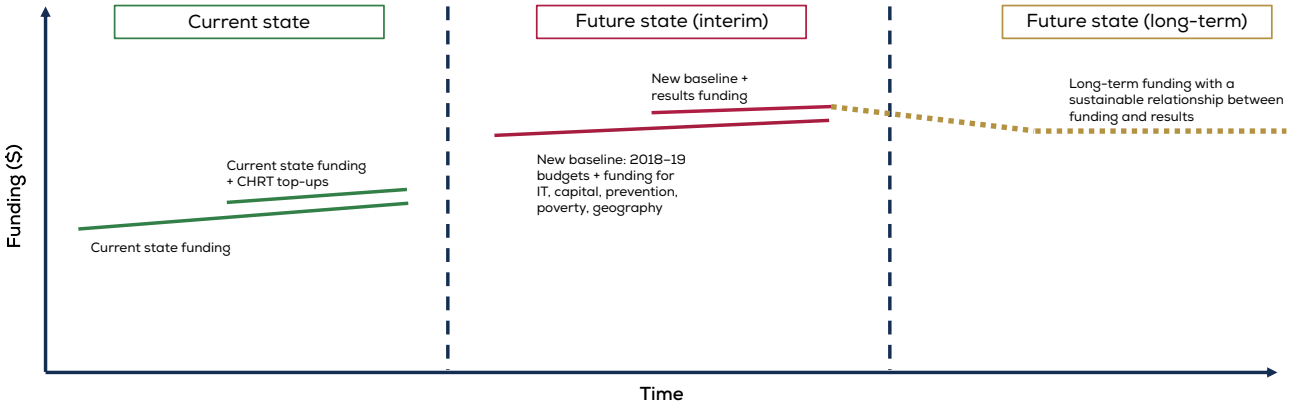
Children, families and communities have needs. Some may need more support than others for various reasons. Professionals and communities should have the tools, resources, and flexibility with which to employ them to address the *causes of the causes* of need. The choice of tools should not have adverse fiscal consequences, when accountable decisions are made for the well-being of children, families and communities.

Working to improve well-being means increasing resources to prevention services, while maintaining support for protection services. Over the long-term, we expect the relationship between spending and results to change (Figure 3). There is well-established research that demonstrates the long-term benefits of early investment in child well-being, including better health, social and cognitive development, and even parental benefits. This and other research support a business case[4] for significant investment in prevention to mitigate potential negative downstream effects such as incarceration, homelessness, and lost opportunities, which can result in significant financial and social costs.

[3] *An Act respecting First Nations, Inuit and Métis children, youth and families*, c. 24, s. 20 (2)(c), last modified July 14, 2020, https://laws.justice.gc.ca/eng/acts/F-11.73/page-1.html.

[4] A business case provides a justification for undertaking a project with relevant supporting evidence.

FIGURE 3: Modelling an adjustment to current state funding to achieve long-term goals, with a sustainable relationship between funding and results.



For the 2018–19 fiscal year, FNCFS agencies reported total expenditures of approximately $1.7B (through the IFSD survey) which may include supplementary funding from CHRT-mandated payments.

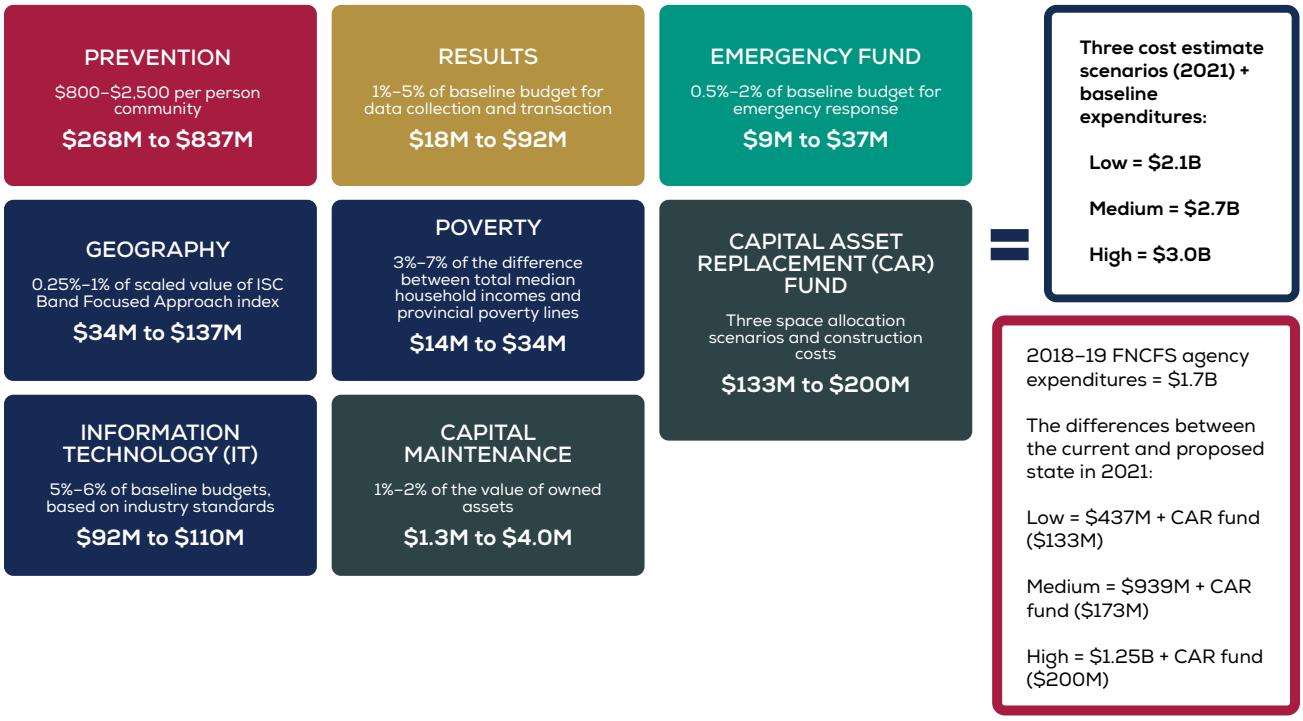
With 2018–19 FNCFS expenditures as a baseline, the approach adjusts the baseline budget by adding components to reflect the First Nations served, to support the Measuring to Thrive performance framework, grown by the standard factors of inflation and population (Table 2).

TABLE 2: Funding approach components and their applications.

Component	Quantification
Results	▪ Funding to support goals in the Measuring to Thrive framework. Percentage of baseline budget.
Prevention	▪ Per capita allocation, $800, $2,000 or $2,500 by population on-reserve.
Geography	▪ Factor increase to baseline budget, using ISC's weighted remoteness quotient.
Poverty	▪ Household basis; relative to provincial poverty line; Census 2016 data.
Capital	▪ Percentage (e.g. 2%) of total value of capital assets for capital maintenance. ▪ Application-based fund for major capital projects, e.g. new building, extensive renovation, etc.
IT	▪ Percentage top-up to baseline budget of 5% to 6% based on industry standards for not-for-profit service organizations.
Emergency funding	▪ Percentage top-up to baseline budget to address unanticipated circumstances related to CFS, that affect demand for an agency's core services.

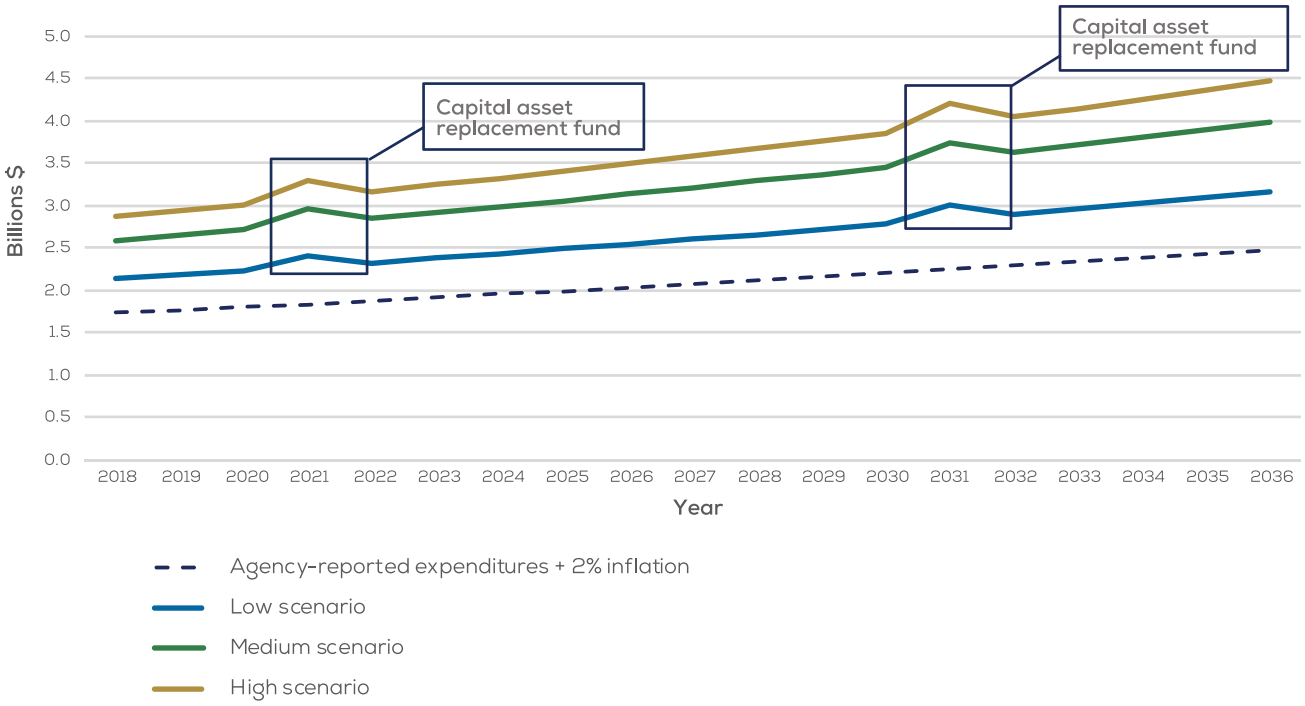
To model the funding approach, three scenarios are proposed, based on low, medium and high points in the ranges associated to each of the cost factors (Figure 4).

FIGURE 4: Cost estimate overview of the proposed funding approach.



The proposed funding approach represents an increase in overall system costs between $437M and $1.25B in 2021, depending on the selected scenario, plus capital asset replacement fund investments (Figure 5).

FIGURE 5: Total estimated system costs (low, medium and high scenarios), 2018–2036 (with Statistics Canada's constant population scenario and 2% inflation).



The performance framework and funding approach are directionally consistent with the Act, seek to address CHRT findings, and propose a way forward focused on the well-being of First Nations children, families, and communities.

Challenges

Change is difficult. Transitioning to a bottom-up funding approach and performance framework informed by the lived realities of First Nations children, families and communities will impact existing practices. It will take great effort to shift the system from one focused on protection to one focused on well-being, which includes child safety. This transition from a protection-based fee-for-service model to a block funding approach that supports both protection and prevention will require a new system structure, a results-focused performance framework, and related governance practices.

Data availability, access, and collection will take time to develop. There will be challenges along the way. Shifting from the current to future state system will require an openness to collaboration, in-course adjustments, unforeseen challenges, data-driven approaches, and learning.

To support the transition from the current to future state, a First Nations-led secretariat is proposed. With a dual mandate to support data collection and analysis and operations, the secretariat will be a resource for FNCFS agencies and First Nations.

Resourcing for substantive equality in outcomes will require investment. The new funding and performance architectures represent fundamental changes to the way FNCFS is funded, as well as its accounting for results through the Measuring to Thrive framework, and accountability is reoriented to a dual dynamic between ISC and FNCFS agencies and First Nations.

Recommendations

Pursuant to the findings in this report, the following four recommendations are made:

1. Adopt a results framework for the well-being of children, families, and communities, such as the Measuring to Thrive framework.

2. Budget for results with a block funding approach that addresses gaps and is linked to the results framework.
   a. Undertake a full assessment of current capital stock.

3. Establish a non-political First Nations policy and practice secretariat to support First Nations and FNCFS agencies to transition to First Nations governance.

4. Establish a group of FNCFS agencies and First Nations willing to be early adopters of the new performance and funding approach to model implementation.

Introduction

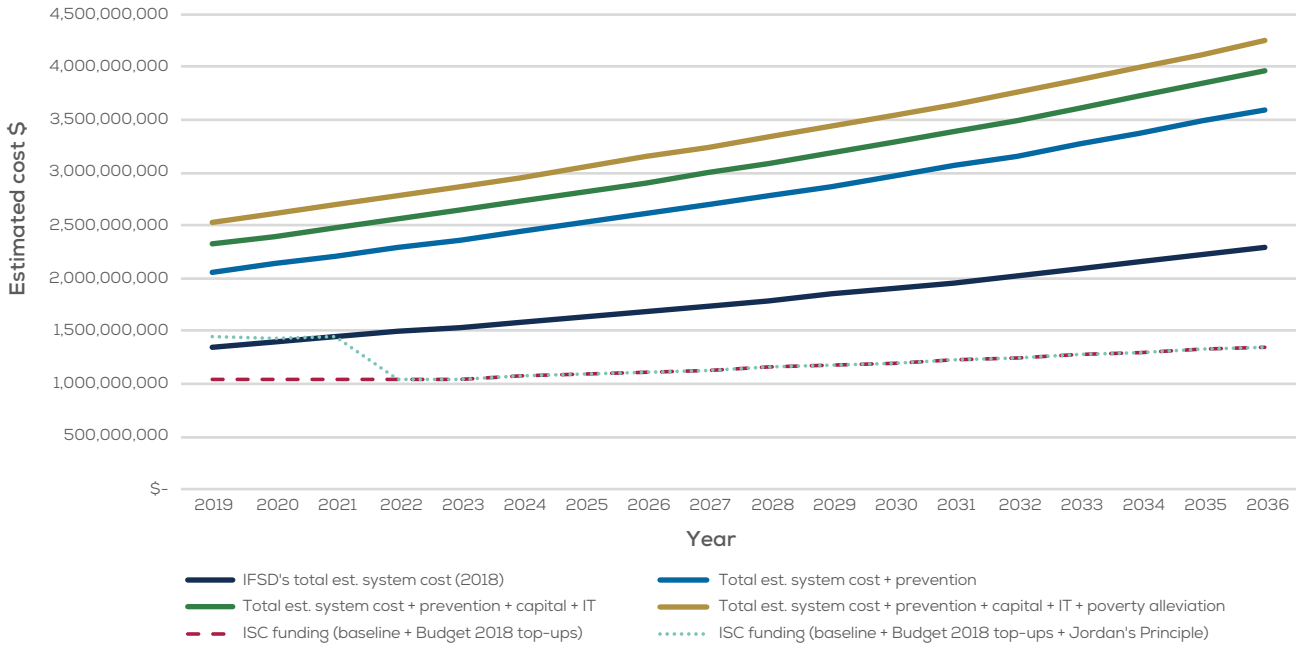
Context

With the endorsement of the National Advisory Committee (NAC), the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa was asked by the Assembly of First Nations (AFN) and the Caring Society to define a **funding approach** and **performance measurement framework** for First Nations child and family services, with funding support from Indigenous Services Canada (ISC).

This report (Phase 2) builds on the findings and recommendations of IFSD's Phase 1 report, *Enabling First Nations Children to Thrive*. Accepted by NAC in February 2019, the Phase 1 report was produced as a response to Canadian Human Rights Tribunal (CHRT) (2018) orders 408, 418 and 421, related to the discriminatory funding approach applied by Canada for First Nations child and family services (FNCFS) agencies. The report highlighted funding shortfalls in prevention, capital and IT, as well as contextual and funding structure challenges.

With the participation of 76% of FNCFS agencies, IFSD was able to construct a bottom-up portrait of expenditures, expenditure relationships, and gaps in FNCFS agency operating budgets. The representative data sample demonstrated a near perfect correlation between the number of children in care and the size of an agency's total budget. The existing funding structure has shaped the system. Funding is principally linked to protective services (with exception to the supplementary CHRT-mandated funding). The strength of the relationship between the number of children in care and agency budgets made it a reliable means of estimating the total cost of the FNCFS system, based on the average annual cost of a child in care estimated at $63,000. The total system cost was estimated and projected out to 2036, with various combinations of assumptions (see Figure 6).

FIGURE 6: Phase 1 First Nations child and family services cost estimate scenarios.



The data suggested that expenditure patterns did not follow provincial lines, and that spending, and outcomes were not meaningfully shaped by funding formulas. The characteristic that most shaped agency expenditures was the year-round road accessibility of the First Nations served by the agency. If an agency served at least one First Nation without year-round road access, its budget was twice that of its peers, and travel costs were five times as high.

Phase 1 analysis developed the first known national baselines of the FNCFS program through agencies' actual expenditures.

Using the baselines from Phase 1, this report proposes an alternative funding structure and performance framework to redefine FNCFS through holistic well-being. IFSD's role was to find the optimal and sustainable combination of inputs and outputs to deliver desired outcomes. This required contributions from FNCFS agencies and experts, First Nations, and other data and analysis.

The purpose of this project is to present stakeholders with a funding **structure**; a means of developing **evidence** to understand the well-being of First Nations children, families and communities; and a range of scenarios to **cost** the proposed approach. There are four parts to the Phase 2 project:

1. **Expenditure analysis and funding impacts:** Defining the existing baseline of FNCFS program allocations, expenditures and their impacts, including CHRT-mandated funding.

2. **Performance framework:** Defining a measurable future state from which to build a funding approach for thriving children.

3. **Funding approaches:** Identifying and analyzing approaches to funding that support improved outcomes for children.

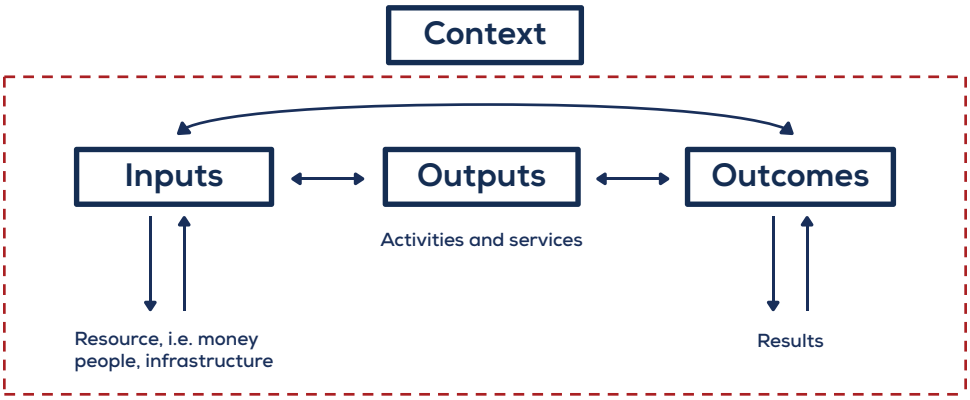
4. **Transition plan:** Defining approaches and considerations in moving to a new system of performance and funding focused on thriving children.

This work was undertaken with consideration of a changing federal context. The pre-amble of *An Act respecting First Nations, Inuit and Métis children, youth and families* commits the federal government to "engaging with Indigenous peoples and provincial governments to support a comprehensive reform of child and family services that are provided in relation to Indigenous children". There is an opportunity to leverage these legislative commitments to reset the course on FNCFS, reorienting funding and performance to a holistic vision of well-being.

The proposed funding approach responds to the requirement in the Act to determine fiscal arrangements that address long-term positive outcomes, substantive equality, and needs. Designed and built from the bottom-up, this funding approach and performance measurement framework capture a critical mix of resources and structures for thriving First Nation children, families, and communities, as expressed by those working and living in communities.

Effective program design, implementation, and delivery requires an explicit connection among resources (inputs), activities (outputs) and results (outcomes). This is a complex undertaking that required data, contributions from FNCFS agencies and other experts, as well as cost-benefit analysis. Changes in inputs will translate into changes in activities with impacts on results (all informed by context) (Figure 7). The challenge is optimizing inputs and activities for sustainable, positive results. More inputs do not automatically translate into better outcomes.

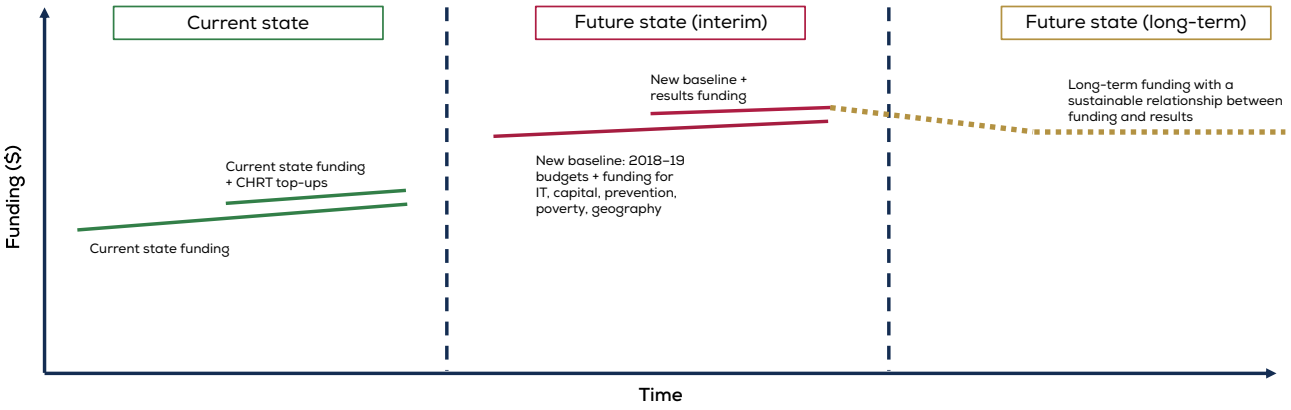
FIGURE 7: Standard performance framework overview.



This work is about changing the funding structure (*how money moves*), aligning performance measurement to desired outcomes (*evidence for decision-making*) and supporting the change through governance (*operational support and accountability*), to support well-being.

In the short-term, the approach requires an increase and redirection of resources to prevention and well-being services. It does not mean reducing the need for child and family services and protective services. Over the long-term, it is expected that the relationship between spending and results will change, with less investment generating positive, more sustainable outcomes (see Figure 8).

FIGURE 8: Modelling an adjustment to current state funding to achieve long-term goals, with a sustainable relationship between funding and results.



Our approach

IFSD's approach to this project is collaborative and informed by OCAP® principles. As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous Peoples and complies with the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans in all of its work.

This report and its findings are informed by the contributions of FNCFS agencies, First Nations, experts, and secondary sources of data. Twelve in-depth case studies, a survey on FNCFS expenditures, three expert roundtables, and supplementary research and analysis form the foundation of this work.

As is its usual practice, IFSD updated its stakeholders monthly on the project's progress with email notices and full updates posted to the FNCFS project website.[5]

All information shared during this project has the consent and participation of participating FNCFS agencies and communities. Any financial data shared through the FNCFS survey has been aggregated and anonymized to protect the privacy of agencies and the communities they serve. In addition to its regular updates to NAC and monthly updates to stakeholders, IFSD participated in joint update meetings with AFN, Caring Society and ISC.

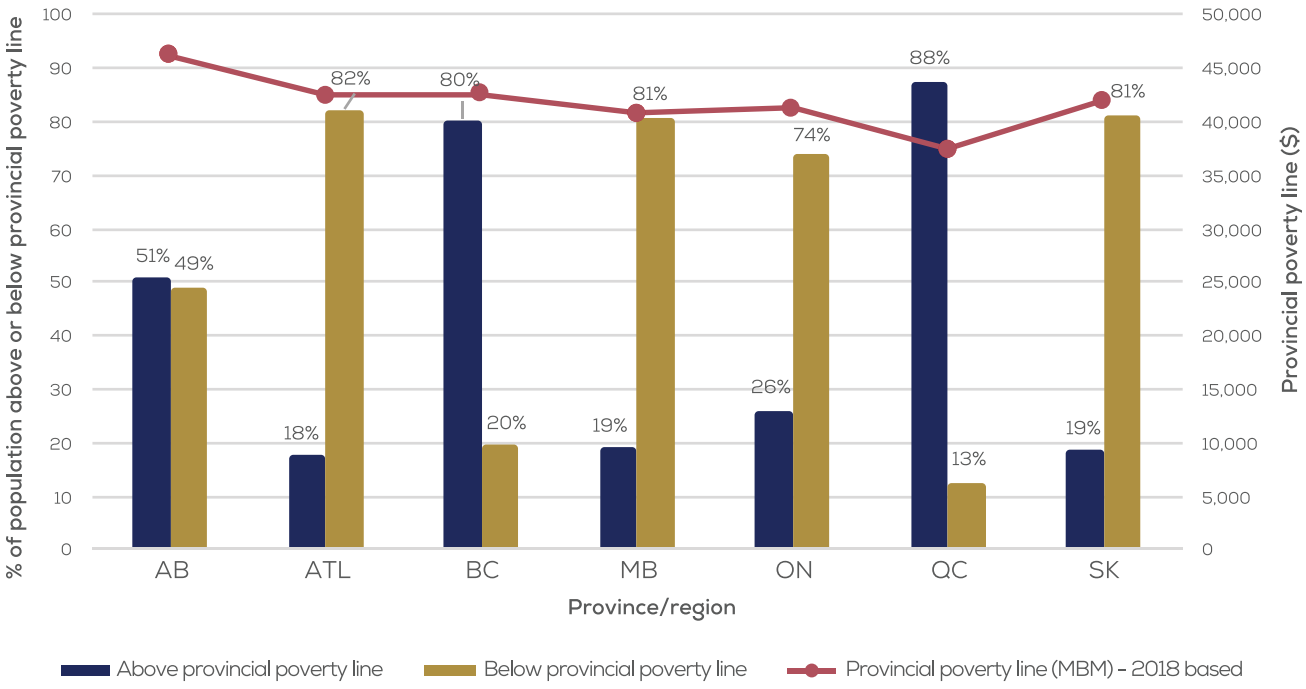
The current state

Supporting the well-being of First Nations children, families, and communities is the principal goal of this work. The current state is a challenging one.

The majority (60%) of First Nations on-reserve have total median household incomes below their respective provincial poverty lines (see Figure 9 and Appendix A).

[5] FNCFS project website: www.ifsd.ca/fncfs.

FIGURE 9: Total median household incomes on-reserve, relative to provincial poverty lines (n=591).

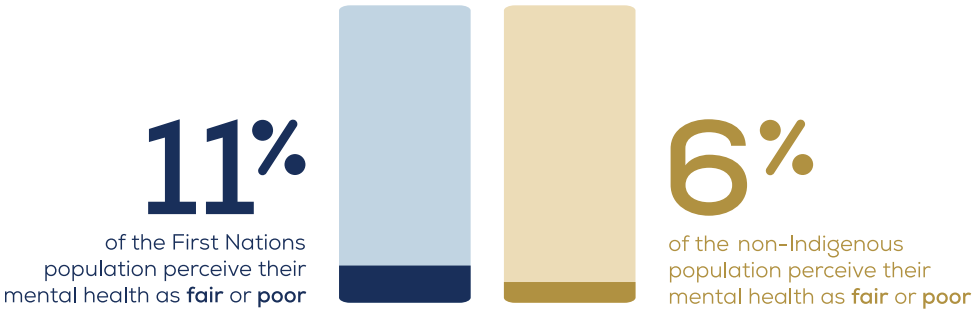


Source: Statistics Canada, 2016 Census and "Report on the second comprehensive review of the Market Basket Measure."

First Nations report poorer perceived mental and physical health than the non-Indigenous population (see Figures 10A and 10B and Appendix B).

FIGURE 10A: Disparity in perceived health between First Nations peoples and the non-Indigenous population in Canada (age-standardized rate, 2011–2014).

FIGURE 10B: Disparity in perceived mental health between First Nations peoples and the non-Indigenous population in Canada (age-standardized rate, 2011–2014).



Source: Statistics Canada, Table: 13-10-0099-01 Health indicator profile, by Aboriginal identity and sex, age-standardized rate, four year estimates.

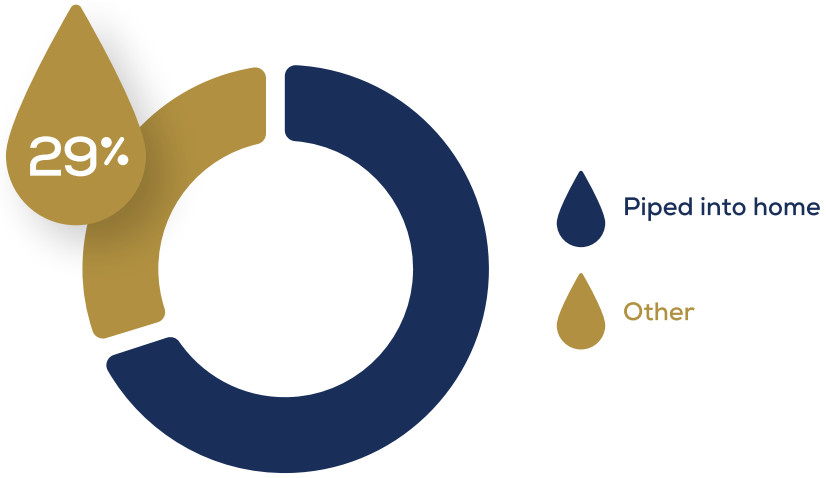
Nearly three-quarters of dwellings on-reserve are in need of repair (see Figure 11 and Appendix C).

FIGURE 11: Statistics Canada estimates of dwellings in need of repair (Census 2016).

Source: Statistics Canada, 2016 Census, Catalogue no. 98-400-X2016164.

Twenty-nine percent of First Nations do not have water piped to their households (see Figure 12 and Appendix D).

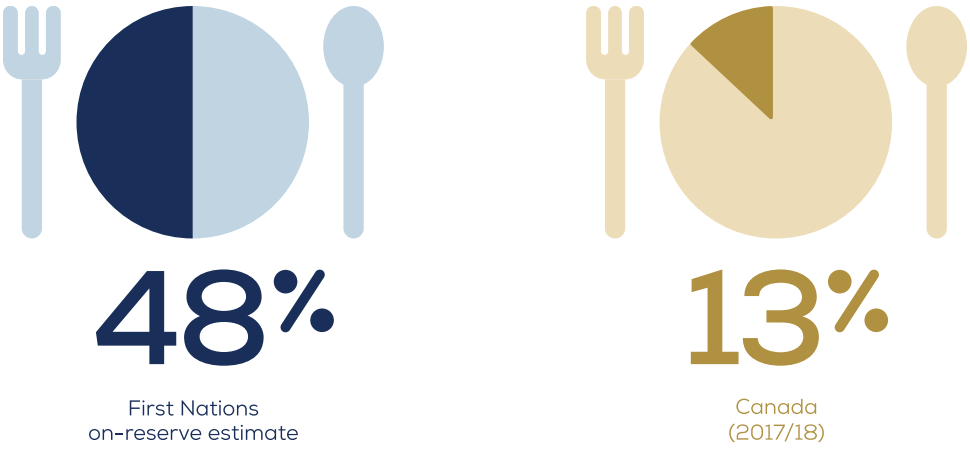
FIGURE 12: Regional Health Survey estimates of main water supply in First Nations households (RHS 2015–2016).



Source: First Nations Information Governance Centre (FNIGC), "National Report of the First Nations Regional Health Survey Phase 3: Volume One," (March 2018): 32.

Nearly 50% of First Nations on-reserve report food insecurity (see Figure 13 and Appendix E).

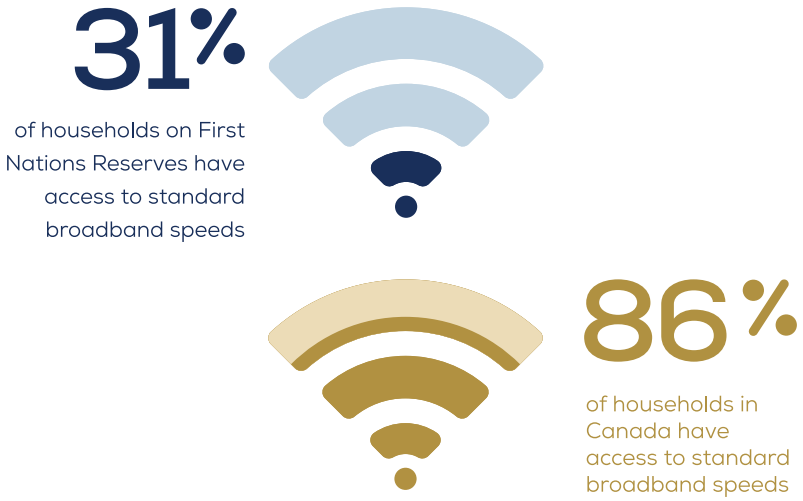
FIGURE 13: FNFNES and Statistics Canada estimates of prevalance of food insecurity.



Sources: First Nations on-reserve estimate: First Naitons Food, Nutrition and Environment Study (FNFNES), November 2019, "Draft Comprehensive Technical Report"; Canada: Statistics Canada, Household food security by living arrangement, Table 13-10-0385-01.

Nationally, less than one-third (31%) of households on-reserve have access to standard broadband speeds (see Figure 14 and Appendix F).

FIGURE 14: Percentage of households with access to government-standard broadband speeds (50/10/unlimited).

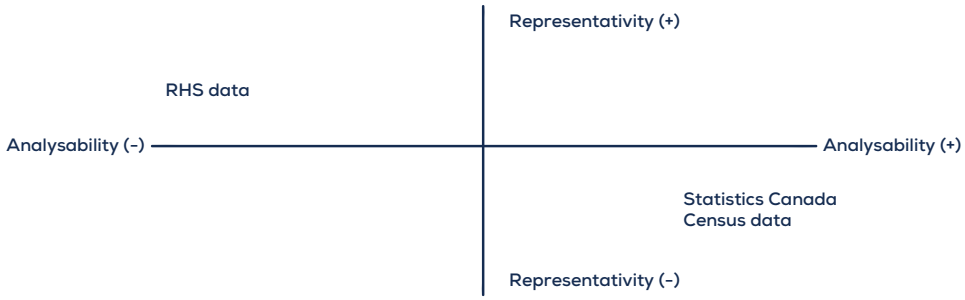


Source: Canadian Radio-television and Telecommunications Commission, "Communications Monitoring Report 2019."

These characteristics indicate an inequitable point of departure for many First Nations living on-reserve. Service gaps and a reduced network of voluntary supports can compound impacts (see Appendix G). The holistic well-being of First Nations children and families means also supporting the well-being of communities.

There are limitations in availability and granularity of data consistently available for First Nations communities. There are existing gaps in data. Publicly accessible data tends to be available (e.g. housing, access to potable water, broadband access, etc.) but aggregated, which limits its applicability for decision-support in specific domains. Granular data may be available at the level of the individual agency or First Nation, but is not always readily available, comparable or consistently captured (i.e. loss of time series) (see Figure 15).

FIGURE 15: Representativity and analyzability of data sources.



The cost of doing nothing

First Nations child and family services (FNCFS) do not exist in a vacuum. Programs and services are delivered in often complex environments, with the realities of poverty and intergenerational trauma impacting approaches and results. To promote the well-being of children, families, and communities, a holistic approach is needed. This approach is different than the protection-focused system currently in place.

The most commonly cited source of contact for Indigenous children is neglect.[6] Neglect is often connected to contextual risks, e.g. poverty, limited housing, etc. that can be mitigated. These risks should be mitigated for good reason. Phase 1 of IFSD's, research, *Enabling First Nations Children to Thrive*, found that children in care (CIC) is an exceedingly strong predictor of agency budget and overall system cost. Contact with the protection system is known to increase lifelong vulnerabilities for individuals, with broader societal implications. The Midwest Study (United States) has demonstrated that former foster care youth have worse outcomes in nearly every measured outcome (when compared to youth without contact with the foster system), including a higher likelihood of experiencing homelessness; higher levels of unemployment; a higher likelihood of incarceration; higher rates of mental and physical illness; as well as hampered educational attainment.[7]

A child's contact with the protection system has long-term consequences and increases their likelihood of interacting with social services such as the welfare system, the criminal justice system etc. later in life. These systems are corrective measures, often addressing downstream effects of risks that had the potential for mitigation. Independently costly to run, these systems are designed as final backstops to social challenges rather than addressing the *causes of the causes*. The current system invests in reactionary measures rather than proactive ones, that ends up being more costly and less effective.

When the potential downstream costs associated with a child's contact with the protection system, the true costs extend beyond the singular child to issues such as homelessness, incarceration, substance misuse, etc. Mitigating the risks associated to protection can have longer-term benefits to the individual and their community. The cost of staying the

[6] Nico Trocmé et al., "Differentiating Between Child Protection and Family Support in the Canadian Child Welfare System's Response to Intimate Partner Violence, Corporal Punishment, and Child Neglect," *Int J of Psychology* 48, no. 2, (2013): 130-131.

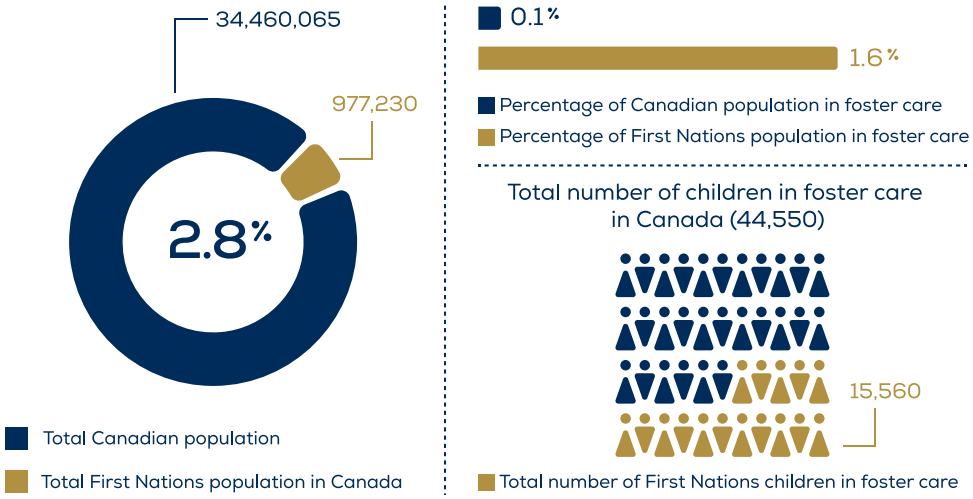
[7] Mark E. Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011): 1-117; James Heckman, "There's more to gain by taking a comprehensive approach to early childhood development," *The Heckman Equation*, (2016).

course is higher fiscally and socially than reducing risk factors through targeted interventions in the early years of a child's life.

Costs associated to contact with the protection system are not all linear. Based on existing research (see Figure 17), inferences of costs associated to contact with protective services (across the general population on an annual basis) include: direct costs (of operating the FNCFS system) and indirect costs (downstream challenges associated to contact with the protection system), and potential cost avoidances (costs that could be mitigated by addressing inequitable points of departure in many First Nation communities). This is an illustration and not meant to be an exhaustive list of associated costs. Nor is this meant to represent the experiences of all First Nations children in contact with the protection system. The general case is represented, based on existing research that suggests the costs and challenges associated to protection can be substantive for individuals and communities.

First Nations represent approximately 3% of Canada's total population but make up 1.6% of all children in care (relative to 0.1% of the general population). First Nations children are overrepresented relative to their demographic weight of the population (Figure 16).

FIGURE 16: Statistics Canada's estimates of First Nations children in care.

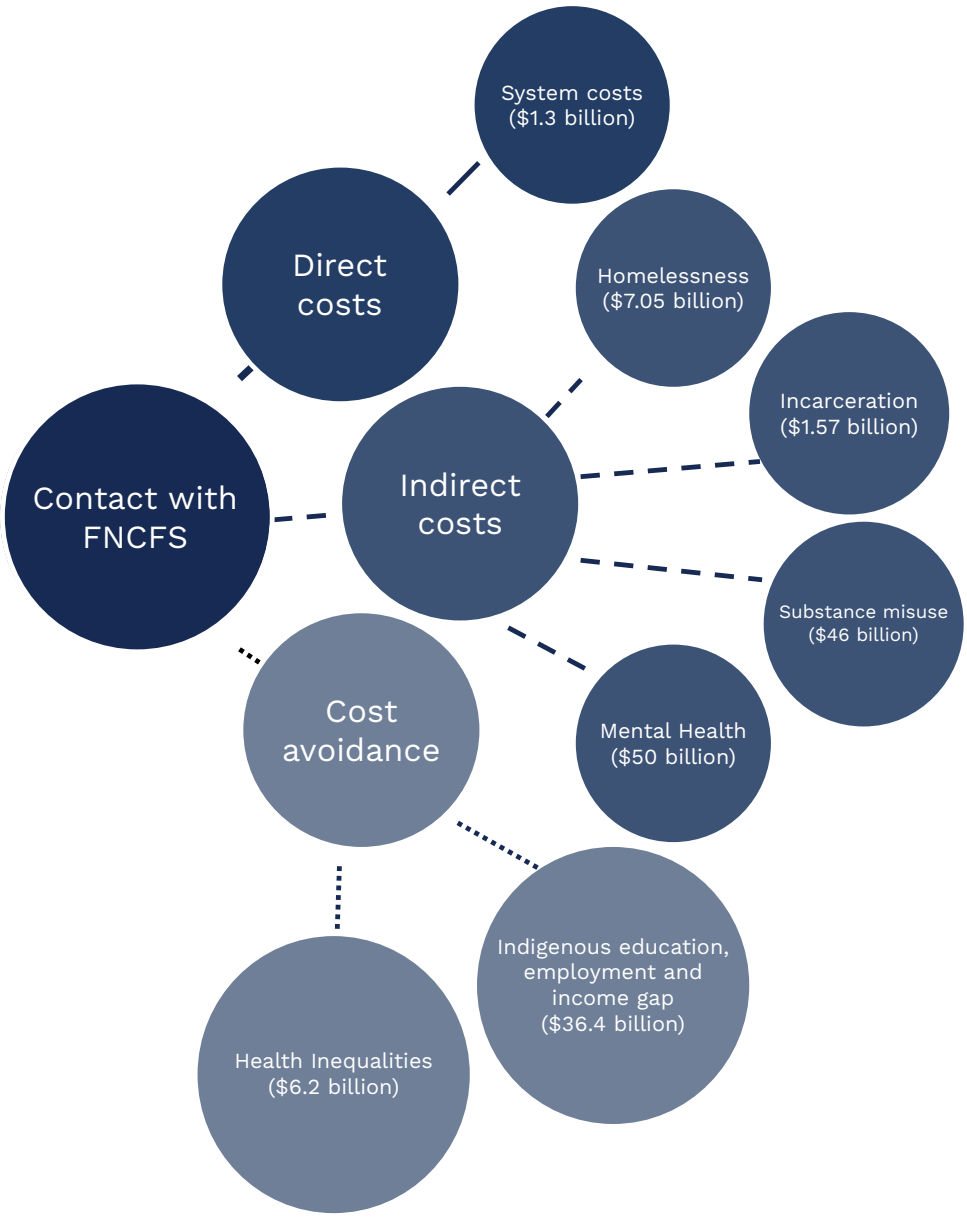


Source: Statistics Canada, "Data Products, 2016 Census," January 3, 2018.

A FNCFS system that emphasizes the well-being of children, families and communities would invest early to mitigate risks rather than paying for corrective measures later on. The costs of inaction can be summarized in four categories: 1) Homelessness and Socio-Economic Health Disparities; 2) Mental Health Issues and Substance Misuse; 3) Contact with corrective services/incarceration; and 4) Educational attainment and lost opportunity costs (Table 3).

The current FNCFS system is largely driven by protection and maintenance, where service providers are reimbursed in a fee-for-service model. The model restricts funding uses, often beyond costs associated to the delivery of protective services. Relying solely on protective services drives a range of costs that are direct, indirect, and avoidance in nature. Agency professionals have long recognized this challenge and seek ways of working around the system to deliver needed programming on the ground that mitigates risk for children.

FIGURE 17: Inferred annual costs associated with contact with the protection system across the general population.[8]



There are known prevention-focused models that emphasize early intervention that suggest upfront investment yields better results over the long-term. Realizing the financial savings to the public treasury would require a shift from the current protection-based approach to one that is focused on well-being. This would require a fundamental change in program goals/orientation and in funding approach. However, such a change would enable communities and service providers to redirect funding to address the root causes of a child's contact with protective services.

The CHRT rulings and *An Act respecting First Nations, Inuit and Métis children, youth and families*, provide an important opportunity to reset a system that has neglected, disadvantaged and discriminated against children for decades. An approach that aims to realize better outcomes for children and families does not eliminate the need for protective services, but rather, shifts (and enhances) resources and program activities towards the root causes of contact with the protection system. Children, their families and the nation's public finances would all be beneficiaries of this fundamental change in strategy.

[8] System costs: IFSD, "Enabling First Nations Children to Thrive," (2018): 9.

Homelessness: Canadian Alliance to End Homelessness, "The State of Homelessness in Canada 2016," Canadian Observatory on Homelessness Press, Paper #12, (2016): 60.

Incarceration: Office of the Parliamentary Budget Officer, "Update on Costs of Incarceration," Government of Canada, (2018): 7.

Substance misuse: Canadian Center on Substance Use and Addiction & University of Victoria, "Canadian Substance Use Costs and Harms 2015-2017," (2020): 1-4.

Mental health: Mental Health Commission of Canada, "Making the Case for Investing in Mental Health in Canada," (2013): 1.

Indigenous education, employment and income gap: Social Determinants Science Integration Directorate Public Health Agency of Canada, "The Direct Economic Burden of Socioeconomic Health Inequalities in Canada: An Analysis of Health Care Costs by Income Level," Health Promotion and Chronic Disease Prevention in Canada: Research, Policy and Practice 36, no. 6 (2016).

Health inequalities: Diana Kulik et al., "Homeless youth's overwhelming health burden—A review of the literature," Paediatric Child Health 16, no. 6, (2011): 44.

TABLE 3: Downstream costs associated to contact with the protection system.

Social challenges	Disproportionate impact of the social challenge within Indigenous communities	Relationship between social challenge and child welfare services	Overall magnitude of the problem and associated costs in Canada
Homelessness and Socio-Economic Health Disparities	▪ Indigenous Peoples account for 28–34% of the homeless population, compared to their demographic weight of 4.3% of the general population.[9] ▪ Indigenous peoples use emergency shelters at a rate 11x higher than non-Indigenous peoples.[10]	▪ In North America, homeless individuals are between 10–40 times more likely to have been involved with child welfare services (CWS).[11] ▪ A 2017 study published by the Canadian Observatory on Homelessness found that almost 60% of youth who had experienced homelessness had been in contact with child protection services during their lives. Thus, "youth experiencing homelessness are 193 times more likely to have been involved with the CWS than the general public."[12] ▪ A study of homeless youth in BC reported that 46% of all participants and 70% of Indigenous participants had been a part of the CWS.[13] Furthermore, those that are more likely to experience early vs late onset of homelessness (before 25) are more likely to be Indigenous, have not finished high school and had been involved in the CWS. ▪ *Without a Home* study uncovered that while a high percentage of youth first became homelessness before they were 16 (40%), young people with a history of being in foster care or group homes were almost twice as likely to experience early homelessness as those who were not in care (52.5% vs. 27%).[14] ▪ Many of the Midwest Study (United States) participants (individuals who had previously interacted with the foster care system) at age 26 still experienced repeated episodes of homelessness (14.5%) or couch surfing (24.5%); 35% of participants who reported couch surfing, reported at least four episodes. Further, one third of the young adults who had been homeless had been homeless for at least a month.[15]	▪ Over 235,000 Canadians experience homelessness, and on any given night there are 35,000 who are homeless.[16] ▪ In 2013, the estimated cost of homelessness in Canada was $7.05 billion.[17] ▪ The average monthly cost of housing someone in a shelter bed was $1,932.[18] ▪ In a Canadian study, it was found that homeless populations visit the emergency department on average 2.1 times per year for an annual cost of $1,464 per person. Comparatively, the cost for the non-homeless population was 13% the cost for homeless participants. Further, when admitted to the hospital the annual cost of hospitalization for homeless persons was $2,495 per year, as compared to $524 per year for the housed population.[19] ▪ In 2005, 74% of homeless youth in BC reported having at least one chronic medical condition.[20] ▪ A Canadian study showed that 22.9% of prisoners were homeless at the time of being incarcerated. Furthermore, there is a high likelihood of becoming homeless following discharge (32.2% of respondents).[21] ▪ Examining the annual cost homeless people with mental illnesses generate for society, a study found that (excluding medications) the costs per person were $56,000 per year in Canada's 3 largest cities, and approximately $30 000 in smaller cities like Moncton, New Brunswick.[22] ▪ Socio-economic health inequalities carry a heavy economic burden estimated at least $6.2 billion annually. Further, Canadians in the lowest income group account for 60% of this cost ($3.7 billion).[23]

Footnotes for table can be found on page 18

Social challenges	Disproportionate impact of the social challenge within Indigenous communities	Relationship between social challenge and child welfare services	Overall magnitude of the problem and associated costs in Canada
Mental Health Issues and Substance Misuse	▪ Due to contextual factors, including colonialism and more difficult access to health services, First Nations and Inuit communities experience significantly higher rates of mental health challenges as compared to the general population.[24] ▪ Much of the data analysis has focused on the higher rates of suicide within the Indigenous population. ▪ Statistics Canada found that between 2011 and 2016, the suicide rate among First Nations people was three times higher than among the non-Indigenous population. Furthermore, the suicide rate was around twice as high for First Nations people living on reserve than among those living off reserve.[25] ▪ Among Indigenous peoples, suicide rates and disparities were highest for youth and young adults (15–24 years).[26] ▪ In 2017, the House of Commons Standing Committee on Indigenous and Norther Affairs found that levels of psychological distress for First Nations adults living on reserve is generally higher than the general Canadian population (40% as compared to 33%).[27]	▪ When looking specifically at young Indigenous people who struggle with addiction, a study of two cities in BC found that 65% of the youth had been involved in the CWS, and that many of these individuals experienced negative health outcomes.[28]	▪ A 2020 study by the Mental Health Commission of Canada found that the cost from mental health problems and illnesses to the Canadian economy is at least $50 billion per year.[29] ▪ Estimated cost of substance abuse in Canada in 2017 was $46.0 billion; lost productivity costs accounted for $20.0 billion, health care costs accounted for $13.1 billion, criminal justice costs accounted for $9.2 billion and other direct costs accounted for $3.6 billion.[30]

Footnotes for table can be found on page 18

Social challenges	Disproportionate impact of the social challenge within Indigenous communities	Relationship between social challenge and child welfare services	Overall magnitude of the problem and associated costs in Canada
Contact with corrective services/incarceration	▪ In 2016, Indigenous peoples represented approximately 5% of the overall Canadian population, but 23.1% of the total offender population.[31] ▪ In 2019, Indigenous women accounted for 41.4% of all federally incarcerated women.[32] ▪ Since 2010, the population of white inmates has decreased by 23.5%, whereas the Indigenous population has increased by 52.1%.[33] ▪ Research shows that Indigenous offenders are less likely to receive parole, and more likely to have parole revoked for minor infractions.[34] ▪ Indigenous offenders account for a disproportionate number of self-inflicted injuries (52% of all incidents) and 39% of all incidents of attempted suicide over the past 10 years.[35]	▪ A 2001 study conducted by the AFN, Correctional Service Canada and Department of Justice, demonstrated Aboriginal inmates had a more extensive history within the CWS. ▪ The study found that 48% of Aboriginal inmates were placed for adoption by the province (relative to 11% of non-Indigenous inmates), further, 82% of Indigenous inmates were places in foster care (relative to 63% of non-Indigenous inmates).[36] ▪ The cyclical nature of involvement in these systems is highlighted by a study of gang affiliation which found that a key pathway into gang life is multiple out-of-home placements in child welfare and correctional facilities. Of 41 youth in the Prince Albert gang project, 31 had spent most of their childhood and adolescence in child welfare and youth justice facilities.[37]	▪ The average cost of incarceration per inmate in 2016–2017 was $114,587/year or $314/day (96% of costs are associated with custody).[38] ▪ The total operating expenses associated with custody in 2016–2017 was $1.57 billion.[39]

Footnotes for table can be found on page 18

Social challenges	Disproportionate impact of the social challenge within Indigenous communities	Relationship between social challenge and child welfare services	Overall magnitude of the problem and associated costs in Canada
Educational attainment and lost opportunity costs	▪ Based on the 2016 census, 92% of non-Indigenous young adults (20–24) have at least a high school certificate; 75% of First Nations adults living off reserve have completed high school; and 48% of First Nations young adults living on reserve have completed high school.[40] ▪ A pilot microsimulation study done in collaboration of the Canadian Centre for Statistics and Statistics Canada demonstrated that by eliminating the education gap between Indigenous and non-Indigenous people in Saskatchewan, one could reduce the number of people who come into contact with the criminal justice system. They found that if the current educational attainment gap is left unaddressed the number of contacts with police would increase by 27% between 2011 and 2036 (this would result from a 58% increase in the number of Indigenous peoples coming into contact with the police, and a 14% decrease in non-Indigenous populations contact with the police). However, a 25% progressive reduction in the education gap between 2011 and 2036 would result in only a 25% increase in the number of people coming into contact with police; a 50% progressive reduction would result in a 22% increase; and a 100% progressive reduction would result in a 17% increase.[41]	▪ A study in BC suggested that only 51% of youth in care graduated six years after starting grade 8, compared to 89% of the general population of youth. ▪ The educational attainment gaps persisted in Midwest study participants, even at the age of 26. When compared to data from the National Longitudinal Study of Adolescent Health (Add Health), Midwest Study (United States) participants were three times more likely to not have a high school diploma or GED. Add Health participants were also six times more likely to have a post-secondary degree, and nine times more likely to have a degree from a four-year school.[42] ▪ Furthermore, at age 26, only 46% of Midwest study participants were currently employed, compared to 80% of the Add Health study participants.[43] ▪ Of Midwest Study participants who did have employment income, the median annual earnings of their group were over $18,000 lower than the Add Health peers.[44]	▪ A report by the Centre for the Study of Study of Living Standards estimated, if the Indigenous education attainment gap and related gaps for employment rates and income by level of employment were closed, Canada's GDP would be $36.4 billion greater.[45]

Footnotes for table can be found on page 18

FOOTNOTES FOR TABLE 3

[9] ESDCS, 2016 cited in Stephen Gaetz, et al., "The State of Homelessness in Canada 2016," *Canadian Observatory on Homelessness Press*, Paper #12, (2016): 50.

[10] Nick Falvo, "The Use of Homeless Shelters by Indigenous Peoples in Canada," *Homeless Hub*, November 28, 2019, https://www.homelesshub.ca/blog/use-homeless-shelters-indigenous-peoples-canada.

[11] Reinhard Krausz, "British Columbia Health of the Homeless Survey Report," University of British Columbia, (2011): 42.

[12] Naomi Nichols et al., "Child Welfare and Youth Homelessness in Canada: A Proposal for Action," Toronto: *Canadian Observatory on Homelessness Press*, (2017): 3.

[13] Reinhard Krausz, "British Columbia Health of the Homeless Survey Report," University of British Columbia, (2011): 42.

[14] Naomi Nichols et al., "Child Welfare and Youth Homelessness in Canada: A Proposal for Action," *Canadian Observatory on Homelessness Press*, (Toronto, 2017): 16.

[15] Mark E. Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011): 12.

[16] CMHA, "New study highlights cost of homelessness," last updated August 11, 2017, https://ontario.cmha.ca/news/new-study-highlights-cost-of-homelessness/.

[17] Stephen Gaetz, Erin Dej, Tim Richter and Melanie Redman,, "The State of Homelessness in Canada 2016,'' *Canadian Observatory on Homelessness Press*, Paper #12, (2016): 60.

[18] Stephen Gaetz, Jesse Donaldson, Tim Richter, and Tanya Gulliver, "The State of Homelessness in Canada 2013,'' *Canadian Observatory on Homelessness Press*, Paper #4, (2013): 32.

[19] Stephen Gaetz, "The Real Cost of Homelessness," *The Canadian Homelessness Research Network Press*, (2012): 9.

[20] Diana Kulik et al., "Homeless youth's overwhelming health burden—A review of the literature," *Paediatric Child Health* 16, no. 6, (2011): 44.

[21] Kellen et al., cited in Stephen Gaetz, "The Real Cost of Homelessness," *The Canadian Homelessness Research Network Press*, (2012): 10.

[22] E. Latimer et al., "Costs of service for homeless people with mental illness in 5 Canadian cities: a large prospective follow-up study," *CMAJ Open* 5:3, 2017: 576–585.

[23] Public Health Agency of Canada, Social Determinants and Science Integration Directorate, "The Direct Economic Burden of Socioeconomic Health Inequalities in Canada: An Analysis of Health Care Costs by Income Level," *Health Promotion and Chronic Disease Prevention in Canada*, 36:6, (June 2016): 118.

[24] Norah Kiellan and Tonina Simeone, "Current Issues in Mental Health in Canada: The Mental Health of First Nations and Inuit Communities," *The Library of Parliament*, (January 2014): 5.

[25] Statistics Canada, "Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," *The Daily*, June 28, 2019, https://www150.statcan.gc.ca/n1/daily-quotidien/190628/dq190628c-eng.htm.

[26] Statistics Canada, "Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," *The Daily*, June 28, 2019, https://www150.statcan.gc.ca/n1/daily-quotidien/190628/dq190628c-eng.htm.

[27] Standing Committee on Indigenous and Northern Affairs, "Breaking Point: Suicide Crisis in Indigenous Communities," *House of Commons Canada*, (June 2017): 28.

[28] Adam F. Clarkson et al., "The Cedar Project: Negative health outcomes associated with involvement in the child welfare system among young Indigenous people who use injection and non-injection drugs in two Canadian cities," *Canadian Journal of Public Health* 106, no. 5, (October 2015): e265–e270.

[29] Mental Health Commission of Canada, "Making the Case for Investing in Mental Health in Canada," (2013): 1.

[30] Canadian Center on Substance Use and Harms Scientific Working Group, "Canadian Substance Use Costs and Harms 2015–2017," (Ottawa, Ont., 2020): 1–4.

[31] Office of the Correctional Investigator, "2018–2019: Annual Report," (June 2019): 64.

[32] Office of the Correctional Investigator, "2018–2019: Annual Report," (June 2019): 64.

[33] Office of the Correctional Investigator, "2018–2019: Annual Report," (June 2019): 65.

[34] Office of the Correctional Investigator, "2018–2019: Annual Report," (June 2019): 65.

[35] Office of the Correctional Investigator, "2018–2019: Annual Report," (June 2019): 65.

[36] Shelley Trevethan et al., "The Effect of Family Disruption on Aboriginal and Non-Aboriginal Inmates," Assembly of First Nations, Correctional Service Canada & Department of Justice Canada, (2001): 21.

[37] Mark Totten, "Preventing Aboriginal Youth Gang Involvement in Canada: A Gendered Approach," *Aboriginal Policy Research Consortium International* (2010): 262.

[38] Office of the Parliamentary Budget Officer, "Update on Costs of Incarceration," *Government of Canada*, (2018): 1.

[39] Office of the Parliamentary Budget Officer, "Update on Costs of Incarceration," *Government of Canada*, (2018): 7.

[40] John Richards, "Census 2016: Where is the discussion about Indigenous education?," *The Globe and Mail*, December 13, 2017, https://www.theglobeandmail.com/opinion/census-2016-where-is-the-discussion-about-indigenous-education/article37313434/.

[41] Yvan Clermont et al., "Future contacts with the criminal justice system in Saskatchewan: A microsimulation study," *Statistics Canada*, September 19, 2019, https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00014-eng.htm.

[42] Mark Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011): 20–21.

[43] Mark Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011): 28.

[44] Mark Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011): 36.

[45] Social Determinants Science Integration Directorate Public Health Agency of Canada, "The Direct Economic Burden of Socioeconomic Health Inequalities in Canada: An Analysis of Health Care Costs by Income Level," *Health Promotion and Chronic Disease Prevention in Canada : Research, Policy and Practice* 36, no. 6 (2016).

Part I: Indigenous Services Canada (ISC) Expenditure and Outcome Analysis

Introduction

As part of the Phase 2 research project, IFSD asked ISC to provide historical information on resources, programming, and results associated to the department's mandate and functions. This request was made to establish an understanding of the current state of financial information, particularly as it related to results and outcomes for First Nations children, families, and communities. The analysis undertaken on this data was not designed to provide an assessment of the practices of ISC but rather to ensure that design considerations would be novel and additive and not simply replicate past practices.

Publicly available data, e.g. public accounts, estimates, on ISC's expenditures was aggregated and did not have the detail necessary for the intended portrait. Accordingly, a request for information was submitted to the Deputy Minister of ISC on August 26, 2019 (Appendix H). In September 2019, ISC provided a list of FNCFS agencies in a PDF document. IFSD worked with NAC regional representatives and phoned the agencies on the list to confirm they aligned to the desired sample population of agencies.[46] Certain agencies notified IFSD that they did not belong in the sample because they did not receive federal funding. The final sample was determined to be 112 FNCFS agencies.

The request for information submitted at the end of August 2019 remained outstanding in October 2019. The office of the Chief Financial, Results and Delivery Officer (CFRDO) assumed a coordinating role for the request in October 2019. IFSD and the CFRDO's team met on several occasions to ensure IFSD's request was clear and that the data would be fairly interpreted. With the CFRDO's office coordinating the request, an Information Sharing Agreement was developed and executed in March 2020, that covered elements such as privacy and data security. All outstanding data in IFSD's original request (if it was available) was transferred in March 2020 following the signature of the agreement.

ISC provided IFSD with spending information for fiscal years 2014–15 to 2018–19 and projected spending for fiscal years 2020–21 to 2022–23.

[46] In this project, agencies include both delegated and non-delegated agencies serving communities on First Nations reserves who receive federal funding for their protection and/or prevention activities. This excludes agencies that are exclusively provincially funded.

Comprehensive program expenditure and performance information were provided in machine readable format. The purpose of defining the current expenditure baseline was to connect resources with results, a purpose for which this data did not appear to be designed.

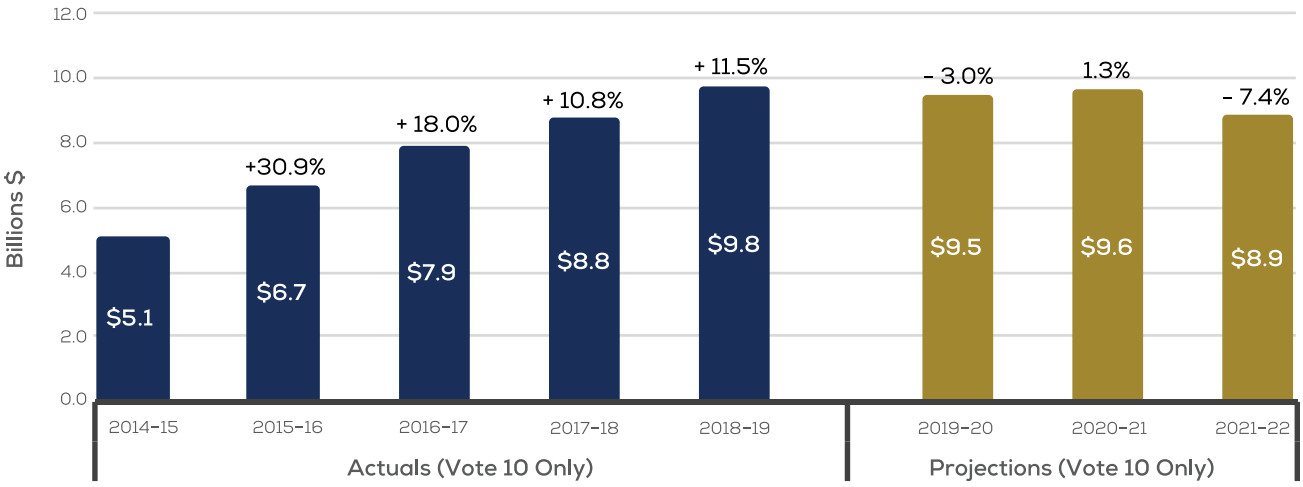
ISC's current expenditures

IFSD is accountable for analysis associated to ISC's data published in this report. All data provided by ISC is only shared in aggregate and non-identifiable formats. IFSD has taken its best efforts to consult with ISC for clarification and information associated to the data provided, as required.

Analysis of the data provided by ISC for fiscal years 2014–15 to 2018–19 is presented below by program, funding approach, and other clustering. Analysis of ISC expenditures on a per capita basis was not undertaken given that the expenditures could not be reconciled clearly to the population those dollars were intended to target. The data provides a baseline spending portrait to understand expenditure areas and the ways in which funding flows.

Since 2014–15, ISC's departmental spending[47] has increased. Prior to 2015, health and related funding resided outside of ISC (hence the approximately 31% increase in overall spending in 2015–16) (see Figure 18 and Figure 19). After 2019, overall expenditures are projected to decrease.

FIGURE 18: Total ISC spending by fiscal year with projected spending.

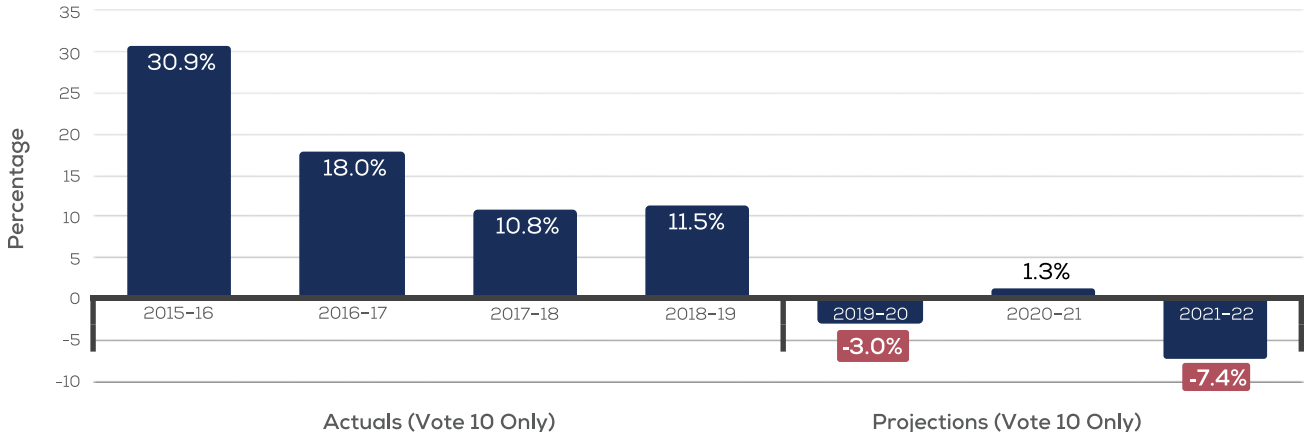


Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

Note: FNIHB for fiscal year 2014–15 is not included.

[47] Departmental spending includes grants and contributions, i.e. funding associated to program expenditures appropriated in 'vote 10' by Parliament. These expenditures do not include the department's internal operating expenditures appropriated in 'vote 1.'

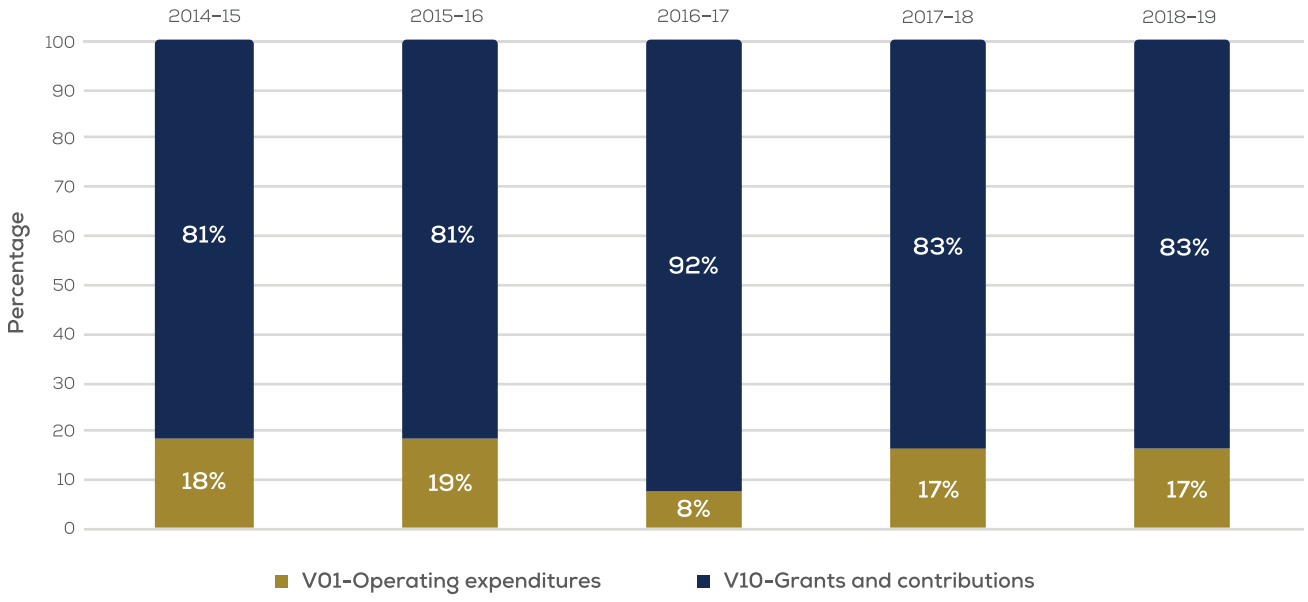
FIGURE 19: Year-over-year percentage change for total ISC spending.



Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).
Note: First Nations Inuit Health Branch (FNIHB) expenditures excluded in fiscal year 2014–15, which explains the 31% increase in fiscal year 2015–16.

On a percentage basis, the majority of ISC's expenditures are allocated to grants and contributions (vote 10), i.e. transfers to recipients. Less than 20% of ISC's total costs are allocated to operating expenditures (vote 1) (see Figure 20).

FIGURE 20: Percentage of Vote 1 and Vote 10 total spending by fiscal year.



This expenditure pattern is consistent with ISC's role allocating funding for service delivery to various recipients (rather than delivering the services itself). The majority of recipients of ISC funding are First Nations and First Nations and Inuit (see Figure 21), with nearly half of all spending allocated to First Nations in fiscal year 2018–19 (see Figure 22).

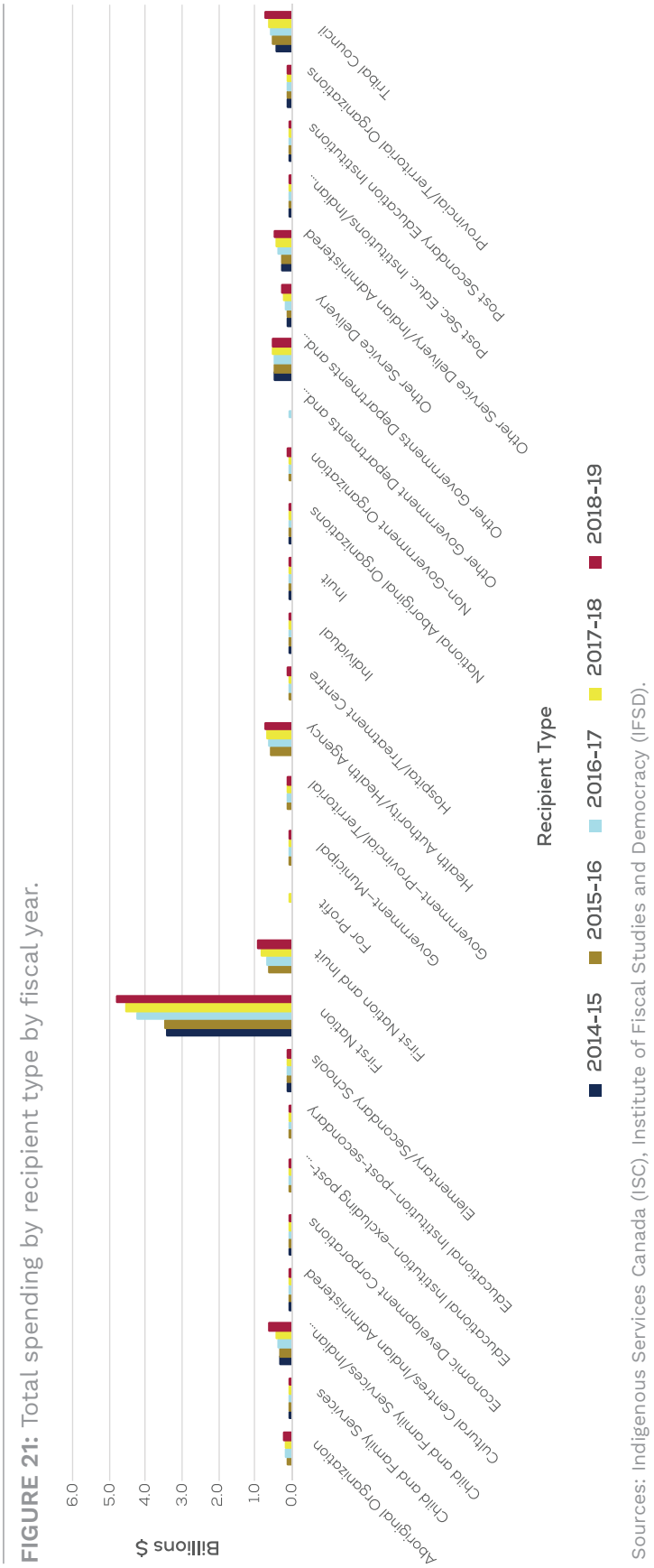


FIGURE 21: Total spending by recipient type by fiscal year.

Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

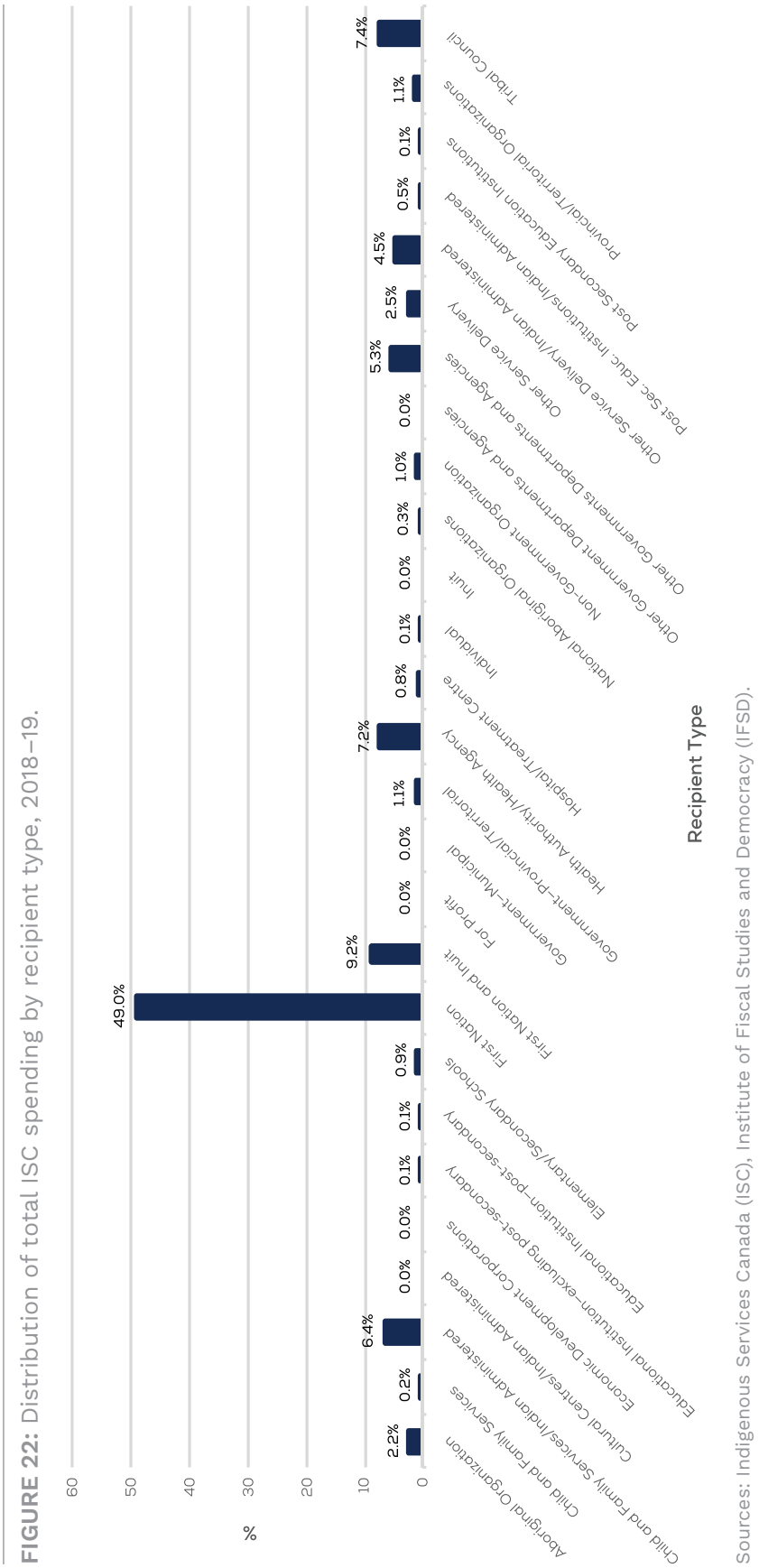


FIGURE 22: Distribution of total ISC spending by recipient type, 2018–19.

Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

Current First Nations recipient spending is focused on: infrastructure capacity and development; education; social development; and government and institutions of government (see Figure 23).

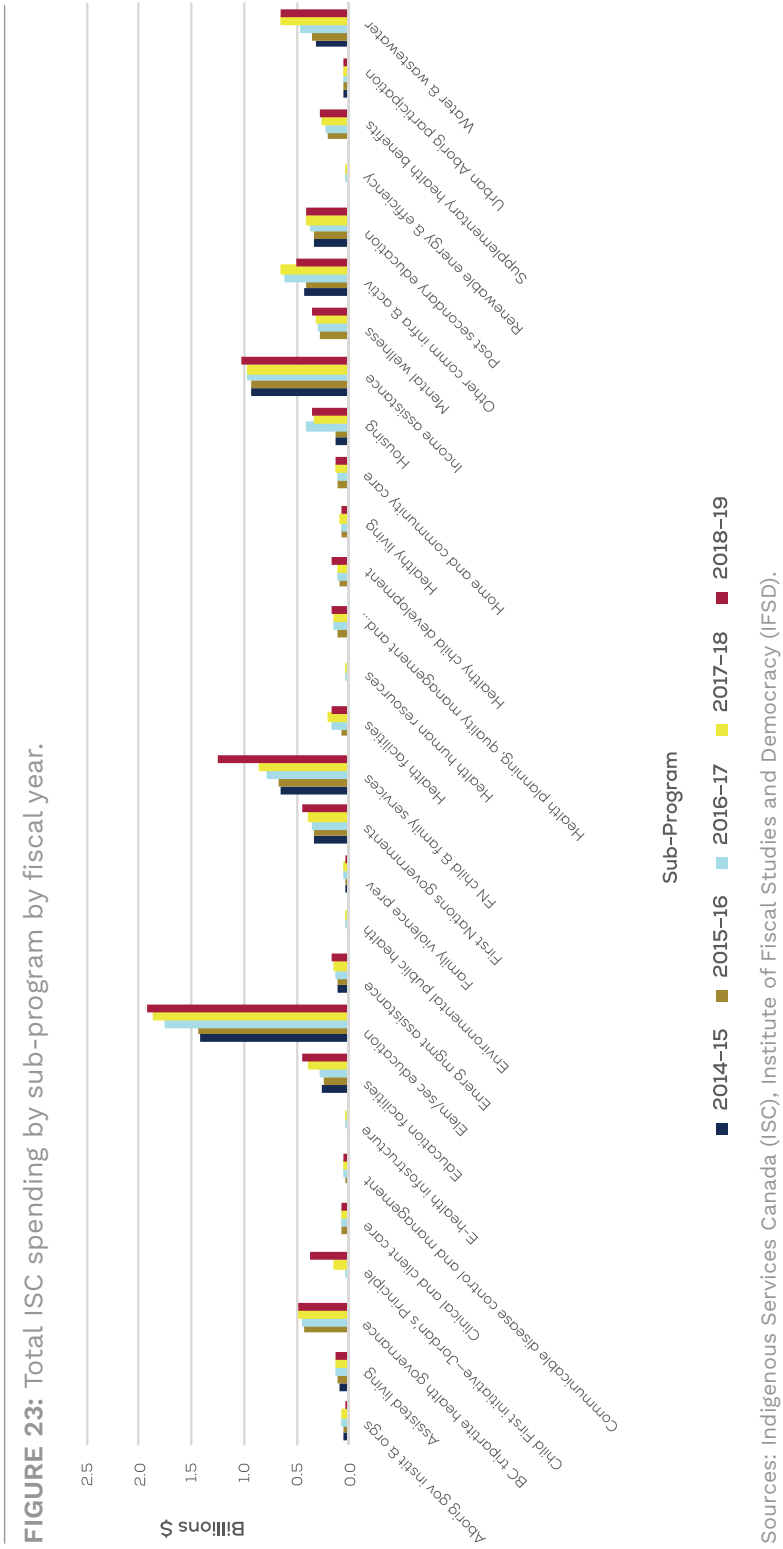


FIGURE 23: Total ISC spending by sub-program by fiscal year.

Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

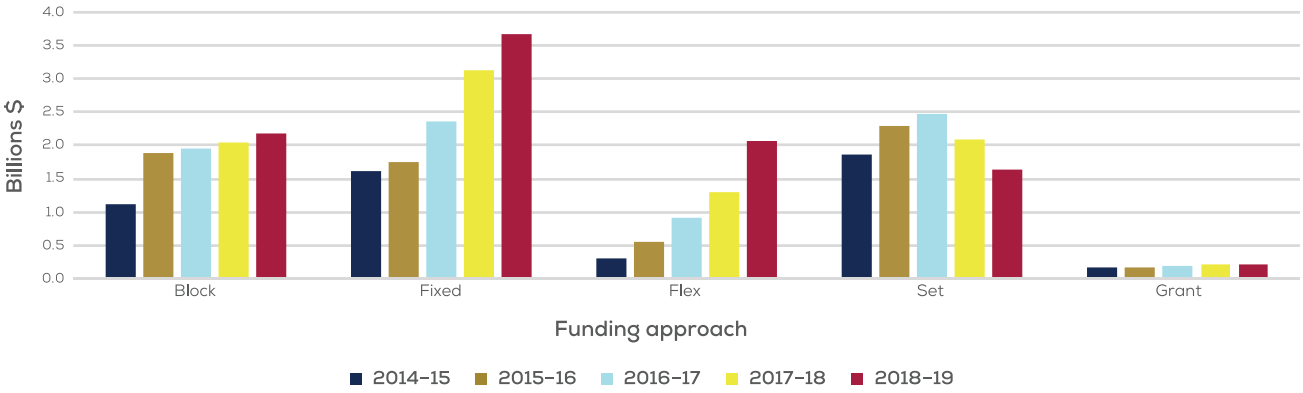
The conditions attached to funding can be just as important as the amount of the allocation (see Table 4). Since 2014–15, set and fixed funding have decreased, as flex funding increased between 2017–18 and 2018–19 (see Figure 24). Fixed funding remains the approach governing the largest funding amount. This suggests that most funding uses are pre-determined with limited latitude for recipients.

TABLE 4: Overview of funding contribution approaches.[48]

Contribution approach	Description
Grant	▪ Transfer payment based on agreement. ▪ Must report on results, but not required to account for spending. ▪ Recipient must meet "eligibility and other entitlement" criteria. ▪ Duration is flexible.
Set	▪ Funds used for a defined purpose. ▪ Any unused funds must be returned at the end of the fiscal year (no carry forward option). ▪ Note: this approach has been limited since April 1, 2018 and used only as needed, e.g. risk management.
Fixed	▪ Funds determined by reliable estimates (annual basis). ▪ Carry forwards are possible; cost-overruns are the responsibility of the recipient. ▪ Approach applied to a defined purpose or program and must be (re)issued annually.
Flexible	▪ Funds can be reallocated between cost categories within a program area. ▪ Carry forwards are possible, as long as the agreement is not in its final year. ▪ Requisite capacity and relationship with department are required for this minimum two-year agreement.
Block	▪ Funds are moveable between a block of programs (so long as objectives are achieved). ▪ Unspent funds can be kept and used within the same program block. ▪ Recipient must meet "readiness assessment criteria," for this contribution.

[48] Indigenous and Northern Affairs Canada, "Funding approaches," *Government of Canada*, updated April 16, 2018, https://www.aadnc-aandc.gc.ca/eng/1322746046651/1322746652148?=undefined.

FIGURE 24: Total ISC spending by funding approach by fiscal year.

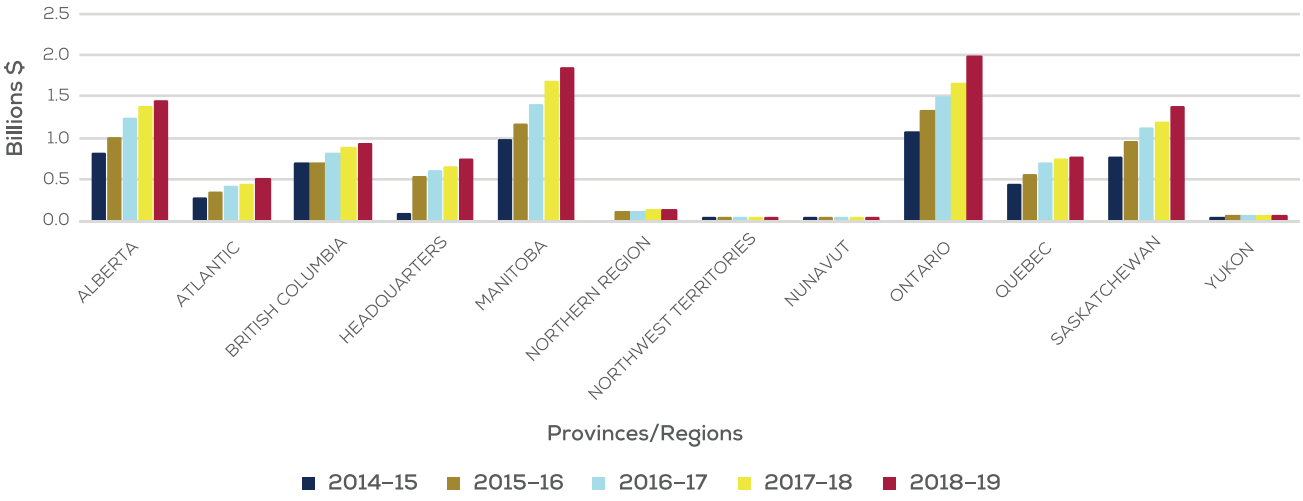


Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

Notes: Undefined funding approaches are excluded.

On a provincial and regional basis, ISC's expenditures have increased, with Manitoba, Ontario, Alberta and Saskatchewan, receiving the highest total investments, between fiscal years 2014–15 and 2018–19 (see Figure 25). The regional variances may be attributable to different geographic/remoteness contexts, poverty, and related contextual factors that tend to be captured in the Community Well-Being Index.[49]

FIGURE 25: Total ISC spending by region by fiscal year.

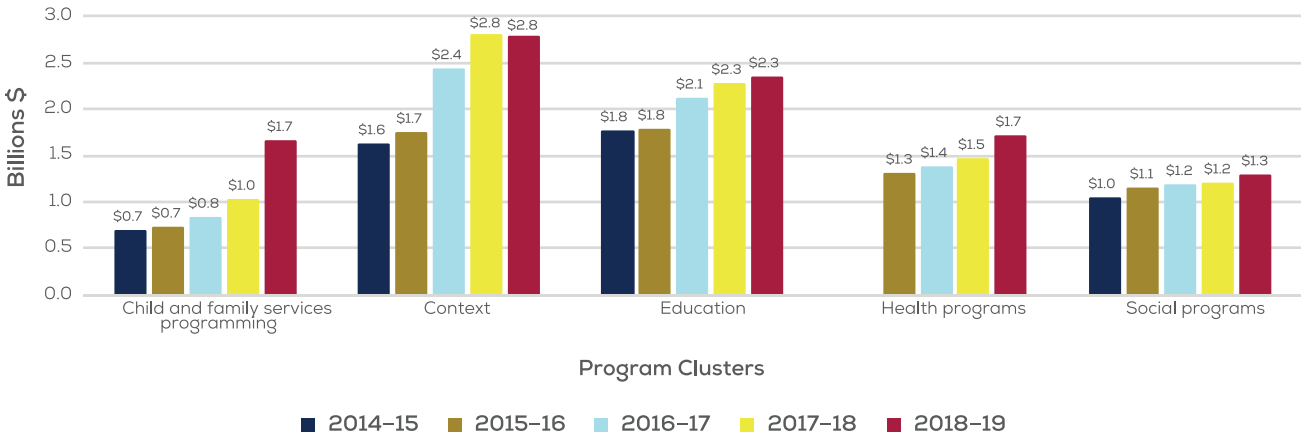


Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

[49] The Community Well-Being Index tracks the wellness of First Nations communities across four indicators: education, labour force activity, income and housing. The data comes from the Census and the National Household Survey. See Indigenous Services Canada, "Community Well-Being Index," *Government of Canada*, updated May 24, 2019, https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695.

To help to understand spending trends, IFSD developed policy clusters (child and family services programming; context; education; health programs; social programs, see Appendix I for definitions) (Figure 26). The data suggests that overall ISC spending across program areas has been consistent, with exception to the increases in child and family services and health spending.

FIGURE 26: Total ISC spending by cluster by fiscal year.



Sources: Indigenous Services Canada (ISC), Institute of Fiscal Studies and Democracy (IFSD).

The significant 48% increase in FNCFS program spending in 2018–19 is attributed to the CHRT-mandated payments (the FNCFS program spending is projected to decrease by 9% in 2019–20) (see Figure 27). Case study analysis suggests that the CHRT payments have had immediate impacts on programming and operations. The supplementary investments, however, are one-time payments and not guaranteed beyond the next fiscal year. This reality puts progress on prevention programming and practices at risk.

PIIKANI CHILD AND FAMILY SERVICES ALBERTA

Piikani CFS serves a significant on-reserve population. With the supplementary funding from CHRT, it has bolstered its prevention services and prevention-focused approach. Piikani CFS's shift in focus is a testament to the impact of funding when paired with latitude for action on the ground.

Context

Piikani Child and Family Services (CFS) was established through a negotiated tripartite agreement in 1999–2000 and was delegated in 2001. From a small team of five staff, it has grown to 22. All staff serving in Piikani are Blackfoot, which helps to reduce turnover.

Piikani CFS serves the Piikani Nation. For over five years, the community was under third-party management with major debt. There were no homes built between 1995 to the mid-2000s, which is telling of the challenges, as most of its membership resides on reserve. Economic opportunity and development remain a challenge without external capital investment. While the community has worked to manage its financial challenges, the community-level trauma of residential schools within 10 km of the reserve remains, and is expressed in various forms, namely through addictions.

Piikani CFS has adopted a prevention-focused approach to its care with resources acquired through the Canadian Human Rights Tribunal (CHRT) rulings on First Nations child and family services.

Programming

Piikani CFS has leveraged supplementary funding from CHRT to develop its prevention programming and associated tools (in 2018, funding was just over $1 million). In the last two years, there has been a downward trend of the number of children in care in the agency with the prevention funding increase. Permanent placements in foster care have also decreased as kinship care increases.

While children in care numbers have decreased and kinship arrangements increased, it remains a challenge to find foster parents and kinship arrangements on-reserve. There is a resource gap in housing and other areas, which limits the ability of homes to meet the provincial foster home standards required. This reality is a function of the broader contextual challenges that Piikani Nation must manage.

Bolstered with supplementary resources, Piikani CFS has worked to address the *causes of the causes* of contact with the protection system, e.g. poverty. Given the trends in protection placements, Piikani CFS considers the approach to be successful. Prevention funding allows for increased flexibility in approaches to support children in families (instead of always reverting to protection to unlock funding).

One of its prevention focused programs, has been the development of a Piikani cultural connection application. The app was designed to promote cultural connections and continuity for children, especially for those living with foster families off-reserve. A cultural conduit, the app is a point of access to Piikani's culture, language and history.

Prevention programming increases have highlighted capital needs, especially to support programming and to continue to house all staff in a single building.

Governance

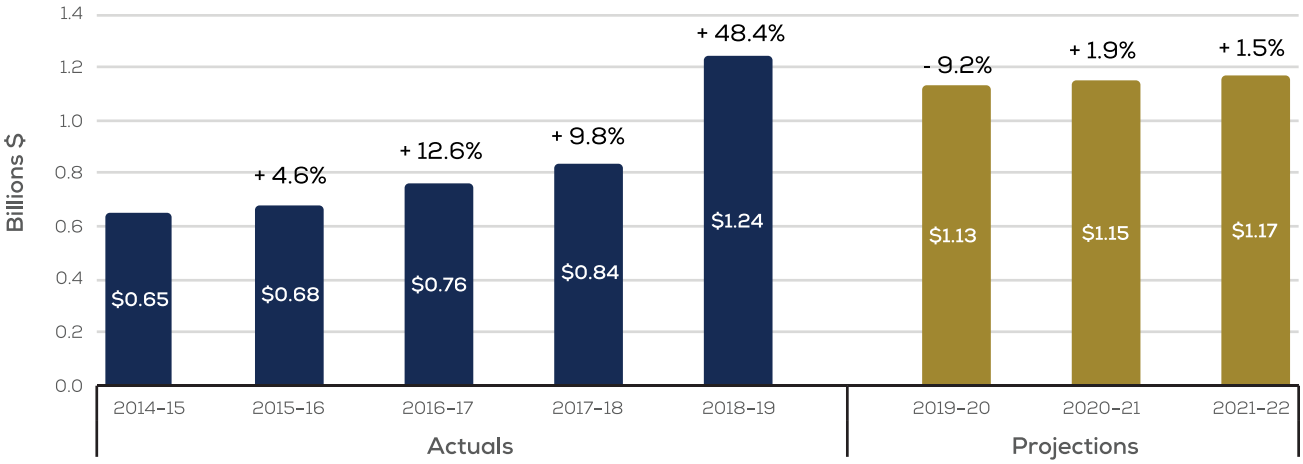
Piikani CFS is incorporated, an arrangement that supports Piikani CFS' independence. Governed by a board of directors with representation from the Band Council, Piikani CFS follows Alberta's provincial CFS laws. All data is collected and controlled by the Province of Alberta (Piikani CFS has had to request its own data). Data is protection-focused, with limited data on prevention (if any).

Lessons and Considerations

Even in the short-term, supplementary CHRT funding has had impacts on refocusing resources and activities from protection to prevention. Piikani CFS has altered the orientation of its organization, to focus in a meaningful way, on prevention and the *causes of the causes* of protection.

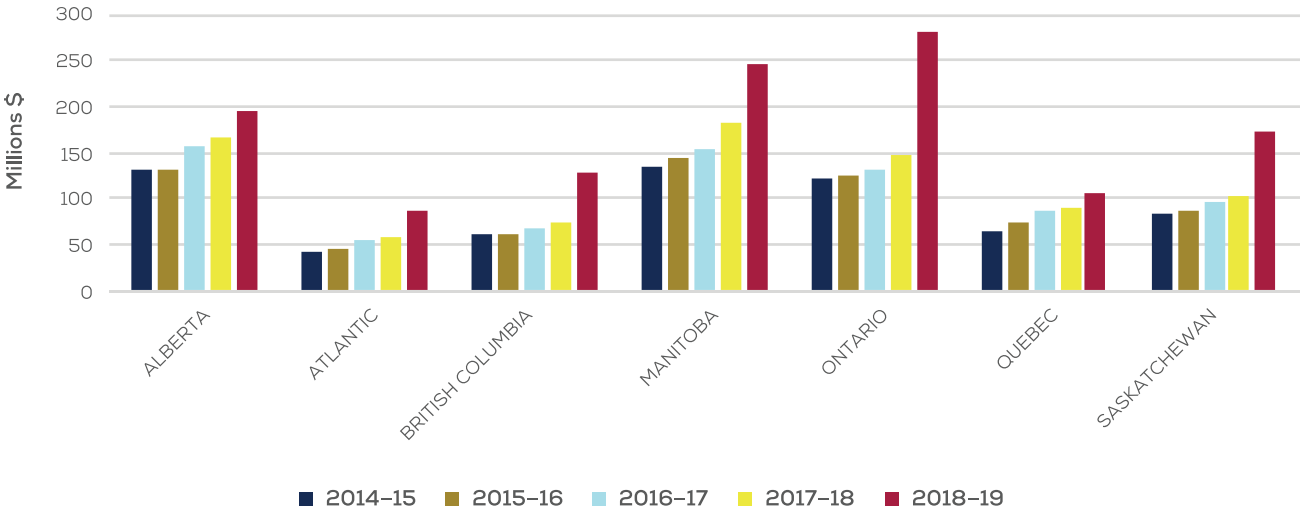
The crucial lesson from this experience is the expediency with which funding changes can influence activities and operations on the ground. Piikani CFS's work in shifting its practice to focus increasingly on prevention with supplementary funding, is a testament to the impact of funding when paired with latitude for action on the ground.

FIGURE 27: FNCFS spending by fiscal year with projected spending.



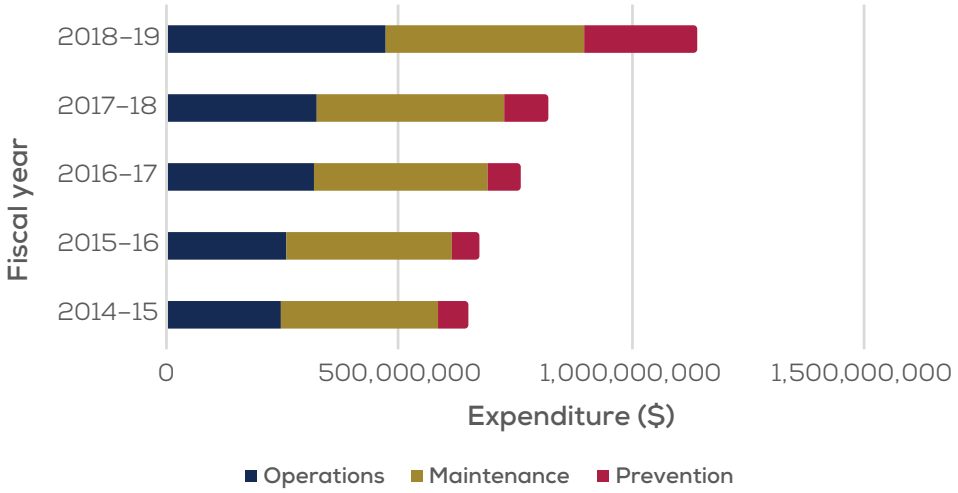
On a provincial and regional basis, similar trends for the FNCFS program are exhibited (see Figure 28). Total funding generally increases on an incremental basis, with a significant increase in fiscal year 2018–19 for all provinces and regions with exception to Quebec, which exhibits a smaller comparative increase relative to fiscal year 2017–18.

FIGURE 28: FNCFS spending by province/region by fiscal year.



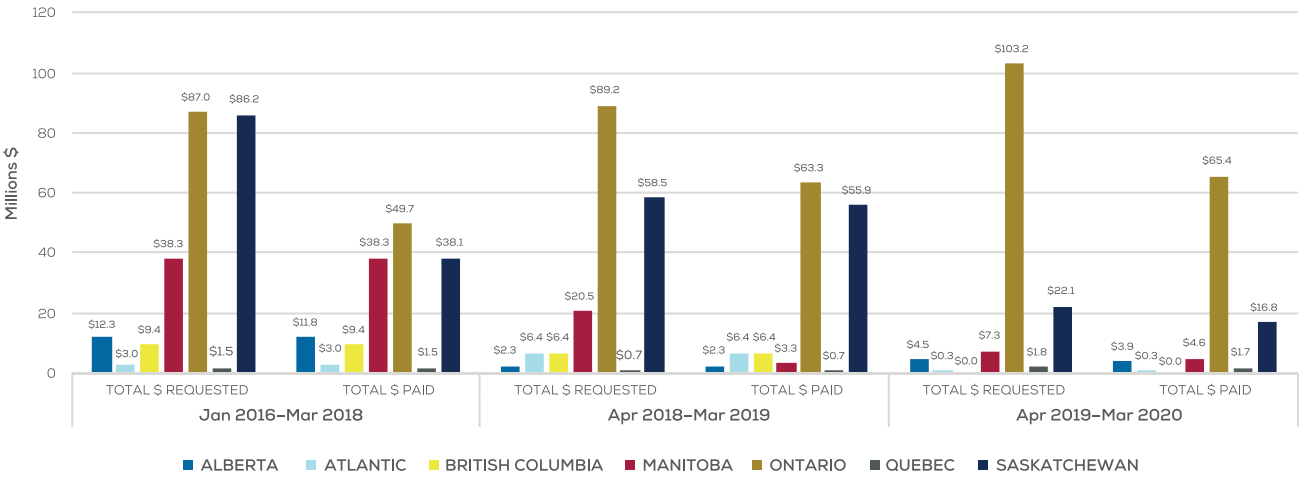
FNCFS program-level data was provided separately to IFSD in October 2019. This data is used for illustrative purposes only, as there are some minor differences with the program data and the ISC provided dataset (see Figure 29). The program information is useful in depicting the shift in allocations between maintenance (payments for children in care), protection and prevention from fiscal year 2014–15 to 2018–19. Relative to the other fiscal years, overall spending increased in 2018–19, notably in prevention.

FIGURE 29: Total FNCFS spending by category by fiscal year.



CHRT-related spending is captured at the program level by ISC but is not separately coded. The supplementary funding mandated by CHRT was application-based and transferred to recipients through the FNCFS program. For a portrait of requested CHRT spending, IFSD obtained a breakdown prepared by program specialists in ISC. Most CHRT-related requests came from Ontario and Saskatchewan. A subset of the requested funds was provided to recipients. This breakdown is illustrative only (see Figure 30).

FIGURE 30: CHRT funding—overview.



Results-focused evaluations of the impact of CHRT spending are not available through ISC. The framework used to capture applications of CHRT spending was input-focused, limiting understanding of the short-term impacts of the supplementary investments. IFSD attempted to supplement the data gap on CHRT spending to FNCFS agencies through

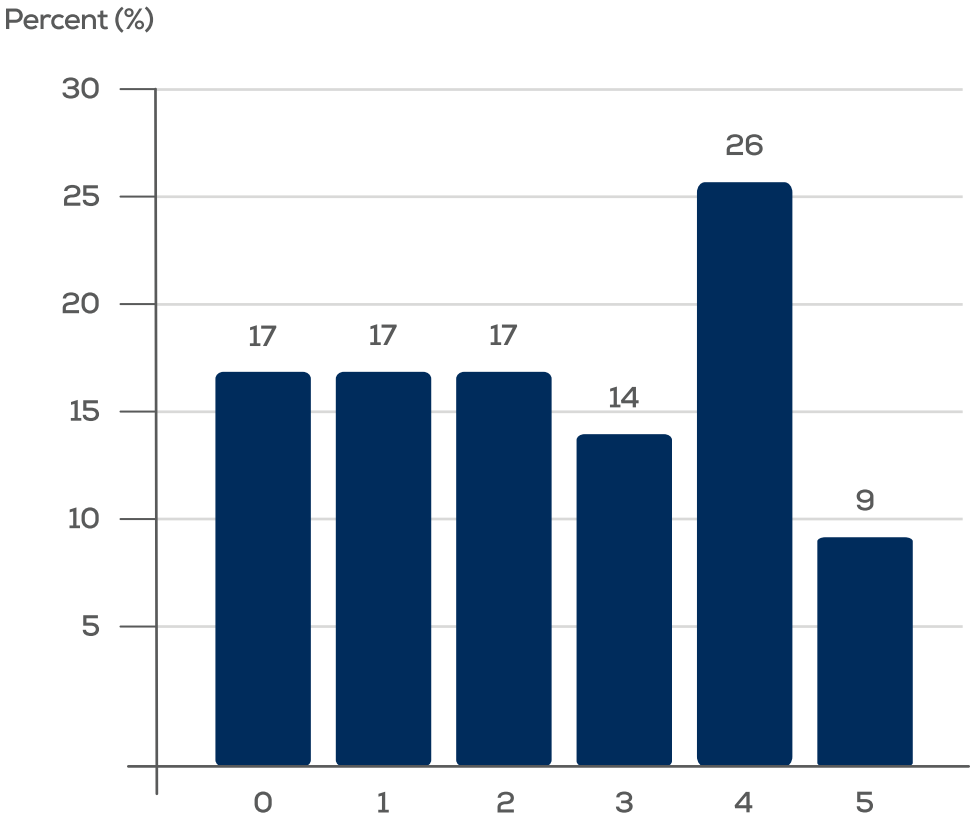
its 2019 FNCFS survey (see Application of the approach). For those agencies that requested and received CHRT funding, most applied funds to salary top-ups (to align to provincial salary scales), prevention programming, operating, and capital needs.

A well-formed public sector performance architecture will connect data through inputs (i.e. resources), outputs (i.e. program activities) and outcomes (i.e. results for stakeholders). Most tracking associated to ISC's program is based on inputs and outputs in an architecture that aligns to programs and aggregated at a national level. However, the current data architecture does not connect *results* at the level of First Nations with resource allocation. For example, four performance indicators are associated to the FNCFS program. All four are focused on inputs and outputs:

1. Percentage of First Nation communities offering family support services aimed at keeping families together.
2. Percentage of First Nations children on-reserve, in care.
3. Percentage of First Nation children entering care for the first time.
4. Percentage of children in care placed with a family member.

Across all programming activities, ISC tracks 115 separate indicators between fiscal years 2014–15 and 2018–19. Over this period of time, 10 of the 115 performance indicators (approximately 8.6%) had five years of continuously recorded data. As depicted in Figure 31, approximately 35% of indicators have four or more years of data. In contrast, just over half (51%) of indicators have two years or less of recorded data. Among indicators, there are instances (approximately, 20%) where there is a gap between one or more years between recorded data points. Half of those indicators missing data, exhibit a gap of two or more years.

FIGURE 31: Chart 1: ISC outcomes data by number of data points (%).



Approximately half of the indicators (49%) had associated measures. For instance, one measure on water and water systems tracked: "% of on-reserve public water systems financially supported by Indigenous Services Canada that have low risk ratings". The remaining fifty-eight indicators had targets that were to be determined, not applicable, or blank.

The financial data provided by ISC allowed for a number of observations. It provided a better understanding of the amount of funding, the approach through which funding was allocated, and offered clarity on recipient type. There are limitations to the data and opportunities to improve the connection between resource allocation and results. The lack of continuity in indicators and data collection limits analysis beyond the aggregate level of the program. Outcomes cannot be tied to recipients, regions, rural v. urban areas, etc. to improve resource application.

An alternative approach to performance

This report proposes an alternative approach to performance measurement, rooted in Treasury Board policy. The current policy and its predecessor, the Policy on Management, Resources and Results Structures, has been implemented in an uneven manner across Government of Canada departments. It often appears that reporting on results is oriented towards external reporting to Parliament, rather than for the purposes of managing to outcomes. Implementing a results-focused framework for linking expenditures to outcomes (not only inputs and outputs), requires departmental commitment in that it requires the performance architecture and information to support the department's allocation of resources and the management of results.

In the public sector, linking resources and results can be challenging due to actors often conflating attribution of performance outcomes with reporting on results. For instance, Environment Canada measures the weather daily but is not accountable for the forecast. Measuring results does not imply a direct accountability for the outcome. Instead, results measurement is about generating evidence for improved decision-making.

While the implementation of results policy has been uneven across the Government of Canada, there are federal initiatives with a results framework that connect outcomes and expenditures, with an evidence-driven approach. The National Crime Prevention Strategy (NCPS), within the National Crime Prevention Centre, invests in crime prevention strategies by targeting the risk factors that lead to criminal activity. The initiative is premised on early intervention to reduce crime by addressing risk factors. The program's structure allows programming dollars to be allocated to the initiatives that work. This ability to directly align funding to practices is not always an option.

To assess its results, the NCPS logic model[50] defines results-oriented indicators, such as increasing the sense of security of users of facilities and reducing hate-motivated crime in community facilities. These targets are examples of how to define programmatic outcomes, by identifying the long-term intention of the investment and linking resources and results through evaluation.

[50] Public Safety Canada, "2017–2018 Evaluation of the National Crime Prevention Strategy," last modified September 20, 2018, https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/2017-18-rprt-vltn-ncps/index-en.aspx#a01.

To apply the principles of results-oriented measurement to FNCFS, the Measuring to Thrive framework was developed in consultation with agency leadership and experts to build an evidence-focused understanding of the holistic well-being of children, families and their communities. This framework will help to define two-way accountability between the federal government as funder and the agency as service provider. As with the cases of New Zealand and Scotland[51] who have published well-being budgets and regularly track progress, performance-based budgeting requires a focus on results rather than only inputs and outputs.

[51] Helaina Gaspard and Emily Woolner, "Budgeting for Well-Being," *Policy Magazine* 2020, https://policymagazine.ca/budgeting-for-well-being/.

Part II: Measuring to Thrive performance framework

Introduction

As a new and improved performance framework, Measuring to Thrive[52] will offer perspective on the well-being of First Nations children, families, and communities (see Figure 32), in keeping with the legislatively defined principles of **substantive equality**, the **best interests of the child**, and a **culturally-informed approach**. The intent of Measuring to Thrive is to provide FNCFS agencies with a portrait of the people they serve and the context in which they operate to support enhanced decision-making and eventually, to better inform funding approaches (see Appendix J for the full framework).[53]

What you measure, you manage. This framework is a tool to promote better understanding of community in order to ensure an agency has the resources required to meet the needs of the people it serves. Measuring to Thrive is a vision to promote better results for children; it is not about measuring an agency's individual performance.

[52] Agency leadership and experts convened for a roundtable on February 21, 2020 in Ottawa at the Institute of Fiscal Studies and Democracy (IFSD), to refine a measurement framework based on the work of First Nations child and family services (FNCFS) agency leadership in 2018.

[53] The Children's Health and Well-being Measure (CHWM) is a 62 multiple choice question survey, with three open ended questions to help to assess the spiritual, emotional, physical and mental health of Indigenous children. Administered via tablet in five First Nations communities in Ontario, the survey results have helped to develop community portraits of children's wellness and the delivery of services and resources of children in need. Focused exclusively on children's health and wellness the CHWM was not designed to assess child, family and community holistic well-being.

KW'UMUT LELUM
BRITISH COLUMBIA

The dashboard agency: It's about outcomes, not about band-aids.

A focus on outcomes must be accompanied by clear lines of accountability, requisite human capital, IT and data resources.

Context
Kw'umut Lelum serves nine First Nations in British Columbia. With populations below 2,000 per community, close collaboration and engagement is facilitated. Working closely with band councils, Kw'umut Lelum works to address service gaps and not duplicate services in its communities.

The agency's appreciation for relevant data focused at the level of the child and their community, supports the development of needs-based programs built from the bottom-up. In the last two years, Kw'umut Lelum has undergone organizational shifts to build and integrate a new outcomes-focused data system. From budgets to programs, Kw'umut Lelum is building real-time portraits of its communities, their needs and what works for them.

Operating
Kw'umut Lelum had a substantive shift in its operations in 2018, with prevention funding that changed internal structures and practices. From the hiring of prevention workers for each First Nation served, to the development of a data team, the agency finally had the resources to orient its practice toward holistic well-being.

The way Kw'umut Lelum frames its challenges is rooted in a life-cycle perspective. When considering access to services, it is not only about counting which services are there an which are not, but also about barriers to access and the appropriateness of those services for communities. This nuance is an important one. Connecting context to inputs, outputs and outcomes, from the ground-up, facilitates a different way of delivering a mandate.

To build this perspective, Kw'umut Lelum began collecting quantitative and qualitative data in an integrated database. This approach helps the agency track the progress of an individual child and also understand how they, their family and community are faring together. Linking contextual information about

communities to the experiences of the individual paints a clearer portrait of the ways in which services, environment and resource allocation interact.

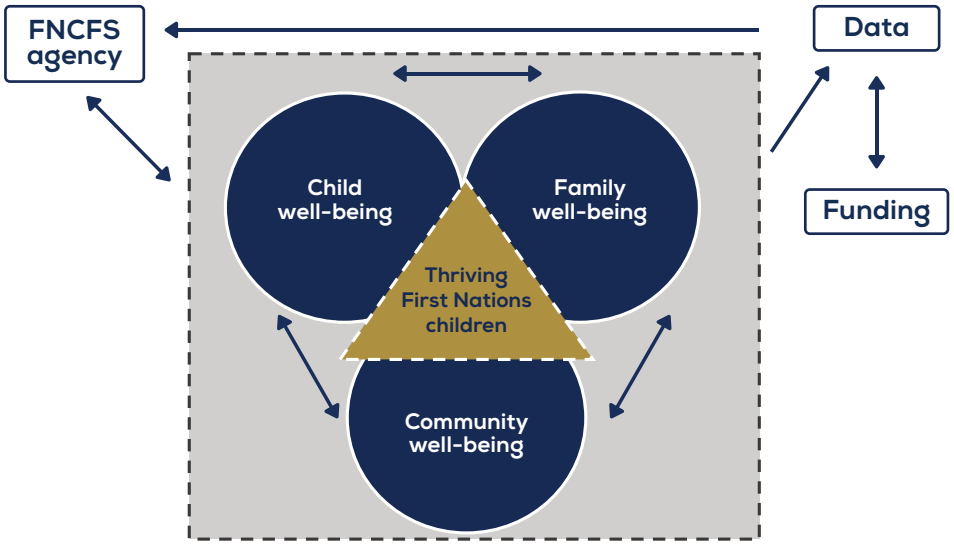
The evidence generated from the data is very useful for budget and resource planning. With an enriched perspective, budgets can be aligned to need, and verified through consultations and regular assessments with chiefs and communities. Budget allocations, especially on well-being and prevention matters are determined with input from the senior management team, the board of directors, and community consultations.

Kw'umut Lelum has three points of accountability in its organization: to their board of directors, to band management, and to the communities and their front-line staff. The system of accountability promotes cross-collaboration, connections to and knowledge of communities.

Lessons and Considerations

Change such as the type Kw'umut Lelum has introduced in the last two years does not come easily. Organizational change needs confidence building leadership and a cohesive senior team. Change may not suit everyone equally and some staff may choose to leave. Agencies should be prepared with a well communicated plan to deliver the change and be open to adjusting in-course to meet unexpected circumstances.

FIGURE 32: Measuring to Thrive framework's holistic conception of well-being.



WHAT WE HEARD

1. Context matters: The experiences and needs of individual agencies and their communities differ, e.g. urban, rural, remote, etc. ***The measurement framework must abstract to a common collective vision of well-being.***

2. Culture is key: Culture, language and land are crucial elements of belonging. Opportunities for children and families to connect with their community are important. ***The measurement framework must be read through the lens of individual cultural practices, traditions and languages.***

3. Safety is an element of well-being: Safety is not an independent goal of FNCFS, it is an important element of overall child well-being. ***Safety must be a measure within child well-being.***

4. Measuring what matters: FNCFS agencies recognize the value of collecting and using their own meaningful data for improved decision-making and funding approaches. ***Measuring what matters will take time and will require a period of testing and adjustment to refine the approach.***

5. Capacity requirements: Agencies require internal capacity and support to leverage data collection and analysis that reflects them. ***A third-party independent and trusted custodian of the data should be established to support this need, along with resources internal to agencies.***

The vision in Measuring to Thrive is expressed through three interrelated elements: the well-being of communities, families and children. Measuring to Thrive is meant to be read in the spirit of holistic well-being. As such, it is meant to be informed by the unique cultural practices, traditions and Indigenous languages integral to thriving First Nations and their communities (see Figure 33).

FIGURE 33: Measuring to Thrive framework overview.

FAMILIES
(6 indicators)

Performance area	Sample measures of indicators
Wellness and social engagement	▪ Families reporting livable income to meet needs ▪ Families demonstrating social engagement through participation in cultural traditions, teachings and ceremonies ▪ Incidents of family violence

CHILDREN
(42 indicators)

Performance area	Sample measures of indicators
Safety	▪ Incidences of child sexual abuse ▪ Number of moves in care ▪ Rates of family reunification
Cognitive development	▪ Children achieving basic numeracy and literacy targets
Social relationships	▪ Youth reporting ties to elders ▪ Youth reporting ties to siblings, extended family, friends
Emotional, cultural and spiritual well-being	▪ Children/youth reporting eating traditional foods ▪ Children/youth reporting pride in Indigenous identity
Physical health and well-being	▪ Children/youth reporting regular physical activity ▪ Percentage of teenage births

COMMUNITY
(27 indicators)

Performance area	Sample measures of indicators
Basic needs	▪ Households with drinking water flowing from tap for consumption, bathing and other uses ▪ Households with internet connectivity ▪ Community employment rate
Community services and engagement	▪ Community spaces for gatherings ▪ Community controls and runs health services
Wellness	▪ Rates of violent crime ▪ Rates of chronic health conditions
Education	▪ Community offers and controls elementary education ▪ High school graduation rates

The vision in Measuring to Thrive is meant to be universal. No matter where you reside, there can be agreement on the highest order elements that indicate thriving communities, families and children. While Measuring to Thrive is a common expression of well-being, individual agencies will deliver their mandates in the best interests of the communities they serve. This means that remote, rural, urban, large and small agencies may have differing needs and approaches to their practice, but may find unity in the pursuit of well-being for thriving children, families and communities.

Ideally, the Measuring to Thrive framework receives strong and broad-based support and is used in part or in full as a common tool for data development and tracking among federally funded FNCFS agencies. As proposed and agreed during the roundtable, it would be imperative for FNCFS agencies and for their communities to have any data collected through this framework transferred to a neutral, reliable and trusted third-party who would be a custodian of the data. This data would belong to FNCFS agencies and their communities. An institution such as the First Nations Information Governance Centre (FNIGC) could be leveraged or an agency similar in style to the University of Chicago's Chapin Hall, could be established in Canada to securely house, analyze and support FNCFS agencies in the collection and application of their data. Over time, as increased amounts of data are collected and analyzed, the data's predictive value would improve making it a helpful planning tool.

In the current state of FNCFS, there is a lack of alignment between social policy and financial resources. Social policy research and FNCFS agencies have repeatedly emphasized the importance of prevention-focused approaches to care that empower children, families and communities, rather than focusing on protection. Approaches taken by FNCFS agencies in pursuit of the well-being of their communities are numerous. There are, however, established gaps in their regular funding in areas such as prevention, capital and information technology. Poverty is a critical gap to address and was used euphemistically to capture the challenging contexts in which many FNCFS agencies operate. Such challenges include limited housing and housing in need of major repairs, access to potable water from the tap, access to broadband, etc.

FNCFS agencies do not operate in a vacuum but are influenced by the realities of the communities they serve. Ensuring that financial resources are aligned to the realities of their circumstances is necessary to support the well-being of communities. Achieving alignment between policy and resources requires people, processes and data to deliver operations and promote accountability.

As active organizations in a network of services in their communities, FNCFS agency activities are ideally focused on investing in people and collaborating to support the development of capable human beings. Inter-relationality is paramount, as individuals are wholly well with a sense of community.

In the Measuring to Thrive framework, **community** is a network of belonging and support; **family** is a collection of people who may have blood relations that support each other almost every day; **child** is a young person on a journey to adulthood.

CARRIER SEKANI FAMILY SERVICES BRITISH COLUMBIA

Empower your staff to deliver the best programming, informed by your own data, evidence and cultural approach, to build a trusted organization focused on well-being. Scale matters. Large and sophisticated agencies have the resources for such activities as research and communications that drive results and community connectedness. No matter an organization's size, its growth has to be paired with change management and resources in IT infrastructure, human resources, and capital assets.

Context

Carrier Sekani Family Services (CSFS), is a large prevention-focused organization serving eleven First Nations from three offices in and around Prince George, Vanderhoof, and Burns Lake, as well as Health Centres on-reserve in north central British Columbia. The agency's life cycle model (from cradle to grave), informed by its own research, extends across health and social programs and services. From intensive family preservation to telehealth initiatives, CSFS has empowered its staff to innovate, try, fail, and succeed, in support of the people and communities they serve.

Operations and Programs

Working cohesively as an organization, CSFS seeks to design its services to strengthen capacity in communities, and to support the development of happy and healthy children and families. There is no 'wrong door' in at CSFS. Staff are well connected and freely collaborate within the organization. An individual or family in need of support will find a wrap-around approach to services.

Strong leadership, research and policy are pillars of CSFS's integrated approach. Senior executives are credited with creating an environment that empowers staff, making them feel accountable for the organization and its outcomes. Managers run business lines in the organization, with latitude to solve problems and innovate to meet community needs. The organization has developed a Terms of Reference, unique to each First Nation, outlining its process for integrated care meetings.

CSFS's over 200 staff are regularly convened for meetings (typically, virtually), in which updates are shared and ideas discussed. Complex care clients/patients are reviewed at monthly integrated care meetings. The regular contact and awareness reinforce the integral role staff play in the operation. Staff retention is high.

CSFS's research program is a defining element of the agency. Current research in health, psychology, social services, etc. is paired with internal data and evidence to build policies and programs that support outcomes. Staff value the relationship they describe as 'symbiotic' with the research team, as they engage in 'true collaboration,' in their work. The research team maintains connection to community through a Research Advisory Board made up of knowledge holders from each member nation.

There are direct linkages between research and programming at CSFS. Programs such as, the Intensive Family Preservation Program are informed by research on traditional child rearing and traditional laws. The youth program, Walk Tall, was shaped by research and findings from the Youth Suicide Project. Following ten years of research, the Family Law Program was established to support families. Mediators associated to this program are trained through a specialized course, delivered in partnership with the University of Northern British Columbia for which university course credits are earned.

An in-house curriculum, "Our Way," was developed define a culturally informed approach to services, specific to the eleven First Nations CSFS serves. The approach has become very popular in the organization and even outside of it, with paid training.

The emphasis on data, evidence and evaluation is built-in to new initiatives and programs. Services are accredited with the highest recommendation possible in audits. For example, Youth Services, a relatively new department is building in community consultations and evaluations with participating members into their practice from the outset. This work encourages in-course corrections by adjusting practices to meet needs.

This theme of informed, accountable and empowered staff extends across the agency. There is a focus on care with social workers carrying an average of eight cases. This changes the dynamic of care, with social workers able to focus on people instead of paperwork. The agency's vision is core to staff retention; the organization doesn't just respond to crises; they work with families to build better futures. Staff feel valued, contribute ideas, engage in research, build programs and policies from the ground-up.

Outward Facing Connections

Serving eleven communities and a large staff, CSFS has built a Communications Team that runs social media accounts, a YouTube page and contests. The team helps to share stories and practices for well-being in the communities. They share information, promote events, and encourage awareness of CSFS.

The community engagement goes beyond a one-way transfer of information to focus on development. CSFS contracts the Nicola Valley Institute of Technology to run customized training programs. With training funded by CSFS, community members can pursue human resource training and social work training and work for the agency. CSFS's presence in communities is constant, and not exclusively associated to protection problems. By investing in communities, CSFS benefits from their engagement and trust.

Conscious that service offerings differ in community and in cities, CSFS is working to foster a similar continuum of services. Programming tends to be more extensive in communities, while many members are moving into urban centres. The continuity of service is important to CSFS, and they are extending their capacities to meet their community members wherever they reside. Infrastructure, such as CSFS's electronic medical record, provides real time access to the same information throughout the territory, helping staff to support patients wherever they are accessing services.

In the last two years, CSFS has expanded its programming offerings with funding from CHRT rulings. The growth while exciting, highlighted the importance of pairing change with requisite IT infrastructure, human resources, and capital assets. Responding to the concerns of managers who had lengthy hiring waits and a need for space, was critical to sustaining morale in changing circumstances.

Lessons and Considerations

Major growth can be exciting and challenging. When circumstances change, it is imperative that staff are supported and are actively engaged in change management. Technical, human and infrastructure resources should be commensurate to mandate and grow/change with priorities.

Research, data and evidence can be powerful tools to inform and enhance policies and programming. While not all agencies will have a research directorate, emulating program-level evaluation practices, data tracking and in-course adjustments can yield benefits by capturing and applying learnings in future decisions.

A cohesive and high-functioning organization is built on trust and the contributions of its members. CSFS has nurtured an environment that creates a supportive space for staff to innovate, with accountability for outcomes.

Applying the framework

On a quarterly basis, data on the indicators in the Measuring to Thrive framework would be collected. Data will come from various sources, including case files from the agency, as well as external publicly accessible data, e.g. Regional Health Survey, Statistics Canada, etc. Any data to complete the framework will not identify individuals. Measuring to Thrive is designed to collect information in aggregate to protect the privacy of individuals.

As the agency completes the framework, the data would be accessed by the third-party custodian (i.e. First Nations-led secretariat) responsible for scrubbing and analyzing the data. On a quarterly basis, researchers from the third-party will meet with agency leadership to discuss the analysis and potential applications on the ground.

Transitioning to a data collection and monitoring system that supports FNCFS agencies is not expected to be seamless. There will be a period of transition where testing and further refinement will be essential. It is expected that in order to get to the best possible version of Measuring to Thrive, revisions through use will be necessary. Testing the framework is the only way to ensure it reliably reflects the realities of FNCFS agencies and their communities.

FNCFS agencies have an opportunity to leverage the information (data); heart (stories); and resource needs (funding) of their communities to support them. There are four parts to the Measuring to Thrive framework:

1. Support improved decision-making by collecting relevant data aligned to a common vision;

2. Ensure data is good quality and connected to the realities and stories on the ground;

3. Ensure agencies have the capacity and support required to collect and analyze the data;

4. Inform resource allocation moving forward to promote a results-focused approach and allocative efficiency.

Taken together, the parts of the Measuring to Thrive framework can encourage a culture of accomplishment within FNCFS agencies wherein measurement is a tool to promote holistic well-being, supported through requisite resources.

Supporting software

FNCFS agencies will have their own case management systems to track their activities. Often, the data collected in these systems aligns to provincial requirements for child and family services and may not connect to overall holistic well-being of the child, family and community. IFSD has collaborated with software developers to build a complementary tool for FNCFS agencies to collect data and track their progress in alignment to the Measuring to Thrive framework (see the Measuring to Thrive software application details below).

There are other software providers, such as RedMane Technology,[54] that can offer agencies cloud-based solutions to data collection and integration with case management tools. A Chicago-based company, RedMane has offices in Vancouver and works with several FNCFS agencies across Canada. Its self-described expertise are in social service-oriented tools, including the mCase platform,[55] with capacity for systems integration, and off-the-shelf software implementation.

[54] See RedMane Technology's website, https://www.redmane.com/.

[55] See RedMane Technology's mCase platform, https://www.redmane.com/mcase/.

FNCFS agencies will have options and resources on how best to pursue their data collection and analysis in connection to the Measuring to Thrive framework.

Consistent, national data collection is possible. The United States and Australia—both federations with state-level governments involved in the provision of social policy—have national data collection practices on children in contact with the protection system, their experiences in care, and their transition out of care. Australia's data is principally an aggregation of child-level data, with additional sources. The United States has different databases, associated to the child's contact with the protection system. The Adoption and Foster Care Statistics (AFCARS) database collects information on care placement and adoptions. States are required to provide the information twice a year. Data for the National Child Abuse and Neglect Data System (NCANDS) database is voluntary for states, whereas information for the National Youth Transition database is collected through a mandated state-administered survey (see Table 5). The practice of regular, national data collection on child protection is possible, even in federal states. A national authority is often integral in defining the requirement or in orchestrating the aggregation.

TABLE 5: National data collection in child welfare in the United States and Australia.

Jurisdiction	Primary data sources	Data collected	Data custodian
United States	*Adoption and Foster Care Statistics (AFCARS)*: Collects information from Title IV-E agencies[56]	Case-level information on children in foster care[57]	United States Children's Bureau
	National Child Abuse and Neglect Data System (NCANDS): Data are submitted voluntarily by the states	Child welfare outcomes and characteristics of child maltreatment[58]	
	National Youth in Transition survey: States administer the survey to cohorts of youth at ages 17, 19 and 21[59]	Outcomes of youth currently in or recently aged out of foster care	
Australia	*Child Protection National Minimum Data Set/National Child Protection Data Collection*: Extracted from state and territory child protection administrative data sets[60]	Information on[61]: ▪ belonging and identity ▪ care planning ▪ connection to family, culture and community ▪ education ▪ health ▪ participation in decisions ▪ safety, stability and security of children and young people in care ▪ social and recreational needs ▪ training and support for careers ▪ transition from care	Australian Institute of Health and Welfare
	National survey of children in out-of-home care: Data are collected by the state/territory departments[62]		

[56] National Child Abuse and Neglect Data System, "Adoption and Foster Care Statistics (AFCARS)," accessed on July 27, 2020, https://cwoutcomes.acf.hhs.gov/cwodatasite/methodology.

[57] Children's Bureau An Office of the Administration for Children and Families, "Adoption & Foster Care Statistics," updated October 24, 2019, https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars.

[58] U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, "Child Maltreatment 2018," accessed on July 27, 2020, https://www.acf.hhs.gov/sites/default/files/cb/cm2018.pdf#page=10.

[59] National Youth in Transition Database, "Highlights from the NYTD Survey: Outcomes reported by young people at ages 17, 19, and 21 (Cohort 2)," Data Brief #7, (November 2019), https://www.acf.hhs.gov/sites/default/files/cb/nytd_data_brief_7.pdf.

[60] Australian Institute of Health and Welfare, "Child Protection Australia 2018–19," Child welfare series, no. 72, cat. No. CWS 74, (Canberra: AIHW, 2020), https://www.aihw.gov.au/getmedia/3a25c195-e30a-4f10-a052-adbfd56d6d45/aihw-cws-74.pdf.aspx?inline=true.

[61] Child Family Community Australia, "Children in Care: CFCA Resource Sheet," Australian Government, updated September 2018, https://aifs.gov.au/cfca/publications/children-care.

[62] Australian Institute of Health and Welfare, "National survey of children in out-of-home care 2018," Australian Government, updated March 1, 2020, https://www.aihw.gov.au/about-our-data/our-data-collections/national-survey-children-out-of-home-care-2015-1.

"MEASURING TO THRIVE" SOFTWARE APPLICATION

To deliver on results-focused outcomes for thriving children a web-based online system is being developed to capture outcome data from each CFS agency and to report the collected results. The current working name for this performance framework is "Measuring to Thrive". **It is important to note that all elements of the system are customizable, including branding. The IFSD logo was merely included as a placeholder in this mock-up.**

Technical Architecture

The solution is entirely "cloud-based" and designed and built to run on the Microsoft Azure cloud platform. All critical elements such as the application, web and database servers are located in Canadian data centres.

Database Technology

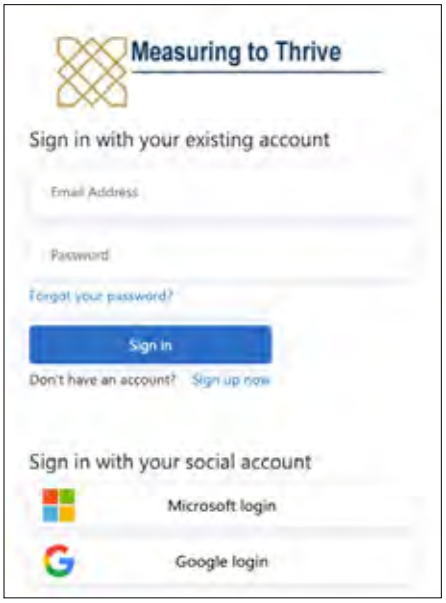
The system is built using the Microsoft Cosmos DB service (MS-SQL). The database can be easily configured to scale up and down to maximize cost efficiencies while still allowing for performance growth as demands require.

Application Server Technology

The application uses modern open-source technologies (Node.js) and is configured to only permit authenticated encrypted connections (HTTPS exclusively).

Application Analytics and Monitoring

The system leverages Azure's sophisticated Monitoring and Alerting features to provide administrators with relevant and timely information regarding the system's health and performance. All data gathered is automatically anonymized in a manner that preserves user privacy.



Identity & Access Management

The system permits an authorized user to login leveraging a Microsoft or Google ID or another email account of their choosing. The underlying technology uses Azure Active Directory B2C (AAD B2C)—a cloud-based identity and access management solution that can scale to hundreds of millions of identities.

Data Residency

All core application code as well as all sensitive application data and reported outcomes are stored exclusively on Canadian servers.

Data Model Overview

Agencies

There are 100+ First Nation Child and Family Services agencies in Canada. One record will exist for each agency and will contain descriptive information such as Agency Name, Address, etc. Each agency can have multiple user identities associated with it for secure login and data entry purposes. Agency records are setup and maintained by the system operator—not individual agencies.

Users

Each agency may have more than one individual who is permitted to login and view, enter or edit appropriate outcome data for an agency's communities. Each user will have a unique identity linked to an authoritative third-party provider such as a Microsoft or Google ID or a user selected email address linked to an Azure Active Directory B2C Local Account.

Bands

For the purposes of this performance reporting system each First Nation corresponds to a federally recognized Band—each of which has a unique Band Number. Each Band can be associated with one or more Reserves (Communities). Band records are setup and maintained by the system operator not individual agencies.

Reserves

For the purposes of this performance reporting system each community corresponds to a federally recognized Reserve—each of which has a unique Reserve Number. Each Reserve is associated with a Band. Each agency is responsible for one or more reserves (communities). Data entry (input) will occur at the reserve level of granularity. Reserve records are setup and maintained by the system operator not individual agencies.

Key Performance Indicators and Hierarchy

Indicators are grouped into a hierarchy illustrated below.

Component	Description
Strategic outcome	Broad but distinct societal areas of focus to achieve the strategic outcome.
Performance areas	The lenses through which progress on strategic outcomes can be understood.

As an example: The overarching goal is "*Enabling First Nations Children to Thrive*".

The overarching goal is made up of three Strategic Outcomes: Child and Youth Well-being, Family Well-being, and Community Well-being.

As a further example, the Child and Youth Well-being Strategic Outcome consists of five Performance Areas: Safety; Cognitive development; Social relationships; Emotional, cultural and spiritual well-being; Physical health and well-being

The Safety Performance Area breaks down to distinct Indicators:

- Number of serious injuries or deaths; Recurrence of child protection concerns after ongoing protection services; Child abuse (excluding sexual abuse); Child sexual abuse; Rate of family reunification; Timeliness of customary care; Percentage of children with kin and/or Indigenous families within their community; Quality of caregiver and youth relationship; Regular opportunities for relational connections to community; Out of home placement rate; Number of moves in care

KPI Definitions & Effective Dates

The system defines the Indicator name, data types, formula, description, etc. Since the Indicators in use will likely need to evolve over time, indicators include effective dates to dictate when they go live in the system and when they are retired from use. The data entry interfaces as well as reporting leverage effective dates to filter for relevant Indicators.

Periods

It has been decided that Government of Canada (GoC) financial years and fiscal quarters will be the basis of the application's calendar. GoC fiscal quarters are defined as: Q1 = April–June; Q2 = July–September; Q3 = October–December; Q4 = January–March.

Outcomes (Indicator Data)

Outcomes are the measurements of KPIs that are entered into the system. This is the most granular level of data in the application.

- Indicators for Child and Youth Well-being and Family Well-being will be reported by each agency for each reserve they serve on a quarterly basis.
- Indicators for Community Well-being will be entered by the system operator for each reserve on an annual basis using authoritative data from sources such as Statistics Canada, ISC, or other sources.

Record Level Security

All data entry and reporting in the system is filtered and secured such that only relevant data is visible/accessible to users based on their roles. In particular, it should be noted an agency user is only able to see the Bands and Reserves they serve and not the Bands and Reserves of other agencies.

Roles

The system envisions different roles for Agency and System Operator personnel with each having access to different privileges, capabilities and visibility over data. It is possible for a single user identity to have more than one role assigned. Specifically, while Agency staff will typically only have the "User" role assigned, System Operator personnel may have either "Administrator", or "Data Manager", or both "Administrator" and "Data Manager" assigned.

Administrator Role

The role of Administrator is assigned to System Operator personnel. This role will manage the general application settings and branding, updating the KPI definitions and associated hierarchy and maintaining text elements such as the help files, Terms of Use, etc.

Data Manager Role

The role of Data Manager is assigned to System Operator personnel. This role has three primary functions:

1. Create or edit Agency records and manage Agency License Keys for user onboarding;
2. Create or edit Band and Reserve records;
3. Enter or Edit Community Well-being data as required. Also, occasionally enter or edit Child and Youth Well-being & Family Well-being Outcomes data as required to support Agency personnel.

User Role

The role of User is assigned to an Agency User associated with a specific Agency. Each user will have a unique login that permits them to:

1. View/Enter/Edit data for Child and Youth Well-being as well as Family Well-being outcomes for each of their agency's reserves.
2. View/Select and export historical outcomes data for their reserves (including Child and Youth Well-being, Family Well-being as well as Community Well-being) for presentation or further analysis using tools such as Microsoft Excel.

User Interface/Experience (UI/UX)

The system is developed to support modern desktop browsers. The nature of the performance reporting system is "information dense". As such, the application is designed/optimized to be accessed primarily via desktop-grade web browsers. While the application can work with mobile devices, such as tablets, the experience may be suboptimal.

English or French User Experience

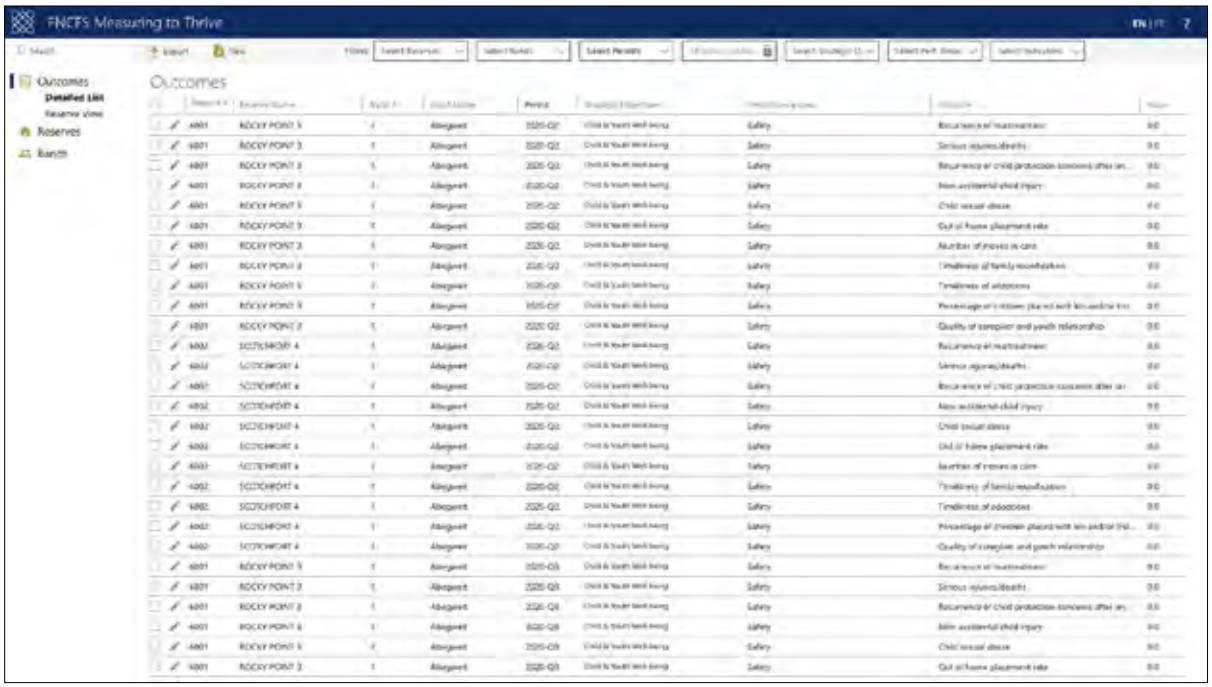
The application permits any user to operate the system in English or French and dynamically switch between the languages via a toggle.

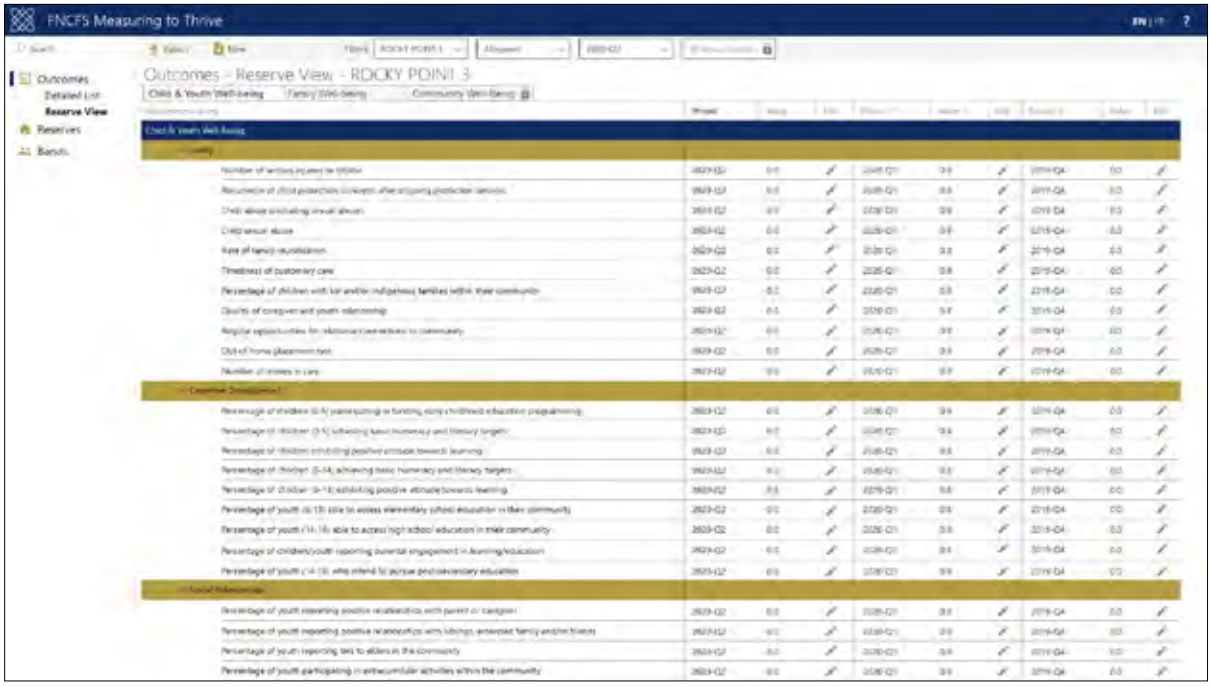
Dynamic filters

The application is very "data dense" and thus the UI employs a series of filters to allow selection of a subset of Agencies, Bands, Reserves, Indicators and Outcomes, in addition to "Time-based" filters for desired periods, to efficiently isolate desired historical records as required.

Screenshots

The screenshots shown below illustrate the initial mockup of a user's experience of Outcomes both as a Detailed List view and a Reserve View. Please note the data shown is only a placeholder—not actual outcomes.





Building well-being into performance

While the concept of well-being has received increasing attention from scholars and practitioners, both from states and international organizations, the issue of citizen well-being originally gained momentum during the 1970s. The child well-being indicator movement grew out of the broader recognition of social indicators of well-being. As a result, in 1979, UNICEF launched the State of the World's Children reports and the World Bank published a World Atlas on the Child. That year, Child Trends was established by the Foundation for Child Development to monitor child well-being. The OECD also started producing reports on family demography and education during this time.

The importance of measuring and tracking child well-being in particular is clearly articulated in the relevant literature as being imperative to ensuring thriving futures, both for individual children and for society as a whole. As reported by the World Health Organization (WHO), "The early child period is considered to be the most important developmental phase throughout the lifespan (…) What happens to the child in the early years is critical for the child's developmental trajectory and life course."[63]

Originally, the intent of child well-being indicators was to monitor children's survival[64] and to protect children from the most severe and pressing risks to safety. Hence, these national social indicator systems focused on sounding alarms to focus attention upon pressing problems that needed to be rectified and included very few positive indicators.

Over time, the concept of child well-being expanded to address a broader range of competencies.[65] In recent decades, a theoretical shift has occurred in understanding the development of children's needs and behaviours and how to support optimal development.[66]

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[63] World Health Organization, "Social determinants of health: Early child development", World Health Organization, (2019), https://www.who.int/social_determinants/themes/earlychilddevelopment/en/.

[64] Asher Ben-Arieh, "The child indicators movement: Past, present, and future," *Child Indicators Research* 1, no. 1 (2008): 3–16.

[65] D. S. Rychen, and Salganik, L. H. (Eds.), "Key Competencies for a Successful Life and a Well-Functioning Society," (Ashland, OH: Hogrefe and Huber Publishers: 2003).

[66] Reed W. Larson, "Toward a psychology of positive youth development," *American psychologist* 55, no. 1 (2000): 170; Richard M. Lerner and Peter L. Benson, "Developmental assets and asset-building communities: Implications for research, policy, and practice," Vol. 1, *Springer Science & Business Media*, (2003); Richard M. Lerner and Laurence Steinberg, "The scientific study of adolescent development," *Handbook of adolescent psychology* 2 (2004): 1–12; Peter L. Benson and Peter C. Scales, "The definition and preliminary measurement of thriving in adolescence," The Journal of Positive Psychology 4, no. 1 (2009): 85–104; Peter C. Scales, Peter L. Benson and Eugene C. Roehlkepartain, "Adolescent thriving: The role of sparks, relationships, and empowerment," Journal of youth and adolescence 40, no. 3 (2011): 263–277.

This new conceptual approach is explicitly strengths-based, focusing on cultivating children's assets, positive relationships, beliefs, morals, behaviours, and capacities to give children the resources they need to grow successfully across the life course.

There has also been a shift from an adult perspective on child well-being towards a child-focused perspective, with broad acceptance for children's subjective perspectives on their own well-being and for children as reporters as a preferred method of assessing their well-being. In the future, children will likely be increasingly active participants in measuring and monitoring their well-being.[67] Positive indicators have been used to describe the competencies, skills, behaviours, and qualities, as well as the relationships and social connections, which foster healthy development across the domains of a child's life.

THE HUMAN DEVELOPMENT ECOSYSTEM

Inherent in the relationship between individual and collective well-being is the concept of a human development ecosystem. Urie Bronfenbrenner, founder of the US federal program Head Start and one of the world's leading scholars on the impact of public policy on child development, has called this interdependence of individuals and societies the "Ecosystem of Human Development".[68] As a reflection of this multidimensional approach to child welfare, many theoretical approaches to family and community well-being have since adopted Bronfenbrenner's Ecological Systems Theory as a underlying basis for intervention.

According to this theory, child development is comprised of four layers of systems which interact in complex ways and can both affect and be affected by an individual child. Later, Bronfenbrenner added a fifth dimension comprising an element of time. In this conception, the microsystems in a developing child's life (family, school, peers) are proximal contexts which directly influence an individual child and their development. In other words, these are "activities, roles, and interpersonal relations experienced by the developing person in a given setting with particular physical and material characteristics"[69] at the innermost level. These microsystems, however, are nested and affected by broader contexts (exo- and macrosystems).

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[67] Asher Ben-Arieh, "The child indicators movement: Past, present, and future," *Child Indicators Research* 1, no. 1 (2008): 3–16.

[68] Urie Bronfenbrenner, "Ecological systems theory," *Annals of child development*, 6, (1989): 187–249; Urie Bronfenbrenner, "Developmental ecology through space and time: A future perspective" (1995) cited in P. Moen & G. H. Elder, Jr., (Eds.), "Examining lives in context: Perspectives on the ecology of human development," (Washington, DC: American Psychological Association): 619–647.

[69] Bronfenbrenner, (1979): 22.

Bronfenbrenner's approach emphasizes the influence of complex relationships within various levels in the environment on a child's development. In the practice of child and family services, these insights reflect the importance of a holistic approach to well-being that includes consideration of a child's context. As a result of these insights, Bronfenbrenner has been described as a pioneer in the study of child and youth care.[70]

As documented in an OECD report[71] on child welfare, there are two prominent strands in the literature on child well-being. The "developmentalist perspective," emphasizes the detrimental effects of costly outcomes, using indicators such as sickness and poverty. The "child rights perspective," by contrast, tends to focus on positive or strength-based measures of child well-being.

CHILD WELL-BEING TODAY: THE SHIFT TOWARDS PREVENTION AND EARLY INTERVENTION

According to the United States' Children's Bureau, in the last fifty years there has been an increased focus on prevention services in child welfare. The change in approach recognizes the contextual factors that impact a child's well-being and the important roles that communities, intervention services, and others play in child safety and wellness.[72] In the 1990s, the United States began funding family support services more intensively to help reduce abuse and neglect. From counselling to in-home assistance programs, the funding recognized the value of prevention-focused interventions for children, families and communities.[73] The downstream social and financial costs of contact with the protection system outweigh the costs of early intervention (see The cost of doing nothing).

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[70] Jacqueline Barnes, Ilan Barry Katz, Jill E. Korbin, and Margaret O'Brien, *Children and families in communities: Theory, research, policy and practice*, Vol. 10, John Wiley & Sons, 2006; Larry K. Brendtro, "The vision of Urie Bronfenbrenner: Adults who are crazy about kids," *Reclaiming children and youth* 15, no. 3 (2006): 162; M. Cole (1979), *Preface*, in U. Bronfenbrenner, *The Ecology of human development: Experiments by nature and design*, Cambridge, MA: Harvard University Press; Phyllis Moen, Glen H. Elder Jr., and Kurt Lüscher, *Examining lives in context: Perspectives on the ecology of human development*, American Psychological Association, (1995): 1–11; Alan R. Pence, Conclusion, in A. R. Pence (Ed.), *Ecological research with children and families: From concepts to methodology, Teachers College Press*, (1988): 222–226; Richard M. Lerner, Foreword, in U. Bronfenbrenner (Ed.), *Making human beings human: Bioecological perspectives on human development*, Thousand Oaks, CA: Sage, (2005): ix–xxvi.

[71] OECD, "Chapter 2: Comparative child well-being across the OECD" in *Doing Better for Children*, (2009), https://www.oecd.org/social/family/43570328.pdf, p. 24.

[72] United States Children's Bureau, "Child Maltreatment Prevention: Past, Present, and Future," *Issue Brief* July 2017, accessed on July 27, 2020 https://www.childwelfare.gov/pubPDFs/cm_prevention.pdf.

[73] United States Children's Bureau, "Child Maltreatment Prevention: Past, Present, and Future," *Issue Brief* July 2017, accessed on July 27, 2020 https://www.childwelfare.gov/pubPDFs/cm_prevention.pdf.

INDIGENOUS PERSPECTIVES ON WELL-BEING

Insofar as First Nations child well-being is discussed within the context of health, social determinants of health are often mentioned. Social determinants of health refer to the living and working conditions which exert an influence over health outcomes. Oftentimes, these relate to an individual's place in society, such as income, education or employment. Other examples of social determinants of health for First Nations adults living in First Nations communities in Canada include community wellness, education, labour force characteristics, personal health practices, health services, culture, and the physical environment.

Similarly, the framework proposed by Finlay, Hardy, Morris, and Nagy (2009) suggest that, in Canada, Aboriginal status, early life, education, employment and working conditions, food security, health care services, housing, income and its distribution, social safety net, social exclusion, as well as unemployment and employment security are identified as social determinants of health.[74] Other determinants of health among First Nations peoples include colonization, globalization, migration, cultural continuity, access, territory, poverty, self-determination, disempowerment, and a lack of control over one's destiny.[75]

According to the Cultural Framework developed by the First Nations Information Governance Centre (FNIGC), health and well-being in a First Nations context can be defined comprehensively as the total health of the total person in the total environment. FNIGC references work by traditional teacher, Jim Dumont (2005), who defines total health as: "all aspects and components of health and well-being seen as integrally interconnected with one another within an inclusive, inter-related and interactive web of life and living." The total person encompasses "all dimensions of personhood—understood to be body, mind, heart and spirit." Total environment refers to "a healthy connection and relationship with the living environment—this being constituted of the land and the natural, cultural, structural/material, political, historical, behavioural, community, family and everyday living environment."[76]

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[74] Judy Finlay, et al., "Mamow Ki-ken-da-ma-win: A Partnership Approach to Child, Youth, Family and Community Well-being", *International Journal of Mental Health and Addiction* 8, no. 2, (December 30, 2009): 245–257.

[75] Judy Finlay et al., 2009; Darcy Hallett, Michael J. Chandler, and Christopher E. Lalonde, «Aboriginal language knowledge and youth suicide,» *Cognitive Development* 22, no. 3 (2007): 392; Malcolm King, Alexandra Smith, and Michael Gracey, «Indigenous health part 2: the underlying causes of the health gap,» *The Lancet* 374, no. 9683 (2009): 76–85; Chantelle AM Richmond, and Nancy A. Ross, «The determinants of First Nation and Inuit health: A critical population health approach,» Health & place 15, no. 2 (2009): 403–411.

[76] First Nations Information Governance Centre, "National Report of the First Nations Regional Health Survey Phase 3: Volume Two", (2018): 8, https://fnigc.ca/sites/default/files/docs/fnigc_rhs_phase_3_volume_two_en_final_screen.pdf.

According to McCubbin et al. (2013),[77] Indigenous well-being denotes a relational perspective which emphasizes 'the collective' over 'the individual' as a distinct entity. Hence it is closely tied to culture and spirituality, as well as to social and emotional, physical, subjective and economic well-being.[78]

In Canada, FNIGC has conducted the Regional Health Survey (RHS) of Aboriginal populations since 1997. The RHS collects information of on-reserve and northern First Nations communities based on Western and traditional understandings of health and well-being.[79] The Government of Canada also employs the Community Well-Being Index, which measures socio-economic well-being for individual communities across Canada. It includes 4 components: education, labour force activity, income and housing.[80]

For an overview of well-being initiatives in Australia, Canada, New Zealand, and the United States, see Appendix K. A review of the approaches suggests commonality among Indigenous peoples in holistic perceptions of health and well-being. There are, however, differences in the framing and approaches that individual countries adopt when engaging on Indigenous health.

[77] Laurie D. McCubbin et al., "Relational well-being: An indigenous perspective and measure," *Family Relations: An Interdisciplinary Journal of Applied Family Studies* 62, no. 2, (March 4, 2013): 354–365.

[78] Simon Colquhoun and Alfred Michael Dockery, "The link between Indigenous culture and wellbeing: Qualitative evidence for Australian Aboriginal peoples," (2012); Cynthia Ganesharajah, *Indigenous health and wellbeing: the importance of country*, Native Title Research Unit, Australian Institute for Aboriginal and Torres Strait Islander Studies, 2009; Romy Greiner et al., *Wellbeing of Traditional Owners: conceptual and methodological approach*, No. 416-2016-26218. 2005; Vicki Grieves, "Indigenous Well-Being in Australian Government Policy Contexts," *AlterNative: An International Journal of Indigenous Peoples* 3, no. 1, (June 1, 2006): 4–25; Erika Bockstael and Krushii Watene, "Indigenous peoples and the capability approach: taking stock," *Oxford Development Studies* 44, no. 3 (July 2016): 265–270; Jon C. Altman, "Economic development and Indigenous Australia: contestations over property, institutions and ideology," *Australian Journal of Agricultural and Resource Economics* 48, no. 3 (September 20, 2004). Ricardo Godoy et al., "The effect of market economies on the well-being of indigenous peoples and on their use of renewable natural resources," *Annual Review of Anthropology*, 34 (November 25, 2005): 121–138.

[79] FNIGC, "Our work. About RHS," accessed July 17, 2020, https://fnigc.ca/our-work/regional-health-survey/about-rhs.html.

[80] Indigenous Services Canada, "Community Well-Being Index," accessed July 27, 2020, https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695.

Performance budgeting and performance measurement

Performance measurement frameworks underpin a well-functioning performance-based budgeting system. A well-articulated performance measurement framework aligns desired outcomes to resources, to evaluate the impact of a program in achieving these results over time.

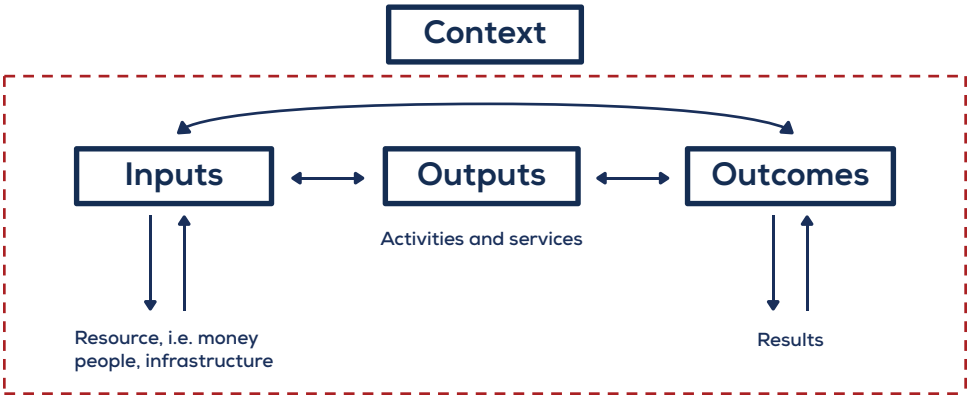
Effective management requires an explicit connection among resources (inputs), activities (outputs) and results (outcomes). IFSD's role is to find the optimal and sustainable combination of inputs and outputs to deliver desired outcomes. This is a complex undertaking that requires data, contributions from FNCFS agencies and other experts, as well as cost-benefit analysis.

An effective performance measure framework will maintain a clear connection between structures, incentives, and results-tracking. Although the implementation of a performance measurement framework for a large-scale program can be administratively challenging, it is undoubtedly a crucial component of sound financial management and clear accountability. Changes in inputs will translate into changes in activities with impacts on results, all of which are informed by context (see Figure 34).

A performance framework is a means through which to establish accountability and conduct regular evaluations and reviews of performance to ensure that resources and funding are optimally allocated and aligned towards the realization of the desired strategic outcome. If there is a well-functioning governance and management system supporting the FNCFS performance measurement framework then an evidence-based answer to the fundamental question of the progress in the welfare of First Nations children may be ascertained.

FNCFS, like any service, does not occur in a vacuum. First Nations children often have disadvantaged points of departure (housing, poverty, health, etc.). Recognizing these contextual realties and resourcing (in human, financial, and infrastructure terms) to mitigate them, is necessary to support FNCFS agencies in their work. Simply throwing money at the system will not necessarily generate better results for children, families and communities.

FIGURE 34: Standard performance framework overview.



Based on the literature on child welfare at the individual, familial, and community levels, many experts and practitioners now recognize the multiple dimensions of child well-being rooted in social ecosystems, as well as the importance of utilizing results-based frameworks to promote these attributes. Building from this research detailed earlier in this section, the performance measurement framework is intended to provide a measurable outcome-based framework that will underpin a results-focused FNCFS funding approach across Canada.

The long-term and medium-term outcomes and results are captured at the top of the performance measurement framework by the 'thriving First Nations children' outcome with child well-being, family well-being and community well-being sub-strategic outcomes.

The performance elements and programs supporting each sub-strategic outcome are the basis for linking activities, budgetary inputs and short-term performance indicators with the long-term and medium-term outcomes at the strategic and sub-strategic outcome level.

Thus, the performance measurement framework is the means by which we are able to link short-term resource allocations with long-term performance outcomes and better understand the current state along with the progress being made towards the attainment of the long-term outcomes being sought.

The challenge is optimizing inputs and activities for sustainable, positive results. More inputs do not automatically translate into better outcomes. Some of the key definitions inherent to the performance measurement framework are illustrated in the figure below.

PERFORMANCE MEASUREMENT IN CHILD WELFARE

The long-term strategic outcome being sought is thriving First Nations children. This strategic outcome is broken down into three sub-strategic outcomes that

represent broader but distinct societal areas of focus that will help to achieve the strategic outcome. The three areas of focus are child well-being, family well-being and community well-being (see Figure 35) Sub-strategic objectives associated with the four areas of focus are detailed in Table 6.

FIGURE 35: Strategy map overview of the Measuring to Thrive framework.

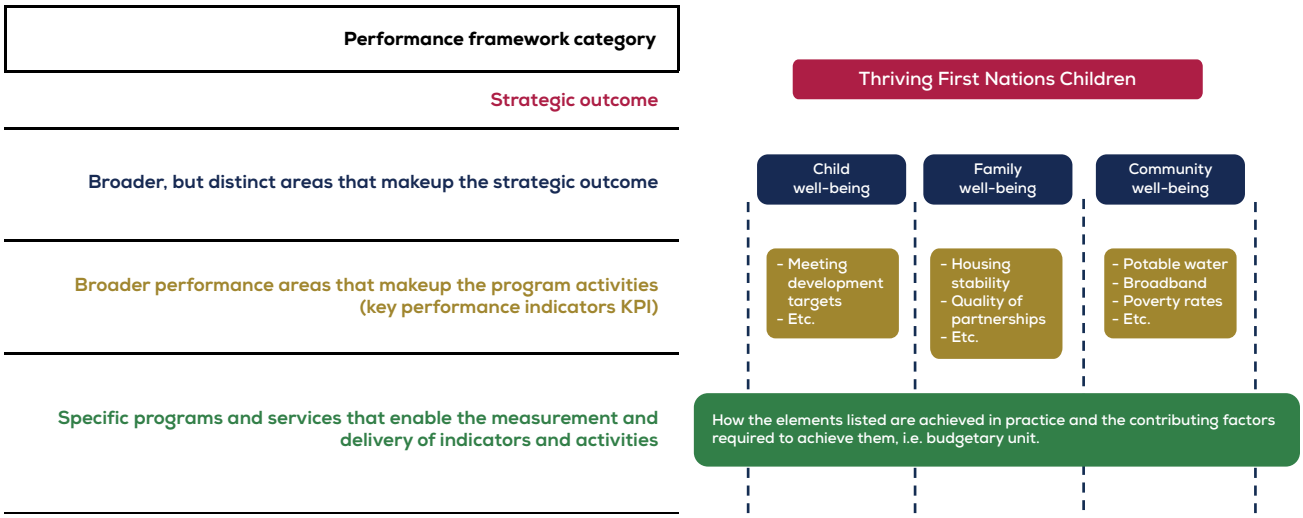


TABLE 6: Strategic outcome definitions of the Measuring to Thrive framework.

Strategic outcome	Definition
Child well-being	**Purpose:** Children reach their full developmental potential and have a sense of hope, belonging, purpose and meaning. **Definition:** Child well-being is a multi-dimensional concept that is influenced by a child's interaction with the environment. It includes cognitive, social, psychological/emotional, cultural/ spiritual and physical development and wellness. These interdependent components provide the foundation for a child to reach their full developmental potential and for children to feel positive about life and have a sense of hope, belonging, purpose and meaning.
	Purpose: Child safety, a crucial component of child well-being. Children are protected from harm and achieve permanency in their living situation. **Definition:** Protecting children from harm and abuse will always be at the core of an agency's mandate. While it is preferable to preserve the family unit, this is not always an option for some children. An agency must not only be equipped to respond to these cases, but also ensure that children achieve permanency in their living situation as swiftly as possible to avoid further disruption. Child safety refers to preventing and responding to cases of child maltreatment (including physical abuse, sexual abuse, physical neglect, emotional maltreatment and exposure to domestic violence). For children placed in out-of-home care, this also includes permanency and stability in their new living arrangement.

Family well-being	**Purpose**: Families enjoy a safe, stable environment in which to foster healthy familial relationships. **Definition:** Family well-being is a relational concept, referring to the interactions between family members but also affected by the larger environments in which parents and children exist. Within the family unit, well-being comprises family self-sufficiency, meaning the labour force participation of caregivers and the ability of the family to meet basic needs, and family health and social factors, meaning the mental and physical well-being of caregivers and family protective factors.
Community well-being	**Purpose:** Reliable public infrastructure, access to basic needs, and resources and services to foster safe, stable, thriving communities. **Definition:** Community well-being is the combination of social, economic, environmental, cultural, and political conditions identified by individuals and their communities as essential for the fulfilment of their full potential. This dimension of well-being is determined by a community's access to basic needs (potable water, access to suitable housing, broadband connectivity, the presence of community infrastructure, and overall community poverty level). In addition to these aspects, community well-being is also affected by health and social services provision among band councils and community agencies, as well as by broader indications of public safety and community health, such as rates of suicide, rates of illicit drug use, rates of heavy drinking, BMI rates, rates of chronic conditions, and rates of violent crime.

DATA COLLECTION

The successful implementation of a performance measurement strategy requires routine collection of data both at baseline and over time. Data can be administrative (e.g. it is already collected through program files), primary performance data (e.g. specialized for the individual program), or secondary data (e.g. data that applies to the program but has been collected but for other purposes). It is also important to identify:

- The frequency of data collection (how often will it be collected?);
- The responsibility for data collection (who is responsible?);
- Baseline information (what is the current state?);
- Targets (what is the goal?), and;
- Timelines (when does the data need to be collected?).

Building a system for results means building-in data for better decision-making and the ability to adjust practices for mid-course corrections. Data is a tool for agencies and communities to improve planning and resource allocation. In order for data to be an effective tool for informed decision-making, the following requirements are necessary:

- Data collected must be relevant to mandate and desired outcomes;
- Analysis must include context/point of departure;
- Agencies will be assessed against themselves;

- Data richness and applications for predictability will improve with time;
- Data handling must follow OCAP principles, and;
- Only aggregate data is shared publicly.

As will be expanded in the discussion of the application of the framework, the issue of concern in this report is not the lack of data collected on First Nations in Canada (indeed it is the case that many First Nations groups are extensively surveyed) but rather that the quality of data, mainly in terms of granularity, does not allow for sufficient performance measurement at the level of the child welfare agency. As the majority of this data information cannot be analyzed at the level of individual First Nations communities, it does not enable strategic planning and results-tracking over time.

Performance framework justification

Achieving the strategic outcome of *Enabling First Nations Children to Thrive* is built on three sub-strategic outcomes: child well-being, family well-being and community well-being (see Figure 36). These sub-strategic outcomes are divided into performance areas, and each performance area consists of proposed measures and indicators to evaluate progress in performance areas. Performance areas, measures and indicators have all been developed with aforementioned theoretical and Indigenous perspectives of well-being in mind. The following section provides a justification for these components of a performance framework that is focused on thriving First Nations children (see Table 7).

TABLE 7: Strategy map components.

Component	Description
Strategic outcome	The overarching goal, to which all activities contribute. It is measurable and represents an end-state or maintenance of an end-state.
Sub-strategic outcomes	Broader but distinct societal areas of focus to achieve the strategic outcome.
Performance areas	The lenses through which progress on sub-strategic outcomes can be understood.
Measures	Means of assessing progress in performance areas.
Indicators	The variables measured. They can be qualitative or quantitative, and should be valid, reliable, affordable, available and relevant.
Activities	The actions or processes undertaken to achieve outcomes. It includes the “how” of achieving outcomes, such as targeted programs or direct front-line services.
Inputs	The resources required (both financial and non-financial) to support activities.

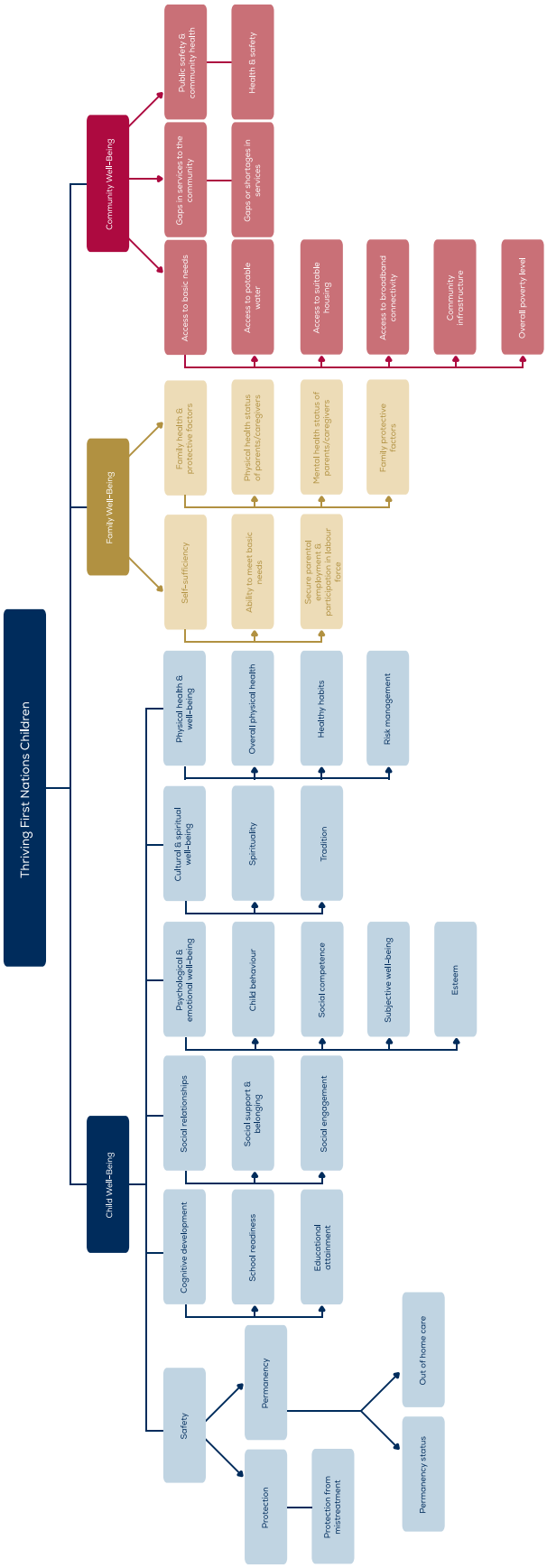


FIGURE 36: Mapping the Measuring to Thrive framework.

SUB-STRATEGIC OUTCOME: CHILD WELL-BEING

Child well-being is a multifaceted concept, for which there is no consensus on measurement. Depending on contextual factors such as family, community, and socio-political considerations, child well-being requires consideration of multiple dimensions influenced by a child's environment.[81]

To improve well-being, it must be understood through a holistic lens. Pollard and Lee[82] cite Columbo's (1986) definition of child well-being as a useful one: "A multidimensional construct incorporating mental/psychological, physical, and social dimensions." The definition is useful as it encapsulates several spheres of influence on a child's and adolescent's well-being at individual and environmental levels. In line with the multi-dimensional approach to defining child well-being, Asher Ben-Arieh, notes that child well-being encompasses quality of life in a broad sense. It refers to a child's economic conditions, peer relations, political rights, and opportunities for development. Most studies focus on certain aspects of children's well-being, often emphasizing social and cultural variations. Thus, any attempts to grasp well-being in its entirety must use indicators on a variety of aspects of well-being.[83]

Consistent in the literature on measuring child well-being is the need to conceptualize and develop indicators that focus on strengths as opposed to deficits, as this is how "we discover the core elements of well-being that enable children to flourish and thrive."[84] In a literature review on child well-being and how it is studied, Amerijckx and Humblet[85] understand the multidimensional nature of child well-being across 5 axes:

- Positive vs. negative (e.g. strengths-based approaches as opposed to deficit-based approaches to conceptualizing child well-being)
- Objective vs. subjective (e.g. others' perceptions of child well-being, as opposed to the child's perception of their own well-being)
- State vs. process (e.g. child's well-being in present day, versus well-being over a longer period of time/lifetime/life trajectory; also referred to as the "developmentalist" vs. the "child rights" perspectives)

[81] Gaëlle Amerijckx and Perrine Claire Humblet, "Child Well-Being: What Does It Mean?," *Children & society* 28, no. 5, (2014): 404–415; Jonathan Bradshaw, Petra Hoelscher, and Dominic Richardson, "Comparing child well-being in OECD countries: Concepts and methods," (2007): 1–117; Simon Chapple and Dominic Richardson, "Doing better for children," vol. 168 (OECD, 2009): 1–192; Elizabeth L. Pollard and Patrice D. Lee, "Child Well-being: A Systematic Review of the Literature," *Social Indicators Research* 61, no. 1, (January 2003): 59–78.

[82] Pollard and Lee, "Child Well-being: A Systematic Review of the Literature."

[83] Asher Ben-Arieh and Ivar Frønes, "Indicators of Children's Well being: What should be Measured and Why?," *Social Indicators Research* 84, no. 3 (December 2007): 249–250.

[84] Pollard and Lee, "Child Well-being: A Systematic Review of the Literature."

[85] Amerijckx and Humblet, "Child Well-Being: What Does It Mean?."

- Material vs. spiritual (e.g. well-being in terms of financial, health, educational and family resources or lack thereof, as opposed to non-material aspects of well-being)
- Individual vs. community (e.g. the extent to which a collective group matters for an individual's well-being)

The dimensions of child well-being are interdependent; growth in one area is highly dependent on well-being in other areas, and all of it is connected to the well-being of their family and community. If we were to direct our attention to the individual, however, what does a thriving child look like? What contributes to child well-being in the here and now, and what is important to ensuring children grow into thriving adults? Based on a review of academic and grey literature, five dimensions have been identified as essential for child well-being:

1. Safety
2. Cognitive development
3. Social relationships
4. Emotional, cultural and spiritual well-being
5. Physical health and well-being

The following review defines each dimension of child well-being, key measures and indicators to evaluate progress in each dimension, and evidence to support why these matter for child well-being.

SAFETY

Ensuring that children are safe, especially those who face immediate threat to their health and safety, will always be at the core of a child welfare agency's mandate. Child abuse and neglect (also referred to as child maltreatment in the literature) is generally defined by the Canadian Child Welfare Research Portal as "acts of commission or omission by a parent or other caregiver that result in harm, potential for harms, or threat of harm to a child," and includes "physical abuse, sexual abuse, physical neglect, emotional maltreatment and exposure to domestic violence."[86]

[86] Canadian Child Welfare Research Portal, "Child Abuse & Neglect," accessed July 27, 2020, https://cwrp.ca/child-abuse-neglect.

Abuse in the early years of life can have detrimental effects on future health and well-being and can disrupt early brain development.[87] As the WHO notes, "maltreated children are at increased risk for behavioural, physical and mental health problems, such as: perpetrating or being a victim of violence, depression, smoking, obesity, high-risk sexual behaviours, unintended pregnancy, and alcohol and drug misuse" in adulthood.[88] These consequences may extend into further health problems, such as chronic disease and sexually transmitted infections.[89] Poor outcomes resulting from child maltreatment also present major costs to society.

Upholding the rights of children and promoting their well-being across the life course is essential to ensuring that they thrive. Child safety, which includes preventing and responding to cases of child maltreatment, as well as achieving permanency, safety and stability for children who have been placed in out-of-home care, is a fundamental component of child well-being. In this performance framework, the concept of child safety has been divided into two key dimensions:

1. Protection
2. Permanency

The following review examines key measures and indicators that should be used to evaluate progress in each dimension, and evidence to support why these matter in order for children to thrive.

PROTECTION

Measure: Protection from all forms of maltreatment

Central to the work of a child welfare agency is to protect children from harm and abuse. The Canadian Child Welfare Research Portal identifies five primary forms of maltreatment: physical abuse, sexual abuse, physical neglect, emotional maltreatment and exposure to domestic violence.[90] The indicators for this measure include:

- Recurrence of maltreatment
- Recurrence of child protection concerns in a family after ongoing protections services were provided
- Serious injuries/deaths
- Non-accidental child injury
- Child sexual abuse

[87] World Health Organization, "Child maltreatment," June 8 2020, https://www.who.int/news-room/fact-sheets/detail/child-maltreatment.

[88] World Health Organization, "Child maltreatment."

[89] World Health Organization, "Child maltreatment."

[90] Canadian Child Welfare Research Portal, "Child Abuse & Neglect."

Why these indicators matter

Children who have been maltreated are at increased risk of recurrence of maltreatment.[91] Research has found that compared to children who had not been previously maltreated, children who had been were nearly six times more likely to experience it again.[92]

While any case of maltreatment is serious, there is consensus in the literature that chronic maltreatment is associated with more negative outcomes.[93] In a prospective study examining outcomes of chronic child maltreatment, researchers found that the number of maltreatment reports predicted negative childhood outcomes in a linear fashion. In other words, the more often a child was maltreated, the greater the number of negative outcomes later in life. Chronic maltreatment may be especially alarming for outcomes related to suicidal behaviour. The same study found that "suicide attempts before age 18 showed the largest proportionate increase with repeated maltreatment."[94] The recurrence of child protection concerns in a family after ongoing protections services were provided is not only important to protect the well-being of children and prevent chronic abuse; it is also an indicator of how effective child welfare services are at preventing maltreatment.[95]

As Jaffee and Maikovich-Fong[96] summarize, compared to both non-maltreated children and children experiencing transitory maltreatment, those who have experienced chronic maltreatment exhibit more behavioural issues. Compared to non-maltreated children, chronically maltreated children have more difficulties with peers, aggressive, delinquent and withdrawn behaviour, internalizing symptoms, and decreased prosocial behaviour. Compared to children experiencing transitory maltreatment, they show more externalizing problems, lower

[91] Nick Hindley, Paul G Ramchandani, and David PH Jones, "Risk factors for recurrence of maltreatment: a systematic review," *Archives of disease in childhood* 91, no. 9 (2006).

[92] Hindley, Ramchandani, and Jones, "Risk factors for recurrence of maltreatment: a systematic review."

[93] Ann S. Masten and Margaret O'Dougherty Wright, "Cumulative risk and protection models of child maltreatment," *Journal of Aggression, Maltreatment & Trauma* 2, no. 1 (1998): 7–30; M. Jonson-Reid, P. L. Kohl, and B. Drake, "Child and adult outcomes of chronic child maltreatment," *Pediatrics* 129, no. 5 (May 2012): 839–845; Diane DePanfilis and Susan J Zuravin, "Epidemiology of child maltreatment recurrences," *Social service review* 73, no. 2 (1999); Oliver G White, Nick Hindley, and David PH Jones, "Risk factors for child maltreatment recurrence: An updated systematic review," *Medicine, Science and the Law* 55, no. 4 (October 2015): 259–277.

[94] Jonson-Reid, Kohl, and Drake, "Child and adult outcomes of chronic child maltreatment."

[95] Hindley, Ramchandani, and Jones, "Risk factors for child maltreatment recurrence: An updated systematic review."

[96] Sara R. Jaffee and Andrea Kohn Maikovich-Fong, "Effects of chronic maltreatment and maltreatment timing on children's behavior and cognitive abilities," *Journal of Child Psychology and Psychiatry* 52, no. 2 (2011): 184–194.

levels of ego resilience, higher rates of juvenile offending, increased levels of anxious and depressed behaviours, increased levels of aggressive behaviours, depression, and symptoms of post-traumatic stress, as well as decreased levels of interpersonal and coping skills.

Leading researchers in the field of child development have found that exposure to strong, frequent and/or prolonged adversity, such as chronic abuse, parental substance abuse, or exposure to violence, can elicit a toxic stress response. This type of stress can have a profound effect on the architecture of the developing brain, which "can have potentially permanent effects on a range of important functions such as regulating stress physiology, learning new skills, and developing the capacity to make healthy adaptations to future adversity."[97]

Though rare, serious injuries and deaths are an important indicator to prevent these tragedies from occurring in the future and to evaluate whether the child welfare system is appropriately responding to cases of maltreatment. Research in this area of child welfare has shown that previous reports of child maltreatment is a risk factor for child deaths,[98] further substantiating indicators of recurrence as an important measure of child safety.

In summary, protecting the safety and rights of children is at the core of a child welfare agency's work. Indicators highlight the importance and effectiveness of an agency's ability to prevent subsequent cases of maltreatment from occurring, which have a major impact on a child's ability to thrive in the present and in the future.

Measure: Emergency mental health

Another important measure to consider when it comes to protecting children is providing effective services when they may be a harm to themselves. Emergency mental health refers to when children are in crises and are at risk of harming themselves in any way, or contemplate, attempt, or commit suicide. The indicators for this measure include:

- Suicidal ideation
- Suicide attempts
- Suicide rate
- Self-harm related behaviour

[97] Jack P Shonkoff et al., "The lifelong effects of early childhood adversity and toxic stress," *Pediatrics* 129, no. 1 (January 2012): e232–e246.

[98] Melissa Jonson-Reid, Toni Chance, and Brett Drake, "Risk of Death Among Children Reported for Nonfatal Maltreatment," *Child Maltreatment* 12, no. 1 (February 1, 2007): 86–95.

Why these indicators matter

The rate of suicide among First Nations people is three times higher than the rate among non-Indigenous people.[99] The suicide rate among First Nations living on-reserve have been found to be twice as high as those living off-reserve, and the highest rates are among youth aged 15 to 24 compared to other age groups.[100]

Risk factors for youth suicide include socio-economic disadvantage, parental psychopathology such as depression and substance use disorders, family history of suicidal behaviour, parental discord and separation, a history of physical and/or sexual abuse during childhood, and dysfunctional parent-child relationships.[101] Furthermore, suicidal behaviour within families, personality traits such as low self-esteem, external locus of control and hopelessness, and mental health disorders such as affective disorder, substance abuse and antisocial behaviours are considered risk factors for youth suicide.[102] From an Indigenous perspective, a review of the literature found that depression, having a friend attempt or commit suicide, substance or alcohol abuse, having a psychiatric disorder and experiencing childhood abuse were the strongest predictors of attempting suicide.[103]

The impacts of multigenerational trauma stemming from negative experiences in the residential school system have been associated with a history of suicidal thoughts and attempts.[104] Furthermore, given the contextual challenges facing First Nations communities, including poverty and intergenerational trauma, First Nations children coming into contact with the child welfare system are likely exposed to one or even several of these risk factors. Implementing effective services that promote mental health among Indigenous children more generally and in crises is integral to their safety and ability to thrive.

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[99] Mohan Kumar and Michael Tjepkema, "Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," *Statistics Canada* (June 28, 2019), https://www150.statcan.gc.ca/n1/en/pub/99-011-x/99-011-x2019001-eng.pdf?st=r08g1Ngf.

[100] Mohan Kumar and Michael Tjepkema, *Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC).*

[101] Annette L. Beautrais, "Risk Factors for Suicide and Attempted Suicide among Young People," *Australian & New Zealand Journal of Psychiatry* 34, no. 3 (June 1 2000): 420–436.

[102] Beautrais, "Risk Factors for Suicide and Attempted Suicide among Young People."

[103] Henry G Harder et al., "Indigenous youth suicide: a systematic review of the literature," *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health* 10, no. 1 (2012): 125–142.

[104] B. Elias et al., "Trauma and suicide behaviour histories among a Canadian indigenous population: an empirical exploration of the potential role of Canada's residential school system," *Soc Sci Med* 74, no. 10 (May 2012): 1560–1569.

PERMANENCY

Measure: Permanency status

In situations where children require out-of-home care, the primary goal is for them to eventually be reunified with their families, although this is not always possible. In any case, achieving a permanent or stable living situation is important for healthy child development and well-being. The indicators to assess performance for this measure include:

- Out-of-home placement rate
- Number of moves in care
- Timeliness of successful family reunification or adoption

Why these indicators matter

A stable and permanent living situation is essential for healthy development and establishing more secure and strong relationships with caregivers, which in turn impact a child's ability to thrive. As Trocmé and colleagues note, "a stable placement experience can assist children in out-of-home care to develop and maintain family, peer, and community relationships while separated from their families."[105] Stability promotes fewer school changes and thus stronger relationships with peers, as well as more consistent access to community services and activities.[106]

Multiple moves in care are associated with various negative outcomes among children. Instability may elicit a toxic stress response, which can result in developmental delays and behaviour problems. In turn, this can propagate a negative cycle of displacement and worsening attachment disorders.[107] Children who experience ongoing separation from both their biological and foster families may develop an inability to form trusting relationships with adults, which can lead to "persistent rage, chronic depression, asocial and antisocial behaviour, low self-concept, and chronic dependency."[108] It is not surprising that unstable placements in foster care, characterized by placement frequency and episodic foster care, have been associated with increased rates of mental health service utilization.[109]

[105] Nico Trocmé et al., "National Child Welfare Outcomes Indicator Matrix (NOM)," *Centres of Excellence for Children's Well-Being: Child Welfare*, (June 2009): 1–8.

[106] Joseph M. Price et al., "Effects of a foster parent training intervention on placement changes of children in foster care," *Child Maltreatment* 13, no. 1 (February 1 2008): 64–75.

[107] Yvon Gauthier, Gilles Fortin, and Gloria Jéliu, "Clinical Application of Attachment Theory in Permanency Planning for Children in Foster Care: The Importance of Continuity of Care," *Infant Mental Health Journal* 25, no. 4 (July 1, 2004).

[108] Gauthier, Fortin, and Jéliu, "Clinical Application of Attachment Theory in Permanency Planning for Children in Foster Care: The Importance of Continuity of Care."

[109] David M. Rubin et al., "Placement Stability and Mental Health Costs for Children in Foster Care," *Pediatrics* 113, no. 5 (May 2004): 1336–1341.

As Trocmé and colleagues[110] describe, the out-of-home placement rate is not necessarily a negative indicator, as some children may need to be removed from their living situation to ensure their safety. However, at an aggregate level, the out-of-home placement rate can indicate the effectiveness of preventative child welfare services and the well-being of children in the community as a whole.

In summary, as a last resort, children may need to be removed from their homes to address cases of chronic child maltreatment. Measuring the child welfare system's ability to achieve permanency in their living situation is important for the well-being of the child and future outcomes.

Measure: Out-of-home care

In addition to achieving stability in a child's living situation, it is also important to consider the characteristics of the living situation and their impact on child well-being. The indicators for this measure include:

- Children placed with kin and/or Indigenous families in their community
- Quality of caregiver and youth relationship

Why these indicators matter

In the event that children must be removed from their homes and families, placing them with "kin" is the preferred option in many jurisdictions. According to the Canadian Child Welfare Research Portal, kinship care refers to "children placed out-of-home in the care of extended family, individuals emotionally connected to the child, or in a family of similar religious or ethno-cultural background."[111] Compared to foster children, children in kinship care have displayed better outcomes with respect to behavioural development and mental health functioning.[112]

Kinship care has become increasingly popular as it promotes continuity and connection to a child's culture and community. This may buffer the traumatic experience of being separated from one's parents by offering a sense of familiarity and belonging with extended family.[113] This has been regarded as especially important in the Indigenous context given

[110] Nico Trocmé et al., *National Child Welfare Outcomes Indicator Matrix (NOM)* (Centre of Excellence for Child Welfare, 2009).

[111] Canadian Child Welfare Research Portal, "Kinship Care," accessed July 27 2020, https://cwrp.ca/kinship-care.

[112] Marc Winokur, Amy Holtan, and Deborah Valentine, "Kinship care for the safety, permanency, and well-being of children removed from the home for maltreatment," *Cochrane Database of Systematic Reviews*, no. 1 (January 21 2009).

[113] Pamela Gough, "Kinship care," *Centre of Excellence for Child Welfare*, Faculty of Social Work, University of Toronto (Toronto, ON, 2006): 1–4.

the policies and practices that have used child removal as a tool for assimilation in the past. In a First Nations community in Manitoba, one study found that kinship care provided a link between culture and traditions, promoted a child's connection with their caregiver and community (which enhanced the connection to their culture and ability to speak their Indigenous language), and participants reported improved school performance and fewer behavioural issues.[114] Studies have also suggested an association between kinship care and placement stability, i.e. fewer moves in care.[115]

To understand the well-being of children who have been removed from their homes, it is also important to understand the quality of their relationships with their caregivers. Establishing secure, trusting and positive relationships with their caregiver is essential for healthy development, impacting outcomes across the life course.

COGNITIVE DEVELOPMENT

Cognitive development refers to "the construction of thought processes, including remembering, problem solving, and decision-making, from childhood through adolescence to adulthood."[116] Healthy cognitive development is important for a child's trajectory, and is often measured in relation to educational outcomes.

Measure: School readiness

Among children approaching school age, one important measure of development is school readiness. According to Engle and Black, school readiness is defined as "a broad set of skills that affect children's ability to learn in school: physical health, motor skills, self-care, emotional and behavioural regulation, social skills, communication skills, pre-academic skills, attention, and curiosity and motivation to learn."[117] Based on this definition, healthy growth in all dimensions of well-being are important for school readiness. The indicators of language and cognition to measure academic school readiness are chosen in accordance with

[114] Alexandra Wright, Diane Hiebert-Murphy, Janet Mirwaldt, and George Muswaggon, "Factors that contribute to positive outcomes in the Awasis Pimicikamak Cree Nation kinship care program," accessed on July 27, 2020, https://cwrp.ca/sites/default/files/publications/en/AwasisFinalReport.pdf.

[115] Gary S Cuddeback, "Kinship family foster care: A methodological and substantive synthesis of research," *Children and youth services review* 26, no. 7 (2004): 623–639; Gretchen Perry, Martin Daly, and Jennifer Kotler, "Placement stability in kinship and non-kin foster care: A Canadian study," *Children and Youth Services Review* 34, no. 2 (February 2012): 460–465; Winokur, Holtan, and Valentine, "Kinship care for the safety, permanency, and well-being of children removed from the home for maltreatment."

[116] Encyclopedia of Children's Health, "Cognitive Development," accessed July 27, 2020, http://www.healthofchildren.com/C/Cognitive-Development.html.

[117] Patrice L. Engle and Maureen M. Black, "The Effect of Poverty on Child Development and Educational Outcomes," *Annals of the New York Academy of Sciences* 1136, no. 1 (2008): 243–256.

Brownell et al.,[118] that "the types of skills assessed in this domain are the strongest predictors of subsequent school performance and educational attainment". It is important to note, however, that there are several non-cognitive indicators of school readiness; these are conceptualized in other dimensions of child well-being in the performance framework.

Helpful indicators include:

- Basic literacy score;
- Basic numeracy score;
- Interest in literacy and numeracy score;
- Advanced literacy score;
- The number of 3 and 4-year-olds participating in funded early years education

Why these indicators matter

Gaps in school readiness at school entry are indicative of suboptimal development and characterized by the child's socioeconomic environment. For example, children of mothers with low educational attainment made up 32% of children entering school lacking printing and writing skills, as opposed to 8% of children with mothers who had a bachelor's degree or higher.[119] Similar gaps are also seen in proficiency in literacy and math, and disadvantaged children are also more likely to exhibit behavioural problems.[120] What is more, these gaps tend to widen as opposed to shrink as the child proceeds through formal schooling and are predictive of future school performance and educational attainment.[121] Heckman's work suggests that, "most of the gaps at age 18 that help to explain gaps in adult outcomes are present at age five."[122]

Participation in early childhood education is a well-evidenced intervention to enhance school readiness, especially among children from disadvantaged backgrounds. Ensuring that children are better prepared when entering school aims to improve educational achievement—a key factor in social mobility and escaping poverty.[123] As Shonkoff states, "high quality early childhood programs designed to

[118] Marni D. Brownell et al., "A population-based analysis of factors that predict early language and cognitive development," *Early Childhood Research Quarterly* 35 (2016): 6–18.

[119] Lynn A Karoly, M Rebecca Kilburn, and Jill S Cannon, *Early childhood interventions: Proven results, future promise* (Rand Corporation, 2005).

[120] Karoly, Kilburn, and Cannon, *Early childhood interventions: Proven results, future promise.*

[121] Engle and Black, "The Effect of Poverty on Child Development and Educational Outcomes."

[122] James J. Heckman, "Schools, Skills, and Synapses," Econ Inq 46, no. 3 (Jun 2008): 289.

[123] Engle and Black, "The Effect of Poverty on Child Development and Educational Outcomes."

produce positive effects on educational achievement and later work-force participation offer an important, unrecognized infrastructure for addressing the stress-related roots of social class disparities in health."[124]

Measure: Educational attainment

Another important measure of cognitive development from childhood into adolescence is educational attainment. Indicators chosen for this measure include:

- Literacy and numeracy test scores (middle childhood)
- Positive attitudes towards learning/school
- Youth who intend on going to post-secondary school (e.g. trades, university, college)

Why these indicators matter

Educational attainment is important for child well-being, particularly in the context of a child's socio-economic trajectory. Literacy and numeracy scores tell us how well the child is performing in school and are a gauge of cognitive functioning.[125] Academic success also has a reciprocal effect on a child's attitude towards learning (often referred to as academic self-concept).[126] Learning begets learning, and academic achievement and motivation to learn are key factors to a high level of educational attainment.

This is important, as educational attainment often translates into levels of skill and ability in society, which are linked to a host of outcomes in adulthood.[127] More obvious impacts of low education are reduced rates of employment and earnings. Failure to complete high school is linked to higher rates of welfare dependency and criminality.[128] Educational attainment is also a determinant of participation in the Canadian labour market, especially for Indigenous people.[129] For example, in 2009, 82% of adults aged 25 to 64 with post-secondary qualifications were employed,

[124] J. P. Shonkoff, W. T. Boyce, and B. S. McEwen, "Neuroscience, molecular biology, and the childhood roots of health disparities: building a new framework for health promotion and disease prevention," *Jama* 301, no. 21 (Jun 3 2009): 754.

[125] Nico Trocmé et al., *National Child Welfare Outcomes Indicator Matrix (NOM)* (Centre of Excellence for Child Welfare, 2009).

[126] Frédéric Guay, Herbert W Marsh, and Michel Boivin, "Academic self-concept and academic achievement: Developmental perspectives on their causal ordering," *Journal of educational psychology* 95, no. 1 (2003): 124–136.

[127] James J. Heckman, "Schools, Skills, and Synapses," *Econ Inq* 46, no. 3 (Jun 2008): 289.

[128] Karoly, Kilburn, and Cannon, *Early childhood interventions: Proven results, future promise.*

[129] Melisa Brittain and Cindy Blackstock, *First Nations child poverty: A Literature Review and Analysis* (First Nations Children's Action Research and Education Service, 2015): 1–175; Statistics Canada, "Aboriginal people and the labour market," updated March 16, 2017, https://www150.statcan.gc.ca/n1/daily-quotidien/170316/dq170316d-eng.htm.

compared to 55% of those with less than a high school education.[130] Indeed, employment rates are higher for Indigenous people with post-secondary credentials.[131]

PSYCHOLOGICAL AND EMOTIONAL WELL-BEING

Psychological and emotional well-being in childhood includes the ability to self-regulate emotions; healthy self-esteem, which is affected by the presence of optimism, hope, resilience and looking to the future; as well as their own perceptions of their mental health and well-being. According to the WHO, "mental health is a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community."[132] Promoting psychological health and well-being in childhood is an important pathway to good mental health in adulthood.

Measure: Child behaviour

Child behaviour is a good measure of how children are faring psychologically and emotionally, particularly with respect to self-regulation. Indicators chosen for this measure include:

- Anxious and fearful behaviour
- Aggressive behaviour
- Hyperactivity and inattentive behaviour

Why these indicators matter

As Trocmé describes, "abused and neglected children are at high risk of developing emotional and behavioural problems at home, school, and in the community," and experience decreased placement stability.[133] This lack of stability may only reinforce behavioural and emotional problems. Therefore, child behaviour is an important measure to monitor in the context of children who are in contact with the child welfare system so that they can be referred to appropriate early intervention services.

Behavioural issues among children are associated with socioeconomic disadvantage and have been linked to worse outcomes in adulthood. For example, research has found an association between attention deficit

[130] Statistics Canada, "Educational Attainment and Employment: Canada in an International Context," (February 2012), https://www150.statcan.gc.ca/n1/en/pub/81-599-x/81-599-x2012008-eng.pdf?st=bfdP0Wao.

[131] Karen Kelly-Scott and Kristina Smith, *Aboriginal peoples: Fact sheet for Canada*, Statistics Canada, 2015, accessed July 27, 2020, https://www150.statcan.gc.ca/n1/en/pub/89-656-x/89-656-x2015001-eng.pdf?st=7uLuA-8L.

[132] World Health Organization, "Mental Health: Strengthening our Response," 2018, https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response.

[133] Nico Trocmé et al., *National Child Welfare Outcomes Indicator Matrix (NOM)* (Centre of Excellence for Child Welfare, 2009).

problems and poor labour outcomes in adulthood, such as lower rates of employment, lower earnings and worse jobs.[134] Conduct disorders in childhood, which include antisocial behaviours such as disobedience, tantrums, fighting, destructiveness, lying and stealing, increase the likelihood of violence, criminality, poor relationships, and poor mental health.[135]

This incurs significant societal costs as well.[136] Scott and colleagues[137] found costs for individuals with conduct disorder in childhood to be 10 times higher than for those with no problems, the bulk of which were associated with criminality, extra educational support, out of home care and state benefits. Another study examining physical health in adulthood among children who displayed childhood aggression found a direct and positive link to the use of medical services, "as well as medical visits due to lifestyle-related illnesses and injuries, with indirect paths through educational attainment."[138]

Measure: Social competence

There are varying definitions of social competence, but it can generally be described as "involving the personal knowledge and skills which persons develop in order to deal effectively with life's many choices, challenges and opportunities."[139] More specifically, it involves the quality of interactions and relationships. Indicators chosen for this measure include:

- Communication skills
- Prosocial and helping behaviour
- Social intelligence

[134] Martin Knapp et al., "Economic outcomes in adulthood and their associations with antisocial conduct, attention deficit and anxiety problems in childhood," *Journal of mental health policy and economics* 14, no. 3 (2011): 137–47.

[135] Jonathan Hill and Barbara Maughan, *Conduct disorders in childhood and adolescence* (Cambridge University Press, 2001).

[136] Stephen Scott et al., "Financial cost of social exclusion: follow up study of antisocial children into adulthood," *Bmj* 323, no. 7306 (Jul 2001): 191–195; Renee Romeo, Martin Knapp, and Stephen Scott, "Economic cost of severe antisocial behaviour in children—and who pays it," *British Journal of Psychiatry* 188, no. 6 (2006): 547–53.

[137] Stephen Scott et al., "Financial cost of social exclusion: follow up study of antisocial children into adulthood," *Bmj* 323, no. 7306 (Jul 2001): 191–195.

[138] E. Temcheff et al., "Predicting adult physical health outcomes from childhood aggression, social withdrawal and likeability: a 30-year prospective, longitudinal study," *Int J Behav Med* 18, no. 1 (Mar 2011).

[139] Heejeong Sophia Han and Kristen Mary Kemple, "Components of Social Competence and Strategies of Support: Considering What to Teach and How," *Early Childhood Education Journal* 34, no. 3 (2006): 241–46.

Why these indicators matter

While skills related to achievement outcomes in school are undoubtedly important for future success, James Heckman, a Nobel Laureate in Economics, argues that equal attention must be paid to the development of noncognitive skills that are relevant for participation in the workforce and in society, which include those such as socioemotional regulation, personality factors, motivation, perseverance, and the capacity to collaborate with others.[140]

This was demonstrated in Heckman's research on the General Education Development (GED) testing program in the United States, which is a series of cognitive tests that high school dropouts can take to determine if they meet the minimum academic standard of high-school graduates. They found that although they have similar test scores to regular high school graduates, GED recipients have earnings that compare to high school dropouts.[141] Heckman and his colleagues conclude that "the GED surplus of cognitive skills is not outweighed by the GED deficit in noncognitive skills."[142]

The importance of noncognitive skills for success in adulthood is bolstered by Heckman and others' work in the field of early childhood intervention among disadvantaged children. Take, for instance, the Perry Preschool Project, which aimed to improve intellectual and social development among African American children at risk for school failure. Upon initial follow-up, the program was considered a failure as it did not appear to boost IQ compared to non-participating children. However, they did have higher achievement test scores, and upon follow-up at age 40, participating children had higher rates of high school graduation, higher earnings, higher percentages of home ownership, lower rates of welfare assistance, fewer out-of-wedlock births and fewer arrests compared to non-participating children.[143] Heckman attributes many of these differences to the development of noncognitive skills in these programs, contributing to social success.

[140] James J. Heckman, "Skill Formation and the Economics of Investing in Disadvantaged Children," *Science* 312, no. 5782 (2006): 1900–1902.

[141] James J Heckman and Yona Rubinstein, "The importance of noncognitive skills: Lessons from the GED testing program," *American Economic Review* 91, no. 2 (2001): 145–149.

[142] James J Heckman, Jora Stixrud, and Sergio Urzua, "The Effects of Cognitive and Noncognitive Abilities on Labor Market Outcomes and Social Behavior," *Journal of Labor Economics* 24, no. 3 (2006): 411–482.

[143] James J. Heckman, "Skill Formation and the Economics of Investing in Disadvantaged Children," *Science* 312, no. 5782 (2006): 1900–1902.

As Denham[144] concludes, in the context of academic outcomes, there is a strong body of evidence linking social-emotional competence to improved attitudes towards school and higher educational achievement. By contrast, those who have not developed in this area have weaker relations with peers and teachers. This decreases interest in school and persists into later years of learning, which can lead to dropping out.

Measure: Subjective well-being

Subjective well-being among children has emerged as an important measure, which has largely stemmed from the United Nations Convention on the Rights of the Child, in which children are assured rights as individuals, and that their views are important and must be taken into consideration.[145] Indicators chosen for this measure include:

- Self-reported happiness/life satisfaction
- Self-reported mental health

Why these indicators matter

Indicators like self-reported happiness and mental health distinguish the concept of "well-becoming" into adulthood from "well-being" among children in the present. In light of the recognition that children's rights are human rights, it is important to study and understand well-being from the child's experience and perspective. Huebner and colleagues[146] describe life satisfaction as "a person's subjective, global evaluation of the positivity of her/his life as a whole or with specific life domains," that can "encompass judgements ranging from very negative to neutral to very positive."

These indicators may complement understanding of other indicators important to child well-being. While there is a large body of evidence highlighting associations between life satisfaction and well-being outcomes among adults, the extent to which this is relevant for children is still being studied. Emerging research has found life satisfaction to be a mediating factor on how stressful life events influence parenting behaviour and problem behaviour among adolescents.[147]

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[144] Susanne A. Denham, "Social-Emotional Competence as Support for School Readiness: What Is It and How Do We Assess It?," *Early Education and Development* 17, no. 1 (2006): 57–89.

[145] Asher Ben-Arieh, "Where Are the Children? Children's Role in Measuring and Monitoring Their Well-Being," *Social Indicators Research* 74, no. 3 (December 2005): 573–596.

[146] E. Scott Huebner, Shannon M. Suldo, and Robert F. Valois, "Children's Life Satisfaction," in *What Do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development*, ed. Kristin Anderson Moore and Laura H. Lippman (Boston, MA: Springer US, 2005): 41.

[147] E. Scott Huebner, Shannon M. Suldo, and Robert F. Valois, "Children's Life Satisfaction," in *What Do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development*, ed. Kristin Anderson Moore and Laura H. Lippman (Boston, MA: Springer US, 2005): 41.

Measure: Esteem

Esteem is an important part of psychological and emotional well-being. Many components of esteem are captured in the First Nations Mental Wellness Continuum Framework, where metal wellness is defined as:

> *...a balance of the mental, physical, spiritual, and emotional. This balance is enriched as individuals have: PURPOSE in their daily lives whether it is through education, employment, care-giving activities, or cultural ways of being and doing; HOPE for their future and those of their families that is grounded in a sense of identity, unique Indigenous values, and having a belief in spirit; a sense of BELONGING and connectedness within their families, to community, and to culture; and finally a sense of MEANING and an understanding of how their lives and those of their families and communities are part of creation and a rich history.*[148]

As Dumont and Provost note, "research has shown that individuals with high self-esteem or a high feeling of control will adopt active coping strategies focused on problems, whereas individuals with low self-esteem will adopt passive-avoidant coping styles focused on emotions."[149] Low self-esteem has been associated with mental health issues such as anxiety and depression.[150] Indicators chosen for this measure include:

- Sense of purpose
- Optimism and hope
- Resilience
- Confidence
- Agency

Why these indicators matter

Fostering resilience among disadvantaged children is a complementary approach to mitigating risk factors to promote well-being. In practical terms, it will never be possible to remove all risks; therefore, cultivating psychological resilience and coping strategies offers a strengths-based method to navigating stress and adversity, in turn promoting better outcomes.[151]

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[148] Health Canada, "First Nations Mental Wellness Continuum Framework: Summary Report," (Health Canada, Assembly of First Nations Ottawa, ON, 2015).

[149] Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[150] Dumont and Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression."

[151] John Harvey and Paul H. Delfabbro, "Psychological resilience in disadvantaged youth: A critical overview," *Australian Psychologist* 39, no. 1 (2011).

Scholars have recognized the importance of these indicators given the effects of intergenerational trauma on mental health among Indigenous peoples. For example, self-esteem and optimism are important protective factors for depressive symptomology among Aboriginal youth;[152] a desire to contribute to one's community and believing in one's self have also been found to improve mental health among Indigenous youth.[153]

SOCIAL RELATIONSHIPS

Social relationships in both early childhood and adolescence are widely regarded as one of the most important factors for healthy development and well-being in childhood through to adolescence. In the earliest years of life, it is argued that the quality of relationships and parenting carries the heaviest weight among the factors that drive healthy development.[154] Establishing warm, secure and responsive relationships with caregivers are key to establishing a child's confidence to play, socialize and explore their environment, which is what propels development.[155]

Measure: Social support and belonging

As defined by Cohen, "social support refers to a social network's provision of psychological and material resources intended to benefit an individual's ability to cope with stress."[156] This is especially important for the well-being of vulnerable children that face many different adversities in life. Indicators chosen for this measure include:

- Youth who report positive relations with their parents
- Youth who report 5 or more close friends
- Youth who report positive relations with siblings and extended family
- Youth who report positive relations with non-family adults
- Youth who report strong ties with elders in the community

Why these indicators matter

As children progress into adolescence, strong social relationships continue to be an important protective factor as individuals navigate major developmental changes. Strong social relationships, or lack thereof, have been tied to several aspects of well-being. For example, in

[152] Megan E. Ames et al., "The Protective Role of Optimism and Self-esteem on Depressive Symptom Pathways Among Canadian Aboriginal Youth," *Journal of Youth and Adolescence* 44, no. 1 (2015): 142–52.

[153] Joanna Petrasek MacDonald et al., "A review of protective factors and causal mechanisms that enhance the mental health of Indigenous Circumpolar youth," *International Journal of Circumpolar Health* 72, no. 1 (2013).

[154] James J Heckman, "The Economics of Inequality: The Value of Early Childhood Education," *American Educator* 35, no. 1 (2011).

[155] Lori G Irwin, Arjumand Siddiqi, and Glyde Hertzman, "Early child development: a powerful equalizer" (Human Early Learning Partnership (HELP) Vancouver, BC, 2007).

[156] Sheldon Cohen, "Social Relationships and Health," *The American Psychologist* 59, no. 8 (2004): 676–684.

a population-based study on young Canadian adolescents, Gadermann[157] and colleagues found that social relationships such as belongingness with peers and adults at school and connection with adults at home were the strongest predictors of life satisfaction. Research has also found positive associations between social relationships and physical and psychological well-being by promoting healthier lifestyles, better self-esteem, and a greater sense of purpose and internal locus of control.[158]

Social support can also act as a protective factor when it comes to the impact of stress on health, as supportive, responsive relationships have been found to be a major factor in preventing the effects of toxic stress on the developing brain.[159] Dumont and Provost[160] summarize research on how this may apply to preadolescents and adolescents, noting a link between low social support satisfaction and mental health issues such as anxiety, depression, sleep disturbances, and interpersonal sensitivity. When faced with adversity and instability, social support and positive relationships with parents can act as a buffer against poor outcomes,[161] and attachment to parents are associated with psychological well-being particularly in adolescence.[162] Socially isolated people have been found to have higher mortality rates, are more likely to commit suicide, have higher rates of tuberculosis, accidents and psychiatric disorders.[163]

Social support has also been found to moderate the relationship between socioeconomic status and academic performance. Malecki and Demaray[164] found that socioeconomic status and support from parents,

[157] Anne M. Gadermann et al., "A Population-Based Study of Children's Well-Being and Health: The Relative Importance of Social Relationships, Health-Related Activities, and Income," *Journal of Happiness Studies* 17, no. 5 (2016): 1847–1872.

[158] Peggy A. Thoits, "Mechanisms Linking Social Ties and Support to Physical and Mental Health," *Journal of Health and Social Behavior* 52, no. 2 (2011): 145–61.

[159] "Toxic Stress," Harvard University, n.d., accessed July 27, 2020, https://developingchild.harvard.edu/science/key-concepts/toxic-stress/; Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[160] Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[161] Heather Sandstrom and Sandra Huerta, "The Negtive Effects of Instability on Child Development: A Research Synthesis," *Urban Institute*, (2013).

[162] Shyamala Nada Raja, Rob McGee, and Warren R. Stanton, "Perceived attachments to parents and peers and psychological well-being in adolescence," *Journal of Youth and Adolescence* 21, no. 4 (1992): 471–485.

[163] James S. House, Karl R. Landis, and Debra Umberson, "Social relationships and health," *Science* 241, no. 4865 (1988): 540–545.

[164] Christine Kerres Malecki and Michelle Kilpatrick Demaray, "Social Support as a Buffer in the Relationship between Socioeconomic Status and Academic Performance," *School Psychology Quarterly* 21, no. 4 (2006): 375–395.

teachers, classmates, close friends and the school was significantly associated with grade point average.

Measure: Social engagement

Related to social engagement, Cohen defines social integration as "participation in a broad range of social relationships,"[165] which includes both behavioural and cognitive components. Indicators chosen for this measure include:

- Youth who report some involvement, participation or contribution within the community
- Youth who participate in extracurricular activities

Why these indicators matter

Participation in social activities is important for developing social competence and skills and is linked with fewer behavioural problems and higher self-esteem.[166]

In the Indigenous context, a review by MacDonald found that community and culture were cited as the most common protective factors for mental health among Indigenous youth, which included things like healthy relationships with family and community members.[167]

CULTURAL AND SPIRITUAL WELL-BEING

It has been recognized by Indigenous scholars, practitioners, and the Pan American Health Organization that solutions to persisting health and socioeconomic inequities among Indigenous peoples must go beyond the social determinants of health to include Indigenous knowledges and ways of being. This includes language, culture, spirituality, connection to the land, and self-determination.[168] Indigenous children are born into a history of colonialism and attempts of forced assimilation, which is considered to be at the root of widespread health and socioeconomic disparities. The impacts of these policies and practices has resulted in intergenerational trauma and a loss of culture and language among

[165] Sheldon Cohen, "Social Relationships and Health," *The American Psychologist* 59, no. 8 (2004): 676–684.

[166] Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[167] Joanna Petrasek MacDonald et al., "A review of protective factors and causal mechanisms that enhance the mental health of Indigenous Circumpolar youth," *International Journal of Circumpolar Health* 72, no. 1 (2013).

[168] Margo Lianne Greenwood and Sarah Naomi de Leeuw, "Social determinants of health and the future well-being of Aboriginal children in Canada," *Paediatrics & Child Health* 17, no. 7 (August 2012): 381–384; Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas, "Just Societies: Health Equity and Dignified Lives," PAHO (Washington, D.C., 2019).

Indigenous communities.[169] As King and colleagues note, "the definition of indigeneity is…inherently social….[and] being isolated from aspects of this identity is widely understood to have a negative effect on Indigenous health."[170] As such, culture has become an important determinant of Indigenous well-being, and experts emphasize that it must be at the core of all efforts to improve well-being among children.

Measure: Spirituality

Spirituality is a broad term and has not been generally defined from an Indigenous perspective. Fleming and Ledogar[171] discuss Indigenous spirituality through the lens of two conceptual frameworks. The first is enculturation, which involves "the degree of integration *within* a culture"; the second, is cultural spiritual orientations, "which distinguishes between cultural and spiritual *orientations* and tribal spiritual *beliefs*". Indicators chosen for this measure include:

- Sense of belonging to cultural group
- Pride in Indigenous identity
- Sense of connection to the land
- Participation in spiritual practice/knowledge/ceremony

Why these indicators matter

While considered an important dimension of child well-being more generally, expert academics, practitioners and agencies have stressed the importance of cultural and spiritual well-being among First Nations children. One of the effects of colonial policies and practices of assimilation that First Nations children are born into is "the systemic devaluing of Indigenous identity," as well as the loss of a connection to the land—a core element of Indigenous culture and spirituality.[172] The importance of restoring the connection to one's Indigenous culture and identity is emphasized in relation to mental health outcomes and resilience.[173] In a study examining suicide rates among First Nations

[169] Margo Lianne Greenwood and Sarah Naomi de Leeuw, "Social determinants of health and the future well-being of Aboriginal children in Canada," *Paediatrics & Child Health* 17, no. 7 (August 2012): 381–384.

[170] Malcolm King, Alexandra Smith, and Michael Gracey, "Indigenous health part 2: the underlying causes of the health gap," *Lancet* 374, no. 9683 (Jul 4 2009): 77.

[171] John Fleming and Robert J. Ledogar, "Resilience and Indigenous Spirituality: A Literature Review," *Pimatisiwin* 6, no. 2 (Summer 2008): 47–64.

[172] Malcolm King, Alexandra Smith, and Michael Gracey, "Indigenous health part 2: the underlying causes of the health gap," *Lancet* 374, no. 9683 (Jul 4 2009): 77.

[173] Mohan Kumar and Tjepkema, "Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," Last modified July 27, 2020; Lisa Wexler, "The importance of identity, history, and culture in the well-being of indigenous youth," *The Journal of the History of Childhood and Youth* 2, no. 2 (2009): 267–76.

youth in British Columbia, researchers[174] found that among communities where cultural continuity was preserved through avenues such as securing land claims, were self-governing, had band-administered education, police, fire and health services as well as cultural facilities within the community had lower suicide rates than communities where these factors were less present. This is an interesting strengths-based example where in-group variability was examined (and not just compared to the non-Indigenous population). Other studies have yielded similar results, with Indigenous spirituality acting as a protective factor against alcohol abuse and suicide.[175]

Measure: Tradition

Passing tradition on to Indigenous children is another component recognized as important for cultural identity and well-being. Indicators chosen for this measure include:

- Speaks traditional language
- Eats traditional foods

Why these indicators matter

Language is considered to be at the core of identity and how culture is passed down from generation to generation. Available statistics indicate that young children are learning to speak their heritage language as a second language.[176] Although they have persisted through colonization, preservation of Aboriginal languages is of particular importance as they are not spoken anywhere else in the world.[177] Though there is limited research on the association between knowledge of traditional Indigenous language and health outcomes, one study found that First Nations who had high levels of language knowledge had significantly lower rates of suicide than those with lower levels and for non-Indigenous youth. In fact, "youth suicide rates effectively dropped to zero in those few communities in which at least half of the band members reported a conversational knowledge of their own "Native" language."[178] Researchers identified language as the strongest cultural continuity factor contributing to this difference.

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[174] Michael J. Chandler and Christopher Lalonde, "Cultural Continuity as a Hedge against Suicide in Canada's First Nations," *Transcultural Psychiatry* 35, no. 2 (1998): 191–219.

[175] Fleming and Ledogar, "Resilience and Indigenous Spirituality: A Literature Review."

[176] Statistics Canada, "Census in Brief: The Aboriginal languages of First Nations people, Métis and Inuit," Last modified April 3, 2019, https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016022/98-200-x2016022-eng.cfm.

[177] Malcolm King, Alexandra Smith, and Michael Gracey, "Indigenous health part 2: the underlying causes of the health gap," *Lancet* 374, no. 9683 (Jul 2009): 76–64.

[178] Darcy Hallett, Michael J. Chandler, and Christopher E. Lalonde, "Aboriginal language knowledge and youth suicide," *Cognitive Development* 22, no. 3 (2007): 392.

Traditional foods are also tied to Indigenous culture and connection to the land and are relied upon for well-being. One of the many effects of colonization is poor nutrition habits that have been passed down through generations. As Wilton Littlechild,[179] a Cree Nation Chief, describes, this stems from the residential school system where food was inadequate or used as a means of punishment. Furthermore, loss of land and access to traditional foods has meant that healthy food choices, especially among rural and isolated First Nations, are expensive and often unavailable.[180] This has, in part, led to disproportionately high rates of chronic diseases related to lifestyle factors such as type 2 diabetes and obesity.[181] As MacIvor and Napoleon[182] note, traditional food gathering not only promotes a healthier diet, but also more exercise and a connection to one's Indigenous identity.

PHYSICAL HEALTH AND WELL-BEING

Physical health and well-being constitute another important pillar supporting development in other dimensions and overall child well-being. Physical health does not equate to merely the absence of illness and disease; it goes beyond this definition to include the presence of healthy habits and behaviours that promote well-being now and in the future. This includes good maternal health and parenting knowledge for a healthy start in the earliest years of life, eating a healthy diet, being physically active, having a good sleeping routine, and reducing participation in risky behaviour as a child progresses into their adolescent and teenage years.

Measure: Overall physical health

Ensuring a healthy start in life lays the foundation for health and well-being across the life course. This measure aims to capture factors that promote healthy growth and development in the early years, which can have implications for health across the life course. The indicators chosen for this measure include:

- Low birth weight
- Breastfed for at least 6 months
- Children living with a disability or chronic illness

[179] Wilton Littlechild, "Indigenous peoples must look to the past to nourish our children," *The Globe and Mail* April 19, 2018, https://www.theglobeandmail.com/opinion/article-indigenous-peoples-must-look-to-the-past-to-nourish-our-children/.

[180] Wilton Littlechild, "Indigenous peoples must look to the past to nourish our children."

[181] Onowa McIvor and Art Napoleon, "Language and culture as protective factors for at-risk communities," *International Journal of Indigenous Health* 5, no. 1 (2009): 6–25.

[182] McIvor and Napoleon, "Language and culture as protective factors for at-risk communities."

Why these indicators matter

In addition to adequate nourishment and uptake of antenatal care services, maternal health status and health behaviours influence development in utero. Low birthweight is also an important indicator of maternal health status and poverty.[183] Risk factors for low birthweight include smoking, alcohol or drug use during pregnancy, infection during pregnancy, insufficient weight gain during pregnancy, and young or older maternal age.[184] Low birthweight has been associated with a number of poor outcomes, including cognitive and language development impairments, decreased academic achievement, and increased risk of chronic illnesses later in life.[185] It is important to monitor maternal health status and behaviours that influence healthy physical development of children to identify opportunities for early intervention.

Also critical to health in infancy is exclusive breastfeeding, which is not only important for nourishment, but also for protection against infection, cognitive development and developing a secure attachment to the child's primary caregiver.[186] Adequate maternal and child nutrition before and after birth is influential in promoting physical growth and brain development, which has consequences for language-cognitive and social-emotional development, and ultimately, for future health and socioeconomic outcomes.

In addition to maternal health status and behaviours, another important indicator of overall physical health and well-being of children is the presence of a disability or chronic illness. As Kim and colleagues summarize, "children with chronic health conditions often experience pain, fatigue, and emotional distress and other problems that may affect their well-being."[187] An epidemiologic survey of 3,294 children in Ontario found that children with both chronic illness and associated disability

[183] Clare L. Cutland et al., "Low birth weight: Case definition & guidelines for data collection, analysis, and presentation of maternal immunization safety data," *Vaccine* 35, no. 48 Pt A (2017): 6492–6500.

[184] Stanford Children's Health, "Low Birth Weight," n.d., accessed on July 27, 2020, https://www.stanfordchildrens.org/en/topic/default?id=low-birthweight-90-P02382.

[185] Cutland et al., "Low birth weight: Case definition & guidelines for data collection, analysis, and presentation of maternal immunization safety data."

[186] Lori G. Irwin, Arjuman Siddiqi and Clyde Hertzman, "Early child development: a powerful equalizer," *World Health Organization*, (2007), http://www.who.int/social_determinants/resources/ecd_kn_report_07_2007.pdf; Ruth A Lawrence, "Supporting breastfeeding/early childhood social and emotion development," *Breastfeeding* (2008); J. W. Anderson, B. M. Johnstone, and D. T. Remley, "Breast-feeding and cognitive development: a meta-analysis," *Am J Clin Nutr* 70, no. 4 (October, 1999): 525–35; Cesar G Victora et al., "Breastfeeding in the 21st century: epidemiology, mechanisms, and lifelong effect," *The Lancet* 387, no. 10017 (2016): 475–90.

[187] Jiseon Kim et al., "Symptoms and quality of life indicators among children with chronic medical conditions," *Disability and health journal* 7, no. 1 (2014): 96–104.

were at three times greater risk of experiencing psychiatric disorders.[188] Learning and behavioural disabilities have been associated with a higher risk of school difficulties, criminality, higher medical needs, difficulty establishing emotional relationships, and employment challenges as adults.[189] Therefore, providing accessible, effective and timely support for children experiencing disability or chronic illness is important to promote well-being.

Measure: Healthy habits

Establishing healthy habits is important for growth and development. Moreover, reinforcing a healthy lifestyle in childhood and adolescence increases the likelihood that these behaviours will continue into adulthood. The importance of measuring healthy habits in the context of child well-being has been primarily explored among adolescents, as this is a time when children are gaining more independence and autonomy in their lifestyle choices.[190] The indicators chosen for this measure include:

- Eating habits
- Level of physical activity
- Sleep habits

Why these indicators matter

Healthy habits, which include things such as levels of exercise, a healthy diet and sleep hygiene, lay an important foundation for development among children, as well as for future outcomes in adulthood. Establishing patterns of regular physical activity and a healthy diet are important for preventing obesity and chronic illnesses such as type 2 diabetes and promoting healthy body image.

Measure: Risk management

Preventing and managing risky behaviours among children and adolescents is very important as this may influence many different domains of well-being. The indicators chosen for this measure include:

- Teenage birth rate
- Percentage who report using illicit drugs in the last month
- Percentage who report binge drinking in the last month
- Smoking in the last month

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[188] David Cadman et al., "Chronic Illness, Disability, and Mental and Social Well-Being: Findings of the Ontario Child Health Study," *Pediatrics* 79, no. 5 (1987): 805–813.

[189] Alex Wright, Diane Hiebert-Murphy, and Gwen Gosek, "Supporting aboriginal children and youth with learning and/or behavioural disabilities in the care of aboriginal child welfare agencies," *Faculty of Social Work*, University of Manitoba, (2005).

[190] Kathleen Mullan Harris, Rosalind Berkowitz King, and Penny Gordon-Larsen, "Healthy Habits among Adolescents: Sleep, Exercise, Diet, and Body Image," in *What Do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development,* ed. Kristin Anderson Moore and Laura H. Lippman (Boston, MA: Springer US, 2005).

Why these indicators matter

Early prevention of risky behaviour such as alcohol, tobacco and illicit drug use or unprotected sex is important, as these problem behaviours can manifest in youth and extend into adulthood. For example, a study of 727 Indigenous adolescents in the United States found that those who began drinking at an earlier age (i.e. 11–13 years old) were at a much greater risk of developing problem drinking than those who started later.[191] Adolescence is a time when risky behaviours tend to occur at the same time and are associated with "increased risk of poor educational attainment, future morbidity and premature mortality."[192] This is true of the Indigenous context as well, where high rates of binge drinking among adolescents "has been identified as a leading case of adolescent morbidity and mortality consequent to violence, falls, suicide, drowning, motor vehicle accidents, and risky sexual behaviour."[193]

SUB-STRATEGIC OUTCOME: FAMILY WELL-BEING

As stated above, there is a vast literature documenting the integral relationship between child well-being and family well-being. As summarized by Newland (2015), many studies have demonstrated child well-being as being predicated on family well-being and parenting quality.[194] Throughout the relevant literature, family well-being denotes that a family has the capacity to care for children and fulfill their basic developmental, health, educational, social, cultural, spiritual, and housing needs. Similarly, Newland (2015) defines family well-being as a relational concept, referring to the interactions between family members but also affected by the larger environments in which parents and children exist. Within this research, family well-being comprises two sub-components: Family Self-Sufficiency (parental employment and a family's ability to meet basic needs) and Family Health and Protective Factors (parental mental and physical well-being and family protective factors).

[191] Jacob E. Cheadle and Les B. Whitbeck, "Alcohol Use Trajectories and Problem Drinking Over the Course of Adolescence: A Study of North American Indigenous Youth and Their Caretakers," *Journal of Health and Social Behavior* 52, no. 2 (2011): 228–45.

[192] R.R. Kipping et al., "Multiple risk behaviour in adolescence," *Journal of Public Health* 34, no. suppl_1 (2012): i1–i2.

[193] Sherry H. Stewart et al., "Hopelessness and Excessive Drinking among Aboriginal Adolescents: The Mediating Roles of Depressive Symptoms and Drinking to Cope," *Depression research and treatment* (2011).

[194] Kieran McKeown, Jonathan Pratschke and Trutz Haase, "Family Well-Being: What Makes A Difference?" (October 2003)*;* Lisa A. Newland, "Supportive family contexts: promoting child well-being and resilience," *Early Child Development and Care* 184, no. 9–10 (2014): 1336–1346; Yvonne Rafferty, Kenneth W Griffin and Dimitra Robokos, "Maternal depression and parental distress among families in the Early Head Start Research and Evaluation Project: Risk factors within the family setting," *Infant Mental Health* J. 31, no. 5, (September 2010): 543–569*;* Lori A. Roggman, Lisa K. Boyce and Mark S. Innocenti, *Developmental parenting: A guide for early childhood practitioners* (Baltimore: Paul H. Brookes Publishing, 2008).

SELF-SUFFICIENCY

Families' overall level of self-sufficiency is typically measured in terms of economic resources. This aspect of family life is frequently cited as a crucial determinant of child thriving. The indicators selected as the measures of this indicator include:

- Secure parental employment and labour force participation, and;
- Ability to meet basic needs, including transportation, housing and utilities, food, clothing, childcare and other necessary expenses.

Self-sufficiency is among the most cited factors in the literature on family well-being. Many studies have found that low parental income and economic hardships cause increased economic pressure in families, which adversely impacts parental mental health, conflict between parents/caregivers, parent-child interactions and parenting practices, as well as cognitive, academic, and socioemotional outcomes in children. Indeed, when parents are lacking the skills and resources necessary to be self-sufficient, they are more likely to struggle to provide adequate support and educational assistance for their children.[195] Families in chronic and persistent poverty are especially prone to challenges with self-sufficiency and may require additional support to reach this objective.[196] In the context of First Nations, risks to self-sufficiency are often more pronounced than in the rest of Canada. For many First Nations households, life choices can be severely compromised by high food costs, poor availability of healthy food, low income, and/or high housing and heating costs.

FAMILY HEALTH AND PROTECTIVE FACTORS

In addition to the immediate financial needs captured in the self-sufficiency component, there is the equally important consideration of health status of parents and/or caregivers, as well as the degree of protective factors within the family unit. As a result, we have classified the measures in this sub-strategic outcome as follows.

- Physical health status of parents or caregivers;
- Mental health status of parents or caregivers, and;
- Family protective factors.

[195] Erik Jacobson, "Examining Reading Comprehension in Adult Literacy," *Adult Basic Education and Literacy Journal* 5, no. 3 (2011): 132–140; Jacqueline, Lynch, "Print literacy engagement of parents from low-income backgrounds: Implications for adult and family literacy programs," *Journal of Adolescent & Adult Literacy* 52, no. 6 (2009): 509–521.

[196] Diana D. Coyl, Lori A. Roggman, and Lisa A. Newland, "Stress, maternal depression, and negative mother–infant interactions in relation to infant attachment," *Infant Mental Health Journal: Official Publication of The World Association for Infant Mental Health* 23, no. 1–2 (2002): 145–163; Yvonne Rafferty, Kenneth W Griffin and Dimitra Robokos, "Maternal depression and parental distress among families in the Early Head Start Research and Evaluation Project: Risk factors within the family setting," *Infant Ment Health* J. 31, no. 5, (September 2010): 543–569.

Parental physical and mental health

Parental mental and physical health are necessary conditions for maintaining a stable and positive family environment. Parents who are suffering from poor mental health will likely have a negative impact on the entire family system, including co-parents, children, as well as other networks outside of the family such as work and social support systems.[197] Mental health disorders, combined with the daily challenges of parenting, can cause parents to feel overwhelmed by the demands of everyday life. Moreover, parents suffering from subclinical mental health issues (e.g. distress, mild depression, anxiety, stress, fatigue, somatic symptoms) rarely seek treatment for their conditions.[198] Under these conditions, parents have been found more likely to resort to inappropriate coping devices, such as avoidance or drug/alcohol use, as a way of managing the challenges in their lives.[199]

These persistent conditions of heightened levels of stress, combined with low levels of social support, are particularly problematic for families.[200] Conversely, when parents use appropriate emotion regulation, stress management, and support-seeking strategies, they tend to exhibit more positive physical and mental health, decision making, job performance and stability, parenting skills, and social relationships.[201] Markers of positive parental mental health, including life satisfaction, positive mood, and efficacy, are related to better individual and family

[197] Lisa A. Newland, Diana D. Coyl, and Harry Freeman, "Predicting preschoolers' attachment security from fathers' involvement, internal working models, and use of social support," *Early Child Development and Care* 178, no. 7–8 (2008): 785–801; Michael J. Mackenzie et al., "Spanking and child development across the first decade of life," *Pediatrics* 132, no. 5 (2013): e1118–e1125; Donald, Sawyer, John A. Gale and David Lambert, "Rural and Frontier Mental and Behavioral Health Care: Barriers, Effective Policy Strategies, Best Practices," Waite Park, MN: *National Association of Rural Mental Health*. (2006).

[198] Rebecca Giallo et al., "Psychological distress of fathers attending an Australian early parenting service for early parenting difficulties," *Clinical Psychologist* 17, no. 2 (2013): 46–55.

[199] Joanne Nicholson, Elaine M. Sweeney and Jeffrey L. Geller, "Focus on women: mothers with mental illness: I. The competing demands of parenting and living with mental illness," *Psychiatric Services* 49, no. 5 (1998): 635–642.

[200] Diana D. Coyl, Lisa A. Newland and Harry Freeman, "Predicting preschoolers' attachment security from parenting behaviours, parents' attachment relationships and their use of social support," *Early Child Development and Care* 180, no. 4 (2010): 499–512.

[201] Diana D. Coyl, Lori A. Roggman, and Lisa A. Newland, "Stress, maternal depression, and negative mother—infant interactions in relation to infant attachment," *Infant Mental Health Journal: Official Publication of The World Association for Infant Mental Health* 23, no. 1–2 (2002): 145–163; Carolyn A. McCarty and Robert J. McMahon, "Mediators of the relation between maternal depressive symptoms and child internalizing and disruptive behavior disorders," *Journal of family psychology* 17, no. 4 (2003): 545; Delphine Nelis et al., "Measuring individual differences in emotion regulation: The Emotion Regulation Profile-Revised (ERP-R)," *Psychologica Belgica* (2011); Lisa A. Newland, "Supportive family contexts: promoting child well-being and resilience," *Early Child Development and Care* 184, no. 9–10 (2014): 1336–1346.

functioning.[202] It is essential that parents who have mental health issues be treated properly if they are to be self-sufficient and resilient.[203]

Parental physical health is an equally important component of family well-being which impacts parent–child interactions and child well-being.[204] Parental health behaviours and management strategies are related to parental mental health and family functioning (e.g. family interactions, outcomes, roles, self-sufficiency, and parent involvement), all of which impact children's life outcomes.[205] Finally, parents also serve as "the primary gatekeepers of their children's health", therefore making choices about their child's healthcare, nutrition, physical activity, mental healthcare, and physical and emotional environments.[206]

Family protective factors

The last component of family well-being in this research is family protective factors, which consist of family resilience, social connections, knowledge of parent and child development, concrete support in times of need, and developmental parenting and attachment. Many child welfare and family support systems have emphasized the importance of protective factors in preventing negative outcomes for children. These factors can mitigate risk and promote healthy development of children and families such as strengths that help buffer and support families at risk. These risk factors include stressful conditions such as maternal psychiatric disorders, family violence, persistent poverty, and substance use. Increasing the strength of protective factors is an effective prevention and intervention strategy to offset risk exposure and promote enduring gains.[207]

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[202] Diana D. Coyl, Lori A. Roggman, and Lisa A. Newland, "Stress, maternal depression, and negative mother–infant interactions in relation to infant attachment," *Infant Mental Health Journal: Official Publication of The World Association for Infant Mental Health* 23, no. 1–2 (2002): 145–163.

[203] Lisa A. Newland, "Supportive family contexts: promoting child well-being and resilience," *Early Child Development and Care* 184, no. 9–10 (2014): 1336–1346; Joanne Nicholson, Elaine M. Sweeney and Jeffrey L. Geller, "Focus on women: mothers with mental illness: I. The competing demands of parenting and living with mental illness," *Psychiatric Services* 49, no. 5 (1998): 635–642.

[204] Anne Case and Christina Paxson, "Parental behavior and child health," *Health affairs* 21, no. 2 (2002): 164–178.

[205] Rebecca Giallo et al., "Psychological distress of fathers attending an Australian early parenting service for early parenting difficulties,"; Rhona Hogg et al., "Parenting support for families with young children—a public health, user-focused study undertaken in a semi-rural area of Scotland," *Journal of clinical nursing* 22, no. 7–8 (2013): 1140–1150; Newland, 2014; Kristina Ziegart, "Maintaining families' well-being in everyday life." *International Journal of Qualitative Studies on Health and Well-Being* 6, no. 2, (May 2011).

[206] Case & Paxson, (2002): 164.

[207] Joan E. Zweben et al., "Enhancing family protective factors in residential treatment for substance use disorders," *Child welfare* 94, no. 5, (2015): 145–166.

Strengthening Families™, developed by the Center for the Study of Social Policy (CSSP), identifies five protective factors: (1) parental resilience; (2) social connections; (3) Knowledge of parent and child development; (4) Concrete support in times of need; and (5) social and emotional competence of children. Many child welfare systems have used the CSSP framework to develop strength-based intervention initiatives.[208] Strengthening Families is a research-informed approach to improve family well-being, enhance child development, and reduce the likelihood of child abuse and neglect.[209] This framework is widely used as an intervention in many child welfare agencies to reduce child maltreatment and foster positive relationships between parents and children.

According to the CSSP:

> Protective factors act as a counterweight to risk factors. They buffer the impact of what the researchers call "toxic stress". Risk factors, it turns out, are not very predictive of future events. And we cannot get to good outcomes for children only by focusing on reducing risk. The protective factors in the Strengthening Families framework both protect against risk and promote positive outcomes.[210]

Strengthening Families is also consistent with the shift in the child welfare sector from a protection to a prevention-based system in its emphasis on a changed relationship with parents. As summarized by the CSSP:

> Programs and service providers in these systems sometimes see parents as irrelevant to their work, or worse, as obstacles to achieving the outcomes we all want for children. But we know that children grow up in families, not programs—and we cannot achieve good outcomes for children without engaging their parents as partners.[211]

Finally, Strengthening Families is aligned with developmental science and emphasizes the importance of nurturing and responsive relationships in the critical period of early childhood. The CSSP clearly references the

[208] Charlyn Harper Browne, "The Strengthening Families Approach and Protective Factors Framework: Branching Out and Reaching Deeper," *Washington, DC: Center for the Study of Social Policy*, (2014); Child Welfare Information Gateway, "Protective Factors Approaches in Child Welfare," (2014).

[209] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

[210] Center for the Study of Social Policy (CSSP), "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

[211] Center for the Study of Social Policy (CSSP), "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

effects of traumatic experiences in children, which can "carry into the rest of a young person's life."[212]

Parental resilience refers to the ability of parents to manage stress (either parental or general life stressors) and for the parents and the family to function well when faced with challenges, adversity, and trauma. According to the CSSP, it has been frequently demonstrated that how parents respond to stressors is more significant to determining the outcomes for themselves and for their children than the stressor itself.[213]

Second, social connections refer to parents' constructive and supportive relationships with family members, friends, neighbours, co-workers, community members, and service providers, which provide emotional, informational, and spiritual support. These connections have been associated with positive parental mood, positive perceptions and responsiveness of parents towards children, as well as parental satisfaction, sense of competence, and reduced anger, anxiety and depression.

Third, knowledge of parenting and child development, simply an adequate understanding of child development and parenting strategies that support physical, cognitive, language, social and emotional development, contribute to emotionally available parents and caregivers who recognize and respond to the needs of children, and who interact with them in an affectionate, sensitive, and nurturing manner. This type of care allows children to develop a bond of secure attachment towards their parents or caregivers and, in turn, to develop a sense of trust, safety, self-confidence, and security.[214]

Fourth, concrete support in times of need refers to strategies and resources which parents can utilize during exceptionally trying times, such as job losses, home foreclosure, acute poverty (e.g. inability to pay for basic necessities), substance abuse, or other family trauma. As summarized by the CSSP, when parents are able and willing to navigate through and access health care and social service resources offered in their community, they are taking a critical step towards improving their circumstances and "learning to better manage stress and function well."[215]

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[212] Center for the Study of Social Policy (CSSP), "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

[213] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

[214] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

[215] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

Finally, developmental parenting, a term coined by Roggman et al.,[216] encompasses a set of parenting practices meant to be developmentally appropriate and adjusted as children's needs and skills change. Roggman and others have found that developmental parenting includes four key components: affection, responsiveness, encouragement, and teaching.[217] More recently, Newland expanded that list to include engagement, appropriate discipline, and supportive co-parenting.[218] In general, developmental parenting is described as responsive and sensitive to children's needs in order to foster positive attachment relationships with parents and caregivers in infancy and early childhood, which are a crucial conditions to facilitate of child well-being.[219] Indeed, both the quality of parenting and the quality of parent–child relationships are extremely important for children's well-being.[220] High-quality parenting is characterized as being developmentally appropriate, consistently with a child's needs, and adjusted as those needs change in order to foster well-being.[221]

SUB-STRATEGIC OUTCOME: COMMUNITY WELL-BEING

Community well-being is the broadest domain of well-being utilized in this research project, encompassing many contextual factors which can enable or constrain a child's thriving. Poverty has known impacts on development, a matter highlighted in Phase 1.[222]

As Liebenberg and Hutt-Macleod attest, "Reducing the number of children in care will depend in large part on providing families and communities the resources required to heal so that they are better

[216] Lori A. Roggman, Lisa K. Boyce and Mark S. Innocenti, *Developmental parenting: A guide for early childhood practitioners* (Baltimore: Paul H. Brookes Publishing, 2008).

[217] Lori A. Roggman, Lisa K. Boyce and Mark S. Innocenti, *Developmental parenting: A guide for early childhood practitioners* (Baltimore: Paul H. Brookes Publishing, 2008).

[218] Lisa A. Newland, "Supportive family contexts: Promoting child well-being and resilience," *Early Child Development and Care* 184, 9–10, (2014): 1336–1346.

[219] Mari Broberg, "Young children's well-being in Finnish stepfamilies," *Early Child Development & Care* 182,3/4, (February 22, 2012): 401–415; Michael J. Lawler, Phillip R. Shaver and Gail S. Goodman "Toward relationship-based child welfare services" *Children and Youth Services Review* 33, no. 3, (March 2011): 473–480; Tim McDougall, "Mental health problems in childhood and adolescence" *Nursing Standard* 26, no. 14, (2011): 48–56.

[220] Lisa A. Newland, "Supportive family contexts: Promoting child well-being and resilience," *Early Child Development and Care* 184, 9–10, (2014): 1336–1346.

[221] Catherine S. Tamis-LeMonda et al., "Fathers and mothers at play with their 2- and 3-year-olds: Contributions to language and cognitive development," *Child development* 75, no. 6 (2004): 1806–1820; Rebecca P. Newland et al., "The family model stress and maternal psychological symptoms: Mediated pathways from economic hardship to parenting," *Journal of Family Psychology* 27, no. 1 (2013): 96; Roggman et al. (2008).

[222] IFSD, "Enabling First Nations Children to Thirve," (2018), http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

able to care for children."[223] However, the importance of community well-being denotes a focus beyond simply reducing the number of children in care. Rather, a community focus shifts the objective towards promoting substantive equality and wellness for children, families, and communities to have a chance for healthy development. As Bronfenbrenner explained, "Children don't grow up in programs. They grow up in families and in communities."[224]

The community capacity-building framework proposed by Liebenberg and Hutt-Macleod (2017) demonstrates how development at the community level is critical to well-being in general, including that of children.

The definition of community well-being employed in this research is derived from the University of Minnesota's Earl E. Bakken Center for Spirituality & Healing, as "the combination of social, economic, environmental, cultural, and political conditions identified by individuals and their communities as essential for them to flourish and fulfill their potential."[225] While the factors inherent in community well-being in an Indigenous context are numerous, for the purposes of this research, these have been limited to three sub-components. The components of community well-being are as follows:

- A community's access to basic needs;
- The gaps in service provision to communities, and;
- Public safety and community health.

ACCESS TO BASIC NEEDS

Access to basic needs in a community will comprise five key indicators: access to potable water, access to suitable housing, access to broadband connectivity, proximity and presence of community infrastructure, and overall poverty level. These components have been included in numerous studies and surveys documenting Indigenous well-being in Canada.

Access to potable water

Firstly, access to potable water is widely recognized as a fundamental condition for human health, and the lack of access to safe drinking water and adequate sanitation is one of the greatest threats facing vulnerable populations in the world. Indigenous teachings in particular demonstrate

[223] Linda Liebenberg and Daphne Hutt-Macleod, "Community development approaches in response to neoliberalism," *The Routledge Handbook of Global Child Welfare* (2017): 47.

[224] Center for the Study of Social Policy, "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

[225] University of Minnesota, Early E. Bakken Center for Spirituality and Healing, "What is community well-being?" Accessed on July 27, 2020, https://www.takingcharge.csh.umn.edu/enhance-your-well-being/community/what-community-well-being.

that water has various meanings and uses for people including a "...home for living beings, a life-enriching cleansing agent, an element of interconnection, and a symbol of both strength and softness."[226] As documented by Sanderson, the meaning attached to water among First Nations is that of being: "life; ...sacred; ...power; ...our first medicine; and, water connects all things."[227]

In Canada, providing safe drinking water to First Nations on reserves is a significant issue. As Bharadwaj and Bradford note, many reserve communities in Canada live with long-term drinking water advisories and high-risk water systems, and experience health and water quality below that of non-reserve populations.[228] The Government of Canada's federal department of Indigenous Services Canada provides data on long-term drinking water advisories in First Nations communities, which refer to water advisories which have been in effect for more than 12 months.[229] As of July 27, 2020, there were 30 short-term drinking water advisories and 61 long-term drinking water advisories on public systems on reserves.

The Parliamentary Budget Officer in Canada has estimated that the government would have to invest a minimum of $3.2 billion in capital investment to bring First Nations water systems up to the standards of comparable non-Indigenous communities in order to eliminate boil-water advisories.[230] When this estimate was released in 2017, it was found that the government was spending only 70 per cent of what is needed to end boil water advisories on First Nations Reserves within five years.

Access to suitable housing

Access to suitable housing is an equally important basic need. According to Statistics Canada, 'housing suitability' refers to whether a private household is living in suitable accommodations according to the National

[226] Lalita Bharadwaj and Lori Bradford, "Indigenous Water Poverty: Impacts Beyond Physical Health", in Heather Exner-Pirot, Bente Norbye and Lorana Butler (eds.), "Northern and Indigenous Health and Health Care," (Saskatoon, Saskatchewan: University of Saskatchewan, 2018).

[227] Cheryl Darlene Sanderson, "Nipiy Wasekimew/Clear Water: The Meaning of Water from the Words of the Elders—The Interconnections of Health, Education, Law and the Environment," (Burnaby, BC, Faculty of Education, Simon Fraser University, 2004), 93.

[228] Lalita Bharadwaj and Lori Bradford, "Indigenous Water Poverty: Impacts Beyond Physical Health", in Heather Exner-Pirot, Bente Norbye and Lorana Butler (eds.), "Northern and Indigenous Health and Health Care," (Saskatoon, Saskatchewan: University of Saskatchewan, 2018). Available from: openpress.usask.ca/northernhealthcare.

[229] Indigenous Services Canada, "Ending long-term drinking water advisories," last modified February 17, 2020, https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660.

[230] Parliamentary Budget Officer, "Budget sufficiency for First Nations Water and Wastewater Infrastructure," (December 7, 2017), https://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2017/FN%20Water/FN_Water_EN.pdf.

Occupancy Standard (NOS); that is, whether the dwelling has enough bedrooms for the size and composition of the household.[231] Statistics Canada has recently devoted greater attention to measuring housing needs in Canada through the new Canadian Housing Survey in 2018. Access to suitable housing can also be determined through the core housing need metric developed by the Canada Mortgage Housing Corporation (CMHC).

According to the CMHC,[232] core housing need is a situation in which:

1. Major repairs are required and residents do not have the means to move to a good unit in their community;

2. There are not enough bedrooms for the residents, and they do not have the means to move, and;

3. The current home costs more than the residents can afford, and they do not have the means to make a move or find an available affordable home in their community.

As defined by the CMHC,[233] a household is defined as:

- Its housing is unacceptable (does not meet one or more of the adequacy, suitability or affordability standards), and;
- Acceptable alternative housing in the community would cost 30% or more of its before-tax income.

Affordable, stable housing in a safe, supportive neighbourhood is essential for a healthy family life.[234] There is a substantial body of research linking adequate housing to indicators of human health.[235] Recent guidelines released by the WHO, for instance, highlights that improved housing conditions lead to better standards of health and overall well-being.[236]

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[231] Statistics Canada, "Housing suitability," *Census of Population*, 2016, last modified January 3, 2019, Retrieved from: https://www12.statcan.gc.ca/census-recensement/2016/ref/dict/households-menage029-eng.cfm.

[232] Canada Mortgage Housing Corporation (CMHC), (2019), "Understanding core housing need". Retrieved from: https://www.cmhc-schl.gc.ca/en/data-and-research/core-housing-need.

[233] Canada Mortgage Housing Corporation (CMHC), (2019), "Understanding core housing need". Retrieved from: https://www.cmhc-schl.gc.ca/en/data-and-research/core-housing-need.

[234] Kevin James Swick and Reginald D. Williams, "An analysis of Bronfenbrenner's bio-ecological perspective for early childhood educators: Implications for working with families experiencing stress," *Early childhood education journal* 33, no. 5 (2006): 371–378.

[235] Xavier Bonnefoy, "Inadequate housing and health: an overview," *International Journal of Environment and Pollution* 30, 3/4 (2007): 411–429; Lauren Taylor, "Health policy brief. Housing and Health: An Overview of the Literature," *Health Affairs*, June 7, 2018, https://www.healthaffairs.org/do/10.1377/hpb20180313.396577/full/.

[236] United Nations, "Better housing means better health and well-being, stress new WHO guidelines," *UN News*, November 27, 2018, https://news.un.org/en/story/2018/11/1026811.

In this report, the WHO demonstrates that a healthy home is one that provides a safe, comfortable and hygienic environment, as well as a psychological sense of home through a feeling of belonging, security, and privacy.

In Canada Indigenous People are far less likely than non-Indigenous Peoples to live in such a home, particularly those living on reserves.[237] According to recent data, approximately 20% of Indigenous People lived in a dwelling in need of major repairs in 2016, and 18.3% of Indigenous People lived in housing that was crowded.[238]

Families experiencing homelessness often report a loss of parental control, and are more likely to experience domestic or community violence and an increase in fear and anxiety.[239] Poor housing has also been linked to the spread and chronic occurrence of viruses and bacteria[240], and the increased prevalence of unintentional injuries.[241] Moreover, housing instability is associated with decreased family engagement in children's early school-related activities and poor early school attendance, and children who experience homelessness during their infancy, toddler, or preschool years tend to have poorer early academic outcomes overall.[242] Housing improvements linked with improved health include renovations, relocation, and energy efficiency projects.

Access to broadband

Broadband connectivity has been associated with numerous community benefits and has been recognized as a pressing issue for Aboriginal communities.[243] According to Benkler, internet connectivity is necessary infrastructure to contribute to "high and sustainable economic growth

[237] Statistics Canada, "Census in brief: The housing conditions of Aboriginal people in Canada," October 25, 2017, https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm.

[238] Statistics Canada, "Census in brief: The housing conditions of Aboriginal people in Canada," October 25, 2017, https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm.

[239] Kevin James Swick and Reginald D. Williams, "An analysis of Bronfenbrenner's bio-ecological perspective for early childhood educators: Implications for working with families experiencing stress," *Early childhood education journal* 33, no. 5 (2006): 371–378.

[240] James Krieger and Donna L. Higgins, "Housing and health: time again for public health action," *American journal of public health* 92, no. 5 (2002): 758–768.

[241] Dawn Lee Garzon, "Contributing factors to preschool unintentional injury," *Journal of pediatric nursing* 20, no. 6 (2005): 441–447.

[242] Fantuzzo, John, et al., "A population-based inquiry of homeless episode characteristics and early educational well-being," *Children and Youth Services Review* 35, no. 6 (2013): 966–972.

[243] Rob McMahon et al., "Putting the 'last-mile' first: Re-framing broadband development in First Nations and Inuit communities," *Centre for Policy Research on Science and Technology (CPROST)*, Simon Fraser University, (December 3, 2010), http://www.sfu.ca/cprost/tacs.html.

and to core aspects of human development."[244] As acknowledged by the Government of Canada, broadband is "a critical tool for Aboriginal people as broadband infrastructure can improve health and safety, increase social well-being and provide economic development opportunities and growth for Aboriginal communities".[245] Today, only about 24% of households in Indigenous communities have access to broadband connections of 50/10 Mbps.[246] As a result of these recognized benefits, since early 2011, Indigenous Services Canada (formerly, Indian and Northern Affairs Canada (INAC)) was developing an Aboriginal connectivity strategy, while other federal departments including Industry Canada are creating a comprehensive National Digital Strategy. In some cases, broadband infrastructure has been framed as a component of indigenous self-determination.[247] There is general consensus that broadband infrastructure is an integral component of a thriving community, from a tool for cultural preservation and language learning to service delivery in health care and education.[248]

Presence of community infrastructure

The inclusion of the presence and proximity of community infrastructure is consistent with the definition of community well-being developed by the Earl E. Bakken Center for Spirituality & Healing as being based on three factors: Connectedness (e.g. social support, civic engagement), livability (e.g. housing, transport), and equity (e.g. basic needs are met, equality of opportunity).[249]

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[244] Yochai Benkler, *Berkman Centre for Internet & Society at Harvard University*, (2010).

[245] Indigenous Services Canada, "Connectivity and Partnerships," *Government of Canada*, accessed on July 27, 2020, https://www.sac-isc.gc.ca/eng/1343229993175/1533643807551.

[246] Innovation, Science and Economic Development Canada, "High-Speed Access for All: Canada's Connectivity Strategy," *Government of Canada*, accessed on July 27, 2020, https://www.ic.gc.ca/eic/site/139.nsf/eng/h_00002.html.

[247] Javier Mignone and Heather Henley, "Impact of information and communication technology on social capital in aboriginal communities in Canada," *Journal of Information, Information Technology, and Organizations* 4, (2009): 127–145.

[248] Cynthia J. Alexander et al., "Inuit cyberspace: The struggle for access for Inuit Qaujimajatuqangit." *Journal of Canadian Studies* 43, no. 2, (December 22, 2009): 220–249; Susan O'Donnell et al., "Information and communication technologies (ICT) and remote and rural First Nations communities: An overview," Paper presented at the Canadian Communication Association annual conference, Montréal, QC, (June, 2010), http://nparc.cisti-icist.nrc-cnrc.gc.ca/npsi/ctrl?action=shwart&index=an&req=15703733&lang=en; Susan O'Donnell et al., "Information and communication technologies to support health and wellness in remote and rural first nations communities: Literature review," (Fredericton, NB: *National Research Council*, 2010); David Falconer, "Rural and remote broadband access: Public policy issues," *Journal of Policy Engagement* 1, no. 3, (2009): 15–20; Centre for the Study of Living Standards, "The contribution of broadband to the economic development of first nations in Canada," Accessed on July 27, 2020: http://www.csls.ca/reports/csls2013-04.pdf.

[249] University of Minnesota, Early E. Bakken Center for Spirituality and Healing, "What is community well-being?" Accessed on July 27, 2020, https://www.takingcharge.csh.umn.edu/enhance-your-well-being/community/what-community-well-being.

The Earl E. Bakken Center for Spirituality & Healing makes reference to numerous studies showing the positive effects of community spaces and services for community well-being, including transportation systems, health and social service centres, public safety and emergency services, parks, recreation, and arts centers, and government and legal institutions. Research shows that community infrastructure is essential to fostering services, facilities, and networks which increase quality of life and reducing poverty.[250] Investments in many Indigenous communities in hard and soft infrastructure are necessary to promote quality of life for community members. This can also help to attract people to the community and can act as a disincentive to out-migration.[251]

Community infrastructure is also significant to the degree that it promotes safety and security among neighbourhoods which, in turn, promote safety within families.[252] Safe neighbourhoods contain resources which support family activities and community health and connections, including parks, sidewalks or walking paths, libraries, and community centers.[253] Neighbourhood safety can create opportunities for children to learn social customs, develop feelings of confidence in their communities, and build interpersonal relationships with peers.[254]

Poverty

Overall poverty is included as a component of community well-being. According to Gustavsson and MacEachron, "there is little disagreement about the association of poverty with child welfare involvement."[255] The negative effects of poverty are often complex and self-reinforcing:

> children can be hungry, be living in substandard housing or be homeless, be unsupervised while a parent works or is meeting

[250] Laurel Rothman, "Strong Neighbourhoods Task Force Research Product Two: The Role of Community Infrastructure in Building Strong Neighbourhoods," *Service Association of Toronto*, (February 14, 2005), http://3cities.neighbourhoodchange.ca/files/2011/05/2005-Strong-Nhoods-TF-Role-of-Community-Infrastructure-in-Strong-Nhoods.pdf.

[251] National Aboriginal Economic Development Board, "Recommendations on northern infrastructure to support economic development," (January 2016), http://www.naedb-cndea.com/reports/recommendations-on-northern-infrastructure.pdf.

[252] National Center on Parent, Family, and Community Engagement (NCPFCE), "Family well-being," (2013).

[253] Mary Kay Kenney, "Child, family, and neighborhood associations with parent and peer interactive play during early childhood," *Maternal and Child Health Journal* 16, no. 1, (April 2012): 88–101; Sharon Kingston et al., "Parent Involvement in education as a moderator of family and neighborhood socioeconomic context on school readiness among young children," *Journal of Community Psychology* 41, no. 3, (February 25, 2013): 265–276.

[254] Martha Boethel, "Readiness: School, Family, & Community Connections," *National Center for Family & Community Connections with Schools*, (2004).

[255] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *Social Work* 55, no. 3, (July 2010): 279–280.

> other responsibilities, be truant from failing schools, lack medical care, or have a caretaker with untreated mental illness or substance abuse.[256]

Parental or familial experiences of poverty have been associated with numerous detrimental effects to child well-being, including emotional and behavioral problems as well as further disruptions in schools and to friendships. Poverty is also associated with poor early childhood development and is a risk factor for family breakdown, both of which have been linked to poor educational performance in children. Moreover, economically distressed areas often experience higher reports of child maltreatment, correlated with inadequate housing and single parenthood.[257] Finally, community poverty has also been linked to health disparities and language development in children.[258]

Community connections and cultural safety

Consideration of community connections and cultural safety to assess social cohesiveness and cultural attachment are important elements of community well-being. Cultural safety refers to social environments and practices which recognize, respect, and honour diverse cultural identities.[259] A measurement of cultural safety is important given that the harmful effects of racism and colonialism experienced by people from non-dominant cultures can affect stress levels, health status, and even life expectancy.[260] As Czyzewski notes, colonialism can be understood as a social determinant of health among Aboriginal populations.[261] Cultural safety also refers to an approach to service delivery that respectfully engages families to select the most individually appropriate path to well-being.[262] The prevalence and use of traditional languages within a First Nation will be used as a proxy to determine cultural connections within a community.

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[256] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *Social Work* 55, no. 3, (July 2010): 279–280.

[257] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *Social Work* 55, no. 3, (July 2010): 279–280; Brenda D. Smith, Emma Sophia Kay and Tracy D. Pressley, "Child maltreatment in rural southern counties: Another perspective on race, poverty and child welfare," *Child Abuse and Neglect* 80, (2018): 52–61.

[258] Caitlin A Farrell et al., "Community Poverty and Child Abuse Fatalities in the United States," *Pediatrics* 139, no. 5, (2017): 2.

[259] Robyn Williams, "Cultural Safety—What Does It Mean for Our Work Practice?," *Australian and New Zealand Journal of Public Health* 23, no. 2, (1999): 213–214.

[260] David H. Chae et al., "Discrimination, Racial Bias, and Telomere Length in African American Men," *American Journal of Preventive Medicine* 46, no. 2: 103–11.

[261] Karina Czyzewski, "Colonialism as a Broader Social Determinant of Health," *The International Indigenous Policy Journal* 2, no. 1 2(1), Chapter 3 "Social Determinants of Health Among First Nations, Inuit, and Métis," *Journal of Obstetrics and Gynaecology Canada* 35, no. 6, (June 2013): S13–S23.

[262] Jessica Ball, "Supporting Young Indigenous Children's Language Development in Canada: A Review of Research on Needs and Promising Practices," *Canadian Modern Language Review/La Revue Canadienne Des Langues Vivantes* 66, no. 1: 19–47.

Applications

Successful implementation of a performance framework depends on relevant, timely and high-quality data. The following section examines the current state of data on First Nations in Canada, where gaps in data exist, and what is needed to support a performance framework that focuses on a future state of thriving First Nations children.

DATA ON FIRST NATIONS IN CANADA: CURRENT STATE

While there is a vast amount of information collected on First Nations, it is largely uncoordinated and carried out in a piecemeal fashion across various federal departments, agencies, regions and organizations by both Indigenous and non-Indigenous groups (see Table 8).[263] Oftentimes, data is not collected frequently enough to be used for planning and operations, nor is it sufficient to answer relevant questions due to gaps in coverage for First Nations living on-reserve (for example, Statistics Canada's Aboriginal Peoples Survey only collects data from First Nations living off reserve, Métis and Inuit). Some surveys fail to separate First Nations identity from the general population, with inconsistency in how Indigenous identity is defined (e.g. self-identified, Status Indian, etc.). Certain efforts have also been critiqued for using culturally inappropriate indicators[264] and focusing on secondary issues (e.g. disease prevalence) as opposed to root causes of ill-health and well-being.[265] Furthermore, First Nations communities are often unable to use this data for planning purposes as it is aggregated to provincial and national levels.

There have been some efforts to address these challenges. For example, the First Nations Information and Governance Centre (FNIGC) was established in 2010, and works mainly to develop and administer national First Nations surveys in collaboration with Regional Partners.[266] One of their larger initiatives is the First Nations Regional Health Survey (RHS), which gathers information on health and well-being from over 250 First Nations communities. The RHS has filled important data gaps for First Nations peoples living on reserve and in northern communities, and as a First Nations-led initiative, includes culturally appropriate indicators on a holistic set of outcomes. FNIGC also houses the First Nations Data Centre, which

[263] Shelley Trevethan, "Strengthening the Availability of First Nations Data," (January 30, 2019), https://www.afn.ca/wp-content/uploads/2019/05/NCR-11176060-v1-STRENGTHENING_THE_AVAILABILITY_OF_FIRST_NATIONS_DATA-MAR_25_2019-FINAL_E.pdf.

[264] Trevethan, *Strengthening the availability of First Nations data.*

[265] Kate McBride, "Data Resources and Challenges for First Nations Communities: Document Review and Position Paper," *The Alberta First Nations Information and Governance Centre*, accessed on July 27, 2020.

[266] First Nations Information Governances Centre, "Frequently Asked Questions," accessed on July 27, 2020, https://fnigc.ca/about-fnigc/frequently-asked-questions.html.

provides data access to researchers, policymakers and other stakeholders on a pay-per-use basis. Census data can offer broad coverage of certain indicators at the level of the individual First Nation but may not always be considered representative.

TABLE 8: Available data and application considerations for the Measuring to Thrive framework.

Data source	Types of data collected	Limitations for FNCFS purposes
Statistics Canada	*Census* ▪ Demographic and family characteristics ▪ Education, labour and income outcomes ▪ Household and dwelling information ▪ Language, mobility and migration	▪ Aggregated to give national level overview ▪ Conducted every 5 years ▪ Indigenous indicator self-identified ▪ Indicators are not always culturally relevant
First Nations Information and Governance Centre (FNIGC)	*Regional Health Survey (RHS)* ▪ Health, well-being and social determinants on children, youth and adults *Early Childhood, Education and Employment Survey (REEES)* ▪ Early childhood education and development ▪ Youth employment and education ▪ Adult employment and education ▪ Labour-market conditions *Community Survey* ▪ Environment ▪ Shelter, infrastructure and housing ▪ Food security and employment ▪ Early childhood development and education ▪ Health and social services ▪ First Nations identity ▪ Justice and safety ▪ First Nations governance	▪ Administered to only a sample of First Nations communities and/or sample of the population ▪ RHS and REEES data aggregated to give national level overview (and cannot always be disaggregated to community level) ▪ Some communities cannot access data due to confidentiality concerns ▪ No clear timeline for further data collection and reporting
Indigenous Services Canada (ISC)	▪ Broadband connectivity profiles ▪ Boil water advisories ▪ Population and profile data on individual First Nations	▪ Can be difficult to access ▪ Data can be outdated (e.g. most recent publicly available data from ISC on connectivity in First Nations communities is from 2013) ▪ No aggregation of data

ANALYZING THE GAPS: WHAT IS MISSING?

Among the most significant challenges to the success of this project are the gaps in high-quality data pertaining to First Nation communities. To align what data currently exists to what is required for supporting a FNCFS performance framework, two dimensions of data source quality were considered: accessibility of data and granularity of data (see Figure 37).

Data accessibility, as the name suggests, refers to the ability to access or retrieve the data stored in a database. Publicly accessible (e.g. housing, access to potable water), data tends to be aggregated, which limits its applicability for decision-support in specific domains. Conversely, granular data refers to the degree of detail and specificity of data, in this case whether data can be divided into Frist Nations and family units. As data is more subdivided, it is more granular. Granular data can be aggregated or disaggregated to allow for different scopes of analysis. If data is not granular, it becomes very difficult to analyze clearly. Granular data may be available at the level of the individual agency or First Nation, but is not always readily available, comparable or consistently captured (i.e. loss of time series).

In the current state, there is limited consistent information and data available on the overall performance of the FNCFS system. What is known, is that the system is underfunded, the system incentivizes the placement of First Nations children in protection, and there is no commonly used results-focused framework. One of the immediate priorities with respect to transition to an alternative funding approach, is the adoption of a commonly supported and used performance framework rooted in the goal of thriving First Nations children, families and communities.

The draft diagram below plots the indicators from the performance framework based on their current-state accessibility and granularity. Several indicators are accessible but insufficiently granular (bottom right quadrant). This suggests that while there is aggregate data at the level of a First Nation, a province or region, the data may not have the necessary detail to measure the indicator defined in the performance framework. For instance, there may be data at the level of the First Nation on alcohol and drug misuse, but that data may not be available for the individual child. Even though individual data will not be shared, it is a useful internal metric for agency decision-support and planning for the child and family. The mismatch between accessibility and granularity is not insurmountable. It will require agency action with requisite resources.

The upper right quadrant is both accessible and sufficiently granular. Most of this data relates to child safety, as it is expected that agencies already collect this information at the level of the individual child for their case files. It is anticipated that while this data will not be made public at the level of the individual, the aggregated data can be a reliable source of information to assess overall outcomes for children and families in a community. Some community level data is also included, as it can be accessed from public sources at the level of the First Nation. Such data includes housing suitability and access to potable water to fulfill certain indicators. The two community well-being indicators

related to infrastructure and health and social services in the bottom left corner are deemed both insufficiently granular and insufficiently accessible because the data does not tend to exist. It would be up to individual communities or agencies to collect or produce this data.

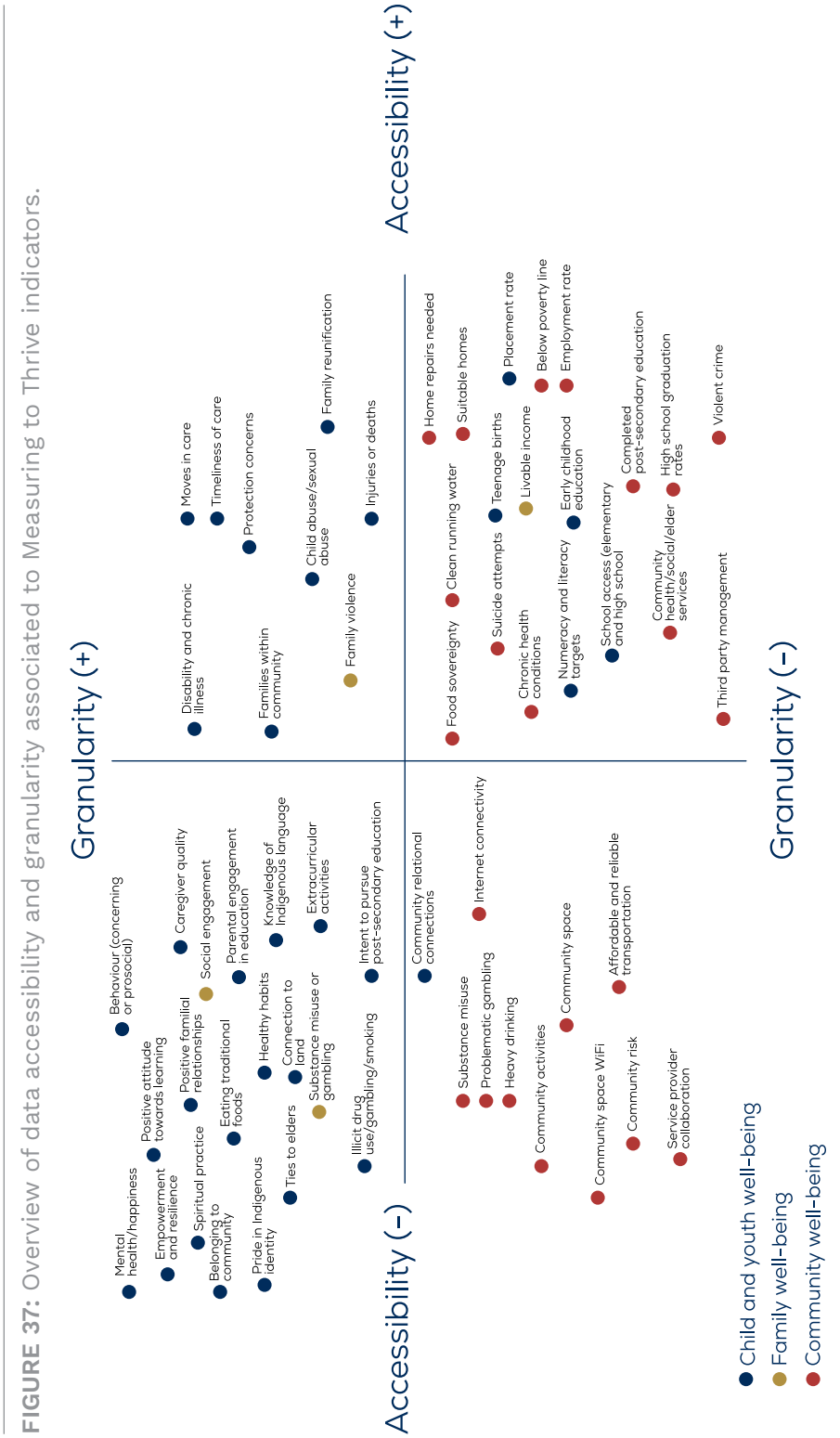


FIGURE 37: Overview of data accessibility and granularity associated to Measuring to Thrive indicators.

FEASIBILITY AND CRITICALITY OF DATA COLLECTION

Given the large gaps that exist, analysis was undertaken to determine the feasibility of obtaining data, and the criticality of it to understand progress to achieving sub-strategic and strategic objectives. This was evaluated using the following criteria:

TABLE 9: Defining feasibility of access and criticality of data for the Measuring to Thrive framework.

	Feasibility	Criticality
1	Easy to access: Data source is already publicly available or very core to agency mandate AND is available at the sufficient level of granularity to fulfil the indicator.	Data is imperative to assessing whether or not the sub-strategic and strategic outcomes are being achieved.
2	Somewhat easy to access: Data is likely not publicly available but close enough to agency mandate that they could reasonably collect it.	Data is somewhat essential to assessing whether or not the sub-strategic and strategic outcomes are being achieved.
3	Difficult to access: Data is not collected by agency and outside of agency mandate, would require external cooperation.	Data is not essential to assessing whether or not the sub-strategic and strategic outcomes are being achieved.

In this configuration, a *Feasible* coding (green) applies to data that is already being captured or an agency could easily collect the data. A *Somewhat Feasible* coding (yellow) describes data that may not exist publicly, nor is it likely being captured by agencies, but of which a request falls within an agency's mandate and the data could be feasibly collected by an agency. Finally, a *Difficult* coding (red) indicates some challenge in accessing the data as it falls outside of a typical agency's mandate and may require collaboration with a third party to capture the information (see Table 9).

Determining the criticality of collecting data on a particular indicator was based on findings from the literature on what is needed to ensure child well-being. Consideration was also given to whether the indicator measured the child's immediate health and safety or well-being more generally, whereby ones related to safety took precedence.

CHILD WELL-BEING

Child well-being is a multi-dimensional concept, and data is required from several different areas in order to holistically understand how a child is faring. In terms of feasibility, the majority of indicators were categorized as somewhat easy to access, meaning that social workers could likely collect this information through assessments with the child

and family. This is with the exception of indicators related to school performance, such as numeracy and literacy scores. In cases like these, there may be opportunities for collaboration with external entities on a community-by-community basis. For example, agencies may collaborate with school boards to collect information on educational achievement outcomes and behavioural issues in the classroom. Likewise, if early intervention programs such as Aboriginal Head Start On-Reserve are delivered within an agency's community, there may be potential to share data on maternal health and early childhood development outcomes.

The child well-being sub-strategic program is the most comprehensive of the four sub-strategic programs and consists of cognitive development, social relationships, psychological & emotional well-being, cultural & spiritual well-being and physical health and well-being performance elements. Cognitive development is supported by school readiness and educational attainment programs. Social relationships is supported by social support & belonging and social engagement programs. Psychological and emotional well-being is supported by child behaviour, social competence, subjective well-being and esteem programs. Cultural and spiritual well-being is supported by spirituality and tradition programs. Physical health and well-being are supported by overall physical health, healthy habits and risk management programs.

FAMILY WELL-BEING

The family well-being sub-strategic outcome consists of self-sufficiency and family health & protective factors performance elements. Self-sufficiency is made up of ability to meet basic needs programs and secure parental employment and participation in labour force programs. Family health and protective factors are made up of physical health of parents/caregivers programs, mental health of parents/caregivers programs and family protective factors programs.

In terms of feasibility, most of these indicators are somewhat easy to access, meaning that social workers could reasonably collect this information through assessments with the child and family. Some indicators referring to family health and protective factors, such as illicit drug use, and symptoms of anxiety and depression and thoughts of suicide and self-harm among caregivers, are presumably feasible to be collected by the agency (and to some extent are already being collected) as these are central to the mandate of agencies and critical to achieving sub-strategic and strategic outcomes.

COMMUNITY WELL-BEING

The community well-being sub-strategic outcome consists of access to basic needs, gaps in services to the community and public safety & community health performance elements. Access to basic needs

has a heavy focus on community infrastructure and looks at access to potable water, suitable housing, broadband connectivity and community infrastructure. It also looks at programs that address the overall poverty level. Gaps in services to the community is made up of programs that seek to address gaps or shortages in services. Public safety and community health consist of health & safety and educational attainment programs.

In terms of feasibility, most of these indicators qualify as relatively easy to access, with the exception of community infrastructure and public safety and community health indicators, as these will require collaboration with external organizations are not within the core mandate of child welfare agencies.

CONNECTION TO THE MEASURING TO THRIVE FRAMEWORK

It is clear that there are several gaps and challenges to utilizing First Nations data more broadly and at the level required by FNCFS agencies. The need to create a more coordinated and standardized approach to managing First Nations data to support an FNCFS performance framework raises the question of which entities and institutional relationships can be developed to collect and store this data. To that end, the example of Chapin Hall at the University of Chicago provides a useful parallel.

Chapin Hall, an independent organization affiliated with and located on the campus of the University of Chicago, engages in extensive partnerships with communities to share information and data on performance indicators of child welfare agencies. Chapin Hall serves as a steward of administrative data from a number of public agencies regularly. These data are used with the express permission of the source agency; for purposes approved by the source agency; and to benefit the source agency and the individuals and families the source agency serves.

One example of a key partnership is with the state of Tennessee, which introduced performance-based contracting (PBC) in child welfare to promote timely permanency for children in 2006. In this model, providers are financially incented to promote the permanent placement of children and are benchmarked against their own performance. The state pays for a result and bills providers that do not meet their agreed targets. Underpinning Tennessee's PBC model is data collected by providers and aggregated by Chapin Hall, which provides expertise on data analysis and performance, as well as in evaluating results and adjusting the program as needed.

Through its frequent use of high-quality reliable data and working partnerships across sectors, systems, and programs, Chapin Hall advances evidenced-based policy and funding solutions to address the complex needs of children, families, and communities. A First Nations-led secretariat is proposed to support First Nations and agencies to transition to a future state with a results approach focused on child, family, and community well-being.

Availability of data needed to benchmark and evaluate if outcomes among First Nations children are improving is scarce, and much of it will need to be collected by FNCFS agencies and providers. It is recognized that collection, analysis and management of the data will require an institutional capacity that is not currently present among all FNCFS agencies. Adequate funding for establishing this infrastructure, stakeholder buy-in and ownership over all aspects of performance measurement and strategic planning will be essential. Allowing communities to define their own success, establishing a positive, no-fault culture around measurement and tying it to an opportunity to improve (as opposed to viewing it as an assessment of performance) must also be integrated.

Connection to the Government of Canada's Expenditure Management Architecture

The Treasury Board of Canada Secretariat has set many standards and requirements for evaluation in the federal government, including the *Policy on Results* (2016)[267] and the *Directive on Results* (2016),[268] the latter of which contains Mandatory Procedures for Evaluations and Standards for Evaluation. The *Policy* replaced three Treasury Board policies, including the *Policy on Evaluation*. TBS continues to demonstrate functional leadership in implementing, using and developing evaluation practices across the federal government. This *Policy on Results* in particular is intended to allow the federal government to move towards performance-informed budgeting in the future.[269]

[267] Treasury Board of Canada Secretariat, "Policy on Results," July 1, 2016, https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300.

[268] Treasury Board of Canada Secretariat, "Directive on Results," (July 1, 2016), https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31306.

[269] Derek Armstrong, "Performance (-informed) Budgeting in the Government of Canada," *Treasury Board of Canada Secretariat*, October 2018, https://fmi.ca/wp-content/uploads/2019/04/en-presentation-derek-armstrong-to-fmi-oct-25-pd.pdf.

Prior to this, the Secretariat had established a guiding document on performance measurement strategies in the federal government.[270] As explained in this guide, performance measurement is a results-based management tool used to plan, monitor, and assess the performance of policies and programs in relation to their progress against explicit benchmarks and goals. In general, the purposes of performance measurement are two-fold: first, to support ongoing program monitoring, and second, to support and facilitate effective evaluation. More specifically, performance measurement allows governments and evaluators to:

1. Monitor and assess program effectiveness;

2. Evaluate the economy and efficiency of programs to determine the value of results in relation to expenditures;

3. Enhance accountability and transparency in the delivery and spending on programs, and;

4. Facilitate strategic program planning to improve its effectiveness and achieve intended results.[271]

ELEMENTS OF THE *HORIZONTAL INITIATIVES GUIDE*

The complexity and breadth of the system-wide approach to FNCFS is evident when considering the contextual influences on well-being. Adhering with the guidance set out in the *Guide to Departments on the Management and Reporting of Horizontal Initiatives* would be beneficial with respect to achieving a successful outcome.

The *Horizontal Initiatives Guide* promotes the management and reporting on horizontal initiatives by:

- Clarifying the definition of a horizontal initiative
- Outlining appropriate governance (First Nations-led)
- Describing the roles and responsibilities of lead and partner departments and agencies
- Setting out the process for their management and reporting
- Prescribing reporting requirements for Parliament and to TBS

[270] Treasury Board of Canada Secretariat, "Supporting effective evaluations: A guide to developing performance measurement strategies," September 29, 2010, https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/centre-excellence-evaluation/guide-developing-performance-measurement-strategies.html.

[271] Treasury Board of Canada Secretariat, "Supporting effective evaluations: A guide to developing performance measurement strategies," September 29, 2010, https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/centre-excellence-evaluation/guide-developing-performance-measurement-strategies.html.

1. *Does FNCFS meet the criteria for a horizontal initiative?*

The performance measurement framework Measuring to Thrive meets the definition of a horizontal initiative. The performance measurement framework is holistic as it seeks to address the root causes in the system that have prevented First Nations children from thriving. This performance measurement framework covers protection, mental health, physical health, education and infrastructure to name a few of the areas of focus. The funding associated to meet the goas of this framework will implicate ISC and other departments.

2. *Appropriate governance for the FNCFS performance measurement framework*

Having established that the Measuring to Thrive framework meets the definition of a horizontal initiative it is important to outline appropriate governance. The following steps should be taken as part of the roadmap towards the implementation of the framework:

a. The appointment of a senior-level First Nation oversight committee
    i. Responsible for data collection, monitoring of indicators and spending, resolution of disputes, timing of meetings and agenda, liaison and ongoing reporting and engagement with key stakeholders and central agencies, communication strategies etc.
b. Establish appropriate subordinate bodies for the sub-strategic outcomes
c. Ensure governance deals with simple issues and roadblocks
d. Ensure that the oversight committee reports high-risk, high-impact issues to the First Nations-led secretariat and/or other appropriate body

The establishment of appropriate and effective governance is critical towards success of this horizontal initiative.

3. *Establish the roles and responsibilities of lead and partner departments and agencies*

Building off the need for appropriate governance it is important that the roles and responsibilities of the lead and all partner agencies/entities are clearly identified to ensure that there is system-wide coordination and synergies with all the moving parts of the performance measurement framework. Alignment and a system-wide view of the effectiveness and efficiency (i.e. value-for-money) of the totality of operations will demonstrate fiscal probity and stewardship with respect to Measuring to Thrive.

4. *Setting out the Process for the Management and Reporting of the Horizontal Initiative*

In order to be successful, the process for managing and reporting of this horizontal initiative requires a shared understanding of:

- The outcomes anticipated
- The indicators of success
- The activities required
- The capacities needed for execution

This shared understanding underscores the importance of ensuring there is accountability for data collection, analysis and reporting. The FNCFS performance measurement framework is horizontal and measures progress in strength-based approaches and overcoming contextual barriers. Given the current data gap in understanding system-wide performance, the initial priority must be to establish a baseline of performance and financial data in the current state. This will help to clearly identify the scope of the challenge as well as being able to identify a medium-term to long-term performance roadmap that will help to measure and report on the success of the funding formula and the performance measurement framework moving forward. First Nations are best positioned to gather, analyze and report on data relevant to well-being.

5. *Prescribing Reporting Requirements for Parliament and to TBS*

Given the importance of the FNCFS funding approach and performance measurement framework it is critical that the oversight committee establish clear evaluation and reporting requirements to Parliament to be able to provide an evidence-based and transparent evaluation of what has been successfully achieved and what gaps remain. Regular reporting and evaluations on performance and the resources allocated to realize this performance will provide a high-quality evidence-based assessment on the progress towards the Vision of *Enabling First Nations Children to Thrive*.

DETAILED CHECKLIST BASED ON THE HORIZONTAL INITIATIVES GUIDANCE DOCUMENT

For a detailed checklist that applies the guidance in the *Guide to Departments on the Management and Reporting of Horizontal Initiatives* to the FNCFS performance measurement framework, see Appendix L. The purpose is to provide a quality assurance best practice checklist for the implementation of the renewed FNCFS system.

Part III: Funding approach

Introduction

The idea of using public money to solve public problems has a long history. As Schick (1966) explains, "Budgeting always has been conceived as a process for systematically relating the expenditure of funds to the accomplishment of planned objectives."[272] OECD research suggests that performance budgeting has been practiced in many different countries since the 1960s, but was adopted more widely by OECD countries beginning in the 1990s.[273] Among OECD countries, impetus for adopting performance budgeting practices include: a financial crisis, growing pressure to reduce public expenditure, or a change in political administration.[274]

Performance budgeting changes often accompany other reforms, instigated by other events. Denmark and Sweden introduced performance budgeting following spending control policies in reaction to the economic crises of the 1980s and 1990s. Nearly a decade later in South Korea, the rapid deterioration of public finances after the Asian financial crisis triggered ambitious wide-ranging reform of the budget process. The United Kingdom's changes in 1997 included public sector management reforms and changes to the budget process.[275] Performance budgeting requirements can be codified in legislation, established through formal policy guidelines, or use a mix of both.

Performance budgeting

One of the most popular definitions of performance budgeting comes from Schick's writings in the OECD. Distinguishing between a broad (standard) definition and a strict (limited) definition of performance budgeting, Schick explains that:

> Broadly defined, a performance budget is any budget that presents information on what agencies have done or expect to do with the money provided to them. Strictly defined, a

[272] Allen Schick, "The Road to PPB: The Stages of Budget Reform," *Public Administration Review* 26, no. 4 (1966): 244.

[273] OECD, "OECD good practices for performance budgeting," last modified May 10, 2019, https://doi.org/10.1787/c90b0305-en.

[274] OECD, "OECD good practices for performance budgeting," last modified May 10, 2019, https://doi.org/10.1787/c90b0305-en.

[275] Austria also implemented 'Gender Budgeting' as part of its comprehensive performance budgeting reforms in 2009 and 2013.

> performance budget is only a budget that explicitly links each increment in resources to an increment in outputs or other results. The broad concept views budgeting in presentational terms, the strict version views it in terms of allocations. Many governments satisfy the broad definition, few satisfy the strict definition.[276]

More recently, according to Page (2016), performance budgeting is a term that describes how performance information (on outputs and outcomes) is used in the budget process. It is a form of budgeting that relates funds allocated to measurable results. Resources can be related to results in a direct or indirect manner.

Governments use performance information (management & budgeting) for four reasons

- Improve decision making in budget process (allocation)
- Improve efficiency
- Achieve savings (fiscal prudence)
- Improve transparency and accountability[277]

According to the OECD, performance budgeting is:

> The systematic use of performance information to inform budget decisions, either as a direct input to budget allocation decisions or as contextual information to inform budget planning, and to instil greater transparency and accountability throughout the budget process, by providing information to legislators and the public on the purposes of spending and the results achieved.[278]

Typically, adopting a performance budgeting approach, "implies a shift in the focus of budgeting, away from management of inputs and towards a focus on the results of spending and the achievement of policy objectives."[279]

Performance budgeting takes a wide variety of forms, which the OECD classifies as presentational, performance informed, managerial and

[276] Allen Schick, "The performing state: Reflection on an idea whose time has come but whose implementation has not," *OECD Journal on Budgeting* 3, no. 2 (2003): 72–95.

[277] Kevin Page, "Performance Budgeting & Legislative Budget Offices," (presentation, World Bank GN-PBOs, Washington DC, June 6–9, 2016).

[278] OECD, "OECD best practices for performance budgeting," *OECD Public Governance Committee Working Party of Senior Budget Officials* (November 23, 2018), https://one.oecd.org/document/GOV/PGC/SBO(2018)7/en/pdf.

[279] OECD, "OECD best practices for performance budgeting," *OECD Public Governance Committee Working Party of Senior Budget Officials* (November 23, 2018), https://one.oecd.org/document/GOV/PGC/SBO(2018)7/en/pdf.

direct. In this classification, each form of performance budgeting represents a progressively stronger link between performance measurement and budgetary decision making. The 2018 survey results showed that countries were more or less equally divided between the first three approaches. None reported using "direct" performance budgeting, which directly links budget allocations to performance measures. This highlights the inherent limitations of such a technocratic approach, given the political nature of the budget, as well as the many conceptual and practical problems in relating resource allocations and outcomes in the public sector.

The approaches to performance budgeting classified by the OECD are as follows[280] (see Table 10: *Summary of approaches to performance budgeting*.):

1. Presentational performance budgeting: budget document and outputs, outcomes and performance indicators are presented separately. The approach may be useful to demonstrate alignment of spending to declared priorities, but tracking is a challenge because performance and spending data are not connected.

2. Performance-informed budgeting: budget document is presented on a program basis, linking expenditures to programme performance. This is the most commonly adopted approach among OECD countries.

3. Managerial performance budgeting: organizational approaches to performance budgeting changes are tracked, to focus on managerial impact.

4. Direct performance budgeting: spending and results are directly linked in reporting. The approach clearly demonstrates how resource allocation impacted performance.

[280] OECD, "OECD best practices for performance budgeting," *OECD Public Governance Committee Working Party of Senior Budget Officials* (November 23, 2018): 7–8, https://one.oecd.org/document/GOV/PGC/SBO(2018)7/en/pdf.

TABLE 10: Summary of OECD approaches to performance budgeting.[281]

Type of performance budgeting	Main purposes in the budget process	Link between performance information and funding	Planned or actual performance
Presentational	Accountability and public discussion of policies.	No Link: The information does not play a role in spending decisions.	Performance Targets and/ or Performance Results
Performance-informed budgeting	Planning and/or Accountability. The weight given to performance information depends on particular circumstances.	Indirect Link: There is no automatic linkage between performance and funding levels.	Performance Targets and/ or Performance Results
Managerial performance budgeting	Planning and/or Accountability. The weight given to performance information depends on particular circumstances.	Indirect Link: There is no automatic linkage between performance and funding levels.	Performance Targets and/ or Performance Results
Direct performance budgeting	Resource Allocation and Accountability.	Direct Link: Explicit link between budget allocations to units of performance.	Performance Results

Performance budgeting is an integral component of a transparent and accountable public sector. It is also an important companion to what is the more popular practice of political budgeting; that is the collection of government revenue and the expenditure of such sums against the spending priorities of a given public entity. The OECD describes this as a 'performance ecosystem'.[282] Performance budgeting can be viewed as a passive reporting process to meet statutory or regulatory obligations (e.g. parliamentary appropriations) or decision support that is part of the broader fiscal ecosystem of a government and its constituent parts.

[281] OECD, "OECD best practices for performance budgeting", *OECD Public Governance Committee Working Party of Senior Budget Officials*, (2018); OECD, "OECD good practices for performance budgeting," last modified May 10, 2019, https://doi.org/10.1787/c90b0305-en; Kevin Page, "Performance Budgeting & Legislative Budget Offices," (presentation, World Bank GN-PBOs, Washington DC, June 6–9, 2016).

[282] OECD, "OECD best practices for performance budgeting," (2018).

The budgetary system of a government begins with the political platform of the winning party in a general election and culminates with the Public Accounts. For performance budgeting and performance management systems to be successful, they must be seen as integral to a range of financial and operational elements of a government's budgetary system, including:

- Strategic planning at both national and sector levels;
- Medium-term budget frameworks;
- Spending reviews;
- Individual performance appraisal, as part of human resource management;
- Performance-based contracting and payment systems;
- Ex-ante and ex-post programme evaluation, and;
- Performance audit.[283]

Effectively, this means that the process by which funding is initially allocated, re-allocated and, potentially, cut, must be integrate performance information as part of the decision-support criteria of government.

Performance budgeting in health and social services

Performance budgeting approaches have been applied to many policy areas in the health and social services sector in the past few decades. The following will provide a brief discussion of these applications to post-secondary education in advanced economies (Australia, Canada, and the United States (US)) and in the health sector for developing economies.

POST-SECONDARY EDUCATION

Outcomes-based funding, or performance-based funding, is broadly defined as the linking of public funding (either from the national or subnational government) for post-secondary and tertiary institutions to institutional performance based on identified outcomes.[284] Higher education outcomes-based funding, particularly in the US, has seen two basic phases. The first phase, implemented in Tennessee in the late 1970s, tied additional funding to specific student outcomes such as graduation rates. This contrasted with enrollment being the sole

[283] OECD, "OECD best practices for performance budgeting," (2018).

[284] Mary B. Ziskin et al., "Outcomes-Based Funding: Current Status, Promising Practices and Emerging Trends," *Higher Education Quality Council of Ontario*, 2014, http://www.heqco.ca/SiteCollectionDocuments/Outcomes-Based%20Funding%20ENG.pdf.

driver of funding. Throughout the 1990's, similar practices spread to other US states as part of a broader political drive towards public sector accountability to taxpayers.

The second phase, implemented in recent years, has seen much tighter integration of funding, operations and stakeholder outcomes. The Council of Ontario Universities provides an overview of performance-based funding (PBF) in post-secondary education and presents three basic types of PBF:[285]

1. *Output/outcomes-based funding formulas (or payment for results):* This model links funding formulas to outputs such as increasing the number of students who attain credit and degree completion milestones.

2. *Performance set-asides:* This model allocates a percentage of higher education funding for PBF where funds may be drawn from either the base funding or from additional sources. Institutions compete for shares of the performance fund by producing results that meet or exceed certain targets.

3. *Performance contracts:* This model involves agreements between states and individual institutions in which a certain level of funding or a regulatory provision is guaranteed if the institution meets specific goals.

Ontario

The Wynne government introduced more conditions to post-secondary funding, and increasingly tied the funding of Ontario colleges and universities to performance outcomes. In 2019, the new Ford government announced in its first budget that the small proportion of post-secondary funding that had been linked to institutional performance in recent years, namely 1.4% for universities and 1.2% for colleges, would increase to up to 60% in the next 5 years. The first year of the new agreements will reportedly tie 25% of funding to these outcomes, and this will rise annually until 2024–25.[286] While graduation and employment rates are already used to gauge performance,[287] the extent of the change would be quite significant for institutions that had seen little change in their operating model for decades.

[285] Council of Ontario Universities, "Performance-based funding." (December 2013), https://cou.ca/wp-content/uploads/2013/12/COU-Background-Paper-Performance-Based-Funding.pdf.

[286] CBC, "Funding for Ontario colleges and universities to be tied to 'performance outcomes'," April 11, 2019, https://www.cbc.ca/news/canada/toronto/ontario-colleges-university-performance-funding-budget-1.5094751.

[287] CBC, "Funding for Ontario colleges and universities to be tied to 'performance outcomes'," April 11, 2019, https://www.cbc.ca/news/canada/toronto/ontario-colleges-university-performance-funding-budget-1.5094751; CBC 2019, "How the Ford government will decide on university, college funding," https://www.cbc.ca/news/canada/toronto/ontario-doug-ford-university-college-post-secondary-grants-1.5121844.

United States

Performance funding for post-secondary institutions is widely adopted in the US. In fact, such approaches are currently in place in approximately 40 US states.[288] There are a number of common performance indicators that aid in the development of benchmarks and performance evaluation across organizations:

- Course completion or achieving a certain threshold number of credit hours;
- Successful transfers to other institutions;
- The number of degrees awarded;
- Premiums for low-income students; and
- Premiums for production of STEM degrees.

With its first year of operation in 2011–2012, Tennessee is the first state to base 100% of higher education funding on course completion and other performance indicators. Tennessee is a leading adopter of performance budgeting for post-secondary institutions but it's lead is being followed by other US states.

Australia

In 2019, in response to the recommendations of an expert panel for performance-based funding,[289] the Government of Australia announced the implementation of PBF to university funding from the Commonwealth Grant Scheme (CGS).[290] Beginning in 2020, funding for bachelor-level institutions would grow with population growth in the 18–64-year-old age bracket, contingent on universities meeting specified performance targets.

In 2020, the amount of PBF (1.36% of CGS funding, in line with population growth), more than $80 million per year, would be added to a university's maximum basic grant amount. According to the Department of Education, Skills and Employment, universities will continue to be able to access CGS funding of around $7 billion per year without any reference to their performance, and more than $17 billion per year in funding for higher education and research in total. The government of

[288] TV Ontario, "Evaluating Performance-based Funding," October 3, 2019, https://www.tvo.org/video/evaluating-performance-based-funding.

[289] Government of Australia, Department of Education, Skills and Employment, "Final report for performance-based funding for the Commonwealth Grant Scheme," June 2019, https://docs.education.gov.au/system/files/doc/other/ed19-0134_-_he-_performance-based_funding_review_acc.pdf.

[290] Government of Australia, Department of Education, Skills and Employment, "The future of Australian universities focuses on achievement," October 2, 2019, https://ministers.education.gov.au/tehan/future-australian-universities-focuses-achievement.

Australia has announced that it will continue to ensure the PBF model is fit for purpose, with reviews scheduled in 2020 and 2023.[291]

The Australian approach is relatively limited when compared to that of Tennessee. It will be useful to see if Australia's very gradual approach leads to the type of outcome-based budgeting and the accompanying results that performance budgeting aims to achieve.

HEALTH IN DEVELOPING CONTEXTS

PBF, or pay-for-performance (P4P) is also applied to health financing, according to the World Health Organization[292]. Often targeted to low- and middle-income countries, P4P is defined as fee-for-service-conditional-on-quality, where health providers are, at least partially, funded on the basis of meeting performance targets. More specifically, the WHO, defines the model as follows:

- Incentives are directed only to providers, not beneficiaries;
- Awards are purely financial; and
- Payment depends explicitly on the degree to which providers achieve certain pre-established verified performance indicators.[293]

Performance-based financing conditions payment for performance on output indicators and adjusted by quality measures. Design of performance budget model are adapted to be country specific but they tend to explicitly link financing to results based on the delivery of select reproductive, maternal, newborn, and child health, usually with formal verification. Operating models tend to feature autonomy, strengthened accountability, and empowered frontline providers and facility managers.

The WHO has identified a number of lessons from the implementation of performance budgeting models. The causes of poor performance are often complex. Performance budgeting must be part of a larger transformation, as it alone will not generate outcomes. The existing service delivery structure will influence how providers respond to incentives in a new budgeting system.[294]

[291] Government of Australia, Department of Education, Skills and Employment, "The future of Australian universities focuses on achievement," October 2, 2019, https://ministers.education.gov.au/tehan/future-australian-universities-focuses-achievement.

[292] WHO, "Performance-based financing," accessed on July 27, 2020, https://www.who.int/health_financing/topics/performance-based-financing/en/.

[293] WHO, "Performance-based financing as an instrument to introduce strategic purchasing to move towards universal health coverage". Accessed on July 27, 2020, https://www.who.int/health_financing/topics/performance-based-financing/universal-health-coverage/en/.

[294] WHO, "Main lessons on performance-based financing (PBF) programmes to date," accessed on July 27, 2020, http://www9.who.int/health_financing/topics/performance-based-financing/lessons/en/.

PERFORMANCE FUNDING IN CHILD WELFARE

Much like performance budgeting in post-secondary education, the United States has been an innovator in performance funding for child welfare and family services. The change first occurred at the state level (and was therefore varied from one state jurisdiction to the other). The change was the result of three factors; one fiscal change and two shifts in the provision of child welfare services. Many US states have constitutional amendments requiring balanced budgets. This has forced difficult rationing of resources and the integration of funding allocation and results. On the child welfare and family services side, the rapid growth in privatization child and family services, and second, federal government accountability efforts.

At the state level, particularly in the late 1980s and 1990s, many state and local governments began to respond to rising numbers of children in foster care and concern over the costs of child welfare service. At the same time, there was increasing pressure to meet federal performance standards under the Child and Family Service Review (CFSR) process established under the Adoption and Safe Families Act (ASFA).[295] The ASFA in 1997 explicitly established outcome expectations with respect to the delivery of child welfare services in the areas of child safety, timely permanency, and well-being.[296]

These changes drove fiscal reforms in child welfare, from traditional fee-for-service payment arrangements towards managed care by child welfare authorities. Prior to this shift, most contracts were largely fee-for-service arrangements, in which the provider was paid by the state or county for delivering specific services; similar to much of the Canadian FNCFS system. While fiscal pressures, in Canada, are not dominant features of the funding environment, there are similar drivers of change including: concerns over (culturally relevant) performance standards, the number of children in foster care and the long-term consequences (and costs) of a system that does not drive results for First Nations children and families.

[295] Quality Improvement Center on the Privatization of Child Welfare Services, "Examples of Performance based contracting in child welfare services", *Quality Improvement Center on the Privatization of Child Welfare Services (QIC PCW) on behalf of the Children's Bureau, US Department of Health and Human Services*, 2009, https://www.fox.temple.edu/cms/wp-content/uploads/2012/09/Performance-Based-Contracts-in-Child-Welfare.pdf.

[296] *An Act to promote the adoption of children in foster care*, Public Law 105-89, November 19, 1997, https://www.govinfo.gov/content/pkg/PLAW-105publ89/pdf/PLAW-105publ89.pdf.

Funding approach

The current steady-state funding model for FNCFS is a fee-for-service model, in which agencies are reimbursed for maintenance costs for children in protective services. The principle driver in the current model is children in care. Given the nature of the funding model, there is a near perfect correlation between the size of an FNCFS agency's budget and the number of children in care. As the number of children in care increases, so too does an agency's budget. While this approach may provide regularity and predictability of funding for specific services (i.e. maintenance), it is rigid and limits the ability of agencies to address the needs of the people they serve without engaging the protection system.

Following various rulings of the Canadian Human Rights Tribunal (CHRT) that found the FNCFS system to be discriminatory and inadequately funded, the current model has been supplemented by Tribunal mandated funding for retroactive payments, as well as wellness/prevention focused programming. The funding structure itself, however, has remained intact, with exception to the supplementary CHRT-mandated funding. For many, the supplementary CHRT funding has enabled the development of new programming and services tracks, the renovation of buildings, and hiring new staff. These are positive developments from the increased funding, but the funding is short-term in focus and does not solve the underlying challenge of the system.

To work toward the well-being of children, families and communities, an alternative funding approach that recognizes the need for flexible applications of funding and that addresses funding gaps is necessary. Children, families and communities have needs. Some may need more support than others for various reasons. Professionals and communities should have the tools and resources necessary to address the *causes of the causes* of need (e.g. poverty, intergenerational trauma, etc.). The choice of tools or means of delivering on this mandate should not have averse fiscal consequences, when accountable decisions are made for the well-being of children, families and communities.

The pre-amble of *An Act respecting First Nations, Inuit and Métis children, youth and families* commits the federal government to "to engaging with Indigenous peoples and provincial governments to support a comprehensive reform of child and family services that are provided in relation to Indigenous children."[297]

[297] Government of Canada, "An Act respecting First Nations, Inuit and Métis children, youth and families," *Justice Laws Website*, Date modified: June 26, 2020, https://laws.justice.gc.ca/eng/acts/F-11.73/index.html.

Informed by its work with FNCFS agencies, community leaders, experts, and stakeholders, IFSD is presenting a funding architecture to reform the funding structure for FNCFS, to promote thriving First Nations children, families and communities. The funding approach is designed to address gaps identified by the CHRT and FNCFS agencies, while aligning the approach to commonly held goals of well-being. The goals, defined in the Measuring to Thrive framework, align to the three core principles that frame *An Act respecting First Nations, Inuit and Métis children, youth and families* (section 9): acting in the best interest of the child; substantive equality of services; the importance of cultural continuity.

Affirming the right to self-governance (section 18(1)), the Act provides a platform for those interested Indigenous governing bodies to assume jurisdiction in child and family services. Whether through an existing FNCFS agency or through the development of an alternative structure, the planning, delivery, and ongoing assessment of child and family services requires resources. Section 20(2) of the Act requires a coordination agreement to exercise the jurisdiction. The federal Minister responsible for the Act, the province, and the Indigenous governing authority, are required to coordinate, among other matters, "fiscal arrangements, relating to the provision of child and family services by the Indigenous governing body, that are sustainable, needs-based and consistent with the principle of substantive equality in order to secure long-term positive outcomes for Indigenous children, families and communities and to support the capacity of the Indigenous group, community or people to exercise the legislative authority effectively" (Section 20 (2)(c)).

The proposed funding approach responds to the Act's commitment to determine fiscal arrangements that address long-term positive outcomes, substantive equality, and needs. Designed and built from the bottom-up, this funding approach captures a critical mix of resources and structures for thriving First Nation children, families, and communities, as expressed by those working on the ground.

SPLATSIN
BRITISH COLUMBIA

"A commonsense approach to care."

Splatsin is an important case study given that it is the only FNCFS agency with full jurisdiction. This case highlights the utility of flexibility in operations for achieving desired results. While Splatsin achieves its operational flexibility from the Splatsin First Nation's (formerly Spallumcheen First Nation) jurisdiction and bylaw for child and family services, others could use block funding, i.e. funding with flexibility in use/application, to achieve similar latitude in decision-making.

Context

Splatsin Stsmamlt Services (formerly the Spallumcheen Child Welfare Program) is an organization of Talkstaltn neglmucw (social workers) and family support workers who are responsible for carrying out the community's stsmamlt (child) and family service program. Currently, they are the only First Nation child and family services (FNCFS) agency with full jurisdiction, i.e. child and family services (including protection) in the First Nation.

Splatsin is the most southern tribe of the Secwépemc Nation, the largest Interior Salish speaking First Nation in Canada whose aboriginal territory stretches from the BC/Alberta border near the Yellowhead Pass to the plateau west of the Fraser River, southeast to the Arrow Lakes and to the upper reaches of the Columbia River.

The Splatsin First Nation's bylaw governing child and family services, extend to any member of the band anywhere in the world *(A By-Law for the Care of Our Indian Children: Spallumcheen Indian Band By-Law #3).*[298] Jurisdiction was negotiated in 1980, following much effort and demonstrations known as the "Indian Child Caravan." The Splatsin people were no longer willing to accept the high rates of removal of their children from their community by the state. The chief at the time, Chief Christian, who had himself experienced the challenges associated to being in care, led the negotiations and was instrumental in asserting jurisdiction.

"We lay awake at night thinking about how we can do things better. How do we know we're doing better?"

The community's jurisdiction in child and family services confers flexibility in programming approaches to meet the needs of the community.

Splatsin First Nation—Overview

Splatsin First Nation's history was described as challenging by members of the community. The reserve has been segregated by hydro and rail projects, which displaced members of the community. There is a difficult history with the ramifications of residential schools and the racism experienced by community members. Substance misuse challenges, especially, alcoholism, have burdened the community. When young people from Splatsin find success outside of the First Nation, often they tend not to return.

[298] The bylaw asserts self-determination and jurisdiction and defines practices for child and family services interventions in Splatsin First Nation.

Splatsin understands the relationship between positive economic development and the benefits that it can bring to its people. Splatsin has recently liaised with the University of Victoria for entrepreneurial training for the First Nation to create a tourism event on-reserve. With many tourists and tour buses traveling through the area, Splatsin is working with the community to create industry close to home. The tourism event would include a visit to the community centre with dancing, drumming, and art; a general authentic experience for the visitor. For the agency, the initiative is an opportunity to assist in providing the community purpose, meaning and practical skills.

Programmatic and operational considerations

Splatsin adopts a "common sense approach" to child and family services. Their mandate, equal parts protection and family preservation, is guided by the needs of their community. Operating under their own law, Splatsin has the latitude and flexibility to manage its child and family services program based on the best interests of the child and family. Seeing as they are not aligned to any laws or procedures other than their own, Splatsin can make decisions to address the *causes of the causes* of contact with the protection system (e.g. poverty, parents in need of modelling/support, food security, housing, etc.) in their work. For many staff, this encourages creativity and innovation in their work. Further to this, workers consistently facilitate family visits and family involvement in community events. The comprehensive "wrap-around family support" programming that is offered is a cornerstone of the program and an integral element to addressing the multi-generational effects of the Canadian residential schooling system and the Sixties Scoop. The unique practices of the Splatsin program were developed to address the multi-factorial nature of historical and continued settler-colonial traumas.

With 12 full-time equivalent staff, Splatsin considers its role to be a supporting one for the community. The protection process in the community does not use mainstream assessment tools; rather it relies on knowledge of the family and its unique circumstance (a benefit of being a small and engaged agency). When a call is placed to the agency, Splatsin staff evaluate and propose one of four courses of action: no action or referral, support services, a voluntary care agreement or the removal of the child. Unique to Splatsin, the Band Council (as defined in the bylaw), will be contacted by the program immediately in the rare case of a removal; once Council is notified a "hearing" involving the family, program staff and Council occurs within seven days. At that time Council either concurs with the removal plan or alternate arrangements are made to ensure protection of the child and support of the family. The Band Council can by law, direct the agency's actions in child and family services, although in practice the program and Band Council typically come to consensus and agree with each action plan.

If a child is in care, Splatsin manages the case, as kinship arrangements are not supported at this time (to mitigate risks of unknown or unspoken traumas within families). Splatsin makes every attempt to place children with extended family but believes that it is good practice to remain attached to the child and extended family to ensure all are getting the support they need.

Splatsin spends significant effort and resources identifying foster parents, working with them, and keeping close account of how the child is doing in his/her respective placement. For instance, a Splatsin social worker may accompany foster parents to medical assessments. The regular interface between child, social worker and foster parent is only achievable due to the small case load of Splatsin social workers.

To maintain constant and regular connections to family and the community, if a child is in care, Splatsin, if able, practices a co-parenting approach. In this model, through prior agreement, the child has regular and ongoing contact with their biological parents and community while in care, e.g. weekend visits, special events.

Splatsin, while at times not 'popular' in the community, is perceived to be a reliable and trusted organization. Beyond its child and family services work, the agency contributes actively to after-school and summer programs, which serves as prevention-style programming without naming it as such. Splatsin helps to build a safe and nurturing environment for children and youth, that is open to all children (not only those involved in child and family services). Serving a small community, Splatsin staff have come to know their people well and share a vision for building a stronger community.

Governance

Splatsin's governance arrangement is particular to the Splatsin legislation. The Splatsin Band Council acts as a board of directors with decision making authority on individual cases and has input regarding the agency's operations. The Band Council can approve or reject a voluntary care agreement or the removal of a child. Although it is not common that the Band Council overrides the Splatsin program's recommendation, it is possible. At times, the Band Council offers contributions or ideas on the management of cases. These suggestions can be additive, if there is community knowledge the agency may not have.

To enable jurisdiction, the Band Council carries a substantive liability insurance policy, as it is legally accountable for Splatsin children in care.

Lessons and considerations

Jurisdiction in child and family services can increase flexibility in operations but also results in ultimate legal accountability for children in care.

Splatsin's governance arrangement has the potential for complications with the involvement of Band Council in decision-making. For some, this is a testament to community care, but it also risks political interference or complexities, if for instance, a Band Council member's family was involved (which in these situations the Council member must declare conflict and recuse themselves from proceeding). While the approach may work in Splatsin, it may not be universally applicable, as it is dependent on the judgement and discretion of Band Councillors and compliance to the By-law and the program's policy and procedures. The role of the agency director is central in this approach and requires dispassionate professionalism. The agency director must have the confidence and respect of the community but must also maintain their professional obligations.

Splatsin's approach in its small community is informed by on-the-ground perspectives for needs-based decision-making. Block funding as a mechanism could offer similar decision-making latitude to agencies without jurisdiction or those seeking jurisdiction.

WHAT WE HEARD

There is general consensus on the funding approach architecture by the expert roundtable.[299] The approach is designed to close gaps and provide agencies with the flexibility required to meet the needs of those they serve.

1. You cannot have the same quantum and structure of resources and expect different results.

2. Data and good governance can promote accountability. Build capacity to **convert data into evidence** for better decision-making.

3. A funding model should focus on **holistic well-being** and break-down silos between operating entities in a community, e.g. CFS, health.

Funding foundations

Any funding approach should have a desired goal or defined purpose. In this case, the proposed funding approach is intended to promote thriving First Nation children, families and communities. Whether through an existing FNCFS agency or in support of a band council repatriating its jurisdiction in CFS, this funding approach is designed to align to the desired goals defined in the Measuring to Thrive framework.

Moving from the current state to the proposed future state means shifting the basis on which funding is allocated, how need is defined, and the source of governance and control (see Table 11).

TABLE 11: Current state and proposed future state comparison of the FNCFS program.

Current state	Proposed future state
▪ Funding driven by children in care	▪ Funding driven by indicators of well-being
▪ Top-down; formula-based funding with ad-hoc supplements	▪ Bottom-up budgeting complemented by need and performance components
▪ Mixed governance model	▪ First Nation control (*An Act respecting First Nations, Inuit and Métis children*)

[299] On April 15, 2020, practitioners and experts convened to review and debate an alternative funding approach for First Nations child and family services. This approach is informed by agencies and the communities they serve. The funding approach architecture is designed to address gaps identified in Phase 1, *Enabling First Nations Children to Thrive*, and reflects the lessons from case studies for this work.

Changing a funding approach will not by itself, immediately change the system or the results it delivers. Short-term changes however, have resulted from agencies who were able to quickly capitalize on the CHRT funds. The transition process will be gradual and will require agencies and communities to adapt to changing practices. Shifting from the current state to the proposed funding approach will require collaboration and in-course adjustments, to address unforeseen challenges. Stakeholders will learn from one another, as the proposed data-driven approach supports an enhanced planning and accountability environment.

As this work is informed by agency participation, feedback, and their own evidence, we can have confidence in the bottom-up budgeting approach informed by Phase 1. Through the contribution of 76% of FNCFS agencies, *Enabling First Nations Children to Thrive* had the necessary representative data to identify and scope the gaps in the existing system. Agencies identified prevention, geography/remoteness, capital, and IT as principal funding gaps. Framing these gaps is poverty and related issues such as housing shortages and quality, access to potable, etc. To build a funding approach that responds to the needs of agencies, their mandates, and crucially, the people they serve, the Phase 1 gaps are built-in to the proposed funding approach.

TABLE 12: Funding approach components.

Factor	Definition
Poverty	Capturing household poverty (relative to provincial poverty line) on-reserve; euphemistic capture of inequity on-reserve.
Prevention	Per capita by total community population (not only children, 0–18 years); three potential per capita rates based on existing models.
Geography	Road access and proximity to service centre; 2x budget increase when at least one community does not have year-round road access.
Capital	Variance in need of fixed assets among agencies to deliver on community mandates; general need for investment.
IT	Substantive gaps in the hardware and software used by agencies; need for investment to raise overall functionality and extend capacity.
Results	Funding to close gaps identified in the Measuring to Thrive framework.

Identifying and closing funding gaps are critical steps in working toward the goal of thriving children, families and communities. How funding moves to recipients is just as important as the amount of resources. In the current state, funding is closely aligned to specific activities. In the proposed funding approach, service providers would be funded in a block. This means that their total budget would be clearly defined at

the start of the fiscal year to facilitate planning and resource allocation (see Table 12). The total block would grow at least by standard growth factors (i.e. population (for prevention) + inflation) every year. After five years, the entire funding approach would be evaluated and revisited to ensure that agencies can deliver on their mandates to meet the needs of children, families and communities.

Agencies will not be alone in this journey. Stakeholders proposed the establishment of a secretariat to support agencies in their transition to the proposed funding approach. With differentiated needs and points of departure, the secretariat will be designed as with a dual mandate as an evidence developing centre and a centre for operational/organizational support. Staff will help agencies identify challenges and remedies for operating matters, and will assist with the development and training of a core data team, as needed. Alternatively, the agency can pay the secretariat an annual fee to outsource its data collection and monitoring work.

At the five-year mark, agencies, with the support of the secretariat, can determine if the measurement framework demonstrates the need for further investment. The secretariat will support measurement and monitoring for agencies and service providers on a regular basis, from the start of the alternative funding approach.

OVERVIEW OF FUNDING APPROACHES

There are two main types of funding:

1. Prospective: service delivery agencies receive payments to deliver services;

2. Retrospective: service delivery agencies are reimbursed for specific activities.

Within these two main funding types, various mechanisms exist to deliver resources to agencies. For child and family services, commonly identified mechanisms include: fee-for-service; block funding; and performance-based contracts (a variant of block funding).

The difference between the two clusters of mechanisms is the way the funding transfer is calculated. In the fee-for-service model, the allocation is retrospective. Revenue and cash flow are the same, since the rules by which the service provider is transferred money is about process, not about outcomes. With a fee-for-service model, the unit cost of service is unknown as it depends on the number of cases, making revenue unknown because revenue is driven by unit cost. Fee-for-service can limit service providers in the effectiveness of

their services. The funding mechanism does not offer an incentive to perform better. Instead, it creates a tension between meeting needs and improving services.

Block funding and the performance-based contracting approach are prospective, separating revenue and cash-flow. While the total revenue allocation (or total budget) is known at the beginning of the fiscal year, the way the revenue flows to recipients can differ. For instance, with performance-based contracting, revenue flow is determined by the terms of a contract. With block approaches, the service provider has the freedom to set the number of units and unit cost, enabling them to adjust practices to work within their revenue. In block approaches, service providers bear the risk of operating within defined revenue parameters. However, they benefit from the flexibility of delivery on their terms. This funding approach can incentivize improved outcomes and efficiency (assuming adequate funding).

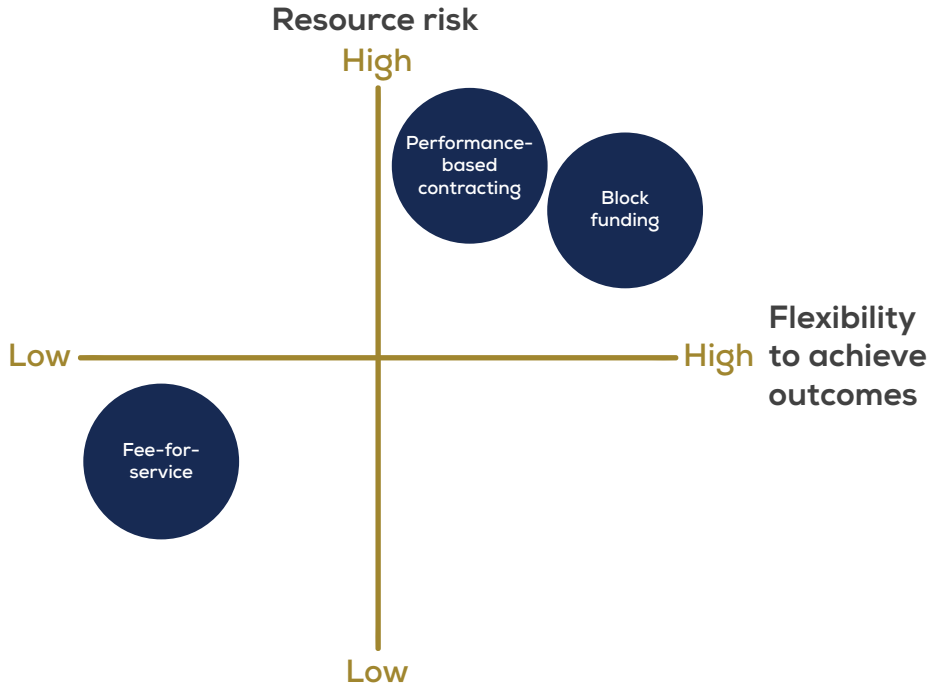
As with any policy question, there are trade-offs in funding mechanisms. Resource guarantees and flexibility in delivery vary among the two funding types (and their associated mechanisms) (see Figure 38).

TABLE 13: Funding mechanism descriptions.

Funding mechanism	Case study	Description
Fee-for-Service	Current funding mechanism for FNCFS	Required resources are provided by payment for specific activities by unit cost or by population served. Funding may be consistent but there is limited flexibility in delivery as reimbursement is defined for specific allowable activities.
Block Funding	West Region's Child and Family Services Center block pilot funding program	Resources are allocated based on a combination of previous financial data and need. A set funding amount is allocated, leaving the service provider to determine its best uses. While flexibility in approach is promoted, the service provider bears the risk of operating within the set funding amount.
Performance-based contracting (variant of block funding)	State of Tennessee child welfare program	Resources are disbursed by achieving pre-established goals. Goals are defined through a service provider's past performance. This approach promotes flexibility in delivery but requires the service provider to meet expectations to receive funding.

Retrospective funding approaches (e.g. fee-for-service), tend to offer better resource guarantees (as funded activities are clearly defined), but tend to limit flexibility in delivery (since fundable activities can be restricted). Prospective approaches (e.g. block funding, performance-based contracting) by contrast, tend to offer greater flexibility in delivery (as service providers can allocate resources as needed), but service providers are required to work within established resource parameters (supplementary resources may not be guaranteed) (see Table 13).

FIGURE 38: Trade-offs in resource risk and flexibility in achieving outcomes.



There is no perfect approach to funding social policy, but there are acceptable trade-offs that support FNCFS agencies in best serving their children, families and communities. Identifying the critical mix of resources required and leveraging lessons from other cases and jurisdictions has informed the approach proposed here. As a new approach is implemented, collaboration between Canada, First Nations, and NAC will be essential to assess progress and adjust the approach as required.

BLOCK FUNDING APPROACH

Resources are allocated based on a combination of previous financial data (to fund maintenance and protection) and need (e.g. population size, geography, poverty level, etc.).

Funds are provided for general purposes identified under terms and conditions in a contribution agreement or a statute. Service providers have flexibility to adjust allocations (e.g. operations and capital; protection and prevention).

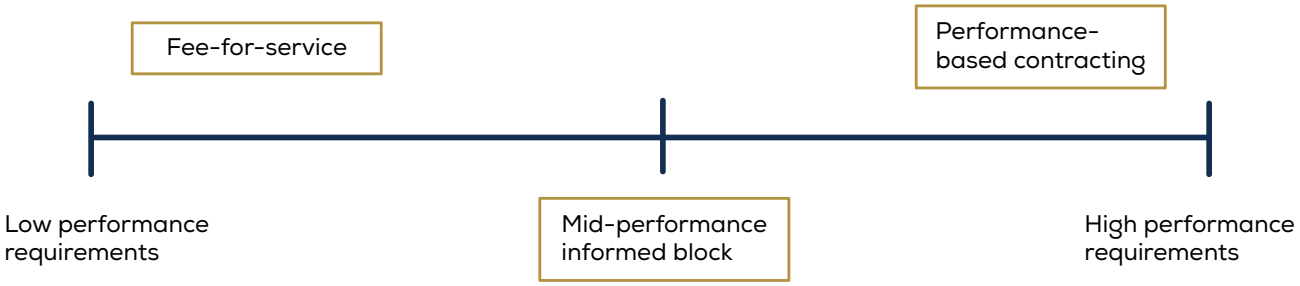
The capacity to "carry forward" money (ability to move monies forward if not spent, in a current year, like the 10-year grant) and access to emergency funding, as provided, are consistent and additive to a block funding approach.

Emergency funds would be available should a service provider—due to an exceptional increase in service demands (e.g. protection requests, an increase in health-related issues)—be unable to meet the needs of their communities with their pre-defined revenues.

In the proposed approach, risk is managed to empower service providers to act in the best interest of children, families, and communities.

The proposed funding approach integrates a block transfer of funds with allocation based on population, need, and budget top-ups. The block approach is distinct from the fee-for-service model currently in place, and the performance-based contracting approach, well-defined by the case of Tennessee. If these two funding approaches were considered on a performance continuum (see Figure 39), Tennessee would be on the high-end of performance, where funding is contingent on the delivery of predetermined results. The performance-based contracting approach uses both a carrot and stick approach to encourage results: if the service provider performs well and efficiently, it can keep the money it saves (carrot); but if the service provider does not deliver on its agreed-upon targets, their budget is reduced (stick). At the other end of the spectrum is the current state, fee-for-service model, without a performance framework. This approach allocates funding for specific activities, without consideration of overall results.

FIGURE 39: Funding mechanisms on a performance continuum.



The proposed funding approach sits at the performance midpoint between performance-based contracting and a fee-for-service model. It is designed as a multi-year (five year) block transfer, allocated annually to agencies. The results-focused program is intended to maximize flexibility in delivery and to meet needs in communities.

The proposed funding approach would guarantee a baseline amount of funding for service providers, which would serve to fund protection and maintenance. This funding floor would be set based on 2018–19 budgets with top-ups for funding gaps. Transferred as a block, service providers would be required to work within defined revenue parameters, allocating resources to best meet the needs of their communities. As service providers, agencies would bear the risk of ensuring funding is well allocated to achieve desired results. They would also benefit from being able to run their organizations to support the well-being of those they serve, however that may be best achieved.

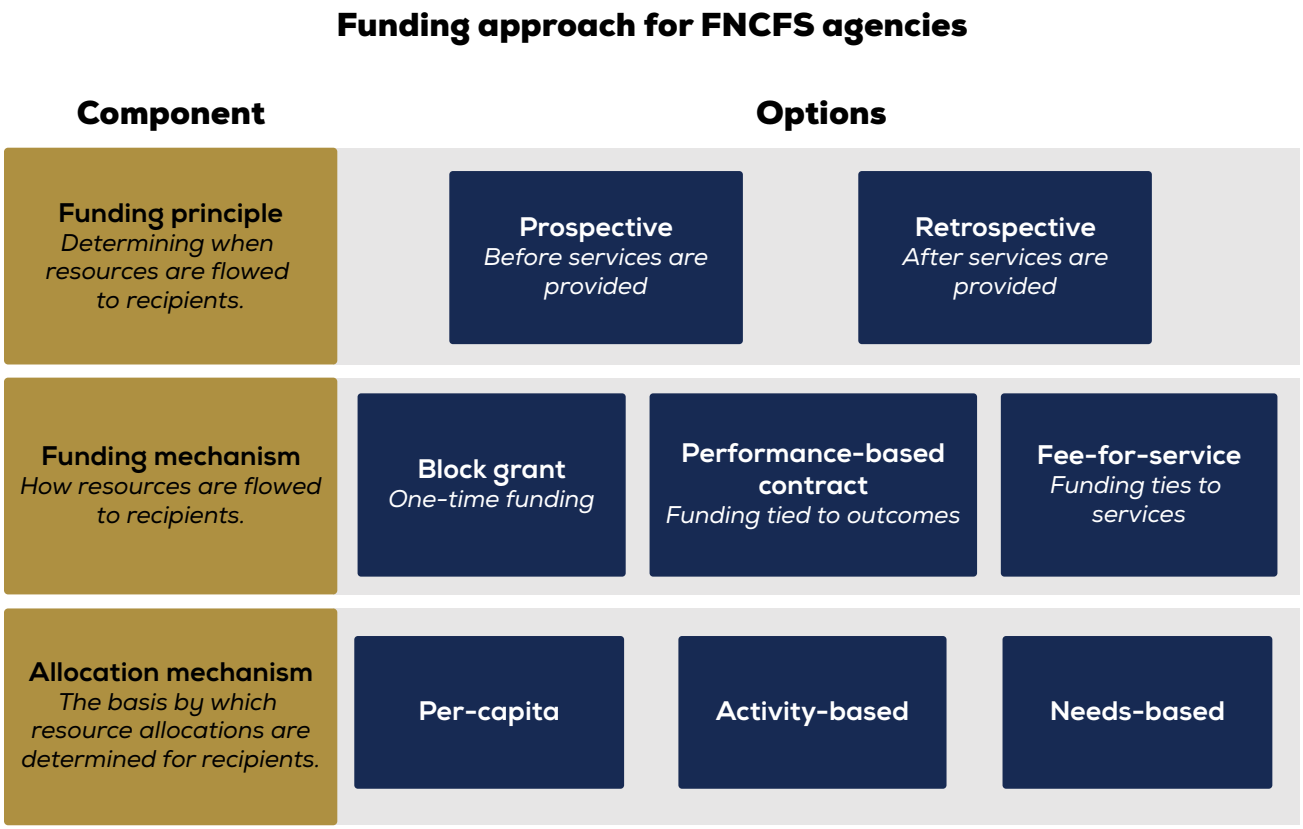
In the current fee-for-service funding arrangement, the federal government as funder is exposed to the risk of an increase in the number of children in care, since that is the means through which services are funded. In principle, the service provider is not incentivized to alter their approach to a more efficient one because they would risk losing their funding. In this environment, agencies spend time working around the system, rather than having a system that works for them and those they serve. In the proposed model, the number of children in care is no longer driving budgets. Service providers would receive their revenues in a known block, guaranteed. If they do not spend all of the money in their block in one fiscal year, they can redirect funds to improve performance, e.g. increase prevention measures). The federal government would act as insurer of last resort, with emergency funds available should an agency—due to an exceptional increase in service demands (e.g. protection requests, an increase in health-related issues)—be unable to meet the needs of their communities with their pre-defined revenues. In the proposed approach, risk is managed to empower service providers.

The risk sharing rate would be assessed on a case-by-case basis. Overages associated to demonstrated increases in demand (for specific services, e.g. protection) would be covered in full. With increased demonstrated need, e.g. higher than usual number of children in care, service providers would be eligible to have any budget overages covered by an emergency fund. The emergency fund is for exogenous factors, outside of the control of the service provider. The emergency fund will not cover operational matters, e.g. mismanagement, poor use of funds, etc.

Building a funding approach

A new funding approach to FNCFS will require consideration of the funding principle, the funding mechanism and the allocation mechanism. Combinations of options are possible and require consideration based on the desired results for the funding system (see Figure 40).

FIGURE 40: Overview of funding component options.



In the current state of FNCFS, there is a lack of alignment between social policy and financial resources. Social policy research and FNCFS agencies have repeatedly emphasized the importance of prevention-

focused approaches to care that empower children, families and communities, rather than focusing on apprehension. Approaches taken by FNCFS agencies in pursuit of the well-being of their communities are numerous. Achieving alignment between policy and resources requires people, processes and data to deliver operations and promote accountability.

FNCFS agencies do not operate in a vacuum but are influenced by the realities of the communities they serve. Ensuring that financial resources are aligned to the realities of their circumstances is necessary to support the well-being of communities.

Funding architecture

This approach should be read holistically. The individual parts alone are not sufficient to contribute to an FNCFS system that promotes thriving children, families, and communities. The current funding approach is not working and can be replaced with a future-focused results driven approach that empowers those delivering services in communities.

At the five-year mark, the Measuring to Thrive framework and the funding approach will be reviewed in full. This first review will help to determine if funding levels are sufficient and if any adjustments are necessary to meet the goals of the framework. At the ten-year mark, the framework will have collected a sufficient amount of data and converted it into evidence to determine if the overall structure of funding and measurement supports better results for children, families, and communities. The baseline budget contains protection funding, a core element of FNCFS agency activity.

A two-step process is proposed to achieve an alternative funding approach:

1. **Interim:** Input based; adjustments for gaps in poverty, geography and prevention, with baseline budget top-ups for capital, IT and results. Designed to support FNCFS agencies as they transition from the current state to a future state focused on thriving First Nations children, families and communities.

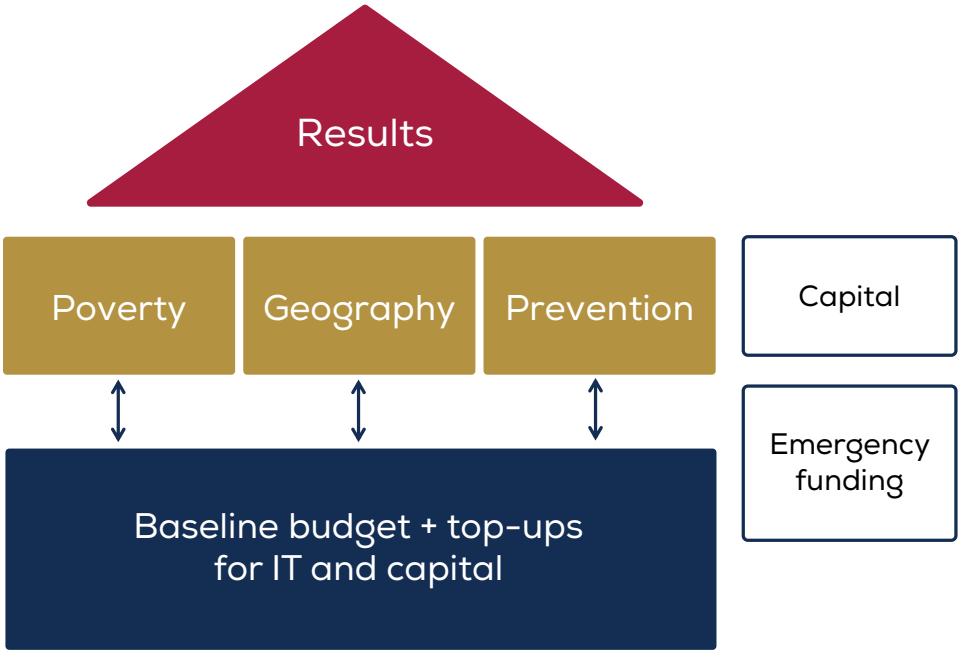
2. **Long-term:** Results-based top-up on the current baseline to drive substantive equality in services and outcomes; budget baseline variance among agencies connected to community, family and child well-being, captured through a measurement framework. Designed to reflect realities on the ground.

Working to improve well-being means allocating additional resources to prevention and well-being services (rather than just protection). It does not imply a reduction in need for child and family services. With the needs-based supplement, a budget should not shrink unless need decreases or population numbers change substantively.

For the proposed funding approach, IFSD recommends a block approach to funding, with a combination of allocation approaches meant to capture needs on the ground, based on demographic and economic changes. Standard growth factors, i.e. inflation and population, will be applied to the overall approach.

The funding approach is premised on an architecture that will be described below (see Figure 41). For each of the funding components, i.e. poverty, geography, capital, information technology (IT), and prevention, a range of cost estimates will be presented. As with any cost estimation or modelling exercise, there is no single answer, but a variety of scenarios that stakeholders may wish to consider as they negotiate within the parameters of the funding architecture. The most important element is the needs-based architecture built from the bottom-up based on the contributions of agencies. The architecture should be treated as a whole, although there are scales or ranges of approaches possible within each of the components that create the whole.

FIGURE 41: Proposed funding approach overview.



The baseline of the approach is FNCFS agencies' total reported expenditures for 2018–19 in the FNCFS survey (see Appendix M for the questionnaire). The budgets are considered sufficiently representative of actual agency expenditures, which covers protection and maintenance (as the current model is a fee-for-service approach) with requisite CHRT-enabled additions to support the development of various programming and capital needs, e.g. prevention, programming space, etc. The baseline is the budget component notionally allocated to protection and maintenance costs. With the full budget transferred as a block, the service provider will have latitude to allocate resources as appropriate.

The baseline expenditures increase by inflation every fiscal year. The supplementary funding is added to the inflation-adjusted baseline each fiscal year. Since the supplements are calculated on the baseline expenditure, they are also growing with inflation.

INFORMATION TECHNOLOGY (IT)

There is substantial variance in the hardware, software and technical capacities of FNCFS agencies. To propel those agencies that are excelling with various uses of technology, and to support those that require a refresh, an investment of 5–6% of an agency's total baseline budget is recommended. The range represents the industry standard for IT-related expenditures in not-for-profit service organizations, based on Phase 1 research.[300]

CAPITAL

A range of capital needs were expressed among FNCFS agencies in Phase 1. For some, entirely new buildings were required as existing ones were derelict or unusable for child and family-focused programming. Others required retrofits or more space to develop specific types of wellness-oriented programming. For others still, fleets of vehicles are required to transport children and families for visits, appointments, and related services.

Beyond the variance in capital needs, it is important to recognize the particularities of property on-reserve. An agency may be a part of a band council organization, a tribal council, or an independent organization operating on-reserve. Some agencies have offices in urban centres, even if they primarily serve clients on-reserve, while others will have at least one office in every First Nation community served. With the

[300] IFSD (2018), *Enabling First Nations Children to Thrive*, 2018, 97–101, http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

variety of organizational arrangements, capital project funding can be an opportunity and a tangle of jurisdictions and politics.

Beyond the various capital needs for child and family services programming, **there is a broader infrastructure needs-assessment required among First Nations communities.** With the results-based funding structure for the FNCFS program proposed in this approach, a needs-based mechanism to allocate funding for the lifecycle costs of capital assets that includes both the initial capital disbursement, ongoing maintenance expenditures, future recapitalization and capital asset replacement outlays, is proposed.

To support need and the best interests of children, families and communities, a two-track approach to capital funding for FNCFS is recommended.

Track one: For agencies that own their assets, an annual capital maintenance is proposed in the range of 1% to 2% of the value of the assets (e.g. building), based on Treasury Board standards. This supplement is to ensure agencies have funds available for basic asset maintenance to extend the useable life of the asset. If an agency rents their facilities or if they are owned/operated by a band council or property manager, the maintenance of the asset is assumed to be at the owner's expense. An assessment of existing agency assets is required to determine the accurate value of capital maintenance funding.

Track two: A capital asset replacement fund should be established. It is suggested that this fund be appropriated by Parliament exclusively for capital projects for child and family services (i.e. ring-fenced funding). This will enable agencies to apply for funding, or to collaborate with band council or tribal council partners for major capital projects, such as buildings, wellness programming centres, etc.

There are three estimates for the value of the capital fund, based on findings from Phase 1.[301] The estimates are representative of the cost to rebuild a main office structure for FNCFS agencies using Altus Group (2018) construction costs on a square footage basis. The space requirements are estimated in three ways:

> Scenario 1: Full-time equivalent (FTE) space requirements, per Government of Canada space allocations for employees, with average for non-responding agencies;

[301] IFSD (2018), *Enabling First Nations Children to Thrive*, 2018, 94–97, http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

Scenario 2: Agency estimated square footage of main office, with FTE equivalents (#1) for non-responding agencies;

Scenario 3: Agency estimated square footage of main office, with average square footage for non-responding agencies.

The range of the estimates for capital asset replacement fund in 2021 is $133M and $200M. Such an application-based fund could be funded every decade with service providers making the case for replacement or augmentation of their facilities based on a template, such as is presented in Appendix N. The amount of the once-a-decade capital fund is currently notional but could be better substantiated after the capital asset review.

To roughly estimate the value of capital maintenance needs, a percentage of the value of the capital asset fund is calculated between 1% and 2%. This calculation is illustrative, to book an estimated cost of capital maintenance until a needs assessment is undertaken.

The new results-based funding structure for the FNCFS program requires an appropriate mechanism to allocate funding for the lifecycle costs of capital assets that includes both the initial capital disbursement, ongoing maintenance expenditures and any future recapitalization outlays.

Effective capital asset investment strategies make better use of assets through alignment with strategic goals and all relevant business drivers during decision-making processes. This section will outline the preferred mechanism for capital allocation funding that will support the renewed FNCFS performance measurement framework.

A capital asset must meet all of the following criteria:

- Has been acquired, constructed, developed or bettered with the intention of being used on a continuing basis (not just in the year of acquisition).
- Is held for use in the production, supply or rental of goods and services, for administrative, academic or research purposes.
- Is not intended for sale in the ordinary course of operations.
- Is usually repaired and not replaced, when damaged.
- Has a useful life expectancy extending over 1 year under normal use.
- Is valued at an amount greater than a materiality threshold that is established on an organization by organization basis. For example, the Directive on Accounting Standards: GC 3150 Tangible Capital Assets dictates that all assets with a per-item cost greater than $10,000 must be capitalized.

Life-cycle cost refers to all the costs associated with an initiative over its life cycle, which would be the costs from initial conception until the end the program or the disposal of the asset. There are generally four phases in life-cycle costing, which are described differently depending on whether the project is an asset or a program.

An asset's life-cycle cost has the following four phases:[302]

1. **Planning:** This phase is composed of defining requirements, selecting options and planning, which can include research, design and prototyping.

2. **Acquisition:** This phase is composed of acquiring a capital asset or improving an existing capital asset. The phase could also include coordination and support activities, such as those performed by the project management office.

3. **Sustainment and operations:** This phase continues throughout the asset's useful life.

4. **Disposal and remediation:** This phase includes clean-up costs which would be subtracted from the residual value of the asset.

FNCFS CAPITAL ASSETS

The capital asset base of FNCFS agencies can effectively be broken down into two primary asset classes (buildings and vehicles) that effectively serve three distinct needs, as well as a catch all other asset category that would capture any unforeseen capital needs that may arise in the future. The following lists these needs:

- Vehicles: Protection and other transportation needs
- Building: Programming office space needs
- Building: Administration office space needs
- Other

With respect to the renewed funding model, it is proposed that the maintenance for these asset classes will also be included in the capital top-up for capital expenditures. Effectively, this means that the lifecycle cost for FNCFS assets will be accounted for in the capital allocation funding mechanism.

It should be noted that some agencies lease their facilities, rather than own. It is assumed that, in the case of leased facilities, landlords would

[302] Treasury Board of Canada Secretariat, "Guide to Cost Estimating," last updated June 4, 2019, https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32600&section=html.

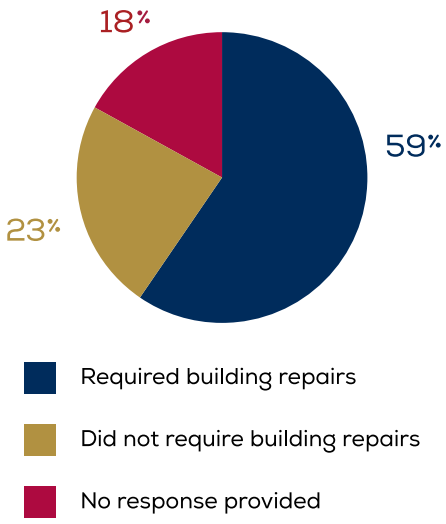
be accountable for lifecycle capital budgeting which would avoid the need for additional facilities funding for such agencies.

Phase 1 findings: Capital

As part of its Phase 1 survey, IFSD attempted to better understand the nature and condition of the assets underlying agency operations.

The survey of 104 FNCFS agencies found that most agencies rented their office space. In terms of the condition of the assets, the following chart summarizes the survey response results, with nearly 60% reporting a need for repairs (see Figure 42):

FIGURE 42: Building repair requirements among agencies (2017–18).



In addition, during the course of the Phase 1 workshops, agencies expressed concerns with respect to the suitability of their facilities with respect to a transition towards a greater focus on prevention-based programming.

Given the lack of data and evidence around the capital asset base of FNCFS agencies, IFSD attempted to estimate the aggregate building (main office) replacement values for the FNCFS agencies utilizing three scenarios as a means to quantify a one-time capital top-up.

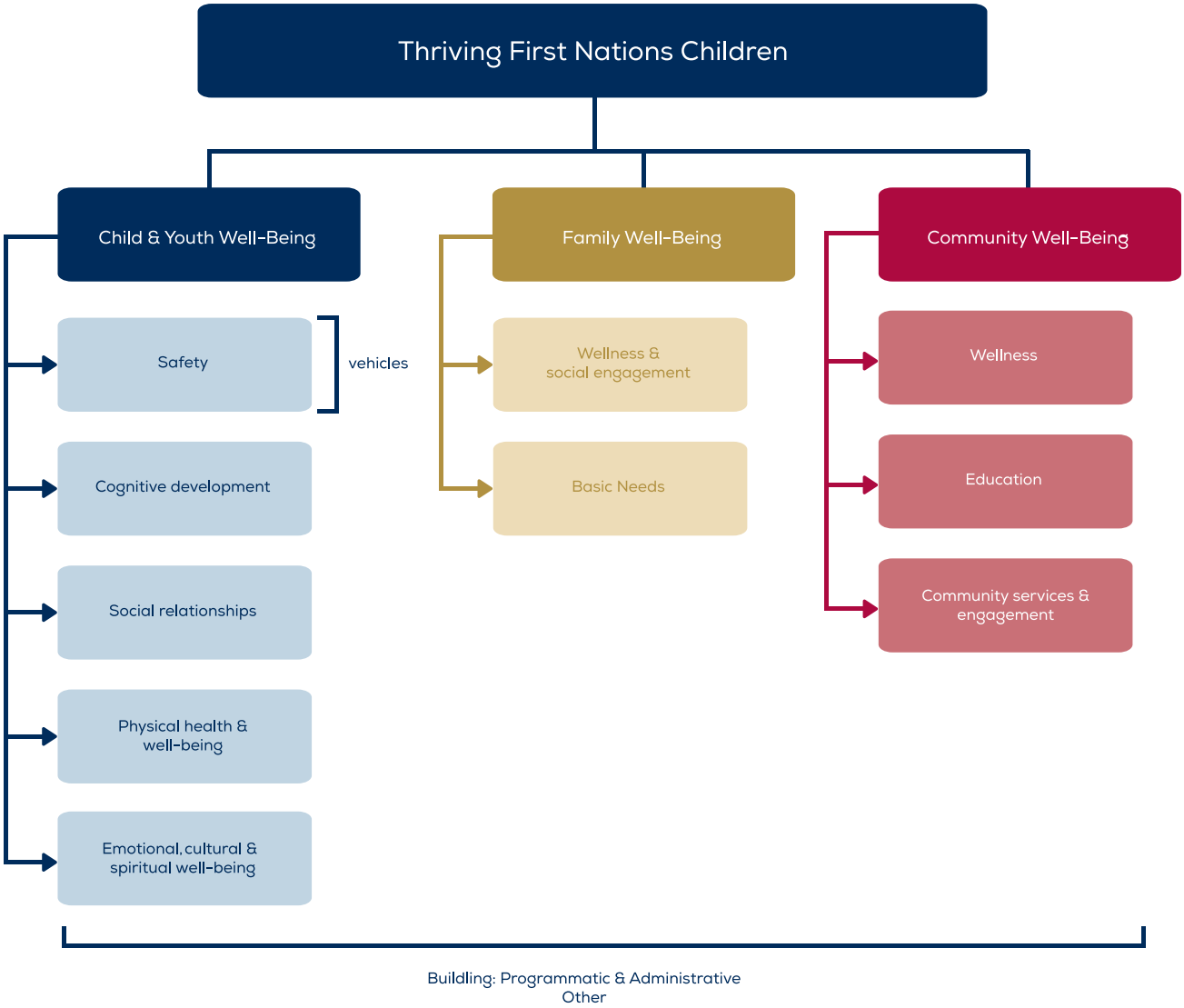
Once the required space allocation was determined, the cost for construction and fit-out was applied to each of the office space scenarios using the 2018 Canadian Cost Guide (Altus Group) with median construction costs for commercial, Class B office building, under five stories with surface parking and related Class B interior fit out costs. Regional indices were applied to estimate costs for each metropolitan area.

The building replacement value was then calculated for each scenario. The aggregate building replacement value ranged from approximately $117M under Scenario 1 to $175M in Scenario 3. With a larger sample of agencies for this work, the estimates were adjusted using the publicly available data. An average capital replacement cost per agency was estimated for each scenario, and then multiplied by 112 for adjustment to the current sample ((Scenario ($)/104 (number of agencies in Phase1))*112).

Alignment of FNCFS Asset Classes to the Renewed FNCFS Performance Measurement Framework

The high-level performance measurement framework for FNCFS is as follows (see Figure 43):

FIGURE 43: Alignment of FNCFS asset classes to the Measuring to Thrive framework.



The alignment of the asset classes to the performance measurement framework is relatively straightforward.

The vehicles are aligned to the Child and Youth Well-Being sub-objective and specifically to the Protection measure that is part of the Safety performance area. The vehicles are used to transport children and youth at risk into protective custody and other prevention activities. The service level component is to ensure that there is an adequate number of vehicles to cover the population and geographic area of the FNCFS agency in question and that the vehicles are in satisfactory working condition so that no children or youth are at risk of harm.

The building is needed to ensure that there is sufficient office space for both the administrative staff and the programmatic office staff and their programmatic service requirements. The service level component is to simply ensure that the building is in good condition. Typically, a Facility Condition Index (FCI) is used to assess the condition of the building.

As FNCFS transitions towards the new funding model and performance measurement framework it is highly recommended that FNCFS agencies review their holistic capital needs as they move towards providing more prevention-oriented programming relative to protection programming. As such, a one-time review of the adequacy of capital needs (building, vehicle and other) is highly recommended to provide an objective evidence-based data foundation with respect to the condition, service levels and needs from the capital infrastructure in order to realize the outcomes from the new Thriving Children performance measurement framework. The benefit of this needs analysis is that *it does not build off historic activity*; instead, it is aligned to the *future outcomes* and direction of FNCFS programming as it transitions to the new performance measurement framework.

With respect to vehicles, in the future it is hoped that there would be a reduced need for protection services as FNCFS agencies start to reap the benefits from an increased emphasis on prevention programmatic services that address the root causes preventing First Nations children from thriving.

The other asset category is a catch all category in the event that any other assets that meet the definition of a capital are required in order to realize Thriving Children outcomes in the future.

Need-based considerations in determining the appropriate capital allocation mechanism

The ideal approach is to ensure that the capital allocation mechanism is aligned to the needs underlying the Thriving Children performance

measurement framework. The linkage between capital assets/capital outlays and how their performance will contribute towards the realization of the Thriving Children strategic outcomes is central towards the renewed FNCFS performance-based funding model.

As noted earlier, the two asset classes serve three primary needs of the Thriving Children performance measurement framework. Specifically, the buildings are needed to provide office space for programmatic services and the administrative function. The vehicles are used for protection, prevention, and other services for First Nations children.

Principal needs-based considerations are as outlined in the following table (see Table 14):

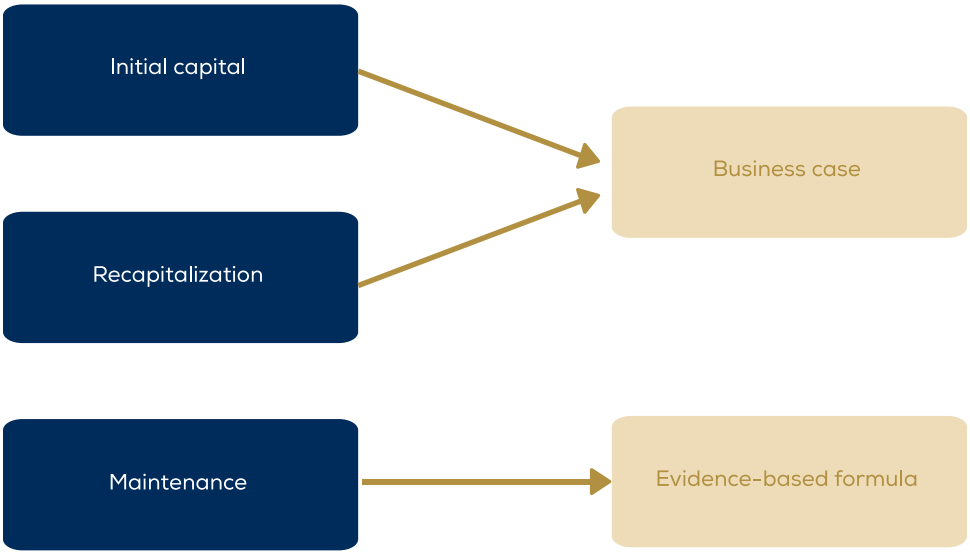
TABLE 14: Need-based considerations in determining capital asset type and allocation.

Capital asset type	Need-based considerations
Building	▪ A one-time review of the adequacy of spacing might be required to reflect the transition towards an increased emphasis on prevention over protective programming ▪ Office space required for prevention programmatic services that are sufficient to meet the prevention needs of the population of children being served in the community ▪ Office space required for protection programmatic services that is sufficient to meet the protection needs of the population of children based on the prevalence of abuse and violence in the local community ▪ Office space required for administrative space that meets the needs of the administrative staff
Vehicle	▪ The appropriate vehicle fleet size to meet the protection, prevention and other needs of the FNCFS community ▪ Key factors that would influence the protection, prevention and other needs include the average annual number of children in protection, the geographic size and remoteness of the local community
Other	▪ Any other capital request would need to be clearly tied into the outcomes articulated in the child and youth well-being, family well-being and community well-being Thriving Children performance measurement framework

The proposed capital allocation funding mechanism

As noted, the annual capital allocation funding mechanism needs to provide for the lifecycle costs of the capital asset that includes the initial capital outlay, annual maintenance as well as any future recapitalization outlays. The recommended capital allocation mechanism for outlays is as follows (see Figure 44):

FIGURE 44: Proposed capital allocation funding approach.



As noted in the diagram there are two means by which FNCFS agencies are allocated funding for capital. These two means are necessary to reflect the fundamental difference in nature between periodic capital spending and annual maintenance operations spending.

A business case[303] will be required for the purchase of a new building (or major upgrade to an existing building), new vehicle or other asset purchase. These are major capital purchases and as such FNCFS agencies will be required to complete a business case to justify the initial capital outlay as well as any expected future recapitalization, if applicable. The business case will need to articulate the justification for the capital purchase by clearly articulating the service level contributions from the asset towards realizing the child/youth well-being, family well-being and community well-being outcomes. An annual capital fund will need to be established from which FNCFS agencies will be able to access capital requirements once the business case has been completed, reviewed and approved.

An annual evidence-based formula will be utilized to provide for the annual operating maintenance costs for buildings, vehicles and other capital assets. The annual maintenance capital top-up will have to reflect generally accepted benchmarks and best practices for buildings as well as vehicles.

[303] A business case provides a justification for undertaking a project with relevant supporting evidence.

Building maintenance best practice benchmark

According to the Treasury Board Secretariat (TBS),

> The informal rule of thumb is that a minimum 2% of what it would cost to rebuild an asset is what should be invested annually for its maintenance and repair. Assuming that a built asset will last about 50 years, an additional 2% should be invested in capital projects that renew the life of the asset. The rule of thumb for a minimum level of annual investment to maintain real property in good condition is therefore thought to be 2% of replacement value.[304]

As mentioned, this is a "rule of thumb," and TBS states that asset recapitalization rates should be determined for individual assets, taking into account risk. Accounting practices vary by municipality, and several reports stress the importance of standardizing the calculation of replacement values. This is a complicating factor in consistent determination of asset recapitalization rates.

The Canadian Infrastructure Report Card states that the capital reinvestment rate for buildings should range from 1.7–2.5%. A report on Department of Defense infrastructure states that "consistent with the *Canada First* Defence Strategy and TBS targets, the Department has committed to a yearly recapitalization rate of 2.5% of realty replacement cost," with an additional "2% for maintenance and repair."[305]

However, a 2002 report for the City of Ottawa surveyed a variety of municipalities and found that, while there was consensus around a roughly 2% number for major repairs and maintenance (plus 2% for ancillary minor repairs and maintenance), "none of the organizations canvassed have been successful in establishing a rate at this level."[306]

For FNCFS agencies, it would therefore be reasonable to have an annual building maintenance funding allocation capital of 2% of the building replacement value that reflects the majority position of the industry standards.

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[304] Treasury Board of Canada Secretariat, "Guide to the Management of Real Property," https://www.canada.ca/en/treasury-board-secretariat/services/federal-real-property-management/guide-management-real-property.html.

[305] Office of the Auditor General of Canada Government of Canada, "Chapter 5—Real Property—National Defence," October 23, 2012, https://www.oag-bvg.gc.ca/internet/English/parl_oag_201210_05_e_37349.html#d2ref.

[306] The City of Ottawa, "Best Practices Guide Planning Re-investment in Real Property CONTRIBUTION RATE STUDY CRG File 02-165," https://app06.ottawa.ca/calendar/ottawa/citycouncil/csedc/2004/09-21/ACS2004-CRS-RPR-0023_CAM%20Strategy%20For%20Bldg%20%20Park%20Assets_Annex%20A.pdf.

Vehicle maintenance best practice benchmark

The maintenance vehicle costs proposed in this report are based on the Corporate Fleet Services Annual report—2019 that was mandated by TBS as part of the National Joint Council Rates and Allowances guidelines.[307]

The following table indicates Canadian average expenses by cost component as calculated in the current study, in dollars per kilometre, before rounding up to the nearest half-cent (see Table 15):

TABLE 15: Vehicle-associated costs.

Cost component	Cost (dollars/km)
Depreciation	$0.188
Interest	$0.017
Acquisition Sales Tax	$0.039
Registration	$0.007
Insurance	$0.082
Fuel	$0.111
Preventative Maintenance	$0.049
Repairs	$0.018
Tires	$0.013
Miscellaneous	$0.007
Maintenance Sales Tax	$0.011

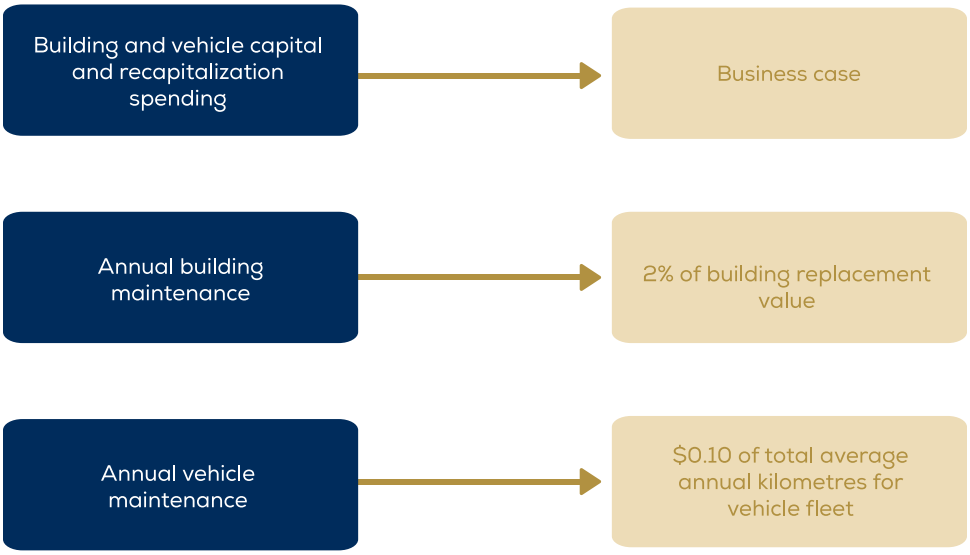
The methodology underlying the report classifies preventative maintenance, repairs, tires, miscellaneous expenses and maintenance sales tax as the key variable components of vehicle maintenance. The total of these components is $0.098 per kilometre.

For FNCFS agencies, it would therefore be appropriate to round up and allocate $0.10 per average annual kilometres travelled to provide for the annual vehicle maintenance funding allocation.

Based on the analysis above, the following is the preferred capital funding allocation mechanism to complement the FNCFS funding model (see Figure 45):

[307] Corporate Fleet Services, "Reimbursement for Business Use of Personal Vehicles Model Year 2019," (November 2018), https://www.njc-cnm.gc.ca/s3/d711/en.

FIGURE 45: Preferred capital funding allocation approach.



With respect to establishing the appropriate amount for the annual capital fund, the challenge is that there is inadequate high-quality data available to provide an evidence-based assessment of the annual capital fund for the needs of the FNCFS agencies. As previously mentioned, a capital needs assessment is highly recommended to provide the evidence base with respect to the capital requirements that are aligned to the new Thriving Children performance measurement framework.

As noted, capital is made up of buildings and vehicles. Buildings typically have a 25–30 year life cycle and vehicles typically have an average useful life of 8 years.

Proposed transition funding allocation mechanism

It would be ideal to apply the preferred capital funding allocation mechanism from day one. However, this will not be possible as many FNCFS agencies do not have accurate and objective data that would support the building replacement value in calculating the annual building maintenance.

In addition, there has not been a proper needs analysis completed that would identify the building, vehicle and any other capital needs of FNCFS agencies as they transition towards the new performance measurement and funding framework. It is highly recommended that such a needs analysis be undertaken in order to provide evidence-based support for the preferred capital allocation lifecycle costs that consist of both capital and maintenance outlays.

As a result, there is a need to establish a reasonable basis for allocating capital in the interim until such a point that a capital needs analysis is completed.

In order to determine a reasonable interim basis for allocating capital, the IFSD performed a limited outreach survey to a select number of FNCFS agencies to estimate their percentage of annual expenditures allocated to capital asset maintenance. In addition, the IFSD reviewed the underlying Phase 1 data on total budget amounts and repairs and maintenance expenditures (excluding IT related costs). The purpose of the outreach and review of the Phase 1 data was to try and better understand the actual maintenance outlays of FNCFS agencies that would help to inform the interim basis for allocating capital in the new funding model.

The results of the survey and review of Phase 1 data underscored the high variability and unpredictability of the data with respect to building maintenance expenditures.

This variability highlights the unpredictability of the expenditures given that the qualitative feedback received by the IFSD noted that many agencies are typically underfunded with respect to capital maintenance expenditures but then in any given fiscal year these expenditures might be significantly higher as they perform a catch-up to try and remediate the underfunding of prior years.

Accordingly, there are two options available to allocate building maintenance on an interim basis prior to the completion of a capital needs analysis:

1. Allocate building maintenance on a percentage of the total operating budget.

2. Allocate building maintenance based on the 2% industry standard that is applied to the best estimate building replacement value estimated by IFSD in the Phase 1 Enabling Children to Thrive Report.

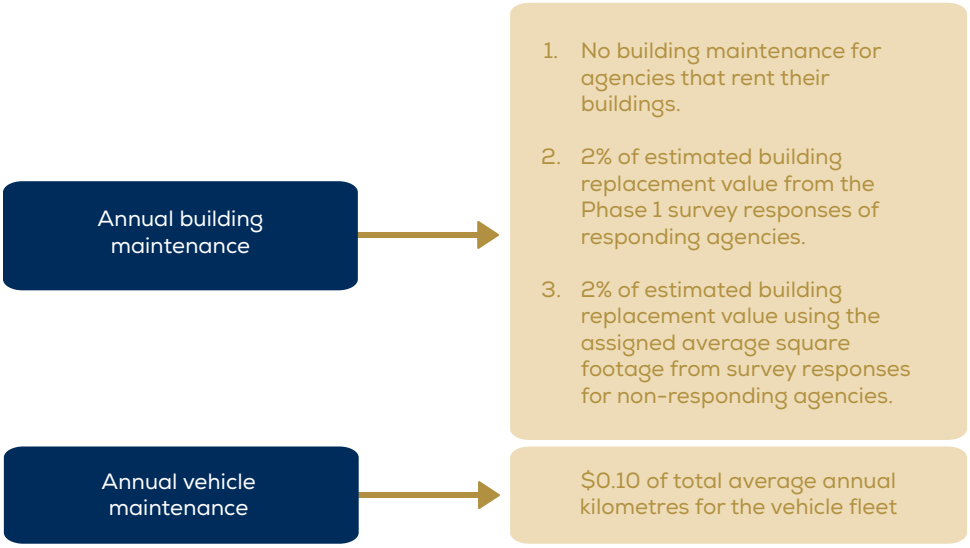
IFSD would recommend option 2 as it best approximates a fair and representative building maintenance allocation from the industry benchmarking best practice research.

Vehicle maintenance can utilize the preferred capital allocation mechanism. The average annual kilometres is easily established by dividing the odometer reading of the total kilometres by the age of the car. The average annual kilometres would then apply a rate of $0.10 per kilometre to allocate annual vehicle maintenance. For example, in 2020 if

an FNCFS agency had a 2017 vehicle with an odometer reading of 80,000 kilometres this would translate into 20,000 average annual kilometres. The annual vehicle maintenance for this vehicle would be $2,000 calculated at $0.10 of the 20,000 average annual kilometres.

The following is the proposed interim basis to allocate annual building and vehicle maintenance for FNCFS agencies (see Figure 46):

FIGURE 46: Allocation of annual building and vehicle maintenance.



The process to implement the capital allocation funding mechanism

1. Establish the capital asset replacement fund valued between $133M–$200M.
2. Obtain Parliamentary approval for the capital asset replacement fund.
3. Formalize the business case process to access capital asset replacement fund.
4. Apply the recommended building replacement value model to determine interim annual building maintenance allocation for FNCFS agencies that own their buildings.
5. Each FNCFS agency to provide inventory of vehicle fleet with the age of each vehicle and the total kilometre odometer ready to determine annual vehicle maintenance allocation.
6. FNCFS capital needs analysis to be initiated to establish capital needs requirements in support of the renewed FNCFS Measuring to Thrive performance framework.

Framework for completing capital purchase business cases

Business cases will be required to justify capital expenditures for initial capital outlays and any future recapitalization. As noted, these expenditures are typically for buildings and the office space needed to provide administrative, protection and prevention services as well as the vehicles needed in order to provide protection services by transporting First Nations children from their place of residence to a safe and secure environment.

It is recognized that as the FNCFS community transitions to a new funding model with the increased emphasis on prevention programmatic services that the existing office space might be insufficient and that additional capital outlays might be required.

Vehicle replacements would be expected periodically as the existing vehicle fleet for an agency ages and reaches a point where the purchase of a new vehicle is more cost effective than maintaining the older vehicle.

IFSD has developed a capital request form template modelled on TBS's business case template form.[308] A simplified version of the TBS business case template offers guidance on the information and evidence typically required to complete an independent assurance and review of capital purchases (Appendix N).

POVERTY

Poverty was used euphemistically to capture the challenging contexts in which many FNCFS agencies operate. Such challenges include limited housing and housing in need of major repairs, access to potable water from the tap, access to broadband, etc. Addressing this gap is one way of enhancing an agency's ability to address the basic needs, e.g. first and last month's rent, diapers and other necessities, that have been sources of neglect and the entry of children into care. Various agencies have expressed challenges stemming from poverty that could have been mitigated with adequate flexible funding, rather than placing the child in care.

[308] Treasury Board of Canada Secretariat, Government of Canada, "Business Case Template," accessed on July 27, 2020, https://www.canada.ca/en/treasury-board-secretariat/services/information-technology-project-management/project-management/business-case-template.html.

YORKTON CHILD AND FAMILY SERVICES (YELLOW THUNDERBIRD LODGE) SASKATCHEWAN

This case is a useful example of the implications of a mismatch between agency mandate and funding. Funding is a tool that can enable and constrain activities. Reliable and consistent funding sources are crucial for planning, program and policy development. In the context of a child and family, a missed opportunity for early and constructive intervention may result in more problematic and costly cases in the future.

Context

At the service of fourteen First Nations, Yellow Thunderbird Lodge (Yorkton Child and Family Services), is a large agency serving a large population in often challenging environments. An agency focused on prevention, finds itself having to place children in protection to unlock funding to manage addressable problems.

Operating

Poverty, low income, high unemployment and limited educational attainment contribute to complex programming environments with ramifications for communities. Yellow Thunderbird's approach attempts to address the results of these contexts, e.g. child hunger, neglect, but cannot consistently access the resources needed through child and family services. The agency attempts to offer interventions and supports without apprehension, but often finds no other means of unlocking resources. With a lack of housing and overcrowding in many of its communities, bed bugs and cockroaches become problematic. There have been instances where children have been placed in protection in order to unlock funding to fumigate.

"ISC is keeping our children at risk." The funding that does flow has limited flexibility in uses and applications. If the agency does ask for special funding, the approvals and steps required take time, and when a response is eventually provided, it is often too late to intervene meaningfully for the children at risk. Response times tend to far exceed established timelines. There are struggles with shifts in interpretations of claims, making special requests for funding gambles. The result is inconsistent funding which makes planning a challenge.

Lessons and considerations

Funding is a tool that can enable and constrain activities. Reliable and consistent funding sources are crucial for planning, program and policy development. When working to serve communities with complex challenges, staff on the ground are often best placed to respond in the best interests of the child and family. Actively working to foster prevention-focused services is a challenge when funding flows reliably for protection.

The community or communities served by an agency were assessed separately, as poverty levels can differ. Not every agency will receive a supplement for poverty, if the median household incomes of the communities served are above their provincial poverty line. While being at the poverty line does not imply a living wage, it is one metric to ensure that basic needs can be provided when faced with more substantive levels of community-level poverty.

The value of the poverty supplement was calculated on a household basis by First Nation. Using Statistics Canada Census 2016 data,[309] the difference between the total median household income of a First Nation and their provincial poverty line[310] was calculated. For First Nations with total median household incomes at or above their respective provincial poverty lines, a value of $0 was assigned. That difference was then multiplied by the number of dwellings on-reserve to obtain an estimate of the cost to close the poverty gap on a household basis in the First Nation. The cost to close the poverty gap at an agency level was calculated by tabulating the differences between total median household incomes and the provincial poverty line for all First Nations served by the agency.[311] To allocate the poverty supplement to FNCFS agency budgets, a range of 3% to 5% of the agency-level cost to close the poverty gap was modelled.

To model a hypothetical poverty calculation, consider the case of Agency Y.

Agency Y serves First Nations A and B. Total median household incomes on-reserve are $20,000 for First Nation A and $25,000 for First Nation B. There are 500 households in First Nation A and 1,000 households in First Nation B. The provincial poverty line is $30,000.

To determine the poverty supplement for Agency Y, the following calculations are made:

[309] IFSD recognizes that not all First Nations participate in the Census. If no 2016 Census data was available for a First Nation served by a FNCFS agency, an average total median household income and average number of residences were assigned to estimate if a poverty supplement would be applied.

[310] Provincial poverty lines are based on the mixed basket measure (MBM) for individual provinces, in regions with populations below 30,000. Poverty is calculated at the household level, using median income. Source: Statistics Canada https://www150.statcan.gc.ca/n1/pub/75f0002m/75f0002m2020002-eng.htm.

[311] The cost to raise all First Nations across Canada to their respective provincial poverty lines would cost roughly half a billion dollars ($494M). Debates on the merits of a universal basic income or guaranteed income supplement have been ongoing and will not be resolved through child and family services.

Difference between total median household income and provincial poverty line
First Nation A: $30,000–$20,000 = $10,000
First Nation B: $30,000–$25,000 = $5,000

Difference between total median household income and provincial poverty line x number of households
$10,000 * 500 = $5,000,000
$5,000 * 1,000 = $5,000,000

Tabulated estimate to close poverty gap for First Nations served by Agency Y
$5,000,000 + $5,000,000 = $10,000,000

Value of poverty supplement for Agency Y (modelled at 3%, 5% and 7%)
$10,000,000 * 3% = $300,000
$10,000,000 * 5% = $500,000
$10,000,000 * 7% = $700,000

PREVENTION

There is broad consensus on the importance of wellness programming. The rationale behind funding prevention or early intervention programs is that is it more effective and less costly to address the conditions that lead to social problems later in life, rather than waiting for these problems to arise and having to invest in programs to mitigate their impacts on individuals and communities.

MI'KMAQ CHILD AND FAMILY SERVICES PRINCE EDWARD ISLAND

Prevention starts with knowing the people that you serve.

MCFS provides a useful "control" to learn about the value of prevention services in the context of child and family well-being. The case demonstrate that programming is not only about children, but about their parents, families and communities. Defining and tracking well-being is essential to better understanding how children, families and communities are faring. Simply staying out of protection does not equate to well-being.

Context

Mi'kmaq Child and Family Services (MCFS) is a prevention-focused agency established in 2007. With the province of Prince Edward Island covering protection services, MCFS is mandated to deliver

prevention services to two First Nations on the island. Prevention activities include supporting families when a child protection worker is present, ensuring just treatment during apprehensions, working with families in contact with the protection system, and delivering programming to meet a variety of community needs.

With a prevention-only mandate, the organization highlights the sobering challenges of finding what works in communities that struggle with poverty, trauma, and history.

Programming

Prevention starts with knowing the people that you serve.

MCFS staff have offices in community and work formally and informally to keep a pulse on happenings whether or not there are protection concerns. Prevention work is rooted in empirical research that is tailored to meet the needs of a community. For instance, MCFS has evolved its programming to include resources for safe practices for children online, parenting workshops, etc. The flexibility of MCFS's approach is essential to delivering responsive and timely programming to meet needs.

From dropping in at home to running group sessions, MCFS has built trust with its communities over time. Building trust and confidence takes time. Building the program from scratch required time and patience so that community members were comfortable to seek out the agency for support (rather than the agency reaching out to them). Such trust can be fragile and can be easily disrupted by changes in politics or other events.

With a prevention mandate, MCFS's experience demonstrates that protection or prevention alone cannot change a community. Child and family services is not only about children, but about their parents, families and communities. When parental, familial or community level trauma exists, it may be normalized or silenced as a coping mechanism. Prevention programming must then extend beyond the child to build an environment that promotes their well-being. *There is contention between struggles within the community and a desire to keep children in their homes. If a family or community is unhealthy, what good does it do to keep the child in it?*

Demonstrating that an increase in prevention dollars leads to a reduction in protection cases may be positive, but just because is not entering protection, it does not imply their well-being. Qualifying well-being and defining baselines that include families and

communities, is essential to understanding the mix of resources and programming needed to support holistic wellness in communities.

Governance

Band Councils can influence the operations of agencies, especially if funding flows through them. In some instances, the withholding of funds or decisions can be tacit tools to constrain or inform the operations and decisions of entities, such as FNCFS agencies.

As Band Councils control most operations and activities on reserve, they can also shape perspectives of services through the provision or withholding of various incentives. The politics on-reserve can at times be challenging.

Resource struggles may become more of a reality with *An Act respecting First Nations, Inuit and Métis children, youth and families* in effect. Band Councils may consider agencies a challenge to their opportunity to access and share resources destined for child and family services.

There is considerable evidence to support that from both a social and economic standpoint the rate of return of these programs is high. James Heckman, a scholar who researches how to redress childhood inequality, views start at birth interventions as achieving the best economic and social gains. Heckman concludes that early childhood programs can break the cycle of poverty for multiple generations, and that investing in high-quality early childhood education not only helps disadvantaged children but also delivers better outcomes for society.[312]

A more recent 2020 study, that looks at the benefits of social programs in the US found that, when accounting for "fiscal externalities" (the indirect ways programs affect the government's budget, arising from how programs change the choices that participants made) many social programs are ultimately profitable for taxpayers.[313] These findings are echoed in the Canadian context, with a report by the Mental Health Commission of Canada finding that return on investment ratios are between $1.80 to $17.07 for every dollar invested in parent education and family support programs which improve the outcomes for people living with mental illnesses.[314]

[312] James J Heckman, "The Economics of Inequality: The Value of Early Childhood Education," *American Educator* 35, no. 1 (2011).

[313] Seema Jayachandran, "Social Programs Can Sometimes Turn a Profit for Taxpayers," *The New York Times*, July 10, 2020, https://www.nytimes.com/2020/07/10/business/social-programs-profit.html?referringSource=articleShare.

[314] Mental Health Commission of Canada, "Making the Case for Investing in Mental Health in Canada," (2010): 22.

THE CHILD AND FAMILY ALL NATIONS COORDINATED RESPONSE NETWORK (ANCR) WINNIPEG, MANITOBA

ANCR has the ability to focus resources and support on a case at the initial point of contact with the child and family. Their funding approach provides flexibility to enable this approach.

The Child and Family All Nations Coordinated Response Network (ANCR) is responsible for all intake and emergency child and family services in Winnipeg, including providing after-hours intake services for twenty agencies. Governed by a board of directors (with membership appointed by Manitoba's four child welfare authorities), ANCR is a provincially incorporated not-for-profit agency, dedicated to serving All Nations in the city.

Fully provincially funded, ANCR receives its funding quarterly.[315] *The nature of its funding allows the flexible application of resources to areas of need, especially for preventive services.* ANCR can focus resources and support on a case at the initial point of contact with the child and family. In 2018–19, family support services cost roughly $530,000. The model is sustainable financially because ANCR will not typically provide the services for as lengthy a period as other agencies. With a total budget of approximately $15 million, ANCR's main expense category is *salaries and benefits* for nearly 200 staff members (a mix of full-time and part-time). This costs structure is consistent with ANCR being a service-based organization.

ANCR's role as a service provider is unique, as it can, at once, intervene for preventive services, apprehend when necessary for protection, and refer a case to a more appropriate agency to ensure the child and family are receiving the best available care. Early intervention approaches have demonstrated success, when considering that over 75% of the over 450 families per year that receive early intervention supports do not go any further in the protection system.

As Winnipeg's Indigenous population continues to grow, agencies like ANCR will play a central role in providing urban-based culturally appropriate services, while working with children and families to connect them to the most relevant long-term solution.

[315] ANCR's funding has not been adjusted, e.g. for inflation, cost of living, etc. since 2007. The only funding changes have been through program changes.

To support agencies to collaborate with other partners in the band council, tribal council, or community, and to foster the development of child and family services focused wellness programming, a prevention supplement on a per capita basis will be applied. For each person in the communities served by the agency, a $800, $2,000 or $2,500 per capita investment will be applied to their budget. These per capita amounts represent a spectrum of actual programming, based on Phase 1 research.[316] Agencies such as Mashteuitsch have developed high levels of coordination and collaboration on their prevention programming, linking child and family services to health and wellness.

KANIKANAPIT—MILUELINIUN MAHK MAMU MILUELIMUN (MASHTEUITSCH)
QUEBEC

The importance of structure to manage contextual realities.

The clear distinction in roles between elected community leadership and agency management and professionals supports a results-oriented culture based on data, evidence and evaluation.

Context

With a fused mandate of health and social services, *Kanikanapit—Milueliniun mahk mamu miluelimun*, emphasizes well-being and ensuring that the First Nation it serves is thriving. In 2008, a major mental health crisis forced a shift in thinking in health and social services. With high suicide and protection rates, the organization and its community made a strategic decision to focus on prevention. Since that time, protection cases have decreased, and multi-disciplinary prevention programming has extended to elders, families, and the community at large. Social workers, the physician, dietician, healthy lifestyle coordinator, etc. collaborate to build and deliver holistic wellness focused programming.

Operations

The centre benefits from a professional band council organization in which there is a separation between elected and bureaucratic officials. With regular election cycles, the stability of the professional bureaucracy at the band council promotes continuity and expertise. This structure enables directors, such as the director of the health and social services centre, to manage

[316] IFSD, *Enabling First Nations Children to Thrive*, 2018, 89–94, http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

their portfolio and liaise with other directors with limited political interference.

Data and evidence play a critical role in demonstrating relevance and generating operational independence from elected officials. The centre's data system is aligned to its program architecture. This allows the centre to track client uptake and changing needs across health and social services. Paired with the evaluation of its programs, the centre has a real-time understanding of happenings in the community, with the ability to respond to address needs.

To maintain the culture of strategic planning and performance for improved community outcomes, the centre invests in its staff. Latitude in action and decision-making comes from competent and reliable staff. Maintaining and developing the talents of high-performers, is integral to the success of the centre. Engaging staff in planning and strategic decision-making, offers a sense of empowerment and accountability for outcomes. Especially in challenging circumstances or moments of major change, a committed and reliable team can work to manage change.

Lessons and considerations

Politics is an inescapable contextual reality. While politics can enable action, they may also constrain it. Service providers can mediate contextual challenges with evidence for planning, programming, and decision-making. Building tools and practices for the collection and analysis of relevant, informative, data is an important first step for existing and new service providers.

Breaking down programming silos with collaborative program development for prevention activities can help to improve scope, the resource base, and uptake in the community. Collective action for holistic well-being is more likely to yield community-level sustainable benefits than siloed actions.

GEOGRAPHY

The location of communities served by agencies impact costs, human resource pools, and service delivery. Phase 1 and Phase 2 analysis indicated that an agency that serves at least one community without year-round road access has a budget about twice the size of those serving communities with year-round road access. In child and family services, remoteness has been regularly identified as an issue but has not been consistently addressed. Analysis of agency budgets suggests that remoteness is being tacitly compensated (those that are more

remote or serve First Nations not accessible by road tend to have larger overall budgets). However, the allocations appear arbitrary in that the statistical connection between agency budgets and their associated remoteness score, in ISC's Band Focused Approach[317] is relatively low.

AWASIS
MANITOBA

"It's not just what we see as not being there."

Poverty coupled with remoteness is not just an economic condition but one that pervades all aspects of family and community life. Without more and flexible resources, child and family services are forced to focus on crisis response rather than better long-term outcomes for children and families.

Context

Following the lobbying efforts of Northern Manitoba Chiefs, Awasis was established in 1983. The original intention of delivering FNCFS through Awasis, was to eventually, devolve the services to First Nations for community-level delivery. While some First Nations have established their own agencies, Awasis remains the primary conduit of service delivery for eleven First Nations, especially in remote First Nations in Northern Manitoba. Often, the agency's staff is the only regular service in the community. Staff are "always in crisis management mode," trying to be many things to many people in underserviced areas. This reality focuses the agency's efforts on crisis response instead of being able to focus on the rebuilding of communities.

Operations and Programming

An observer can easily see markers of poverty such as, housing shortages, a lack of infrastructure. A holistic view of poverty, however, is about what cannot always be 'seen.' Poverty, as described by Awasis, is "not just what *we* see as *not* being there." Emotional, spiritual, mental, and physical impoverishment are challenges in community healing that not may be readily visible and influence the agency's work.

[317] ISC's Band Focused Approach uses the same data as Statistics Canada's Remoteness Index. ISC's approach is more nuanced as it cross-references and adds the band name and number. In some cases, a remoteness score weighted by band population is calculated when the band is comprised of more than one Census sub-division (CSD). If however, one CSD contains multiple bands, each band retains its own remoteness score.

Awasis's operations are shaped by its context. With the majority of First Nations served in remote areas, the agency often lacks basic infrastructure to undertake its work. Information technology (IT) infrastructure and broadband connectivity do not always exist. This can make contact with different resources nearly impossible. *"We want to do great things, but we also need the tools to enable us to do them."* A tool as basic as internet access for Skype can be revolutionary for a community.

Staffing is also a challenge, as employees can be difficult to retain in remote areas. Often, staff can be early in their careers and while well-intentioned, they may not have the experience necessary to address the complex challenges in Awasis's communities. The ideal would be to have staff and resources to invest heavily upstream, instead of repairing downstream.

To rebuild communities, Awasis emphasizes a 'two-eyed' approach: Western skills and technologies, paired with traditional knowledge, language and cultural practices. The approach combines the best of both to build capacity and resiliency in communities.

Capacity and resiliency take time and resources to build. The Family Enhancement Program is connected to the approach. Designed to support families, the program addresses the causes of contact with the protection system, and will reconnect children with their community (if they are in care). The Elders Council is a new addition to support planning, program development and delivery, especially in family enhancement. Elders on the council are selected by their respective communities and will even intervene in moments of crisis as trusted community members. Especially when staff are not regularly present in remote or difficult to access communities, Elders play a supporting role.

Lessons and considerations

Agencies and communities confront a variety of challenges, that can be amplified or complexified by their context. Remote and isolated communities require supplementary resources to deliver programming due to limited complementary services and infrastructure gaps.

A holistic conception of poverty, beyond what can be 'seen', is a point of departure to reconceptualize the scope and breadth of early intervention and investment. Community-focused and dedicated to capacity and resiliency building, ensuring there is a resource base for prevention can support longer-term change.

In the proposed funding approach, remoteness is compensated in the baseline expenditure for consistency and clarity in the allocation. Professor John Loxley (University of Manitoba) led analysis for this project on existing approaches for compensating remoteness, e.g. NAN remoteness exercise, Statistics Canada's Remoteness Index, etc. (Appendix O). The assessment considers the suitability of various approaches and remoteness compensation practices in the United States and Australia, for application to FNCFS. For national applicability, Loxley concludes that ISC's Band Focused Approach or Statistics Canada's Remoteness Index would be the most reliable scales for determining remoteness. The amount of compensation, however, would be arbitrary, as no reliable standard exists.

Agency remoteness was assigned using the scores in ISC's Band Focused Approach. For agencies serving more than one First Nation, the remoteness score was determined by weighting all associated First Nations scores by population (Census 2016 population data was used for consistency with the dataset). A compensation scale for remoteness was developed by IFSD using three scales to provide different options for the remoteness budget adjustment and a polynomial profile to ensure that the scale remains progressive. The scales change the relative importance of remoteness in terms of budget needs. As the scale increases, those agencies that serve more remote communities receive proportionally more funds for remoteness than the less remote agencies.

Three options are provided as available data does not provide enough information to help us choose a specific scale:

Original remoteness index to the power 1.1: original remoteness index$^{1.1}$
Original remoteness index to the power 1.2: original remoteness index$^{1.2}$
Original remoteness index to the power 1.3: original remoteness index$^{1.3}$

There are three scales and three reference points. Each scale provides a different range of budget adjustments. In total, there are nine options for remoteness budget adjustment.

To define the supplementary funding allocation for remoteness, the agency with the lowest remoteness index (considered the least remote agency) was set as the reference point against which all other remoteness was measured.

Formula:

$$\text{Ratio} = \frac{\text{Agency's Remoteness Index}}{\text{Remoteness Index of the Reference Point}}$$

Remoteness compensation (dollars) was calculated relative to the reference point using three factors: 0.25%, 0.5% and 1%. The factor is multiplied by the ratio calculated from the equation above. That percentage is the percentage increase of the agency's budget to compensate for remoteness relative to its total reported expenditures.

To illustrate, we use the case of Agency Z:

Remoteness score: 0.5
Total budget: $10M
Remoteness index of the reference point: 0.06

Ratio = 0.5/0.06
Ratio = 8.3

Note: Agency Z is 8.3X more remote (on a population weighted basis) than the reference point agency.

Compensation based on three arbitrary factors multiplied by the Ratio:
Scenario A, 0.25% of reference: 0.25*8.3 = 2.1%
Scenario B, 0.5% of reference: 0.5*8.3 = 4.15%
Scenario C, 1.0% of reference: 1*8.3 = 8.3%

The values of the three remoteness compensation scenarios for Agency Z's $10M budget are:

Scenario A: $10,000,000*2.1% = $210,000
Scenario B: $10,000,000*4.15% = $415,000
Scenario C: $10,000,000*8.3% = $830,000

Thus, Agency Z's remoteness compensation is suggested to range from $210,000 to $830,000, based on the assumptions used.

Case studies and consulting experts raised a number of considerations related to geography. While some agencies and the communities they serve may be within commutable distance to a service centre by road, those roads may be dangerous (e.g. not maintained), or accessible in a limited way based on weather. When service access is at risk or the ability for children in care to return to their communities for visits, there must be consideration given to agencies in these situations. Furthermore, public transit is limited, if available at all to those working or residing on-reserve. It will be necessary to consider and respond to these realities or equip agencies with the resources and flexibility to find solutions.

When it comes to FNCFS, attention tends to be focused on-reserve (Canada funds FNCFS on-reserve only and in the Yukon). Demographically, however, Indigenous peoples are the fastest growing group in the country, and they tend to reside in urban centres. There is a cost to delivering services in urban centres, e.g. rent tends to be more expensive (Toronto, Vancouver), staff salaries may have to be higher to be more competitive, etc. This is a reality for agencies such as Native Child and Family Services in Toronto, who are regularly faced with climbing costs because of their location.

NATIVE CHILD AND FAMILY SERVICES TORONTO, ONTARIO

Funding diversification for the liberty to practice.

Funding diversification provides latitude for practice. Funding mechanisms are also important. The opportunity for a block-funding approach in FNCFS would promote cohesive responses to child and family services, reducing the siloed billing practices in place. With the growth in urban Indigenous populations there is a case to revisit how urban agencies and agencies serving urban communities are being resourced to deliver on their mandates.

Context

From one main office and 18 satellite offices and with 285 staff, NCFS delivers culturally-informed child and family services, including prevention and protection, to Indigenous Peoples in Toronto, those passing through Toronto, and across Canada.

With a history of prevention, Native Child and Family Services had to work for 18 years for a protection mandate from the Province of Ontario. Originally established as a prevention organization in Toronto, NCFS learned early on that its funding sources had to be diverse, to build their practice culturally-informed practice.

Operations and programming

NCFS is a service delivery organization (with registered charity status). Their core funding comes from their role as a service provider. Other organizations pay them to deliver services because they're good at what they do, e.g. the Early ON (formerly 'early years') is delivered by NCFS.

The organization actively seeks to demonstrate the impact of its service model for funders and for its own internal planning.

NCFS's program evaluation model is connected to program development. Its initiatives and programs are grounded in best practices and existing literature, informed by Indigenous well-being. Once the program is delivered, clients are surveyed, regular follow-ups are undertaken, and services are adjusted based on these findings.

NCFS's structure requires and enables creativity. The funding structure from multiple sources enables NCFS to work through the prevention angle, finding resources to deliver in the best interests of the child, and to build its practice with long-term vision. For instance, NCFS's board of directors encouraged the agency to buy, not rent its space. Owning space provides the liberty to practice in a culturally relevant way. From smudging on-site, to building lodges, owning space meant a freedom to practice in the best interests of the children and family served, without being beholden to government check boxes.

While core funding is stable, resources to build responsive, bottom-up programming is dependent on securing funding from grants and donors. Senior leadership is responsive and regularly seeks out 10%–15% of their overall funding to ensure needs-based programming can be developed and delivered.

Operating as an urban agency, NCFS is faced with the challenges of housing shortages and homelessness, mental health and addictions. To address the challenges, the agency breaks down operational silos by leveraging resources to address a broad-spectrum of programs and services, rather than distinguishing between protection and prevention, and their respective funding sources.

The urban environment can be a draw for staff, but also imposes constraints. The cost of living in Toronto can reduce the relative competitiveness of salaries, and can increase the cost of doing business from real estate to parking (limiting the practicality of needed vehicle fleets). While NCFS is not constrained by funding streams and protection-focused fee-for-service budgeting, its funding diversification requires it to be a competitive leader in child and family services.

As urban Indigenous populations increase, so too will the demand for Indigenous-focused services. Prior to CHRT funding, NCFS was not a regular recipient of federal funding (beyond program funding for the delivery of the urban Aboriginal Head Start program). As

demographics shift, the reality that Indigenous People may have a connection to a band or reserve, may have multiple, or may not have any at all and will still seek out services will have to be addressed.

Lessons and considerations
Define your core functions and deliver them well.

Funding diversification provides latitude for practice. While not all service providers will have NCFS's diverse resource base, the lesson that funding mechanisms influence activities is important. The opportunity for a block-funding approach in FNCFS would promote cohesive responses to child and family services, reducing the siloed billing practices in place.

Urban Indigenous populations are growing and will require culturally informed services. Resourcing these activities is a constant challenge. As the CHRT highlighted discriminatory practices in federal underfunding of FNCFS, there is a case to revisit how urban agencies and agencies serving urban communities are being resourced to deliver on their mandates.

Access to service tools, such as broadband were also considered. Communities closer to urban centres may be more likely to have access to reliable broadband with workable download and upload speeds. There are many however, who do not have regular or reliable access. Broadband is not only a tool for connectivity, but a conduit for expanded opportunities for services and programming. From telemedicine, to consultations with experts such as nutritionists and psychologists, broadband represents an opportunity to build existing capacity and to scale services as required. As with any tool, broadband can be a useful addition if agencies and communities have connections to providers to leverage the connectivity.

RESULTS FUNDING

The Measuring to Thrive framework represents a set of trackable indicators that guide the goal of thriving First Nations children, families and communities. The framework is a tool to help to identify need. Used as a program performance tool, Measuring to Thrive will guide relevant data collection to better understand realities of communities and eventually, to support and anticipate their needs. The federal government committed in the preamble of *An Act respecting First*

Nations, Inuit, and Métis children, youth and families, to funding FNCFS consistent with the principle of substantive equality.

It is expected that a two-year transition period will be necessary for a fully functional framework. In that period, the secretariat will work closely with agencies to determine what data is already available, what data will have to be collected and how, and in what way need should be monitored and quantified. Data from reliable sources, e.g. Statistics Canada, will be leveraged to populate the Measuring to Thrive framework wherever possible, especially for community-level indicators. Working with the secretariat, agencies can leverage the data as evidence for decision-making to determine the types of intervention necessary, e.g. budgetary top-up, access to organizational support, etc.

The utility of the framework is that it can help individual agencies identify where they have need or if they are operating well within the parameters of their budget. In public finance, more money is not always the answer. More effective and efficient application of resources in a well-designed program can yield results. FNCFS agencies will have to establish performance targets to align their activities to desired results.

Results funding will be allocated to agencies as a percentage of their baseline expenditures. The supplement is modelled at 1%, 3% and 5% of total 2018–19 expenditures. The value of the top-up is anticipated to support hiring one or more staff. Complemented by supplements in IT and supported by the secretariat, FNCFS agencies are expected to be sufficiently resourced to transition to capturing data through the Measuring to Thrive framework.

EMERGENCY FUNDING

FNCFS is an essential service, that must continue to operate in regular and crisis situations. Emergency situations tend to increase demand on social services such as child and family services (Appendix P). The funding will be available to support responses to unanticipated circumstances related to CFS, that affect demand for an agency's core services. This could be a suicide crisis in a community or support to respond to a natural disaster or pandemic, in so far as the expenditures are directly linked to child and family services. Dakota Ojibway Child and Family Services in Manitoba has a well-developed emergency response plan.

DAKOTA OJIBWAY CHILD AND FAMILY SERVICES MANITOBA

"At no time will children be left at risk."

Key Lessons Learned from DOCFS' emergency response:

1. *Be prepared: a business continuity plan/emergency plan that includes communication with band councils and tribal councils can determine and pre-plan how you will collaborate and collectively face an emergency.*
2. *Empower staff: crisis situations are fluid and require changing responses. Staff should have input in planning, clear direction and latitude to act in the best interest of the children, families and communities they serve.*
3. *Have access to financial resources: to procure goods and services, money is necessary. There's much uncertainty in a crisis and having reserve funds (or access to funds) is crucial for expeditious action and response.*
4. *Connect: work closely and ongoingly with your communities and leadership to respond to the needs of children, families and communities.*

"At no time will children be left at risk."

Dakota Ojibway Child and Family Services (DOCFS) is not a novice when it comes to emergency response. From floods, to ice storms, to now, a pandemic, the agency has responded to protect the most vulnerable in the eight First Nations communities it serves. An integral component of a broader Tribal Council structure, DOCFS works collaboratively with other organizations (e.g. health, education) and community-based offices. Daily directors' calls and constant contact coordinate actions and response to changing circumstances across the Tribal Council.

DOCFS wants kids and families to be healthy and safe. Emergencies don't stop this drive; they amplify it. CFS is an essential service, and DOCFS remains available 24/7 during a crisis (as it would in regular times). As concerns for the safety and well-being of children and families can increase during emergencies, DOCFS' actions in emergency response extend beyond the physical safety of children, and includes food security, supplies and educational resources.

Be prepared

DOCFS' business continuity plan (BCP), which serves as a roadmap for the agency's action in a crisis to fulfil its core mandate and maintain (at least) their basic operations.

In one half-day, DOCFS' entire business continuity plan (BCP) apparatus can be mobilized, as staff are pre-briefed and familiar with their responsibilities. Staff have pre-assigned roles and areas of action for which they are responsible in an emergency. This enables the organization to keep a measure of consistency when faced with unexpected crises.

DOCFS' model is premised on strong linkages to the eight communities that it serves. With trust between DOCFS and its community offices and employees, the agency depends on the local First Nation's collaboration and support to understand need on the ground, and to ensure an appropriate response. Each of the eight communities served have their own emergency operating plans for local-level actions. From back-up staffing plans to operating plans, each community has a pre-planned approach to managing CFS when in crisis response mode.

There are plans in place, but staff members are expected to solve problems and find solutions.

Empowered leadership; empowered people

As emergency response ramps up, there is significant pressure on senior management to orchestrate the initial response. For example, senior staff worked from 8am to 11pm to define and implement the initial crisis management approach to COVID-19.

Senior leadership and the DOCFS board encourage flexibility in crisis response. They are known to create space for employees' ideas to respond to community needs. Emergencies are fluid and DOCFS staff must adjust its actions accordingly and in real time.

Various ad-hoc teams emerge in crises to address changing needs. For example, in the response to COVID-19, a holistic wellness team was created to develop resources for the distribution of reliable information and to connect people with the services they need. This small team of six people leverages outside resources, such as extra physicians and mental health experts, and develops their own tools to support the overall pandemic response.

The main concern among communities is food security. Families can be big and as communities enter lock-down, not everyone

can access needed supplies in time. DOCFS stepped in as a procurer of essential food items and supplies for delivery through local community offices. The items are distributed without cost to recipients in need through the local office. In an emergency situation, DOCFS will assist any community member in need (although their child focus is primarily, children in care). This initiative, orchestrated in conjunction with community-based staff, demonstrates the importance of connectivity and trust between agencies and people, especially in a time of emergency response.

To mobilize the required resources, an agency needs ready money.

Always have ready money

DOCFS emphasizes the importance of advocacy for their agency. From the Tribal Council's Chief to ISC to outside resources, DOCFS advocates to 'anyone who will listen,' to ensure their organization and children in care have what they need. Building a reserve fund and practicing active resource-development are ongoing. This helps to ensure that when a crisis hits, there is some flex in the budget.

When faced with a crisis, there is the added stress of uncertainty and delay in cost recovery. Until a state of emergency is enacted by the Tribal Council, resources commensurate to an emergency will not flow. In the context of COVID-19, ISC has indicated that agencies can keep track of costs associated to the pandemic response.

The fact remains however, that agencies and communities need ready money to act and respond in an emergency. For instance, at DOCFS, expenses for COVID-19 have been paid through expense accounts, cheques, corporate credit cards and personal credit cards. When it comes to major expenses, the executive director checks with ISC regional staff for the approval of the expense in advance, to mitigate any uncertainty of reimbursement. From basic food supplies, to educational resources for children in care, staff overtime, IT supplements, and beyond, agencies must be able to maintain their core operations to keep children and families safe, while supporting an emergency response. Unexpected circumstances can require unexpected resources.

As an alternative funding approach for CFS is being developed, options for emergency funding are being considered. Combinations of funding mechanisms are being explored to propose tools to respond to immediate needs, as well as to address the underlying challenges that influence crisis management. DOCFS is a helpful example of a well-coordinated agency that leverages resources beyond its organization to respond in a timely and decisive manner in the face of emergencies.

With the proposed block funding approach, agencies will operate within predefined revenue parameters, with a supplement to achieve the results defined in the Measuring to Thrive framework. Should demand for its services change due to exogenous factors, however, agencies will have recourse to supplementary funding. This funding is like an insurance policy triggered if factors external to the organization change. Such factors include, increase in the number of protection demands, increase in the number of prevention services requests, etc.

This insurance funding is distinct from the needs-based supplement to achieve results. Results-focused funding is designed to support an agency's performance to help it sustain or enhance its program and service offerings. The insurance for increased demand, by contrast, is funding to address changes to baseline operating requirements. Should this increased demand last longer than one fiscal year, the agency may require a revision to its baseline budget. This makes relevant data collection crucial for service providers, as it links to its overall organization, activities, and funding alignment. Relevant data can be analyzed as useful evidence for better decision-making.

There are two proposed options to manage emergency funding. One option is to have an annual supplement between 0.5% and 2% to agencies' baseline budget. It would be incumbent upon agencies to manage this funding, building their own emergency reserves when the funding is not needed. Should a top-up be applied to agencies' budgets, there would be no further recourse to the federal funder for emergency provisions in child and family services (unless there were exceptional circumstances, unmanageable with regular funding).

The second option is to establish an emergency fund. This fund would be appropriated exclusively to respond to changes in demand and emergencies, with funding ring-fenced within the department. In order to trigger the release of funds, a set of criteria defined in legislation would have to be met. Similar to legislation in various jurisdictions (Appendix Q), emergency provisions are triggered for instance, when a disaster is declared. Once declared, resources would flow to the parties in need to fulfill their mandates.

To determine the amount of money allocated to the emergency fund, whether appropriated by statutory or non-statutory means, various models exist. Jurisdictions such as Mexico, appropriate a portion (0.4%) of the country's annual total budget to disaster relief and prevention funds. The state of Utah determines the allocation to its disaster funds relative to other state appropriations. Other states, such as North Dakota and California appropriate a set amount of money every one or two fiscal years for disaster relief. The value of the emergency fund is proposed to range from 0.5% to 2% of FNCFS agency baseline expenditures.

The emergency fund would have to be created, and preferably, defined in legislation. The emergency fund's appropriation could be covered by statute, where Parliament would only approve the expenditure by vote once. After which time, e.g. five years, ten years, the money in the fund would automatically be appropriated, without requiring another parliamentary vote. Alternatively, the emergency fund could be endowed by non-statutory means. This would require Parliament to appropriate the value of the fund annually. In principle, if the fund is covered in legislation, there may be few reasons for Parliament to refuse the expenditure. There is however, the risk that the appropriation is not approved and the emergency fund may not have the requisite resources.

SECRETARIAT

The secretariat will be designed as a First Nations-led dual-mandate organization. As the trusted third-party among stakeholders, the secretariat would be a neutral expert organization governed by a board of directors. The secretariat would be a centre for best practices, operational support and results-funding allocation.

As an independent data and operations-focused organization, the secretariat would be well positioned to lead annual data collection on interim progress with the proposed funding approach, even during transition. The secretariat should lead assessments on funding applications and interim results. The CHRT-mandated supplementary payments suggest that change in programming and operating practices are possible, even within a fiscal year. To this end, the secretariat could support national data collection efforts on how resource allocation and programming have changed with the new funding approach.

These annual evaluations are distinct from the data to be collected for the Measuring to Thrive framework, as it will be operational in nature. Annual evaluations will be designed to assess funding impact in the short-term, in preparation for a medium-term evaluation of the funding approach at the three-year mark of transition. Then, at year five, a full evaluation of the funding approach and the results tracked in the Measuring to Thrive framework will be undertaken.

The full external evaluation at year five of the proposed funding approach will assess the connection between resources and results. Has the change in funding structure supported better results for children and families? Have allocated resources been commensurate to achieving desired outcomes? Has the Measuring to Thrive framework effectively captured changing realities for First Nations? These and other questions should be addressed as the full funding approach and its associated resource profile are reconsidered in connection to long-term goals.

Funding for the secretariat is estimated at $3M per year (grown with inflation), to support operations (see the Transition section for a full discussion of the secretariat).

Application of the funding approach

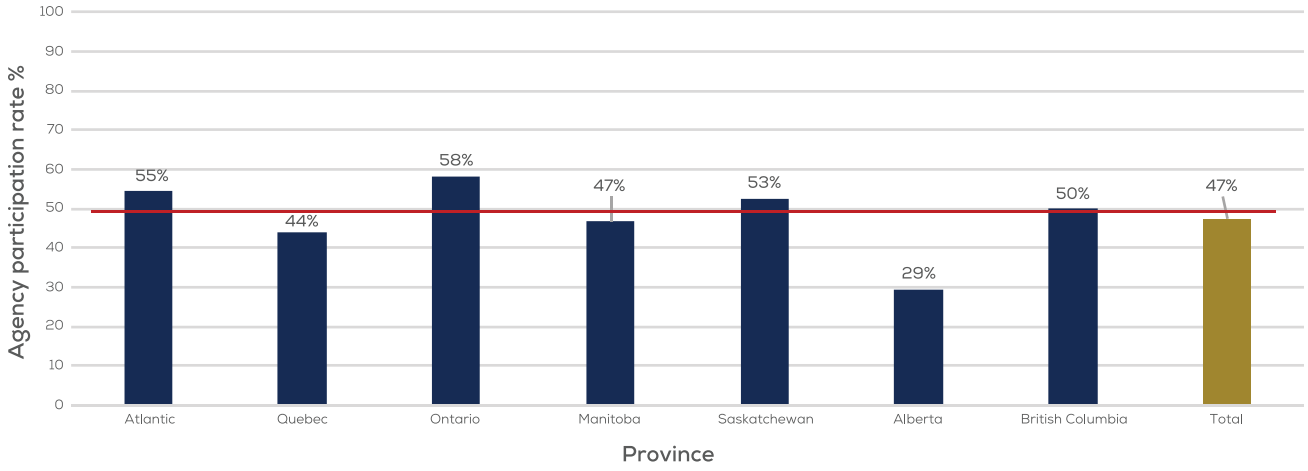
The proposed estimates of agency funding levels were developed using 2018–19 FNCFS agency reported expenditures and informed by industry standards.

As with any estimation exercise, there is no single estimate, rather a range of estimates dependent on various combinations of scenarios.

FNCFS SURVEY[318]

In fall 2019, a seven-question survey was released to FNCFS agencies (Appendix M). The survey was designed to capture expenditure and revenue information, CHRT funding requests, and performance measurement practices for fiscal year 2018–19. The survey was released as a fillable PDF to agency directors with an accompanying explanatory note on the survey and its application. Of the 112 FNCFS agencies on IFSD's list, 53 completed the survey, an overall 47% response rate (see Figure 47).

FIGURE 47: Agency survey participation rate by province (n=112).



Note: Atlantic includes New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland.

[318] All FNCFS agency-associated data in this section's figures are from IFSD's 2019 FNCFS survey.

The participating agencies are generally representative of the broader sample population across population clusters (Figure 48), geographic zone[319] (Figure 49), and road accessibility of all First Nations served (Figure 50).

FIGURE 48: Percentage of FNCFS agencies by on-reserve population cluster, ISC 2018 population data (n=112).

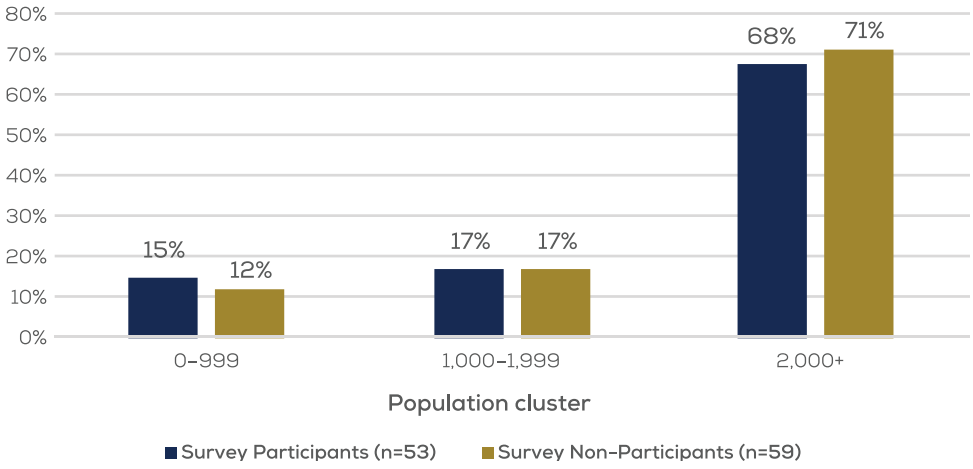
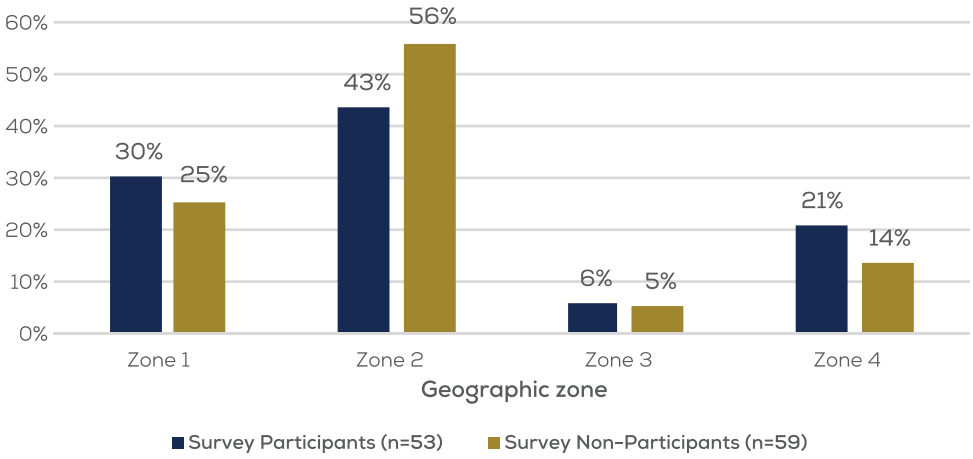


FIGURE 49: Percentage of FNCFS agencies by geographic zone (n=112).



[319] Geographic zone refers to a First Nation's distance to a service centre and associated mode(s) of transportation.

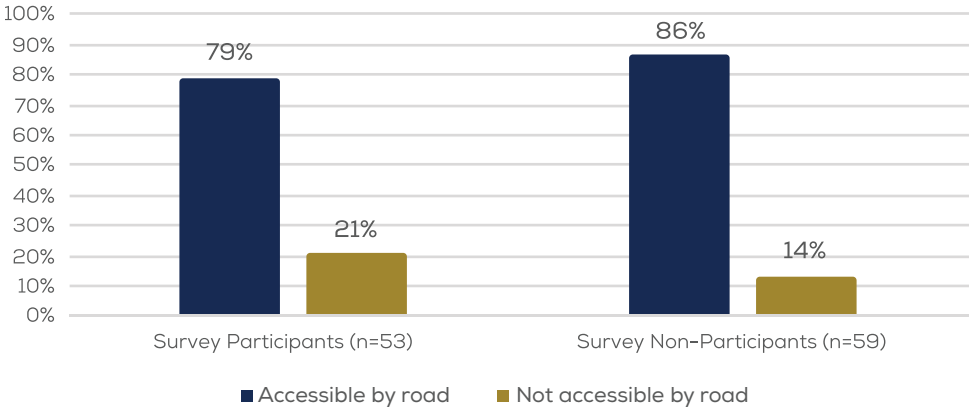
Zone 1: First Nations located within 50 km of a service centre.

Zone 2: First Nations located between 50–350 km of a service centre.

Zone 3: First Nations located over 350 km from a service centre.

Zone 4: First Nations with air, rail or boat access to service centre.

FIGURE 50: Percentage of FNCFS agencies by survey participation and road accessibility (n=112).

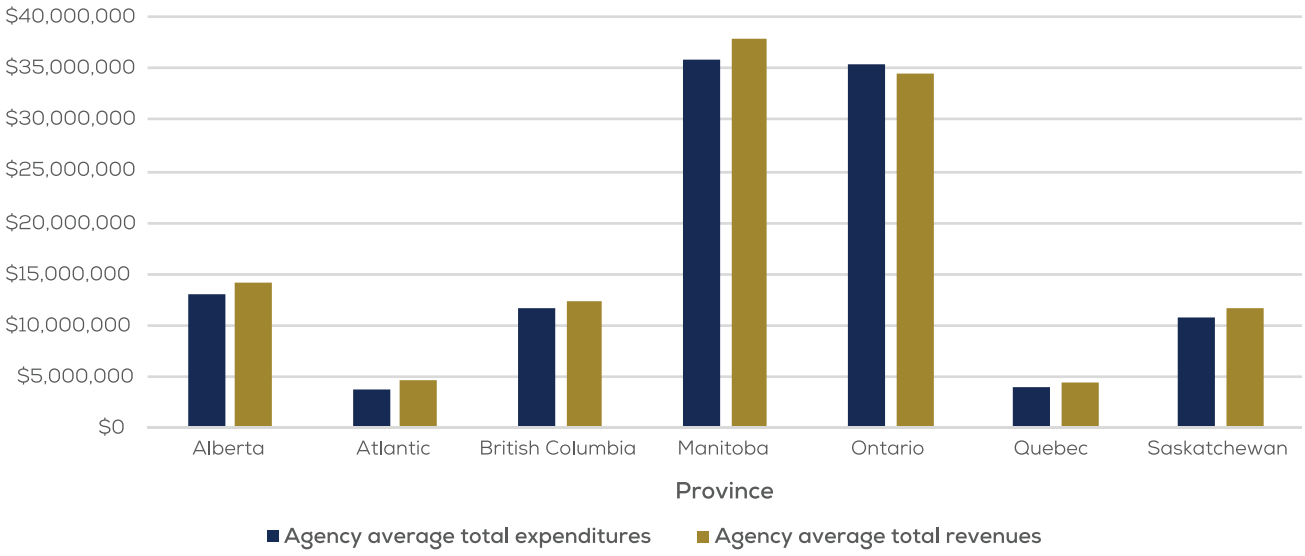


Responding FNCFS agencies reported average expenditures of $15M and average revenues of $16M (Table 16). The slightly higher revenues may be explained by the CHRT-supplementary payments or unspent revenues at the time of reporting. Manitoba and Ontario FNCFS agencies reported the highest overall revenues and expenditures (Figure 51). The size of the population served and the geographic profiles of the First Nations served may help to explain the higher average revenues and expenditures.

TABLE 16: Overview of FNCFS survey findings.

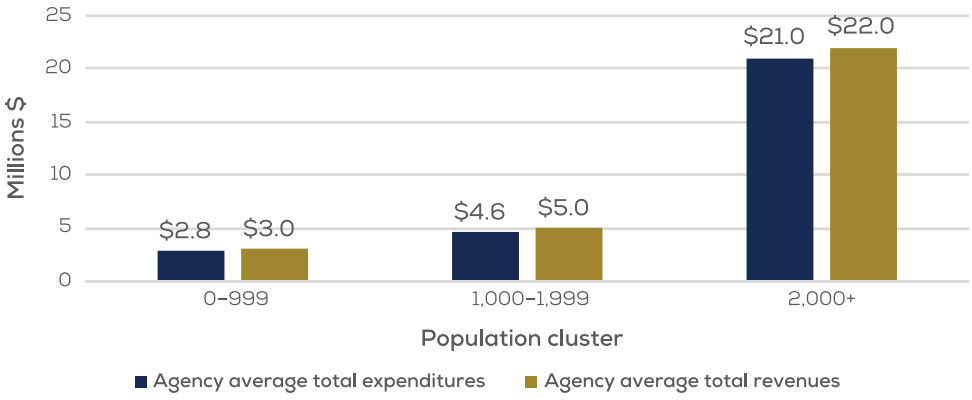
Total number of survey responses	57
Total number of useable survey responses	53
Average expenditure (n=53)	$15,462,653
Average revenue (n=53)	$16,217,900

FIGURE 51: Agency average total expenditures and revenues by province/region (n=53).



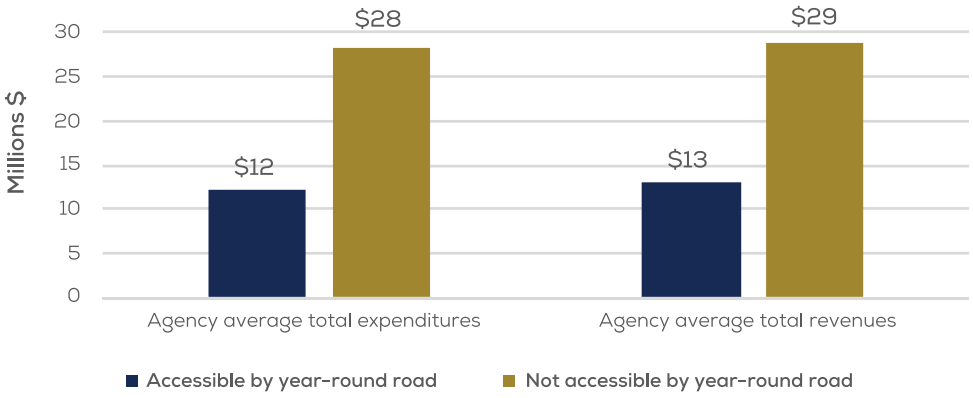
Greater variance in average agency budgets is displayed when the data is sorted by population cluster (Figure 52). Agencies serving larger total populations report larger average total expenditures and revenues.

FIGURE 52: Agency average total expenditures and revenues by on-reserve population cluster, ISC population 2018 (n=53).



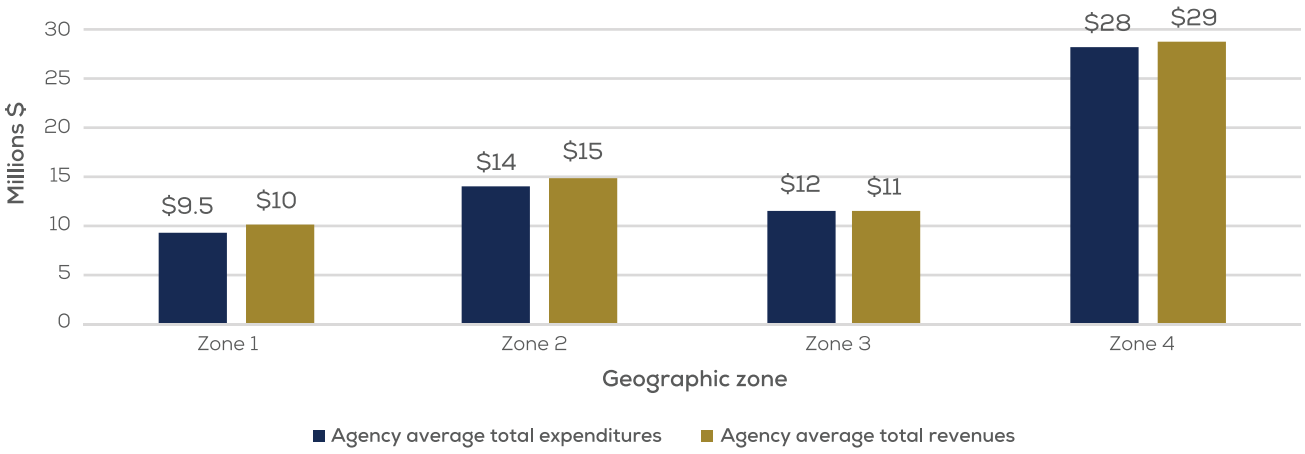
Agencies serving at least one First Nation without year-round road access report expenditures and revenues at least twice as high as those agencies serving First Nations with year-round road access (Figure 53).

FIGURE 53: Average agency total expenditures and revenues by road accessibility (n=53).



When sorted by the most distant geographic zone[320] of the First Nations served, agency average expenditures and revenues are highest for zone 4, consistent with the findings on road accessibility (Figure 54).

FIGURE 54: Average agency total expenditures and revenues by geographic zone (n=53).



On a per capita basis, agencies serving First Nations generally below their respective provincial poverty lines report higher revenues and expenditures than those above their respective provincial poverty lines (Figure 55). Possible explanations may include higher numbers of children in care (as poverty and neglect are a cause of contact with protective services) and the geographic location of agencies (the more remote, the costlier to deliver services).

[320] Geographic zone refers to a First Nation's distance to a service centre and associated mode(s) of transportation.

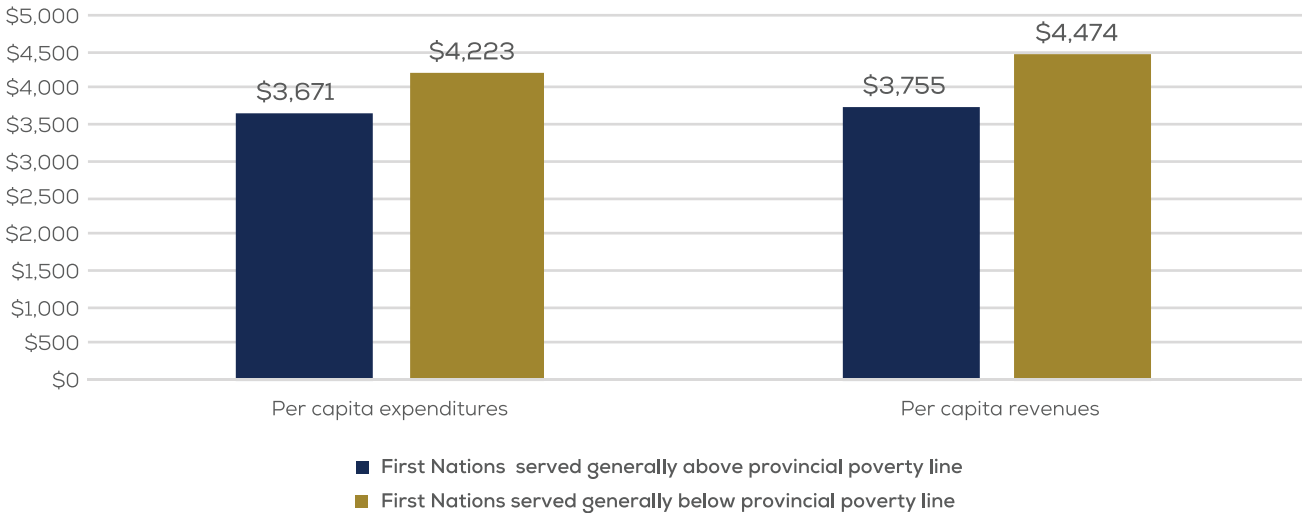
Zone 1: First Nations located within 50 km of a service centre.

Zone 2: First Nations located between 50–350 km of a service centre.

Zone 3: First Nations located over 350 km from a service centre.

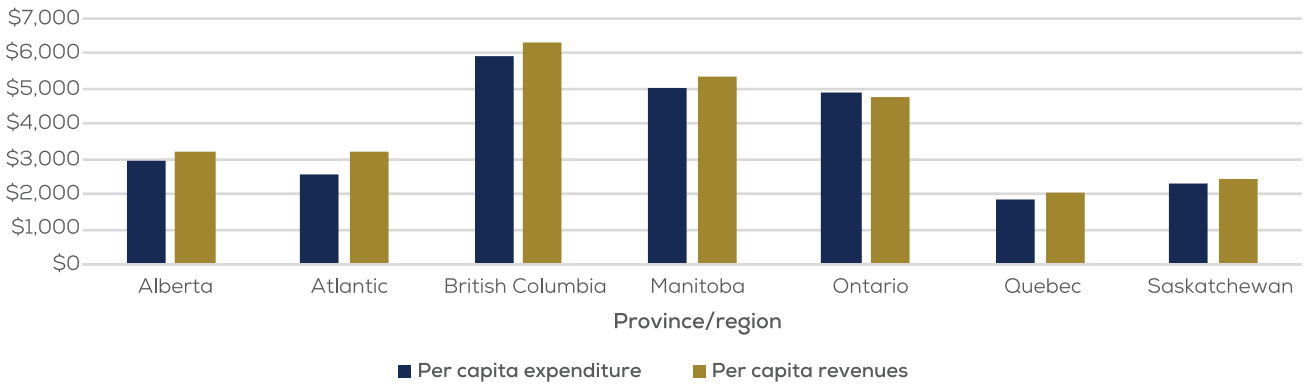
Zone 4: First Nations with air, rail or boat access to service centre.

FIGURE 55: Average per capita expenditures and revenues by poverty level (n=52).



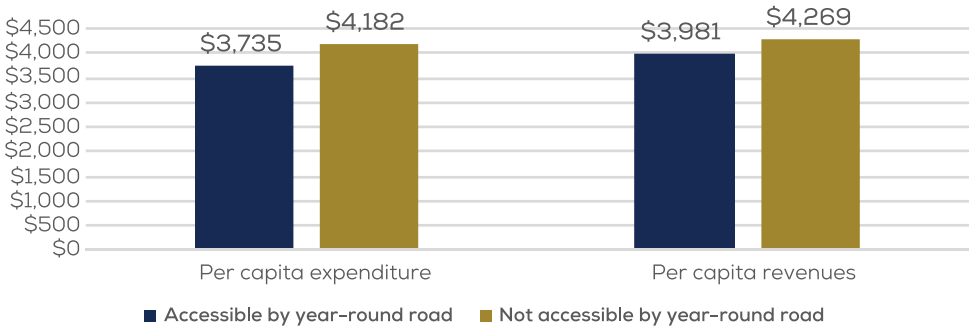
British Columbia's FNCFS agencies have the highest and Quebec's the lowest per capita expenditures and revenues when compared to their peers (Figure 56).

FIGURE 56: Average agency per capita expenditures and revenues by province/region (n=53).



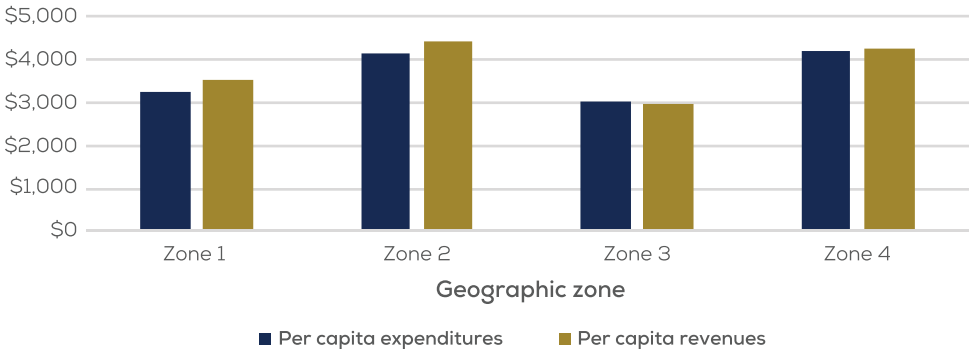
Consistent with previous findings on road accessibility, per capita expenditures and revenues for FNCFS agencies serving at least one First Nation without year-round road access are slightly higher than those accessible by year-round road (Figure 57).

FIGURE 57: Agency average per capita expenditures and revenues by year-round road accessibility (n=53).



By geographic zone[321], the highest per capita expenditures are exhibited by zone 4, whereas the highest per capita revenues are in zone 2 (Figure 58). FNCFS agencies with their most remote agency in zone 3 exhibit the lowest per capita expenditures.

FIGURE 58: Average agency per capita expenditures and revenues by geographic zone (n=53).



The majority (81%) of FNCFS agencies requested CHRT-mandated funding (Figure 59). Of the requesting agencies, those in British Columbia, Manitoba and Ontario reported receiving the supplementary funding (Figure 60).

[321] Geographic zone refers to a First Nation's distance to a service centre and associated mode(s) of transportation.

Zone 1: First Nations located within 50 km of a service centre.

Zone 2: First Nations located between 50–350 km of a service centre.

Zone 3: First Nations located over 350 km from a service centre.

Zone 4: First Nations with air, rail or boat access to service centre.

FIGURE 59: Percentage of FNCFS agencies requesting CHRT funding (n=52).

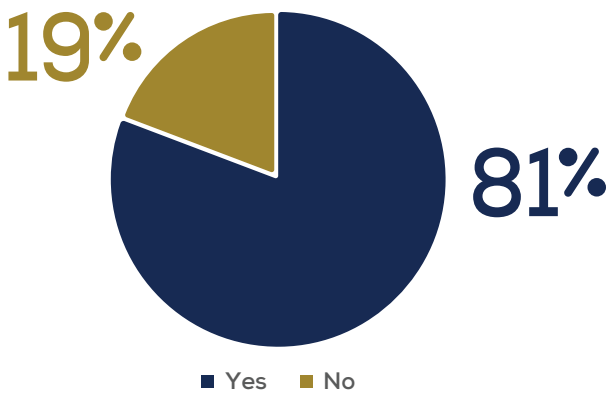
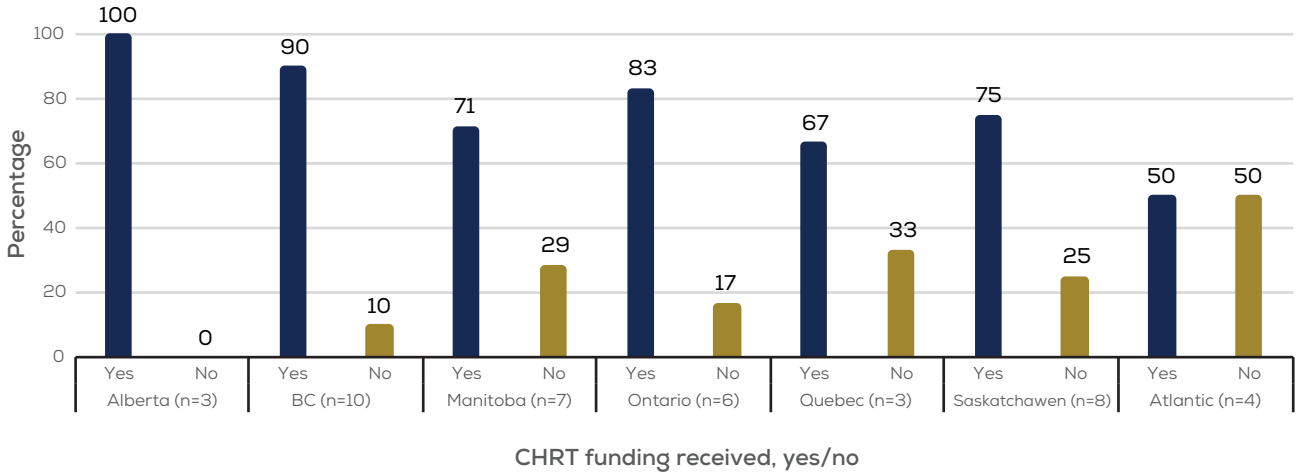


FIGURE 60: Percentage of agencies that received CHRT funding, by province (n=41).



There is a slight variance between the intended CHRT funding applications and the actual ones (Figure 61). Most of the CHRT funding was applied to capital and operating costs among agencies, with several others reporting program and prevention applications (Figure 62).

FIGURE 61: Proposed applications of CHRT funding, percentage basis, multiple responses possible (n=42).

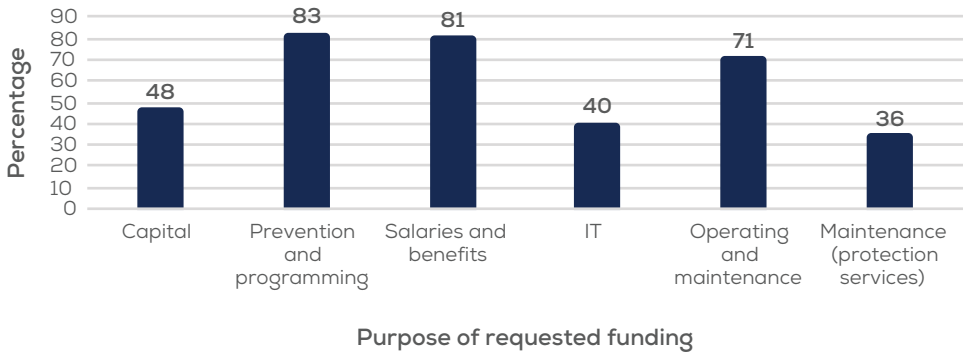
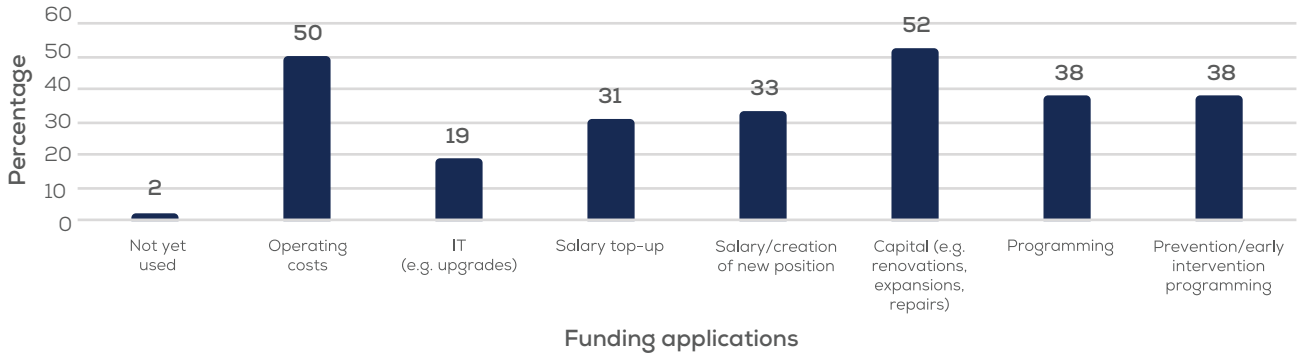


FIGURE 62: Actual applications of CHRT funding (more than one response possible) (n=42).



Over three-quarters of FNCFS agencies report collecting data at the program-level and approximately two-thirds on spending. The data is most frequently applied to budgeting and program development, and funding requests.

Funding approach scenarios

The proposed funding approach is designed to address identified gaps in FNCFS agency operations clearly. An agency or recipient should be able to easily understand the contributing components of their funding allocation. With 2018–19 FNCFS expenditures as a baseline, the approach adjusts the baseline budget by adding components to reflect the First Nations served and to support the Measuring to Thrive performance framework (Table 17).

The current expenditure baseline likely includes expenditures across funding components. The implementation of the funding approach will require an assessment of current capital stock, i.e. structures and vehicle fleets, existing IT infrastructure, to ensure there are adequate provisions and not an overcompensation for pre-existing expenditures on these budgetary components.

TABLE 17: Funding approach components and their applications.

Component	Quantification
Results	▪ Funding to support goals in the Measuring to Thrive framework. Percentage of baseline budget.
Prevention	▪ Per capita allocation, $800, $2,000 or $2,500 by population on-reserve.
Geography	▪ Factor increase to baseline budget, using ISC's weighted remoteness quotient.
Poverty	▪ Household basis; relative to provincial poverty line; Census 2016 data.
Capital	▪ Percentage (e.g. 2%) of total value of capital assets. ▪ Application-based fund for major capital projects, e.g. new building, extensive renovation, etc.
IT	▪ Percentage top-up to baseline budget of 5% to 6% based on industry standards for not-for-profit service organizations.
Emergency funding	▪ Percentage top-up to baseline budget to address unanticipated circumstances related to CFS, that affect demand for an agency's core services.

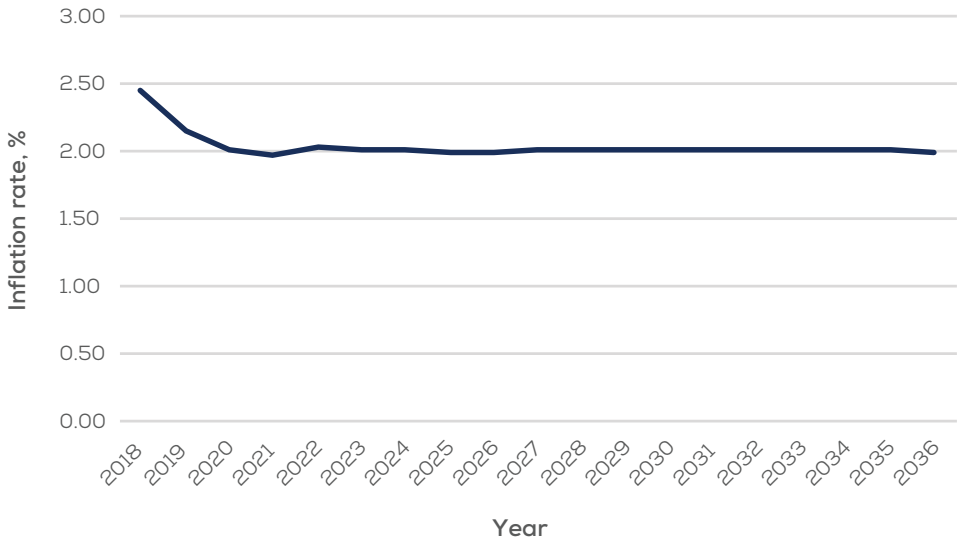
To model the funding approach, three scenarios are proposed, based on low, medium and high points in the ranges associated to each of the cost factors. To estimate the total system cost into the future, standard growth factors of inflation and population are applied. A standard 2% inflation is used (Figure 63) and Statistics Canada's constant population scenario[322] (for projections) are applied to the estimates.

The funding approach is premised on an existing baseline to cover protection and maintenance costs associated to safety. For new and emerging agencies, a different mix of resources may be required to support the needs of their communities. If no previous data on protection is available, estimates on the proportion of children that may have contact with the protection system can be estimated using findings from Phase 1.[323] Building from the proportion of the population served estimated to require protection services, the average cost per child in care of $63,000 could be applied to estimate a new agency's baseline budget for protection and maintenance activities.

[322] The constant population scenario assumes that the probability of giving birth estimated in 2011 remains constant among Indigenous Peoples until 2036. There are other population projection scenarios. The second scenario has birth rates converging moderately to reach half of the general population rate by 2036. The third scenario assumes complete convergence with the general population's birth rate by 2036. The constant scenario is adopted in this work for cost-estimating purposes. For more information: https://www150.statcan.gc.ca/n1/pub/91-552-x/2015001/section06-eng.htm.

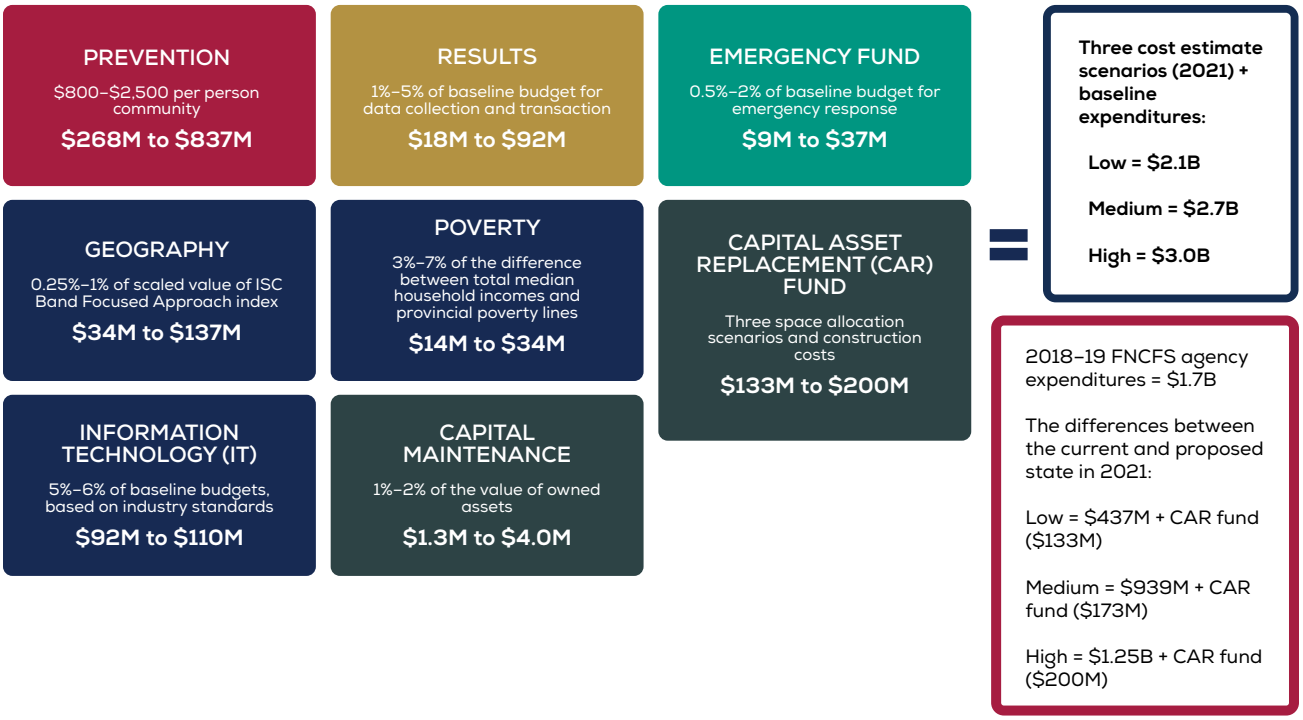
[323] IFSD, *Enabling First Nations Children to Thrive*, 2018, p. 63, Table 6 and p. 67, Table 9, http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

FIGURE 63: IFSD inflation forecast (2018–2036).



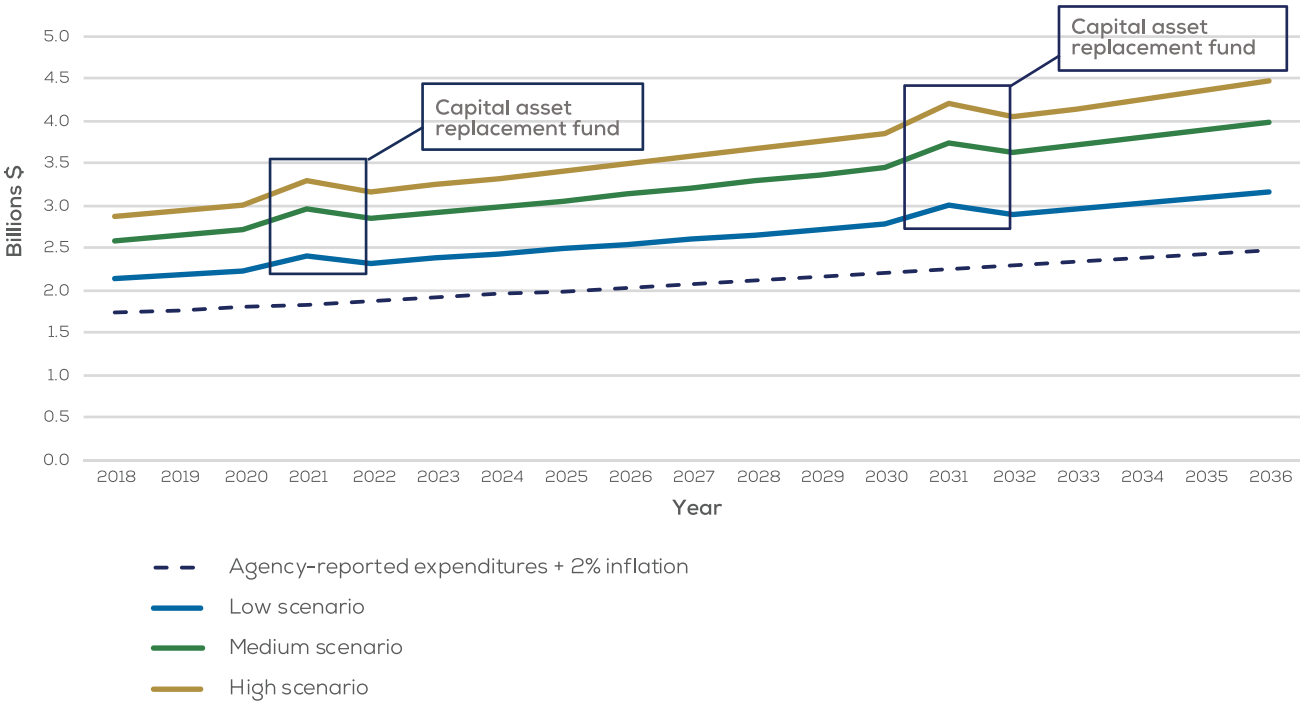
The proposed approach is modelled for 2021 using the constant population scenarios (Figure 64). The proposed funding approach represents an increase in overall system costs between $437M and $1.25B in 2021, depending on the selected scenario, plus capital asset replacement fund investments.

FIGURE 64: Cost estimate overview of the proposed funding approach.



The estimates are then projected out to 2036 with inflation and population (constant population scenario) as growth factors (Figure 65).

FIGURE 65: Total estimated system costs (low, medium and high scenarios), 2018–2036 (with Statistics Canada's constant population scenario and 2% inflation).



The performance framework and funding approach are directionally consistent with the Act, seek to address CHRT findings, and propose a way forward focused on the well-being of First Nations children, families, and communities.

Part IV: Transition

Introduction

IFSD's December 2018 report *Enabling First Nations Children to Thrive*, focused a great deal of analysis on the current state of operations, governance and funding for First Nations child and family services. The Phase 2 effort has focused on a future-state design based on desired outcomes, measurement and a new approach to funding. Designing the future state has been a bottom-up collaborative effort with First Nations agencies and the communities they serve. The exercise has been augmented by case studies from First Nations wise practices and international comparative analysis.

However, success in achieving a future-state vision for the benefit of First Nations children, families and communities can only be implemented with *change* and *transition* management strategies that are built on: credible strategies and plans, effective communications, phased/gated approaches, leadership and on-going support.

MANAGING CHANGE AND TRANSITION

The literature on organizational change and transition tends to coalesce around the idea that change is difficult. The US Department of Health and Human Services, Administration for Children and Families defines organizational change as "changes in child welfare agency policies, procedures, and practices resulting from the implementation of the Systems of Care initiative."[324] Implementing this kind of change can be difficult for an individual or a small enterprise, but the larger the organization gets, the more difficult change is to successfully realize. This is largely due to what Romanelli and Tushman discuss as the grounded inertia that develops in large organizations that becomes engrained over years and becomes extremely difficult to break free.

Understanding change is one of the keys to realizing successful transitions. Gray separates two types of change: incremental and discontinuous. The former occurs during periods of relative stability and slowly over time, while the latter occurs in a state of disequilibrium, often involving radical changes. With discontinuous change the organization leader is paramount but cannot do it alone and the executive team at the top needs to be central as well for successful

[324] US Department of Health and Human Services, "Systems and Organizational Change Resulting from the Implementation of Systems of Care," (November 2010): 32.

large-scale change. Discontinuous change requires innovative approaches to the development of people by linking people's motivation and skills to the change agenda.[325] It is important to understand these different types of change as Romanelli and Tushman argue for successful meaningful change to occur it must be sufficiently radical to break the grounded inertia of organizations.[326]

While managing change is very difficult, there are generally some key points the literature agrees are part of an approach for successful transition. These can broadly be summarized as having a clear plan/strategy, good communication, using a gradual or phased in approach, the importance of good leadership, and planning for and adapting to the unforeseen.

CLEAR PLAN/STRATEGY

For any kind of change to be successful there must be a clear, coherent and communicable plan for what the change is and what it will entail. Sirkin, Keenan and Jack contend that while change is indeed difficult, the real challenges usually stem from disagreements on what goals/results the change is seeking to realize.[327] Therefore, the most important starting point is having broad-based buy-in and agreement on what the change is seeking to accomplish and how this will be accomplished/measured.

Change cannot be seen as something where a policy is simply implemented and the outcome is improved results—it takes a comprehensive plan/approach to enable a environment conducive to success. Ostroff suggests that a plan usually has three major phases: identify performance objectives; set priorities; and roll out the program. He suggests engaging stakeholders ahead of time at workshops and discussing transition by asking questions such as: "Does the process have any redundant steps? Are there handoffs that should be eliminated? Are there steps that should be added? Which ones should be automated?"[328] It helps to have some tangible results that can be achieved early to point to success for continued buy-in even if it is not the ultimate goal. He also suggests it is important to "sow the seeds

[325] Jo Ellen Gray, "Discontinuous Change: Leading Organizational Transformation," *Academy of Management Perspectives* 9, no. 2 (1995): 77–80.

[326] Elaina Romanelli and Michael Tushman, "Organizational Transformation as Punctuated Equilibrium," *The Academy of Management Journal* 37, no. 5 (October 1994): 1141–1166.

[327] Harold L. Sirkin, Perry Keenan, and Alan Jackson, "The Hard Side of Change Management," *Harvard Business Review*, October 1, 2005, https://hbr.org/2005/10/the-hard-side-of-change-management.

[328] Frank Ostroff, "Change Management in Government," *Harvard Business Review*, May 1, 2006, https://hbr.org/2006/05/change-management-in-government.

of change in fertile grounds."[329] Start with top performers, those most willing to adopt changes and those positioned most well for success so they can set an example and pull others along showing how it is done and that it is both possible and worthwhile.

One of the biggest challenges to improvements in organizations as laid out by Johnson and Austin is the lack of evidence-based organization culture within various public and social services agencies. These authors lay out three main strategies for doing so: "(a) agency-university partnerships to identify the data to support evidence-based practice, (b) staff training (in the agencies and on campuses) that features problem-based learning approaches to support the introduction and utilization of evidence-based practice, and (c) the modification of agency cultures to support and sustain evidence-based practice."[330]

All of these various experiences and approaches outline the absolute importance of beginning with a clear plan that is broadly agreed on with end goals in mind. While the process is an important part of the change, it is only with the goal of producing results and this must be where the focus lays.

COMMUNICATION

Realizing successful organizational change is difficult, and this is largely because it is complex and is often done against forces of organizational inertia. Baines argues that the type of systemic organizational change that is discussed here cannot be treated as an apolitical set of policy tools, but instead effective communication must be utilized to ensure those affected by the change will realize the broader implications of the proposed transition.[331] Changes in funding approaches have been used throughout the OECD in a variety of sectors masked in the cloak of performance or productivity but often with the main goals targeted at cutting spending in one way or another. Nelson argues that one of the keys to success for transitioning to program-based budgeting for the City of Indian Well was actually using this change to promote transparency and accountability. Beyond achieving other goals, by having funding tied to clearly stated metrics and making the information publicly available, the entire process was demystified, and residents and policymakers welcomed the shift rather than resisting it.[332]

[329] Frank Ostroff, "Change Management in Government," *Harvard Business Review*, May 1, 2006, https://hbr.org/2006/05/change-management-in-government.

[330] Michelle Johnson and Michael J. Austin, "Evidence-Based Practice in the Social Services," *Administration in Social Work* 30, no. 3 (September 25, 2006): 75–104.

[331] Donna Baines, "Pro-Market, Non-Market: The Dual Nature of Organizational Change in Social Services Delivery," *Critical Social Policy* 24, no. 1 (February 1, 2004): 5–29.

[332] Kristen Nelson, "Transitioning to Program-Based Budgeting," *Alliance for Innovation*, August 2017, https://www.transformgov.org/articles/transitioning-program-based-budgeting.

Communication is the first key to successful change outlined by Kezar as she says it is important to begin by mobilizing, which she suggests includes; "develop initial awareness of the need for change (data); create vision; galvanize support for change through discussion; mobilize leadership and collective action."[333] This communication is key to winning over stakeholders. Ostroff concludes there will be many stakeholders and theoretically you need to speak to and convince all of them, but to be effective you should focus your energy and resources on the biggest, most important, most directly implicated ones who can act as leaders in pulling in the rest. His findings suggest that usually around one quarter of stakeholders will be receptive to change, one quarter resistant and about half on the fence.[334] Thus, while beginning with a sound strategy and plan is the most important first step, effectively communicating this plan becomes just as important for successful transition.

PHASED-IN APPROACH

Intense occupational stress has a clear negative correlation to organizational change. The more stressed organizations are in general, the less willing they will be to change and hence less successful they will be at effectively implementing changes.[335] Newman looks at the case of ex-Soviet countries following the end of the Cold War. Communism disappeared quickly, but it took time for new mechanisms to take hold in its place as there were so many structural and foundational changes going on around the entire system which inhibited effective change happening quickly. These major changes are what she refers to as institutional upheaval, characterized by fundamental change to norms, values, and assumptions underlying economic activity. Major changes like this are difficult to accomplish until the institutional context becomes predictable and stable which must include a "social consensus [...] about the new values, norms, and assumptions that will underpin economic activity."[336]

Successful change must be sufficiently radical to break away from organizational inertia. Romanelli and Tushman found "supportive results [which] showed that (1) a large majority of organizational transformations were accomplished via rapid and discontinuous change over most or all domains of organizational activity, [and] (2) small changes in strategies,

[333] Adrianna Kezar, "Bottom-Up and Top-Down Change," 1, https://www.usf.edu/atle/steer/events/change-theory-handouts.pdf.

[334] Ostroff, "Change Management in Government."

[335] Maria Vakola and Ioannis Nikolaou, "Attitudes towards Organizational Change: What Is the Role of Employees' Stress and Commitment?," *Employee Relations* 27, no. 2 (January 1, 2005): 160–74.

[336] Karen Newman, "Organizational Transformation during Institutional Upheaval," *The Academy of Management Review* 25, no. 3 (July 2000): 616.

structures, and power distributions did not accumulate to produce fundamental transformations."[337] Each step of the change process must be something that is proactively planned for and managed. This means creating readiness within the organization, not simply waiting for change to be welcomed with open and ready arms.

Part of the gauging of readiness is assessing how much change the organization is ready for and how quickly. This should also be an ongoing assessment with constant monitoring as the change is implemented. The Council of Ontario Universities suggests this should often take a phased-in approach that, for PBF for example, sees a smaller percentage of funding being tied to performance at first that grows over time. Other cases have used a 'learning year' where you can work with providers to model what the new approach would have looked like had it been implemented. Another method has been a funding protection mechanism so that in any individual case funding can only shift by a limited amount in any given year. It can be beneficial to have user-friendly modeling tools to allow providers to estimate and plan for changes in funding.[338]

For the City of Los Angeles' transition to performance-based budgeting this took the form of a phased in approach along with pilot programs for two city departments. As the program develops and depending on political realities as it progresses these two departments can be used as blueprints for expansion. The plan consists of seven performance-based budget elements, and for the phased-in approach only the first two will be implemented with the following five left as options for future planning. The two were 1- redefining the city's organization structure around outcomes and 2- creation of a performance measurement process. The two pilot projects implement all seven budget elements to show what that would look like in practice to make broader decisions about the final five steps moving forward. They foresee needing a dedicated full-time equivalent (FTE) position as well as existing positions throughout departments to help with the ongoing transition process.[339]

Looking at the United Kingdom National Health Service, McNulty and Ferlie ask, 'do large scale changes work?' What they found was fairly complex as trying to change everything at once often does not work and

[337] Elaina Romanelli and Michael Tushman, "Organizational Transformation as Punctuated Equilibrium," *The Academy of Management Journal* 37, no. 5 (October 1994): 1141.

[338] Council of Ontario Universities, "Performance-Based Funding," December 2013, https://www.deslibris.ca/ID/241617.

[339] Harvey Rose Associates, LLC, "Blueprint for a Transition to Performance-Based Budgeting for the City of Los Angeles (Los Angeles, CA) | Government Innovators Network," (2011), https://www.innovations.harvard.edu/opex/reports/blueprint-transition-performance-based-budgeting-city-los-angeles-los-angeles-ca.

can have adverse consequences. Meanwhile incremental change can be held back by the existing parts of the organization which are still working in the old ways. Ultimately incremental change is seen as best when it is done in a way to have change in blocks sufficient enough to break organizational inertia, without trying to force through too much at once and creating unproductive stress.[340]

LEADERSHIP/SUPPORT

Strong and competent leadership starting from the top is a key success factor for effective organizational change. In a public sector context, Hornstein posits that this means political support from upper levels of government first, but also important is effective leadership throughout the rank and file as well. This leadership must foster creativity, partnerships and empowerment.[341] Tams argues successful change starts at the top—the CEO must be fully invested and a champion of the change. Ramanelli and Tushman had findings that similarly demonstrated successful transformations were heavily influenced by CEOs.[342] Leadership is key to institutionalizing the change and ensuring it is meaningful and lasting. To do so Kezar suggests leaders must "disseminate results; review; commit; persist."[343]

The Council of Ontario Universities have also found that beyond leadership at the top, it is important to provide transitional support at the ground level for successful change to be realized.[344] To do so Lawler and Foster argue data should be managed by a party outside of the providers as providers might lack skills, technology, methodology etc. to do so and it can add an extra burden during transition. It is important and necessary to lay out strict guidelines for the program relating to monitoring, reporting etc. However, once implemented having flexibility and latitude is important for keeping the end goals in sight rather than focusing on the process. Acknowledge perverse incentives and try to account for them.[345]

[340] Terry McNulty and Ewan Ferlie, "Process Transformation: Limitations to Radical Organizational Change within Public Service Organizations," *Organization Studies* 25, no. 8 (October 1, 2004): 1389–1412.

[341] Henry Hornstein, "Successes and Potential Obstacles to Change Management in the Public Service," (November/December 2010).

[342] Romanelli and Tushman, "Organizational Transformation as Punctuated Equilibrium."

[343] Kezar, "Bottom-Up and Top-Down Change," 1.

[344] Council of Ontario Universities, *Performance-Based Funding.*

[345] Patrick Lawler and Jessica Foster, "Making Performance-Based Contracting Work for Kids and Families," *Community Development Investment Review*, (April 2013): 142, https://www.frbsf.org/community-development/files/making-success-work-kids-families.pdf.

PLAN FOR CHALLENGES

Organizational change is often centred on some form of funding approach. When actors within the organization hear of change the first thing they will consider is 'am I going to lose funding/resources as part of this change?' Therefore, it is important to be open about these types of challenges and part of this will be the possibility of unforeseen costs in the implementation process of change. The Council of Ontario Universities reports that one of the gaps that exists in transition literature is the degree of unexpected costs associated with data tracking, developing learning capacity, initiatives to import performance and results evaluations.[346] Some states have used a "stop-gap" or "stop-loss" mechanism for the first year of transition to ensure that no providers are less well-off due to change implementation and any unforeseen costs which helps create a soft landing.[347] Similarly the Ontario Ministry of Advanced Education and Skills Development suggests that, as transition can be so costly colleges should receive one-time funding for restructuring costs associated with new funding formulas.[348]

There will inevitably be many challenges and concerns, and any resistance to change must be listened to and effectively addressed, argues Hornstein, not ignored.[349] No one will be under any illusions that any attempt at change will be perfect either with the new policy or with the transition process. It will be beneficial to all to openly address any perceived weaknesses, perverse incentives, extra costs, additional efforts required etc. in order work toward solutions collectively. Rather than have issues build up quietly and fester, developing responses to them head on will maximize successful change and transition.

Finally, the literature highlights two important considerations: formal organizational structure depicting how the plan ought to look like, and the informal organization design, how it actually looks in practice. This basically suggests that a perfect plan can be drawn up with an expert communication strategy for an ideally phased in approach, but in practice the transition will be met with unexpected challenges. It is important to keep the 'ideal' version plan in mind, while remaining flexible and having contingencies built in throughout. Keys to a successful approach for doing so include developing an administrative system for delegating duties, establishing oversight mechanisms and using metrics to report on performance.[350]

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[346] Council of Ontario Universities, *Performance-Based Funding*.

[347] Janice Friedel et al., *Performance-Based Funding: The National Landscape*, 2013.

[348] Ontario Ministry of Advanced Education and Skills Development, "College Funding Model Reform Consultation Summary: What We Heard," July 2016, 21.

[349] Henry Hornstein, "Successes and Potential Obstacles to Change Management in the Public Service," (November/December 2010).

[350] OpenStax, "Organizational Structures and Design," in *Principles of Management* (OpenStax, 2019), https://opentextbc.ca/principlesofmanagementopenstax/chapter/organizational-structures-and-design/.

Considerations for FNCFS transition strategy

A review of the key success factors for the effective management of change provides some guidance for the transition strategy for a new performance framework, approach to measurement and funding models for FNCFS. Credible strategies and plans, effective communications, phased/gated approaches, leadership and on-going support will all be key components to a successful implementation. However, any approach to transition would have to be done in the context of First Nations needs and aspirations. It will be incumbent on First Nations' leadership and child welfare professionals to take the lead on transition and to integrate the findings of transition management research with their own wise practices and traditions.

Transition to the proposed future state is rooted in the vision expressed in the *Measuring to Thrive* framework. This approach emphasizes holistic well-being through children, families, and their communities. The focus on results is a departure from the current state that is segmented by activity streams (i.e. maintenance, protection, prevention). In the Measuring to Thrive vision, holistic well-being is pursued by recognizing need and contextual realities are not neatly segmented into policy areas. Instead, they must be understood and addressed as interconnected elements informing outcomes.

Funding approaches incentivize action. The current FNCFS system is driven by protection, with agency budgets correlating near perfectly with the number of children in care. It stands to reason that changing funding parameters would influence operations, programming, governance, and eventually, results. On an interim basis, there is evidence of such change with the supplementary investments from the CHRT ruling. Many agencies are enhancing prevention programming, building their staff teams, and developing evaluation and quality assurance practices. Elements of a future state have emerged from the CHRT exercise.

Transitioning from the current state to the proposed future state will require changes in performance measurement, funding practices, and governance. The future state represents a significant change in practice for agencies, First Nations and ISC. Built from the bottom-up with attention to need and realities on the ground, the proposed future state is informed by practice and lived experiences.

While the transition from the current to the future state will not happen overnight, there are contextual factors that will enable change. The CHRT's initial and subsequent rulings have driven change on an interim basis by increasing funding and requiring system reform. Complementing the openings provided by the CHRT are the legislatively defined

principles of substantive equality, a culturally informed approach, and the best interests of the child encapsulated in *An Act respecting First Nations, Inuit and Métis children*, on which to build change in the provision of child and family services. With the current context enabling change, First Nations, FNCFS agencies, ISC, and provincial governments have an important opportunity to take decisive action to chart a path forward for thriving First Nations children, families, and communities, rooted in holistic well-being.

TABLE 18: Transition considerations for FNCFS.

Organization	Immediate action (3–6 months)	Short-term action (6–9 months)	Medium-term action (9–12 months)	Long-term action (1 year +)
Agency Type 1	▪ Engage First Nations served ▪ Select team (or prepare to hire staff if required) to implement Measuring to Thrive framework ▪ Collect past 5–7 years of expenditure and program data for review and preparation for transition	▪ Consider serving as transition pilot agency ▪ Identify capital assets (for recommended needs assessment) ▪ Mock-up internal assessment of new funding approach, i.e. estimate new budget ▪ Determine data availability and requirements for Measuring to Thrive data needs ▪ Review human resource plans and necessary changes for new funding approach	▪ Begin regular data collection for Measuring to Thrive framework ▪ Prepare for fiscal year with new funding arrangement and reporting structure ▪ Note challenges in transition ▪ Collaborate with secretariat	▪ Note and suggest changes to Measuring to Thrive framework ▪ Support other agencies and First Nations transitioning to new approach ▪ Collaborate with secretariat
Agency Type 2	▪ Engage First Nations served ▪ Plan hiring for Measuring to Thrive framework integration ▪ Identify needs (human resources, contextual factors) to support transition ▪ Begin collecting expenditure and program data for review	▪ Consider serving as transition pilot agency ▪ Mock-up internal assessment of new funding approach, i.e. estimate new budget ▪ Determine data availability and requirements for Measuring to Thrive data needs ▪ Review human resource plans and necessary changes for new funding approach	▪ Identify capital assets (for recommended needs assessment) ▪ Prepare for fiscal year with new funding arrangement and reporting structure ▪ Note challenges in transition ▪ Collaborate with secretariat	▪ Begin regular data collection for Measuring to Thrive framework ▪ Note and suggest changes to Measuring to Thrive framework ▪ Collaborate with secretariat

Organization	Immediate action (3–6 months)	Short-term action (6–9 months)	Medium-term action (9–12 months)	Long-term action (1 year +)
Agency Type 3	▪ Begin collecting expenditure and program data for review	▪ Engage First Nations served ▪ Identify needs (human resources, contextual factors) to support transition ▪ Collaborate with secretariat	▪ Mock-up internal assessment of new funding approach, i.e. estimate new budget ▪ Determine data availability and requirements for Measuring to Thrive data needs ▪ Review human resource plans and necessary changes for new funding approach ▪ Collaborate with secretariat	▪ Identify capital assets (for recommended needs assessment) ▪ Prepare for fiscal year with new funding arrangement and reporting structure
Agency Type 4	▪ Begin collecting expenditure and program data for review	▪ Engage First Nations served ▪ Identify needs (human resources, contextual factors) to support transition	▪ Mock-up internal assessment of new funding approach, i.e. estimate new budget ▪ Collaborate with secretariat	▪ Review human resource plans and necessary changes for new funding approach ▪ Prepare for fiscal year with new funding arrangement and reporting structure ▪ Identify capital assets (for recommended needs ▪ Collaborate with secretariat
ISC	▪ Launch capital needs assessment ▪ Define recommendation for funding approach change ▪ Explore data architecture change for FNCFS within the department	▪ Support recommendation for funding approach change through cabinet ▪ Office of the Chief Financial, Results, and Delivery Officer and FNCFS program teams to guide architecture change within department ▪ Reset internal practices to align to new funding structure; adjust HR structure as needed ▪ Work collaboratively with pilot FNCFS agencies to implement new funding approach	▪ Prepare for interim evaluation of funding approach and data collection practices ▪ Liaise with pilot FNCFS agencies on interim progress of results framework and data collection ▪ Prepare for transition to new funding approach for first fiscal year	▪ Evaluate funding approach and results framework
Secretariat	▪ ISC to fund establishment of secretariat ▪ NAC as board of directors, to hire executive director of secretariat	▪ Engage with NAC as feedback mechanism/ advisory board ▪ Hire staff ▪ Define work plan for supporting agencies and First Nations	▪ Work collaboratively with pilot FNCFS agencies to monitor Measuring to Thrive framework results ▪ Engage in operational support activities	▪ Adjust activities as needed ▪ Receive and assess initial/draft results from Measuring to Thrive framework

Linkages to the performance framework

As a new and improved performance framework, Measuring to Thrive will offer perspective on the well-being of First Nations children, families, and communities, in keeping with the principles of **substantive equality**, the **best interests of the child**, and a **culturally-informed approach**. The Measuring to Thrive framework is intended to connect evidence, to funding, and outcome assessment. Designed to initially define a baseline for First Nations and FNCFS agencies, the framework will pinpoint challenge areas, and offer an evidence-focused means of readjusting their plans and priorities. The framework is intended to define two-way accountability between the federal government as funder and the agency as service provider.

This approach aligns to the Treasury Board's policy on results and marks a significant change from current practices. Rather than reporting on inputs, such as the number of children in care or the number of times a child moves in care, the framework will focus on how children, families and communities are faring through contextually-relevant and culturally informed indicators. Rather than collecting information and reporting on program basis (and largely on inputs), the Measuring to Thrive framework captures information at the level of the individual child, family and community and aggregates the findings to understand overall well-being.

Adapting to this performance approach will require major reform within ISC's approach to program management. Performance indicators and programs would no longer be understood in silos, but as an integrated whole. For FNCFS agencies and First Nations, there would be requirements to adopt data collection practices, connecting qualitative and quantitative information from various sources. FNCFS agencies and First Nations would not be alone in this journey. Through the consultation process, NAC and the project working group, it is recognized that some agencies and First Nations already collect and analyze their own data and may be prepared to adapt to the new approach with ease. Others, however, will require additional support and resources. A First Nation-led secretariat, with a mandate for data collection, analysis and operational support, will be a critical source of information, analytical tools and knowledge, available to work with agencies and First Nations in transitioning to this new approach.

Service delivery

FNCFS protective and prevention services are primarily delivered by agencies with varying mandates and levels of delegation (for interventions and removal). Jurisdictions governing CFS tend to define

functions and parameters of service delivery in legislation.[351] Agency staff tend to be social work professionals with the skills and training for the specialized care at times needed by children, families, and communities.

There are existing networks of practice in social work, provincial legislation, and codes of ethics that help to guide actions and decisions. At the provincial level, Colleges of Social Workers are the regulatory bodies that govern the profession, with other associations engaging in advocacy. For instance, in British Columbia, the British Columbia College of Social Workers (BCCSW) oversees the practice of social work, through an entry to practice exam, regulations (standards of practice and a code of ethics), a Continuing Professional Development Programs and processing complaints against Registered Social Workers.[352] The British Columbia Association of Social Workers (BCASW) supports members, works to strengthen social work practices, and advocates for social justice. At a national level, the Canadian Association of Social Workers (CASW) has a Code of Ethics and guidelines for ethical practice. CASW also assesses the credentials of social workers trained abroad, and offers professional development opportunities, and resources for social workers, among other responsibilities.[353]

One of the primary aims behind the professionalization of social and health services is improving the quality of care received by clients, for this reason different measures including clinical guidelines are implemented.[354] Broadly, research demonstrates that properly developed evidence based guidelines minimises potential harms.[355] Researchers have also demonstrated the benefits of evidence-based practice (EBP) within Child Welfare Services, and how social workers could implement an EBP framework.[356]

In the United States (US), there is a history of partnerships between the US Children's Bureau, state child welfare agencies and schools of social work within public and private universities. These partnerships

[351] See for instance, *Ontario's Child, Youth and Family Services Act;* Saskatchewan's *The Child and Family Services Act;* Alberta's *Child, Youth and Family Enhancement Act;* and British Columbia's *Child, Family and Community Services Act.*

[352] BC College of Social Workers, "A Summary of the Differences Between Membership with the BCASW and Registration with the BCCSW," accessed on August 12, 2020, https://bccsw.ca/wp-content/uploads/2019/06/Chart-of-BCASW-and-BCCSW-May-28-2019.pdf.

[353] CASW, "What we do," accessed on August 11, 2020, https://www.casw-acts.ca/en/about-casw/what-we-do.

[354] Steven Woolf, "Potential benefits, limitations, and harms of clinical guidelines," *BMJ*, vol 318, (February 20, 1999): 527.

[355] Steven Woolf, "Potential benefits, limitations, and harms of clinical guidelines." (1999): 527.

[356] Richard Barth, "The Move to Evidence-Based Practice : How Well Does it Fit Child Welfare Services?," *Journal of Public Child Welfare* 2, vol. 2 (2008): 145–171.

have led to the development and professionalization of public child welfare services.[357] The federal government has committed to increasing the number of social workers within public child welfare services. The underlying belief is that employing more qualified social workers will improve service delivery.[358] When assessing the US approach, research has found that "children whose caseworker held a social work degree were more likely to have their situations investigated, to have their abuse substantiated, to be placed in the home of a relative, to have fewer moves during foster care, to experience more visits with family while in care, and to be placed in adoptive homes."[359] A 2012 study found that social workers reported knowing more about community resources, and felt more skilled at creating service plans than their non-social worker counterparts. The same study found that within agencies, retention rates after three years were significantly higher for social workers than for non-social workers.[360]

The benefits of professional delivery of CFS are established, but not free of bias. Research demonstrates the influence of racial bias in professional decision-making. One study suggests that "race is a primary determinant of the difference in decision-making outcomes among child welfare professionals and collaborating systems."[361] Furthermore, families of colour express the need to have people who look like them representing their voices in child welfare decision-making.[362] Some social work associations, such as the National Indian Child Welfare Association (NICWA), focus on representing racialized communities. NICWA's programming centres around structural risks and strengthening the holistic well-being of American Indian/Alaska Native children in the US.[363]

[357] Maria Scannapieco, Rebecca L. Hegar, Kelli Connell-Carrick, "Professionalization in public child welfare: Historical context and workplace outcomes for social workers and non-social workers," *Children and youth Services Review*, 34, (2012): 2170.

[358] Maria Scannapieco, Rebecca L. Hegar, Kelli Connell-Carrick, "Professionalization in public child welfare: Historical context and workplace outcomes for social workers and non-social workers," *Children and youth Services Review*, 34, (2012): 2171.

[359] Barbee et al., (2009) cited in Maria Scannapieco, Rebecca L. Hegar, Kelli Connell-Carrick, "Professionalization in pubic child welfare: Historical context and workplace outcomes for social workers and non-social workers," *Children and youth Services Review*, 34, (2012): 2172.

[360] Maria Scannapieco, Rebecca L. Hegar, Kelli Connell-Carrick, "Professionalization in pubic child welfare: Historical context and workplace outcomes for social workers and non-social workers," *Children and youth Services Review*, 34, (2012): 2174–2176.

[361] Keva Miller, Katharine Cahn, E. Roberto Orellana, "Dynamics that contribute to racial disproportionality and disparity: Perspectives from child welfare professionals, community partners, and families," *Children and Youth Services Review*, no. 34, (2012): 2202.

[362] Keva Miller, Katharine Cahn, E. Roberto Orellana, "Dynamics that contribute to racial disproportionality and disparity: Perspectives from child welfare professionals, community partners, and families," (2012): 2206.

[363] NICWA, "Our Work," accessed on August 11, 2020, https://www.nicwa.org/our-work/.

Scholars also point to valuing different forms of knowledge and expertise as crucial elements of successful community empowerment work.[364] This approach emphasizes the value of experienced local people in providing CFS. There are also studies that highlight the success of community approaches in child welfare.[365] David Este, among others, has written on the value of cultural competency within the social work field.[366] He notes that most theoretical approaches and practice models are Eurocentric, and hence deny the social and cultural experiences of racialized groups.[367] An approach centered around cultural competency recognizes that the values, beliefs and norms of the community receiving services must be taken into account.[368] The Canadian Association of Social Workers national code of ethics endorses emphasizing cultural competency at the individual and organizational level.[369]

Given the realities of racial disparities within the social services sector,[370] and the overrepresentation of Indigenous children within the child welfare system; it is critical that best practices in child and family services be adapted to the Indigenous communities they are serving. A community building approach in the context of FNCFS, would help advance the principle of cultural continuity as elaborated in *An Act respecting First Nations, Inuit and Métis children, youth and families*.

There are several Canadian educational institutions that deliver social work programs that emphasize bringing together different forms of expertise to ensure that Indigenous communities are served by culturally competent professional social workers. For instance, the Faculty of Social Work within the University of Manitoba offers a Master of Social Work—Indigenous Knowledges Program.[371] This program ensures that social work education, as well as practice skills are rooted in Indigenous

[364] Brown et. al., 2002 cited in Alexandra Wright, "A Review of Best Practices in Child Welfare," accessed on August 11, 2020, page 16, http://www.phoenixsinclairinquiry.ca/exhibits/exhibit42.pdf.

[365] Alexandra Wright, "A Review of Best Practices in Child Welfare," accessed on August 11, 2020, page 17, http://www.phoenixsinclairinquiry.ca/exhibits/exhibit42.pdf.

[366] David Este, "Cultural Competency and Social Work Practice in Canada: A Retrospective Examination," *Canadian Social Work Review* 24, no. 1, (2007): 94.

[367] David Este, "Cultural Competency and Social Work Practice in Canada: A Retrospective Examination."

[368] David Este, "Cultural Competency and Social Work Practice in Canada: A Retrospective Examination," 94.

[369] David Este, "Cultural Competency and Social Work Practice in Canada: A Retrospective Examination," 94.

[370] Keva Miller, Kathatine Cahn, E. Roberto Orellana, "Dynamics that contribute to racial disproportionality and disparity: Perspectives from child welfare professionals, community partners, and families," 2201–2207.

[371] University of Manitoba, "MSW-IK Program," *Faculty of Social Work*, accessed on August 11, 2020, https://umanitoba.ca/faculties/social_work/programs/fort_garry/943.html.

ways of knowing and being. One of the objectives of the program is "[t]o maintain a close connection with Indigenous communities and agencies in the delivery of the program."[372] Laurentian University also has an accredited degree in Indigenous Social Work (which can lead to registration and licensing from the provincial social work body). The program includes two field education placements and focuses on Anishnaabe traditional teachings.[373]

Other institutions, like Yellowhead Tribal College and the University nuhelot'įne thaiyots'į nistameyimâkanak Blue Quills, also use educative approaches to ensure the cultural competence of community social workers.[374] The Yellowhead Tribal College was established by the Yellowhead Tribal Council and operates in Treaty 6 territory to serve its four member nations. The college offers an Indigenous Social Work Diploma. The program is founded on Indigenous knowledge that also examines Western concepts and approaches.[375]

As agencies and First Nations continue to engage in and explore the delivery of FNCFS, professional practice to support children, families and communities, legal liability for practice, and the centrality of cultural context should be carefully considered.

Funding practices

The proposed changes to the funding architecture are intended to enhance practice on the ground, through sustainable, reliable, flexible and consistent funding. The approach would also benefit the federal government as funder, by enabling a longer-term planning horizon, with the allocation and reporting of public funding tied to results. Effective outcomes for First Nations children, families, and communities are not incompatible with sound public finance practices and are, in fact, underscored in the business case for the proposed approach. Case studies will highlight the benefits of new funding approaches as well as the strategic consideration of transition to a future state.

[372] University of Manitoba, "MSW-IK Program," Faculty of Social Work, accessed on August 11, 2020, https://umanitoba.ca/faculties/social_work/programs/fort_garry/943.html.

[373] Laurentian University, "Indigenous Social Work," accessed on August 11, 2020, https://laurentian.ca/program/Indigenous-social-work.

[374] University nuhelot'įne thaiyots'į nistameyimâkanak Blue Quills, "Diploma of Social Work," accessed on August 11, 2020, http://www.bluequills.ca/social-work/.

[375] Yellowhead Tribal College, "Indigenous Social Work Diploma," accessed on August 11, 2020, https://ytced.ab.ca/programs-courses/programs/indigenous-social-work/.

West Region Child and Family Services (WRCFS) block pilot in the early 1990s, offers important lessons on transition, the value of leveraging internal data for planning and practice development, and the importance of addressing the *causes of the causes* in child and family services for better results and improved alignment of resources to outcomes.

Existing funding policies and guidelines impeded WRCFS from delivering services that could mitigate risk to children, and, where children did come into care, promote cultural and relationship permanency for the children. Based on the analysis that WRCFS had done on children in care and historical spending patterns, WRCFS believed that it was feasible to move to a block fund. It was the Agency's position that with the ability to be more flexible, there were some immediate savings that could be realized in maintenance spending, thereby leaving funds that could be diverted for prevention/alternative programs and services without additional funds.

While there were risks involved, the Agency's analysis and risk mitigation strategies indicated that the benefits of capping maintenance were greater than the risks. The WRCFS pilot project began in fiscal year 92/93. Initially to run for one year, the pilot project was renewed on an annual basis until fiscal year 10/11.

The first and second quarter of the first fiscal year were devoted primarily to transitioning the Agency operations and staffing to what was envisioned as possible under a block funding arrangement. During the first six months of this first year, the Agency collected, reviewed, and analyzed data about the children in care and the costs of child maintenance in prior years.

The block fund allowed the Agency to expand the definition of children-in-care to include children *in need* of care, and so provide robust family support services aimed at keeping children in their own home. Without the flexibility offered by the block funding, such family support services would not have been possible.

It was one of the key advantages of block funding that the Agency was able to provide services to address child safety concerns without having to place the child in formal out of home care. With the provision of the various community prevention and regional programs, as well as individual supports provided to a family and/or child, the Agency was able to reduce the children in care through reunification back with family, reducing the length of time a child spent in out of home care, and/or avoiding placement in care in the first instance.

With the move to block funding of maintenance, WRCFS agreed to cap maintenance and manage child maintenance expenditures within a set block of money. The agency succeeded in diverting funds to alternative preventive programs and services, with a determination to ensure child safety was upheld.

To achieve the change in practice, considerable changes in attitude, policy, and practice at all levels of the agency were required. Equally, or perhaps more, critical to success was the need to have community engagement and support in making this shift (see Appendix R for a more detailed assessment of the WRCFS experience).

Lessons from Tennessee

The State of Tennessee's approach to child welfare is premised on the goal of timely permanency for children (either through family reunification or adoption). By reducing the length of stay of a child in care, there are improved outcomes for the child and lower associated costs.

To achieve the goal of permanency, Tennessee adopted a performance-based contracting (PBC) model. In this model, providers are financially incented to promote the permanent placement of children and are benchmarked against their own performance. The state pays for a result and bills providers that do not meet their agreed targets.

There are three core components to the PBC model:

1. Reduce the length of stay of a child in care;
2. Increase rates of permanency;
3. Reduce rates of re-entry of children into the protection system.

Since its initial implementation in 2006, Tennessee's PBC model has proven to be cost-neutral for the state and has promoted a reduction in the number of children in care.

Tennessee's child welfare system is comprised of state-run apprehension services supplemented by a network of providers. The providers undertake all maintenance, placement, family-support and care services post-apprehension or contact with the child welfare system.

To help to ease the transition process, Tennessee paid providers a higher per diem rate per child to help the providers adapt to the change. Once transition was complete, per diems were standardized.

Operating, programming and capital considerations

The foremost concern of any agency in transition will be to the well-being of the children, families and communities in need of their support. Agencies and First Nations have different points of departure based on their individual contexts, geographies, political realities, etc. Transition would be informed by these realities, with the experiences of each agency and First Nation different than that of others.

Agency size, budget, and mandate complexity inform activities and approaches. Consistently, FNCFS agencies have demonstrated adaptability to changing circumstances in communities and in resource/funding changes. This adaptability is informed by the scale and circumstances of the agency. This suggests that: operational sophistication/complexity and agency size and/or mandate complexity appear to be primary factors in managing change. Operational consistency, i.e. knowing your 'business' and having existing policies, practices and procedures, can help to navigate change. Agency complexity, i.e. having a multi-faceted mandate or serving a large population, will inform the resources required to manage change.

Recognizing that there are different points of departure, an agency's **size** (based on the total population served) and its **operational complexity** will shape its management of transition. Based on the series of case studies developed for this report, four typologies of agencies are identified (Figure 66).

FIGURE 66: Agency typologies based on size and operational complexity.

An agency may have one or all of the characteristics in the category. The typologies are meant to be illustrative and not exhaustive, to capture core considerations in transition. Large agencies tend to have above average total budgets, which means higher numbers of staff, and typically, a degree of operational flexibility, owing to scale, to reallocate resources based on changing circumstances. Furthermore, large agencies tend to bring various services in-house for cost-savings and efficiency. From finance and human resource expertise, to quality assurance departments, large agencies tend to exhibit operational independence. By contrast, small agencies will have a higher fixed cost of doing business, as their expenses cannot be spread across a larger population. To this end, some smaller agencies have expressed the utility of leveraging back-office supports from their band councils. From human resource support to space, small agencies may not need or have the flexibility in their budgets to acquire a complete suite of internal structures and services.

Transition for large and small agencies must be clearly defined in financial, performance and governance terms. It is expected, however, that any change in funding approach and performance framework would require notice, clear information, consultation, and a phased approach. Agencies and First Nations cannot be expected to change courses instantly on child and family services, but as the cases of WRCFS and the State of Tennessee suggest, transition with appropriate pre-planning, data, and leadership can be successful.

While the way large and small agencies may manage their operations and manage changes may differ, there are common lessons from the case studies that are universally applicable. Resources and time are necessary to undertake impact analyses and plan the human, financial, and governance implications of changing a funding approach and performance structure. Unforeseen challenges, such as the COVID-19 pandemic, natural disasters, or mental health crises, can impact planning. While these challenges cannot always be foreseen, strategies for risk management and resiliency building can be additive for agencies and First Nations. As the case of DOCFS demonstrates, an emergency plan for the mobilization of human and financial resources can be applicable to various emergency and unanticipated situations.

In normal and exceptional times, agency staff are essential to delivering mandates and navigating complex circumstances. Carrier Sekani Family Services (CSFS) has empowered its staff to innovate, test, fail and succeed in their programming and services. While not all agencies will be large enough to sustain a communications department, CSFS depends on outreach across various platforms to engage communities and staff in agency activities. During transition, regular, consistent and clear communication with staff and First Nations will be essential. When faced with their own internal changes, Mashteuitsch engaged staff in regular planning sessions. Their working groups that required the integration and collaboration of various sectors and departments, carried into the new organizational model.

Leadership is an essential component of operational success and transition. Agencies that have competent, respected leaders tend to build cohesive staff teams. The culture the leader helps to instill in the organization can motivate and encourage staff. Executive directors seldom promote their own work. Their staff however, are quick to remind that their leadership style is a decisive factor for the agency's culture.

Transitioning to a model that leverages data and evidence for decision-making requires leadership and vision. Kw'umut Lelum's experience demonstrated that a *focus on outcomes must be accompanied by clear lines of accountability, requisite human capital, IT and data resources*. The agency's appreciation for relevant data focused at the level of the child and their community, supports the development of needs-based programs built from the bottom-up. From budgets to programs, Kw'umut Lelum is building real-time portraits of its communities, their needs and what works for them, through an outcomes-focused data system.

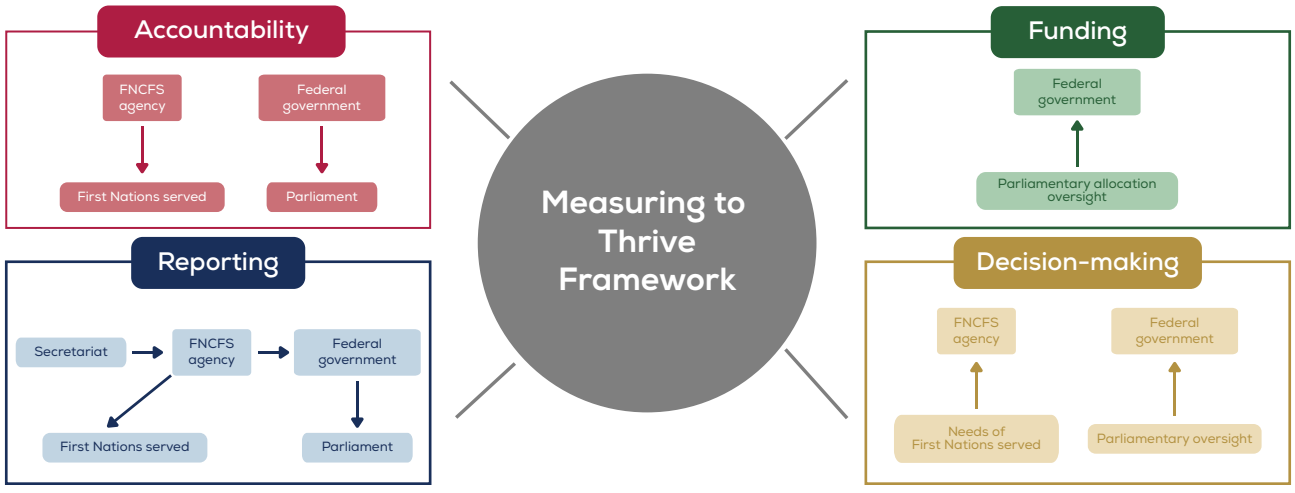
Governance

Transitioning to a bottom-up funding approach and performance framework informed by the lived realities of First Nations children, families and communities, will impact existing governance and accountability practices (Figure 67).

For the federal government, accountabilities for funding and its associated reporting obligations to Parliament will remain consistent. What will change are internal linkages among results for children, families, and communities, and funding for FNCFS. The FNCFS program will no longer be siloed, but understood horizontally with connections between the core elements of the framework.

In the current state, most First Nations and FNCFS agencies follow provincial child welfare laws, especially, for protective services. The majority (if not all) funding for FNCFS on-reserve comes from the federal government. Ontario's agencies are an outlier, with funding governed by the Ontario 1965 Agreement. While provinces are not expected to be immediately impacted by funding and performance framework changes, they may benefit from leveraging the integrated approach.

FIGURE 67: Governance overview.



The engagement of First Nations and band councils in transition is inextricably linked to its success. Various case study agencies identified practices and approaches to engage First Nations, particularly during times of change. WRCFS, for instance, introduced regular briefings on its block pilot and built community-based teams, to support prevention activities.

NOGDAWINDAMIN
ONTARIO

Nurture your community; plant the seed of wellness.

Nogdawindamin is a large agency, with strong reporting and evaluation practices, that focuses on prevention across policy areas. The agency demonstrates a professional approach to administration, with strong leadership. Its data-driven approach is an integral component of its model. Engaging with communities is essential for sustainability, programming relevance, and for building trust in the organization.

Context

Established in 1990 as a prevention-focused service organization, Nogdawindamin expanded in 2017 to become a fully provincially designated First Nation child and family services (FNCFS) (Society) agency. Culture informed its founding, with grandmothers rallying to put forth a community-focused vision of wellness by strengthening families through their communities.

The tradition of strong community engagement continues today. Nogdawindamin has grown its practice to leverage the knowledge of elders and community leaders to support the seven First Nations it serves.

Nogdawindamin has worked to close service gaps in child welfare by deterring families from entering the child protection system. Their prevention-focused approach extends beyond child and family services and includes neo-natal care, children's mental health, and cultural programming. The agency has a large quality assurance department that employs 12 staff, it is performance-focused with interval reporting, program-level data, and regular impact and outcome assessments.

Nogdawindamin's success can be characterized by:

1. Professional planning and administration;
2. Community engagement;
3. Space for action (non-interference).

Nogdawindamin in brief

Nogdawindamin's mandate extends across a large geographic area to reach the seven First Nations it serves. The differentiated contexts of these communities require different approaches and considerations in the provision of prevention and protective services.

Programming

Culture as a moral compass

Nogdawindamin considers itself a support organization for communities, as they work to develop their programming. Communities engage on their terms, with some prepared to take on substantive roles, and other's smaller ones. While some First Nations-run their programs, others prefer Nogdawindamin to run them as they do not have the capacity. In its approach to program development, Nogdawindamin works directly with communities to understand needs and takes a collaborative approach to assist to build their capacity.

In Nogdawindamin, culture is considered a tool to help the organization walk with people, to let them know that the agency is there and available anytime they might need help. The approach is about empowering children and families by giving them options, tools, and support.

The Anishnaabe Audziwin Cultural Service Team and Elder Council exemplify the approach. The team intervenes by self-referral or referral by a worker and performs a variety of roles from supporting in times of crisis to ceremonies. Initially established in September 2009, with three employees and a $250,000 budget, the program today has grown to 33 employees and a $2.5 million budget. The program's growth reflects the community uptake of the approach. Similarly, the Elder Council is composed of a team of elders who work across 600 km to support and provide guidance as needed.

Jurisdiction and self-determination are carefully guarded by Nogdawindamin. Resources from CHRT (and other sources) have supported Nogdawindamin's prevention-focused approach to care. With the extra resources, Nogdawindamin can stretch conceptions of risk and foster care prevention, to work in the best interest of the child. The trust of communities is high, which enables the approach.

The challenge, however, is that the current funding approach is piecemeal and must sometimes be renegotiated and reinterpreted as staff change in government departments.

Operating

Nogdawindamin has built a quality assurance department for its organization. The team plays an integral role by supporting organizational cohesiveness, using data to ensure programs and

policies are meeting needs, aligning to budgets, and informing short-, medium- and long-term planning.

Data is collected from programs and activities for internal use and analysis to improve policy, planning, and program development. Just as the agency has two parts to its mandate, the quality assurance department has two branches:

1. Prevention: focused on impact assessment and ongoing alignment on service objectives and outcomes.
2. Protection: focused on compliance, auditing, and the application of pre-existing policies.

The focus on data and alignment of activities to organizational goals has facilitated the linkage between expenditures and services. Nogdawindamin regularly leverages the alignment of its charter of accounts to program activities to substantiate its expenditures and disputes on resources with funders. When it comes to protection, children in care undergo quarterly, multi-service assessments to better identify services and supports required for children. Through the process of reviewing and auditing psychotropic medication, enhanced and specialized services have been developed. The result has been a reduction in the prescription of psychotropic medications for children.

Information technology (IT) planning has been central to the organization's growth. As Nogdawindamin expanded, it consciously ensured its hardware and software grew in tandem to meet needs and integrate into operations.

Governance

Nogdawindamin's operations are the responsibility of the Executive Director and nearly 355 hundred staff. The Executive Director maintains regular governance and accountability practices with the First Nations served. Quarterly reports are shared with communities that include service updates and details related to child welfare and well-being. Assist's in the role of regional gatherings for collaboration on services. There is a regular collaboration with First Nation communities and departments of the North Shore Tribal Council, e.g. health, social, etc. to leverage resources and build stronger programming.

The board of directors that oversees Nogdawindamin's activities has played an important role at critical moments for the organization. When Nogdawindamin wanted to assume child welfare designation, the board required that a substantive

prevention budget be maintained to approve the protection mandate. There is always at least one member of the board of directors with a 25-year corporate memory, to help to guide the organization in its decision-making. All directors serve two-year terms and can be re-elected. Board members are appointed and are from the North Shore First Nation Communities and have Indigenous life experiences, which along with their corporate and community knowledge, is instrumental in navigating community politics.

As a result of Nogdawindamin's mandate coming from the communities, the agency has benefited from, a natural trust that affords space for action, without political interference from elected officials. Politicians trust administrators and their competencies at Nogdawindamin and recognize that the burden of accountability for the well-being of children in care resides with the organization.

Lessons and considerations

Nogdawindamin is a large agency, that serves seven communities, with culture as its moral compass, and a budget reflective of its scope and mandate. The robustness of its internal operations would be difficult to replicate without the scale and staff.

The lessons to take away from Nogdawindamin—irrespective of agency or community size—are threefold:

1. A professional administration, with strong leadership dedicated to responsive planning, is crucial for meeting challenges and addressing changes. Data is a crucial component of the approach, with a clear conception of what happens financially and operationally in the organization.
2. Engaging communities is essential for sustainability and the relevance of programming and support. Fostering well-being starts with understanding the people you serve and meeting them on their terms.
3. The space for action is expanded through confidence building. Trust in the organization and its people is essential, especially in matters as personal as child and family services.

The politics of any community can influence its operations. Band councils have different laws and electoral practices, with some changing every two years and others every four years. This can sometimes make it challenging to reconcile faster moving political cycles with medium-term oriented change management strategies. The frequency

of political change and associated decisions can alter relationships and perspectives on various programs and services on-reserve, including FNCFS. While there are agencies that have exhibited strong working relationships with their band councils, other agencies have expressed negative impacts from band council politics, for various reasons, e.g. mistrust of protective services, interest in managing finances, etc. There is a spectrum of relationships between First Nations, band councils, and FNCFS agencies. With *An Act respecting First Nations, Inuit and Métis children* in force, First Nations, band councils, and FNCFS agencies are entering a new dynamic phase of their relationships. In the context of this report, the focus remains on substantive equality, the best interests of the child, and a culturally-informed approach, to support holistic well-being.

Transition support: First Nations-led secretariat

The secretariat will be designed as a First Nations-led dual-mandate organization with responsibilities for data collection, analysis and operational support. It is proposed that such a secretariat be funded by ISC for the benefit of FNCFS agencies and communities.

As the trusted third-party among stakeholders, the secretariat would be a neutral expert organization governed by a board of directors. The secretariat would serve FNCFS agencies and First Nations. Independent from government, the secretariat will not play an advocacy role but rather one focused on evidence generation and operational support (e.g. programming, offering drafting support for child and family services laws for First Nations, etc.)

The secretariat would be a centre for best practices and operational support. With two main branches of activity: 1) data/evidence and 2) operations and programming, the secretariat will serve as a centre of excellence for First Nations and FNCFS agencies in Canada.

Leveraging the proven model and experience of the Center for State Child Welfare Data which resides in Chapin Hall at the University of Chicago, the secretariat will work with service providers to turn data into evidence and to support operational matters. Rather than simply transposing the US approach, a First Nations-led secretariat would be informed by practice and lived experiences of Canadian First Nations and the practitioners that support them.

The secretariat will have an executive director that oversees operations, a director of evidence for child and family services, and a director for operational supports and programming. Each director will have three to

five staff, with the addition of extra research and analysis support should it be necessary. Should the secretariat be affiliated to an existing entity such as the FNIGC or a university, it could leverage the existing overhead services (e.g. IT services, accommodations, libraries, etc.). It is proposed that a budget of $3 million per annum be set aside for the secretariat and funding provided by ISC.

The board of directors for the secretariat could be NAC or a sub-committee of NAC, with one agency/practitioner representative from each region, one representative from AFN, one representative from the Caring Society, and one from ISC. The board of directors would ensure the transparent operation of the secretariat and fulfillment of its mandate. It would be expected that the board convene quarterly to review progress, practices, and support the executive director in the discharge of their mandate.

DATA AND EVIDENCE

The secretariat would be responsible for supporting the application of the Measuring to Thrive framework. Agencies and their communities will have differing approaches and desired means of achieving the commonly defined goals of well-being. The secretariat will be positioned to support agencies who wish to build their data monitoring and reporting capacities, as well as to support those who have data that needs to be turned into evidence for decision-making. Working directly with agency staff to understand context and current matters, it is expected that a collaborative working relationship would be developed. Agencies would be collaborating with known partners in the secretariat.

It is recognized that agencies have different case management tools and data collection methods in place. The secretariat's role will be to help agencies determine what exists, what can be used, and what changes to data collection practices would best work for them. The Measuring to Thrive framework is about agencies and communities journeying together toward the *North Star* of well-being. It is anticipated that service providers will set their own internal targets relative to the overall Measuring to Thrive framework. Paths and approaches may differ, but all are striving for the same destination.

OPERATIONAL SUPPORTS AND PROGRAMMING

The purpose of this branch would be to support a service provider's internal operations and programming practices.

As an operational resource, the secretariat staff would serve as a 'tiger team' for agencies who need or desire organizational expertise. From

process improvement to job advertisements, the operational side of this unit will be available free of charge for agencies. Especially in the early years of funding approach transition, it is expected that the secretariat will be a crucial resource. For this reason, former agency leadership and experts in management would be helpful resources that the secretariat may wish to retain for the benefit of agencies.

The secretariat will work to develop an inventory of programs and practices that agencies across the country can leverage for their own organizations. From prevention program toolkits to staff training practices, the secretariat would collect the best approaches available, quantify the resources required (human, financial, capital), and would work with agencies who wish to adapt, adopt or implement them. This growing inventory would be a platform for agencies to connect with each other and to learn from each other's experiences. With a well-developed online platform, agencies and First Nations can collaborate and exchange with ease.

Similar to the Center for State Child Welfare Data at Chapin Hall at the University of Chicago, data experts would work with agencies to unpack the trends of the information they are collecting and determine ways of applying the findings to enhance their decision-making.

The information shared by agencies in the 2019 FNCFS survey, indicated that most of the CHRT funding received were applied to prevention programming, capital investments, and salaries and benefits. With the funding supplements for prevention, capital, IT, poverty, and geography now built-in to the funding approach, it is expected that agencies should have the resources they need to discharge their mandates and do more work focused on well-being. With the overall growth of the budget with inflation and population, an agency's revenue parameters will be known and defined to enable an agency to allocate its resources how it sees fit. Agencies will also be able to keep any unused revenue and reapply it to other initiatives or future fiscal years. There should be enough room in the budget to support an agency in the delivery of their mandate and to close known gaps in funding.

The results funding applied to agency budgets would supplement efforts, offer some resources to build or launch a new program, or to serve as one of several contributors to an agency's initiative. **The results top-up is not designed to be a replacement for the core budget.** This funding is for special projects or initiatives to help an agency achieve the goals in the Measuring to Thrive framework. The evidence generated through the agency's data collection and liaison activities with the secretariat can support these activities.

For the first five years of the new funding approach, as agency's transition to block funding, and engage in data collection, a 1% to 5% results top-up to agency total budgets is recommended. This funding supplement would be designed to support agencies as they build data collection and evidence analysis capacity and develop new programming and initiatives to support them in achieving the results of the Measuring to Thrive framework. These additional resources are consistent with *An Act respecting First Nations, Inuit and Métis children, youth and families* to enable service providers to deliver on the core principles of the legislation: to act in the best interest of the child, to promote substantive equality, and to foster cultural continuity.

At the five-year mark, the funding approach will be reviewed in full.[376] With data collection associated to the Measuring to Thrive framework, agencies, communities, and stakeholders will have generated evidence to trace the impact of funding on outcomes for children, families and communities. With such evidence in hand, the nature of the results funding can be revisited on an informed basis.

SECRETARIAT STRUCTURE AND GOVERNANCE

The secretariat would join a network of organizations that provide various operational and data supports at national and regional levels to First Nations and supporting organizations (Table 18).

From child and family services to health and social supports, the organizations offer different combinations of programming, governing and data capacity, funded principally by the federal and/or provincial governments. The First Nations Health Authority (FNHA) in British Columbia is an organization without direct peers, as it is accountable for distributing funding for health services to First Nations in the province.

[376] A five-year cycle was chosen for the full evaluation to provide a runway for implementation of the new approach. The five-year period is regularly adopted as it crosses standard political cycles (with elections every four years).

TABLE 19: Regional First Nations supporting organizations.

Organization	Mandate	Stakeholders/clients	Governance	Funding source(s)
Manitoba Southern First Nations Network of Care	Mandated by First Nations in Southern Manitoba and through *The Child and Family Services Authorities Act (CFSAA)*. Along with the three other Child and Family Services (CFS) Authorities, they are responsible for the "establishment and management of a province-wide service delivery system. This includes ensuring that services are delivered to Southern First Nation Citizens throughout the province, as well as people who choose the Southern Network."[377]	Ten member FNCFS agencies.[378]	Overseen by a Board of Directors comprised of eight members.[379] Operations are run by the CEO and Management Team.[380]	Manitoba provincial government.[381] Project funding from Indigenous Services Canada,[382] and certain initiatives, including "Restore the Sacred Bond," are funded through private investors.[383]
First Nations of Northern Manitoba Child and Family Services Authority	Supporting and empowering FNCFS agencies in Northern Manitoba with the overarching aim of enhancing family well-being.[384]	Seven member FNCFS agencies.	Governed by a board of directors comprised of ten members from the areas that each of the seven agencies serve. Operations are run by the CEO.[385]	Principally funded by the Province of Manitoba, as well they special project funding from ISC.
British Columbia First Nations Directors Forum	To address child and family services issues that impact First Nations communities.[386]	British Columbia's FNCFS agencies.	The organization is composed of Executive Directors of British Columbia's FNCFS agencies.[387]	Funding is provided by the BC Ministry of Children and Family Development (MCFD).[388] Technical support is provided by the Caring for First Nation Children Society.
Saskatchewan First Nations Family and Community Institute (SFNFCI)	A non-profit organization formed in June 2007, to build capacity within organizations serving child and family services based on First Nation values.[389]	Professional services provided to their members comprised of sixteen of the seventeen FNCFS Agencies in Saskatchewan. The institute also works closely with First Nations Group Homes in Saskatchewan.[390]	Overseen by a Board of Directors comprised of nine members (6 representing the 17 First Nations CFS Agencies in Saskatchewan and 3 from other disciplines).[391] The organization's staff support program and service delivery. Along with providing training and support, SFNFCI undertakes research, has working groups on different issues, including income assistance and prevention.[392]	SFNFCI receives funding from the Saskatchewan Ministry of Social Services and Indigenous Services Canada.[393]

Organization	Mandate	Stakeholders/clients	Governance	Funding source(s)
First Nations of Quebec and Labrador Health and Social Services Commission	A not-for-profit organization that aims to support the First Nations of Quebec in planning and delivering culturally appropriate and preventive health and social services programs (they act as a technical advisor).[394] Their services fall into four categories: accompaniment, training, tools, and information management.[395]	FNQLHSSC works regularly with First Nations political authorities and regional organizations. Additionally, they work with representatives from the federal and provincial government. They are also called to address the media as part of their mandate, to help educate audiences on the experiences of First Nations in Quebec.[396]	Governed by a Board of Directors composed of seven members who are elected by their General Assembly. The powers and duties of FNQLHSSC and its Board of Directors must be ratified by the Assembly of First Nations of Quebec-Labrador (AFNQL).	Federal departments including ISC and Employment and Social Development Canada, with other funds from the Government of Quebec, as well as private partners.[397]

[377] Southern First Nations Network of Care, "About the Southern First Nations Network of Care," accessed on July 16, 2020, https://www.southernnetwork.org/site/about.

[378] Southern First Nations Network of Care, "Our Member Agencies," accessed on July 16, 2020, https://www.southernnetwork.org/site/member-agencies-child-family-services-manitoba-ontario.

[379] Southern First Nations Network of Care, "Board of Directors," accessed on July 16, 2020, https://www.southernnetwork.org/site/board-of-directors#top.

[380] Southern First Nations Network of Care, "Executive & Management," accessed on July 16, 2020, https://www.southernnetwork.org/site/executive-management.

[381] Manitoba Government, *The Child and Family Services Authorities Act (CFSAA)*, s. 24(d), https://web2.gov.mb.ca/bills/37-3/b035e.php.

[382] Southern First Nations Network of Care, "Annual Report 2018–2019," (2018): 64.

[383] Restoring the Sacred Bond Initiative, "Investors," accessed on July 20, 2020, https://www.restoringthesacredbond.ca/site/investors.

[384] First Nations of Northern Manitoba Child and Family Services Authority, "About Us," accessed on July 16, 2020, https://www.northernauthority.ca/about_us.php.

[385] First Nations of Northern Manitoba Child and Family Services Authority, "Board of Directors," accessed on July 16, 2020, https://www.northernauthority.ca/board.php.

[386] First Nations in BC Knowledge Network, "First Nations Directors Forum," accessed on July 16, 2020, https://fnbc.info/org/first-nations-directors-forum.

[387] First Nations in BC Knowledge Network, "First Nations Directors Forum," accessed on July 16, 2020, https://fnbc.info/org/first-nations-directors-forum.

[388] First Nations in BC Knowledge Network, "First Nations Directors Forum," accessed on July 16, 2020, https://fnbc.info/org/first-nations-directors-forum.

[389] Saskatchewan First Nations Family and Community Institute, "Annual Report 2019–2020," (2020), 2.

[390] Saskatchewan First Nations Family and Community Institute (SFNFCI), "Members," accessed on July 21, 2020, http://www.sfnfci.ca/pages/members.html.

[391] Saskatchewan First Nations Family and Community Institute, "Board of Directors," accessed on July 16, 2020, http://www.sfnfci.ca/pages/board-of-directors.html.

[392] Saskatchewan First Nations Family and Community Institute, "Annual Report 2019–2020," (2020).

[393] See 2019–2020 financial statements in annual report.

[394] FNQLHSSC, "A service offer for you," accessed on May 20, 2020, https://services.cssspnql.com/en.

[395] FNQLHSSC, "2016–2017 Annual Report," page 7, https://www.cssspnql.com/docs/default-source/default-document-library/rap_annuel_aga_2017_eng_web.pdf?sfvrsn=2.

[396] FNQLHSSC, "2016–2017 Annual Report," page 12, https://www.cssspnql.com/docs/default-source/default-document-library/rap_annuel_aga_2017_eng_web.pdf?sfvrsn=2.

[397] FNQLHSSC, "2018–19 annual report," https://files.cssspnql.com/index.php/s/c9lhxO43NNh86JN.

Across the dimensions of stakeholders/clients; mandate; governance; and funding source, existing organizations provide services focused on programming, operating and practice supports, with elements of advocacy in their work. Organizations including FNQLHSSC, Southern First Nations Network of Care, First Nations of Northern Manitoba CFS Authority, BC Directors Forum, SFNFCI, play integral roles in their regions in the provision of programming and operating support.

The secretariat is intended to solely focus on data collection and analysis for evidence generation, and operational support to FNCFS agencies and First Nations. A small and focused organization, the secretariat should be seen to be a neutral organization, of modest scale, that complements the work of existing FNCFS entities.

With the new measurement framework, the secretariat is intended to play a specific role linking data collection and analysis to programming and operating supports. It is at this area of intersection that the secretariat can play an additive role. The national scope of the organization reflects the findings from the Phase 1 report that provincial borders and funding approaches did not have significant bearing on the activities and results the organization. Contextual factors such as geography, poverty, etc. had more influential roles, and exhibit similar results across the country.

It is recommended that the secretariat be established as soon as the alternative funding and performance approach are approved. This will ensure the secretariat is in place to support agencies as they transition their funding and operations.

The way forward

The new funding and performance architectures represent fundamental changes to the way FNCFS is funded, as well as its accounting for results through the Measuring to Thrive framework, and accountability is reoriented to a dual dynamic between ISC and FNCFS agencies and First Nations.

Should First Nations, FNCFS agencies, and their associated organizations such as AFN and Caring Society agree to the new approach, they may begin advocacy efforts. If there is agreement within ISC, the proposal may be brought forth to cabinet. Should there be political will from the Prime Minister, there are opportunities to expedite the consideration and approval of the approach.

Implementing new funding and performance structures for FNCFS will require a series of steps within the federal apparatus. While the steps are being described at the ministerial and cabinet levels, there are public service roles in ISC and central agencies to support those steps with impartial analysis and recommendations. The general steps are as follows:

1. ISC's Minister and Deputy Minister must bring forward a Memorandum to Cabinet (MC) outlining the required policy, program, funding, and legislative considerations associated to the new architecture. The MC must receive the attestation of ISC's Chief Financial Officer.

2. The MC would first be considered by Cabinet Committee on Operations for scheduling and coordination purposes. The schedule may include inter-departmental meetings that involve ISC officials and their central agency counterparts.

3. The MC would be then be submitted to a policy committee of Cabinet (i.e. Cabinet Committee on Reconciliation) for policy approval to seek a Committee Recommendation (CR). It would then be considered by the Prime Minister and Finance Minister for funding approval (i.e. funding note or Budget).

4. The CR and funding note would then prepare the MC for consideration by full Cabinet.

5. With Cabinet approval, an announcement of the policy, program and funding shifts may occur.

6. Treasury Board approval of the changes to program structures and authorities (i.e. the right of the department to move funding between activities) is required. This may trigger consequential changes within ISC to accommodate the new program structure and its associated performance framework.

7. Any additional funding increase would have to be included in an appropriations bill, via the Estimates process, subject to parliamentary approval. At this stage, there may be additional considerations by parliamentary committee (e.g. Standing Committees on Indigenous and Northern Affairs, Finance). Supply bills go through the same process as other government bills in the Senate with one exception, they are not customarily sent to committee for study.[398]

[398] Senate of Canada, "Procedural Notes, Number 15," last updated June 4, 2019, https://sencanada.ca/en/about/procedural-references/notes/n15/.

8. Once the appropriations have been approved, funding will move from the Consolidated Revenue Fund to the fiscal framework and to the reference levels of ISC, subject to the authorities granted by Treasury Board and approved by Parliament.

The length of time for this process could be many months following a typical schedule of an unfunded MC or it could be a matter of several weeks, when associated to a Budget '2-pager' and related announcement. The timing is heavily dependent on the prioritization of the proposal by the Prime Minister and Cabinet. It should be considered that in a minority parliament context, legislative change and financial appropriations are not always granted, and in some instances, can be considered matters of confidence.

Lessons from West Region Child and Family Services' block funding pilot

The new approach will require adaptation and implementation among FNCFS agencies. As the experiences with the WRCFS and State of Tennessee suggest, transition requires credible strategies and plans, effective communications, phased/gated approaches, leadership and on-going support.

Beginning in 1990, WRCFS began looking at the feasibility of options to provide services more in keeping with the cultural context and the values, mission, and goals and objectives of the Agency. The Agency began compiling/collecting data to take a proactive and predictive approach to the possible implementation of block funding. To determine the feasibility of the Agency moving to a block funding of maintenance, it was essential to look at the profiles and prior spending of children in care. The Agency reviewed child in care data for the prior three years. There was some data from earlier years, but it was not robust and/or reliable. A spreadsheet was developed that could collect data about every child in care, and the costs related to their care. The agency expended substantial effort in developing plans, leveraging its internal data, and liaising with its communities.

West Region anticipated full transition to the block would require up to three years. Throughout the transition period, WRCFS identified and addressed procedures and program policies that required adjustment to meet the new approach. The organizational shift required changes at operational levels, such as finance, and practice levels, such as programming and service delivery.

To transition its PBC model into practice in 2006, Tennessee consulted with its existing networks of providers on the new funding approach. The state then selected its top-5 performing providers to serve as test cases for the transition. Tennessee made it clear that PBC was non-negotiable and that it would be the state's new approach to child welfare. All providers would be required to move to the model during a four-year phase-in or no longer be eligible to contract with the state.

A critical ingredient in this process was leadership at both the state and provider levels. When PBC became the new normal for Tennessee, providers were given notice that they would have up to four years to transition to the new system. At the outset, the state spent a year dialoguing, consulting and engaging with providers to prepare them for the new funding model. This was not easy, as it would require a complete shift in mindset for the providers. The state knew the approach was final; there was no going back as PBC was court mandated. Those providers that made the shift early on grasped the potential of the approach and are continuing to thrive.

The shift in the child welfare program structure was gradual. The incremental transition allowed different types of agencies to prepare and join the new system at a time appropriate for them within the four-year transition period. This was important because the providers in Tennessee's network come in a variety of sizes and levels of technological and service sophistication. Most of the providers are not-for-profit, with approximately one-third established as private for-profit entities. There is not one single typical provider-type in the network. Tennessee does, however, have specific baseline requirements for providers to be considered for the network, which take the form of service provision, certain capital requirements, etc.

The heterogeneity of the providers was reflected in the performance model: Tennessee's providers would be benchmarked against themselves. To determine how a provider's performance would be assessed, the state considered the provider's performance from the three years prior to its transition to PBC. As the program progressed, the data available for benchmarking increased, and Tennessee could reassess performance targets for providers on a two-year basis. *The state was not asking providers for the impossible, they were just asking that the provider beat their own track records.* This would enable each provider to reflect their unique context in the baseline that would serve as the departure point for performance measurement under the new approach.

It is anticipated that the transition from the current to future states should take approximately five years. Once the federal apparatus has

integrated the changes, agencies willing and able to begin transition will be invited to do so. As in the case of Tennessee, the early adapters offer lessons and practice models to those that follow. Moving first toward the change will require a solid understanding of organizational practices and processes, regular communication and engagement with First Nations, and motivated leadership and staff to support the transition. It is expected that agencies transitioning first will benefit from supplementary supports from the secretariat.

FNCFS agencies and First Nations will have different points of departure. As described in earlier sections of this chapter, there are various considerations and risks to mitigate. With appropriate planning and an expectation to address unforeseen challenges, the transition—while it may not be easy—will benefit generations to come.

Part V: Assessments of need for First Nations unaffiliated to a FNCFS agency

Introduction

It is estimated that 170 First Nations are unaffiliated to a FNCFS agency, most of which are in British Columbia. Approximately 60% of First Nations unaffiliated to a FNCFS agency have total median household incomes above their respective provincial poverty lines (Figure 68). The populations of unaffiliated First Nations tend to be small, with the majority (62%) of 2019 populations below 500 people on-reserve (Figure 69).

FIGURE 68: Percentage of First Nations above/below their respective provincial poverty lines (Census 2016).

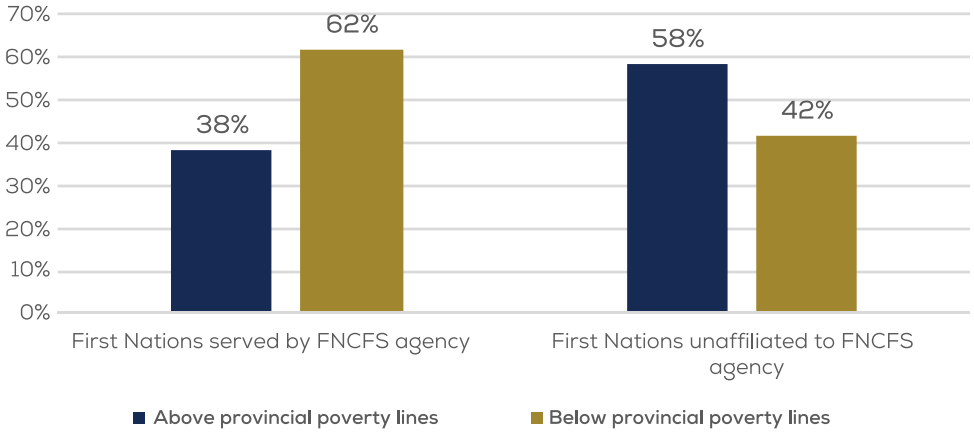
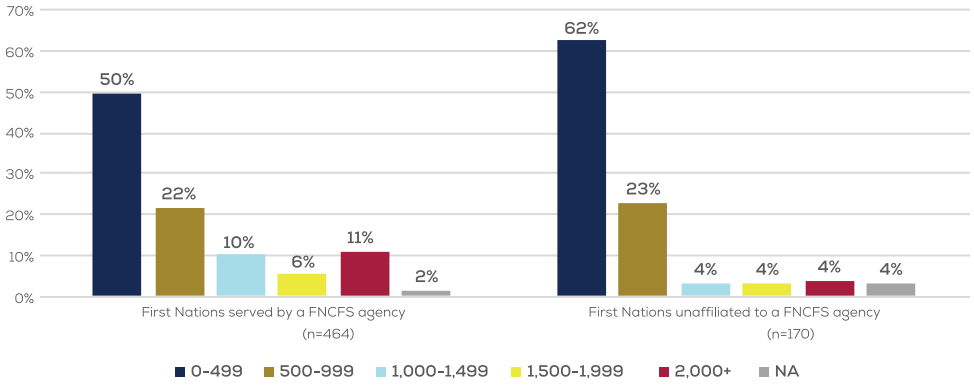
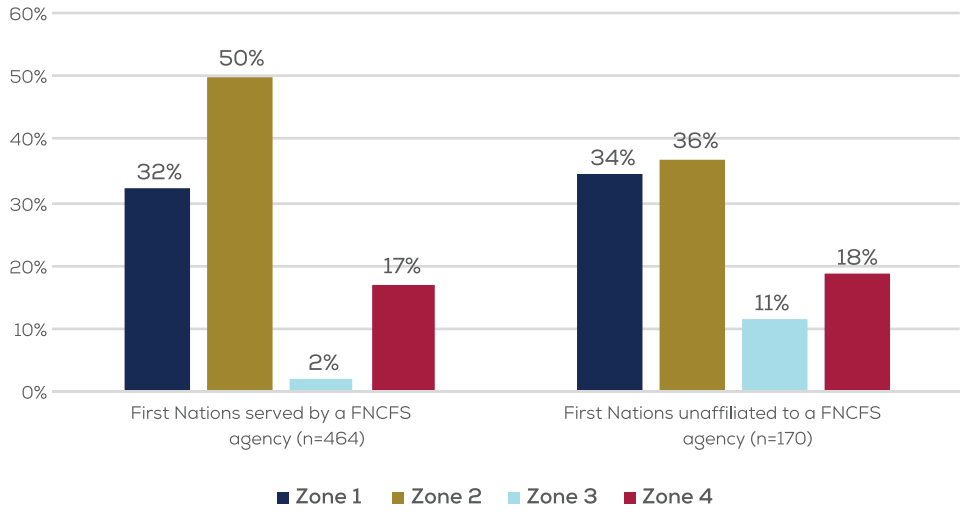


FIGURE 69: Distribution of First Nations by 2019 ISC on-reserve population by cluster.



The majority of First Nations served and unaffiliated to a FNCFS agency reside in geographic zones[399] 1 and 2. There are similar proportions of affiliated and unaffiliated First Nations in zone 4 (Figure 70).

FIGURE 70: Distribution of First Nations by geographic zone.



Prevention services in CFS, as with health, should be community-level initiatives. Promoting wellness is not the work of a single entity or organization, but a community expression of how they care for their own members. For some First Nations, this means working with a delegated or undelegated FNCFS agency. For others, this vision includes various program streams run by the community. The provision of CFS is not about band councils versus FNCFS agencies (although, it is recognized that these challenges exist in various communities).

As with any service, there is variability in need based on the distinct and desired approach of each First Nation. Some unaffiliated First Nations are contemplating jurisdiction in protection the context of the *An Act respecting First Nations, Inuit and Métis children, youth and families*, while others prefer to focus exclusively on prevention services with protection provided by the province. Variability in provincial CFS laws may also influence a First Nation's approach. British Columbia has various levels of delegation associated to prevention and protection services, offering a range of levels at which First Nations may choose to engage. Quebec commonly fuses health and social service provision in communities, encouraging an integrated approach among services.

[399] Geographic zone refers to a First Nation's distance to a service centre and associated mode(s) of transportation.

Zone 1: First Nations located within 50 km of a service centre.

Zone 2: First Nations located between 50–350 km of a service centre.

Zone 3: First Nations located over 350 km from a service centre.

Zone 4: First Nations with air, rail or boat access to service centre.

Need-assessment

There is sufficient variability in the desired approaches of unaffiliated First Nations to warrant a need-assessment tool. This tool could take the form of a survey for those First Nations seeking supplementary funding to grow their CFS-focused activities. While federal resources have not typically been directed to unaffiliated First Nations for CFS, there is an opportunity for targeted investments. Such investments would be consistent with the view that CFS is about the well-being of children, families and communities, and not exclusively protection.

As detailed in the cases of unaffiliated First Nations below, efforts on CFS vary based on resources and community structures. In the case of Esquimalt, CFS-focused programming is a challenge to design and develop as their current resource mix does not allow for such targeted programming. Prevention programming in Esquimalt is focused broadly on wellness. By contrast, First Nation W (anonymized at the request of the First Nation), has rebalanced resources to develop housing-oriented programming in support of CFS.

With the variance in current programming and resourcing among unaffiliated First Nations, a detailed need-assessment could support informed resource allocation. By developing a better understanding of current state practices and contexts, federal funding could be allocated on a case-by-case basis to respond to the variety and changing circumstances of unaffiliated First Nations. While the contexts and needs of First Nations served by a FNCFS agency are similarly dynamic, it is the agency's responsibility to ensure community connections and responsive programming suitable to the needs of communities served.

With circumstances favouring CFS reform, it is advisable to undertake a need-assessment survey of unaffiliated First Nations with the following components:

1. Context:
   a. Tell us about your community and the people you serve.
   b. Tell us about what child and family services focused services and programming work well and which work less well.
   c. What do you think your community needs to be better meet the needs of children and families?

2. Organization overview:
   a. Tell us about your governance structure.
   b. Are there one or more organizations involved with children and families?
   c. How do organizations work together?

3. Programming overview:
   a. Tell us about the programs and services provided by your community.
   b. How do you align resources (human, financial, infrastructure) to your programming priorities?
   c. Are there program gaps or future directions/considerations for programs and services?

4. Resources and allocation:
   a. Do you have the resources (human, financial, infrastructure) necessary to provide programming for child and family services?
   b. Has your community requested CHRT-mandated funding for prevention or other programming?
      i. If yes, was it received?
      ii. If not, why?

5. Data and performance:
   a. How does your community make programming decisions?
   b. How does your community determine what programming works?

6. Other considerations:
   a. Challenges/obstacles faced or overcome by your community
   b. Wise practices to share

Building from these six questions, a mix of quantitative and qualitative data would be collected. Assuming a participation rate of at least 50% of unaffiliated First Nations, representative of the broader group of 170 First Nations, the data returned could be analyzed and returned to First Nations for further consultation. To determine how best to build a course forward should be an exercise specific to individual First Nations.

ESQUIMALT NATION
BRITISH COLUMBIA

Governance Structure and Resources

Esquimalt Nation has a small population with 171 residents on-reserve,[400] near Victoria, British Columbia (BC). An urban Nation, Esquimalt occupies 44-acres on southern Vancouver Island and is a member of the Coast Salish language group. The Nation is adjacent to the Songhees Nation, the Township of Esquimalt, and the Town of View Royal, and is in close proximity to the City of Victoria. Located near an urban centre, members benefit from access to transport, walkability, and various provincial services.

Even with its proximal location, employment is a concern for the community. With housing shortages and the by-products of intergenerational trauma, cyclical challenges of poverty and welfare are even more pronounced.

Governed by a Chief and a Council (comprised of five members), monthly meetings are held to discuss strategic planning and the development of the Nation. There have been efforts in recent years to help to define the Nation as a centre for resources and support, rather than a crutch or source of handouts for members. The focus on empowerment and motivation of members, has for instance, introduced criteria for accessing social assistance and offering more supports for building resiliency and wellness from the ground up.

Esquimalt has struggled to have its resources meet its ambitions. To fund its programming, Esquimalt depends on various project-based funding sources. In this context, available funding tends to drive its activities (instead of activities being funded based on need). Developing own-source revenue has proved challenging (e.g. lease of land for parking), having to navigate timelines of bureaucracies of different orders of government.

Historical Treaty and Current-Relationship with the Crown

The Esquimalt Nation is one of the signatories to the Douglas Treaty in the 1850s. A key provision in the treaty granted the Nation the right: “to continued use”, the “liberty to hunt over

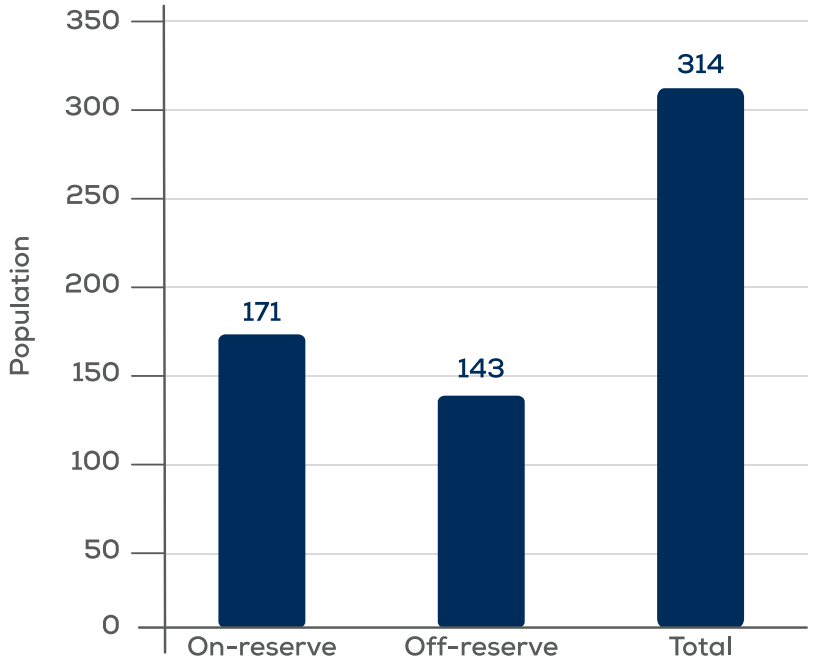
[400] Indigenous Services Canada, “Registered Population, Esquimalt,” June, 2020, https://fnp-ppn.aadnc-aandc.gc.ca/FNP/Main/Search/FNRegPopulation.aspx?BAND_NUMBER=644&lang=eng.

unoccupied lands", and "to carry on their fisheries as formerly."[401] The issue of access to resources as they were "formerly" is a preoccupation for Esquimalt, as defining that practice with urban development, and forest and fisheries management is a complex challenge.[402] Efforts continue to advocate for the recognition and implementation of treaty rights. The Government of British Columbia reports ongoing work on land and resource issues with Esquimalt Nation outside the British Columbia treaty process.[403]

Esquimalt's physical resources are constrained by the small size of their reserve territory. Alongside their land, some off-reserve resources are shared with the Songhees Nation, including the West Bay property, the Rock Bay property and Water Lot A (Plumper Bay). With regards to financial interests, they have the James Bay trust, and a few business interests including Salish Sea Marine Services.[404] With respect to water and sanitary services, Esquimalt Nation has a servicing agreement with Town of View Royal and Capital regional District.

Population

FIGURE 1: Esquimalt membership Population, 2018



Source: Esquimalt Land Use Plan, 2018.

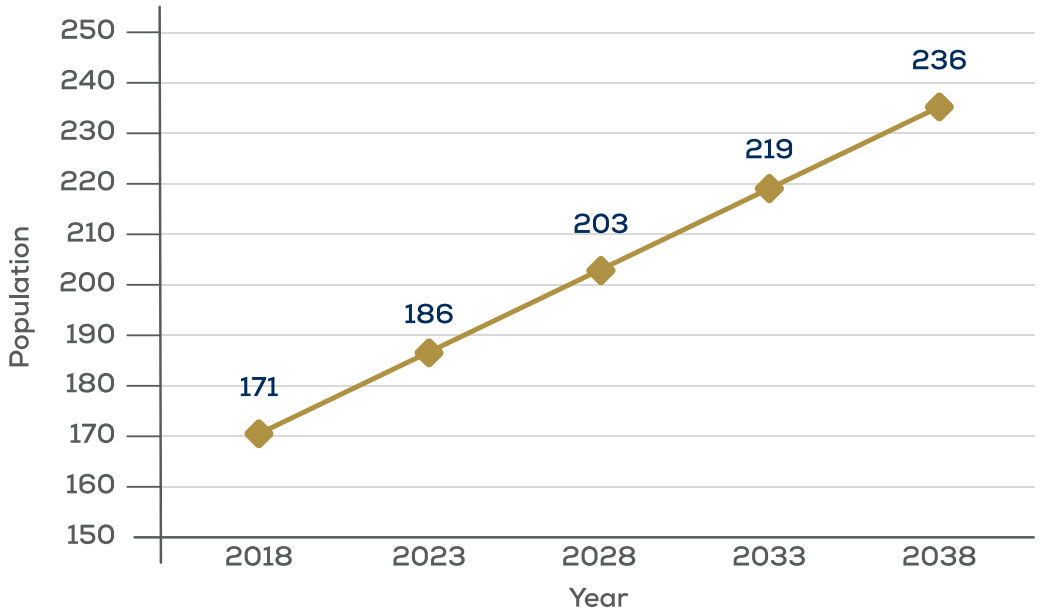
[401] Esquimalt Nation, "Esquimalt Nation Land Use Plan," March, 2018: 7.

[402] Esquimalt Nation, "Esquimalt Nation Land Use Plan," March, 2018: 7.

[403] Government of British Columbia, "Esquimalt First Nation," Accessed on: July 2, 2020, https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/esquimalt-first-nation.

[404] Esquimalt Nation, "Esquimalt Nation Community Plan," (March 31, 2013): 10.

FIGURE 2: On-Reserve Population Projections of Esquimalt Nation 2018–2038



Source: Esquimalt Land Use Plan, 2018.

On-Reserve population was 171 in 2018, with 143 off-reserve members, 122 members living in other areas, and 21 living on other reserves for a total of 314 members.[405] Approximately 60% of the membership population is under the age of 20.[406] Estimates project the on-reserve population to grow to 236 by 2038.[407] One of the goals Esquimalt Nation outlined in their 2018 Land Use Plan is to expand housing units on-reserve to create opportunities for off-reserve members to return to the Nation's territory.

Financial profile

The Nation successfully entered into a ten-year grant with Indigenous Services Canada (ISC), after meeting various criteria and developing their own financial administration law. Beyond revenues from ISC, other sources include various federal and provincial departments, as well as the First Nations Health Authority (FNHA) (see Figure 4 for an overview of revenue sources).[408]

In 2019, Esquimalt Nation received the majority of their revenues from the Government of Canada ($17,600,796.00). As indicated in Figure 5, over three quarters of Esquimalt's expenditures target settlement trusts and fund activities. There is no comparable spending area, with only economic development far behind at 5% of overall spending.

[405] Esquimalt Nation, "Esquimalt Nation Community Plan," (March 31, 2013): 14.

[406] Esquimalt Nation, "Esquimalt Nation Community Plan," (March 31, 2013): 14.

[407] Esquimalt Nation, "Esquimalt Nation Land Use Plan," (March, 2018): 14.

[408] Esquimalt Nation, "Esquimalt Nation Community Plan," (March 31, 2013): 11.

This expenditure is associated to the Cadboro Bay Settlement.[409] The agreement requires the net proceeds to be held in a trust for the benefit of the members of the Nation but allowed for a one-time payment to each member that was alive as of November 20, 2017 of $10,000.[410] Given the median household income in Esquimalt is $45,267,[411] these payments represent approximately, a 20% increase in transitory income for individuals in the community.

Administrators are concerned with current revenues relative to the cost of living near Victoria. When it comes to funding allocations, some are determined using factors including population size and land base. Such an approach does not capture the different cost of living in different communities, e.g. it is more expensive to live in or near Victoria than in Nanaimo. Esquimalt finds itself challenged by revenue sources, as they constrain decision making on internal allocation of resources (see Table 1).

TABLE 1.

Fiscal year	Revenues	Expenditures	Population	Per capita revenue	Per capita expenditure
2018	$6,943,476.00	$5,664,844.00	ISC On-Reserve N=171	$40,605.12	$33,127.74
			Esquimalt Total Membership N=314	$22,112.98	$18,040.90
			Government of BC N=324	$21,430.48	$17,484.09
2019	$29,673,621.00	$18,765,776.00	ISC On-Reserve N=171	$173,529.95	$109,741.38
			Esquimalt Total Membership N=314	$94,501.98	$59,763.62
			Government of BC N=324	$91,585.25	$57,919.06

Sources: Esquimalt Nation Audited Financial Statements for the Year Ended March 31, 2019, ISC/INAC (2020), Esquimalt Land Use Plan (2018), Government of British Columbia.

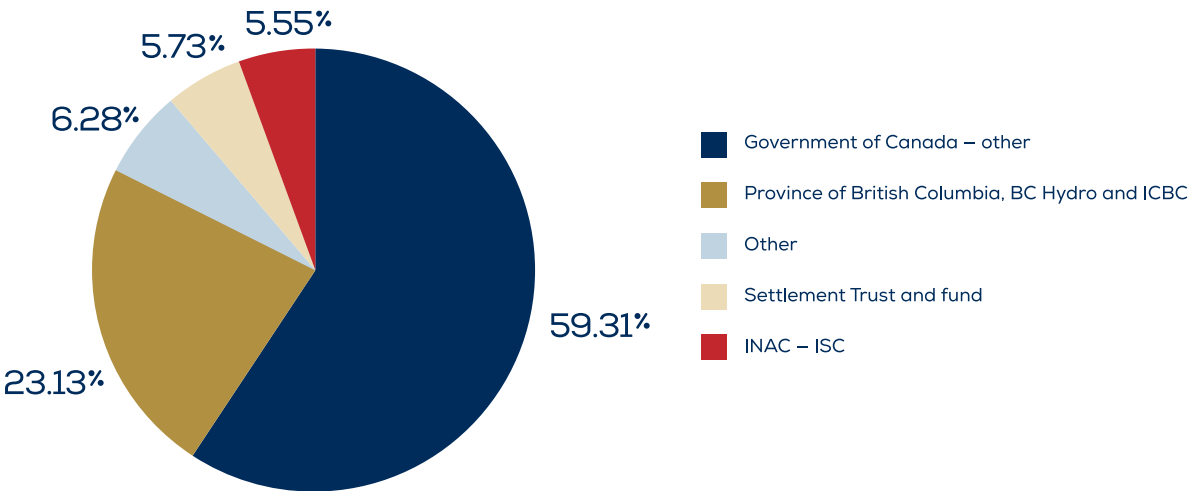
[409] On May 23, 2018, the Government of Canada settled with the Esquimalt and Songhees Nations for compensation in respect to certain lands known as the 'Chekonein Treaty Lands' (Cadboro Bay). Each Nation received a settlement payment of $17,500,000. Esquimalt Nation received a net amount of $16,370,396 after legal and other charges.

[410] Esquimalt Nation Audited Financial Statements for the Year Ended March 31, 2019: 19.

[411] Statistics Canada, "Total Income," *Census of Population*, 2016, May 3, 2017.

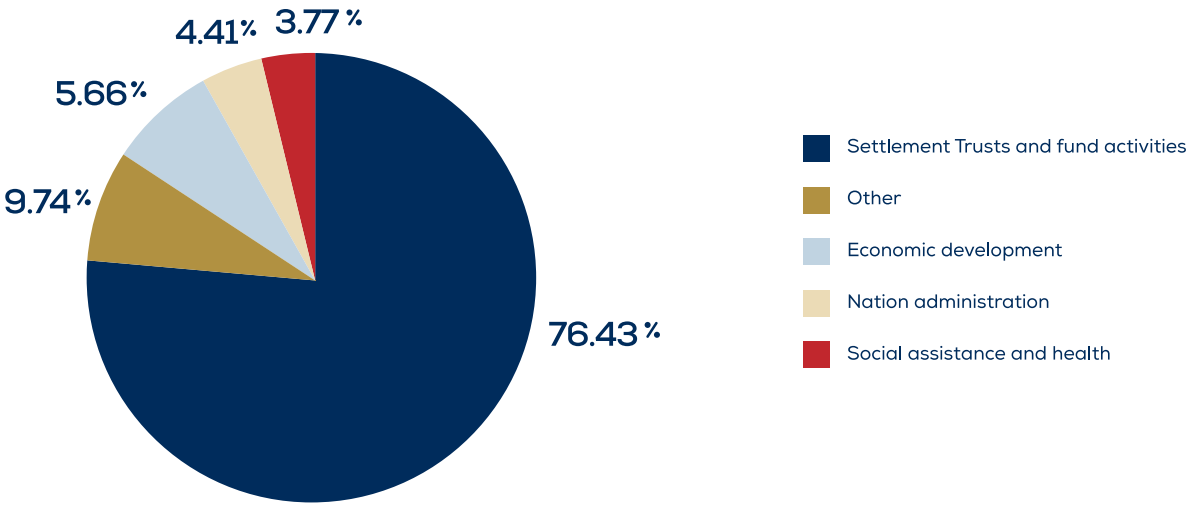
Revenues and Expenditures, 2019

FIGURE 3: Revenue Sources, Esquimalt Nation, 2018/2019



Source: Esquimalt Nation Audited Financial Statements for the Year Ended March 31, 2019.

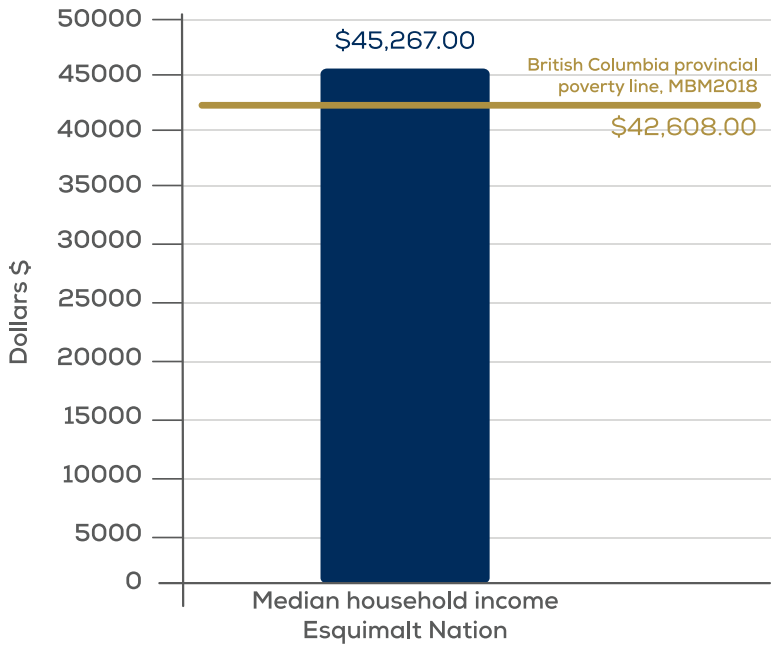
FIGURE 4: Expenditure Sources, Esquimalt Nation, 2018/2019



Source: Esquimalt Nation Audited Financial Statements for the Year Ended March 31, 2019.

The Esquimalt Nation has a median household income of $45,267,[412] which is $2,600 above the provincial poverty line $42,608 (see Figure 3).[413]

FIGURE 5: Esquimalt Nation median household income



Sources: Statistics Canada, 2017 and Djidel et al., 2020.

The current state: Child and family services (CFS)

Esquimalt Nation's prevention-focused activities target parents and their children. From parenting groups to empower parents with young children through a combination of cultural practices and developmental goals, to after school clubs to engage school-aged children, Esquimalt staff work to connect and build trust with their community.

Benefitting from a small population on-reserve, Esquimalt staff can observe and monitor children and families who may need extra support. Referrals are made and resources are brought in to support children and families as required. With services that extend to the Nation's full membership, Esquimalt has worked to build a complement of community-based staff, including a community health nurse, clinical counsellor, and family support worker. Retention rates among staff are high, which helps to promote stable programming.[414]

[412] Statistics Canada, "Total Income," *Census of Population*, 2016, May 3, 2017.

[413] Statistics Canada, "Market Basket Measure 2018-base, Report on the second comprehensive review of the Market Basket Measure," *Statistics Canada*, February 24, 2020.

[414] One full-time director is dedicated to internal capacity and skills development to support continuous staff improvement.

Current program offerings do not target child and family services directly but focus instead on overall well-being of the community. For instance, many youths were struggling with anxiety and high school completion. In response, Esquimalt started a group for young people to support their social and emotional health. While still early in the initiative, benefits including youth engagement have been noted by staff. With youth showing up, staff have the opportunity to monitor and find ways of supporting their well-being. Protection services in Esquimalt are delivered by the Ministry for Child and Family Development (MCFD), with involvement of the Nation. It is important to note that the Nation follows its own practice with respect to CFS and has not ratified a formal agreement with the province as provider of protection services.

At the time of writing, Esquimalt Nation had approximately 15 children in care. Ideally, children in care would be placed within the community. This, however, has not been practical due to housing shortages and overcrowding in the community. It has subsequently been a challenge designating healthy families for foster services on-reserve.

South Island Wellness, a third-party organization, is designated to provide basic support services to Esquimalt Nation Peoples in contact with the protection system. Esquimalt does not pay this provider directly; it receives funding from Canada for its services. There appears however, to be a lack of clarity as to the outcomes of the organization's services and role. Much of its impact appears dependent on the person designated to the community. Greater community-based child and family services supports are necessary.

With the current revenue generation and allocation challenges, it appears impractical that Esquimalt take on child and family services. In order to deliver a fully or even partially delegated child and family services mandate, Esquimalt would require financial and human resources to design, build and deliver the community's needed services.

Funding for child and family services

Esquimalt's entire administration is composed of 19 staff (a mix of full-time, part-time and casual personnel). Half of the staff is dedicated to programming design and provision across all services areas from health to environment. With the small team, staff have many roles and often are unable to focus exclusively on an issue or program area.

Program funding contributes to the multiple areas of focus and competing priorities. There are 32 different projects that fund personnel services. Applied for and delivered on an ad-hoc basis, long-term planning becomes a challenge when funding is not guaranteed beyond the life of the project or program. When submitted proposals, vague descriptions are often included to maximize staff latitude in delivering programming on-reserve that meets the needs of the community. This multi-source funding makes developing and delivering specific programs, e.g. child and family services, a challenge. The funding structure spreads resources thinly across a number of areas, instead of focusing on specific issues.

The future state vision

Long-term planning has been difficult without consistent funding sources. The Nation lacks internal processes and the people necessary to support long-term planning. Often, planning is reactive to the funding source. The goal tends to be to obtain multi-year grants, even if the Nation does not have expertise in the area. In an effort to maximize revenues, program coherence and consistency can suffer. Esquimalt recognizes that long-term planning is an area in need of action, that must connect community needs to available resources.

Esquimalt's experience building prevention programming is an important reminder that consistent funding with flexibility for the service provider is essential for the consistent delivery of services. Esquimalt is an example of how to build broad-based programming for maximum uptake. A potential next step for the Nation is to build the discussed connections between its programming inputs and community-level results.

FIRST NATION W

Context

This case study examines an anonymous First Nation that has become a self-governing modern treaty nation. The modern treaty era began after the Supreme Court of Canada *Calder* decision in 1973. This decision recognized Aboriginal rights and led to the Comprehensive Land Claims Policy.[415] Upon coming into effect, the Treaty has enabled the transfer of land and self-government jurisdiction to the First Nation.

Now established as a treaty nation, the First Nation is no longer a band under the *Indian Act*. Instead, it now maintains government-to-government relationships at both the provincial and federal levels of government. The First Nation has law-making authority on lands under their direct control and ownership. As a modern treaty nation, this law-making authority is how the First Nation differentiates itself from other communities in Canada.

The Treaty provides that the parties (Canada, the province, and the First Nation) will negotiate and attempt agreement on a Fiscal Financing Agreement (FFA). The First Nation receives block funding through the FFA and raises own source revenue through economic development and taxation. The Treaty also allowed for a total rewiring of governance, enabling the First Nation to align its structure and practices to their traditional way of knowing. Since the implementation of the Treaty, the way the First Nation undertakes its business is fundamentally different and rooted in its conception of community well-being. From the running of government to programming, actions and initiatives are rooted in their unique culture and practices.

The First Nation has a small membership population, with more than 50% of members living off-lands. Given the size of the community, there is little aggregate health and social data available.

The First Nation is located within proximity to a large Canadian population centre. Members tend to be fairly young, with roughly three in every four members being under the age of 40. The staff know their people. The community is actively working on healing and cannot keep up with the demand for services.

The current state: Child and family services (CFS)

The First Nation's Members are resilient, but the impacts of intergenerational trauma are still felt by some members of the community. Some individuals still struggle with poverty, and financial challenges/financial management, as well as with addictions, poverty, abuse, and lateral violence. Some parents may not have the skills needed to raise a child because they may not have had a healthy script to follow or model to emulate. Knowledge on raising children may be missing in families affected by residential schools, and intergenerational

[415] Government of Canada, "Treaties and agreements," last modified September 11, 2018, https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231#chp4.

trauma. The aim of the government is to deliver family empowerment programming, but it does not reach every individual.

In the First Nation, 4.8% of children are in contact with the provincial child and family services with open files. The First Nation has managed to keep these children in the community. There are other children outside of the First Nation that are a challenge to track and support.

Provincial CFS is delegated to remove children in need of protection in the First Nation. An enduring challenge, however, is that children may be removed from struggling parents who could succeed with extra support. The First Nation prioritizes wrap-around services to families and children in challenging circumstances. Provincial CFS has been notionally supportive of the approach and role but has offered little in regular resources to finance these services. The First Nation uses its own resources to fill in gaps in CFS programming for its children and families.

Earlier this year, there was an important turning point for Child and Family Services in the First Nation. A child from the First Nation was placed outside of the community in what was considered an unacceptable placement. To protect the best interests of the child, the First Nation mobilized by renting a house near their lands and staffed the home with people the children needing support knew and trusted. The actions taken by the First Nation helped to stabilize the situation and provided opportunities for family reunification and wrap-around services.

Providing Temporary & Flexible Support

The First Nation has recently begun developing a more detailed proposal for respite homes for children and families on-lands. One support home is in operation that can house up to five children (there are currently four children in the home). This safe, secure and known environment is close to the community and is led by the 'den mother.' The current den mother is a very well-known, well-respected and trusted member of the community. Two full-time staff live in the home 24 hours a day. The staff are instrumental in fostering a safe and comfortable environment. They engage in family and community-oriented activities from cooking, playing, visiting with family, taking part in cultural activities at school, etc.

The home is currently funded through the First Nation's budget allocations and some contributions from the provincial CFS. The First Nation is working to secure funding to build data tracking on their wrap-around prevention services, to better understand results over time.

The levels of child protection delegation the First Nation chooses to take on will depend on the community's comfort with assuming the responsibility of these kinds of services. The First Nation will consult with Members to understand what the community's vision for child protection reform is before undertaking a jurisdictional switch away from provincial CFS.

Funding for child and family services

The First Nation emphasizes the importance of wrap-around services and funds them through budget allocations. The First Nation has not assumed jurisdiction on child protective services, which means that it continues to be the province's responsibility. The First Nation has chosen to collaborate with provincial CFS in the delivery of child protection services to ensure the well-being of the community's children. While the First Nation continually attempts to expand its CFS services, little provincial support is available and federal support is non-existent. The First Nation uses its own source revenue to support the large majority of prevention and family support programming.

There is some funding on an activity basis that comes from provincial CFS. The Province transfers roughly $40,000 annually to the First Nation for a family empowerment worker to prevent contact with provincial CFS. This amount, however, only covers roughly half of the salary associated with this position. The Province also contributes in a piecemeal fashion to the community's respite home with $2,000 per month for rent (total monthly rent is $3,000) and through payments to caregivers. Payment for caregivers is calculated at the foster parent rate per child, based only on the length of stay ($900/month), on a case by case basis.

The unpredictability of the funding at foster parent rates (as it is based on contact with the protection system) limits the reliable development of CFS services in the First Nation. The ad-hoc payments may cover the costs of children in the support home (instead of out-of-community care), but limit recruitment, staff retention, and do not cover the hidden costs of operating CFS services and trying to obtain funding. This makes staff retention and remuneration a challenge. Also, the funding based only on children who are already in the system significantly affects the ability to fund prevention services designed to keep families from reaching the point of breaking down and needing more extensive service.

The First Nation is seeking stable funding to cover its current initiatives, as well as proposed initiatives, including a new housing proposal to ensure children can stay in the community when they need a short-term alternate care arrangement (see Table 1). The costs described in the table below are for personnel costs only and would address core needs, not an expansion of the program.

TABLE 1.

Community Health Centre Housing Proposal			
Type of housing	**Description**	**Staffing requirements**	**Overall estimate**
Level 1	Community Member's Home: can support up to 3 children if needed	Caregiver at a rate of $25/hour for 16 hours; overnight 8 hours $20/hour	$860.00/daily $313,900/yearly
Level 2	Respite in six-plex on-lands: staffed home which can support 3 children	2 people per 8-hour shifts per 24 hours	$1,200.00/daily $438,000.00/yearly
Level 3	Respite house off-lands: staffed home which can support 3 children	2 people per 8-hour shifts per 24 hours	$1,200.00/daily $438,000.00/yearly
Level 4	Short term support: Emergency support home on-lands Community member's home which can support 2 children	Depending on need for additional support: 24-hour option available to caregiver	$1,200.00/daily $438,000.00/yearly

Considerations for future planning

Prevention oriented approaches to child and family services are focused on holistic well-being and early intervention to reduce or eliminate the need for child protective services. In First Nations, prevention approaches are informed by culture and community practices, regularly engaging families and the broader community in healing and resiliency building.

There are many positive examples of First Nations child and family services agencies prevention activities that have demonstrated positive results for children and their families.[416] A report by the British Columbia Representative for Children and Youth, highlighted how "inequitable and inconsistent funding arrangements between the B.C. government and Delegated Aboriginal Agencies (DAAs) have resulted in significant differences in the level and types of support available for B.C.'s Indigenous children, depending on where in the province they live and which DAA serves them." In turn, these funding issues have limited the capacity of DAAs to offer culturally-based prevention services.[417]

Crucially, prevention services help to limit avoidable contact with the protection system, which tends to have negative long-term effects for children. The Midwest Evaluation of the Adult Functioning of Former Foster Care Youth (known as the Midwest Study) has documented outcomes of youth in care relative to a nationally representative sample of youth in the United States. Across nearly every outcome measured, such as high school

[416] IFSD, "*Enabling First Nations Children to Thrive*," (2018), http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

[417] Representative for Children and Youth, "Delegated Aboriginal Agencies: How resourcing affects service delivery," (March 2017): 3.

completion rates, receipt of food stamps, arrests, employment rates, etc. youth formerly in care were worse off than their counterparts.[418]

These negative long-term trends are reflected in Canadian studies. The Canadian Observatory on Homelessness found that 60% of youth who had experienced homelessness had previous contact with the child protection system and were 193 times more likely to have had contact with protection than the general population.[419] In a 2001 study, Correctional Service Canada found that two-thirds of incarcerated Indigenous Peoples had contact with the protection system at some point in their lives, compared to one-third of non-Indigenous inmates.

There is a case for the regular funding of prevention-oriented programs, especially for young people in challenging contexts associated with poverty, social difficulties, etc. For many First Nations, mitigating the effects of contextual factors such as poverty and inter-generational trauma are integral components of prevention programming. The work of Nobel-prize winning economist James Heckman is well-known for demonstrating the economic and social benefits of early intervention programs for children.[420]

From long-term cost benefits to improved cognitive development of children and even enhanced parenting, there are many reasons to focus on prevention services. West Region Child and Family Services had a block-funding pilot that enabled the agency to shift its funding to prevention services. Studies of the pilot found that the rates of children in care declined from 10.5% to 5.2% throughout the pilot, credited to the substantive budgetary shifts to prevention programming.[421] Supporting the development of healthier children, families and communities is possible and can be fostered through a number of programming styles and initiatives.

As the First Nation contemplates the future design and delivery of CFS, it may wish to consider existing models of service delivery. There are several First Nations health and social services centres in Quebec that fuse the delivery of health and social services with positive results for communities. The arrangement can promote increased collaboration and resource-sharing in the community to leverage funding and other resources for program delivery and evaluation. In other instances, First Nations may deliver a subset of prevention

[418] M. Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 23 and 24," (Chicago, IL: Chapin Hall at the University of Chicago, 2009); M. Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26," (Chicago, IL: Chapin Hall at the University of Chicago, 2011).

[419] Amy Dworsky, Laura Napolitano, and Mark Courtney, 2013, "Homelessness During the Transition from Foster Care to Adulthood," American journal of public health 103 Suppl 2, no. Suppl 2; Rachel Rosenberg and Kim Youngmi, Journal of public child welfare, "Aging out of Foster Care: Homelessness, Post-Secondary Education, and Employment," 12, no. 1 (2018): 99–115.

[420] James J Heckman et al., "An Analysis of the Memphis Nurse-Family Partnership Program," (National Bureau of Economic Research, 2017); James J, Heckman, "The Economics of Inequality: The Value of Early Childhood Education." *American Educator* 35, no. 1 (2011).

[421] See also, ISC, "Implementation Evaluation of the Enhanced Prevention Focused Approach in Manitoba for the First Nations Child and Family Services Program," December 14, 2015, https://www.aadnc-aandc.gc.ca/eng/1431520132322/1431520217975.

programming initiatives to complement or support other services, with protection delivered by a provincial ministry or third-party. There is also the option of a First Nation child and family service agency unique to the community. With 113 FNCFS agencies serving several First Nations, there is a well-developed network of practice to consult.

The cost of prevention and protection services can vary based on location, mandate and other contextual factors. In its Phase 1 study that costed the FNCFS system, IFSD estimated (based on actual models) that per capita expenditures for prevention should range from $800 to $2,500 across the entire community. At $800, programming is principally youth-focused and may not be CFS focused. At $2,500 per person, a full lifecycle approach to programming can be possible with linkages between health, social and development programming.[422] The cost of prevention may appear significant, but it expected to reduce expenditures over time associated with the social challenges listed above.

The First Nation's current per capita CFS expenditure estimates align to previous findings for communities unaligned to an FNCFS agency (ranging from $500 to $1,000 based on the population source). As the First Nation contemplates its next steps in CFS, it may wish to consider increasing its per capita budget to expand its resources for program and service delivery. IFSD estimated that the average cost of a child in care to be $63,000 per year. With opportunities for prevention program that have demonstrated positive results, there are various options for supporting the well-being of children, families and communities through wrap-around holistic services.

TABLE 2.

Population estimate	per capita CFS spending
2019 Membership Population (N=491)	$795.01
2016 Census (N=750)	$520.46
ISC (N=388)	$1,006.05

In brief, the First Nation may wish to consider three common options for the delivery of CFS:

1. Through *An Act respecting First Nations, Inuit and Métis children, youth and families*,[423] negotiate jurisdiction for protection delegation in the First Nation or seek to establish a delegated FNCFS agency for the First Nation;
2. Continue to work with provincial CFS for protection services, with the First Nation to seek delegation for all services prior to, during and post-removal;
3. Maintain the current course and seek out more regular and reliable funding for CFS-focused prevention services.

[422] IFSD, "*Enabling First Nations Children to Thrive*," 2018, http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf, p. 89–94.

[423] Government of Canada, "*An Act respecting First Nations, Inuit and Métis children, youth and families*," *Justice Laws Website*, Date modified: June 26, 2020, https://laws.justice.gc.ca/eng/acts/F-11.73/index.html.

The future state vision

The First Nation is focused on improving quality of life for all members. Their holistic approach to family and community well-being is the driving force behind the health and social services' centre's approach to CFS in the First Nation.

The First Nation values a united community where children are supported by those around them. One of their principal goals is to ensure that children remain within their community where they can access support for families, elders, and the First Nation's Members, and grow up with a sense of understanding of the community's tradition and cultural values.

The aim of the health and social services centre in the First Nation is always to support families to remain intact and supported and that if outside care is required, families and children are able to access supportive and culturally sensitive resources. The vision of the First Nation is one of wellness, community strength, and resilience, which define how the centre responds to crises. The community health and social services centre is mandated to support families to remain intact and supported and that if outside care is required, families and children can access supportive and culturally sensitive resources.

The community health and social services centre is also concerned with ensuring consistency in the social workers who are working with the community. The preference of the community health and social services centre would be to have one provincial CFS social worker support the First Nation rather than multiple social workers coming in and out of the community. Overall, the aim is to ensure strong working relationships with the provincial CFS while ensuring culturally-informed child welfare practices.

The First Nation is best placed with regards to safeguarding community well-being, and given their knowledge of their members and their core values, they are most effective at making decisions on how to meet the needs of their community's children.

The First Nation's Prevention Services

Child Psychologist and Nurse Practitioner

The First Nation has contracted a child psychologist for three days a week (a full-time psychologist would not be enough by staff estimates). The psychologist works with parents and children to address the significant mental health and well-being gaps in the community. To help to fill the mental health service gap, a nurse practitioner collaborates with the psychologist and they are able to collaborate to provide mental health assessments and medications as well as long term mental health support on the First Nation's lands. Working in a culturally safe way, this team is able to ensure services are accessible, timely and trauma informed.

Community Family Empowerment Program

The First Nation's Members are able to access a family empowerment worker who acts as an advocate and systems navigation support (supervised visitation services, referrals to counselling, treatment, food bank, ceremonies, etc.). The program aims to decrease interactions with provincial CFS through prevention services and reconnect separated families. The program is partially funded by the provincial CFS.

Daycare

A free program for member children, the daycare offers wrap-around youth-focused education. There are important differences in the teaching approach of the daycare versus those in local school boards. Daycare programming connects learning to the community, its people, and its practices. The First Nation's language and culture are woven into the early childhood curriculum in a meaningful way. Children attending local schools build resiliency and confidence. When children make the move to mainstream schools, they often lose those positive attributes in a change described as "shocking." Children appear to perform well in learning and personal development on-Lands, but trends indicate that outcomes change when in a non-local school setting.

Post-Secondary Educational Services and Other Services

The First Nation pays the full cost of tuition and living expenses for any of their Members who attend post-secondary education in Canada. HSS also offers a variety of other programs to help support community members, including an Elders program, justice support program, community nursing, and so forth.

Resources

The human and financial resources necessary for unaffiliated First Nations will vary based on their desired CFS-related programming. In the case of Esquimalt Nation, CFS-oriented expenditures could not be extricated from the overall programming spending baseline because they do not exist as a separate line-item. In First Nation W, depending on the population source used, current per capita expenditures on CFS-focused programming range from approximately $520 to $1,000 per member. For comparison, Phase 1 estimates for base-level prevention programming for an unaffiliated First Nation was approximately $800.

Conditions on programming funding to First Nations can impact their flexibility in need-focused expenditure. Esquimalt Nation highlighted that their programs are driven by funding sources, rather than program need driving funding. With over thirty sources of funding for programs, Esquimalt Nation often finds itself developing programs to respond to funding opportunities. To support the design and development of a CFS prevention programming stream, reliable funding should be allocated. The regular funding can be built into planning to allocate human and financial resources to desired programming goals.

First Nation W experiences similar resource limitations for CFS. The First Nation actively seeks opportunities in its existing budget to fund CFS activities, especially those focused on housing. Working with some funding from the province, First Nation W expressed the challenges of inconsistent funding for CFS programming, especially, when tied to provincial support payments for children in care. While the resources are welcome to take care of their children, the resources are irregular as they are connected to a child in protection.

The unaffiliated First Nations consulted in this project exhibit the challenges of attempting to design and deliver programming when resources are inconsistent. Not all unaffiliated First Nations may wish to design and deliver their own CFS programming. For those that may prefer pre-developed programs, the Martin Family Initiative's Early Years program can be an option.

The Early Years (EY) program was a pilot project, originally launched in Ermineskin Cree Nation, designed to improve maternal and child health outcomes for Indigenous women who are either pregnant or have newborn babies. The program underscores the importance of the initial years of life in shaping the structures and functions of the brain. Conducting comprehensive early childhood programming in a culturally appropriate manner for Indigenous children and families is a core component of EY programming.

The project's community-based approach emphasizes Indigenous knowledge and cultural values in the context of child well-being. Through weekly visits and group gatherings, trained EY Visitors from the community support pregnant women and their families by promoting healthy prenatal activities and guiding development in early childhood.[424] EY Visitors assist families by providing sensitive and competent caregiving, developing visions for their future, planning subsequent pregnancies, and continuing their education or securing employment.[425]

Since its implementation, participants and staff have reported the central role played by the EY program in the communities. Participants are gaining new and valuable knowledge, which has often fueled their motivation to make behavior changes that build strong foundational relationship with their children. The program has also provided them with strategies and coping mechanisms to constructively deal with new and ongoing challenges.[426]

EY was inspired by other established evidence based and culturally tailored home-visiting programs like the Family Spirit Program of Johns Hopkins Centre for American Indian Health.[427] There is considerable evidence that suggests investments in early intervention programs like EY have high social and economic rates of return. James Heckman, concluded that birth to-five programs can have an up to an annual 13% return on investment.[428] According to Heckman, one of the greatest sources of disadvantage is the quality of parenting a child receives, thus returns to early childhood programs are highest for disadvantaged children who receive lesser parental investment in their early years.[429] The EY program addresses this issue by providing parents with the strategies and competencies necessary to help raise children effectively. Leveraging community resources, the EY program is a potential program option designed from best practices that First Nations affiliated and unaffiliated to a FNCFS agency may wish to adopt.

[424] The Early Years, "The Early Years Principles," 2020: http://earlyyears.themfi.ca/index.php/the-martin-family-initiative/what-we-do/.

[425] The Early Years, "Deeply Rooted Community Mind," 2020: http://earlyyears.themfi.ca/index.php/the-early-years-difference/.

[426] The Early Years, "Deeply Rooted Community Mind," 2020: 25, http://earlyyears.themfi.ca/index.php/the-early-years-difference/.

[427] Johns Hopkins Bloomberg School of Public Health, "Family Spirit," 2020: https://www.jhsph.edu/research/affiliated-programs/family-spirit/.

[428] Jorge Luis García, James Heckman, Duncan Leaf, María Prados, "Quantifying the life-cycle benefits of a prototypical childhood program," *National Bureau of Economic Research*, June 2017; James Heckman, "There's more to gain by taking a comprehensive approach to early childhood development," *The Heckman Equation*, 2016.

[429] Heckman, James J. "The Economics of Inequality: The Value of Early Childhood Education." *American Educator* 35, no. 1 (2011): 55.

Considerations for transition

For First Nations unaffiliated to a FNCFS agency to transition to a future state with resource opportunities for regular prevention programming, an informed portrait of the current state is necessary. Leveraging the Measuring to Thrive framework, unaffiliated First Nations would gain a holistic perspective of well-being in their community. By leveraging its own data on the well-being of children, families, and the community, unaffiliated First Nations could develop improved planning tools for their own programming in CFS and beyond.

The Measuring to Thrive framework is not about FNCFS agency performance. It is designed so that any service provider or community can leverage the framework to generate a better understanding of the people they serve and the context in which they operate. Consider for instance the case of First Nation W that has limited health and social data on its own community members. The horizontal and integrated perspective from the Measuring to Thrive framework could offer a source of community-relevant data connected to health and well-being.

To transition from the current to a future state will require clarity on the desired outcome. In the case of FNCFS agency, the commonly expressed objectives were resource consistency and sufficiency to support well-being among First Nations through their programs and services. For unaffiliated First Nations, goals and programming needs will differ based on context and community vision. To support the approaches of First Nations, program-focused resources on a case-by-case basis may be the most practical and expeditious way forward to funding prevention in unaffiliated First Nations.

To support an informed transition to a desired future state, it is recommended that:

1. A detailed need-assessment be undertaken with unaffiliated First Nations to scope their desired community programming goals and better understand current resources and resource needs;

2. The Measuring to Thrive or similar holistic performance framework be adopted for use by First Nations to develop their own data for evidence, analysis and decision-making;

3. Variability in First Nation approaches to CFS-focused prevention programming be an accepted characteristic of transition and long-term operation.

Conclusion

There is context for change in FNCFS with the commitments to substantive equality, the best interests of the child, and a culturally informed approach, in *An Act respecting First Nations, Inuit and Métis children, youth and families*. In its rulings, the CHRT has found the current protection-focused system to be discriminatory and underfunded.

The long-term negative consequences of contact with the protection system increase the likelihood of interactions with social services in the welfare system, the criminal justice system, etc. later in life. These corrective systems have downstream social and fiscal costs.

This work seeks to reset the structure, funding and governance of the current FNCFS system to mitigate and address the causes of contact with the protection system. Developed from the ground-up, this work is built on collaboration and insight from FNCFS agencies, First Nations, and experts, twelve in-depth case studies, a survey on FNCFS expenditures, three expert roundtables, and supplementary research and analysis from Canada and the United States.

Leveraging findings from the Phase 1 report, *Enabling First Nations Children to Thrive*, this report:

1. Undertook a review of ISC's current expenditures and associated program measures.

2. Developed the Measuring to Thrive framework, with a horizontal and holistic view of well-being, informed by TBS's best practices on results tracking.

3. Proposed a funding approach designed as a block and supplemented with components for prevention, poverty, geography, IT, capital and results, to address gaps and to align to the Measuring to Thrive framework.

4. Identified considerations for transition to move from the current to future state, with the support of a First Nations-led secretariat.

Recommendations

Pursuant to the findings in this report, the following four recommendations are made:

1. Adopt a results framework for the well-being of children, families, and communities, such as the Measuring to Thrive framework.

2. Budget for results with a block funding approach that addresses gaps and is linked to the results framework.
   a. Undertake a full assessment of current capital stock.

3. Establish a non-political First Nations policy and practice secretariat to support First Nations and FNCFS agencies to transition to First Nations governance.

4. Establish a group FNCFS agencies and First Nations willing to be early adopters of the new performance and funding approach to model implementation.

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Appendix A: Poverty

The State of Poverty in First Nation Communities in Canada

Poverty is a complicated and multifaceted issue that is often misunderstood as a simple lack of income. One of the most recognizable measures of poverty, the World Bank's thresholds for extreme and moderate poverty ($1.90 USD and $3.10 USD per day, respectively) are examples of poverty measures that fail to consider how factors beyond income and expenditure contribute to quality of life.[1] A more complete definition of poverty describes the phenomenon as the lacking of resources necessary to provide the goods essential to life such as food, clean water, shelter and clothing.[2] In the sense of a developed country, this may extend itself to the ability with which one can access education and other standard services like health care. As such, the thresholds for poverty set by the World Bank would fail to capture the vast majority of poverty in developed countries like Canada. A more appropriate indicator of poverty for developed countries would resemble the United Nation's Multidimensional Poverty Index (MPI), which considers a broad range of contributing factors. Included in the MPI are measures of health, education, and standard of living further broken down into nutrition, child mortality, years of schooling, school attendance, cooking fuel, sanitation, drinking water, electricity, housing, and assets.[3] Taking these indicators into account, it is apparent that the Indigenous population of Canada is disproportionately impoverished relative to the rest of the country.

Poverty is an overbearing condition that is highly disruptive to human life. This is especially true for families, and even more so for children. Poverty in utero and early childhood have been shown to pose significant challenges, setting children up for lifelong disparities in health.[4] At any stage of development, poor children are more likely to notice lesser physical health than non-poor children by most measures.[5] The health of poor children has also been noticed to worsen with age and time spent in poverty. The root of this is not necessarily that poor children lack the resources to improve their health, but they are instead subject to more negative health shocks that compound and worsen over time.[6] The effects of poverty are noticeably cumulative beyond the scope of health, as "children can be hungry, be living in substandard housing or be homeless, be unsupervised while a parent works or is meeting other responsibilities, be truant from

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[1] The World Bank, "Poverty: Overview," April 16, 2020, https://www.worldbank.org/en/topic/poverty/overview.
[2] World Vision Canada, "What is poverty? It's not as simple as you think," (October 18, 2019), https://www.worldvision.ca/stories/child-sponsorship/what-is-poverty.
[3] United Nations Human Development Programme. "The 2019 Global Multidimensional Poverty Index (MPI)." *Human Development Reports*, (2019), http://hdr.undp.org/en/2018-MPI.
[4] Charles P Larson, "Poverty during pregnancy: Its effects on child health outcomes," *Paediatrics & child health* 12, no 8, (2007).
[5] Jeanne Brooks-Gunn and Greg J. Duncan, "The effects of poverty on children," *The future of children* 7, no. 2, (Summer-Autumn 1997).
[6] Janet Currie and Mark Stabile, "Socioeconomic Status and Child Health: Why is the Relationship Stronger for Older Children?," *American Economic Review* 93, no. 5 (12, 2003): 1822.

failing schools, lack medical care, or have a caretaker with untreated mental illness or substance abuse."[7]

Moreover, there is a growing body of research that indicates a strong relationship between poverty and child abuse.[8] Overall, the conditions poverty creates are not conducive to a positive environment that fosters growth and development in children. A positive environment early in childhood is crucial not only for the health of a child, but for shaping the abilities, capabilities, and development of children, ultimately producing better outcomes in education and adult life.[9]

As a developed country, most Canadian children and families live beyond the reaches of poverty. However, it has been estimated that around 60% of Indigenous children living on-reserve are in poverty compared to the 17% of non-Indigenous children in Canada that live in poverty.[10] While poverty is devastating for all children, Indigenous children in Canada are disproportionately impoverished. Given the impacts of poverty on children and the prevalence of Indigenous children in poverty, agencies like First Nations Child and Family Services (FNCFS) may be interested in the overall incidence of poverty in First Nation communities, how it compares to the general population, and its overall impact on Indigenous children and families. By improving the understanding of these issues, it may be possible to guide policy in a manner that improves a variety of outcomes for Indigenous children and families for generations.

The remainder of this brief will examine data from the *2016 Census of Population* (Census) on median total household income. To determine the overall degree of poverty in First Nation communities, median household income was examined for 591 First Nation communities across Canada and compared to provincial poverty lines. The unweighted average of median total income of First Nation community households before and after-tax is shown in Table 1.

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[7] Gustavsson, Nora and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," Social Work 55, no. 3 (07, 2010): 279.
[8] Leroy H Pelton, "The continuing role of material factors in child maltreatment and placement," *Child Abuse & Neglect* 41, (2015): 30-39.
[9] James J Heckman, "The Economics of Inequality: The Value of Early Childhood Education," *American Educator* 35, no. 1, (2011): 31-35.
[10] David MacDonald and Daniel Wilson, "Shameful Neglect: Indigenous Child Poverty in Canada," Canadian Centre for Policy Alternatives, 2016: 14.

Table 1.

Province	Unweighted Median HH income	
	Unweighted Average of Median Total Income of First Nation Households	Unweighted Average of Median After-Tax Income of First Nation Households
Alberta	$48,612	$47,384
British Columbia	$45,267	$42,738
Manitoba	$33,759	$33,495
New Brunswick	$33,693	$33,245
Newfoundland and Labrador	$77,397	$73,728
Nova Scotia	$31,915	$31,462
Ontario	$42,343	$41,652
Prince Edward Island	$45,888	$44,608
Quebec	$61,963	$60,059
Saskatchewan	$34,924	$34,620

Source: Statistics Canada, (2017)

Comparisons between average median income for First Nation communities made to the provincial poverty lines are calculated by using the Mixed Basket Measure (MBM). The MBM estimates the income necessary to lead a decent life by calculating a weighted average of the cost of purchasing essential items like shelter, clothing, and food, among others, for a family of four in a given region.[11] This measure provides a more accurate method of describing poverty than other measures commonly used in Canada like the Low-Income Measure (LIM) and Low-Income Cut-Off (LICO). The LICO has not been updated since 1993 except to adjust for inflation and does not include expenditures on transportation and communication technology.[12] As such, the LICO would not be appropriate for measuring poverty in a country that is as reliant on technology and communication infrastructure as Canada is in 2020.

On the other hand, the LIM uses a poverty threshold that is 50% of the median household income. While useful for establishing a relative measure of poverty, the LIM is highly sensitive to changes and variations in economic conditions.[13] The MBM separated by province is both a robust measure of relative and absolute poverty, as it indicates the ability to access a basket of goods deemed necessary to lead a decent life in a given region. For this brief, MBM cutoffs have been calibrated to communities with less than 30,000 inhabitants to allow for realistic comparisons to the conditions in First Nation communities. Provincial poverty lines based on the 2018 MBM are listed in Table

[11] Samir Djidel, Burton Gustajtis, Andrew Heisz, Keith Lam, Isabelle Marchand and Sarah McDermott, "Report on the second comprehensive review of the Market Basket Measure," *Statistics Canada*, (February 24, 2020), https://www150.statcan.gc.ca/n1/pub/75f0002m/75f0002m2020002-eng.htm.
[12] Alain Noë. "How do we measure poverty?," *Policy Options*, (November 9, 2017), https://policyoptions.irpp.org/magazines/november-2017/how-do-we-measure-poverty/.
[13] Noël, 2017.

2. All three territories are excluded from this analysis due to a lack of data necessary for calculating their respective poverty lines.

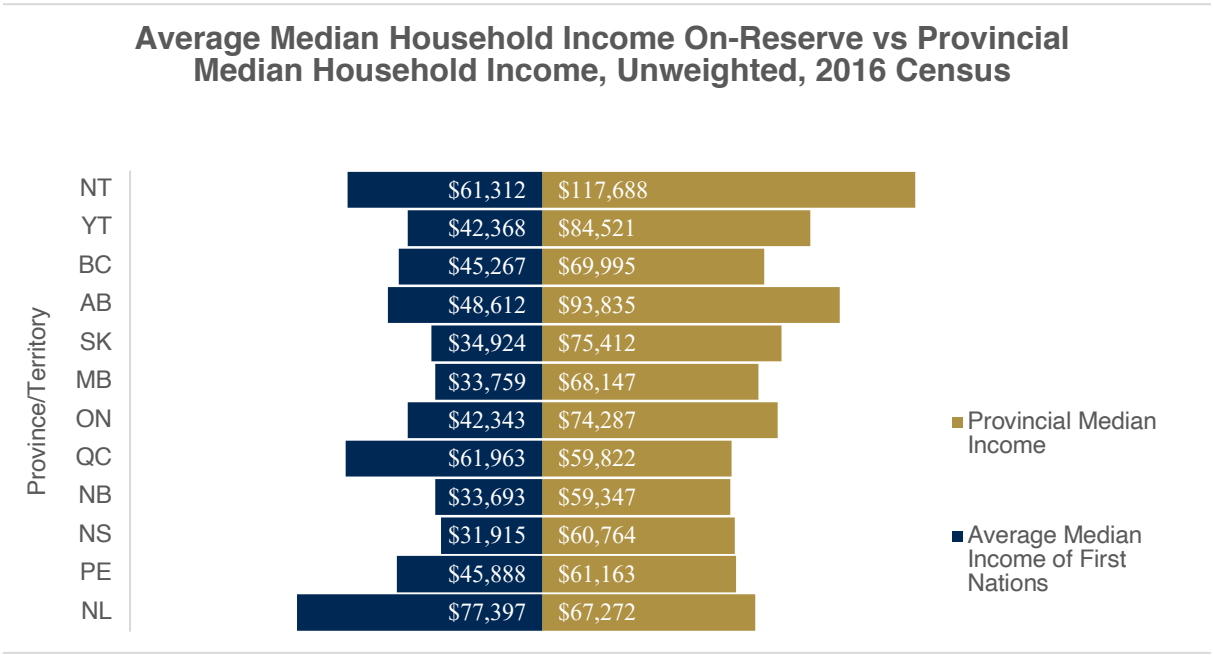
Table 2.

Province	Provincial Poverty Line (MBM, Based 2018)
Alberta	$46,158
British Columbia	$42,608
Manitoba	$40,780
New Brunswick	$42,284
Newfoundland and Labrador	$42,926
Nova Scotia	$42,494
Ontario	$41,250
Prince Edward Island	$42,283
Quebec	$37,397
Saskatchewan	$42,003

Source: Djidel et al., 2020.

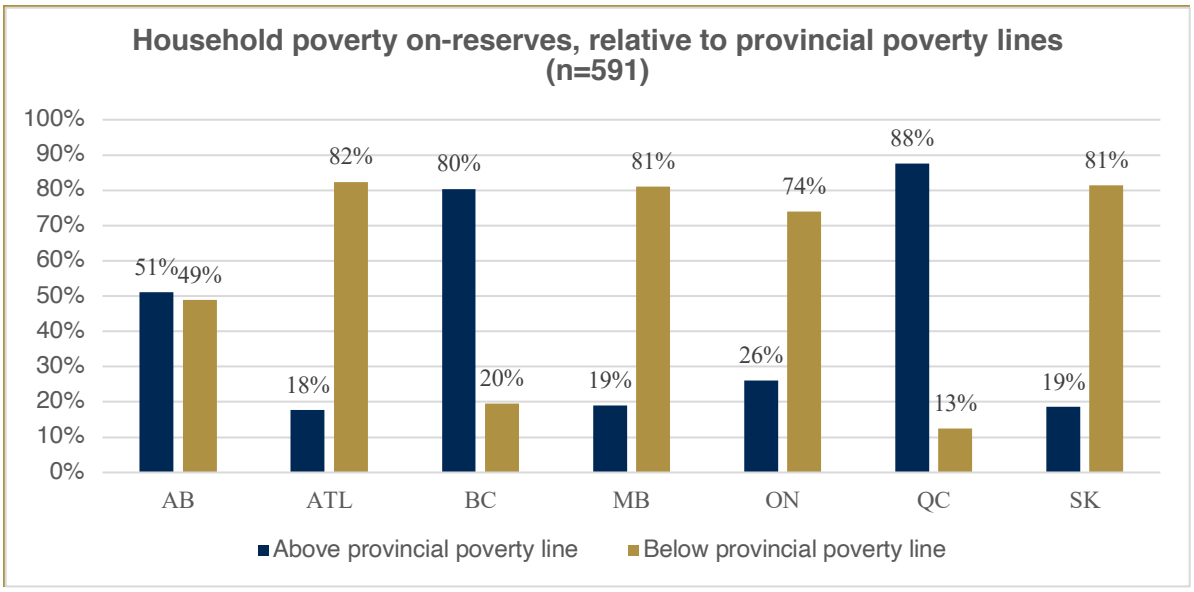
Before analyzing poverty, it is important to note that, in general, there are income disparities amongst the First Nation and general populations of Canada. Figure 1 shows both provincial median household income and the average median household income of First Nation communities in each province. Only First Nation community households in Quebec (4% above) and Newfoundland and Labrador (15% above) have average median household incomes that exceed that of their respective provinces. Among the remaining provinces and territories that are below provincial median household income, the size of gaps ranges from 54% below provincial median household income in Saskatchewan to 25% below provincial median household income in PEI. When considering poverty as the ability of a household to afford an MBM basket, the sizeable gaps in median household income suggest that Indigenous households are likely less able to afford the MBM basket than non-Indigenous households in the same province.

Figure 1.



Source: Statistics Canada, 2017.

Figure 2.



Source: Statistics Canada, 2017.

Analyzing Poverty Gaps

There is significant variation in the distribution of First Nation communities above and below poverty lines across provinces [Figure 2]. Notably, 100% of First Nation communities in New Brunswick and Nova Scotia have median household incomes that fall below the provincial poverty line. On the other hand, 100% of First Nation

communities in Prince Edward Island and Newfoundland and Labrador have median household incomes above their provincial poverty line. While observing the absolute proportions of First Nation communities falling below or above the provincial MBM defines the incidence of poverty, it may be impacted by outlier communities possessing median household incomes that are comfortably above the provincial poverty line. By removing all communities with median household incomes above the provincial poverty line and observing only the average of median household income for those communities that fall below the provincial poverty line, poverty gaps are sizeable.

By removing communities with median incomes above provincial poverty lines, the severity of poverty in the poorest First Nation communities across the country becomes more apparent. The gaps between average median household income and provincial poverty lines vary from a 12% gap in Quebec to 25% gaps in both British Columbia and Manitoba.

Discussion

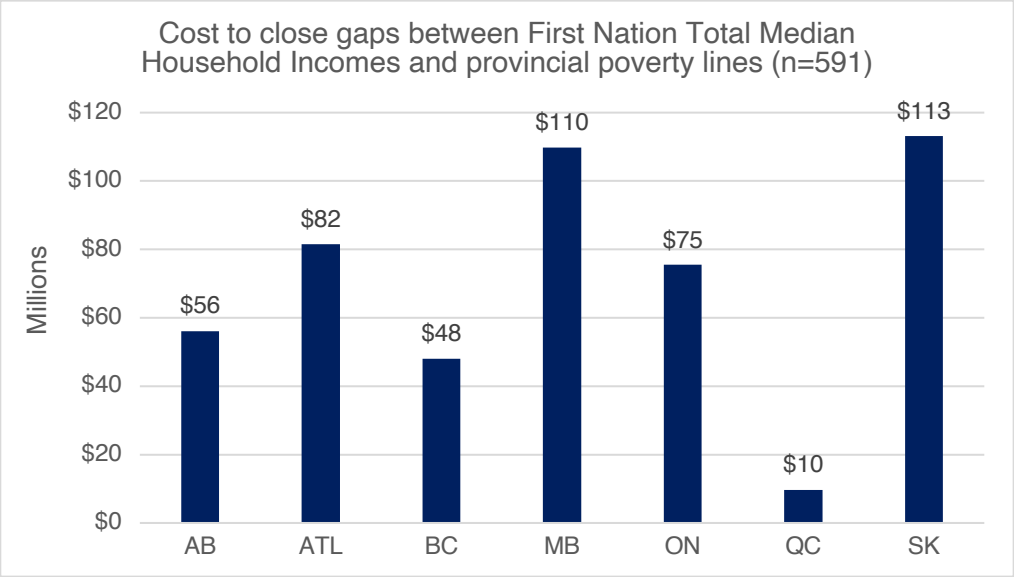
Poverty is the condition of lacking the resources necessary to access items that are essential to living a decent life. Data from the 2016 Census show that poverty is both prevalent and severe in many First Nation communities in Canada. Across all Canadian provinces, only two provinces (PEI and Newfoundland and Labrador) had no First Nation communities with median incomes below the provincial poverty line. First Nation communities in those provinces only make up 6 of the 591 (1%) First Nation communities analyzed in this brief. Overall, 52% of First Nation communities have median household incomes that fall below their provincial poverty line. These results suggest that large portions of the First Nation population in Canada live in poverty and are unable to access the items necessary to live decent lives by standards set within their provinces.

If eliminating poverty in First Nation communities is an objective, it could prove extremely costly to do so. Estimates of the cost to eliminate poverty in each province have been calculated in the table below by taking the average median household poverty gap in each community, multiplying by the estimated number of homes falling below the poverty line, and summing across provinces. This shows just how resource-intensive it could be for governments to eliminate poverty in First Nation communities. For example, in any scenario, it will cost over $100 million to close poverty gaps in Manitoba or Saskatchewan alone. To eliminate poverty in First Nation communities across the country, it would cost somewhere between roughly $490 million (see Figure 5).

It is worthwhile to note that, since poverty is a multifaceted issue extending far beyond income and consumption, investing in the most impoverished First Nation

communities in ways other than lump-sum transfers will likely be the most effective way to alleviate poverty. For example, by expanding existing infrastructure for water and broadband, more essential services may become available to these communities. By doing so, it may be possible to improve the quality of life in First Nation communities.

Figure 5.



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Appendix B: Health

Health Disparities between Indigenous and non-Indigenous Populations of Canada

Health is a broad and subjective term that is generally difficult to measure. Health is often measured by examining the incidence of certain conditions, perceived health, and life expectancy. Across North and South America, Indigenous people are consistently disadvantaged across all measures of health.[1] Some of the disparity in health for Indigenous Canadians has been justly attributed to the lasting and pervasive impacts of colonialism and the intergenerational trauma that has followed.[2] Moreover, another source of disparity in health may stem from income differentials. Average income is lower in Indigenous populations across North America than other demographics.[3] A more profound understanding of the roots of health disparities for Indigenous Canadians can be found by examining the lasting effects of colonialism and environmental degradation, areas in which Indigenous peoples, particularly in Canada, are disproportionately impacted.[4]

It is also important to note that Indigenous Canadians, particularly those living in remote environments, face unique challenges in accessing essential health services. In remote communities, health care services can be of lesser quality than in mainstream Canadian society. A report from the Auditor General of Canada in 2015 revealed that nursing stations in remote First Nation communities in Ontario and Manitoba had severe deficiencies and lacked the capacity to provide essential health services to their communities.[5] The report also found that the majority of nurses employed by these stations, while often registered with provincial regulatory bodies, had failed to complete all of Health Canada's mandatory training programs. Moreover, traditional First Nation medical customs and practices are not permitted to influence local health practices, leaving many communities to choose between sub-standard biomedical practices and underfunded cultural medicine.[6] Given the systemic and geographic barriers impeding access to medical care in many First Nation communities, disparities in health outcomes from the rest of the population are to be expected, and likely to persist.

The remainder of this brief will examine several health indicators and outcomes for the First Nation, Métis, and Inuit populations compared to the non-Indigenous identity population of Canada. The most recent health indicator profile from Statistics

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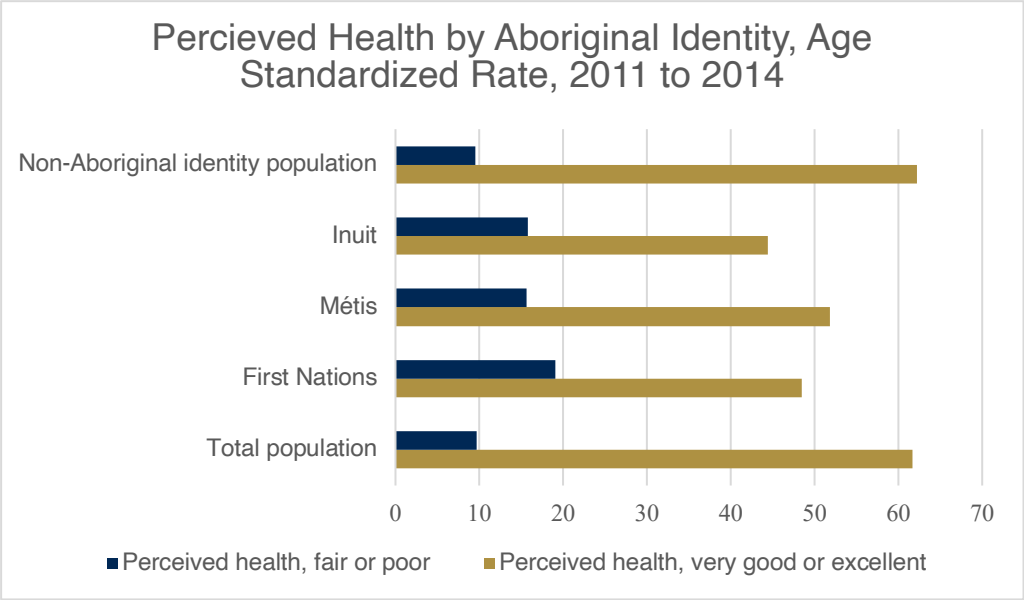
[1] Pan American Health Organization (PAHO), "Just Societies: Health Equity and Dignified Lives. Executive Summary of the Report of the Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas," (Washington, D.C.: PAHO; 2018): 10.
[2] Amy Bombay, Kim Matheson, and Hymie Anisman, "Intergenerational trauma." *Journal de la santé autochtone*, 5 (2009): 6-47.
[3] PAHO, 2018: 47.
[4] Charlotte L. Reading and Fred Wien, "Health Inequalities and Social Determinants of Aboriginal Peoples Health." *National Collaborating Centre for Aboriginal Health*, 2009; PAHO, 2018: 28.
[5] Office of the Auditor General of Canada, "Report 4 – Access to Health Services for Remote First Nations communities," *2015 Spring Reports of the Auditor General of Canada*, (2015).
[6] Richard Matthews, "The cultural erosion of indigenous people in health care," *CMAJ : Canadian Medical Association journal = journal de l'Association medicale Canadienne* 189, no 2 E78–E79: (2016).

Canada presents data broken down by Indigenous identity on access to care, incidence of chronic conditions, smoking and alcohol usage, self-reported health, body mass index, and life expectancy. For almost every indicator, the Indigenous population groups exhibit worse outcomes than both the Non-Indigenous identity population and the total population. While this data, published by Statistics Canada in 2016, is relatively old, they reveal consistently large gaps in health. Considering large portions of these health disparities originate from structural barriers[7], the differences in health between the Indigenous and general populations in Canada are unlikely to have changed drastically by 2020.

Self-Reported Health

Figure 1.



Source: Statistics Canada (2016)

Self-reported measures of health have been demonstrated to be reliable and stable predictors of actual health.[8] In Canada, Indigenous populations are more likely to report age-standardized rates of fair or poor health (19.1 for First Nations, 15.6 for Métis, 15.8 for Inuit) and less likely to report very good or excellent (48.5, 51.8, 44.4) than the non-Indigenous population (9.5 poor/fair, 62.2 very good/excellent) [Figure 1].[9] Similarly, Indigenous identity populations are less likely to report very good or excellent mental health (61.3, 63.7, 59.6) and more likely to report fair or poor mental health (10.8, 8.7, 6.8) than non-Indigenous Canadians (72.7, 5.7). Moreover, Indigenous

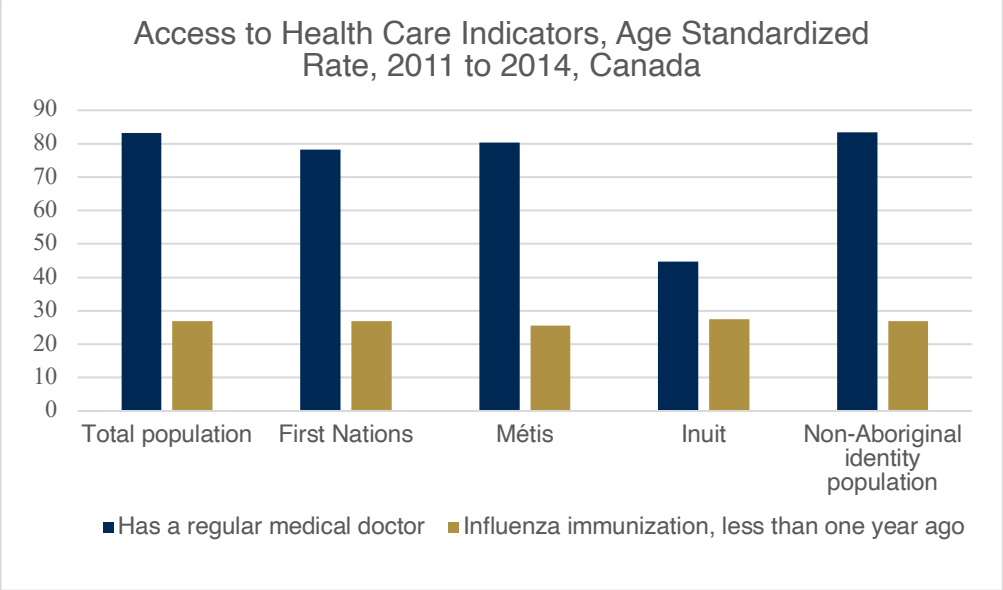
[7] See Reading and Wien, (2009).
[8] Seppo Miilunpalo, Ilkka Vuori, Pekka Oja, Matti Pasanen, and Helka Urponen, "Self-rated health status as a health measure: the predictive value of self-reported health status on the use of physician services and on mortality in the working-age population," *Journal of clinical epidemiology* 50, no. 5 (1997): 517.
[9] Statistics Canada, “Health indicator profile, by Aboriginal identity and sex, age-standardized rate, four-year estimates,” 13-10-0099-01, (December 9, 2016).

identity populations reported lower overall age-standardized rates of life satisfaction (88.6, 91.6, 87.9) than the non-Indigenous population (93.1).[10]

Access to Health Care

Consistent with the access to care hypothesis, the Indigenous population has less access to health care than the general population. While having access to a regular to a medical doctor is relatively close between First Nations (78.2), Métis (80.4), and non-Indigenous Canadians (83.4), the Inuit population lags considerably behind in this indicator with an age-standardized rate of only 44.8. However, the Inuit population is more likely to have received influenza immunization in the last year (27.4) than all other Indigenous population (26.9, 25.5) groups and the non-Indigenous population (26.9) [see Figure 2] .

Figure 2.



Source: Statistics Canada (2016).

Health Conditions

The Indigenous population groups in Canada are more likely to report one of the health conditions reported in Figure 3 than the non-Indigenous population. The only exception is high blood pressure, where the Inuit population (13.2) is slightly less likely to report an issue compared to the non-Indigenous population (13.3). In fact, when it comes to reporting respiratory problems, diabetes, asthma, and arthritis, Inuit Canadians experience these conditions in frequencies only slightly above the non-Indigenous

[10] Statistics Canada, "Health indicator profile, by Aboriginal identity and sex, age-standardized rate, four-year estimates," 13-10-0099-01, (December 9, 2016).

population. First Nation and Métis Canadians report these conditions in much greater frequencies than the Inuit population.

Figure 3

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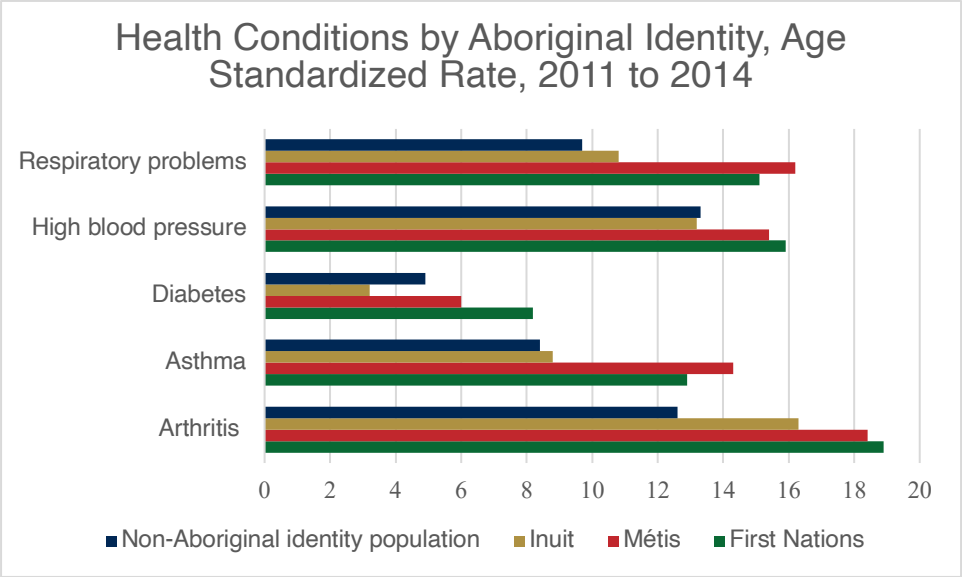
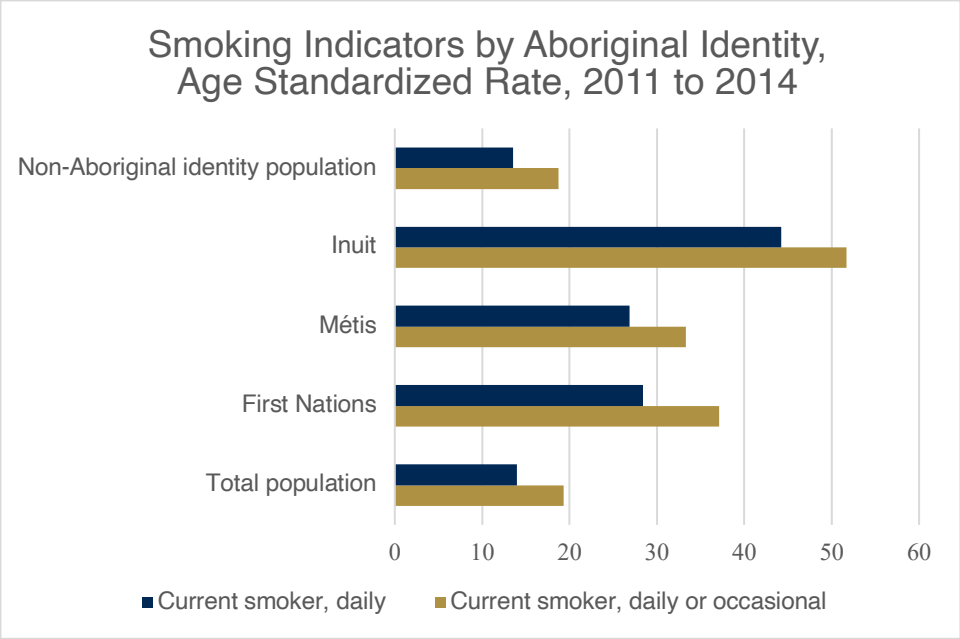


Source: Statistics Canada (2016)

Smoking and Alcohol Use

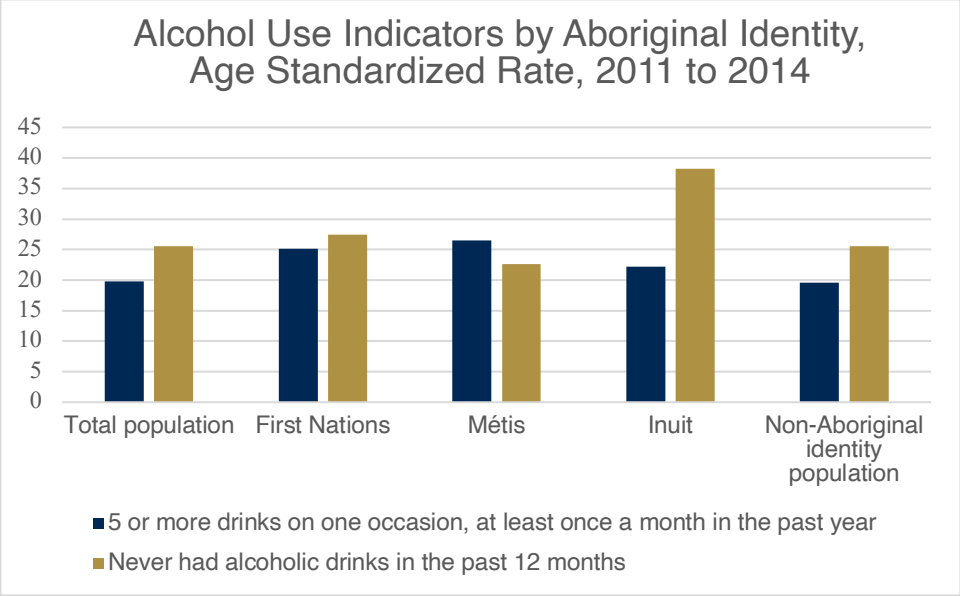
Some of the disparity in health conditions like high blood pressure and respiratory problems may stem from the increased frequency of smoking and alcohol use amongst the Indigenous population groups. Each of the Indigenous population groups reports being a daily smoker (28.4, 26.9, 44.2) in frequencies at least twice as great of that in the non-Indigenous population (13.5) [Figure 4]. Indigenous population groups are also more likely to be exposed to second-hand smoke at home (11.3, 8, 8.9) compared to the non-Indigenous population (5.1). In terms of alcohol use [Figure 5], Indigenous population groups were more likely to have reported consuming five or more drinks on one occasion in a given month (25.1, 26.5, 22.2) compared to the non-Indigenous population (19.6). However, First Nations and Inuit Canadians (27.4, 38.2) were each more likely to have not drunk alcohol in the previous year than non-Indigenous Canadians (25.5).

Figure 4.



Source: Statistics Canada (2016).

Figure 5.

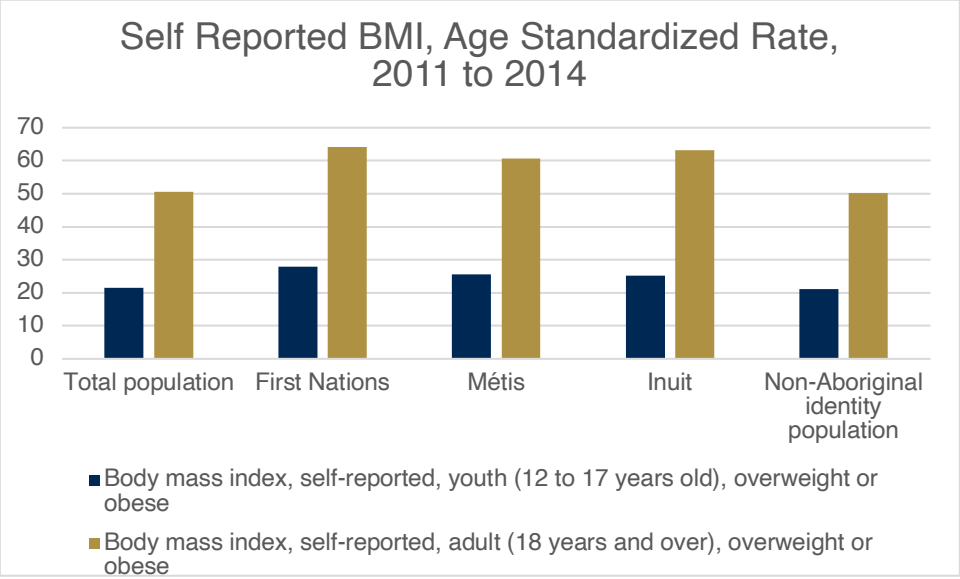


Source: Statistics Canada, 2016.

Body-Mass Index

Age-standardized rates of self-reported body mass index (BMI) suggest that both Indigenous youth (age 12 to 17 years) and adults (age 18 years or greater) are more likely to be overweight or obese than the non-Indigenous segment of the population. Of Indigenous adults, First Nation adults reported age-standardized rates of overweight/obese BMI of 64.2, Métis reported 60.6, and Inuit reported 63.2 compared to the 50.2 reported by non-Indigenous adults. Across all populations, youth report lower rates of overweight/obese BMI, although the overall trend is the same, with Indigenous youth reporting higher rates (27.9, 25.5, 25.1) than non-Indigenous youth (21.2) [Figure 6].

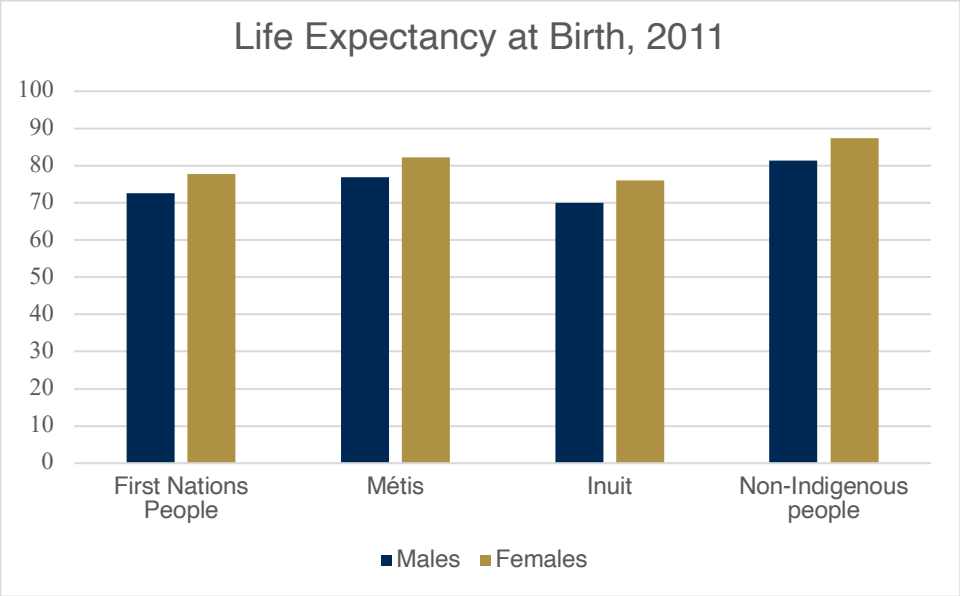
Figure 6.



Source: Statistics Canada, 2016.

Life Expectancy

Figure 7.

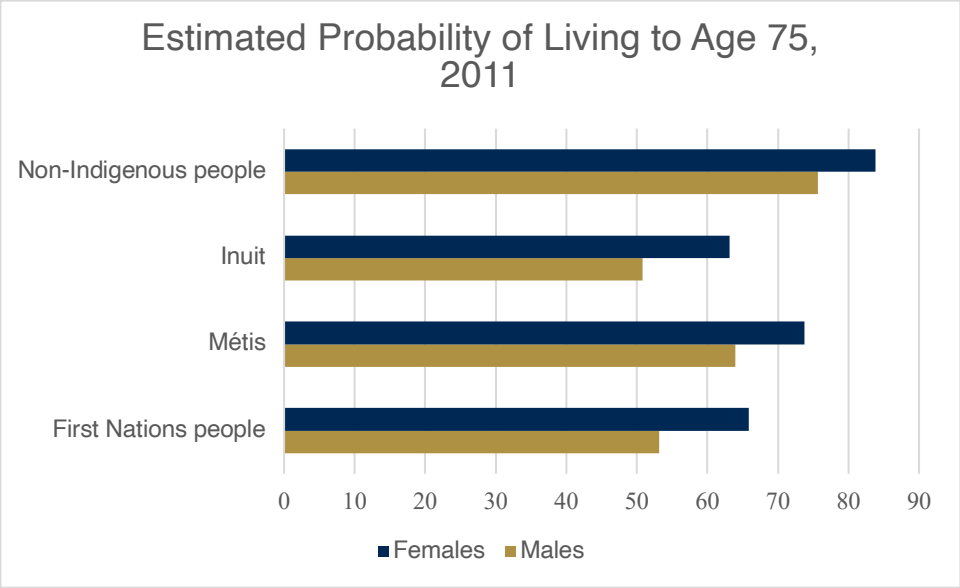


Source: Tjepkema, Bushnik, and Bougie, 2019.

Life expectancy is a common way of measuring the health of a community or group of people by observing trends in mortality. Life expectancy at birth encapsulates the health of a population across all age groups to estimate the expected life span of an individual at birth.[11] Given that health is influenced by several factors including access to clean water, housing quality, income, and education, it is unsurprising that the Indigenous population groups have lower life expectancies for both males and females than non-Indigenous populations [Figure 7].

[11] Statistics Canada, “Life expectancy,” September 28, 2016.

Figure 8.



Source: Tjepkema, Bushnik, and Bougie, 2019.

In 2011, life expectancy for men was 72.5 years for First Nations, 76.9 years for Métis, and 70 years for Inuit.[12] However, for men in First Nations, it was estimated that in 2011, the probability of living to age 75 was 53.2%, 64% for Métis men communities, and 50.8% for Inuit men [see Figure 8]. Comparatively, life expectancy for non-Indigenous men was 81.4 for non-Indigenous men with a 75.7% chance of living to age 75. Females in Indigenous population groups fair slightly better in terms of life expectancy, with 77.7 years for First Nations, 82.3 years for Métis, and 76.1 for Inuit. First Nations, Métis, and Inuit women have probabilities of 65.9%, 73.8%, and 63.1%, respectively, of living to age 75 [see Figure 8]. Non-Indigenous women still fair much better with a life expectancy of 87.3 years and an 83.8% probability of living to at least 75 years of age.

Discussion

Overall, health indicators like life expectancy suggest that there are disparities in health between Indigenous population groups and non-Indigenous Canadians. This is supported by data for health outcomes, which almost always produce negative results for Indigenous Canadians relative to the non-Indigenous segment of the population. While these are important results, data used for this brief is dated, with most measures of health being reported from nearly a decade ago. While there is more recent data available for Canadians in general, this data is not available at the level of Indigenous identity, rendering comparisons between Indigenous and non-Indigenous segments of the Canadian population extremely difficult. Although it is not difficult to imagine that

[12] Michael Tjepkema, Tracey Bushnik and Evelyne Bougie, "Life expectancy of First Nations, Métis and Inuit household populations in Canada," *Statistics Canada Health Reports*, (December 18, 2019: 5..

health disparities persist in 2020, more recent data is necessary to fully understand the current nature of disparities.

From a policy perspective, what is important to take away from this brief is that there have been disparities in health between Indigenous and non-Indigenous Canadians that have persisted throughout the history of this country. While this brief has explored some of the potential underlying reasons as to why disparities exist, such as the use of alcohol and prevalence of smoking, more research is necessary to uncover the true impacts of other causes of differential health outcomes. Among the list of things that may be key contributors are access to clean and safe water, housing and overcrowding in living conditions, and access to quality health care. By better understanding the causes of differential health outcomes, policy can be guided to alleviate differences and promote the health of all Canadians.

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Tjepkema, Michael, Tracey Bushnik and Evelyne Bougie. “Life expectancy of First Nations, Métis and Inuit household populations in Canada.” *Statistics Canada Health Reports*, December 18, 2019:https://www150.statcan.gc.ca/n1/pub/82-003-x/2019012/article/00001-eng.htm

Appendix C: Housing

The State of Housing in First Nation Communities

Access to safe, secure, and affordable housing plays a critical role in personal stability and overall quality of life. Studies have shown that access to housing is a socioeconomic indicator of both physical and mental health.[1] As people living in a developed economy, the majority of Canadians typically have access to adequate housing. First Nation communities in Canada, however, still notice overcrowding, poor states of repair, inadequate infrastructure, and issues relating to the affordability of housing. Of homes on-reserve, only three quarters are considered adequate for living by First Nation housing managers.[2] The Assembly of First Nations (AFN) has consistently expressed concern with the living conditions in First Nation communities. Mould contamination, lack of infrastructure, and obstacles to accessing housing programs are commonplace for on-reserve First Nation communities.[3]

The *2016 Census of Population* (Census) is the most recent source of Canadian housing data. An assessment of Census data reveals that there are disparities in living conditions between on- and off-reserve communities. The remainder of this brief will examine the Census data and analyze key housing areas where disparities between Indigenous populations and the general population exist. This brief will also explore disparities between on- and off-reserve populations in Canada.[4] Two particular variables that will be examined from the 2016 Census data are the number of dwellings in need of repair and the number of persons per room in a given dwelling. The number of dwellings in need of repair categorizes dwellings as one of "regular maintenance needed," "minor repairs needed," or "major repairs needed." This measure provides an approximation of the quality of housing amongst the population segments of interest. Persons per room categorizes dwellings as "1 person or fewer per room" or "more than 1 person per room." The latter is subdivided into "more than 1 person but less than 1.50" and "1.50 persons or more." The persons per room variable estimates the degree of overcrowding in the populations of interest.

Dwellings in Need of Repair

Observing the general population (the population of Canada, regardless of Indigenous identity or geography), the Census data estimates 22,933,440 (66.6%) people live in dwellings that require regular maintenance, 9,227,860 (26.8%) live in

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[1]Kathryn MacKay and John Wellner, “Housing and health: OMA calls for urgent government action, housing-supportive policies to improve health outcomes of vulnerable populations,” *Ontario Medical Association Health Promotion*. (July 2013); Lisa Garnham and Steve Rolfe, "Housing as a social determinant of health: evidence from the Housing through Social Enterprise study," (2019), 41.

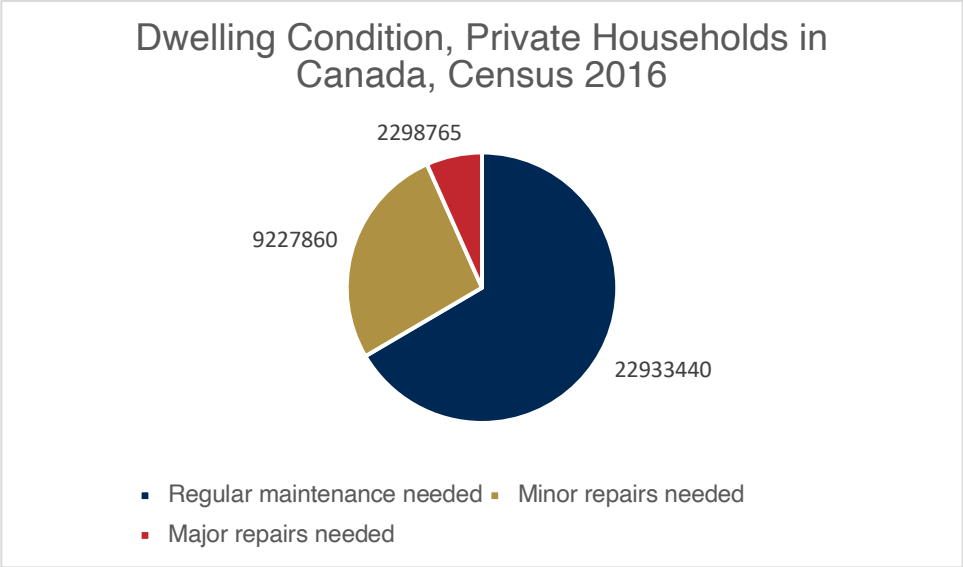
[2] Indigenous and Northern Affairs Canada (INAC), “Evaluation of On-Reserve Housing,” (January 2017).

[3] Assembly of First Nations (AFN), “Fact Sheet – First Nations Housing On-Reserve,” (June 2013).

[4] “Aboriginal identity” is defined as an amalgamation of the 2016 census responses “First Nations (North American Indian),” “Métis,” “Inuk (Inuit),” “Multiple Aboriginal responses,” and “Aboriginal responses not included elsewhere.”

dwellings that require minor repairs, and 2,298,765 (6.7%) live in dwellings that require major repairs [Figure 1.].[5]

Figure 1.

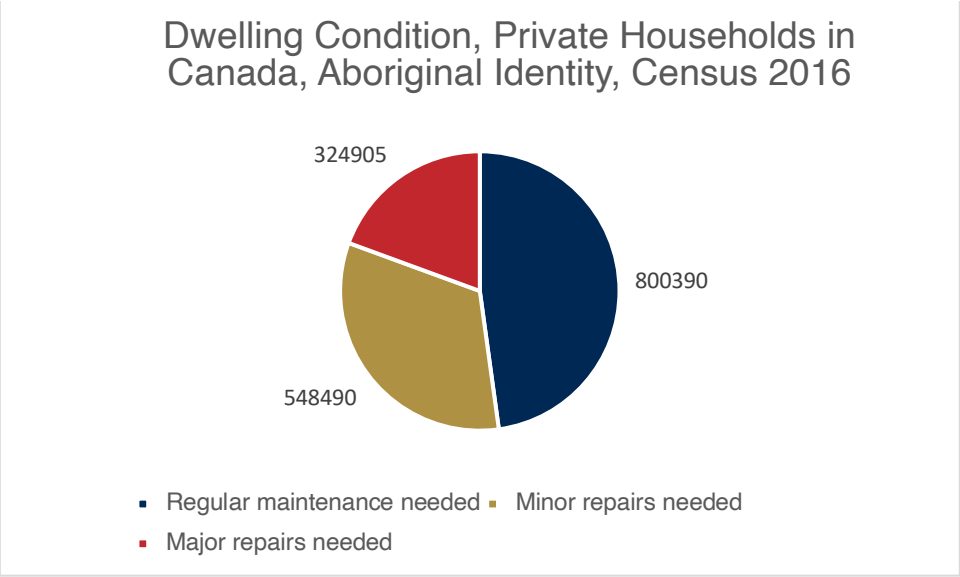


Source: Statistics Canada.

By contrast, the Census estimates that of Canadians with Indigenous identity 800,390 (47.8%) live in dwellings that require regular maintenance, 548,490 (32.8%) live in dwellings that require minor repairs, and 324,905 (19.4%) live in dwellings that require major repairs [Figure 2].[6]

[5] Statistics Canada. 2017, "Aboriginal Identity, Dwelling Condition, Registered or Treaty Indian Status, Residence by Aboriginal Geography, Age and Sex for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data," *2016 Census*. 98-400-X2016164, Modified 2019-06-17.
[6] Statistics Canada, 98-400-X2016164.

Figure 2.

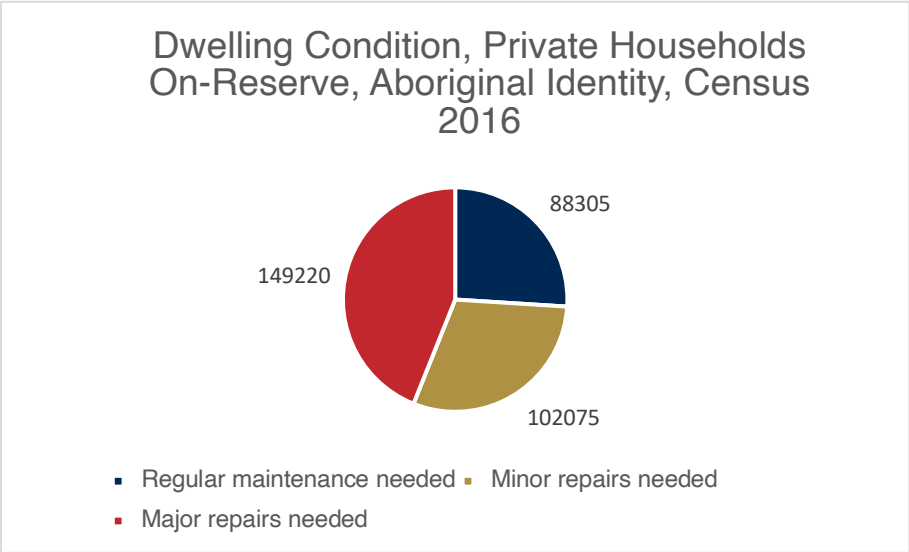


Source: Statistics Canada

Overall, the Census estimates that roughly half of Indigenous-identifying Canadians live in a dwelling in need of some type of repair (minor or major), while only one-third of the general population lives in a dwelling of similar conditions. When considering Canadians of Indigenous identity who live on-reserve, the Census estimates that 88,305 (26%) live in dwellings that require regular maintenance, 102,075 (30%) live in dwellings that require minor repairs, and 149,220 (44%) live in dwellings that require major repairs [Figure 3].[7] That is to say that the Census estimates three-quarters of Indigenous identity Canadians living on-reserve live in households that require some degree of repair.

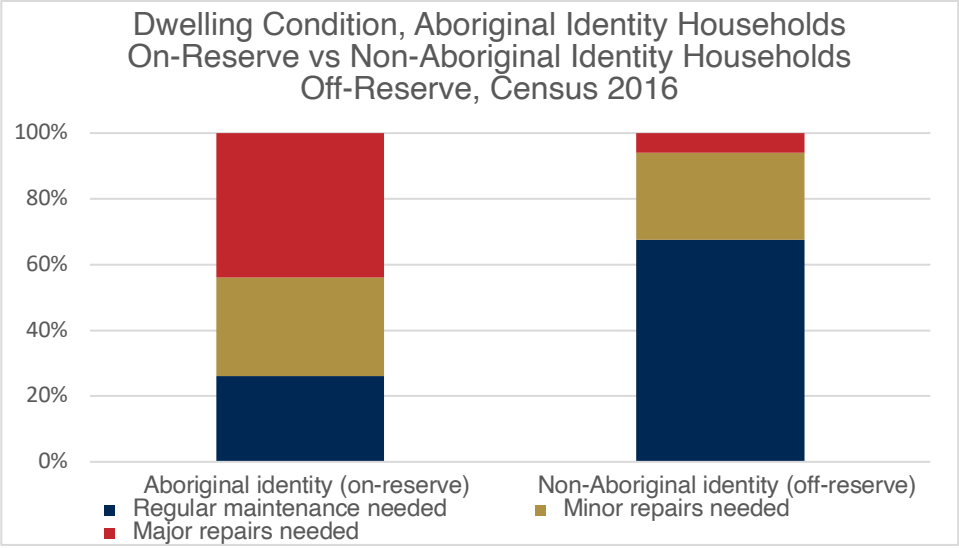
[7] Statistics Canada, 98-400-X2016164.

Figure 3.



Source: Statistics Canada.

Figure 4.



Source: Statistics Canada.

The differences in estimated dwelling conditions are between the Indigenous identity population living on-reserve, and the non-Indigenous identity population living off-reserve are compared in Figure 4. The Census approximates that 22,105,415 (68%) non-Indigenous identity Canadians residing off-reserve live in dwellings that require regular maintenance, while 8,670,250 (26%) live in dwellings that require minor repairs, and 1,969,855 (6%) live in dwellings that require major repairs [see Figure 4].[8] The Census estimates suggest that the population living on-reserving and reporting

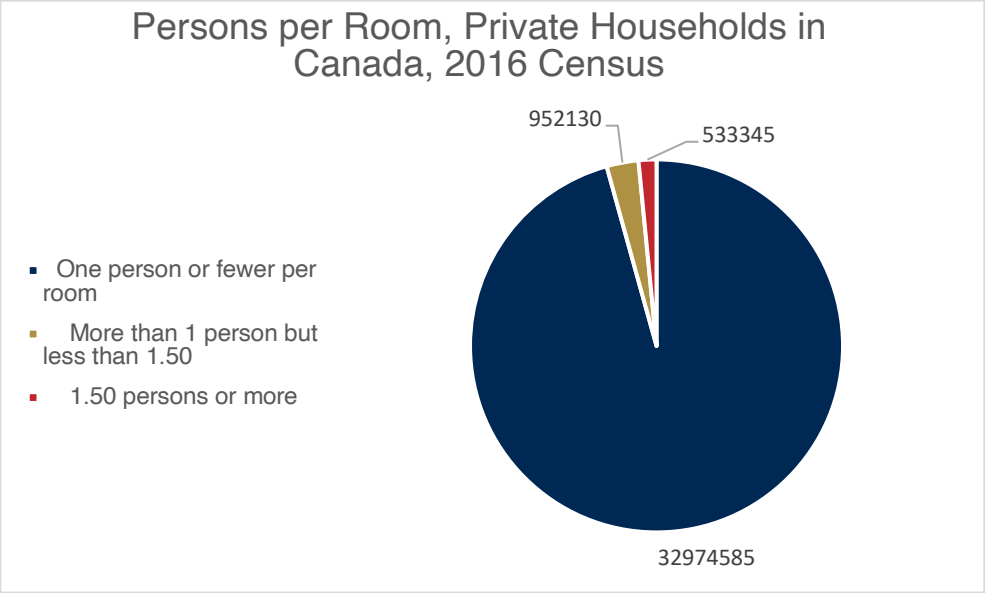
[8] Statistics Canada, 98-400-X2016164.

Indigenous identity are more than twice as likely than those of non-Indigenous identity living off-reserve to reside in a dwelling requiring some degree of repair.

Persons per Room

The Census estimates that in the general Canadian population 32,974,585 (95.7%) people live in dwellings the have 1 person or fewer per room, 952,130 (2.8%) live in dwellings with more than 1 person but less than 1.5, and 533,345 (1.5%) live in dwellings with more than 1.5 people per room [Figure 5].[9]

Figure 5.



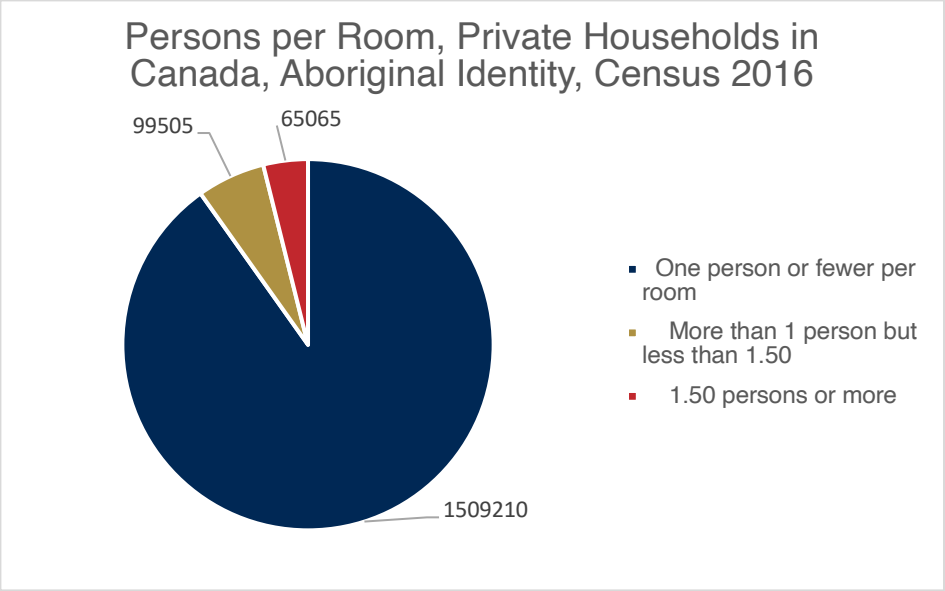
Source: Statistics Canada

The Census estimates that of Canadians with Indigenous identity 1,509,210 (90.2%) live in dwellings with 1 person or fewer per room, 99,505 (5.9%) live in dwellings with between 1 and 1.5 persons per room, and 65,065 (3.9%) live in dwellings with more than 1.5 persons per room [Figure 6].[10] The estimates suggest that roughly 9.8% of the Indigenous identity population live in dwellings with more than one person per room, while 4.3% of the general population live in dwellings with more than one person per room.

[9] Statistics Canada. 2017, "Aboriginal Identity, Number of Persons per Room, Registered or Treaty Indian Status, Housing Suitability, Residence by Aboriginal Geography, Age and Sex for the Population in Private Households of Canada, Provinces and Territories, 2016 Census - 25% Sample Data," *2016 Census,* 98-400-X2016163. Modified 2019-06-17.

[10] Statistics Canada, 98-400-X2016163.

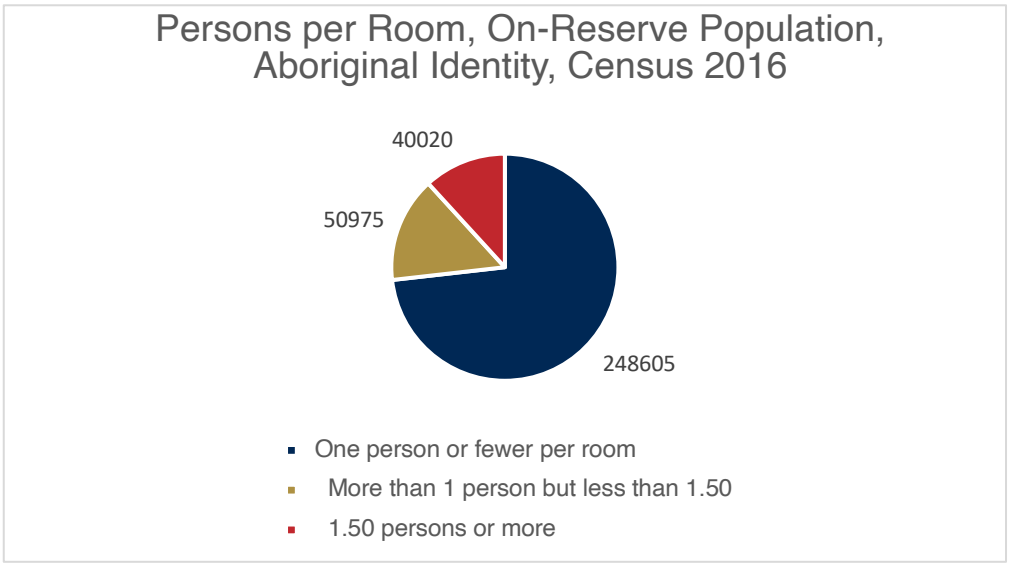
Figure 6.



Source: Statistics Canada

As was the case with the repair of dwelling, variation in persons per room becomes more pronounced when observing the estimation of the Indigenous identity population who also live on-reserve. The Census estimates that of those with Indigenous identity who also live on-reserve 248,605 (73%) live in dwellings with 1 person or fewer per room, 50,975 (15%) live in dwellings with between 1 and 1.5 persons per room, and 40020 (12%) live in dwellings with more than 1.5 persons per room [Figure 7].[11]

Figure 7.

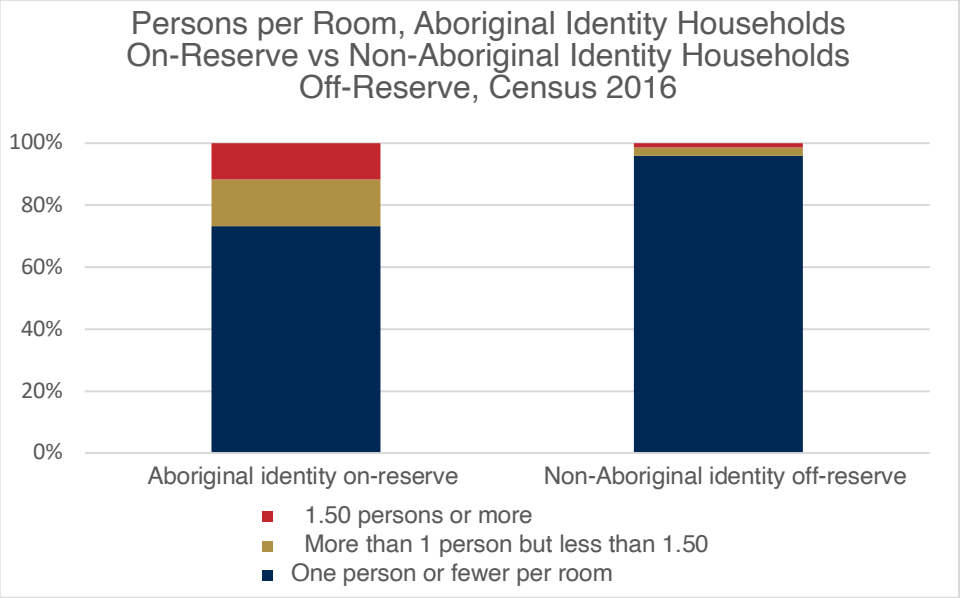


Source: Statistics Canada.

[11] Statistics Canada, 98-400-X2016163.

Inequalities are apparent when comparing the Indigenous identity population living on-reserve with the non-Indigenous identity population living off-reserve. The Census estimates that of non-Indigenous identity Canadians living off-reserve, 31,425,775 (96%) live in dwellings with 1 person or fewer per room, 851,920 (3%) live in dwellings with more than 1 person but less than 1.5 persons per room and 467,825 (1%) live in dwellings with more than 1.5 persons per room [Figure 8].[12] Overall, Indigenous identifying Canadians living on-reserve are about eight times more likely than non-Indigenous identifying Canadians living off-reserve to live in crowded conditions of more than one person per room in a household.

Figure 8.



Source: Statistics Canada.

Discussion

Studies have shown that access to safe, secure, and affordable housing is a socioeconomic indicator of both physical and mental health while also being a contributor to overall well-being. The vast majority of Canadians live in homes that are of acceptable repair and are not overcrowded. The same cannot be said for the segment of the population living in First Nation communities. Estimates from the *2016 Census of Population* suggest that there exist disparities in housing quality and living conditions between Indigenous identity Canadians and the rest of the population. Notably, the Census estimates suggest that the population living on-reserve and reporting Indigenous identity are more than twice as likely than those of non-Indigenous identity living off-reserve to reside in a dwelling requiring some degree of repair and

[12] Statistics Canada, 98-400-X2016163.

about eight times more likely to live in crowded conditions. These estimates speak to the concerns of groups like AFN regarding the living conditions on-reserve in Canada. Nevertheless, the Census only produces an estimate of living conditions. Conducting more comprehensive surveys and collecting data on housing at a larger scale and a greater degree of granularity may allow for more concrete conclusions about the state of housing in First Nation communities in Canada to be drawn.

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Statistics Canada. 2017. "Aboriginal Identity, Number of Persons per Room, Registered or Treaty Indian Status, Housing Suitability, Residence by Aboriginal Geography, Age and Sex for the Population in Private Households of Canada, Provinces and Territories, 2016 Census - 25% Sample Data." *2016 Census.* 98-400-X2016163. Modified 2019-06-17. [https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dt-td/Rp-eng.cfm?TABID=2&LANG=E&A=R&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=01&GL=-1&GID=1334853&GK=1&GRP=1&O=D&PID=110518&PRID=10&PTYPE=109445&S=0&SHOWALL=0&SUB=0&Temporal=2017&THEME=122&VID=0&VNAME=&VNAMEF=&D1=0&D2=0&D3=2&D4=0&D5=0&D6=0]

Appendix D: Water

The State of Access to Water in First Nation Communities

Water is an essential part of human life to which many Canadians enjoy safe, secure, and regular access. Canada is home to the third-largest supply of renewable fresh water in the world, with 103,899 m^3 per capita.[1] With access to a vast supply of water, the majority of Canadians avoid the consequences of consuming contaminated water, which include preventable conditions like cholera, diarrhea, dysentery, hepatitis A, and polio.[2] Studies have shown that drinking contaminated water is associated with a 5 to 7% lower likelihood of reporting good health and a 4% higher probability of reporting a health condition or stomach problem.[3] Despite the ubiquity of water found in Canada and the global understanding of the vital role water plays in human well-being, there remain significant gaps in the ability to access water in First Nation communities across the country. Access to safe and clean drinking water has been recognized internationally by the United Nations General Assembly as a human right since 2010.[4] The lack of access to water in First Nation communities has been seen internationally as Canada failing to uphold its commitments under the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), while also failing to uphold its legal obligations under treaties like the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR).[5] Canada has been urged in recent years by the United Nations Committee on Economic, Social, and Cultural Rights to fulfill its commitment to ensure safe drinking water and sanitation for First Nations while also promoting their active participation in water planning and management.[6]

The ability to access water is often viewed as a binary topic in that one either can or cannot access water safely. However, access to water is a multi-dimensional issue that relies on several components. The Center for Disease Control and Prevention (CDC), the United Nations International Children's Emergency Fund (UNICEF) and the World Health Organization (WHO) have adopted a method of assessing access to water based on the incidence of "improved drinking water sources," which encapsulates the complexities of access to water. Examples of improved drinking water sources include: piped household water connection, public standpipe, borehole, protected dug well, protected spring, and rainwater collection.[7] Among unimproved drinking water sources are: unprotected dug well, unprotected spring, surface water (river, dam, lake, pond, stream, canal, irrigation channel), vendor-provided water (cart with small tank/drum,

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[1] Statistics Canada, "Human Activity and the Environment 2016: Freshwater in Canada," (2017), https://www150.statcan.gc.ca/n1/pub/16-201-x/16-201-x2017000-eng.htm.

[2] World Health Organization (WHO), "Drinking-water," (2020), https://www.who.int/news-room/fact-sheets/detail/drinking-water#:~:text=Key%20facts,at%20least%20a%20basic%20service..

[3] Melanie O'Gorman, and Stephen Penner, "Water infrastructure and well-being among First Nations, Métis and Inuit individuals in Canada: what does the data tell us?," *Environmental Science and Pollution Research* 25, no. 33 (February 8, 2018): 33041.

[4] United Nations (UN), "Resolution adopted by the General Assembly on 28 July 2010," (August 3, 2010).

[5] Human Rights Watch (HRW), "Make it Safe: Canada's Obligation to End the First Nations Water Crisis," (2016).

[6] United Nations Committee on Economic, Social and Cultural Rights, "Concluding observations on the sixth periodic report of Canada," E/C.12/CAN/CO/6, (March 23, 2016), paragraph 44.

[7] Centers for Disease Control and Prevention (CDC), "Assessing Access to & Sanitation," (June 22, 2017).

tanker truck), bottled water, and tanker truck water.[8] One may technically have access to water if the only means of doing so is through bottled or trucked water. However, this method of accessing water is inconvenient, expensive for individuals, and environmentally unsustainable. That is why such methods are considered unimproved sources of drinking water by the CDC, UNICEF, and WHO. Likewise, having access to water by a pipe through community water systems, although convenient, neglects that such water may be unsafe for daily use if the source water is highly contaminated or if the treatment facility is poorly monitored.

At the federal level, Canada has failed to adopt similar standards for access to water. Health Canada does employ the *Guidelines for Canadian Drinking Water Quality*, designed to direct the focus of water quality regulation for provinces and territories.[9] Quality of water, while essential, is only part of the story. When judging access to water, it is also important to consider how individuals get their water, and whether or not quality water is easily accessible. Canadians learned this through the tragedy in Walkerton, Ontario, after nearly half of the community fell ill, and seven people died from an E. coli outbreak in the summer of 2000.[10] In the wake of the Walkerton tragedy, it became incumbent upon the provinces and territories to regulate water quality within their jurisdictions. In the early 2000s, provincial governments adopted a multi-barrier approach to protecting the drinking water supply, which includes source water protection, water treatment, water monitoring, and on-going water supply management for communities in their jurisdiction.[11] The multi-barrier approach ensures that Canadians not only have water that is easily accessible but also safe for daily use.

First Nation communities, however, do not benefit from the multi-barrier strategy to water supply protection and are at a disadvantage in terms of the way water quality is regulated. Since on-reserve communities are considered Crown land, and thus under the direct control of the federal government, they do not benefit from the protection afforded to non-reserve communities by provincial water quality standards. In practice, it is the First Nation chiefs and band council that are responsible for providing services, including water systems, on-reserve through a budget provided by the federal government.[12] This system has the federal government cover a portion of the operations and maintenance costs for First Nation public water systems, leaving a 20 percent gap to be filled by First Nation communities themselves, regardless of the community's ability to contribute necessary funds.[13] While there was a framework for regulating the

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[8] CDC, 2017.
[9] Government of Canada, "Drinking water quality in Canada," (2019), https://www.canada.ca/en/health-canada/services/environmental-workplace-health/water-quality/drinking-water.html.
[10] CBC News, "Inside Walkerton: Canada's worst-ever E. coli contamination," (May 10, 2010), https://www.cbc.ca/news/canada/inside-walkerton-canada-s-worst-ever-e-coli-contamination-1.887200#:~:text=Canada's%20worst%2Dever%20outbreak%20of,in%20the%20local%20water%20system.
[11] Dan Walters, Nicholas Spence, Kayli Kuikman, and Budhendra Singh, "Multi-Barrier Protection of Drinking Water Systems in Ontario: A Comparison of First Nation and Non-First Nation Communities," *International Indigenous Policy Journal* 3, no. 3 (2012): 1.
[12] HRW, 2016.
[13] HRW, 2016.

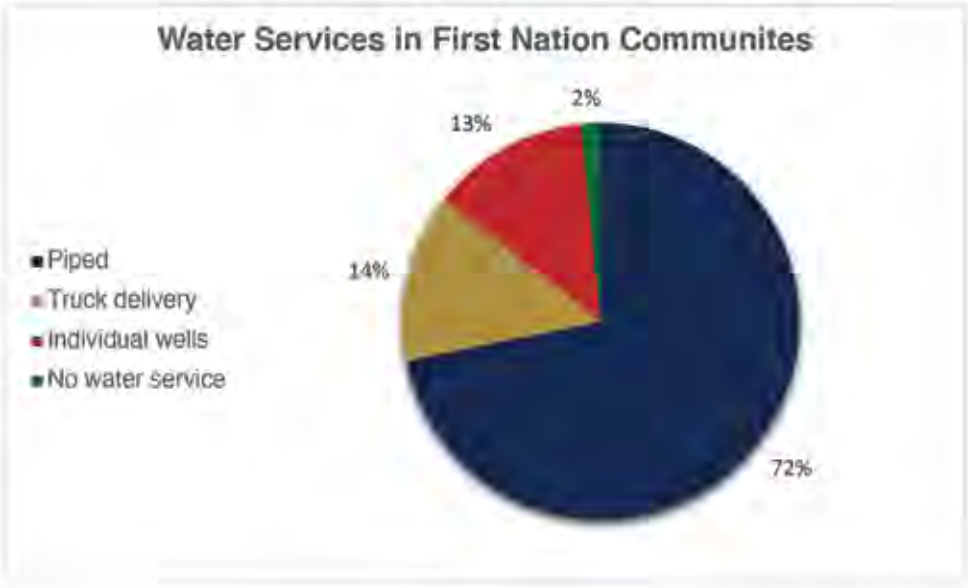
quality of the water supply in First Nation communities set forth by Indigenous and Northern Affairs Canada (INAC) in 2013, such measures are largely symbolic as they do not impose legally binding obligations for community water systems to reach a certain threshold for water quality.[14] The INAC framework was criticized by leaders in First Nation communities for failing to consult with the communities themselves appropriately.[15]

By contrast, a given non-reserve water system is subject to strict regulations and standards controlled by all levels of government. At the federal level, Health Canada's Water and Air Quality Control Bureau conducts research and development for community water systems.[16] Since the Walkerton tragedy, it has been the provincial government's responsibility to oversee day-to-day regulation of water quality. Municipal governments are to oversee the day-to-day operation of water treatment facilities.[17] While off-reserve communities have their water systems monitored by each level of government in some capacity, First Nation communities are responsible for operating, maintaining, and even funding portions of their water systems with little external aid. Given the governance gap, any disparities that may arise between First Nation communities and the general population in terms of access to water are unsurprising.

The issue of access to water in Canada has been poorly informed due to gaps in data collection and availability on the subject. The most notable effort to gather data on water quality, availability, and overall risk was undertaken by Neegan Burnside Limited at the direction of INAC and was published in 2011. The purpose of this survey was to highlight deficiencies in First Nation water and wastewater systems, identify water needs for each community, and guide infrastructure projects for the following decade.[18] Through a survey of 571 First Nation communities and 807 water systems, data was collected in addition to a risk level analysis conducted per INAC guidelines.[19]

[14] Indigenous Services Canada (ISC), "Safe Drinking Water for First Nations Act," (June 23, 2017).
[15] HRW, 2016.
[16] Government of Canada, 2019.
[17] Government of Canada, 2019.
[18] Neegan Burnside ltd, "National Assessment of First Nations Water and Wastewater Systems," (April 2011): 1.
[19] Neegan Burnside ltd, 1.

Figure 1.



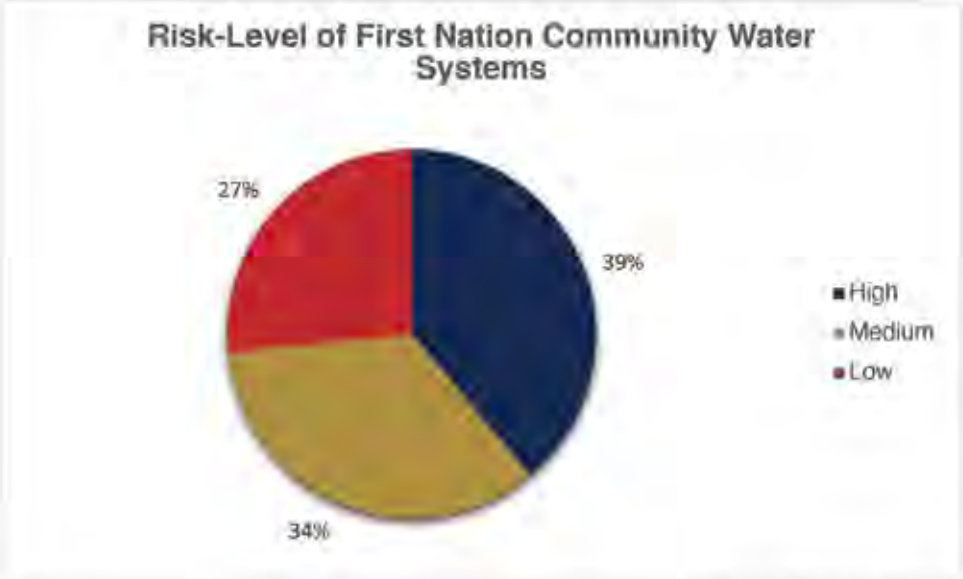
Source: Neegan Burnside Ltd. (2011)

Of the homes in the 571 First Nation communities that participated in the study: 72% (81,026) of homes are piped, 13.5% (15,451) of homes receive on truck delivery, 13% (14,479) of homes are serviced by individual wells, 1.5% (1,880) of homes are reported to have no water service.[20] The report demonstrates that over one-quarter of homes in First Nation communities were getting their water from what the CDC, UNICEF, and WHO would consider to be unimproved drinking water sources. Moreover, these results suggest that thousands of homes in First Nation communities lack the basic infrastructure necessary to access water easily, if at all.

For the 807 First Nation community water systems, risk was calculated as a weighted average of source (10%), design (30%), operations (30%), reporting (10%), and operators (20%).[21]

[20] Neegan Burnside ltd, 4.
[21] Neegan Burnside ltd, 16.

Figure 2.



Source: Neegan Burnside Ltd. (2011)

Of the 807 water systems inspected: 314 (39%) were high overall risk, 278 (34%) were medium overall risk, and 215 (27%) were low overall risk.[22] Notably, while high overall risk was the most common risk level amongst on-reserve water systems, this categorization represents roughly one-quarter of the on-reserve population.[23] In general, small water systems are of a higher risk level than large water systems due to the lack of resources available to operate on the same scale.[24] The authors also note that the overall risk of a given system increases with the degree of community remoteness.[25]

Beyond the Neegan Burnside report, publicly available data regarding access to water in First Nation communities was also documented by the First Nations Information Governance Centre (FNIGC) through the First Nations Regional Health Survey (FNRHS, or RHS for short), most recently published in March 2018. The latest iteration is a cross-sectional survey of 23,764 individuals within 253 First Nation communities conducted between March 2015 and December 2016 (a 78.1% response rate). Of these responses, 76.1% were considered useable for the final analysis.[26] The focus of the RHS is broad but does contain a section devoted to access to water in First Nation communities. In terms of methods of accessing water, the 2015-16 RHS findings were similar to that of the Neegan Burnside report in 2011 [Figure 3]: 71.3% of surveyed First Nation adults reported the primary source of water supply in their household to come from piped-in water, 16.4% reported trucked in water as the primary source of water supply, 9.9% reported using either an individual or shared well, while the remaining

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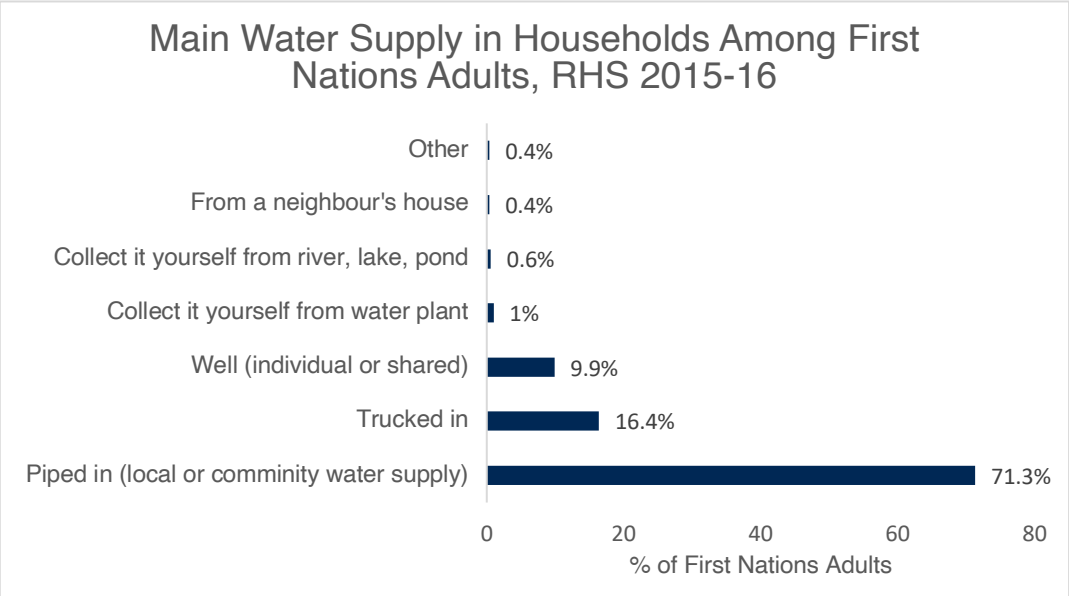
[22] Neegan Burnside ltd, 16.
[23] Neegan Burnside ltd, 36.
[24] Neegan Burnside ltd, 36.
[25] Neegan Burnside ltd, 19.
[26] First Nations Information Governance Centre (FNIGC), "National Report of The First Nations Health Survey Phase 3: Volume One," Ottawa, (March 2018): 13.

2.4% reported other ways of getting water, including collecting it themselves from a water plant, river, lake, pond, or from a neighbour's house.[27]

Figure 3.



Source: FNIGC RHS 2015-16

Additionally, the RHS found that 72.5% of First Nation adults consider their primary water source to be safe for year-round drinking, an improvement from 64.2% in the 2008-2010 survey while finding no statistically significant differences among urban, rural, and remote communities in terms of drinking water perception.[28] The overwhelming majority of surveyed First Nation adults had access to both cold and hot water from the tap (97.9% and 97.4%, respectively), according to the RHS.[29] The RHS found that 77.9% of those who considered their water safe for year-round drinking reported having water piped in from local or community water supply, compared to 54.4% of those who did not consider their water safe for year-round drinking.[30] Overall, the results from the RHS suggest that having access to water from a tap does not mean that water is necessarily safe for daily use. As a result, individuals who cannot trust water from a tap will explore other alternatives, like trucked or bottled water, which are considered to be unimproved sources of drinking water by the CDC, UNICEF, and WHO.

In the time since the Neegan Burnside report and 2015-16 RHS were published, the government of Canada has invested billions of dollars in infrastructure projects to

[27] FNIGC, 32.
[28] FNIGC, 32.
[29] FNIGC, 30.
[30] FNIGC, 32.

end all long-term drinking water advisories (L-T DWA) on public systems on-reserves.[31] The federal government has made progress towards this goal. When the mass infrastructure projects began in November 2015, there were 105 L-T DWAs on public systems on-reserves across the country.[32] Since then, the federal government has funded 441 projects to repair, upgrade, or build infrastructure, 59 supporting projects and initiatives, and 74 feasibility studies and projects in the design phase.[33] The infrastructure expansion project has helped resolve 88 L-T DWAs and is projected to reach its goal of eliminating such advisories by March 2021.[34]

Despite the progress of the federal government's project, significant challenges towards First Nation community drinking water will persist upon the project's completion. The approach of the federal government's infrastructure spending is focused solely on ending long-term drinking water advisories on public systems on-reserve. This approach neglects the nearly 500 non-public drinking water systems on-reserve that, rather than being the responsibility of the federal government, these are the responsibility of the owner, operator, or other stakeholders.[35] Another potential problem with the approach taken by the federal government is that the infrastructure projects may ultimately be temporary solutions, and that long-term drinking water advisories may be replaced by more frequent and persistent short-term drinking water advisories (S-T DWA). As of July 24, 2020, there are 45 S-T DWAs across the country, not including DWAs in British Colombia and within the Saskatoon Tribal Council. [36] Additionally, previous research suggests that large-scale infrastructure projects, like the one currently being undertaken by the federal government, have been mostly unsuccessful due to the high cost of water treatment plants relative to the small population bases they will serve.[37] A proposed solution to this problem is a more holistic water system improvement, focusing on watershed and groundwater protection as part of a multi-barrier approach similar to that adopted by the provinces following the Walkerton tragedy.[38]

Access to water is a critical component of human health, and a fundamental human right recognized internationally that is absent from First Nation communities across Canada. Despite recent efforts from the federal government, there still exist significant legal, regulatory, and logistical challenges impeding the expansion of access to water. Of particular concern is the gap in regulation and governance of water quality between on- and off-reserve communities. Harmonizing the regulation of water quality

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[31] Indigenous Services Canada (ISC), "Ending long-term drinking water advisories," (February 17, 2020), https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660.
[32] ISC, 2020.
[33] ISC, 2020.
[34] ISC, 2020.
[35] Indigenous Services Canada (ISC), "Long-term advisories affecting water systems not financially supported by the Government of Canada South of 60," (April 18, 2019), https://www.sac-isc.gc.ca/eng/1516134315897/1533663683531.
[36] Indigenous Services Canada (ISC), "Short-term drinking water advisories," (May 25, 2020), https://www.sac-isc.gc.ca/eng/1562856509704/1562856530304.
[37] Robert J Patrick, "Uneven access to safe drinking water for First Nations in Canada: Connecting health and place through source water protection," *Health & place* 17, no. 1 (2011): 387.
[38] Patrick, 387.

to the provincial level may allow for improved outcomes in access to safe and clean water. Additionally, a lack of recent and relevant data on access to water in First Nation communities obstructs the degree to which conclusions can be drawn on the subject. As such, one thing to take away from this brief is the need for rigorous, granular, and regular data collection on access to water not only for First Nation communities but for the general population. By doing so, it may be possible to guide policy in a manner that alleviates disparities in access to water for all Canadians.

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Walters, Dan, Nicholas Spence, Kayli Kuikman, and Budhendra Singh. “Multi-Barrier Protection of Drinking Water Systems in Ontario: A Comparison of First Nation and Non-First Nation Communities.” International Indigenous Policy Journal 3, no. 3, (2012).

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Appendix E: Food Insecurity

Food Sovereignty and Security in First Nation Communities

Food insecurity is defined as inadequate or insecure access to food due to financial constraints.[1] This measure ranges from marginal to severe, based on the intensity of the situation. In practice, marginal food insecurity may resemble a household running out of food before there is money to buy more while, in extreme cases, severely food insecure households may go days without eating due to lack of food or money for food.[2] Like many measures of poverty, food insecurity is a clear mark of a general inability to afford or have access to items necessary to live a decent life. A primary contributor to any level of food insecurity is food sovereignty, defined as: "the right of peoples to healthy and culturally appropriate food produced through ecological and sustainable methods, and their right to define their food and agriculture systems."[3] The main difference between food security and food sovereignty is that the former describes an outcome while the latter describes a process.

Given that, in many cases, it is easier to quantify an outcome, the vast majority of the existing literature is focused on food security. There is a large and growing body of research that outlines the consequences of food insecurity on human health and well-being. One study from 2005 to 2017 found that Canadian adults suffering from food insecurity were more likely to die prematurely than food-secure adults, with those suffering from severe food insecurity dying on average nine years earlier than food-secure adults.[4] Other studies notice less severe consequences stemming from food insecurity, such as inadequate nutrient intake in adults.[5]

For children, however, particularly of school-age (5-17 years), studies have been unable to associate food insecurity with the same dietary compromise noticed in adults.[6] Hypothesis for this phenomenon are varied but are mainly since children, be it through school, friends, extracurricular activities, or work, have other ways of supplementing their nutrition. However, food-insecure children are less likely to meet expectations in school in both reading and mathematics when compared to their food-secure counterparts.[7] Moreover, the hunger that stems from persistent food insecurity can have

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[1] Valerie Tarasuk and A. Mitchell, "Household food insecurity in Canada," *Research to identify policy options to reduce food insecurity (PROOF)*, (2020), https://proof.utoronto.ca/wp-content/uploads/2020/03/Household-Food-Insecurity-in-Canada-2017-2018-Full-Reportpdf.pdf.

[2] Tarasuk and Mitchell, 2020.

[3] This definition comes from Food Secure Canada's website: https://foodsecurecanada.org/who-we-are/what-food-sovereignty

[4] Fei Men, Craig Gundersen, Marcelo L. Urquia and Valerie Tarasuk, "Association between household food insecurity and mortality in Canada: a population-based retrospective cohort study," *CMAJ* 192, 3, (January 20, 2020): E53-60.

[5] Sharon Kirkpatrick and Valerie Tarasuk, "Food Insecurity is Associated with Nutrient inadequacies among Canadian Adults and Adolescents," *The Journal of Nutrition*, 138, no 3, (2008): 604-612.

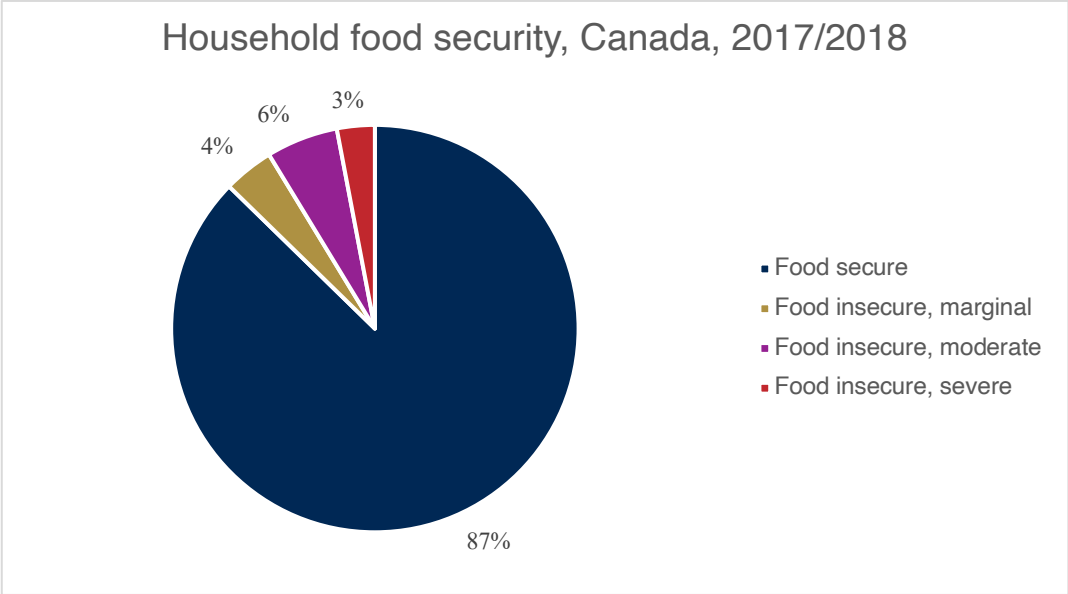
[6] Kirkpatrick and Tarasuk, 2008; Jayanta Bhattacharya, Janet Currie, and Steven Haider, "Poverty, food insecurity, and nutritional outcomes in children and adults," Journal of health economics 23, no. 4 (2004): 839-862.

[7] Erin L. Faught, Patty L. Williams, Noreen D. Willows, Mark Asbridge, and Paul J. Veugelers. "The association between food insecurity and academic achievement in Canadian school-aged children." *Public Health Nutrition* 20, no. 15, (2017): 2778-2785.

particularly disastrous consequences for children. Children that are consistently hungry children have been shown to experience a greater prevalence of chronic conditions and asthma when compared to children who are never hungry.[8]

In Canada, food insecurity is an issue that impacts millions of families and children every day. While roughly 87% of Canadian households are considered food secure, 13% (1.8 million) of households experienced some degree of food insecurity in 2017/2018.[9] Of Canadians who experienced food insecurity, 569,500 households were marginally food insecure, 817,400 were moderately food insecure, and 429,400 were severely food insecure [Table 1].

Figure 1.



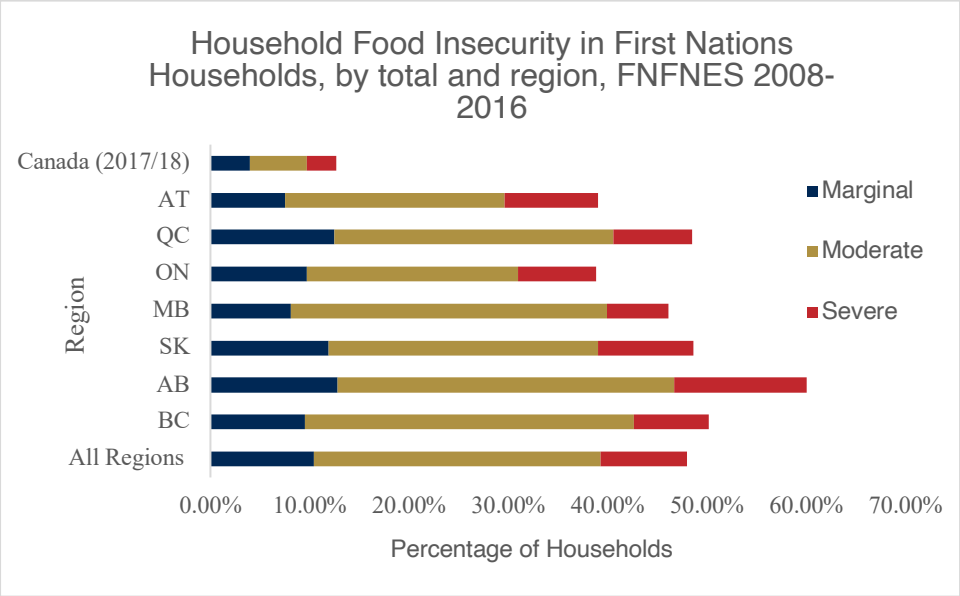
Source: Source: Statistics Canada, Table 13-10-0385-01.

Recently published First Nations Food, Nutrition, and Environment Study (FNFNES) suggests that Indigenous communities suffer from food insecurity to a significantly greater degree than the general Canadian population. The Study, which observed a large number of variables in 92 First Nations representative of 11 ecozones below the 60th parallel,[10] found that 47.9% of households in First Nation communities experienced some degree of food insecurity.[11] Regionally, food insecurity rates in First

[8] Sharon Kirkpatrick, Lynn McIntyre, and L. M. Potestio, "Child Hunger and Long-Term Adverse Consequences for Health," Archives of Pediatrics & Adolescent Medicine 164, no. 8 (August, 2010): 754.
[9] Statistics Canada, “Household food security by living arrangement,” Table 13-10-0385-01. DOI: https://doi.org/10.25318/1310038501-eng
[10] Because the Study took place in First Nation communities below the 60th parallel, data from this Study is unavailable for the Territories.
[11] Laurie Chan, Malek Batal, Tonio Sadik, Constantine Tikhonov, Harold Schwartz, Karen Fediuk, Amy Ing, Lesya Marushka, Kathleen Lindhorst, Lynn Barwin, Peter Berti, Kavita Singh and Olivier Receveur, “First Nations Food, Nutrition & Environment Study: Final Report for Eight Assembly of First Nations Regions: Draft Comprehensive Technical Report," *Assembly of First Nations, University of Ottawa, Université de Montréal*, (2019): 66.

Nation communities are highest in Alberta at 60%, while the lowest rate of food insecurity is found in First Nation communities in Ontario at 38.8%.[12] Figure 2 outlines the food insecurity findings of the Study by region throughout data collection (2008-2016), compared to the most recently available rate of food insecurity for the Canadian population.

Figure 2.



Source: Chan et al., 2019 and Source: Statistics Canada, Table 13-10-0385-01.

Since Chan et al. focuses on First Nation communities below the 60th parallel, food insecurity in Indigenous communities in the Territories is not reported. Nevertheless, Food insecurity is a significant issue in Canada's Territories. Statistics Canada data shows that in 2017/2018, each of the three Territories experienced elevated levels of food insecurity relative to the general Canadian population [Figure 3].[13] Food insecurity is prominent in Nunavut, with only 43.1% of households considered to be food secure.[14] These results outline that there does exist an issue of food insecurity in the Territories. However, Statistics Canada observes all households. If data were available in only Indigenous communities, the results would likely be more pronounced, particularly in Yukon and Northwest Territories.

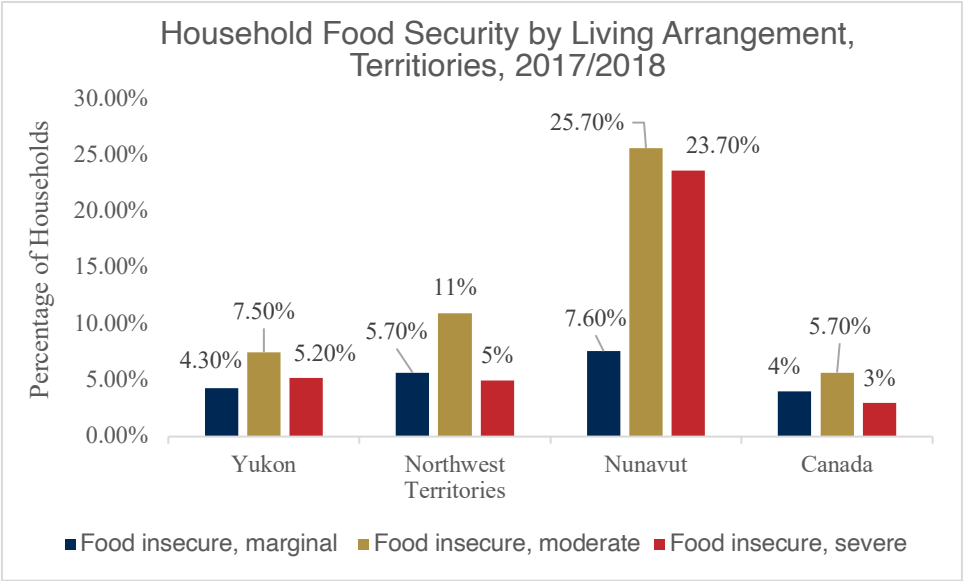
Food insecurity in each FNFNES region is more pronounced when observing households with and without children [Figure 4]. Across all regions, the prevalence of food insecurity is heightened within households that have children compared to those without. When only considering households with children, Alberta still notices the

[12] Chan et al., (2019): 66.
[13] Statistics Canada has indicated that portions of this data set should be used with caution.
[14] Statistics Canada, Table 13-10-0385-01.

highest proportion of food insecurity, with 64% of households, while the lowest proportion is found in Atlantic Canada with 44%. The highest proportion without children is in Alberta at 45%, while the lowest is in Ontario with 27%. Given the potential mental and physical health challenges food insecure children have demonstrated, these figures are particularly alarming. The outcomes for First Nation households with children are worse than the comparable general population. Food security for households with children less than 18 in the general population is displayed in Figure 5.

Households with children under 18 years old in the general population of Canada demonstrate lower levels of food insecurity than the total population, with 11.7% of such households demonstrating food insecurity.[15] These results, combined with the differences noticed between households with and without children from Figure 4, suggest that having children in First Nation communities may jeopardize food security.

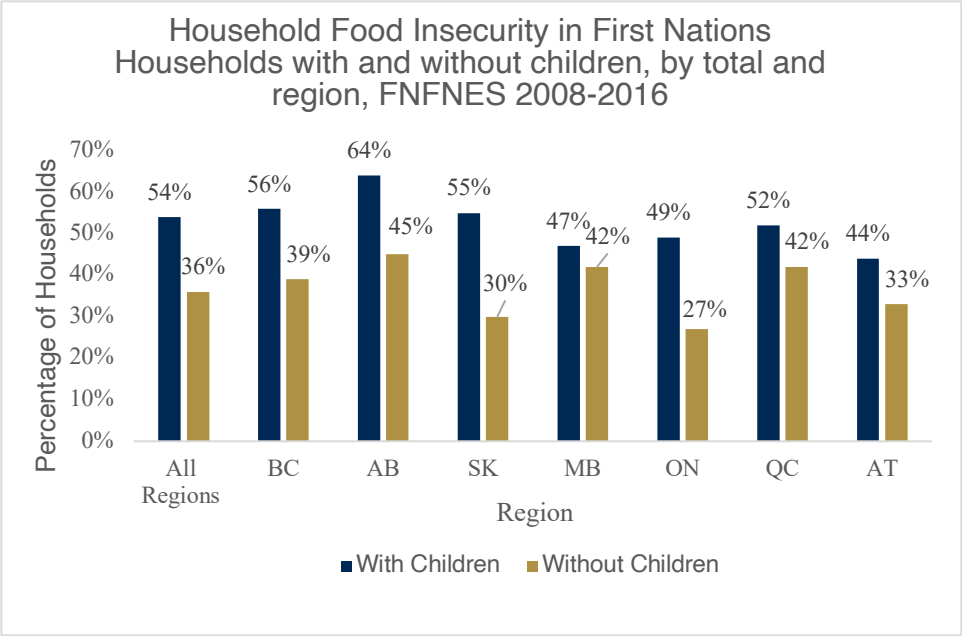
Figure 3.



Source: Source: Statistics Canada, Table 13-10-0385-01.

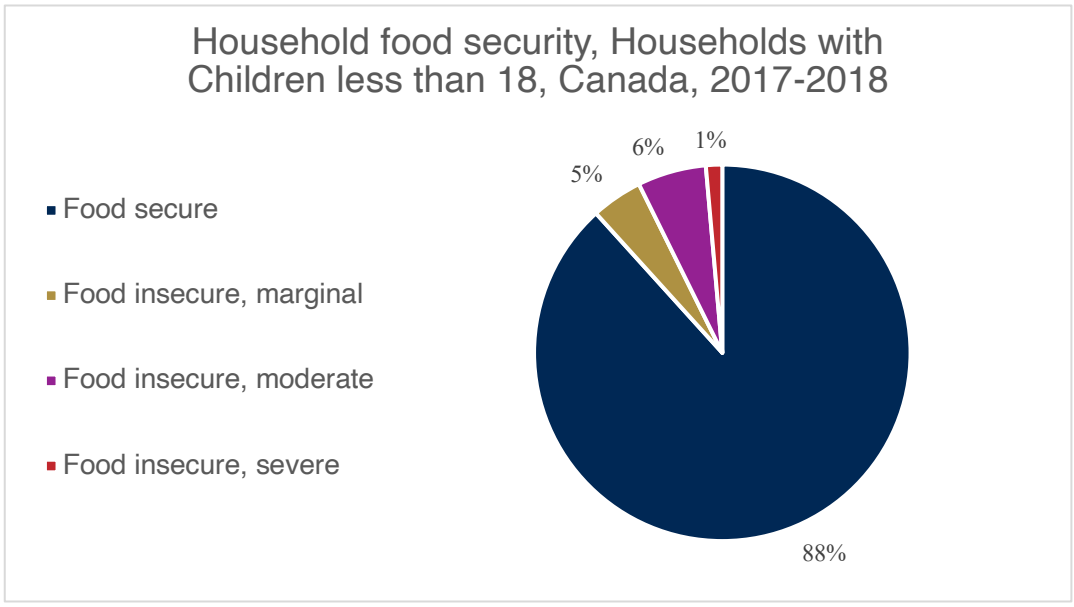
[15] Statistics Canada, Table 13-10-0385-01.

Figure 4.



Source: Chan et al., 2019.

Figure 5.



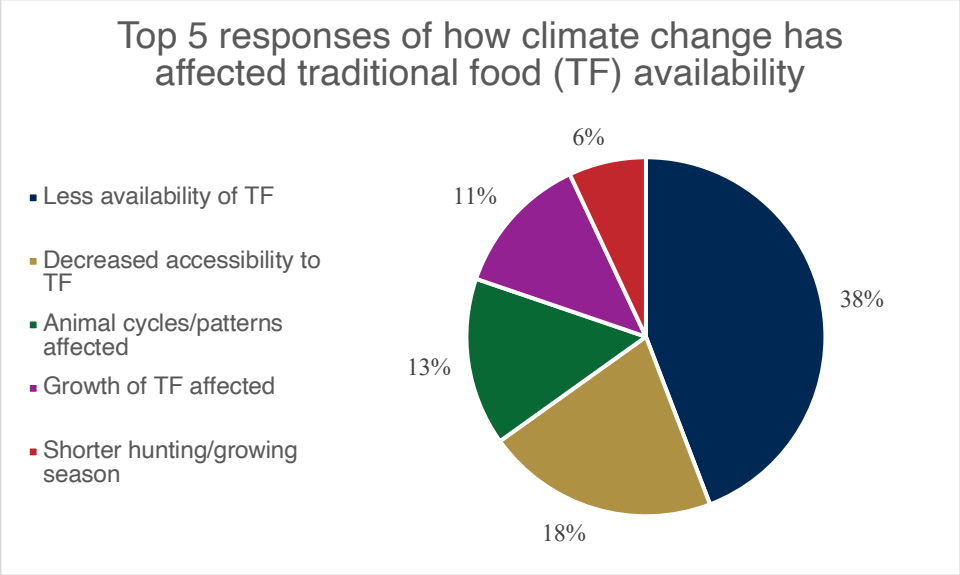
Source: Statistics Canada, Table 13-10-0385-01.

Alongside the findings of food insecurity, FNFNES also found diets of many First Nation adults to be nutritionally inadequate, likely a consequence of the elevated levels of food insecurity. One of the primary causes of food insecurity in First Nation communities appears to be a decline in food sovereignty, as traditional food access is failing to meet current needs. The process of food sovereignty is crucial to a people's cultural identity and plays a pivotal role in establishing and maintaining food security in

any society. In the context of First Nations and Indigenous peoples in Canada, food sovereignty comes in the form of consumption and cultivation of traditional foods. Among FNFNES respondents, traditional food was generally preferred to store-bought, is of higher nutritional quality, and has been shown to improve diet quality in First Nation adults significantly.[16]

However, over half of the adults participating in the study report that traditional food is becoming scarce and more difficult to harvest.[17] Respondents reported climate change and industry-related activities as primary drivers of traditional food scarcity. Climate change particularly has impacted traditional First Nation foods through environmental degradation and negative impacts on animal spawning and migratory patterns. The top 5 responses of how climate change has impacted traditional food availability are displayed in Figure 5. Regardless of the cause of the reduced availability of traditional foods, 43% of the FNFNES participants worried that traditional food supplies would run out before they could get more, and 47% had previously experienced a shortage in their traditional food supply.[18] The threat posed to Indigenous food sovereignty may have persistent and negative impacts on food security in many cases, particularly in isolated or remote communities where it is costly to import food.

Figure 6.



Source: Chan et al., 2019.

Food security remains a serious issue in Canada, particularly in First Nation communities. Among the most likely to be at risk of food insecurity are First Nation households with children. Given the severe health consequences, food insecurity and hunger pose to children and adults, investigating policy options to promote food security

[16] Chan et al., 2019: 8.
[17] Chan et al., 2019: 8.
[18] Chan et al., 2019: 53-54.

in Indigenous communities may be of particular interest to agencies like FNCFS. From a policy perspective, food security is negatively related to healthcare usage in Canada. This result suggests that by improving food security in Canada, the strain and costs borne by the healthcare system could be reduced.[19]

To achieve the goal of food security, it is important to encourage a food sovereignty approach that is both relevant and culturally sensitive to the segments of the population at the greatest risk, like the Indigenous population of Canada. An important consideration is the pressing need for data on food security and food sovereignty at an appropriate granularity. Without the work of Chen et al., there would be very little data on food security in First Nation communities. Since FNFNES focused on First Nation communities below the 60th parallel, gaps in data are still present for Indigenous communities in the Territories. A meaningful next step would be to replicate and improve upon the FNFNES to include even the most remote communities in the northern parts of the country. By conducting such a survey in more frequent intervals, policy can be directed effectively and appropriately to address the process of food sovereignty and improve food security outcomes in First Nation communities.

[19] Valerie Tarasuk, Joyce Cheng, Claire de Oliveira, Naomi Dachner, Craig Gundersen and Paul Kurdyak, "Association between household food insecurity and annual health care costs," *CMAJ* 187, no. 14, (October 6, 2015).

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Appendix F: Broadband Access

The State of Broadband Service in First Nation Communities

In the last two decades, the global economy has rapidly digitalized in the developed world. This digitalization has been driven significantly by increasing technological progress that has allowed for tasks that were once highly time- and resource-intensive to become relatively routine. Likely the most important phenomenon that has contributed to digitalization is the increased availability and penetration of broadband connectivity technologies across the world. Broadband itself refers to high-speed Internet that is always on and faster than the traditional dial-up method of accessing the Internet.[1] While there are many types of broadband technologies, among the most common in Canada today include digital subscriber lines (DSL), fibre optic cable, broadband over powerlines (BPL) and Low-Earth Orbiting satellites. Broadband connectivity is defined as access to Internet services that support inbound (or download) data transmission rates of 1.5 megabits per second (Mbps) or more.[2] The ubiquity of broadband technologies found in modern society allows individuals and businesses alike to access the Internet with ease and has contributed significantly to the expansion of modern economies. One study suggests that a 10% increase in broadband service would lead to a 1.2 to 1.4 percentage point increase in per capita GDP growth in a given economy.[3] In Canada, broadband access has played an even more crucial role in the development of rural areas by decreasing regional disparities and promoting economic viability. From 1997 to 2012, it is estimated that broadband expansion accounted for a 1.17 percentage point per year increase in service employment in rural areas.[4]

Having understood the economic implications of expanding access to broadband, the Government of Canada and the Canadian Radio-television and Telecommunications Commission (CRTC) have set out to improve connectivity across the country. In 2016, the CRTC proclaimed broadband access Internet service to be considered a basic telecommunications service for all Canadians.[5] It was also established that 50 Mbps download by 10 Mbps upload speeds with unlimited data options to be the new standard for internet connectivity in Canada.[6] These speeds were chosen based on what would be necessary for Canadians to take full advantage of cloud-based software applications, multiple government services, online learning

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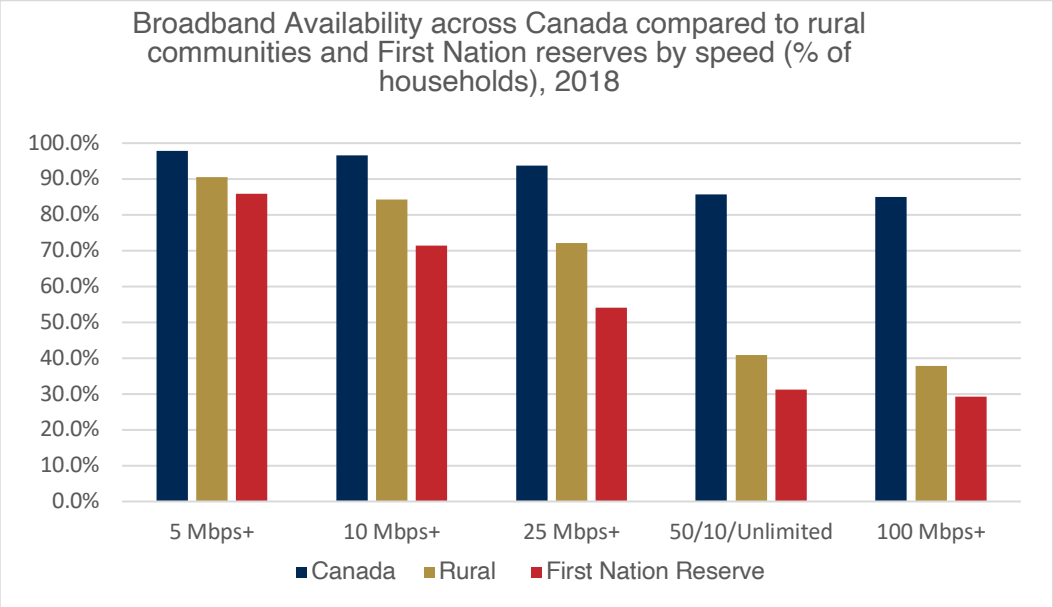
[1] Federal Communications Commission, “Types of Broadband Connections,” (June 23, 2014), https://www.fcc.gov/general/types-broadband-connections.
[2] Centre for the Study of Living Standards, “The Contribution of Broadband to the Economic Development of First Nations in Canada,” (2013).
[3] Christine Zhen-Wei Qiang, Carlo M. Rossotto, and Kaoru Kimura, "Economic impacts of broadband," *Information and communications for development 2009: Extending reach and increasing impact 3*, (2009): 45.
[4] Olena Ivus and Matthew Boland, "The Employment and Wage Impact of Broadband Deployment in Canada," *The Canadian Journal of Economics* 48, no. 5 (12, 2015): 1803-1830.
[5] Government of Canada, “CRTC establishes fund to attain new high-speed Internet targets,” (December 21, 2016), https://www.canada.ca/en/radio-television-telecommunications/news/2016/12/crtc-establishes-fund-attain-new-high-speed-internet-targets.html.
[6] Government of Canada, 2016.

resources, and high-definition video streaming, all while supporting multiple users.[7] As of 2018, availability of the target 50/10/unlimited (50 Mbps download, 10Mbps upload, unlimited data option) reached 85.7% of Canadian households.[8] However, only 40.8% of rural households had access to broadband at such speeds, a significantly lower proportion than the 97.7% of urban households with 50/10/unlimited access.[9]

When it comes to broadband access at the government's target range for speed, the most disenfranchised segment of the population is easily those who live on First Nation reserves. Figure 1 shows the availability of broadband at various speeds across Canada, in rural communities, and on First Nation reserves.

Figure 1.



Source: CRTC, 2020.

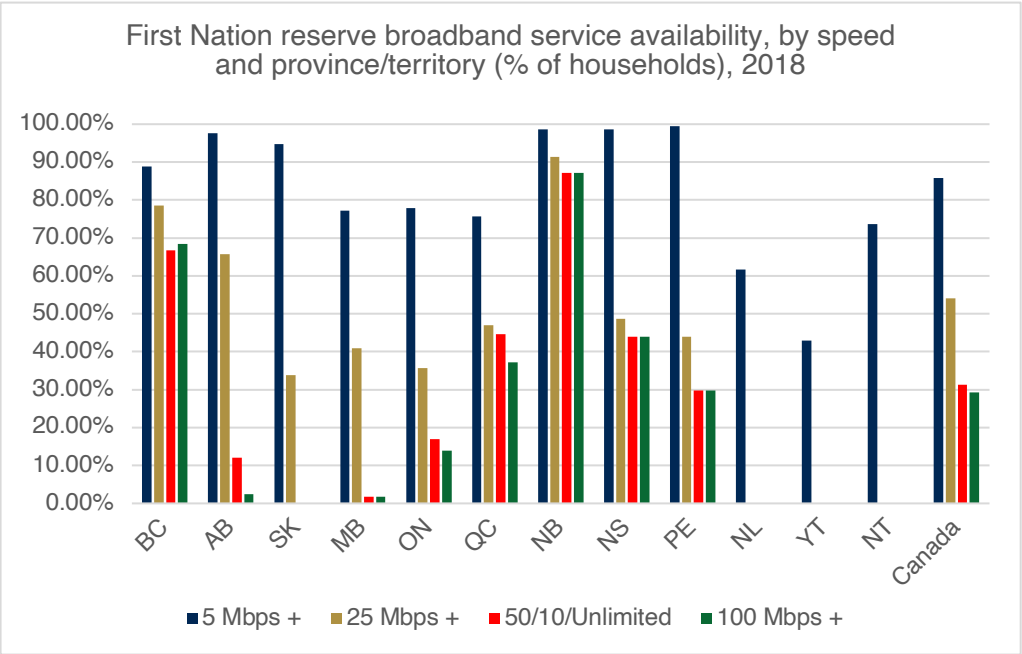
While significant portions of the on-reserve population have access to broadband (roughly 85% with access to 5 Mbps+ download and 71% with access to 10 Mbps+ download), at each progressively faster speed they lag behind both rural and Canadian populations. In terms of the government standard of 50/10/unlimited, only 31.3% of First Nation reserves had access to broadband that met the target as of 2018.[10] Notably, this service was entirely inaccessible to First Nation communities in Saskatchewan, Newfoundland and Labrador, Yukon, and Northwest Territories.[11] With participation in the modern Canadian economy requiring faster speeds and more data availability,

[7] Government of Canada and Innovation, Science and Economics Development Canada (ISED), "High-Speed Access for All: Canada's Connectivity Strategy," 2019.
[8] Canadian Radio-television and telecommunications Commission (CRTC). "Communications Monitoring Report 2019," 2020.
[9] CRTC, 2020: 274.
[10] CRTC, 2020: 281.
[11] CRTC, 2020: 282.

expanding government standard broadband access is necessary to help develop on-reserve First Nation communities.

Among First Nation reserves, there is substantial variation in the quality of accessible broadband options available across provinces [Figure 2]. One province that has performed well in providing access to broadband has been New Brunswick, with over 98% of First Nation reserve households having access to downstream broadband speeds of at least 5 Mbps, 91% with access to speeds at least 25 Mbps, 87% reaching the government standard of 50/10/unlimited, and 87% also having access to 100 Mbps or greater.[12]

Figure 2.



Source: CRTC, 2020.

For a province with vast topographical and geographical diversity, British Columbia also fairs well in delivering broadband access to First Nation reserves with roughly 89% of First Nation reserve households having access to download speeds of 5 Mbps or higher, 78.5% of households with access to 10 Mbps or greater, 66.7% reaching the government target of 50/10/unlimited, and 68.5% able to access at least 100 Mbps.[13]

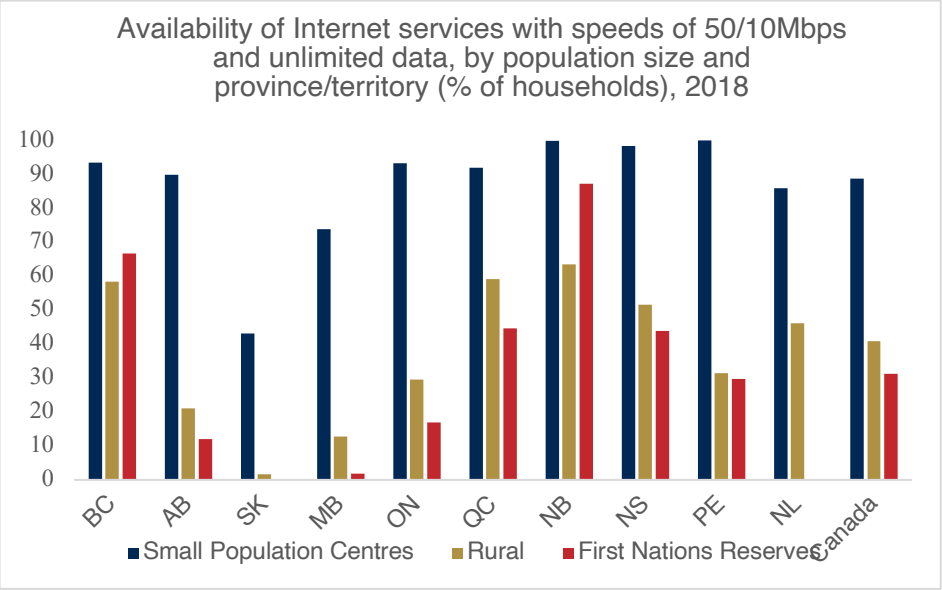
Amongst the remaining provinces and territories, there is a significant drop-off in available internet speeds after 5 Mbps. Six provinces (Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, and Prince Edward Island) have greater than 75% of First Nation reserve households able to access 5 Mbps download speeds, but less than

[12] CRTC, 2020: 282.
[13] CRTC, 2020: 282.

50% able to access download speeds of 25 Mbps.[14] Furthermore, the fact that 31.3% of households on First Nation reserves have access to the government target speeds for broadband appears to be skewed upward by a few outlier provinces with acceptable rates of access to broadband. Only four provinces (British Columbia, Quebec, New Brunswick, and Nova Scotia) have greater than 30% of their households on First Nation reserves able to access 50/10/unlimited broadband.[15] Communities on First Nation reserves outside of those four provinces will undoubtedly struggle to utilize services deemed necessary for success in a digitalized economy.

Even when comparing First Nation reserves to small population centres and rural communities, there are gaps in the availability of the government standard 50/10/unlimited broadband [Figure 3]. Small population centres across the country fair relatively well in their access to standard broadband, with 88.7% of such population centres meeting standard broadband availability. There are four provinces (Alberta, Manitoba, Ontario, and Newfoundland and Labrador) who have greater than 70% of small population centres able to meet the government standard for broadband, but less than 25% of First Nation reserves able to do the same. By comparison, only two of those provinces with greater than 70% of small population centres able to access 50/10/unlimited (Alberta and Manitoba) fail to provide the same service to 25% of rural communities.[16]

Figure 3.

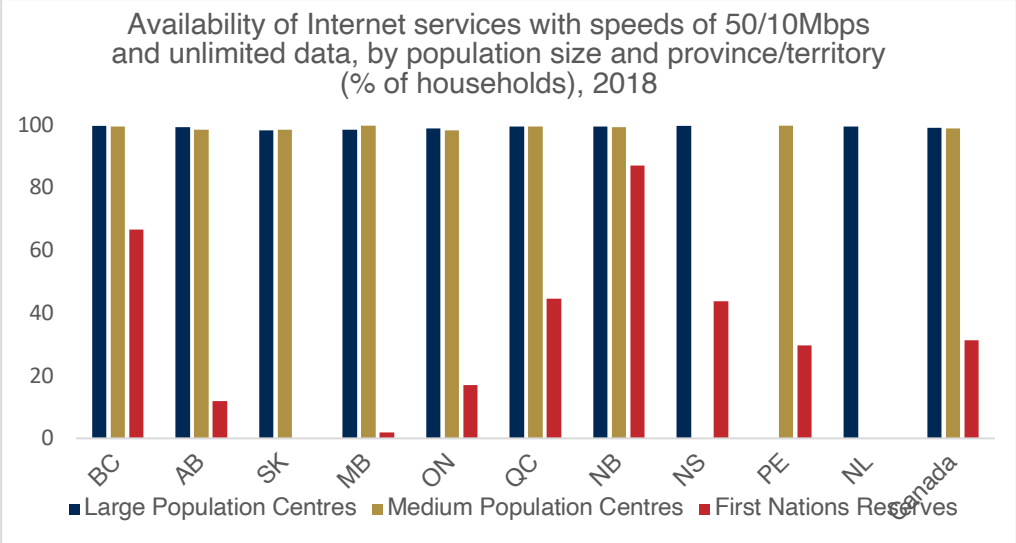


Source: CRTC, 2020.

[14] CRTC, 2020: 282.
[15] CRTC, 2020: 282.
[16] CRTC, 2020: 284.

Inequities in Broadband access are even more drastic when comparing First Nation reserves to Large and Medium population centres [Figure 4]. All provinces in Canada can provide greater than 98% of their large and medium population centres with access to 50/10 broadband with an unlimited option. Naturally, high tech infrastructure is more likely to be built first in larger communities, given that there will be more individuals and businesses to service relative to small and urban population centres. However, this fails to explain why First Nation reserves lag so far behind population centres of similar size. While it is developing slowly, the government of Canada is currently working on infrastructure projects that will see almost all Canadians able to access 50/10 connectivity sometime between 2026 and 2030.[17]

Figure 4.

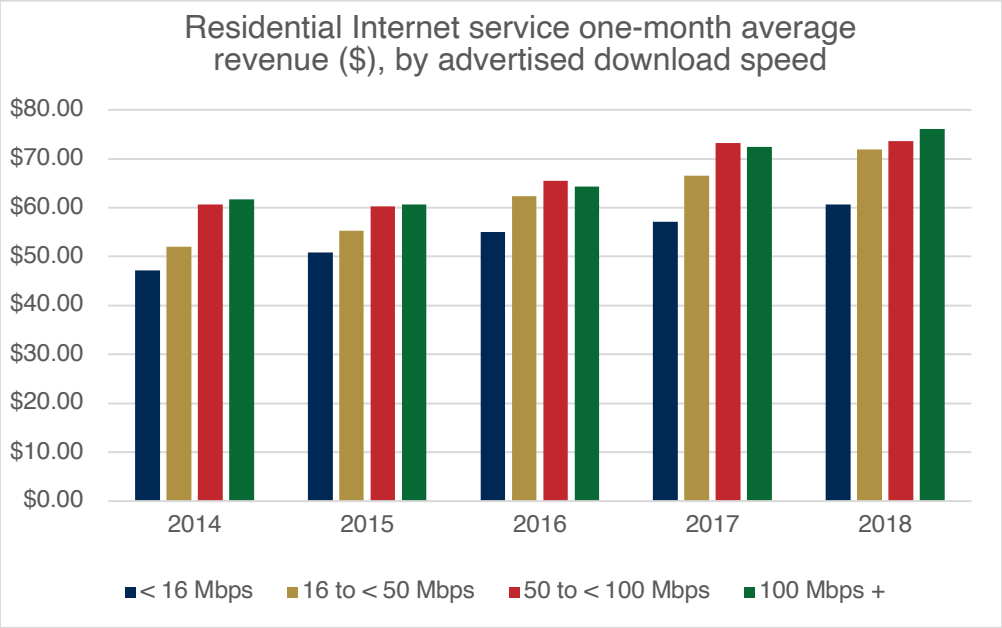


Source: CRTC, 2020.

While broadband is becoming increasingly more available to consumers, it is not becoming any less expensive to use. For residential Internet service, the one-month average revenue per user in 2018 ranged from $60.71 for advertised download speeds of less than 16 Mbps to $76.09 for advertised download speeds at or exceeding 100 Mbps [Figure 5]. This equates to Internet service costing somewhere between $728 and $913 per user per year.[18]

[17] Government of Canada and ISED, 2019.
[18] CRTC, 2020: 261.

Figure 5.



Source: CRTC, 2020.

Average one-month revenue for residential Internet service per user for speeds that meet the government standard of 50/10 was $73.64, which translates to roughly $880 per year for one user. While these figures may vary across regions and service providers, accessing the Internet may be expensive for households. Given that 40% of First Nation communities have median household incomes that fall below their respective provincial poverty lines[19], it may be difficult for residential broadband usage to gain traction on certain First Nation reserves even when they have the ability to access government standard speeds.

While the cost of the current technology will continue to be an obstacle for penetration of broadband in First Nation communities, large population centres will continue to adopt the most recent broadband technologies. Most notably, the new 5th Generation (5G) wireless network will revolutionize Canada's largest cities in the coming decades. In January, 2020 Rogers, a major Canadian wireless provider, would launch its 5G network in downtown Vancouver, Toronto, Ottawa, and Montreal, before expanding into over 20 more markets by the end of the year.[20] On June 11, 2020, Bell announced the launch of its 5G network in Toronto, Montreal, Edmonton, Calgary, and Vancouver. Theoretically, this network would initially provide theoretical peak download speed of up to 1.7 Gbps[21] At its peak, the 5G network is expected to improve

[19] See IFSD brief on the State of Poverty in First Nation Communities.
[20] Reuter "Rogers begins roll out of 5G network in major Canadian cities", Jan 15, 2020

[21] Bell Canada, "The best just raised the bar. Canada's largest 5G network is here," June 11, 2020.

connectivity, reduce latency, and expand upon the bandwidth currently available on 4G networks. Specifically, the Bell network expects to increase download speeds six-fold, at 1000 times greater capacity and provide latency three times lower than their 4G network.[22] Ultimately, 5G will power the upcoming generation of technology, which will almost certainly include innovations in smart cities, autonomous driving, and telehealth, among others.

As previously mentioned, the Canadian government plans on delivering broadband of 50/10/unlimited to all Canadians by 2030.[23] The government of Canada has made it clear that the 50/10 speed target is a minimum and that the infrastructure they plan to use is generally scalable to speeds comparable to 5G (roughly 1 gigabit per second).[24] However, scaling technologies to support faster speeds will require additional investment and time. As such, it is unlikely that Canadians in isolated communities will be receiving the benefits of 5G technologies at the same rate as the rest of the country. While all Canadians should have 2020 standard broadband by 2030, the simultaneous adoption of 5G networks across the country may cause the technological gap between urban and rural communities to persist and perhaps widen.

Although the progress may be slow, expanding access to broadband is an opportunity for the Canadian government to empower First Nation communities in today's increasingly digital economy. With significant technological changes happening all the time, expanding broadband infrastructure is critical for keeping these communities connected with the rest of the world. Broadband expansion is vital for accessing growing online industries like e-learning, telehealth, and work-from-home that will play significant roles in the post-COVID-19 economy. By expanding access and penetration of broadband, keeping in mind the issue of affordability, it will be possible to expand these vital services to even the most remote communities in Canada. In doing so, quality of life has the potential to improve substantially in First Nation communities across the country.

Broadband: Canada-US Comparison

The following table compares Canada to the US in terms of Indigenous population and geography. It is important to observe how other nations are handling the issue of access to broadband in Indigenous communities, as Canada should aim to be a leader in the way we treat all of our citizens.

Country	Broadband Availability
Canada	In 2018, the availability of 50/10 services reached 85.7% of households. 50/10 availability only reached 31.3% of First Nation households.

[22] Bell Canada, 2020.
[23] Government of Canada and ISED, 2019.
[24] Government of Canada and ISED, 2019.

	The plan for broadband expansion will see 90% of Canadians connected by 2021, 95% of Canadians connected by 2026, and the hardest-to-reach Canadians by 2030.
USA	In 2018, 94.4% of Americans had access to the FTC minimum 25/3 standard. On Tribal lands, this number is 72.3%. The lowest available speeds in 2018 (10/1) 97.4% of the US population had access. On Tribal lands, this number is 86.9%.[25]

[25] Federal Communications Commission, "2020 Broadband Deployment Report," April 24, 2020.

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Ivus, Olena and Matthew Boland. “The Employment and Wage Impact of Broadband Deployment in Canada.” The Canadian Journal of Economics 48, no. 5 (12, 2015): 1803-1830. doi:http://dx.doi.org.proxy.bib.uottawa.ca/10.1111/caje.12180.

Qiang, Christine Zhen-Wei, Carlo M. Rossotto, and Kaoru Kimura. “Economic impacts of broadband.” Information and communications for development 2009: Extending reach and increasing impact 3 (2009): 35-50.

Appendix G: Voluntary Sector

Volunteerism and Philanthropic Giving in First Nation Communities

The non-profit, volunteer and grant-making sectors of the economy exist to provide beneficial services to communities beyond the scope of for-profit business and government. These organizations are critical to the well being of Canadians as they build social capital, provide solutions to economic, social, environmental, and cultural challenges while forging connections between citizens.[1] Organizations in the non-profit and volunteer sectors rely on the support of charitable donations, grant-making, and volunteer work. For instance, in 2013, it was estimated that the hours contributed by volunteers stood at 1.96 billion in Canada, equating to the work of nearly one million full-time, year-round jobs.[2] Raising funds is particularly valuable to this sector, with the activity of fundraising accounting for 9% of all volunteer hours in Canada for 2013.[3] The voluntary sector, non-profits, and grant-making contribute immensely to the Canadian economy. The value of volunteer time in 2017 was estimated at $55.9 billion and exceeded $87 billion when considering the economic activity of non-profits.[4] More recently, in 2018, charitable donations from Canadians totalled close to $10 billion, coming from 5.3 million individual donors [Table 1].[5]

Grant-making allows agencies to expand their service offerings beyond what may have been initially possible. In Alberta, philanthropic activity has been revolutionary for many charities. From 2004 to 2013, oil- and gas-related companies raised roughly $325 million for the United Way in Alberta.[6] The Children's Aid Foundation of Canada (CAFC) is another mainstream grant-maker to Canadian causes. CAFC works with 74 child- and youth-serving agencies across Canada, in addition to their founding partner, the Children's Aid Society of Toronto.[7] Agencies can have one of two relationships with CAFC. Partner agencies are organizations that the Foundation is working with or funding through a CAFC Flagship Initiative or on a Co-Design Initiative. An agency may also be a Grantee, or an organization receiving funds from the Foundation outside of Flagship Initiatives to help children, youth, and families. Grant-makers like CAFC are critical to the provision of child and family services in Canada.

For First Nation Child and Family Services, the time of volunteers combined with charitable donations and grants can considerably supplement agency activities. There is

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[1] Katehrine Scott and Marilyn Struthers, "Pan-Canadian Funding Practices in Communities: Challenges and Opportunities for the Government of Canada," *Canadian Council on Social Development*, June 2006.
[2] Maire Sinha, "Spotlight on Canadians: Results from the General Social Survey, Volunteering in Canada, 2004 to 2013," *Statistics Canada*, June 18, 2015.
[3] Ibid.
[4] The Conference Board of Canada, "The Value of Volunteering in Canada," (April 5, 2018): 11, https://volunteer.ca/vdemo/Campaigns_DOCS/Value%20of%20Volunteering%20in%20Canada%20Conf%20Board%20Final%20Report%20EN.pdf
[5] Statistics Canada, "Summary of charitable donors," Table 11-10-0130-01.
[6] Calgary Herald, "Oilpatch has created tradition of philanthropy," May 14, 2014: https://calgaryherald.com/business/oilpatch-has-created-tradition-of-philanthropy
[7] Children's Aid Foundation of Canada, "Our Partners and Grantees," 2020: https://www.cafdn.org/about-us/our-partners/#1503771544647-d76c406c-9835.

no shortage of individual charities that have committed themselves to improving outcomes in Indigenous communities. Save the Children Canada has used their *Ayamitah* (Let's Read Together) program to deliver 230,000 books to First Nation educational organizations, communities, and literacy programs throughout Alberta and Saskatchewan since 2008.[8] The Canadian Red Cross has engaged in the prevention of violence, bullying, and abuse while focusing on the process of reconciliation and diversity in First Nation communities across Canada.[9] Moreover, the United Way of Calgary[10] and Winnipeg[11] each donate roughly $2 million annually to local Indigenous charities that aid individuals who face intergenerational trauma.

Table 1.

Summary of charitable donors, 2018	Number
Number of tax filers	27,394,970
Number of donors	5,324,280
	Years
Average age of donors	55
	Dollars
Average donations, donors aged 0 to 24 years	400
Average donations, donors aged 25 to 34 years	880
Average donations, donors aged 35 to 44 years	1,340
Average donations, donors aged 45 to 54 years	1,720
Average donations, donors aged 55 to 64 years	2,060
Average donations, donors aged 65 years and over	2,600
Total charitable donations	9,952,505,000
Median donations	310
Median total income of donors	61,940
75th percentile total income of donors	95,760

Source: Statistics Canada, Table 11-10-0130-01.

[8] Save the Children Canada, Ayamitah 'Let's Read Together'," 2020, https://www.savethechildren.ca/what-we-do/canada-programs/education/lets-read-together/.
[9] Canadian Red Cross, "Ensuring responsibility and accountability in making communities safe," 2020, https://www.redcross.ca/how-we-help/violence-bullying-and-abuse-prevention/first-nations-metis-and-inuit-communities
[10] United Way Calgary and Area, "Indigenous Strategy," 2020, https://calgaryunitedway.org/impact/indigenous-strategy/
[11] United Way Winnipeg, "Indigenous Leadership," 2020, https://unitedwaywinnipeg.ca/indigenous-leadership/

While volunteer and charity work have certainly improved recently in Indigenous communities, there appear to be persistent gaps in grant-making for Indigenous causes. In their seminal paper on the subject of volunteerism and philanthropic giving in First Nation communities, Cindy Blackstock and Samantha Nadjiwan found that less than 10% of funds for the voluntary sector on reserve come from philanthropic foundations.[12] However, since the Blackstock and Nadjiwan paper was published in 2003, little work has been done to measure the level of grant-making to Indigenous communities and causes across Canada.

A 2010 study by the Circle on Philanthropy and Aboriginal Peoples in Canada explored some of the explanations for gaps in grant-making to Indigenous communities and causes. They found that among First Nation communities and charities servicing these communities, there is apprehension in applying for grants. Many charities are unaware that they are eligible for grants and are intimidated by the thought of approaching the private sector for financial support.[13] Moreover, the common myth that federal funding is adequate for First Nation communities has been perpetuated, potentially being a cause for lack of grants to Indigenous communities.[14] Lastly, given the historical variability of funding, many charitable organizations are cautious in their grant-making approach out of fear that the federal government may reduce funding if a large influx of grants to First Nation communities were to manifest.[15]

Although there are many potential underlying causes for gaps in funding and wide-spread apprehension from grant-makers to contribute to Indigenous communities and charities, a rigorous effort to quantify these gaps has not been conducted since Blackstock and Nadjiwan's work in 2003. In a non-Canadian context, Native Americans in Philanthropy and Candid partnered to produce a study in the United States that observed the overall contributions of large U.S. foundations to Native American communities and causes. By examining the tax returns of grant-makers and non-profits, the study provides an approach that could be applied to Indigenous communities in Canada to understand the nature of grant-making. One of the relevant results from the American study, the evolution of grants and grant dollars given to Native American communities and causes, is shared below in Figure 1.

From 2002 to 2016, large U.S. grant-making foundations gave, on average, 0.4% of total annual funding to Native American communities and causes, despite Native Americans making up roughly 2% of the American population.[16] These results suggest

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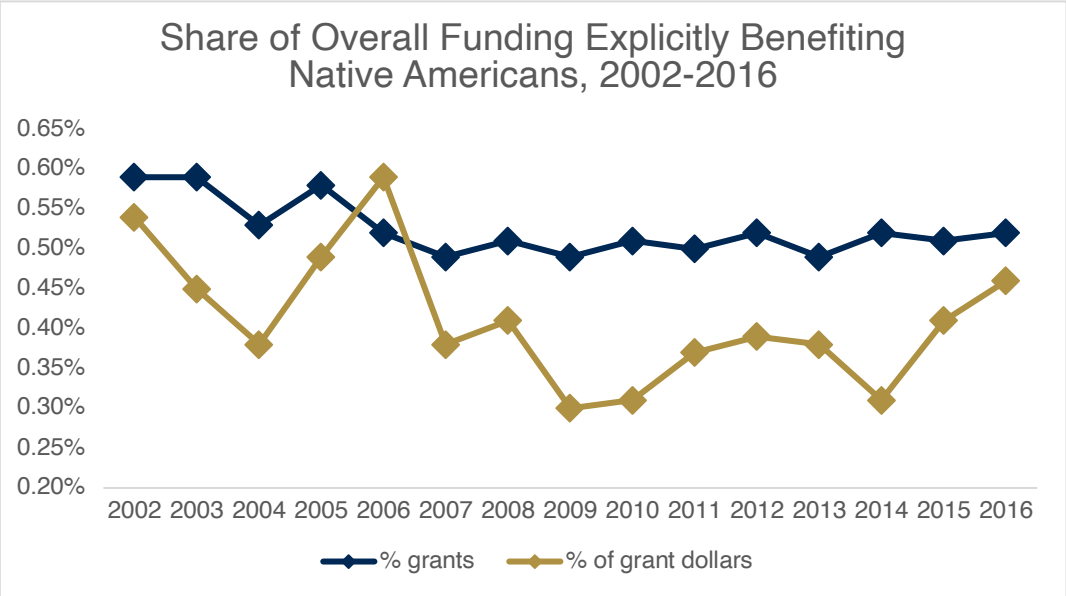
[12] Cindy Blackstock and Samantha Nadjiwan, "Caring Across the Boundaries, Promoting Access to Voluntary Sector Resources for First Nations Children and Families," (2003): Figure 8, p. 43.
[13] The Circle on Philanthropy and Aboriginal Peoples in Canada, "Aboriginal Philanthropy in Canada: A Foundation for Understanding," 2010, http://caid.ca/AboPhiCan2010.pdf
[14] Ibid.
[15] Ibid.
[16] Candid and Native Americans in Philanthropy, "Investing in Native Communities: Philanthropic Funding for Native American Communities and Causes," (2019): 14.

that Native American charities are generally underfunded relative to the proportion of the population they comprise. However, given the challenges that face Indigenous populations in North America stemming from the enduring effects of colonialism, Indigenous populations may require more funding than their composition of the population suggests. Of large grant-making foundations, 20% gave to Native American communities and causes, with the majority of grant dollars going to program support and roughly 15% for operating support.[17] Notably, funding for Native American causes dropped during and in the years following the 2008 financial crisis. Given the current economic downturn stemming from the COVID-19 pandemic, there may currently be a similar reduction taking place in grant-making to Indigenous communities and causes.

Figure 1.



Source: Candid and Native Americans in Philanthropy, 2019.

While this study does not relate to the case of philanthropic giving to Indigenous communities in Canada, it does outline the trend of Indigenous charities being underfunded relative to the population Indigenous people represent in North America. Replicating this study in a Canadian context would inform the issue of gaps in grant-making to Indigenous communities in this country. Observing the trend over time could additionally provide insight on how certain events, like a change in government or pandemic, impacts the contribution of grants to Indigenous communities and causes.

Given the size and economic importance of the volunteer, non-profit, and grant-making sectors, an increased presence of such organizations could conceivably improve outcomes in several areas in Indigenous communities across Canada.

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[17] Candid and Native Americans in Philanthropy, "Investing in Native Communities: Philanthropic Funding for Native American Communities and Causes," (2019): 14.

However, since the report from Cindy Blackstock and Samantha Nadjiwan found that less than 10% of funds raised on reserves came from philanthropic foundations in 2003[18], little research on the voluntary sector on-reserve has been made publicly available. By replicating Native Americans in Philanthropy and Candid's study from 2010, gaps in grants provided to Indigenous communities and causes relative to those servicing other causes can be identified. A deeper understanding of this issue can guide policymakers and inform grant-providing foundations of the necessary course of action to alleviate these disparities. By improving the quantity and concentration of grants provided to Indigenous communities while simultaneously promoting the efficient use of such funds, disparate outcomes in areas like access to water and housing, development of infrastructure, and incidence of poverty can all be ameliorated to the benefit of Indigenous Canadians.

[18] Cindy Blackstock and Samantha Nadjiwan, "Caring Across the Boundaries, Promoting Access to Voluntary Sector Resources for First Nations Children and Families," (2003): Figure 8, p. 43.

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Appendix H: Request for Information to the Deputy Minister of ISC

IFSD
IFPD

Dr. Jean-François Tremblay
Deputy Minister
Indigenous Services Canada (ISC)
10 rue Wellington
Gatineau, QC K1A 0H4

August 23, 2019

Dr. Tremblay:

IFSD is pleased to continue its collaboration with the Assembly of First Nations (AFN) and the Caring Society on First Nations child welfare. Following the acceptance of IFSD's report, *Enabling First Nations Children to Thrive* by the National Advisory Committee (NAC), IFSD was asked to undertake a follow-on study to identify options and plans for a change in structure and resources in First Nations Child and Family Services (FNCFS) to transition agencies to an outcome-based approach based on well-being for thriving First Nations children.

To ensure this work is complete, a full and accurate portrait of federal expenditures is required. In Part 1 of this study, we have been asked to:

1) Undertake a full allocation and expenditure analysis for the FNCFS program;
2) Assess the impact of Canadian Human Rights Tribunal (CHRT)-mandated spending on FNCFS agency results;
3) Assess current performance indicators and the results of current spending.

To complete our work, we are submitting the request for information appended to this letter. All requested information relates to appropriated expenditures from the current and previous fiscal years. We understand from previous work that such information can be made available in Excel.

I thank you and your team for your attention to this request. IFSD's analysis is to be submitted in mid-October to AFN and the Caring Society. We are working under tight timelines; your department's collaboration in collecting and sharing this analysis by September 13, 2019 will be integral to completing this work.

Yours sincerely,

Kevin Page
President & CEO

IFSD
IFPD

Description	Fiscal year(s)	Required details
List of current FNCFS agencies	N/A most recent available	– First Nation(s) served by agency – Province – Identify which First Nations do not have agencies (served by provincial protection services)
ISC national spending overview	ACTUAL 2014-15 2015-16 2016-17 2017-18 2018-19 PLANNED 2019-20 2020-21 2021-22	– Funding by province (dollars) – Major program categories (dollars) – Internal services (dollars) – Total spending by contribution approach (i.e. fixed, flexible, block, set or agreement with band council)
FNCFS program breakdown	ACTUAL 2014-15 2015-16 2016-17 2017-18 2018-19 PLANNED 2019-20 2020-21 2021-22	– Funding by recipient (dollars) – Funding by province (dollars) – Contribution approach for each transfer/grant/allocation (i.e. fixed, flexible, block, set or agreement with band council) – Program-activity-level code and associated performance indicators and results
CHRT investments	ACTUAL 2017-18 2018-19 PLANNED 2019-20 2020-21 2021-22	– Funding by recipient (dollars) – Funding by province (dollars) – Contribution approach for each transfer/grant/allocation (i.e. fixed, flexible, block, set or agreement with band council) – Associated performance indicators and results

Appendix I: Policy Clusters

Policy cluster	ISC programs
Context	1) Education facilities 2) Emergency management and assistance 3) Environmental public health 4) Gov. and institution of gov. 5) Health infrastructure 6) Health facilities 7) Housing 8) Indigenous governance and capacity 9) Other community infrastructure and activities 10) Infrastructure and capacity 11) Water and wastewater
Child and family services programming	12) FN child and family services 13) Family violence prevention 14) Child first (Jordan's principle) 15) Healthy child development
Other (social and health programming)	16) E-health infostructure 17) Education 18) FN and Inuit primary care 19) Health human resources 20) Health planning and quality 21) Healthy living 22) Home and community care 23) Income assistance 24) Mental wellness 25) Social development 26) Supplementary health benefits 27) Supplementary health benefits for FN and Inuit
EXCLUSION	Urban Aboriginal Participation (as focus of analysis is on-reserve)

Appendix J: Measuring to Thrive Framework

Strategic objective	Performance area	Indicator name	Indicators	Detailed indicator explanation	Associated outcome
Child and youth well-being	Safety	Injuries or deaths	Number of serious injuries or deaths	Though rare, serious injuries and deaths are an important indicator to prevent these tragedies from occurring in the future and to evaluate whether the child welfare system is appropriately responding to cases of maltreatment.	Children are free from severe physical danger and harm
		Protection concerns	Recurrence of child protection concerns after ongoing protection services	The recurrence of child protection concerns in a family after ongoing protections services were provided is not only important to protect the well-being of children and prevent chronic abuse; it is also an indicator of how effective child welfare services are at preventing maltreatment.	
		Child abuse (excluding sexual)	Child abuse (excluding sexual abuse)	Children who have been maltreated are at increased risk of recurrence of maltreatment. Research has found that compared to children who had not been previously maltreated, children who had been were nearly six times more likely to experience it again.	
		Child sexual abuse	Child sexual abuse	Exposure to strong, frequent and/or prolonged adversity, such as chronic abuse, parental substance abuse, or exposure to violence, can elicit a toxic stress response. This type of stress can have a profound effect on the architecture of the developing brain, which can have potentially permannet damaging effects.	
		Family reunification	Rate of successful family reunification (i.e. no re-entry into care)	A stable and permanent living situation is essential for healthy development and establishing more secure and strong relationships with caregivers, which in turn impact a child's ability to thrive. Research has demonstarted that in general, a child's family is the best way to deliver this environment.	Children are connected to their families and Indigenous communities
		Timeliness of care	Timeliness of customary care	Unstable placements in foster care, characterized by placement frequency and episodic foster care, have been associated with increased rates of mental health service utilization.	
		Families within community	Percentage of children with kin and/or Indigenous families within their community	Compared to foster children, children in kinship care have displayed better outcomes with respect to behavioural development and mental health functioning.	
		Caregiver quality	Quality of caregiver and youth relationship	To understand the well-being of children who have been removed from their homes, it is also important to understand the quality of their relationships with their caregivers. Establishing secure, trusting and positive relationships with their caregiver is essential for healthy development, impacting outcomes across the life course.	
		Community relational connections	Regular opportunities for relational connections to community	Stability promotes fewer school changes and thus stronger relationships with peers, as well as more consistent access to community services and activities	
		Placement rate	Out of home placement rate	While the out of home placement rate is not necessarily a negative indicator, as some children need to be removed from dangerous living situations, at an aggregate level, the out-of-home placement rate can indicate the effectiveness of preventative child welfare services and the well-being of children in the community as a whole.	
		Moves in care	Number of moves in care	Multiple moves in care are associated with various negative outcomes among children. Instability may elicit a toxic stress response, which can result in developmental delays and behaviour problems. In turn, this can propagate a negative cycle of displacement and worsening attachment disorders.	
	Cognitive development	Early childhood education	Percentage of children (0-5) participating in funding early childhood education programming	Participation in early childhood education is a well-evidenced intervention to enhance school readiness, especially among children from disadvantaged backgrounds. Ensuring that children are better prepared when entering school aims to improve educational achievement – a key factor in social mobility and escaping poverty.	Children and youth exhibit positive attitudes toward learning and are supported in their educational development
		Numeracy and literacy targets (0-5)	Percentage of children (0-5) achieving basic numeracy and literacy targets	Educational attainment is important for child well-being, particularly in the context of a child's socio-economic trajectory. Literacy and numeracy scores tell us how well the child is performing in school and is a gauge of cognitive functioning.	
		Positive attitute toward learning (children)	Percentage of children exhibiting positive attitude towards learning	Academic success also has a reciprocal effect on a child's attitude towards learning (often referred to as academic self-concept). Learning begets learning, and academic achievement and motivation to learn are key factors to a high level of educational attainment.	
		Numeracy and literacy targets	Percentage of children (6-14) achieving basic numeracy and literacy targets	Most of the gaps that are seen at age 18 are already present at age five. Gaps tend to widen as opposed to shrink as the child proceeds through formal schooling and are predictive of future school performance and educational attainment.	
		Positive attitute toward learning	Percentage of children (6-13) exhibiting positive attitude towards learning	Academic success also has a reciprocal effect on a child's attitude towards learning (often referred to as academic self-concept). Learning begets learning, and academic achievement and motivation to learn are key factors to a high level of educational attainment.	
		Elemntary school education access	Percentage of youth (6-13) able to access elementary school education in their community	Educational attainment often translates into levels of skill and ability in society, which are linked to a host of outcomes in adulthood. More obvious impacts of low education are reduced rates of employment and earnings. Failure to complete high school is linked to higher rates of welfare dependency and criminality.	
		High school education access	Percentage of youth (14-18) able to access high school education in their community	Educational attainment is a determinant of participation in the Canadian labour market, especially for Indigenous people. Employment rates are higher for Indigenous people with post-secondary credentials	
		Parental engagement in education	Percentage of children/youth reporting parental engagement in learning/education	Parental enagement in their child's learning/education has a large impact on how well children perform and remain enagged in education. Children of mothers with low educational attainment made up 32% of children entering school lacking printing and writing skills, as opposed to 8% of children with mothers who had a bachelor's degree or higher.	
		Post-secondary education	Percentage of youth (14-18) who intend to pursue post-secondary education	Employment rates are higher for Indigenous people with post-secondary credentials.	
	Social relationships	Positive relationships (parents/caregiver)	Percentage of youth reporting positive relationships with parent or caregiver	In the earliest years of life, it is argued that the quality of relationships and parenting carries the heaviest weight among the factors that drive healthy development. Establishing warm, secure and responsive relationships with caregivers are key to establishing a child's confidence to play, socialize and explore their environment, which is what propels development.	Children and youth develop positive relationships with family and friends and are connected to their Indigenous communities
		Positive relationships (siblings, extended family, friends)	Percentage of youth reporting positive relationships with siblings, extended family and/or friends	As children progress into adolescence, strong social relationships continue to be an important protective factor as individuals navigate major developmental changes. Strong social relationships, or lack thereof, have been tied to several aspects of well-being.	
		Ties to elders	Percentage of youth reporting ties to elders in the community	Social relationships such as belongingness with peers and adults at school and connection with adults at home were the strongest predictors of life satisfaction. Research has also found positive associations between social relationships and physical and psychological well-being by promoting healthier lifestyles, better self-esteem, and a greater sense of purpose and internal locus of control	
		Extracurricular activities	Percentage of youth participating in extracurricular activities within the community	Participation in social activities is important for developing social competence and skills and is linked with fewer behavioural problems and higher self-esteem.	
		Chronic concerning behaviour	Percentage of children/youth exhibiting chronic concerning behaviours	Behavioural issues among children are associated with socioeconomic disadvantage and have been linked to worse outcomes in adulthood. For example, research has found an association between attention deficit problems and poor labour outcomes in adulthood, such as lower rates of employment, lower earnings and worse jobs. Conduct disorders in childhood, which include antisocial behaviours such a disobedience, tantrums, fighting, destructiveness, lying and stealing, increase the likelihood of violence, criminality, poor relationships, and poor mental health.	Children and youth are mentally and socially well
		Prosocial behaviour	Percentage of children/youth exhibiting prosocial behaviour	There is a strong body of evidence linking social-emotional competence to improved attitudes towards school and higher educational achievement. By contrast, those who have not developed in this area have weaker relations with peers and teachers. This decreases interest in school and persists into later years of learning, which can lead to dropping out.	
		Mental health	Percentage of children/youth reporting mental health problems	Scholars have recognized the importance of these indicators given the effects of intergenerational trauma on mental health among Indigenous peoples. For example, self-esteem and optimism are important protective factors for depressive symptomology among Aboriginal youth; a desire to contribute to one's community and believing in one's self have also found to improve mental health among Indigenous youth.	

	Emotional, cultural and spiritual well-being	Happiness	Percentage of children/youth reporting happinness	Emerging research has found life satisfaction to be a mediating factor on how stressful life events influence parenting behaviour and problem behaviour among adolescents.	
		Belonging to community	Percentage of children/youth reporting belonging to community	Community and culture were cited as the most common protective factor for mental health among Indigenous youth, which included things like healthy relationships with family and community members.	Children and youth are connected to land, culture, and tradition
		Pride in indigenous identity	Percentage of children/youth reporting pride in Indigenous identity	The importance of restoring the connection to one's Indigenous culture and identity is emphasized in relation to mental health outcomes and resilience.	
		Connection to land	Percentage of children/youth reporting sense of connection to land	In a study examining suicide rates among First Nations youth in British Columbia, researchers found that among communities where cultural continuity was preserved through avenues such as securing land claims, were self-governing, had band-administered education, police, fire and health services as well as cultural facilities within the community had lower suicide rates than communities where these factors were less present.	
		Spiritual practices	Percentage of children/youth reporting participation in spiritual practices and traditional ceremonies	Many studies have demonstarted Indigneous spirituality acting as a protective factor against alcohol abuse and suicide.	
		Knowledge of Indigenous language	Percentage of children reporting knowledge of Indigenous language(s)	One study found that First Nations who had high levels of language knowledge had significantly lower rates of suicide than those with lower levels and for non-Indigenous youth. Researchers identified language as the strongest cultural continuity factor contributing to this difference.	
		Eating traditional foods	Percentage of children/youth reporting eating traditional foods	Loss of land and access to traditional foods has meant that healthy food choices, especially among rural and isolated First Nations, are expensive and often unavailable. This has, in part, led to disproportionately high rates of chronic diseases related to lifestyle factors, such as type 2 diabetes and obesity. Research shows that traditional food gathering not only promotes a healthier diet, but also more exercise and a connection to one's Indigenous identity.	
	Physical health and well-being	Disability and chroinc illness	Percentage of children/youth living with disability or chronic illness	An epidemiologic survey of 3,294 children in Ontario found that children with both chronic illness and associated disability were at three times greater risk of experiencing psychiatric disorders. Learning and behavioural disabilities have been associated with a higher risk of school difficulties, criminality, higher medical needs, difficulty establishing emotional relationships, and employment challenges as adults.	Children and youth are physically well
		Healthy eating	Percentage of children/youth reporting healthy eating habits	A healthy diet lays an important foundation for development among children, as well as for future outcomes in adulthood.	
		Physical acitivty	Percentage of children/youth reporting regular physical activity	Establishing patterns of regular physical activity and a healthy diet are important for preventing obesity and chronic illnesses such as type 2 diabetes and promoting healthy body image.	
		Healthy sleep habits	Percentage of children/youth reporting healthy sleep habits	Healthy habits include sleep hygeine espeically among adolescents, as this is a time when children are gaining more independence and autonomy in their lifestyle choices.	
		Teenage births	Percentage of teenage births	Teen pregnancy can lead to a variety of health problems and is also linked to critical social issues such as poverty, poor education, risky behaviours that lead to poor health issues, and child welfare. It also imposes financial costs that can be financially devastating to families.	Youth exhibit regular positive decision-making
		Illicit drug use	Percentage of youth who reported using illicit drugs in the past month	Early prevention of risky behaviour such as alcohol, tobacco and illicit drug use or unprotected sex is important, as these problem behaviours can manifest in youth and extend into adulthood. For example, a study of 727 Indigenous adolescents in the United States found that those who began drinking at an earlier age (i.e. 11-13 years old) were at a much greater risk of developing problem drinking than those who started later.	
		Gambling	Percentage of youth who reported gambling in the past month	Gambling can become problematic and when it does it can have a serious impact on the physical, emotional and financial health of the individual who gambles, as well as their family and community.	
		Smoking	Percentage of youth who reported smoking in the past month	Those who start smoking as youth often carry the habit which also often worsens over time into adult life. Smoking is highly addictive and becomes not only a costly daily habit financially but can also lead to major costs including health, exposes those around them to health concerns, and have been linked to negative social impacts as well.	
Family well-being	Wellness and social engagement	Livable income	Percentage of families reporting livable income to meet needs	Families in chronic and persistent poverty are especially prone to challenges with self-sufficiency and may require additional support to reach this objective. For many First Nations households, life choices can be severely compromised by high food costs, poor availability of healthy food, low income, and/or high housing and heating costs.	Families have the money they need to live
		Empowerment and resilience	Percentage of families reporting feelings of empowerment and resilience	Self-sufficiency is among the most cited factors in the literature on family wellbeing. Many studies have found that low parental income and economic hardships cause increased economic pressure in families, which adversely impacts parental mental health, conflict between parents/caregivers, parent-child interactions and parenting practices, as well as cognitive, academic, and socioemotional outcomes in children.	Families exhibit social wellness
		Social engagment	Percentage of families demonstrating social engagement through participation in cultural traditions, teachings and ceremonies	Positive associations between social relationships and physical and psychological well-being by promoting healthier lifestyles, better self-esteem, and a greater sense of purpose and internal locus of control. When these positive relationships are associated with cultural rpactices and traditions it has compound positive reinforcing effects on well-being.	
		Family violence	Percentage of families reporting incidents of family violence	Children who witness domestic violence are at higher risk of commiting violent acts in the future. Witnessing or experiencing family violence can also lead to long-term physical and mental health issues.	
		Substance misuse	Percentage of families reporting substance misuse	Substance misuse can lead to a variety of serious health issues both physical and mental and has drastic negative impacts on outcomes regarding employment, income and general well-being.	
		Gambling (family)	Percentage of families reporting problematic gambling	Individuals that gamble are more likely to become adicted to it which can lead to low self-esteem, stress-related disorders, anxiety, poor sleep and apetite, substance misue problems as well as depression.	
	Basic needs	Clean running water	Percentage of households with drinking water flowing from tap for consumption, bathing and other uses	Access to potable water is widely recognized as a fundamental condition for human health, and the lack of access to safe drinking water and adequate sanitation is one of the greatest threats facing vulnerable populations in the world. Clean, accessible, and sustainable drinking water is a basic necessity of life, and indispensable for meeting national and international standards of health, justice, equality, and responsibility.	Households have basic needs
		Food sovereingty	Percentage of households reporting food sovereignty	Proper nutrition is key to both physical and mental health and development. When households do not have enough food and must seek help in attaining food they often lack adequate nutrition and this can also lead to feelings of anxiety depression and low self-worth	
		Home repairs needed	Percentage of homes in need of major repairs	Inadequate, unsuitable, and unaffordable housing has been linked to chronic health conditions such as asthma and poor mental health. Poor housing has also been linked to the spread and chronic occurrence of viruses and bacteria, and the increased prevalence of unintentional injuries.	
		Suitable homes	Percentage of suitable homes	Housing improvements linked with improved health include renovations, relocation, and energy efficiency projects. For children, housing improvements were associated with a decrease in respiratory illnesses and lower rates of school absenteeism. For adults, long-lasting improvements in mental health have been demonstrated.	
		Internet connectivity	Percentage of households with internet connectivity	Broadband connectivity has been associated with numerous community benefits, and has been recognized as a pressing issue for Aboriginal communities. In some cases, broadband infrastructure has been framed as a component of indigenous self-determination. broadband infrastructure plays an important role in community development, and that Indigenous communities can access unique benefits from broadband infrastructure.	
		Below poverty line	Percentage of households below the provincial poverty line	Parental or familial experiences of poverty have been associated with numerous detrimental effects to child wellbeing, including emotional and behavioral problems as well as further disruptions in schools and to friendships. Poverty is also associated with poor early childhood development and is a risk factor for family breakdown, both of which have been linked to poor educational performance in children.	
		Employment rate	Community employment rate	Self-sufficiency is among the most cited factors in the literature on family wellbeing. Many studies have found that low parental income and economic hardships cause increased economic pressure in families, which adversely impacts parental mental health, conflict between parents/ caregivers, parent-child interactions and parenting practices, as well as cognitive, academic, and socioemotional outcomes in children.	

Community well-being	Community services and engagement	Community space	Presence of community space for gathering (Y/N)	Community infrastructure is essential to fostering services, facilities, and networks which increase quality of life and reducing poverty. Particularly in Aboriginal communities, investments in transportation, energy, and telecommunications infrastructure is most strongly connected to creating economic benefits by supporting industrial growth and re-investment in additional economic infrastructure.	Communities offer services and space in support of well-being
		Community activities	Community activities contribute to the development of capable human beings through cultural teachings, traditions, and values (Y/N)	Community activities and gatherings are important for building social trust, belonging, and well-being.	
		Community space wifi	Percentage of community spaces with free public wifi	Broadband connectivity has been associated with numerous community benefits, and has been recognized as a pressing issue for Aboriginal communities. Wifi is crucial for connectivity, education, and services. Publicly available wifi in community spaces can be an important resource.	
		Community health services	Community offers and controls health services (Y/N)	Long term economic growth also relies on community infrastructure that supports a diversified economy and good quality of life for community members. Assets such as education infrastructure; health care infrastructure; water, wastewater and solid waste disposal; and housing infrastructure, enhance quality of life in communities which increases the potential of a business to attract workers and acts as a disincentive to out-migration of community members.	
		Community social services	Community offers and controls social services (Y/N)	Safe neighbourhoods contain resources which support family activities and community health and connections, including parks, sidewalks or walking paths, libraries, and community centers. Neighbourhood safety can create opportunities for children to learn social customs, develop feelings of confidence in their communities, and build interpersonal relationships with peers.	
		Community elder services	Community offers and controls elder services (Y/N)	Programming and infrastructure available to support elder services in-community.	
		Service provider collaboration	Community service providers collaborate and connect for improved service delivery (Y/N)	Community infrastructure is significant to the degree that it promotes safety and security among neighbourhoods which, in turn, promote safety within families.	
		Affordable & reliable transportation	Percentage of community benefitting from affordable and reliable transportation	Particularly in Aboriginal communities, investments in transportation, energy, and telecommunications infrastructure is most strongly connected to creating economic benefits by supporting industrial growth and re-investment in additional economic infrastructure	
		Third party management	Community is under third-party management (Y/N)	Recipient funding agreement is managed by a federally-appointed third-party manager.	Community is financially independent
		Community risk	Community's risk rating	Risk and associated mitigation measures of recipients and their initiatives.	
	Wellness	Suicide attempts	Rates of reported suicide attempts	The rate of suicide among First Nations people is three times higher than the rate among non-Indigenous people. The suicide rate among First Nations living on-reserve have been found to be twice as high as those living off-reserve, and the highest rates are among youth aged 15 to 24 compared to other age groups.	Community exhibits wellness
		Substance misuse	Rates of reported substance misuse	Substance misuse can lead to a variety of serious health issues both physical and mental and has drastic negative impacts on outcomes regarding employment, income and general well-being.	
		Problematic gambling	Rates of problematic gambling	Individuals that gamble are more likely to become adicted to it which can lead to low self-esteem, stress-related disorders, anxiety, poor sleep and apetite, substance misue problems as well as depression.	
		Heavy drinking	Rates of reported heavy drinking	High rates in communities of heavy drinking are associated with negative physical and mental health impacts, developing other substance misuse issues, elevated levels of assault, crime and lower levels of employment and income.	
		Chronic health conditions	Rates of chronic health conditions	Chronic health conditions can negatively influence family life as both those suffering as well as family members can experience strong emotions of guilt, anger, sadness, fear, anxiety and depressed mood. They can have long term medical complication, increased costs and lead to substance misuse.	
		Violent crime	Rates of violent crime	Vilent crime can lead to premature death, or cause serious injuries, placing a toll on health services. People who survive violent crime also suffer depression, anxiety and may continue to enduring physical and metal pain and suffering. Exposure to violent crime can also lead to increased crime rates in a negative spiral.	
	Education	Elementary education	Community offers and controls elementary school education	Educational attainment is important for child well-being, particularly in the context of a child's socio-economic trajectory. When it is provided by the community within the community, the education can be tailored to provide a sense of belonging to children who will grow up appreciating their culture.	Community supports and offers education
		Secondary education	Community offers and controls secondary school education	Learning begets learning, and academic achievement and motivation to learn are key factors to a high level of educational attainment. Providing education within the community and instilling a sense of belonging is key in these formative teenage years which are often the most difficult growing up as well.	
		High school graduation	Rates of high school graduation	Failure to complete high school is linked to higher rates of welfare dependency and criminality. Elevated high school graduationrates lead to higher earnings, higher percentages of home ownership, lower rates of welfare assistance, fewer out-of-wedlock births and fewer arrests.	
		Completed post-secondary education	Rates of completed post-secondary education	Employment rates are higher for Indigenous people with post-secondary credentials.	

Appendix K: Well-being Initiatives in Canada, United States, Australia and New Zealand

Jurisdiction	Health Framework	National Initiatives	Results
Australia	According to the Australian Indigenous Health InfoNet[1] (which is principally funded by the Australian Department of Health), a holistic understanding of health is adopted by the Aboriginal and Torres Strait Islander peoples. Aboriginal health moves beyond physical well-being of an individual, and considers social, emotional, and cultural well-being of the whole community; therefore, health is seen in terms of the whole-life-view. The aim of health care services should be to support individuals achieving their full potential as human beings, as well as bringing about the total well-being of their communities. Similarly, according to the Australian Institute of Health and Welfare[2] (2018), for Aboriginal and Torres Strait Islander	The National Aboriginal and Torres Strait Islander Social Survey (NATSISS)[3] was conducted from September 2014 to June 2015 (a total of 11,178 Aboriginal and Torres Strait Islander peoples took part). The Western Australian Aboriginal Child Health Survey (WAACHS)[4], a large and comprehensive survey undertaken in 2005, measured the health, well-being, and development of Western Australian Aboriginal and Torres Strait Islander children. In 2007, with the aim of reducing disparities among Aboriginal and Torres Strait Islander people, the Government of Australia launched the *Closing the Gap*[5] strategy. The strategy is focused on addressing	Healthdirect (2018)[7] (a publicly funded national health information service) found that many Indigenous Australians experience poorer health than other Australians. Compared to their non-Indigenous counterparts, Indigenous peoples of Australia are more likely to suffer from respiratory diseases, mental health problems, cardiovascular disease, diabetes and other chronic conditions.[8] Furthermore, within Indigenous populations, certain diseases (and their resulting conditions), for instance trachoma (a bacterial infection of the eye) and rheumatic heart disease, continue to occur at high rates. These same diseases are now virtually

[1] Australian Indigenous Health InfoNet, "Aboriginal and Torres Strait Islander concept of health," accessed July 28, 2020, https://healthinfonet.ecu.edu.au/learn/cultural-ways/aboriginal-and-torres-strait-islander-concept-of-health/.
[2] Australian Institute of Health and Welfare, "Indigenous health and wellbeing," *Government of Australia*, 2018, https://www.aihw.gov.au/getmedia/110ef308-c848-4537-b0e7-6d8c53589194/aihw-aus-221-chapter-6-2.pdf.aspx.
[3] Australian Bureau of Statistics, "4720.0 - National Aboriginal and Torres Strait Islander Social Survey: User Guide, 2014-15," last updated July 24, 2020, https://www.abs.gov.au/ausstats/abs@.nsf/PrimaryMainFeatures/4720.0.
[4] Telethon Kinds Institute, "WA Aboriginal Health Survey (WA)," accessed on July 28, 2020, https://www.telethonkids.org.au/our-research/aboriginal-health/waachs/#:~:text=Aboriginal%20Health-,WA%20Aboriginal%20Child%20Health%20Survey%20(WAACHS),and%20Torres%20Strait%20Islander%20children.
[5] Australian Indigenous Health InfoNet, "Closing the Gap," accessed July 28, 2020, https://healthinfonet.ecu.edu.au/learn/health-system/closing-the-gap/.
[7] Health Direct, "Indigenous Health," last updated March 2020, https://www.healthdirect.gov.au/indigenous-health.
[8] Health Direct, "Indigenous Health," last updated March 2020, https://www.healthdirect.gov.au/indigenous-health.

	Australians, a conception of good health is more than the absence of illness; rather, it is a holistic concept that includes physical, social, emotional, cultural, spiritual and ecological well-being, at both the individual and community levels. The emphasis is on interconnectedness and recognising the impacts of social and cultural determinants on health.	disadvantages relating to life expectancy, child mortality, access to early childhood education, educational achievement, and employment outcomes. The targets are: • By 2018, halve the gap in child mortality; halve the gap in reading, writing and numeracy; halve the gap in employment, and; close the gap in school attendance • By 2020, halve the gap in year 12 attainment • Ensure 95% of Aboriginal and Torres Strait Islander four-years-olds are enrolled in early childhood education by 2025 • By 2031, close the gap in life expectancy.[6]	unknown in the non-Indigenous population.[9] Though alcohol, tobacco and illicit substances are widely used by Australians generally, substance use does play a significant role in the health and life-expectancy gaps experienced between Indigenous and non-Indigenous populations in Australia.[10]
Canada	The aim of the Canadian government is to recognize and strengthen the cultural distinctiveness of Indigenous Peoples in Canada. Indigenous Services Canada promotes the First Nations Mental Wellness Continuum Framework[11]. The	Indigenous Services Canada, First Nations and Inuit Health Branch, Health Canada, Assembly of First Nations, as well as independent provincial health authorities (e.g. FNQLHSSC in QC, FNHA in BC) all provide services to Indigenous peoples in Canada.	The Public Health Agency of Canada (2018)[15] has documented several health inequalities present among Indigenous peoples in Canada. First Nations, Inuit, and Metis populations regularly demonstrate behaviours less favourable to health (e.g. smoking and

[6] Australian Indigenous Health InfoNet, "Closing the Gap," accessed July 28, 2020, https://healthinfonet.ecu.edu.au/learn/health-system/closing-the-gap/.
[9] Health Direct, ''Indigenous Health,'' last updated March 2020, https://www.healthdirect.gov.au/indigenous-health.
[10] Health Direct, ''Indigenous Health,'' last updated March 2020, https://www.healthdirect.gov.au/indigenous-health.
[11] Indigenous Services Canada, "First Nations Mental Wellness Continuum Framework - Summary Report," *Government of Canada*, last modified January 27, 2015, https://www.sac-isc.gc.ca/eng/1576093687903/1576093725971.
[15] Public Health Agency of Canada, "Key Health Inequalities in Canada: A National Portrait," August 2018, https://www.canada.ca/content/dam/phac-aspc/documents/services/publications/science-research/key-health-inequalities-canada-national-portrait-executive-summary/hir-executive-summary-eng.pdf.

	framework, developed jointly by the First Nations and Inuit Health Branch (FNIHB), the Assembly of First Nations (AFN), and Indigenous mental health leaders from various First Nations non-government organizations, is aimed at supporting First Nations mental wellness in a way that is rooted in culture and comprised of several layers and elements. The framework views mental wellness as "a balance of the mental, physical, spiritual, and emotional." Further it states: "[t]his balance is enriched as individuals have: purpose in their daily lives whether it is through education, employment, care giving activities, or cultural ways of being and doing; hope for their future and those of their families that is grounded in a sense of identity, unique indigenous values, and having a belief in spirit; a sense of belonging and connectedness within their families, to community, and to culture; and finally a sense of meaning and an understanding of how their lives and those of their families and communities are part of creation and a rich history."[12] The framework further asserts a coordinated, and comprehensive approach to whole health (physical, mental, emotional, spiritual, social, and	The Aboriginal Peoples Survey (APS)[14] is a survey conducted nationally to estimate the social and economic conditions of First Nations people living off reserve, Métis and Inuit. The APS aims to identify the specific needs of these Aboriginal groups. The results of the APS are crucial to informing policy and programs designed to improve the well-being of Aboriginal peoples.	high alcohol consumption), negative health outcomes (e.g. life expectancy and self-reported mental health), and structural impediments to health (developmental vulnerability in early childhood, household food insecurity, and working poverty).

[12] Indigenous Services Canada, "First Nations Mental Wellness Continuum Framework - Summary Report," *Government of Canada*, last modified January 27, 2015, https://www.sac-isc.gc.ca/eng/1576093687903/1576093725971.

[14] Statistics Canada, "Aboriginal Peoples Survey (APS)," *Government of Canada,* last modified August 17, 2017, https://www.statcan.gc.ca/eng/survey/household/3250.

	economic well-being). This approach "respects, values, and utilizes First Nations cultural knowledge, approaches, languages, and ways of knowing."[13]		
New Zealand	The New Zealand Ministry of Health sets the direction for Māori health. Their goal is to increase access in the sector to achieve equitable health access and improve outcomes for Māori. He Korowai Oranga, the Māori Health Strategy, a component of the New Zealand Health Strategy,[16] is the overarching framework which guides the government in the health and disability sector to achieve desirable health outcomes for Mâori. The goal of He Korowai Oranga is Pae Ora is healthy futures.[17] Pae Ora (healthy futures) is the government's vision for Māori health; this extends to mauri ora (healthy	The New Zealand government has implemented Te Kupenga (The Maori Social Survey), which collects information on a variety of well-being indicators for Māori in New Zealand. This survey provides key statistics on four areas of Māori cultural well-being: wairuatanga (spirituality), tikanga (Māori customs and practices), te reo Māori (the Māori language), and whanaungatanga (social connectedness). The survey was conducted initially in 2013 and repeated in 2018.[18] The Ministry of Health also publishes statistical publications on Maori health.[19]	The New Zealand Ministry of Health (2018) reports confirm that Maori health inequity is a persistent issue.[21] The Maori population display disparate and negative outcomes across several indicators of health status, including life expectancy, disability, major causes of death, cardiovascular disease, cancer, respiratory disease, diabetes, infectious disease, immunization, suicide and intentional self-harm, interpersonal violence, oral health, mental health, infant health and unintentional injury. In 2013, life expectancy at birth was 73.0 years for Māori males and 77.1 years for Māori females; it was 80.3 years for non-Māori males and 83.9 years for non-Māori females.

[13] Indigenous Services Canada, "First Nations Mental Wellness Continuum Framework - Summary Report," *Government of Canada*, last modified January 27, 2015, https://www.sac-isc.gc.ca/eng/1576093687903/1576093725971.

[16] Ministry of Health—Manatū Hauora, "New Zealand Health Strategy: Future direction," Wellington: *Ministry of Health*, (2016).

[17] Ministry of Health—Manatū Hauora, "He Korowai Oranga," last updated July 26, 2019, https://www.health.govt.nz/our-work/populations/maori-health/he-korowai-oranga.

[18] Stats NZ – Tatauranga Aotearoa, "Te Kupenga," last updated May 6, 2016, http://archive.stats.govt.nz/tekupenga#gsc.tab=0.

[19] Ministry of Health—Manatū Hauora, "Māori health data and stats," last updated April 23, 2018, https://www.health.govt.nz/nz-health-statistics/health-statistics-and-data-sets/maori-health-data-and-stats.

[21] Ministry of Health—Manatū Hauora, "Ngā mana hauora tūtohu: Health status indicators," last updated August 2, 2018, https://www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutohu-health-status-indicators.

	individuals), whānau ora (healthy individuals), and wai ora (healthy environments). For Maori, the He Korowai Oranga (meaning "The Cloak of Wellness") Health Strategy signifies the protective cloak and mana o te tangata (the cloak that embraces, develops and nurtures the people physically and spiritually). In the weaving, of a korowai there are strands called whenu or aho. These strands symbolize all the different people in the strategy who work together to make Maori healthy.	In November 2016, the Government of New Zealand conducted the Waitangi Tribunal Health Services and Outcomes Inquiry (Wai 2575) to gather claims and concerns relating to health services and outcomes of Maori people. In June of 2018, there were around 198 claims seeking to participate in the inquiry.[20] The historical and contemporary claims cover a range of issues relating to the New Zealand health system and specific health services and outcomes, with special attention being paid to health equity, primary care, disability services and Māori health providers.	Irrespective of age, in 2013, Māori had a higher disability rate than non-Māori. Looking at total cancers in 2010-2012, cancer registration rates are significantly higher for Māori adults aged 25 and over, as compared to non-Māori adults. The total-cancer mortality rate was over 1.5 times higher among Māori adults than among non-Māori adults. Māori adults were approximately 1.5 times as likely as non-Māori adults to report having a high or very high anxiety or depressive disorder.[22]
United States	The Department of Health and Human Services' Indian Health Service (IHS) provides federal health services to American Indians and Alaska Natives.[23] The IHS website discusses Behavioral Health, focusing on the necessity of self-determination and holistic frameworks for health. They state "[t]he importance of integrated perspectives that include cultural and traditional practices and community-wide healing	The U.S. government does not implement a separate survey with a specific focus on American Indian or Alaska Natives. Statistics on health are tracked by the Center for Disease Control National Center for Health Statistics, the Office of Minority Health within the Health and Social Services Department, and the Substance Abuse	The IHS (2019) reports that the American Indian and Alaska Native people have long experienced disparity in health status relative to other Americans.[29] American Indians and Alaska Natives' life expectancy at birth is 5.5 years lower than the U.S. all races population

[20] Ministry of Health—Manatū Hauora, "Wai 2575 Health Services and Outcomes Kaupapa Inquiry," last updated June 23, 2020, https://www.health.govt.nz/our-work/populations/maori-health/wai-2575-health-services-and-outcomes-kaupapa-inquiry.
[22] Ministry of Health—Manatū Hauora, "Ngā mana hauora tūtohu: Health status indicators," last updated August 2, 2018, https://www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutohu-health-status-indicators.
[23] Indian Health Service, "About IHS," accessed June 28, 2020, https://www.ihs.gov/aboutihs/.
[29] Indian Health Services, "Indian Health Disparities," (October 2019).

	and wellness must not be underestimated." [24] The IHS also employs a Tribal Self-Governance Program, which "recognizes that tribal leaders and members are in the best position to understand the health care needs and priorities of their communities." [25] The IHS acknowledges that health issues facing Urban Indians "are exacerbated (…) because of the lack of family and traditional cultural environments." [26]	and Mental Health Services Administration.[27] The HSS Office of Minority Health and the CDC announced a new initiative in 2017 to gain a better understanding of health issues in American Indian and Alaska Native communities. In 2017, the CDC conducted interviews in 11 states with significant proportions of American Indians and Alaska Natives, through the Behavioral Risk Factor Surveillance System (BRFSS).[28] These States include Alaska, Arizona, Minnesota, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, and Wisconsin.	(73.0 years to 78.5 years, respectively).[30] American Indians and Alaska Natives also face elevated mortality rates in several categories including chronic liver disease and cirrhosis, diabetes mellitus, unintentional injuries, assault/homicide, intentional self-harm/suicide, and chronic lower respiratory diseases.[31]

[24] Indian Health Services, "Behavioural Health," accessed July 28, 2020, https://www.ihs.gov/newsroom/factsheets/behavioralhealth/
[25] Indian Health Services, "Tribal Self-Government," (July 2016), https://www.ihs.gov/newsroom/factsheets/tribalselfgovernance/
[26] Indian Health Services, "Urban Indian Health Program," (October 2018), https://www.ihs.gov/newsroom/factsheets/uihp/
[27] Substance Abuse and Mental Health Services Administration, "American Indian and Alaska Native (AI/AN): Tribal Affairs," last updated April 23, 2020, https://www.samhsa.gov/behavioral-health-equity/ai-an.
[28] Centers for Disease Control and Prevention, "Behavioral Risk Factor Surveillance System," last updated November 5, 2019, https://www.cdc.gov/brfss/index.html
[30] Indian Health Services, "Indian Health Disparities," (October 2019).
[31] Indian Health Services, "Indian Health Disparities," (October 2019).

Appendix L: Detailed Checklist on Horizontal Initiatives

ESTABLISHING THE HORIZONTAL INITIATIVE	
Checklist Item	
Identify the lead department and all partner departments	☐
Prepare a Memorandum to Cabinet for approval as a horizontal initiative	☐
Establish timelines	☐
Identify funding levels and outcomes sought	☐

GOVERNANCE	
Checklist Item	
Establish a senior-level Oversight committee	☐
Establish terms of the Oversight committee including reporting, evaluations etc.	☐
Oversight committee responsible for results and resource frameworks	☐
Oversight committee responsible for data collection and consolidation	☐
Oversight committee responsible for monitoring of indicators and spending	☐
Oversight committee responsible for reporting content and frequency	☐
Oversight committee responsible for unforeseen issues and course corrections	☐
Oversight committee responsible for resolution of disputes	☐
Oversight committee responsible for liaison and engagement with central agencies	☐
Oversight committee responsible for coordinating horizontal evaluations and audits	☐
Oversight committee responsible for timing of meetings and agenda	☐
Oversight committee responsible for communication strategies	☐

ROLE & RESPONSIBILITIES OF LEAD DEPARTMENT	
Checklist Item	
Coordinating the MC and TB submission process if applicable	☐
Providing administrative support to the oversight committee and other governing bodies	☐
Identifying a secretariat within the department of sufficient capacity to manage coordination efforts	☐
Coordinating the development and maintenance of the performance measurement framework, including the structured inventory of activities with inputs from partner departments	☐
Coordinating the collection of financial and non-financial information from partner departments	☐
Ensuring that performance measures are populated with actual and meaningful performance data, and that data consistency standards are met	☐
Communicating the format and frequency of the submission of financial information required for consolidated reporting	☐

Coordinating the public reporting of the Child Welfare initiative via the Departmental Plan and Departmental Results Report	☐
Coordinating the preparation of any required horizontal initiative reports	☐
Collecting and storing data for the initiative in a manner that supports subsequent audits and evaluations	☐
Coordinating liaison with central agencies, notably in the event that a high-impact issue arises	☐

ROLE & RESPONSIBILITIES OF PARTNER DEPARTMENTS	
Checklist Item	
Participate in establishing the governance structure and the financial parameters for the horizontal initiative	☐
Provide a complete list to the lead department of their activities that are components of, or linked to, the horizontal initiative	☐
Provide information on relevant departmental activities a required by the Oversight committee to implement their respective activities that are components of the horizontal initiative, in order to contribute to the achievement of the shared outcome	☐
Collect and provide to the department financial and non-financial performance information on all their activities that are components of the horizontal initiative	☐

MANAGEMENT AND REPORTING OF THE HORIZONTAL INITIATIVE	
Checklist Item	
Develop common understanding of departmental roles and responsibilities	☐
Provide a clear and measurable understanding of the successful achievement of Thriving First Nations Children	☐
Develop a shared understanding of the outcomes anticipated, indicators of success, activities required and the capacities needed to execute	☐
Ensure there is a robust process and system in place for the management, collection and transparent reporting of data to Parliamentarians and the public	☐
Ensure alignment of each shared outcome with a performance indicator, a target and target date, a data source and verification of data availability	☐
Clear articulation of the linkage of performance indicators to the achievement of outcomes	☐
A disaggregation of each shared outcome by theme	☐
A listing of activities linked to each theme, including whether funding is for a new program or is incremental to an existing program	☐
The identification of activities by department	☐
Relevant performance indicators for all activities and related baselines and targets for clear tracking of progress and for use in any evaluation	☐
Coordinating liaison with central agencies, notably in the event that a high-impact issue arises	☐

REPORTING REQUIREMENTS FOR PARLIAMENT & TBS	
Checklist Item	
Facilitate assessment of progress toward stated outcomes	☐
Facilitate decisions on renewal of the initiative and new areas of focus	☐
Facilitate decisions on adjustments to resource allocation	☐
Facilitate reporting to central agencies and Parliament	☐
Reporting should strive to be consistent, comprehensive and easy to understand	☐
Reporting should improve horizontal decision-making	☐
Reporting should share information with stakeholders on progress, successes and challenges	☐
Reporting should provide transparent performance reporting to Canadians	☐
Reporting should disseminate lessons learned	☐
Reporting should provide a means to compare the consolidated status of the horizontal initiative with the ultimate plan or outcomes	☐
The oversight committee should determine frequency, level of detail and audience for progress reports with the exception of any related statutory, parliamentary or ministerial requirements	☐
Progress reports should facilitate early detection of horizontal issues and be understandable to the target audience	☐
The consolidated report of summary information to Parliament and Canadians is carried out in departmental plans and departmental results reports of the lead department based on a consolidation of inputs from all participating departments and agencies	☐

Appendix M: IFSD's 2019 FNCFS Survey Questionnaire

IFSD
IFPD

Letter to FNCFS Agency leadership
Re: Phase 2 – Outcome based funding approaches for FNCFS

September 19, 2019

Dear colleagues,

The Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa is pleased to continue its collaboration with the Assembly of First Nations (AFN) and the Caring Society on First Nations child welfare. Following the acceptance of IFSD's report, *Enabling First Nations Children to Thrive* by the National Advisory Committee (NAC), IFSD was asked to undertake a follow-on study to identify options and plans for a change in structure and resources in First Nations Child and Family Services (FNCFS) to transition agencies to an outcome-based approach based on well-being for thriving First Nations children.

Project overview
There are four parts to this project:

1) Expenditure analysis and funding impacts: Defining the existing baseline of FNCFS program allocations, expenditures and their impacts, including CHRT-mandated funding.
2) Performance framework: Defining a measurable future state from which to build a funding approach for thriving children.
3) Funding approaches: Identifying and analyzing approaches to funding that support improved outcomes for children.
4) Transition plan: Defining approaches and considerations in moving to a new system of performance and funding focused on thriving children.

IFSD's ask to FNCFS agencies
To make this possible, we need your support and collaboration. The knowledge and data you share and the insight you provide are invaluable to this work. There are two ways FNCFS agencies will be asked to participate:

1) Survey: IFSD is requesting **input from all FNCFS agencies** for this project through a **short survey** on CHRT funding and performance this fall. You will receive a short questionnaire (fillable PDF) via email on September 19, 2019 and will be asked to complete the questions no later than October 16, 2019. Should it be preferred, IFSD would be pleased to schedule a phone call, Skype or FaceTime call to complete the questionnaire with you.

2) Case studies: IFSD is seeking approximately 12 FNCFS agencies from different provinces and with different characteristics (e.g. geographic location, size, etc.) to serve as representative/model agencies for the project. These FNCFS agencies will be asked for regular input throughout the project. Monthly contact via email or phone is anticipated for follow-ups on project progress or to help to inform IFSD on specific project matters. Leadership from the case study FNCFS agencies will be invited to Ottawa for two workshops between December 2019 and April 2020.

IFSD
IFPD

Participation and data
Throughout this project, the different characteristics among agencies will be taken into account to ensure that analysis and planning considers their differentiated points of departure, experiences and needs. For instance, small agencies and large agencies may require different transition plans; funding approaches may require refinement for remote agencies; etc.

IFSD's approach to this project is collaborative and informed by OCAP® principles. As an affiliate of the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous Peoples and complies with the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans in all of its work. All information shared during this project with the consent and participation of the agencies will be anonymized and shared back to protect the privacy of agencies and the communities they serve.

All data shared by communities electronically with IFSD will be held on a password protected cloud-storage system (OneDrive), accessible only to IFSD staff engaged in this project. Any locally held data will be stored on IFSD research laptops only. Any physical copies of data or data shared on USB keys will be kept in a locked cabinet in a locked office at IFSD's offices.

As is its usual practice, IFSD will update its stakeholders monthly on the project's progress. Updates will be released via email and posted to the project website (www.ifsd.ca/fncfs).

Having had the opportunity to meet many of you and the pleasure of visiting some of your agencies and communities, we are delighted to have the opportunity to collaborate with you again.

With best wishes,

Helaina Gaspard, Ph.D.
Director, Governance & Institutions
helaina.gaspard@ifsd.ca
(613) 983-8461
www.ifsd.ca/en/fncfs

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QUESTIONNAIRE FOR FNCFS AGENCIES

Agency name:

First and last name:

Position:

Email: Phone:

---

1. What were your FNCFS agency's total expenditures ($) for fiscal year 2018–19?
2. What were your FNCFS agency's total revenues ($) for fiscal year 2018–19?
3. Did you request CHRT-mandated funding? **(If no, go to question 4).** ◯ yes ◯ no
   a. If yes, what amount was requested ($)?
   b. Did you receive the amount ($) requested? ◯ yes ◯ no
   c. Why did you request funding? Select all that apply:
      i. Maintenance ◯
      ii. Capital ◯
      iii. Prevention and programming services ◯
      iv. Salaries and benefits ◯
      v. Operating and maintenance ◯
      vi. Information technology (IT) ◯
   d. How was the funding used?
   e. What were the results of the supplementary investments?

4. Do you collect data (qualitative or quantitative) on (select all that apply):
   a. Program performance ○
   b. Spending outcomes ○
   c. Other (please describe) ○

5. If you do collect data, how is it used (select all that apply)?
   a. Budgeting ○
   b. Program development ○
   c. Funding requests ○
   d. Other (please describe) ○

6. When you prepare your agency's budget, do you align spending to desired outcomes? For instance, if your goal is to improve child well-being, do you allocate funding to programs or activities specifically designed to promote that goal?

7. May IFSD contact you to discuss your FNCFS agency's work further? ○ yes ○ no

Thank you for completing this questionnaire. Kindly return the completed form to helaina.gaspard@ifsd.ca by October 16, 2019.

Appendix N: Capital Asset Business Case Template

STRATEGIC CONTEXT	
Organization Name	*Detail the name of the organization requesting the capital investment*
Organizational Overview	*To build a strong rationale for a proposed investment, the current environment needs to be described. The organizational overview of the sponsoring agency should include:* – *Mission* – *Strategic vision, goals, and service objectives* – *Current activities and services, including key stakeholders and clients* – *Organizational structure (high level)* – *Existing capacity—financial and human resources*
Problem/ Opportunity Statement	*Express the problem or opportunity to which your agency or First Nation is responding.*
Strategic Fit	*To make a robust case for change, the business case should demonstrate how the proposed investment fits within the agency's or First Nation's broader strategic context and contributes toward its goals and objectives, e.g. successful family reunifications, fewer re-entries into protection. This subsection maps the investment proposal to the organizational framework.*
Drivers for Change	*Identify the drivers that have triggered the investment proposal, e.g. increased demand for services or demand for additional services. Both internal, e.g. organizational reprioritization, and external drivers of change, e.g. mental health crisis, should be identified and clearly linked to the business need.*
ANALYSIS AND RECOMMENDATION	
Options Analysis	*Identify, describe, and explore every possible option that can address the business need. The list should demonstrate due diligence in exploring options.*
Performance Alignment	*Define the evaluation criteria and alignment of the capital request to the Thriving Children Performance Measurement Framework that will be used for screening and analysis of the options and will ultimately determine an overall recommendation.*
Lifecycle Cost for Each Option	*Provide a complete description of the costs. Projected costing estimates should be based on total cost of ownership, which includes*

	ongoing costs over the course of the investment's life cycle as well as potential compliance costs for stakeholder groups.
Cost-Benefit Analysis for Each Option	*Based on the costs established for each option, describe how those costs are weighed against the benefits. Conduct the cost-benefit analysis for each option taking into account costs, benefits, and risks.*
Risk Analysis for Each Option	*Identify the risks and conduct a risk assessment for each option, along with the development of a risk response. Risks may include challenges of working in remote areas, or the investment's importance to the agency's operations. A useful tool for assessing the risk and complexity of a project is the Treasury Board Project Complexity and Risk Assessment (PCRA).*
JUSTIFICATION & RECOMMENDATION	
Identify the Recommended Option	Present the recommendation in a straightforward manner, clearly stating why the agency or First Nation will benefit by focusing its investment on one particular option.
Deciding Factors	*Identify the deciding factors (financial, strategic, and outcome-related) for selecting the preferred option.*
Forecasted Performance Impact of Recommended Option	*Present the contribution of the requested capital item towards the realization of outcomes and service levels required from the Thriving Children Performance Measurement Framework.*
Lifecyle Cost / Funding Formula Impact of Recommended Option	P*resent the lifecycle cost for the requested capital item and specifically identify the cost implication to the funding framework over the lifecycle of the capital asset.*
Risk Mitigation Measures of Recommended Option	*Illustrate why the identified risks are acceptable. Narrative may be included to further contextualize the key factors supporting the overall risk assessment, which include impact, probability, outcomes, and so forth. A useful tool is the Treasury Board PCRA.*

Appendix O: Quantifying Geography and Remoteness for First Nations Child and Family Services Agencies

Dr. John Loxley and
Raina Loxley

Quantifying Geography and Remoteness for First Nations Child and Family Services Agencies

Prepared for the Institute for Fiscal Studies and Democracy

Dr. John Loxley and Raina Loxley[1]

[1] Dr. John Loxley is a Professor of Economics at the University of Manitoba. Raina Loxley is an epidemiologist and public health researcher in Toronto.

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1. Importance of remoteness for First Nations child welfare funding

Operating in a remote location can potentially have several serious implications for the budgets of and quality of service provided by First Nations child welfare agencies. Staffing and travel costs are the two factors mainly affected by geographic location but each has a number of dimensions. On the staffing side, one can generally expect costs to increase over those in non-remote locations because a salary premium is probably required to attract people to more remote locations. To begin with, the cost of living is generally much higher and salaries need to compensate for this. Access to services normally taken for granted in cities, such as restaurants, entertainment, social and medical facilities, is often severely restricted in remote places and staff may need a financial incentive to accept this. Staff costs are likely to be higher for the bread and butter aspects of child welfare, such as visiting families and children at risk, visiting foster children and families, and meeting with fellow agency staff and local boards may also require more staff time. Where remoteness dictates multi-agency arrangements, this compounds the additional expense. So salary costs are likely to be higher for a number of different reasons, each related to remoteness.

Additional travel costs will be incurred to visit children and families at risk and in care. The cost of gas and vehicle maintenance are generally higher in remote places and if roads are non-existent, flying can become very expensive. Taking families and children into centres where services are available is generally more expensive the more remote the agency.

Inadequate provision for remoteness will, inevitably, reduce the quality of service provided to children and families, by reducing available staff, impeding necessary travel or limiting access to services through broadband.

All of this has long been acknowledged. It was flagged as a major issue by the Joint National Policy Review of First Nations Child and Family Services in 2000 (McDonald, Ladd et al., 2000). It was raised again in the Wen:De (FNCFCS, 2004; FNCFCS, 2005a; FNCFCS, 2005b) report and in subsequent evaluations of the Enhanced Prevention Focused Approach (EPFA) of the Department of Indian and Northern Affairs, Canada (INAC)[2] (INAC, 2010; INAC, 2013; INAC, 2014).[3] It also featured prominently in the Canadian Human Rights Tribunal on Child Welfare (CHRT 2, 2016). Some provision has generally been made to compensate for remoteness in funding models, so the principle is long recognized and the issues that remain are

[2] The federal department responsible has undergone a number of name changes over the years and is currently Indigenous Services Canada (ISC).
[3] Evaluations were conducted in Alberta (2010), Saskatchewan and Nova Scotia (2013) and Manitoba (2014) and remoteness seems to have been an issue in all but Nova Scotia.

the method of providing for remoteness and the size of that provision. In 2018, the department announced that it would be studying the issue and made a presentation on the topic to the Canadian Economics Association annual conference (ISC, 2018), but nothing more seems to have come of this.

In what follows we examine different approaches to measuring remoteness that have been put forward in Canada and elsewhere, but first we examine the findings of the Institute for Fiscal Studies and Democracy (IFSD) on the relationship between remoteness and cost of providing First Nation child and family services.

2. The Institute for Fiscal Studies and Democracy Findings on Remoteness

In 2018 the IFSD conducted a survey of First Nation child and family service agencies across Canada to ascertain their needs and how these might influence the costs of providing services. The survey was conducted following the findings of the CHRT that First Nation child welfare services were underfunded and First Nation children discriminated against. It was commissioned by the Assembly of First Nations with direction from and strategic support of the National Advisory Committee on First Nations Child and Family Services (NAC) (IFSD, 2018).

The study concluded that the single most important driver of agency budgets was the number of children in care (CIC) (IFSD, 2018, p. 9), which is not surprising given the bias of funding models towards taking children into care as opposed to preventing child apprehension, as found by the CHRT (CHRT 2, 2016). The study also found that agency costs increased if at least one community it served had no or limited year-round road access, and budgets of such agencies were found to be more than twice the average annual budget of those agencies with all-year road access; they had two times more staff and their travel costs were five times higher (IFSD, 2018). This supports the argument made above (in section 1) on the importance of remoteness which, following the Wen:De reports (Section 4.1), the IFSD defines as distance from city centres providing child welfare services.

3. How and how well is remoteness accommodated in existing funding models?

Remoteness is accounted for differently in child welfare funding models across Canada. The following draws on information submitted to the CHRT on the First Nations Child and Family Services (FNCFS) Funding Formula Template in 2016 by former Indian and Northern Affairs Canada (INAC) (INAC, 2016a; INAC, 2016b). This shows that the Manitoba child welfare funding model accounts for remoteness by providing 5% of salaries, benefits and operating costs for agencies north of the 53rd parallel and southern remote and isolated communities. Manitoba agencies also received $11,500 per direct service worker, supervisor and executive directors annually, for travel related costs.

Although not covered by the Funding Formula Template, the Ontario model also allocates 5% of funding for remoteness, but only on the socio-economic factors which account for 50% of the budget so, in effect, remoteness accounts for only 2.5% of the total budget (Loeppky and Loxley, 2017, p. 39).

Quebec agencies receive a salary adjustment per professional, adjusted in increments depending on the remoteness of the region, ranging from $8,487, to $13,207, in 2016. An additional $3,057 is provided to service delivery staff to account for travel in remote areas. The 2015-16 FNCFS Funding Formula Template (INAC, 2016a, p. 13) makes explicit provision for increases in salaries and travel for remoteness in Quebec of $292,752 which is equal to 9.95% of total funding for an agency servicing 1,000 children. No other province receives such a high amount for remoteness and the logic for this is not obvious, as on remoteness measures in use by INAC (see 4.2 below), the average remoteness of Quebec agencies is actually a little less than that of Manitoba agencies (FNCFCS, 2005b, p. 108 and 129).

Funding to compensate agencies for remoteness in Saskatchewan is allocated as a fixed amount on a recipient by recipient basis and varies by agency.[4] Travel expenditures are provided at $11,500 per direct service worker, supervisor or agency ED annually and in some cases, a remoteness amount is included in the travel cost. Again, this is allocated on a recipient by recipient basis.

Provision for remoteness was built into tri-partite discussions with some recipients of the EPFA (which replaced Directive 20-1), Saskatchewan, Quebec and Manitoba, but not with all. In the 2011 evaluation of the Alberta EFPA, lack of provision for remoteness was raised as a central issue and it was explained that 'First Nations and the Province did not flag remoteness during the discussion to develop the formula; therefore, it was not included' (INAC, 2010, p. viii).

PEI calculates travel costs as $12,000 per direct service worker, supervisor and ED annually and in some cases includes a remoteness amount on a recipient by recipient basis (INAC, 2016b, Annex B).

There is no direct provision for remoteness in the child welfare funding models of British Columbia, Alberta, New Brunswick, Nova Scotia and Newfoundland. Agencies in these provinces receive $11,500 per direct service worker, supervisor and ED annually, for travel related costs (as in Manitoba and Saskatchewan), but this is consistent across agencies regardless of geographical location. The INAC costing models also stipulate that additional funding can be

[4] In the 2016 budget, an amount of $1.5 million is provided for remoteness, all of it under the heading of 'Enhancement' but no further explanation is given for this (INAC, 2016a, Annex C).

provided to agency Boards of Directors to account for remoteness and/or multi-site agencies (INAC, 2016b, Annex B).

In 2016, INAC stated that it does not currently provide funding for remoteness in regions other than Quebec, Manitoba and Saskatchewan 'as the Department did not have sufficient data and information on which to base calculations for funding' (INAC, 2016b, Appendix B, p. 17).

Since 2018 there is no single funding formula as agencies have been billing the department for many actual expenditures. There is, no doubt, some inertia or hysteresis in receipts of funding which will carry forward provisions for remoteness made in the past.

4. Potential approaches to measuring remoteness and their strengths and weaknesses: Canada

There are a number of possible indicators of remoteness that might be used in developing budgets for child welfare agencies, so the question arises as to how to differentiate between them. Moazzami (2018, pp. 2-3) offers sound advice when he suggests that indicators should:

1. be developed for the specific issue or policy under consideration;
2. be based on service centres relevant to the type of service being measured;
3. allow for the assessment of the impact of various policy measures in the area under consideration;
4. be based on theoretical consideration and any proxies used should be sensible;
5. allow for periodic updating and monitoring;
6. be easy to calculate and intuitively appealing;
7. assign different degrees of remoteness, and not just remote or not remote, as costs will differ by degree;
8. give a stable ranking of communities by location for long term planning.

These considerations should be borne in mind when reviewing the following list of possible remoteness measures.

4.1 Using the Statistics Canada Consumer Prices Index to Measure Costs of Remoteness

It has been suggested by Indigenous Services Canada (2018) that the CPI could be a potentialdata source for measuring the costs of remoteness. The CPI however, does not include people living on reserves (Statistics Canada, 2020a). While it does provide data for 15 cities in Canada, it qualifies their usefulness by stating that 'These estimates should not be interpreted as a measure of differences in the cost of living between cities. The indexes provide price comparisons for a selection of products only, and are not meant to give an exhaustive comparison of all goods and services purchased by consumers. Additionally, the shelter price concept used for these indexes is not conducive to making cost-of-living type comparisons between cities.' (Statistics Canada, 2019a). Only 3 of the 15 cities are located in relatively remote areas. Statistics Canada goes on to explain why data for other cities are not available, arguing that basket weights for goods consumed would be 'quite small' and that price changes in less populated areas generally follow those in populated areas. Above all, 'the CPI aims to

measure price change not price levels' (Statistics Canada, 2019b, p.22). The CPI, therefore, is not useful for our purposes.

4.2 Remoteness and the Wen:De Report

In 2004 the First Nations Child and Family Caring Society (FNCFCS) undertook a review of Directive 20-1, the funding formula for all First Nation Child and Family Service agencies in Canada except Ontario. This review was ultimately published by the FNCFCS as three volumes of Wen:De (FNCFCS, 2004; FNCFCS, 2005a; FNCFCS, 2005b). Directive 20-1 drew on a remoteness factor developed by INAC, which classified agencies according to their distance from service centres, degrees of latitude and year round road access. This factor ranged from 0 to 1.9 (CHRT 2, 2016, p. 127) rising with remoteness. It was used to compensate agencies for the higher cost of remoteness by adjusting three components of the funding formula: the amount of money paid per band, the amount paid per agency and the amount paid per child.

Child welfare agencies recognized the need for remoteness payments but believed the amount being paid was deficient and its calculation based on service centres did not reflect the true costs of accessing child welfare services which were only really available in city centres (FNCFCS, 2005a). Wen:De therefore recommended an increase in the remoteness factor of between 3% for least remote and 8% for most remote agencies. It also recommended replacing service centres, which were really business centres, with cities in which child welfare services were available (FNCFCS, 2005b).

In 2005, INAC revised its remoteness factor, simplifying it. While it assigned each agency to a city, it continued to classify remoteness and in turn determine funding, based on service centres.

4.3 INAC Band Support Funding Remoteness Index

The INAC Band Support Funding (BSF) program is used by the Federal government to determine transfer payments for individual First Nations to facilitate service delivery and allocation of funds according to individual community needs and priorities. The BSF formula last updated in 2005, takes into consideration geographic location of the First Nation, cost of transportation and services through two concurrent indices: a remoteness index and an environmental index. "Both indices are derived based on a combination of the remoteness classification and the environmental classification of a First Nation" (ISC, 2016). The incorporation of these indices in the BSF model is designed to "offset against additional expenditures attributable to geographic location", and could therefore be used similarly in child welfare funding models (ISC, 2016).

The BSF remoteness index incorporates transportation costs and shipping costs for each First Nation, based on the distance to the nearest service centre by the shortest practical route. The BSF defines a service centre as "the nearest community to which a First Nation can refer to gain access to government services, banks and suppliers", including health services, community and social services and environmental services (INAC, 2005). Since the index is based on transportation costs, it is designed to compensate for the increased challenge faced by communities that do not have year-round road access and require fly-in, rail, boat or ice-road transportation.

The environmental index "relates the geographic location of the band to the local climate" and the associated costs of service delivery for members. This includes additional staffing related costs and additional costs for utilities such as electricity and heating associated with the local climate.

Each community is given a numerical score on both the remoteness index and the environmental index, calculated by combining the two measures. Communities are categorized into 4 geographic zones, based on distance to the nearest service centre. Zones 1, 2 and 3 have year-round access by paved or gravel road, including access by vehicular ferry. Communities requiring special access via air, rail or boat are classified as Zone 4 and further sub divided into 7 sub-zones.

Geographic Zones are determined as follows:

Zone 1: First Nations located within 50 km of a service centre.
Zone 2: First Nations located between 50-350 km of a service centre.
Zone 3: First Nations located over 350 km from a service centre.
Zone 4: First Nations with either air, rail or boat access to the service centre.
Zone 4 is further subdivided into to the following sub-zones, according to their distance directly measured from the service centre:

0: distance < 50 km (classified as Zone 2)
1: 50 < distance < 160 km
2: 160 < distance < 240 km
3: 240 < distance < 320 km
4: 320 < distance < 400 km
5: 400 < distance < 480 km
6: distance < 480 km

Communities are also categorized for into the following environmental classifications:

A: geographic location < 45˚ latitude
B: 45˚ latitude < geographic location < 50˚ latitude
C: 50˚ latitude < geographic location < 55˚ latitude

D: 55˚ latitude < geographic location < 60˚ latitude
E: 60˚ latitude < geographic location < 65˚ latitude
F: geographic location > 65˚ latitude

Each community is thus assigned a geographical zone (1, 2, 3, 4.0-4.6) and an environmental classification (A-F), which are combined to result in a corresponding numerical score on the remoteness index, ranging from 0.0-1.85. The index however, is not continuous, but rather yields a discrete score for each combination of geographical zone and environmental classification.

Manitoba and Quebec have the highest average remoteness factor (0.43 and 0.425 in 2006) (FNCFCS, 2005b) while Ontario, BC and Manitoba have the highest number of communities in Zone 4, with 31, 31 and 19 respectively (INAC, 2005).

The BSF indices have several strengths. Firstly, the measure can be applied consistently across the whole country. By incorporating both geographical location and environmental or climatic conditions, the BSF remoteness index provides a comprehensive measure of the costs associated with remoteness. The index has been used widely in a number of other areas, suggesting a potential suitability to child welfare funding models as well. For example, Sharpe and Lapointe (2011) use a simplified version of the INAC measure to investigate the relationship between remoteness and educational attainment, labour market performance and economic outcomes. Due to the small number of communities in Zone 3 (only 10), they collapsed that Zone into Zone 2, creating a dummy variable with 3 categories. They did not however, take into consideration the environmental index in their exercise.

There are several weaknesses in the BSF indices. The use of discrete scores, and more specifically the categorical classification of communities by geographical location is one such limitation. The geographical index uses only 4 zones, and the range of distance to nearest service centre within each zone is quite large (i.e. communities 50km from a service centre by paved or gravel road and communities 349km from a service centre by paved or gravel road, are both classified as Zone 2). As such, there may be large variations in distance, transportation time and costs, between communities classified within the same geographic zone.

Furthermore, the geographical zones used in BSF model are based on the distance to the closest service centre for each First Nation, which is not necessarily where the community or agency prefers to access services. More specifically, these indices are limited by considering the distance to service centres, rather than city centres, which have previously been determined to align more closely with locations that can provide adequate support and where agencies are likely to actually access services (FNCFSC, 2005a). In general, the BSF indices were not designed specifically for child welfare funding, explaining some of these weaknesses.

4.4 Statistics Canada on Rurality and Remoteness

Statistics Canada measures the degree of remoteness by classifying the 5,162 census subdivisions (CSDs) of the 2016 census as urban or rural areas. In 1996 it defined urban areas as having a minimum population of 1000 and population densities of 400 or more people per square kilometer, while rural areas are places of 1000 people or less or have densities of less than 400 people per square kilometer. This definition has been carried forward into its 2017 Remoteness Index, dealt with below. In a 2002 report they classify CSDs in Canada as urban or rural with different degrees of rurality or remoteness depending on the extent of commuting flows from rural and small town centres to large urban areas with populations in excess of 10,000. Commuting flows serve as a proxy for access to various urban services (Moazzami, 2018, p. 6). On the strength of these flows all CSDs in Canada are classified as urban or rural and assigned a Statistical Area Classification Type (SACtype) from 1 to 8 signifying their degree of rurality or remoteness, as in Table 1.

Table 1: CSDs in Canada by degree of Rurality or Remoteness

SACtype	Nature of CSDs	Urban/Rural
1	CSDs within CMAs and CAs	Urban
2	CSDs within CMAs and CAs	Urban
3	CSDs within CMAs and CAs	Urban
4	CSDs outside CMAs and CAs with a strong metropolitan influence zone. => 30% commuting	Rural close to Urban
5	CSDs outside CMAs and CAs :moderate influence zone: at least 5% but <30% labour commuting	Rural limited access to Urban
6	CSDs outside CMAs and CAs: weak influence: more than 0% but < 5% labour commuting	Remote Rural
7	CSDs outside CMAs and CAs with no commuting and a small employed labour force	Very Remote Rural
8	Census subdivision within the territories, outside of census agglomeration	Very Remote Rural

Though useful in measuring rurality and remoteness, these measures have not had widespread applicability, perhaps because they do not directly address the types of services available in different CSDs and CMAs. Certainly, they do not appear to have been put to any use in child welfare policy. The general approach has, however, found limited reincarnation in Statistics Canada's 2017 Remoteness Index.

4.5 The 2017 Statistics Canada Remoteness Index

This 2017 exercise produced a Canadian index of remoteness (RI) and an ancillary set of accessibility measures to selected services, though the primary focus was on remoteness. Three requirements were laid down for the remoteness measure; that it cover the whole of Canada in a detailed way, hence it uses census subdivisions (CSDs); that it would be a continuous, as opposed to a categorical measure and that it be based on physical proximity, rather than economic, cultural or social distance (Alasia et al., 2017, p. 8). Furthermore, the measure should be transparent and not overly complex. The measure arrived at is a remoteness index value for each CSD ranging from 0 to 1, where "0" represents the most accessible area and "1" represents the most remote area.

The remoteness index draws on the gravity model combining proximity to multiple points of service (agglomeration) and their population sizes. Population centres are, therefore the reference point and are defined by Statistics Canada as consisting of at least 1,000 people and a density of 400 or more people per square kilometer and are a proxy for availability of services. Travel cost was used as an indicator of proximity, as opposed to travel distance or time, and cost was calculated by using the most accessible and least expensive travel option between two locations. CSDs were divided into those that connected to a population centre through the national road and ferry network and those that did not. There were 149 in 2011, the base year of the census data, that did not have a national road or ferry connection (Alasia et al., 2017, p.9). For road travel, an average cost of $0.17 per km was applied to all CSDs irrespective of location. For CSDs without regular service by air or boat, a linear model was used to convert linear distances into costs (Moazzami, 2018, p. 11).

The accessibility measures use the same gravity model as used in the remoteness index but measure travel time between CSDs as opposed to cost of travel from CSDs to population centres and population size is replaced by total revenue for different types of business (Alasia, et al., 2017, p. 5). There is a high degree of correlation between the remoteness measures and the accessibility measures, stressing that ‘population counts represent a reasonable approximation for accessibility to basic services across Canada’ (ibid).

The remoteness index (RI) has been used in relation to health, mortality and premature deaths in Canada (Statistics Canada, 2019e). It was also used in the calculation of the Nishnawbe Aski Nation (NAN) Remoteness Quotient (RQ) exercise for Ontario child welfare and has the potential for being used to allocate prevention dollars in child welfare across regions or across Canada as a whole.

It is to be noted, however, that the RI and associated accessibility measures were not developed specifically with child welfare services in mind. The definition of a population centre used (population of 1000 and 400 persons per square kilometer) does not tell us anything about the types of service that might be available for child welfare and their availability in remote communities. The gross revenue measure in the accessibility index suffers from the same weakness.

There are other perceived problems in using the RI. In general, using cost based on travel time makes the index very unstable, as travel time changes daily and seasonally depending on road (e.g. winter roads) and weather conditions (Moazzami, 2018, p. 11). Applying the same average road cost to all CSDs seems also to defeat the purpose of the exercise given that costs in remote areas are clearly higher than those in non-remote areas, so the RQ underestimates the true travel cost in more remote areas.

In addition, both the RI and the accessibility measure are ordinal measures that can be used to rank communities by relative remoteness/accessibility but cannot "measure the differences in the costs of service provision related to the degree of remoteness" (Moazzami, 2018, p. 14).
The RI and the accessibility measure are actually quite difficult to estimate and hence are not as transparent as the originators promised.

4.6 The NAN Remoteness Quotient (RQ) Exercise

The NAN Remoteness Quotient (RQ) Exercise estimated how much the budgets of three NAN agencies would have to increase to allow them to deliver the same level of service as that provided by agencies in non-remote communities in Ontario (Wilson and Barnes, 2019). Calculating the RQ involves a number of discrete steps:

First the Statistics Canada Remoteness Index (RI) (Alasia et al., 2017) was assigned to each agency. As demonstrated, this is a relative measure of the ability to reach population centres within a reasonable amount of time, with a range of 1 for most remote to 0 for least remote. A reference point of 'non-remote agencies' was then determined against which the characteristics of the remote agencies were measured. This consisted of the 10 agencies with the highest percentage of the Indigenous population in the agency's geographic region with remoteness indices at or below the median Ontario remoteness index of 0.118. The unit costs of providing different services were then calculated for the reference agencies as well as for those deemed 'remote' and the proportion of cost differences associated with remoteness was estimated using regression analysis.

The RI for each agency was then multiplied by the proportion of cost differences associated with remoteness to generate the Remoteness Coefficient (RC). The RC was derived, therefore, partly

by geographic remoteness and partly by increased costs of remoteness. It provides an estimate of the incremental costs due to remoteness of providing child welfare services relative to the reference standard of service.

A Remoteness Quotient (RQ) measuring additional funding required to offset higher remoteness costs was then derived by summing all the RQs to 100 and expressing individual RQs as a proportion. 'The RQ represents how a fixed pool of funding would be distributed if the distribution considered nothing but relative remoteness costs' (Wilson and Barnes, 2019, p 10). Theoretically, RQs could be used in other contexts such as in allocating scarce prevention funding.

The exercise estimated remoteness coefficients (RCs) of 1.68 for Tikinagan, 1.59 for Payukotayno and 1.47 for Kunuwanimano. This suggests that additional funding was required in each of these communities to address remoteness, by 68%, 59%, and 47%, respectively (Wilson and Barnes, 2019, pp. 7-8). The remoteness quotients (RQs) suggested that between them, the three NAN agencies should receive about 30% of any funds that might be made available in Ontario to address remoteness (11.7% to Tikinagan; 10.2% to Kunuwanimano; and 8.1% to Payukotayno).

The main strengths of the NAN Remoteness Quotient exercise are that it was commissioned specifically by a First Nations organization in Ontario to address the remoteness compensation issue for its agencies, which is clearly an important one in Ontario. The exercise was in fulfilment of rulings of the CHRT and covered all child welfare agencies in the province, not just those of First Nations. For NAN agencies the financial costs of remoteness were specifically estimated so remoteness calculations could be used to estimate budget short falls.

There are several limitations of the NAN approach. It draws on the 2017 Statistics Canada Remoteness Index the deficiencies of which were pointed out earlier. The reference point for non-remote agencies excludes Toronto, the reason given (Wilson and Barnes, 2019, p. 15) is that Toronto has 'a low First Nation percentage of the population'. But in terms of remoteness in Ontario, Toronto should really be ground zero and hence been included in the reference agencies. This speaks to a weakness in the methodology chosen.[5]

The model yields very wide confidence intervals around the regression parameter for remoteness. For example, the RC for Tikanagan was calculated to be 1.80, suggesting a need for an increase in funding of 80% for remoteness. But the confidence interval was between 1.44 and 2.42 which means that 19 times out of 20, the increase needed would be between 44% and 142%.

[5] It should also be noted that Toronto has a much higher count of Indigenous People than the Government allows for. See Our Health Counts Study (Rotondi, O'Campo, O'Brien, et al., 2017).

This is a result of the small sample used for the calculation, but it raises questions about the practical applicability of the regression parameter (Cooke, 2019).

There are also unresolved questions about the costing approach. For costs such as transport and services to foster families, remote costs exceed those of the reference point agencies, resulting in a need to increase funding for the remote agencies. Salary related costs are, however, higher for the reference group than for the remote agencies. The study accommodates this by inverting salary costs and again, adding them to remoteness costs, on the grounds that lower salaries reflect lack of training, lower qualifications or budget constraints, all of which would be eased by higher remoteness funding. This is controversial empirically and methodologically.

While each of the agencies is treated as a separate entity, each also covers several communities with different degrees of remoteness. Tikanagan covers more than 30 communities, most in Zone 4 with no year-round access by road but Saugeen is in Zone 2 with road access and is only a two-hour drive from Toronto. Taking an agency wide measure as the NAN RQ does, inevitably hides these differences in remoteness.

The Remoteness Quotient (RQ) model was developed specifically for NAN and for Ontario and was not 'intended to provide a one-size-fits-all solution' (CHRT 2, 2016, p. 10). The remoteness coefficients and remoteness quotients derived cannot be applied to other regions or to Canada generally. The authors argue, however, that the model 'is capable of application in other jurisdiction, assuming equivalent data are available in these jurisdictions' (Wilson and Barnes, 2019, p. 10).

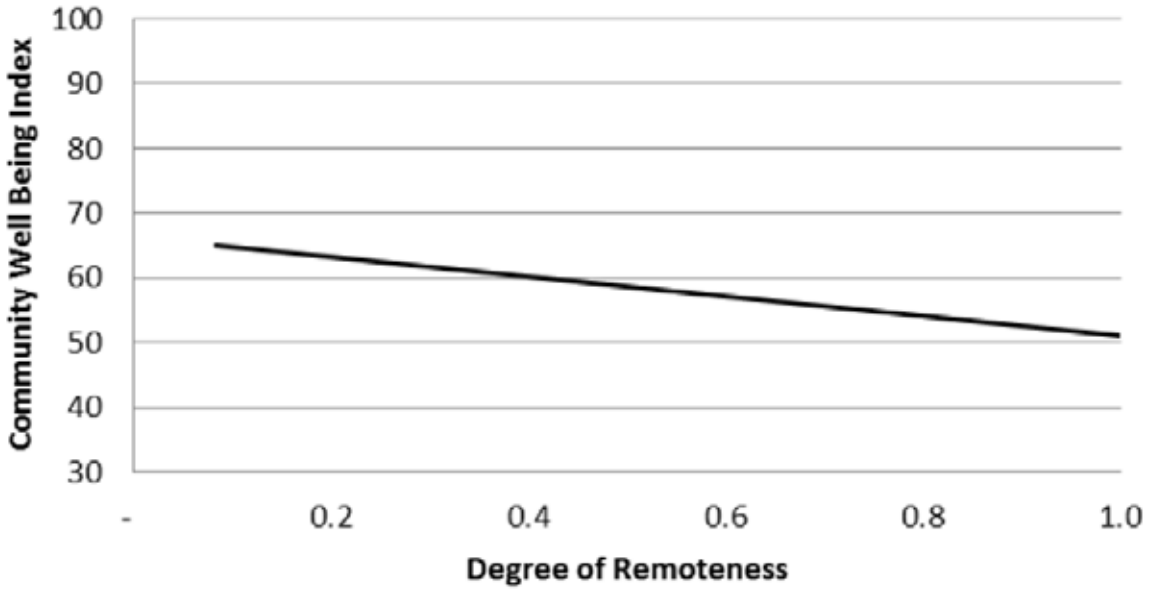
4.7 The Community Well-Being Index

The Community Well-Being Index (CWBI) was developed in 2004 to enable comparison of the well-being of First Nations relative to the rest of society and over time (AANDC, 2006). It is based on Statistics Canada census data at the level of CSDs so the most recent data available is for 2016. The Index is a blend of four socio-economic measures of well-being: income, education, housing and labour force. It ranges from 1 to 100, demonstrating improved well-being the higher the score. A strength of the CWBI is that it is available over a number of censuses dating back to 1991, though with some inevitable issues of comparability. It also enables comparison of other datasets collected at the level of the CSDs (Drawson et al., 2017).

The weaknesses are that it does not directly address the availability of data on child welfare in different communities and it also excludes some important indicators of well-being such as 'physical and emotional health, cultural continuity and environmental conservation' which are not included in the census (Penney et al., 2012, pp. 6-7) and others that are in the census such as the use of local languages (ISC, 2019). The CWBI uses measures of monetary income and paid

employment which do not capture the importance of subsistence and communal or family activities in many First Nation and Inuit communities, activities that improve welfare but which do not involve money. It also may not adequately capture the high cost of living in northern and remote communities due to high shipping or air transport costs (Penney et al., 2012). Notwithstanding these limitations, it could, potentially, be used as an indicator of remoteness as there appears to be a moderate negative correlation between higher remoteness and lower community well-being, as Chart 1 shows.

Chart 1: Trend Line for First Nations Remoteness and Community Well Being Index



Source: Indigenous Services Canada, 2018.

5. Potential non-Canadian approaches to measuring remoteness and their strengths and weaknesses

5.1. Australia

The Accessibility/Remoteness Index of Australia (ARIA) is a purely geographical approach to defining remoteness. It has gone through several iterations since its formation in 1998 and the current versions, ARIA+ and ARIA ++, each offer a continuous index with values ranging from 0 (high accessibility) to 15 (high remoteness). Australia is divided into areas of one square kilometre each and the road distance from each is then calculated to the nearest Service Centres in five size categories based on population size (Hugo Centre, 2020). The greater the road distance, the higher the Index score. The smaller the closest service centre again, the higher is the Index. Thus, an ARIA+ or ARIA++ score is available for each square kilometer in Australia

based on the two variables of road distance to service centres and the population size of those centres.

The five categories of service centre are as follows:

Category 1: Population 1,000 to 4,999:
Category 2. 5,000 to 17,999
Category 3: Population 18,000 to 47,999:
Category 4: 48,000 to 249,999 and
Category 5: Greater than 250,000 (Moazzami, 2018, p. 4).

The calculated remoteness indices are classified into the following five classes:

Major Cities of Australia: Index between 0 and 0.2
Inner Regional Australia: Index >0.2 to 2.4
Outer Regional Australia: Index >2.4 to 5.92
Remote Australia: Index >5.92 to 10.53
Very Remote Australia: Index >10.53 to 15 (Moazzami, 2018, p.5).

While having some similarity with the Statistics Canada Remoteness Index, ARIA does not directly measure the cost of travel. From the point of view of the current exercise, it shares a common weakness in that it says nothing about the ability of service centres to provide child welfare services. General weaknesses pointed out by Moazzami (2018), are that differences in road conditions and road quality which might affect access to service centres, are not allowed for; neither is the fact that not everyone has access to transport. Finally, the cut off points of degrees of remoteness 'are rather arbitrary and can lead to different shares of people in remote areas' (Moazzami, 2018, p. 5).

5.2. The USA

In the USA, four Frontier and Remote Areas (FAR) levels have been developed to capture the degree of remoteness of rural areas at higher or lower population levels, depending on accessibility to different types of goods and services (Cromartie, Nulph, and Hart, 2012). These FARs are defined by the time it takes to travel by car to nearby Urban Areas, measured at the 1x1 kilometer grid level. It includes travel on all Federal, State, and county paved roads.

Level One FAR rural and urban areas are those with up to 50,000 people that are 60 minutes or more by car from an urban area of 50,000 or more people.

Level Two FAR rural and urban areas are those with up to 25,000 people that are 45 minutes or more by car from an urban area of 25,000-49,999 people and 60 minutes or more from an urban area of 50,000 or more people.

Level Three FAR rural and urban areas are those up to 10,000 people that are 30 minutes or more by car from an urban area of 10,000-24,999, 45 minutes or more from an urban area of 25,000-49,999 people, and 60 minutes or more from an urban area of 50,000 or more people.

Level Four FAR are rural areas that are 15 minutes or more by car from an urban area of 2,500-9,999 people, 30 minutes or more from an urban area of 10,000-24,999 people, 45 minutes or more from an urban area of 25,000-49,999 people, and 60 minutes or more from an urban area of 50,000 or more people (Cromartie, Nulph, and Hart, 2012).

Commentators on the methodology have pointed out that some states, such as Alaska, Wyoming, or New Mexico have few urban areas with populations of over 50,000. Others have argued that travel times by road are highly seasonal. Provision does seem to be made, however, for travel by means other than roads in the one-hour time frame. As is the case with other measures of remoteness which rely heavily on population centres, the size of population may not be an accurate measure of the types and range of services available and there is some arbitrariness in the choice of times and sizes of population (Federal Register, 2014).

6. An Alternative Needs-Based Funding Approach for FNCFS

The IFSD (2020), has proposed an alternative needs-based approach to the funding of child welfare. This approach starts with baseline funding and adjusts it for circumstantial effects, such as geography and poverty. Table 2 suggests how this might be done and what follows elaborates on this.

Table 2: An Alternative Needs-Based Funding Approach for FNCFS

Allocation of Prevention Dollars 1. According to Community Well Being Index or 2. Local Needs Analysis: weight of 50% to low income families, 25% lone parent families, 25% to number of Indigenous children and/or 3. NAN Remoteness Coefficient
Remoteness Adjustment to Baseline Funding 1. INAC Remoteness 4. No road access. 2. Stats Can SAC Types 6-8 or 7-8 3. Stats Can 2017 Remoteness Index ≥ 0.6. 4. NAN Remoteness Quotient
Baseline Funding Guaranteed Minimum Operating Grant to Fulfill Core Functions

A function mainly of:
- Children in Care
- Children moving to permanency
- Investigations Completed
- Ongoing Protection Cases

6.1. Baseline funding

Baseline Funding would provide a guaranteed minimum operating grant to enable agencies to fulfill core functions, driven mainly by the number of children in care but also by the number of children moving to permanency, the number of investigations completed and the number of ongoing protection cases. The data requirements for these are not onerous and should be readily available across the country. These factors are already built into the current Ontario model and in 2016-17 for Indigenous agencies were proportioned among factors driving volume as follows: children in care, 46.9%; on-going protection 28.6%; children moving to permanency, 21.6% and investigations, 2.9% (Loeppky and Loxley, 2017. p.47). These proportions could be determined in the model based on data for more years and for agencies elsewhere. They could also be set to try to influence where agencies spend their dollars.

Over time, as more data becomes available, factors outlined in Appendix 1 of the IFSD's Measuring to Thrive Framework (IFSD, 2020), such as those dealing with wellness, safety and basic needs, could be built in as more comprehensive determinants of baseline funding. In addition to baseline funding there would be a financial adjustment for remoteness (the geography component).

6.2. The Remoteness Adjustment

Ideally, for reasons of equity and consistency, there should be one remoteness adjustment factor for the whole country and this should reflect the importance of road access, given IFSD's previous analysis of factors driving agency costs. There would appear to be four possible candidates for this adjustment, ruling out the Australian and USA approaches for which appropriate data is not readily available:

i. INAC's remoteness measure in Band Support Funding and the Band Classification Manual;
ii. Statistics Canada's Rurality and Remoteness Measures;
iii. Statistics Canada's 2017 Remoteness Index and

iv. NAN's Remoteness Quotient.

What follows reviews the suitability of each for inclusion in the Alternative Needs-Based Funding Approach.

INAC's approach is well established and the necessary geographical data for each First Nation is on-line and can be cross-checked against the remoteness measures which are also available on-line. It has been widely used in research and provided that community geographical profiles are updated regularly on-line, as they appear to be, then the fact that the Band Classification Manual was last issued only in 2005 is not an impediment to its use. Although it is not a continuous measure, it has several degrees of differentiation which compensate to some extent for lack of continuity: zones 1, 2 and 3 have year-round access by a paved or gravelled road, each differently distanced from service centres and each with six degrees of latitude. Geographic Zone 4 covers First Nations with either air, rail or boat access to service centres, has 7 sub-zones (from 0 to 6) and again each has 6 categories by degrees of latitude. The Remoteness Index ranges, therefore, from 0 to 0.7 for the three zones with road access and from 0.1 to 1.85 for Zone 4. If we adjust Zone 4 for overlap with Zone 3, the range of the Remoteness Index is reduced in that Zone to between 0.45 and 1.85.

If INAC's remoteness measure in Band Support Funding is to be used in preparing needs-based budgets, then adjustment have to be made for the provision of services for child welfare in cities rather than service centres. Wen:De made such adjustments for all but Ontario and found that this had a relatively modest impact on remoteness funding, constituting only 2.6% of additional money sought for remoteness. The reason for that is that almost 80% of changes in remoteness on this account affected agencies in Zones 2B and 2C which are not very remote. Only 6 agencies in BC had adjustments leaving them in Zone 4 i.e., in centres without road access and these were probably using services in cities anyhow. Access to appropriate centres for child welfare services continues to be an issue and building city access into remoteness measures, where appropriate, is an exercise still needing to be conducted, preferably with agencies stating where they actually use services, but it will not significantly alter average remoteness or average funding for remoteness.

The second possible approach, Statistics Canada's Rurality and Remoteness Measures, are also not continuous measures. Of the eight Statistical Area Classification Types, two (7 and 8) relate to census divisions without road access and hence fit the IFSD's requirement neatly, while a third (6) covers communities with a very low degree of commuting. This measure is census based and hence available only every five years. The data is subject to incomplete enumeration as a number of First Nations did not participate in either the 2011 census or the 2016 census, which does not invalidate national or regional level indicators but can pose problems at the level of the CSD (Statistics Canada, 2019c). There is a convenient on-line categorization of First

Nations and Tribal Councils according to their appropriate CSDs (Statistics Canada, 2019d) which uses information from what was Aboriginal Affairs and Northern Development Canada and is, presumably, updated as First Nation data changes. There does not, however, appear to be a readily available categorization of First Nations by SACtype, so which communities fit into types 6-8 or 7-8 is not accessible. Furthermore, Statistics Canada itself seems to have moved away from this measure towards use of the Remoteness Index.

The third approach, Statistics Canada's 2017 Remoteness Index (RI) is a continuous measure and it appears that communities with an index of 0.6 and higher lack all-round road access, so it could in principle be used to check the cost drivers that IFSD has laid out. It is also moderately positively correlated with INAC's remoteness measure[6], so it could act as a reasonable replacement. The index is available on-line for all CSDs (Statistics Canada, 2020b) and the location of First Nations by CSDs is available from AADNC.[7] The RI is census-based and hence subject to the same limitations as Statistics Canada's Rurality and Remoteness Measures. As was shown in section 4.4 the way travel costs are arrived at also tends to underestimate the degree of remoteness. Nevertheless, it is likely to become the benchmark for measuring remoteness in Canada.

Finally, the NAN Remoteness Quotient differs from the others in that it provides a dollar amount to compensate for remoteness, which is precisely what is needed in calculating IFSD's remoteness adjustment to base-line funding. Given the small sample size, however, the range of possible compensation becomes huge as shown earlier and this is obviously problematic for public policy. If the overall methodology is acceptable, however, then the confidence interval would suggest parameters for negotiating compensation for remoteness. The big question about methodology remains the treatment of costs, such as salaries, which are lower than those incurred in reference agencies. From the point of view of IFSD's needs-based funding approach, the main problem with the NAN RQ is its purely Ontario basis. This would not exclude it being used for estimating child welfare funding needs in Ontario; after all, Ontario has had its own funding system since 1965. But it would be costly and time consuming to apply it nationally.

At the national level, this would leave only two realistic options: INAC's remoteness measure in Band Support Funding and Statistics Canada's 2017 Remoteness Index (RI). It should be emphasized that none of the four possible approaches, and neither of the preferred options, specifically build the provision of child welfare services into their measurement of remoteness using, at best, generic 'service centres' or, in the case of the NAN exercise, none at all. As noted above, an adjustment was made for this in Wend:De (FNCFCS, 2005b) for INAC's remoteness

[6] The correlation coefficient between INAC's remoteness measure and Stat Can's 2017 measure is 0.63 for a sample of 60 First Nations chosen at random from BC, Alberta, Saskatchewan, Manitoba, Ontario and Quebec.
[7] The list of First Nations by CSDs was made available by AADNC/AANDC on 7 May, 2020 in a document 'INSTAT-2016 CSD to Band Linkage' but it can also be found at Statistics Canada 2019b.

measure measuring distance to cities, but Ontario was not included in this exercise. No such adjustment has been made for Statistics Canada's 2017 RI, and neither is one expected.

Whatever their other imperfections, the two preferred measures of remoteness would not directly identify the offsetting compensation required in dollar terms (as the NAN RQ does). What they would do is point to which agencies would require compensation and the relative scale of that requirement based on the size of the remoteness factor. Salaries, travel and other costs in the baseline budget affected by remoteness would still need to be adjusted.

One way of doing that is to convert INAC's remoteness coefficients into % increases in budgets, covering all items, not just salaries. This is the way the coefficients were used and, pre Wen:De, ranged from a budget increase of 0.08 for a remoteness of 0.8 (about the lowest) to 19% for a remoteness of 1.85 (the highest) (FNCFCS, 2005b, p. 25). We could approximate this approach and orders of magnitude by multiplying the remoteness coefficients by 10 to assign a budget weight, as in Table 3.

Table 3: INAC Measures and Shares

Remoteness Index							Budget Weight of Remoteness Index						
Zone 4	A	B	C	D	E	F	Zone 4	A	B	C	D	E	F
2	0.45	0.55	0.63	0.74	0.81	0.87	**2**	4.5	5.5	6.3	7.4	8.1	8.7
3	0.65	0.75	0.82	0.95	1.03	1.10	**3**	6.5	7.5	8.2	9.5	10.3	11.0
4	0.80	0.92	1.00	1.04	1.23	1.30	**4**	8.0	9.2	10.0	10.4	12.3	13.0
5	0.95	1.10	1.18	1.35	1.44	1.53	**5**	9.5	11.0	11.8	13.5	14.4	15.3
6	1.10	1.25	1.35	1.65	1.75	1.85	**6**	11.0	12.5	13.5	16.5	17.5	18.5

Thus, the most remote agencies would have their baseline budgets increased by a maximum of 18.5% and the rest would receive graduated compensation depending on their remoteness measure. The geometric mean of the budget weights is 9%. If the Wen:De proposals to increase remoteness by between 3% for the least remote and 8% for the most had been adopted by the federal government, which they were not, then the budget weight increases would range from 7.5% to 26.5%, with a geometric mean of 14%.

The rationale for adjusting baseline budgets by these two items rests on the argument that while agencies frequently cite insufficient provision for remoteness, their claims for additional required compensation tend, as Wen:De pointed out, to be inflated. Wen:De therefore provided estimates of the additional amount needed to compensate for remoteness more accurately (3-8%). Under Directive 20-1, provision for remoteness, though inadequate, was built into the budget formula in a per cent fashion, so that each and every time baseline budgets increased, the dollar amount

allocated for remoteness increased proportionally. What was not provided for under Directive 20-1 was the additional amount estimated to be needed in Wen:De. So, by the time EPFA was introduced, baseline budgets already had an amount included that provided for remoteness. The EPFA then either added an explicit further amount (Saskatchewan, Manitoba and Quebec), or it didn't (Alberta) but all provinces, even those that never 'graduated' to EPFA, would have had some remoteness provision built into their CFS agency budgets because of hysteresis. Adding the per cent increases recommended by Wen:De makes some provision for the original inadequacy of the INAC adjustment.

The Stats Canada Remoteness Index could be similarly adapted to indicate budget adjustments (Table 4). The most remote agencies could possibly have an index of 100. In line with the INAC numbers above, this would entitle them to an increase in their baseline budget of 18.5%. The least remote agency qualifying for compensation would have an index of 60, entitling it to a budget increase of 4.5%. We might then have a relationship between this measure of remoteness and budget increases as in Table 4 column 2. This would give a geometric average increase in base-line budget of 10.3%.

Table 4: Statistics Canada 2017 Remoteness Index

1. Index	2. % Baseline Budget Increase: INAC	3. % Baseline Budget Increase Wen:De
100	18.5	26.5
90	15.0	22.0
80	11.5	16.5
70	8.0	11.5
60	4.5	7.5

The Wen:De recommended increases for remoteness could also be built in, giving column 3 in the table, with increases ranging from 7.5% to 26.5%, with a geometric mean of 15.3%. This would be very straight forward to apply with base-line budget increases being proportionate within the decile.

Yet another way of adjusting expenditures would be to take existing remoteness agreements negotiated by unions with provincial governments and averaging remoteness allowances against average salaries in First Nations. In the case of Manitoba, The Manitoba Government and General Employees' Union (MGEU) has negotiated a Remoteness Allowance for those working for the provincial government in the north of the province in First Nations the remoteness of which lies between 0.1 and 1.35 on INAC's measure, pretty much the extremes, and between 0.4 and 0.9 on Stats Canada's 2017 measure.

The allowance provides for both single workers and those with dependents. The bi-weekly rates can be seen in Table 5 below (Manitoba and MGEU, 2016). Taking the average salary of social workers in CFS in Northern Manitoba to be around $70,000, and the remoteness allowance is equivalent to an average of around 12% for those with dependents and 7% for those without, or between $7,700 and $4,500. While the allowance is about double that currently built into the Manitoba costing model, and closer to that built into the Quebec model, it is significantly less than the remoteness recommended by the NAN report. The idea would be that these allowances are designed to offset the higher cost of living in remote areas and the % increases could either be applied to individual First Nations or, as is current practice, averaged across the board. Unfortunately, we do not have similar data for other provinces, but at least the Manitoba data suggests orders of magnitude.

Indigenous Services Canada (2018) has suggested that in revisiting remoteness, the National Joint Council (NJC, 2019) Directives on isolated posts allowances might be a useful source of data. These outline allowances the federal government will pay for its workers in isolated posts. Compared with the MGEU allowances, the rates are very generous. For example, the most remote First Nation workplace in Manitoba, Tadoule Lake, would compensate $26,868 in environmental and living cost allowances for a worker with dependents and $16,721 for a single worker or between 24% and 38% of a salary of $70,000. The least remote First Nation, Grand Rapids, would compensate $6,063 for a worker with dependents and $3,638 for a single worker, or between 5% and almost 9% of a salary of $70,000. This compares with MGEU rates of between 8% and 14% for Tadoule Lake and 3% and 5% for Grand Rapids. Since salaries in child welfare are generally supposed to stay in line with provincial salaries, using NJC allowances for remoteness would not be appropriate.

We are left, therefore, with recommending using budget adjustments suggested by the INAC remoteness measure, the 2017 Statics Canada RI or by the rates negotiated by the MGEU for Manitoba. These suggest budget adjustments for remoteness of averages between 10 and 15% on baseline budgets and ranges of between 7.5% and 26.5%.

Table 5: Remoteness Allowances on First Nations: Manitoba

First Nation	Bi-Weekly Allowance		% Ave Salary		Remoteness Measure	
	Dependent	Single	Dependent	Single	INAC	Stats Can
Berens River	294.00	168.57	10.9%	6.3%	0.82	0.4091
Bloodvein	298.38	171.39	11.1%	6.4%	0.22	0.7313
Dauphin River	196.10	139.15	7.3%	5.2%	0.22	0.7700
God's Lake Narrows	348.32	200.26	12.9%	7.4%	1.35	0.7100

God's River	352.84	199.82	13.1%	7.4%	1.35	0.7186
Grand Rapids	141.00	87.15	5.2%	3.2%	0.22	0.6647
Ilford	377.31	216.01	14.0%	8.0%	0.60	0.6224
Island Lake	324.52	185.39	12.1%	6.9%	1.18	0.5994
Lac Brochet	382.71	219.53	14.2%	8.2%	1.04	0.7362
Little Grand Rapids	312.77	177.37	11.6%	6.6%	1.00	0.4086
Poplar river	298.94	171.92	11.1%	6.4%	1.00	0.8969
Norway House	281.18	160.76	10.4%	6.0%	0.22	0.6877
Oxford House	341.69	195.48	12.7%	7.3%	1.35	0.7012
Pukatawagan	227.15	139.52	8.4%	5.2%	0.74	0.7261
Red Sucker lake	346.54	198.77	12.9%	7.4%	1.35	0.4651
St Theresa Point	324.52	185.39	12.1%	6.9%	1.18	0.5994
Shamattawa	370.86	215.33	13.8%	8.0%	1.04	0.7362
Tadoule lake	388.59	223.67	14.4%	8.3%	1.04	0.9075
York Landing	374.87	218.36	13.9%	8.1%	0.60	0.6044
Average	**314.86**	**182.83**	**11.7%**	**6.8%**	**0.87**	**0.6681**

Correlation Coefficients			
G to I	**G to J**	**H to I**	**H to J**
0.61	0.00	0.58	0.05

The third tier of the Alternative Needs-Based Funding Approach for FNCFS is the addition of prevention funding, which has grown in importance since the introduction of the EPFA and which plays a key role in IFSD's approach

6.3. The Allocation of Prevention Funding

There are three candidates for allocating funding for prevention between agencies/communities. The NAN Remoteness Quotient has been used precisely for that purpose, showing how much of Ontario prevention dollars should accrue to NAN agencies. If it were decided to use the NAN RQ for funding allocation generally among child welfare agencies, then it might as well be used for this portion of the Alternative Needs-Based Funding Approach. As we have argued, however, it is unlikely to become a model for the rest of Canada.

Another option is to allocate any new prevention funding according to weights assigned to local needs, using low income families, lone parent families and the number of Indigenous children as proxies for local needs, as recommended for Ontario (Loeppky and Loxley, 2017, p. 56). Recognizing the importance of poverty as a driver of child welfare problems, this approach gave a weight of 50% to low income families. A weight of 25% was given to lone parent families, on

the grounds that their prevalence might go some way towards explaining the incidence of neglect, and the number of Indigenous children, the population at risk, was also given a weight of 25%. For each agency each of the three sets of data was weighted accordingly and summed up across all agencies. The contribution of each agency to this total would then determine its share of Prevention funding within the budget for Indigenous agencies only. The weights could be adjusted for each of the three measures of local need if desired. Furthermore, other variables could be added so that a number of measurements of need listed in IFSD's Measuring to Thrive Framework, Appendix 1, could be drawn upon (IFSD, 2020). These broaden the definition of need and wellness at the personal, family and community level.

The third possible way of allocating prevention dollars would be using the Community Well-Being Index. Covering four socio-economic measures of well-being: income, education, housing and labour force, this index is more comprehensive than either of the first two and, unlike the NAN RQ measure, is national in scope. It is readily available on-line and has extensive coverage of communities (ISC, 2019). The idea would be to concentrate prevention dollars in those communities with low CWBIs. This could be achieved by taking the CWB score for each First Nation and subtracting it from 100[8]. The resulting number would then be expressed as a per cent of the sum of all such numbers for First Nations and this would represent the share of prevention funds accruing to each community. There could be variations on this approach if the resulting allocation was felt to be in some way deficient.

7. Conclusion

The need to provide funding to offset the higher cost of operating in remote places has long been accepted in the child welfare community of Canada. Remoteness has, however, not been systematically or consistently built into funding models. Since 2018 it is no longer clear that funding models as such continue to exist for federally supported child welfare, but up to that point remoteness funding was provided only to agencies operating in three provinces and the amount provided varied greatly and seemingly, irrationally, between them. In proposing a new funding model for the whole of Canada, the IFSD makes provision for baseline expenditures to be adjusted for remoteness and this paper has examined ways in which it might be done.

Of the many available ways of addressing the costs of remoteness, two are identified for possible use. The first is the long-standing INAC remoteness measure used in Band Support Funding and the second is Statistics Canada's 2017 Remoteness Index (RI). Either one would allow First Nation child welfare agencies operating in different degrees of remoteness to be compensated rationally. There would, however, still be a degree of arbitrariness in arriving at the average

[8] The CWBI for each agency is subtracted from 100 to deal with the fact that numbers closer to 100 represent higher levels of wellbeing and we are seeking instead to calculate the depth of need.

compensation to be paid. Earlier work on remoteness and a recent collective agreement provision in Manitoba suggest that compensation for remoteness might sensibly be within the average range of 10% to 15% of baseline budgets.

Having built such a provision into the alternative needs-based funding model proposed by IFSD, there would then be a need to allocate whatever funds are available for prevention activities. This paper proposes using either a Local Needs Analysis or the Community Well Being Index for this purpose. For Ontario, a case can be made to use the NAN Remoteness Exercise to determine both remoteness funding and allocation of prevention dollars. There are, however, technical issues in how it is put together and in the precision of its guidance for policy. Also, the NAN model would not be easily applied nationally.

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Appendix P: Emergency funding for COVID-19: Responses and support to Indigenous Peoples

Emergency funding for COVID-19:
Responses and support to Indigenous Peoples

Helaina Gaspard
Laura Fernz

SUMMARY

The pandemic has sent economies into recession, is stressing health systems and the people they serve. In response, the Government of Canada has introduced a variety of interim measures to ease the immediate financial pain caused by the pandemic.

While all economic sectors and people have been in some way affected by the pandemic, vulnerable populations or populations with pre-existing social and economic challenges may be more severely burdened. Indigenous Peoples, and especially, First Nations living on-reserve with overcrowded housing, limited access to social and health services, and higher incidences of child and family services interventions, are at greater risk of ramifications.

Recognizing the particular challenges, Indigenous Services Canada (ISC) announced $305 million for the Indigenous Community Services Fund on March 26, 2020. This funding is to be distributed across groups of Indigenous Peoples, with 65% of the funding attributed to First Nations.

When considering three parameters for assessing resource allocation and distribution (allocation, flow and speed), the announced funding falls short. While funding will flow principally to First Nations communities, there is no definition of targeted people or services. Without a plan, the impact of emergency funding may be limited.

Precedents exist to better allocate and distribute funding in crisis situations. Four broad approaches to distributing emergency funding can be defined (see Appendix 1 for more detail), each with its own trade-offs in allocation, flow and speed. These approaches have clear targets and intentions, e.g. immediate financial relief allocated directly to a recipient, or long-term disaster mitigation planning. To address needs in an emergency and to build resiliency for the next unexpected situation, funding targets, approaches and amounts will differ.

There are models of planned and targeted emergency response. Consider for instance, Dakota Ojibway Child and Family Services (DOCFS), based in Manitoba (see Appendix 2 for the case study). The organization has a well-developed business continuity plan that can be actioned in one half-day. From staff roles to connections with other branches of the Tribal Council, DOCFS works to fulfill the emergency needs of the people they serve from the procurement and delivery of food to personal items.

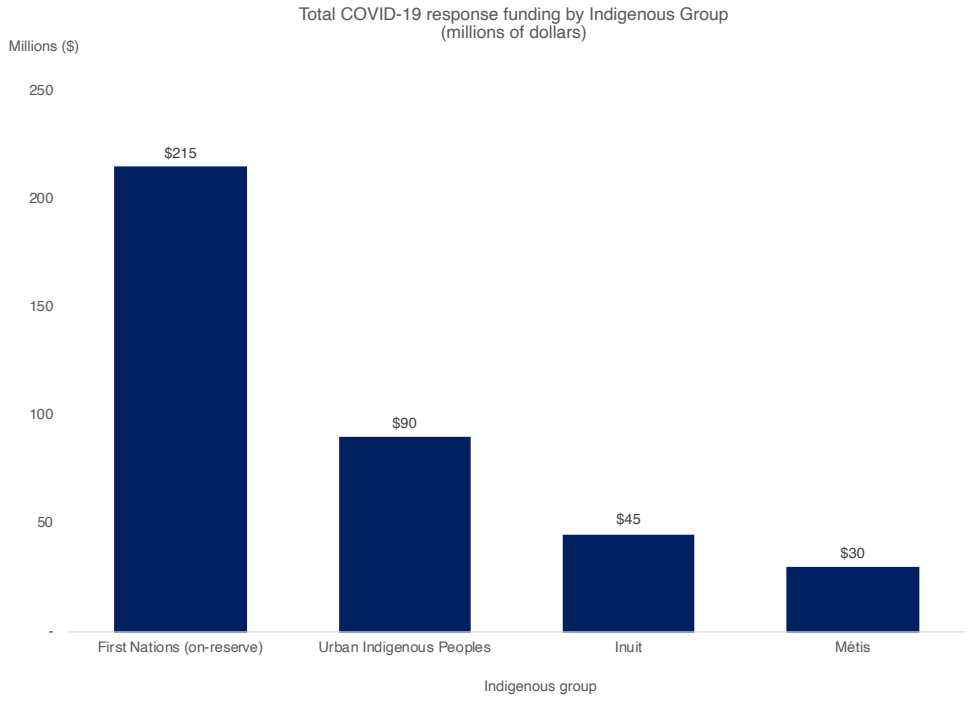
Emergency funding is a tool that should have clearly defined purposes to reach those in need in moments of crisis. Allocating funding is one step, getting it to work is another.

Introduction

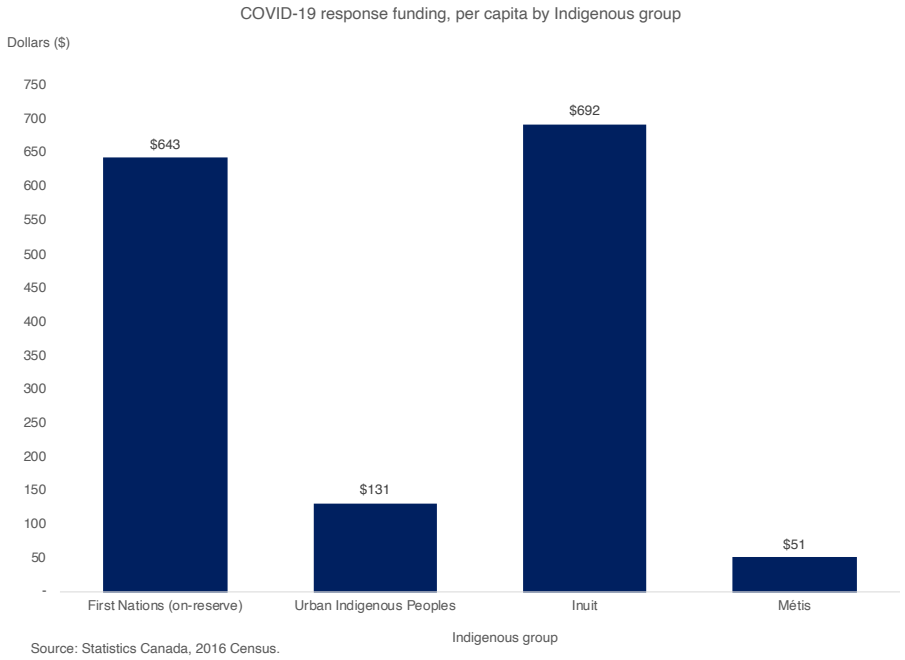
The pandemic has sent economies into recession and is stressing health systems and the people they serve. In response, the Government of Canada has introduced a variety of interim measures to ease the immediate financial pain caused by the pandemic.

While all economic sectors and people have been in some way affected by the pandemic, vulnerable populations or populations with pre-existing social and economic challenges may be more severely burdened. Indigenous Peoples, and especially, First Nations living on-reserve with overcrowded housing, limited access to social and health services, and higher incidences of child and family services interventions, are at greater risk of ramifications.

Recognizing the particular challenges, Indigenous Services Canada (ISC) announced $305 million for the Indigenous Community Services Fund on March 26, 2020. This funding is to be distributed across groups of Indigenous Peoples, with 65% of the funding attributed to First Nations. In mid-April, nearly $307 million was announced for Aboriginal businesses, largely made available through Indigenous financial institutions through short-term interest free loans, and non-repayable contributions. On May 21, 2020, another $75 million was allocated to urban Indigenous Peoples (above the original allocation of $15 million).

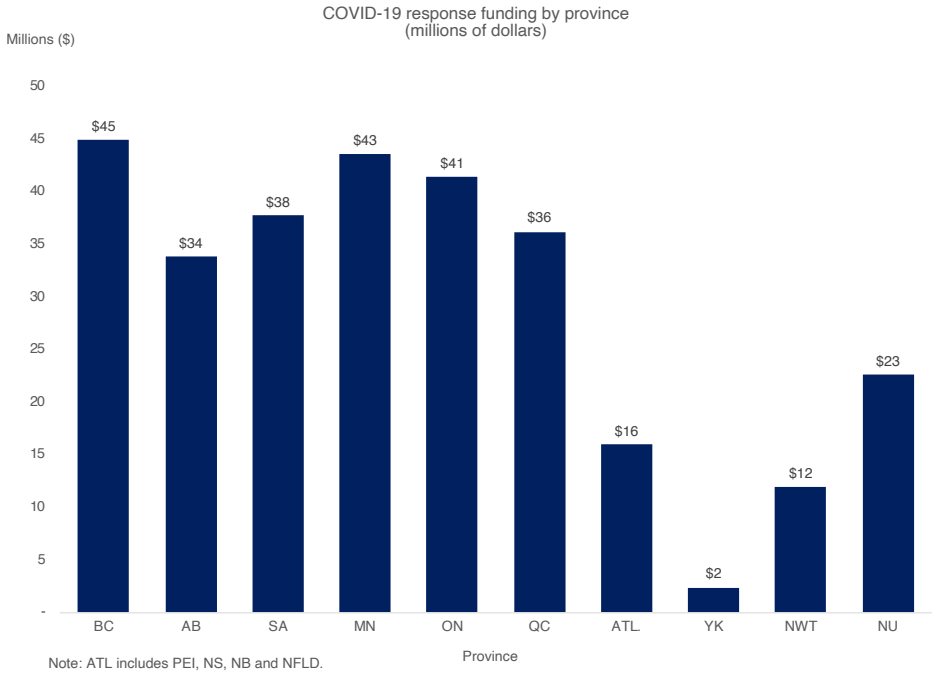


To provide a rough comparative basis on which to understand the funding, per capita calculations suggest that First Nations on-reserve receive approximately $645 per person, Inuit receive approximately $700, with Métis and Urban Indigenous Peoples receiving substantively less on a per capita basis:



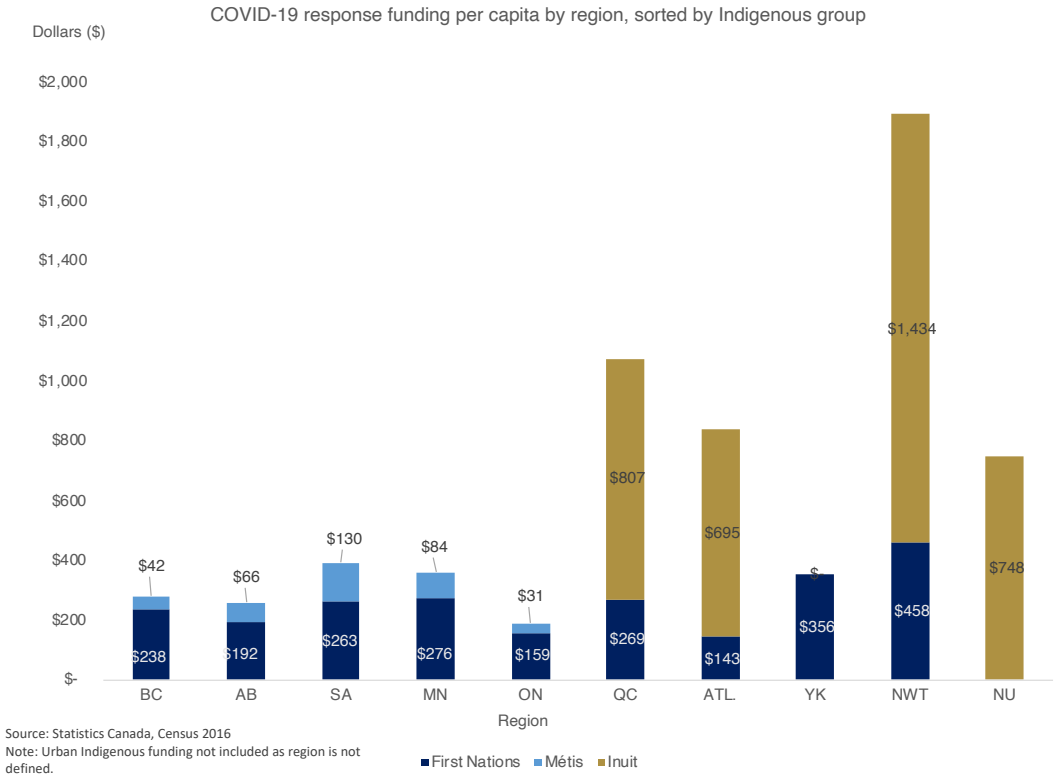
Source: Statistics Canada, 2016 Census.

Most of the total funding (approximately $290 million or 92%) is being allocated on a regional basis. Since funding for urban Indigenous services is proposal-based, there is no defined regional association (until the funding is allocated).



Note: ATL includes PEI, NS, NB and NFLD.

On a per capita basis, Northwest Territories receive the highest per capita funding amounts and Ontario receives the lowest.



At the time of writing, ISC had not released information on if and when allocated resources have flowed to participants. For the funding allocated by proposal, the deadline for proposals was April 13, 2020.

Beyond the dollar amounts, there are three principal considerations on resources:

1) The way in which funding is **allocated** (i.e. who gets what)
2) The way in which funding **flows** (i.e. how money moves to recipients)
3) The **speed** with which funding is distributed (i.e. when it flows to recipients)

Allocation

ISC defines *population*, *remoteness* and *need* as three parameters for distributing funding to First Nations. ISC can be credited with identifying relevant factors for funding with some detail on how the allocations will be made. Each self-governing First Nation will receive a base amount of $50,000 with adjustments for their on-reserve population (based on Census 2016 data), as well as for remoteness, and for their Community Wellbeing Index score. The application, however, of the remoteness and wellbeing factors remain unclear. Furthermore, there is no further publicly available information on the principles for allocating funding among all other First Nations. This is an

important gap for the allocation of hundreds of millions of dollars. Inuit Regional Corporations will receive funding based on a funding formula agreed to by the Inuit Tapiriit Kanatami (ITK) Board of Directors. Funding for Métis will flow through "existing mechanisms" with a "standard distribution model" to determine the amount received on a regional basis.

Flow

On the matter of funding flows, ISC defined different means of moving money based on recipient group. For instance, First Nations dollars will flow directly to communities, whereas funding for Inuit will flow based on an allocation determined by ITK and regional Inuit land claims organizations. In the case of Métis and Urban Indigenous funding, eligible parties can apply for funding.

There is a helpful distinction to be made between emergency response funding to ease the immediate shock/pain of a pandemic, versus the longer-term funding that is meant to support development in communities.

In the current circumstances, it may be helpful to ensure funding flows to recipients as quickly and as efficiently as possible to ensure their basic needs are being met, especially in challenging circumstances.

Speed

The speed with which funding reaches recipients is closely connected to how it flows. ISC has defined different means through which Indigenous Peoples will receive support: directly through their First Nation, through a land-based organization, or by applying for funding.

The most efficient funding receipt will likely be among First Nations. It can be expected that funding will move with relative ease to First Nations (as mechanisms and agreements already exist), and that the band council structures in place should generally be able to put funding into practice. The slowest funding by contrast, may be funding allocated through the call for proposals for those providing services to Indigenous Peoples in urban centres or off-reserve.

Re-thinking emergency funding

There are four principal models that emerge when considering approaches to delivering emergency funding across jurisdictions: application-based temporary assistance; direct transfers to persons; medium- to long-term grants; and third-party managed funding (see Appendix 1).

There are considerations for each of these funding approaches, that may be suitable to responding to different types of crises or particular moments over the course of a crisis and its recovery.

APPENDIX 1

Approach	Description	Allocation	Flow	Speed	Examples
Application-based temporary immediate assistance funding	Upon approval of an application, payouts are made over a short period of time to qualifying individuals, businesses or communities to offset economic impacts of an emergency. Most of these funds emerge in response to an emergency, although there are examples of pre-existing funds, including Australia's Disaster Recovery Payment and Crisis Payment.	Allocations are based on a set of qualifying principles connected to the emergency or the recipient, e.g. percentage of total income, minimum wage, etc. The total size of the fund (available resources), is typically capped.	Direct support to recipients, upon approval of qualifying application.	Funds may be created quickly, but governments typically rely on the robustness of their existing infrastructure, e.g. online tax portals, service centres, to deliver the monetary relief. The speed of delivery is determined by the state of pre-existing infrastructure.	CAN: Covid-19 Economic Response plan ($105 billion allocated); divided into various programs including Canada Emergency Response Benefit ($24 billion: $2,000 per month for up to 4 months to all eligible recipients) and the Wage Subsidy Program (~$71 billion: 75% of weekly renumeration paid to a maximum of $847 per employee).[1]

[1] "Canada's COVID-19 Economic Response Plan," Government of Canada, last updated on April 7, 2020, https://www.canada.ca/en/department-finance/economic-response-plan.html#wage_subsidies .

					AUS: Disaster Recovery Payment[2] (pre-existing fund) ($1,000 for eligible adults, and 400$ for eligible children who have been directly affected by a major disaster either in Australia or overseas). Crisis Payment (pre-existing fund)[3] eligibility is based on being qualified for an income support payment, being in Australia when the claim is submitted, and being in severe financial hardship due to extreme life changes which include a natural disaster not covered by the Disaster Recovery Payment – for instance in the Covid-19 case of a National Health Emergency[4]. The amount an individual receives is equivalent to one week's pay at their existing income support payment rate. You can ordinarily receive up to 4 payments over 12 months, or exceptionally during the National Health Emergency you can receive 2 payments in a 6-month period.

[2] "Disaster Recovery Payment," Australian Government – Disaster Assist, last updated April 16, 2020, https://www.disasterassist.gov.au/Pages/disaster-recovery-payment.aspx.
[3] "Crisis Payment," Australian Government, last updated September 25, 2019, https://www.servicesaustralia.gov.au/individuals/services/centrelink/crisis-payment/who-can-get-it.
[4] "Crisis Payment – National Health Emergency (Covid-19)," Australian Government, last updated April 20, 2020, https://www.servicesaustralia.gov.au/individuals/services/centrelink/crisis-payment/who-can-get-it/crisis-payment-national-health-emergency-covid-19.

Direct Transfer to Persons	Direct **one-time** payout to qualifying individuals. No application is necessary. The funding approach typically emerges during a crisis.	The allocation is typically fixed and determined by the funder.	Automatic direct transfer to qualifying persons (no application required).	Direct transfers to persons can flow quickly, assuming pre-existing infrastructure is available.	CAN: Covid-19 Increase to the GST/HST credit amount (based on net income: $443-$886 per individual, $580-$1,160 per married couple, $153-$306 per child under the age of 19, or $290-$580 for the first eligible child of a single parent)[5] AUS: $750 one off Economic Support Payment[6]

[5] COVID-19 Increase to the GST/HST credit amount," Government of Canada, last updated on April 1, 2020, https://www.canada.ca/en/revenue-agency/services/child-family-benefits/covid-19-gsthstc-increase.html .
[6] "A $750 one off Economic Support Payment," Australian Government, last updated March 12, 2020, https://www.servicesaustralia.gov.au/individuals/news/750-one-economic-support-payment .

Medium to Long-Term Assistance Grants	Grants are pre-established (not an emergency response). The structure of the grant is typically set out in legislation, and oftentimes will provide for two tracks of funding. The first track is funding that targets emergency mitigation and building resilience in communities. The second track is funding that can be accessed during a crisis and allows for greater ease in accessing resources during an emergency.	Funding is allocated based on actuals, with requisite proof of expenses.	For most of these grants, federal funds are only dispensed when the financial capacity of the other orders of government, insurance payouts, etc. are exhausted. Furthermore, they require long-term agreements between the parties, with a cost-sharing formula defined in legislation.	The main weakness of this response mechanism is the speed at which communities receive funds. This form of funding is almost entirely retrospective.* Though there may be a timeline with respect to eligible expenses (e.g. up to 12 months after the emergency), there is no set timeline as to when reimbursements will be received by applications. Once agreements are put into place, how quickly funding will flow will be dependent on the structures of the other orders of government and their mechanisms to distribute funds to recipients. This model is impractical for communities that have limited reserve funds; they may not have the capital needed to front the cost of expenses and services while waiting for reimbursements,	CAN: Disaster Financial Assistance Arrangements,[7] Emergency Management Assistance for Activities on Reserve,[8] Disaster Mitigation and Adaptation Fund[9]

* Note: In certain instances, major capital investments may be pre-approved.

[7] "Guidelines for the Disaster Financial Assistance Arrangements," Public Safety Canada, last updated on February 2, 2019, https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/rcvr-dsstrs/gdlns-dsstr-ssstnc/index-en.aspx . Program administered through Public Safety Canada that provides disaster relief through provincial and territorial governments. The aim of the program is to assist provincial government with the costs of disaster relief (when the costs exceed what would reasonably expected for the province to bear on their own).

[8] "Contributions for Emergency Management Assistance for Activities on Reserve: Terms and Conditions," Application requirements and assessment criteria, INAC, last updated on April, 4, 2019, https://www.aadnc-aandc.gc.ca/eng/1386012167936/1386012273685. The EMAP is aimed at assisting on-reserve First Nations communities through emergency management. One of the main project objectives is to work with emergency partners and to help with the remediation of critical infrastructure and community assets impacted by emergency events.

[9] "Disaster Mitigation and Adaptation Fund," Infrastructure Canada, last updated May 9, 2019, https://www.infrastructure.gc.ca/dmaf-faac/index-eng.html. "A national merit-based program that will invest $2 billion to support large-scale infrastructure projects to help communities better manage the risks of disasters triggered by natural hazards."

				potentially putting them in a precarious situation.	US: FEMA Public Assistance & Individual Assistance,[10] Hazard Mitigation Grant Program[11] AUS: Disaster Recovery Funding Arrangements – used to fund Emergency bushfire support for primary producers[12]

[10] "Understanding Individual Assistance and Public Assistance," FEMA, last updated January 15, 2018, https://www.fema.gov/news-release/2018/01/15/understanding-individual-assistance-and-public-assistance. Following a Presidential Major Disaster Declaration, FEMA provides two main programs to help with recovery: one is targeted to individuals and households, and the other is for state and local governments (as well as certain non-profits).The first program, Individual Assistance, provides direct assistance to families and individuals who have suffered disaster related losses. The second program, Public Assistance, can help state and local governments get reimbursed for up to 75 percent of eligible costs following disaster-related damage (eligible expenses include emergency protective measures, debris removal, and infrastructure repairs or replacement).

[11] "Hazard Mitigation Grant Program," FEMA, accessed April 6, 2020, https://www.fema.gov/hazard-mitigation-grant-program. Following a Presidential Major Disaster Declaration, HMGP helps communities implement hazard mitigation measures (the key objective of the grant is to enact mitigation measures that reduce the risk of loss of life and property from future disasters).

[12] "Emergency bushfire support for primary producers," Australian Government, last updated on January 22, 2020, https://www.agriculture.gov.au/ag-farm-food/bushfires/primary-producers. $100 million in emergency grants has been committed; up to $75,000 is available to farmers, fishers and foresters located in declared bushfire disaster areas.

Funding to Third Parties (non-governmental support agencies)	During an emergency, a third-party is mobilized to provide relief services, with government funding.	Third-parties typically receive funding by applying for grants or entering into service agreements with government.[13] Contribution agreements are also possible in an emergency, where a government will flow funds directly to the organization to provide relief services.[14]	Funding is utilized and potentially dispersed to individuals through the third-party.	The speed at which third-parties can deliver relief services or disburse funds is dependent on their pre-existing infrastructure.[15]	CAN: Regional agreement between ISC and the Red Cross to assist during flood evacuations in First Nations communities.[16]* For instance, the Red Cross has received grants to help with wildfires in British Columbia,[17] and they have also signed a 5 year agreement with ISC to provide services for evacuees in Manitoba on ISC's behalf.[18] In New Brunswick the $900 Workers Emergency Income Benefit is being administered by the Red Cross.[19]

[13] Canadian Red Cross, *Annual Report 2010-2011*, (2011), page 25.
[14] "Canadian Red Cross welcomes the Government of Canada support to wildfire recovery," Canadian Red Cross, last updated July 23, 2017, https://www.redcross.ca/about-us/media-news/news-releases/canadian-red-cross-welcomes-the-government-of-canada-support-to-wildfire-recovery.
[15] KPMG, *May 2016 Wood Buffalo Wildfire : Post-Incident Assessment Report (Prepared for Alberta Emergency Management Agency,* (May 2017), page # 26 & 98. "[Red Cross'] electronic fund transfers more efficient than the Province's debit cards" & "while the Red Cross was an effective fundraiser, it did not necessarily have all of the supporting infrastructure to disburse the funds to organizations and individuals who needed it to address their response and recovery needs"
*Note: S. 3.4.2.7. of the *On-Reserve Emergency Management Plan* states "At the request of an on-reserve First Nation, INAC, or province or territory, a non-government organization (e.g. the Canadian Red Cross) or other Indigenous organization, may support the management of an emergency. Once identified, these entities become part of the First Nation's emergency planning process, and should have clearly defined roles and responsibilities outlined within the First Nation's all-hazards emergency management plan, in order to develop an integrated emergency management structure and processes/procedures with all stakeholders." Source: "Indigenous and Northern Affairs Canada (INAC) National On-reserve Emergency Management Plan," Government of Canada, last updated June 7, 2017, https://www.sac-isc.gc.ca/eng/1324572607784/1535123607689.
Additionally, the AFN and the Canadian Red Cross signed an MOU on May 23, 2007. This MOU included four areas of sharing expertise, including emergency management. The Canadian Red Cross has also had an operations branch on the Blood reserve for around 12 years. Source: "Indigenous Engagement," Canadian Red Cross, accessed on April 23, 2020, https://www.redcross.ca/donate/other-ways-to-donate/major-donations/major-donations-in-western-canada/major-donations-in-alberta/indigenous-engagement.
[16] "Flooding in First Nations communities," Government of Canada, last updated on October 31, 2019, https://www.sac-isc.gc.ca/eng/1397740805675/1535120329798 .
[17] "Canadian Red Cross welcomes the Government of Canada support to wildfire recovery," Canadian Red Cross, last updated July 23, 2017, https://www.redcross.ca/about-us/media-news/news-releases/canadian-red-cross-welcomes-the-government-of-canada-support-to-wildfire-recovery.
[18] "Manitoba 2014 Flood Recovery," Indigenous and Northern Affairs Canada, last modified January 7, 2020, https://www.aadnc-aandc.gc.ca/eng/1411758562651/1411758732957.
[19] "New Brunswick," Canadian Red Cross, last updated on April 20, 2020, https://www.redcross.ca/in-your-community/new-brunswick.

When an emergency or unexpected event occurs, such as COVID-19, there may be an immediate need to have financial resources flow directly to persons. In such instances, a direct transfer to persons is useful to help to address an individual's basic needs. The money tends to be easily accessible and can be used virtually, immediately. That funding however, is short-term and serves to ease immediate burdens. It does not provide means to build resilience for future situations. This approach is expeditious and direct.

Resilience and emergency management planning are best developed through medium- and long-term grants. This type of funding enables jurisdictions to look back on an emergency and leverage the lessons to build response plans and the infrastructure required to mitigate the challenges of future events. While the long-term impact of such funding can be beneficial, it is only useful when a jurisdiction has tools for planning and capacity development. There must also be an existing set of resources which the jurisdiction can leverage to meet its needs, as much of the funding is reimbursed. This approach allocates funding for longer-term development but on retrospective timelines.

Third-party managed funding offers a hybrid approach, where service providers have the procedures and practices required to deliver funding and services in response to an emergency in an expedited fashion. For an immediate on-the-ground response, this approach may respond to considerations of speed, allocation and flow, as the third-party is the sole interlocutor with the funder (government) and can deliver a broad response.

When considering approaches to emergency funding, a mix of direct transfers and third-party managed funding tend to be best for immediate responses and service delivery. Grants with application-based proposals for funding are best suited to build resilience, capacity and infrastructure for the medium- to long-term. Irrespective of the approach or mix of approaches selected, pre-existing preparedness and response structures influence an individual's, community's and government's ability to address crises.

In a 2018 study, the House of Commons Standing Committee on Indigenous and Northern Affairs produced the report, "From the Ashes: Reimagining Fire Safety and Emergency Management in Indigenous Communities." The report emphasized the gaps in funding and the challenges in ensuring the timely and reliable delivery of resources for emergency response. These findings echoed a 2013 report by the Auditor General, which deemed the budget of the Emergency Management Program to be insufficient.

While the Standing Committee's report focused exclusively on fire safety and emergency management, the broader takeaways are clear: there is a lack of preparedness among communities, who due to infrastructure and health considerations, tend to be more vulnerable to the ramifications of emergencies. Appropriate crisis

response alone, is not a solution. Crisis mediation is dependent on pre-existing structures, practices and preparedness to organize a response and mitigate risk.

Dakota Ojibway Child and Family Services (DOCFS) provides an array of mandated, early intervention and prevention programs to address the community, families and children's needs, with input from the Local Child and Family Services Committees across eight First Nation communities in Manitoba. In emergencies from floods to COVID-19, DOCFS activates their business continuity plan (BCP), to ensure services are provided. Their case highlights practices that can be emulated and the challenges of organizing broad-scale responses in often uncertain and changing circumstances.

APPENDIX 2

CFS and emergency preparedness and response: The case of DOCFS

By the numbers

DOCFS serves 8 First Nations (plus 3 urban offices)
DOCFS employs 220 staff

In 18 days of crisis response (March 13-31, 2020) DOCFS spent:

- $106,346 in emergency items for 8 communities, e.g. personal protective equipment, baby formula, diapers, food bank items, cleaning supplies
- $1,745 in transportation costs to move the items to the 8 communities
- $45,085 in IT to equip staff to work remotely

Total = $153,176 (and counting as the pandemic continues)

The message: emergency response requires preparedness through appropriate planning, well-trained staff, and financial resources.

Lessons from DOCFS' emergency response:

1) Be prepared: a business continuity plan/emergency plan that includes communication with band councils and tribal councils can determine and pre-plan how you will collaborate and collectively face an emergency.
2) Empower staff: crisis situations are fluid and require changing responses. Staff should have input in planning, clear direction and latitude to act in the best interest of the children, families and communities they serve.
3) Have access to financial resources: to procure goods and services, money is necessary. There's much uncertainty in a crisis and having reserve funds (or access to funds) is crucial for expeditious action and response.
4) Connect: work closely and ongoingly with your communities and leadership to respond to the needs of children, families and communities.

"At no time will children be left at risk."

Dakota Ojibway Child and Family Services (DOCFS) is no novice when it comes to emergency response. From floods, to ice storms, to now, a pandemic, the agency has responded to protect the most vulnerable in the eight First Nations communities it serves. An integral component of a broader Tribal Council structure, DOCFS works

collaboratively with other organizations (e.g. health, education) and community-based offices. Daily directors' calls and constant contact coordinate actions and response to changing circumstances across the Tribal Council.

DOCFS wants kids and families to be healthy and safe. That doesn't stop during an emergency; it amplifies. CFS is an essential service, and DOCFS remains available 24/7 during a crisis (as it would in regular times). As concerns for the safety and well-being of children and families can increase during emergencies, DOCFS' actions in emergency response extend beyond the physical safety of children, and includes food security, supplies and educational resources.

Be prepared

DOCFS' business continuity plan (BCP), which serves as a roadmap for the agency's action in a crisis to fulfil its core mandate and maintain (at least) their basic operations.

In one half-day, DOCFS' entire business continuity plan (BCP) apparatus can be mobilized, as staff are pre-briefed and familiar with their responsibilities. Staff have pre-assigned roles and areas of action for which they are responsible in an emergency. This enables the organization to keep a measure of consistency when faced with unexpected crises.

DOCFS' model is premised on strong linkages to the eight communities that it serves. With trust between DOCFS and its community offices and employees, the agency depends on the local First Nation's collaboration and support to understand need on the ground, and to ensure an appropriate response. Each of the eight communities served have their own emergency operating plans for local-level actions. From back-up staffing plans to operating plans, each community has a pre-meditated approach to managing CFS when in crisis response mode.

There are plans in place, but people are expected to solve problems and find solutions.

Empowered leadership; empowered people

As emergency response ramps up, there is a real pressure on senior management to orchestrate the initial response. Senior staff were working from 8am to 11pm to define and implement the initial crisis management approach to COVID-19.

Senior leadership and the DOCFS board encourage flexibility in crisis response. They are known to create space for employees' ideas to respond to community needs. Emergencies are fluid and DOCFS staff must adjust its actions accordingly, in real time.

Various ad-hoc teams emerge in crises to address changing needs. For instance, in the response to COVID-19, a holistic wellness team was created to develop resources for the distribution of reliable information and to connect people with the services they need. This small team of six people leverages outside resources, such as extra

physicians and mental health experts, and develops their own tools to support the overall pandemic response.

The main concern among communities is food security. Families can be big and as communities enter lock-down, not everyone can access needed supplies in time. DOCFS stepped in as a procurer of essential food items and supplies for delivery through local community offices. The items are distributed without cost to recipients in need through the local office. In an emergency situation, DOCFS will assist any community member in need (although their child focus is primarily, children in care). This initiative, orchestrated in conjunction with community-based staff, demonstrates the importance of connectivity and trust between agencies and people, especially in a time of emergency response.

To mobilize the required resources, an agency needs ready money.

Always have ready money

DOCFS emphasizes the importance of advocacy for their agency. From the Tribal Council's Chief to ISC to outside resources, DOCFS advocates to 'anyone who will listen,' to ensure their organization and children in care have what they need. Building a reserve fund and practicing active resource-development are ongoing. This helps to ensure that when a crisis hits, there is some flex in the budget.

When faced with a crisis, there is the added stress of uncertainty and delay in cost recovery. Until a state of emergency is enacted by the Tribal Council, resources commensurate to an emergency will not flow. In the context of COVID-19, ISC has indicated that agencies can keep track of costs associated to the pandemic response.

The fact remains however, that agencies and communities need ready money to act and respond in an emergency. For instance, at DOCFS, expenses for COVID-19 have been paid through expense accounts, cheques, corporate credit cards and personal credit cards. When it comes to major expenses, the executive director checks with ISC regional staff for the approval of the expense in advance, to mitigate any uncertainty of reimbursement. From basic food supplies, to educational resources for children in care, staff overtime, IT supplements, and beyond, agencies must be able to maintain their core operations to keep children and families safe, while supporting an emergency response. Unexpected circumstances can require unexpected resources.

As an alternative funding approach for CFS is being developed, options for emergency funding are being considered. Combinations of funding mechanisms are being explored to propose tools to respond to immediate needs, as well as to address the underlying challenges that influence crisis management. DOCFS is a helpful example of a well-coordinated agency that leverages resources beyond its organization to respond in a timely and decisive manner in the face of emergencies.

Appendix Q: Social Services Post-emergency: Considerations for Disaster Relief Funding

IFSD
IFPD

Social services post-emergency: Considerations for disaster relief funding

Evaluating the role of social services post-emergency

When considering how to adequately scale-up social services to respond to emergency situations, the primary determinant of success is whether social services agencies have sufficient pre-emergency to ensure comprehensive service delivery. Though one-time crisis payments can help service providers fill unexpected gaps, allocating sufficient and consistent long-term funding will ensure that service providers are able to build their capacity and resilience, in turn permitting them to develop comprehensive emergency management plans. Service providers, such as First Nation child and family services agencies have unique expertise on the needs of their communities, making their capacity for emergency response and important stabilizing factor in crisis situations.

The COVID-19 pandemic has brought to the fore how underlying inequities, and insufficient social protections can make communities vulnerable to emergency situations, and quickly aggravate the impacts of a crisis. For instance as of June 2020, the Navajo Nation, one of the largest Indigenous reservations in the US, faces a death rate of 177 per 100,000, higher than any single US state.[1] Up to 40% of Navajo households do not have running water, further, many families live in hogans (one-room homes); therefore, implementing self-isolation and sanitation measures can be challenging.[2] As Fawn Sharp the President of the National Congress of American Indians states, "the failure to fund us has left us incredibly vulnerable."[3]

Canada's First Nations face similar challenges with poverty, especially on-reserve. Median household incomes of First Nations in most provinces are below their respective provincial poverty lines. Poverty is at the root cause of various challenges, including contact of First Nations children with the child protection system.[4] The effects of poverty can be aggravated by emergency situations, making it crucial for recovery to consider the reliability and availability of social services to support communities and their recovery.

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[1] Nina Lakhani, "Navajo nation reinstate lockdown as Covid-19 cases surge near reservation," June 18, 2020, https://www.theguardian.com/us-news/2020/jun/18/navajo-nation-coronavirus-lockdown-arizona.
[2] Wahleah Johns, "A Life on and Off the Navajo Nation," *The New York Times*, May 13, 2020, https://www.nytimes.com/2020/05/13/opinion/navajo-nation-coronavirus.html?referringSource=articleShare.
[3] Simon Romero and Jack Healy, "Tribal Nations Face Most Severe Crisis in Decades as the Coronavirus Closes Casinos," *The New York Times,* May 13, 2020, https://www.nytimes.com/2020/05/11/us/coronavirus-native-americans-indian-country.html.
[4] First Nations Child & Family Caring Society of Canada, "Information Sheet First Nations Child Poverty: A Literature Review and Analysis" (December 2019), https://fncaringsociety.com/sites/default/files/chapter_5_information_sheet_2.pdf.

Greater reliance on social services following an emergency situation

Increase in Financial Insecurity

Of substantiated child maltreatment investigations in Canada, 33% involved families receiving social assistance or other benefits.[5] Socio-economic status is also a large determinant of ability to recover from the emotional, physical and economic difficulties associated with natural disasters.[6] Studies have demonstrated that in certain regions natural disasters can increase food poverty by 3.6 percentage points, capacities poverty by 3 percentage points, and assets poverty by 1.5 percentage points.[7] Additionally, food insecurity puts pressures on other social services including the healthcare system.[8]

Increase in Domestic Violence and Child Abuse

Exposure to intimate partner violence as the primary category of maltreatment accounted for 34% of substantiated child maltreatment investigations in Canada.[9] Moreover, increased financial stress, coupled with other stresses in the wake of an emergency leads to an increase in both child abuse,[10] and domestic violence.[11]

A study of the July 2004 floods in Whakatane, New Zealand demonstrated that in the weeks following the floods New Zealand Police and Victim Support reported a doubling in the number of callouts they received.[12] Women's Refuge (an organization that operates shelters for women fleeing violence) experienced a tripling of its workload immediately after the flood, as did Work and Income New Zealand with respect to their domestic violence work.[13] Women's Refuge reported that they did not receive additional support. During the peak of the flood, due to the shelters being over-capacity, each support worker had at least 3 families staying in their homes.[14]

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[5] Public Health Agency of Canada, "Canadian Incidence Study of Reported Child Abuse and Neglect," (2008): 5.

[6] Mary Rooge, "The Future is Now: Social Work, Disaster Management, and traumatic Stress in the 21st Century," *Journal of Social Service Research,* 30, no. 2 (2004): 4. For example, low-income housing is more likely to be located in disaster-prone areas, such as floodplains.

[7] Rodriguez-Orrefia et al. (2010) in Marcela Tarazona & Jose Gallegos, ''Recent Trends in Disaster Impacts on Child Welfare and Development 1999-2009,'' *Global Assessment Report on Disaster Risk Reduction* (2011) : 8. Rodriguez-Oreggia looked at the impact of natural disasters at the Municipal level in Mexico.

[8] Valerie Tarasuk and Lynn McIntyre, ''A basic income, not expanded food charity, is critical as the pandemic plunges more Canadians into deprivation,'' *Policy Options,* last updated April 28, 2020, https://policyoptions.irpp.org/magazines/april-2020/food-banks-cant-adequately-address-covid-19-food-insecurity/. In 2017-2018 there were more than 4.4 million Canadians living in food-insecure households, and that number is set to climb in the wake of COVID-19. Severely food-insecure adults in Canada use more than twice the amount of health care dollars.

[9] Public Health Agency of Canada, "Canadian Incidence Study of Reported Child Abuse and Neglect," (2008): 3.

[10] Laura Daughtery and Wendy Blome, "Planning to Plan: A Process to Involve Child Welfare Agencies in Disaster Preparedness Planning," *Journal of Community Practice,* 17, no. 4 (2009): 486. ''Child abuse reports were disproportionably higher in the months following Hurricane Hugo and the Lorna Prieta Earthquake in 1989"

[11] Rosalind Houghton, "Everything Became a Struggle, Absolute Struggle': Post-flood Increase in Domestic Violence in New Zealand" in n *Women, Gender and Disaster: Global Issues and Initiatives* (Los Angeles: Sage Publications, 2009): 102.

[12] Ibid: 105.

[13] Ibid: 104.

[14] Rosalind Houghton, "Everything Became a Struggle, Absolute Struggle': Post-flood Increase in Domestic Violence in New Zealand" in n *Women, Gender and Disaster: Global Issues and Initiatives* (Los Angeles: Sage Publications, 2009): 106-107.

Furthermore, the literature points to a link between economic recessions and an increase in child abuse. Though overall child abuse has been declining over the decades, there were visible spikes in neglect following the 1990-1991 and 2001 recessions.[15] Though according to the *National Child Abuse Neglect Data System* data, substantiated child maltreatment rates continued to decline in the US after the 2008 recession, scholars caution that that the decline may be the result of several other factors including the downsizing of the Child Welfare System (CWS) due to fiscal constraints faced by states.[16] A study of four geographically disparate pediatric hospitals in the US uncovered an almost two-fold increase in abusive head trauma in the wake of the 2008 recession.[17] Moreover, another study found a correlation between reported maltreatment and the rising rates of unemployment in the US; for every percentage point increase in state-level unemployment there was an increase in child abuse reports (0.5 increase per 1000 children).[18] Additionally, researchers highlight a lag in reporting (child abuse reports increased the year after unemployment rose).[19] The full economic and social impacts of COVID-19 cannot yet be fully known, however, doctors are already expressing concern over increased cases of suspected child abuse.[20]

Psychological Impacts of Disasters

As agencies are helping mitigate the physical impacts of a disaster, they must also consider the mental health impact of these events, and how they may lead to greater reliance on social services. Three of the most common mental health problems an individual may develop in the wake of disasters are PTSD, anxiety and depression.[21] Levels of mental illness in survivors of Hurricane Katrina were almost twice as high as estimates for this population in years prior to the hurricane.[22] Whether or not an individual develops these mental health problems is dependent on the effectiveness of individual coping behaviour, as well as received social support.[23]

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[15] Katherine Sell et al., "The Effect of Recession on Child Well-Being: A Synthesis of the Evidence by PolicyLab, the Children's Hospital of Philadelphia." *PolicyLab: Research Insitute at the Children's Hospital of Philadelphia* (2010): 27.

[16] Katherine Sell et al., "The Effect of Recession on Child Well-Being: A Synthesis of the Evidence by PolicyLab, the Children's Hospital of Philadelphia." *PolicyLab: Research Insitute at the Children's Hospital of Philadelphia* (2010): 30.

[17] Ibid : 29.

[18] Ibid : 29.

[19] Ibid : 29.

[20] Julie Bosman, "Domestic Violence Calls Mount as Restrictings Linger: 'No Once Can Leave,'" *The New York Times,* May 15, 2020, https://www.nytimes.com/2020/05/15/us/domestic-violence-coronavirus.html?referringSource=articleShare.

[21] Tim Wind, Maureen Fordham, & Ivan Komproe, "Social capital and post-disaster mental health," *Global Health Action,* 41 no. 1 (2011): 1-3.

[22] 2006 GAO report cited in Laura Daughtery and Wendy Blome, "Planning to Plan: A Process to Involve Child Welfare Agencies in Disaster Preparedness Planning," *Journal of Community Practice,* 17, no. 4 (2009): 485.

[23] 2006 GAO report cited in Laura Daughtery and Wendy Blome, "Planning to Plan: A Process to Involve Child Welfare Agencies in Disaster Preparedness Planning," *Journal of Community Practice,* 17, no. 4 (2009): 485. Many scholars have pointed to social capital as an explanation for differences in disaster mental health outcomes across affected groups of people and places.

Children in care are particularly vulnerable to ongoing mental health issues that may be aggravated post-disaster. After being a victim of domestic violence (46%), and having few social supports (39%), having mental health issues is the third most frequently noted concern for primary caregivers (27%).[24] Along with caregivers, children also struggle with their own mental health post-disaster (of particular concern for children in care is the fact that displacement is one of the largest aggravating factors).[25] Studying children and youth recovery post-floods, one study reported 30% of adolescents in grades 4-12, and 9% of children in K-3 failing to recover, and requiring a referral to additional mental health services.[26] Furthermore, 84% of children who had to evacuate reported harm, compared to only 15% of those who did not evacuate.[27] Finally, when assessing mental health needs post-disaster it is important to note that symptoms may not manifest themselves till months or even years later, and may increase with time instead of decreasing[28]; this is particularly true of children who may experience sleeper effect (appear to be coping well during a disaster but develop problems later on).[29]

A national survey conducted by the Centre for Addiction and Mental Health in Canada looking at the impact of COVID-19 on mental health and substance use shows that in the 7 days prior to the survey of the adults between the age of 18-60+, 25.5% experienced moderate to severe anxiety; 23.7% engaged in binge drinking; 23.2% felt lonely; and 20.4% felt depressed.[30] This preliminary survey helps demonstrate that it is likely that the pandemic will have long-term and even widespread impacts on mental health well-being, and addiction recovery.

Impacts of Covid-19 on Social Services

Consistent with what has been documented in previous emergencies, early reporting suggests that the COVID-19 pandemic has led to an increase in domestic violence. In Southern Jianli County, China, police reported triple the amount of domestic violence calls in February.[31] As the pandemic continued to spread across the world, other countries reported similar experiences as China. In Spain, in the first two weeks of lockdown measures, the emergency number for domestic violence received 18% more calls, and in early April nationwide France saw a 30% spike in domestic violence.[32] In

[24] Public Health Agency of Canada, "Canadian Incidence Study of Reported Child Abuse and Neglect," (2008): 5.
[25] Larry Drumm & John Stretch, "Identifying and Helping Long Term Child and Adolescent Disaster Victims," *Journal of Social Service Research,* 30 no. 2 (2004): 100.
[26] Ibid: 101.
[27] Larry Drumm & John Stretch, "Identifying and Helping Long Term Child and Adolescent Disaster Victims," *Journal of Social Service Research,* 30 no. 2 (2004): 100.
[28] 2006 GAO report cited in Laura Daughtery and Wendy Blome, "Planning to Plan: A Process to Involve Child Welfare Agencies in Disaster Preparedness Planning," *Journal of Community Practice,* 17, no. 4 (2009): 486.
[29] Larry Drumm & John Stretch, "Identifying and Helping Long Term Child and Adolescent Disaster Victims," *Journal of Social Service Research,* 30 no. 2 (2004) : 96.
[30] CAMH, "COVID-19 National Survey Dashboard," accessed on June 3, 2020, https://www.camh.ca/en/health-info/mental-health-and-covid-19/covid-19-national-survey.
[31] Nathan Vanderklippe, "Domestic Violence Reports Rise in Cina Amid COVID-19 Lockdown," *The Globe and Mail,* March 29, 2020, https://www.theglobeandmail.com/world/article-domestic-violence-reports-rise-in-china-amid-covid-19-lockdown/.
[32] Amanda Taub, "A New Covid-19 Crisis: Domestic Abuse Rises Worldwide," *The New York Times,* April 6, 2020,

Canada, the Minister for Women and Gender Equality consulted with frontline organizations and uncovered a 20-30% increase in rates of gender-based violence and domestic violence in some regions of the country.[33]

As noted above, an increase in domestic violence is linked to an increase in child abuse cases. Furthermore, natural disasters can overwhelm child welfare agencies, and lead to additional challenges. Early feedback from key stakeholders in the child welfare sector suggests that resources and capacity are under considerable pressure during the COVID-19 pandemic, and agencies are struggling to provide services and support clients.[34] Child protection workers are having to rely on virtual meetings, and only undertake face-to-face meetings when critical.[35] Alongside with providing continuity of service for children already in care, child welfare agencies must prepare themselves for an increase in abuse cases post-emergency.[36] In 2018, the Centers for Disease Control and Prevention identified family social isolation as one of the leading risk factors for child maltreatment.[37] The WHO organization published a leaders statement expressing their concerns about children being exposed to an increased risk of violence while measures to contain COVID-19 are in place.[38]

However, given the distinct nature of this pandemic and the strict social isolation measures being imposed by governments, another concern for child welfare agencies is that abuse is going unreported. While some doctors are reporting an increase in suspected child abuse cases,[39] hospitals in other jurisdictions are reporting that fewer children are coming in, which can be a troubling sign that children are not getting the help they need.[40] With children removed from community services and schools due to self-isolation, children may be isolated from potential sources of help (teachers, other family members, neighbours, etc.). Certain initiatives advocated by family violence

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https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html.

[33] Raisa Patel, "Minister says COVID-19 is empowering domestic violence abusers as rates rise in parts of Canada," April 27, 2020, https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851.

[34] Fecteau 2020 and Kelley and Hansel 2020 in Policy Bench, Fraser Mustard Institute for Human Development, ''Child Welfare and Pandemics Literature Scan'' (University of Toronto : 2020) : 11.

[35] Idil Mussa, "Ottawa agencies joining forces to protect kids from abuse," *CBC News,* May 11, 2020, https://www.cbc.ca/news/canada/ottawa/child-advocates-in-ottawa-meet-virtually-to-keep-kids-safe-1.5558104.

[36] 2006 GAO report cited in Laura Daughtery and Wendy Blome, "Planning to Plan: A Process to Involve Child Welfare Agencies in Disaster Preparedness Planning," *Journal of Community Practice,* 17, no. 4 (2009): 486. "Child abuse reports were disproportionably higher in the months following Hurricane Hugo and the Loma Prieta Earthquake in 1989 (Curtis, Miller, & Berry, 2000)."

[37] Child Welfare COVID Resources, "Latest News and Resources on Child Welfare and COVID," accessed on June 3rd, 2020, https://childwelfarecovid.org/. This website was put together through a collaboration of NGOs, including advocacy groups to assess the effects of COVID-19 on children and families in contact with the child welfare system.

[38] World Health Organization, "Joint Leaders' statement – Violence against children: A hidden crisis of the COVID-19 pandemic," last updated April 8, 2020, https://www.who.int/news-room/detail/08-04-2020-joint-leader-s-statement---violence-against-children-a-hidden-crisis-of-the-covid-19-pandemic.

[39] Julie Bosman, "Domestic Violence Calls Mount as Restrictings Linger: 'No Once Can Leave,'" *The New York Times,* May 15, 2020, https://www.nytimes.com/2020/05/15/us/domestic-violence-coronavirus.html?referringSource=articleShare.

[40] Raisa Patel, "Minister says COVID-19 is empowering domestic violence abusers as rates rise in parts of Canada," April 27, 2020, https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851.

experts to help address domestic violence, such as code words or hand signals can be communicated electronically, and may be adapted to help children (the difficulty being young children who may not be able utilize these tools).[41] Child advocates in Ottawa are working with school boards to try and formulate questions to still be able to gauge student well-being even though school has moved online.[42] In Ottawa, a special task force comprised of the children's hospital, the police service, the Children's Aid Society and Ottawa Public Health has been assembled to better pinpoint cases and continue to provide support to at-risk children.[43] Chapin Hall, an independent policy research institution, affiliated with the University of Chicago, focusing on child welfare, has put together an information sheet for providers to facilitate conversations with families with the aim of identifying family stresses and needs.[44]

Further, for parents and children already involved in the CWS, the pandemic has led to delay in crucial advancements in their cases. For instance, visits with biological parents may be halted or moved online, which can significantly hamper successful reunification. Forming secure attachments between parents and children is key to successful reunification. Newly reunified families, as well as those on the verge of reunification are having to deal with the additional stresses and pressures of the pandemic (not being able to take children to activities for respite, financial and employment concerns, and so forth).[45] Additionally, resources like mental health counselling, addiction and peer support groups for parents are either on pause or moving online which can obstruct access to parents who rely on these services not only for their own well-being but also to be in compliance with their reunification plan. Finally, court closures and hearing postponements also lead to delays in reunification.[46] It is clear that social isolation has put new pressures on parents, and those involved in the CWS who were experiencing vulnerabilities prior to the pandemic are now in an even more precarious position with increased stresses and fewer supports.

For older youth who are getting ready to transition out of the CWS, the pandemic poses significant challenges. Under normal circumstances, youth already face significant risks when aging out of care; COVID-19 is only aggravating these risks. A March 2020 survey conducted by the Foster Club, an organization dedicated to providing a peer support network for children and youth in foster care, found that older foster youth reported housing instability (39.6% were force to move or fear losing housing since the start of the pandemic), food insecurity (27.6% were in crisis or very low in food), and insufficient

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[41] Canadian Women's Foundation, "Signal for Help," accessed on June 3, 2020, https://canadianwomen.org/signal-for-help/.
[42] Ibid.
[43] Ibid.
[44] Chapin Hall, "Practice Bulletin: Conversations with Families to Recognize Needs," (May 2020), https://www.chapinhall.org/wp-content/uploads/families-needs.pdf.
[45] Child Welfare COVID Resources, "Latest News and Resources on Child Welfare and COVID," accessed on June 3rd, 2020, https://childwelfarecovid.org/.
[46] Ibid.

financial resources (18% in crisis, and 32.8% less than a week of money to pay basic needs).[47] Youth also reported increased mental health concerns and feelings of isolation.[48]

Countries across the world are already implementing measures to increase the capacity of social services during the COVID-19 pandemic. In Italy, as domestic violence reports began to rise in March following lockdown measures being introduced, the government told local authorities they could requisition hotel rooms to be used as temporary shelters for those fleeing domestic violence.[49] In Canada, the Prime Minister announced $40 million in funding to Women and Gender Equality Canada; $30 million is specifically for the immediate needs of shelters and sexual assault centers. Of those funds, Indigenous Services Canada is set to receive $10 million to help fund the 46 emergency shelters on reserves and in Yukon.[50] Additionally, the Ontario government is providing $200 million in social services relief funding to better support municipalities and organizations that administer social services.[51] Further, the Ontario government has put in place a moratorium on youth aging out of care.

Children receiving services through children's aid society, customary care arrangement, or voluntary youth services agreement will continue to receive their current level of support throughout the pandemic even if they turn 18. Likewise, children who turn 21 and are receiving support through the continued care and support for youth program will have their support sustained throughout the outbreak.[52] The Manitoba government is putting in place several measures to better support the CWS. They are extending support to all youth currently in care who turn 18 between March 20 and September 30, by extending foster care placements, and ensuring that those who choose to move out of foster care continue to receive financial support. Youth who have already exited care and chose to transition to an "Agreement with a Young Adult" will continue to receive assistance during this timeframe regardless of their age (typically these agreements are only available to those under the age of 21). Further, the government is extending foster home and residential care licences for 60 days, and has activated a mutual aid agreement with child welfare authorities to offer additional support.[53] Finally, the Ontario

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[47] Child Welfare COVID Resources, "Latest News and Resources on Child Welfare and COVID," accessed on June 3rd, 2020, https://childwelfarecovid.org/.
[48] Ibid.
[49] Amanda Taub, "A New Covid-19 Crisis: Domestic Abuse Rises Worldwide," *The New York Times,* April 6, 2020, https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html.
[50] Status of Women Canada, "Supporting women's shelters and sexual assault centres during COVID-19," last updated May 1, 2020, https://cfc-swc.gc.ca/fun-fin/shelters-refuges-en.html.
[51] Government of Ontario, "Ontario Protecting the Most Vulnerable During COVID-19 Crisis," last updated March 23, 2020, https://news.ontario.ca/opo/en/2020/03/ontario-protecting-the-most-vulnerable-during-covid-19-crisis.html.
[52] Kenneth Jackson, "Ontario government issues moratorium on youth aging out of care during pandemic," *APTN News,* March 26, 2020, https://www.aptnnews.ca/national-news/ontario-government-issues-moratorium-on-youth-aging-out-of-care-during-pandemic/.
[53] Victoria Gibson, "Domestic violence organizations laud new funding, but call for more supports as COVID-19 escalates risk" *iPolitics,* April 16, 2020, https://ipolitics.ca/2020/04/16/domestic-violence-organizations-laud-new-funding-but-call-for-more-supports-as-covid-19-escalates-risk/.

government is providing up to $1.5 million of funding to the Children's Aid Foundation of Canada's COVID-19 Youth Support Fund.[54]

Planning for recovery

Importance of Long-Term Service Delivery

It is clear that providing expanded social services post-disaster is critical to help communities recover, and measures should target the root causes of why families interact with the CWS including poverty, increased levels of domestic violence, and lack of mental health support. There are examples of jurisdictions implementing short term mitigation efforts aimed at addressing socio-economic vulnerabilities, including Canada who announced $100 million to support food banks and other community food programs in light of COVID-19.[55] However, considerable evidence demonstrates the need for medium and long-term investments, in conjunction with immediate relief measures. For instance, Women's Refuge reported that violence did not return to a 'normal' level, but rather there was a second surge in reporting 5 months after the disaster, when social services agencies withdrew from the community.[56]

Therefore, when discussing support to social services it is important that long-term investments are put into place. Measures that can be implemented to bolster social services delivery include service fee waivers for immediate individual relief and social funds for longer term community recovery.[57] For instance, in Australia, following the bushfires, the government announced $76 million to provide distress counselling and mental health support for individuals, families and communities.[58] Recently, the Alberta government announced $53 million in mental health supports to respond to COVID-19.[59] Additionally, post-disaster, FEMA provides funding directly to local mental health providers to help with recovery services and program development.[60]

When examining the role of agencies, it is advised that they areengaged at every stage, including planning before a disaster. This requires a high degree of coordination between government, non-government organizations and the private sector. Furthermore, effective natural disasters systems must give programs the flexibility to

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[54] Government of Ontario, "COVID-19 action plan: protecting vulnerable Ontarians," last updated April 28, 2020, https://www.ontario.ca/page/covid-19-action-plan-protecting-vulnerable-ontarians.

[55] Valerie Tarasuk and Lynn McIntyre, "A basic income, not expanded food charity, is critical as the pandemic plunges more Canadians into deprivation," *Policy Options,* last updated April 28, 2020, https://policyoptions.irpp.org/magazines/april-2020/food-banks-cant-adequately-address-covid-19-food-insecurity/.

[56] Rosalind Houghton, "Everything Became a Struggle, Absolute Struggle': Post-flood Increase in Domestic Violence in New Zealand" in n *Women, Gender and Disaster: Global Issues and Initiatives* (Los Angeles: Sage Publications, 2009): 107.

[57] Renos Vakis, "Complementing Natural Disasters Management: The Role of Social Protection," *Social Protection: The World Bank*, February 2006: 13.

[58] "Australian Government Mental Health Response to Bushfire Trauma," Australian Government : Department of Health, last updated January 20, 2020, https://www.health.gov.au/health-topics/emergency-health-management/bushfire-information-and-support/australian-government-mental-health-response-to-bushfire-trauma.

[59] Emily Mertz, "Kenney pledges $53M in mental health funding as Alberta sees no new COVI-19 deaths," Global News, last updated April 15, 2020, https://globalnews.ca/news/6821578/alberta-health-hinshaw-coronavirus-april-15/.

[60] Thom Curtis, Brent Miller & Helen Berry, "Changes in Reports and Incidence of Child Abuse Following Natural Disasters," *Child Abuse & Neglect,* 24, no. 9 (2000): 1158.

adjust and scale up easily so as to respond to crises in a timely manner (this requires adequate funding and resource allocation prior to the crisis). [61] Finally, some argue that post-disaster, when rebuilding physical and social infrastructure, it is an opportunity to focus on accessibility and integrate the needs of vulnerable populations in the planning phase.[62] Coupled with measures to better support child welfare agencies, these longer term measures are aimed at relieving the acute stresses families may be feeling post-emergency so as to fulfill the overarching aim of better protecting children in and out of care.

Budgeting for disasters

The overarching principle when considering how to finance emergency situations is that you should adequately fund social services so that they have the capacity to scale up efficiently during a disaster. Prior to COVID-19, shelters and sexual assault services in Canada were already over-capacity. Farrah Khan, who sits on the federal advisory council dedicated to preventing and combatting gender-based violence, stated that the social safety net for victims was not strong prior to the pandemic, and this greatly aggravated the current situation.[63]

With regards to approaches to budgeting for disasters, the World Banks argues that prevention is cheaper than cure, and that robust social safety nets can help mitigate crises by reducing the vulnerability of households. They further state that "when operating in a country already, [safety nets] can be relatively easy to scale up in the event of a shock and scale down by altering the targeting and transfer levels; they therefore can transition from short term to longer term rehabilitation after a shock."[64]

When discussing the financing options for a safety net, the World Bank emphasizes that there are many options, however they highlight the revolving disaster funds in Mexico (FONDEN) as particularly innovative.[65] FONDEN is funded through the Federal Expenditure Budget which requires that, at the beginning of the fiscal year, no less than 0.4 of the annual federal budget should be available to FONDEN, FOPREDEN and the Agricultural Fund for Natural Disasters.[66] In 2011, the 0.4% requirement represented around US$800 million, and this has become the standard budget appropriation for these programs. Furthermore, the law stipulates that if the appropriation is insufficient,

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[61] Renos Vakis, "Complementing Natural Disasters Management: The Role of Social Protection," *Social Protection: The World Bank*, February 2006: 7.
[62] Ibid: 14-15. For instance looking at designing buildings that are more accessible for people living with disabilities.
[63] Victoria Gibson, "Domestic violence organizations laud new funding, but call for more supports as COVID-19 escalates risk" *iPolitics,* April 16, 2020, https://ipolitics.ca/2020/04/16/domestic-violence-organizations-laud-new-funding-but-call-for-more-supports-as-covid-19-escalates-risk/.
[64] Social Protection & Labor: The World Banks, "Natural Disasters: What is the Role for Social Safety Nets," (2011): 97.
[65] Social Protection & Labor: The World Banks, "Natural Disasters: What is the Role for Social Safety Nets," (2011): 100.
[66] The World Bank, "FONDEN: Mexico's Natural Disaster Fund – A review," (2012): ix.

additional resources must be transferred from other programs and funds (including the oil revenue surplus).[67]

Another example of how to build a resiliency fund is the State of Utah's "Disaster Recovery Fund."[68] The Disaster Recovery Fund is funded through a restricted account in the General Fund, based on a set calculation roughly equal to the lesser of 25% of the General Fund surplus (after transfers to other accounts) or 6% of the General Fund appropriation amount for the fiscal year in which the surplus occurs.[69] The legislature also has a formula to replace any funds that have been appropriated within the last 10 fiscal years.[70]

Financing disasters through statewide disaster accounts that receive funds from general fund revenues is an approach adopted by numerous states.[71] However, in order to determine the amount allocated to the disaster account, states take different approaches; for example, Alaska typically budgets to cover the costs of two state-declared disasters ($2 million) and two federally-declared disasters (totalling $5-6 million), whereas North Dakota and California establish funding amounts in statute.[72] Ultimately, though there is a wide variety of ways to construct an emergency budget, the consensus is that creating a strong social safety net before the advent of a crisis leads to more resilient communities that are better equipped to adapt to changing circumstances. In the long-term, properly funding robust social services can be less costly overall, and help mitigate some of the impacts of disasters.

Recommendations

1. As part of the recovery package, federal and provincial governments should consider additional resources to address anticipated social service demands.
    - Rather than one-time crisis payments, these should be longer term investments targeting gaps in current social services networks.
2. Social services organizations should be encouraged to develop emergency budgets, and given the tools necessary to do so.

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[67] The World Bank, "FONDEN: Mexico's Natural Disaster Fund – A review," (2012): ix.
[68] Utah State Legislature, "Section 603 State Disaster Recovery Restricted Account," last updated May 14, 2019, https://le.utah.gov/xcode/Title53/Chapter2A/53-2a-S603.html.
[69] Utah State Legislature, "Section 314: Deposits related to the Wildland Fire Suppression Fund and the Disaster Recovery Funding Act," last updated May 9, 2017, https://le.utah.gov/xcode/Title63J/Chapter1/63J-1-S314.html?v=C63J-1-S314_2017050920170509.
[70] Ibid.
[71] United States Government Accountability Office, ''Budgeting for Disasters : Approaches to Budgeting for Disasters in Selected States,'' (2015) : 9.
[72] United States Government Accountability Office, ''Budgeting for Disasters : Approaches to Budgeting for Disasters in Selected States,'' (2015) : 11-12. ''North Dakota's Disaster Relief Fund receives an appropriation of $22 million every 2 fiscal years or each biennial budget cycle, while California's Disaster Response- Emergency Operations Account receives an annual appropriation of $1 million at the beginning of each fiscal year, consistent with the state's budget cycle."

3. A proactive response is favoured over a reactive one; therefore, social services providers should be part of every stage of emergency planning. All three levels of government should be consulting social services providers to have a better sense of vulnerabilities within their communities prior to emergency situations.
4. Additional research and discussion is needed on the potential for the development of a program for emergency support for social services (similar to the rationale underpinning EI for the labour market; Fiscal Stabilization for provincial governments etc).

Form of Funding*	Example of Fund	Explanation of Funding Formula
Set percentage from the federal expenditure budget	Mexico's Natural Disaster Fund: Two Complementary Budget Accounts – FONDEN (Program for Reconstruction) and FOPREDEN (Program for Prevention)	FONDEN is funded through the Federal Expenditure Budget which requires that, at the beginning of the fiscal year, no less than 0.4% of the annual federal budget should be available to FONDEN, FOPREDEN and the Agricultural Fund for Natural Disasters.[73] In 2011, the 0.4% requirement represented around US$800 million, and this has become the standard budget appropriation for these programs. Furthermore, the law stipulates that if the appropriation is insufficient, additional resources must be transferred from other programs and funds (including the oil revenue surplus).[74]
Set percentage from the General Fund or other Surpluses	Utah's Disaster Recovery Fund	Calculation is based on the lesser of either the 25% of the General Fund revenue surplus amount, or 6% of the total of the General Fund appropriation amount. There is an additional amount added which is equal to the lesser amount of 25% of the General Fund revenue or the amount necessary to replace any amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal years before the fiscal year in which the surplus occurs.[75]

* Some funds blend two or more forms of financing, and so the individual examples are organized based on their primary source of financing.
[73] The World Bank, "FONDEN: Mexico's Natural Disaster Fund – A review," (2012): ix.
[74] Ibid.
[75] Utah State Legislature, "Section 314: Deposits related to the Wildland Fire Suppression Fund and the Disaster Recovery Funding Act," last updated May 9, 2017, https://le.utah.gov/xcode/Title63J/Chapter1/63J-1-S314.html?v=C63J-1-S314_2017050920170509

Portion of other sources of revenue	Norway Sovereign Wealth Fund (Government Petroleum Fund)	Established by the legislature in the 1990s to regularly transfer capital from the government's petroleum revenue to the fund. The first capital transfer was made in 1996. In 1998, the ministry decided to invest 40% of the fund in equities and set up the Norges Bank Investment Management to manage the fund. In 2007, the Ministry of Finance decided to increase the fund's share of equity investments from 40 to 60%.[76]
	State of Florida's Department of Environmental Protection Established a Disaster Contingency Account	Funded through user fees on Florida's state parks.[77]
Set Funding Amount in Statute	State of North Dakota's Disaster Relief Fund	Appropriation of $22 million every 2 fiscal years (or each biennial budget cycle) – funds come from the revenue of the state's share of oil and gas taxes.[78]
	State of California's Disaster Response-Emergency Operations Account	Annual appropriation of $1 million at the beginning of each fiscal year (initial general revenue appropriation of $20 million).[79]
Set Funding Amount Based on Previous Cost of Disasters	State of Alaska	Budgets to cover the costs of two state-declared disasters ($2 million) and two federally-declared disasters (totalling $5-6 million).[80]
	Contingency Fund for California's Department of Forestry and Fire Protection	Receives appropriation based on the average emergency cost of the past 5 years.[81]

[76] Norges Bank Investment Management, "The History," accessed on May 12th, 2020, https://www.nbim.no/en/the-fund/the-history/.
[77] United States Government Accountability Office, "Budgeting for Disasters : Approaches to Budgeting for Disasters in Selected States," (2015) : 12.
[78] Ibid: 10.
[79] Ibid: 27.
[80] Ibid.
[81] Ibid.

Using Operating Budgets of Relevant Agencies	State of West Virginia	Division of Homeland Security and Department of Military Affairs and Public Safety (Emergency Management branch) use their regular operating budget to cover disaster costs.[82]
Funding Transfers	State of Indiana	Special finance board can authorize a transfer of funds from one agency to another if an agency's budget cannot cover the cost of an unexpected disaster.[83]

[82] United States Government Accountability Office, "Budgeting for Disasters : Approaches to Budgeting for Disasters in Selected States," (2015): 12.
[83] Ibid : 13.

Appendix R: West Region Child and Family Services (WRCFS) Case Study Elsie Flette, Former Executive Director, WRCFS

West Region Child and Family Services (WRCFS) Block Funding Pilot
Elsie Flette, former Executive Director, WRCFS

Key Lessons Learned - Existing funding policies and guidelines impeded the agency from delivering services that could mitigate risk to children, and, where children did come into care, promote cultural and relationship permanency for the children. With the move to block funding of maintenance, WRCFS agreed to cap maintenance and manage child maintenance expenditures within a set block of money. The agency succeeded in diverting funds to alternative preventive programs and services, with a determination to ensure child safety was upheld.

To achieve the change in practice, considerable changes in attitude, policy, and practice at all levels of the Agency were required. Equally, or perhaps more, critical to success was the need to have community engagement and support in making this shift.

WRCFS's block pilot offers important lessons on transition, the value of leveraging internal data for planning and practice development, and the importance of addressing the causes of the causes in child and family services.

Context for change

The First Nations served by WRCFS shared the historic and systemic injustices of First Nations across Manitoba, and, like others, were dealing with the results of colonization, residential school, racism, and poverty. The historical involvement of child welfare with First Nations has left deep feelings of distrust toward child welfare.

The effect of this was reflected in the reasons for children coming into care at WRCFS: inadequate housing, lack of food security, unemployment, addictions, domestic violence, and family support system breakdown. This put families at risk, leading to protection and safety concerns for the children. The mistrust of families towards child welfare involvement made family engagement a challenge.

There was increasing concern, shared by leadership, community members, families, and Agency staff, about the rising numbers of children in care, the lack of culturally responsiveness ways to support and assist families, and the placement of children in out-of-home, out-of-family, and out-of-community care. Maintenance costs of keeping children in care were escalating annually.

Expenditures to maintain children in out-of-home placements were disproportionate to the funds available for support to families and/or prevention initiatives. In 91/92, the only funds being received for prevention was a $300,000 grant for Services to Families (STF). This compared to the $2,654,443 cost for children in care for the same year. The lack of funding for prevention initiatives and alternative service approaches contributed to the increasing number, and rising cost, of children in care.

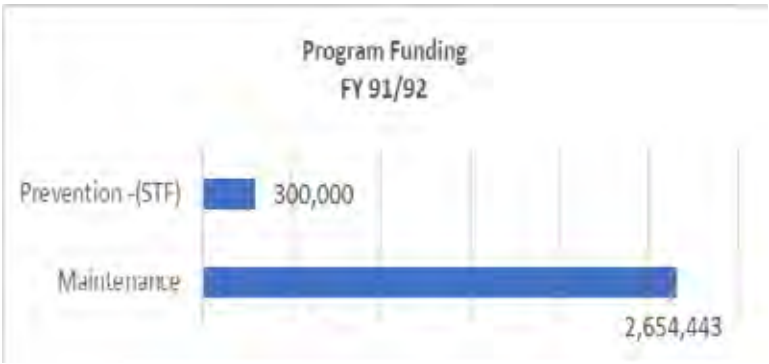


Chart 1:1: *91/92 Distribution of WRCFS funding for maintenance costs and STF funding.*

An Agency review of cases identified several situations where the provision of the kind of supports given to foster parents could sufficiently mitigate the risk to child safety to allow the child to remain at home. This might include services such as the provision of parent aides, mentors, special needs for a child, day care, housing assistance, transportation, counselling, and emergency assistance (food, baby formula, diapers, transportation, etc.).

The limited options available to respond to families at risk to mitigate the risk factors, and the practise of removing children from their homes as the only option for child safety, too often resulted in disruption and destruction to families and communities.

More than legislative barriers, it was existing funding policies and guidelines that impeded the Agency from delivering services that could mitigate risk to children, and, where children did come into care, promote cultural and relationship permanency for the children.
Making the case for a change

Examination of the Agency's operation and service delivery model highlighted the costs of maintenance, which made up the largest portion of the Agency's funding. With some changes in the funding 'rules', the Agency could implement a new / revised service delivery model that would better meet the needs of children, families, and communities.

Making the case for a pilot
With a pilot project that allowed for a different process to administer the federal maintenance stream of funding, changes could be made in a timely and effective way, and perhaps model and test an approach that could be helpful to inform the national policy review tasked with making recommendations about the funding of FNCFS agencies. A pilot project could allow exceptions to be made within existing Treasury Board authorities, allowing for space to 'do things differently' within an accelerated time frame.

Beginning in 1990, WRCFS began looking at the feasibility of options to provide services more in keeping with the cultural context and the values, mission, and goals and objectives of the Agency. The Agency began compiling/collecting data to take a proactive and predictive approach to the possible implementation of block funding.

In 91/92 (the year prior to the start of the pilot project), 90% of the total federal funding for children in care and services to families went to pay the cost of supporting 177 children in out of home placements, at an average annual cost of $15,000 per child in care.
Services to Families, a grant fund of $300,000, was to provide support services to families at risk. These services included the provision of homemakers, parent aides, and emergency assistance, to serve nine First Nations, with an on-reserve child population (0-18) of 1691[1], and an estimated 60% (340) family units receiving some type of service from the Agency (see chart 2:1).[2]

Chart 2:1: Allocation of Service to Family and Maintenance funding

The average amount of family support service funding available per family at risk per year was $882. Based on an average of 3 children per family, this was about $296/child per year ($882/3). In 91/92, the average cost for WRCFS for a child in care was $15,000. Chart 2:2 illustrates this difference.

[1] *Population figures from INAC.*
[2] *Assuming on average 3 children / family (1691/3) =564 family units*60%=340 families receiving service from WRCFS. The assumption of three children per family comes from INAC and has been used to calculate family size/units.*

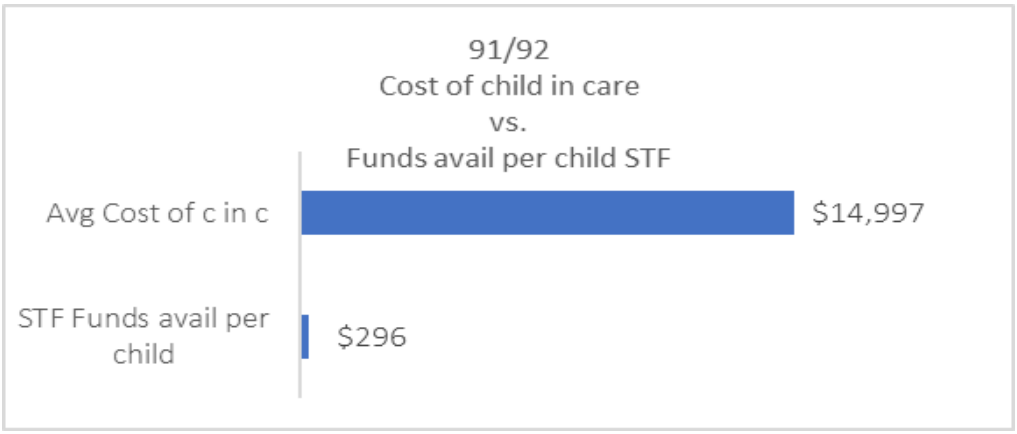


Chart 2:2: Annual average cost of child in care vs. annual funds available for child in family at risk

Poverty is a key driver for children entering care, and most of the families at risk receiving services from WRCFS were on social assistance. In 91/92, the average per diem for a child age 0-11, on social assistance, was about $4.30. The average maintenance per diem paid to a foster home for a child age 0-11 was $41/diem, almost ten times the amount paid to the parent on social assistance. In addition, the foster parent (and the child) had access to additional supports.

For 91/92	
Child pop on-reserve 0-19	1691
Avg # of children in care	177
% of child pop in care	10%
Total mtce costs	$2,654,443
Avg cost per year per child in care	$ 14,997
Avg cost per day per child in care	$ 41
Child pop not in care	1514
# of family units (3 children/family)	564
60% with services	338
STF funds available	$ 300,000
STF per year per family	$ 887
STF per month per family	$ 74
STF per week per family	$ 18
STF per day per family	$ 3
STF per day per child	$ 1

Table 2:3 Comparison of funding for child in care and a child in own home

To determine the feasibility of the Agency moving to a block funding of maintenance, it was essential to look at the profiles and prior spending of children in care. The Agency reviewed child in care data for the prior three years. There was some data from earlier years, but it was not robust and/or reliable. A spreadsheet was developed that could collect data about every child in care, and the costs related to their care.

The Agency collected detailed data about children in care to get a good understanding of the children in care and the costs associated with that care. Given that maintenance funding related solely to children in care, the information was vital to assessing feasibility for block funding, making short- and longer-term projections on maintenance spending, and assessing the risk of moving towards a block fund of maintenance.

The review of maintenance expenditures and children in care included:

- Collecting and analyzing data to get a profile of the children in care
- Reviewing and analyzing maintenance expenditures for prior years
- Reviewing the purpose and the premises for the expenditures
- Examining the who, what, where, when, and why of maintenance expenditures
- Examining where savings might be found that could be diverted to alternative preventive programming
- Developing detailed budgets, how spending might be controlled, and looking at strategies to have funds to divert to alternative preventive programming

This provided a detailed overview of the children in care and associated maintenance costs, giving the Agency baseline data from which to make budget projections for ongoing costs for children in care and comparisons to future years. Table 2:4 lists the data collected and Table 2:5 gives examples of the type of analysis possible.

Child Personal Info	Child Admission to care Info	Child placement info (most recent)	Maintenance expenditures	Agency Staff
Name	New admission / date	Type of placement	Funder	Guardianship agency
Birthdate/Age	Re-admission / date	Primary Caregiver name	Care Level	Supervising Agency
Gender	Date of prior discharge from care	Placement address	Approved Per diem breakdown	Worker
Indigenous Status	Primary reason for admission / re-admission	Indigenous Status of primary caregiver	Approved Special need costs	Supervisor
Treaty #	Secondary reason for admission / re-admission	Member FN of primary caregiver	Support Costs	
Member FN - child	Reason for prior discharge	Relationship of primary caregiver to child	Per diem breakdown	
Expense FN		Placement priority match	High Needs Medical - primary	
Legal Status (CFS)			Mtce expenditures past year	
Legal Status Expiry			Mtce expenditures YTD	
Bio mother name			Special rate expiry date	
Bio mother Indigenous status			Paid dayscare – past year	
Bio mother Treaty #			Paid dayscare - YTD	
Bio mother Member FN			Non-pay dayscare – past year	
Bio mother Address			Non-pay dayscare - YTD	
Bio father name				
Bio father Indigenous status				
Bio father Treaty #				
Bio father Member FN				
Bio father Address				
Guardian mother name				
Guardian mother Indigenous status				
Guardian mother Treaty #				
Guardian mother Member FN				
Guardian mother Address				

Table 2:4: Data collected for every child in care

1	Total number of children in care	22	#of males/ females
2	#by funder	23	#inf Age groups of C in C
3	%of c in c total by FN	24	#of PW
4	%of c in c from each FN	25	#of TW
5	#in kinship placements	26	#of VSG
6	#in home community	27	#of VPA
7	#in other culturally connected placement	28	#of UA
8	#in group home placements	29	#of AWOL
9	Group homes being used	30	#of PW
10	Per diems paid	31	#of docket
11	#in institutions	32	#admitted in any time period
12	#in hospital	33	#discharged in any time period
13	#in Independ Living	34	#re-admitted in any time period
14	#in transition (18+)	35	Time period between discharge and readmit
15	#in non-pay care type	36	Total paid days care
16	#in Emergency placments	37	Cost of paid days care
17	#in Correctional facility	38	Total non pay days care
18	#in 3rd party FH	39	#speical needs funding
19	#in hotel	40	Cost of special needs funding
20	#off reserve	41	#per level of care
21	#out of province	42	Comparison of per diem costs

Table 2:5: Types of analysis possible

Collecting data on each child in care was used to answer key questions and identify significant trends to assist in making accurate spending projections; setting out metrics to measure ongoing feasibility and effectiveness of actions taken; determining necessary budget cycles and budgeting accurately; monitoring expenditures; and being accountable and transparent in reporting to staff, leadership, community CFS committees, and funders.

To effectively manage a block funding arrangement, it was important to know what contributed to the monthly variations and if spikes or drops in case counts were one-time events or part of a trend. Based on the analysis of the maintenance and child in care data, projections were made where the anticipated savings might be, and setting the priorities and the timing for developing alternative and/or preventive programs and services.

Identifying and managing risks

As part of the consideration of block funding federal maintenance, the Agency undertook a risk assessment prior to completing a strategic service plan, and prior to meeting with INAC to propose the pilot project. The Agency wanted some certainty that making the move to block funding was realistic and feasible, and that risks could be adequately mitigated.

Table 2:6 provides a summary of the risk factors, the risks involved, and the risk mitigation strategies that were considered.

Engaging in the pilot project had its risks, risks that would impact services to children and families. Contingency plans were developed to address degrees of 'what ifs', including a 'worst case scenario. The overarching question for these contingency plans was: what if this does not work and the Agency cannot successfully implement a revised service delivery model? What if a significant deficit is created? What if the volume and price of maintenance expenditures is greater than projections and the Agency does not have funds to pay the maintenance costs of children in care and/or must discontinue the prevention programs?

Assuming the pilot project would have an impact on all the Agency's operations, and to predict and mitigate potential risk, a strategic service plan was completed. This included a summary of community profiles, an environmental scan (SWOT), the core areas of focus, articulation of the strategies to be implemented to achieve stated goals and objectives, and the metrics to measure hoped for outcomes. This provided a potential baseline for evaluating the pilot project, and a blueprint for transition.

Table 2:6 WRCFS: Risk Assessment of a Block Funding Approach re. federal Child Maintenance Funding

("Maintenance" refers to costs related to children in care)

	Risk Factor	Risk Involved	Risk Mitigation Strategies
1	There was risk in moving to cap maintenance and subsequently having maintenance costs exceed what was in the fund and being unable to pay required costs for children in care, resulting in deficits and/or lack of services to children in care. This would result in an inability to generate savings in maintenance expenditures and thus not being able to divert funds to preventive/alternative programming.	Under the Block Fund arrangement, Prevention and Alternative programs were dependent on funds being diverted from the block fund. It was understood that maintenance of children in care had the first draw on the block fund. Under a block funding arrangement, maintenance would be capped, unlike the current reimbursable of actual maintenance expenditures. This would be a significant change in the budgeting, expenditures, and monitoring of maintenance costs. Should the block fund be totally expended for maintenance costs, there would be no funds to divert to preventive programming. Thus, there would be 'pain with no gain' in moving to block funding. The funding for Prevention programs that became operational was dependent on deferred funds being available on an ongoing basis. Those programs would be able to continue operating only if funds continued to be available from the block fund, dependent then on the Agency being able to contain/manage maintenance costs. Maintenance was an area where the Agency could not completely predict costs. One could not know with certainty how many children would be coming into care, when, and what their per diems would be. Nor could the Agency refuse to take a child into care. Maintenance costs could escalate quickly, and without close monitoring and questioning of assumptions predicating	Rigorous pre-pilot data collection and analysis, to get detailed profiles of the children in care over the past 3 years, and to establish baselines for future evaluation and analysis. Making projections about current and future maintenance expenditures based on evidence. Determine the level of financial risk Agency was prepared to take. Prepare detailed budgets for all the areas of maintenance expenditures and conduct, at a minimum, monthly financial reporting on actual expenditures. Flag over/under expenditures and make necessary adjustments in a timely manner. Establishing clear policies for maintenance expenditures (levels of payments; under what conditions/criteria; internal approval processes); include the social work staff and finance staff in the development of the policies. Provide in-service training for staff about the policies. Undertake sound program development for all prevention programs, particularly for those programs that would require multi-year funding. Implement prevention programming in an orderly, planned, phased-in fashion. Limit year one to short term prevention programs, while planning and preparing for the implementation of longer-term programs. Seeking possible revenue sources for ongoing funding and/or partnerships for prevention programs established

		expenditures, managing the block fund would be difficult.	with the block fund that would decrease the dependence on the block fund. Setting up review and evaluations of prevention programs to make sure the programs were effective and efficient, met targets, and operated within budgets.
2	There was a risk that a change in INAC staff, at HQ and/or at the Regional office, and/or a change in federal policy and/or ministerial support for the pilot project could result in a move to abruptly and/or unilaterally terminate or alter the block funding arrangement.	Reversing support for a baseline in the block fund could result in the block fund being reduced based on declining maintenance expenditures - this would directly impact on deferral of funds to prevention programs, thereby curtailing and/or eliminating any prevention programming. Adjustments to increase block would be resisted by INAC. INAC would change key provisions and/or terms and conditions of the agreement.	Willingness on part of WRCFS to walk away from the table if the terms and conditions required by INAC could not be mutually agreed to. Continuing to build on the positive working relationship with key INAC staff at the Manitoba Region and at HQ in Ottawa. Involving Regional INAC staff in the working group to transition, and participation by INAC in regular review sessions. Willingness to provide INAC staff with all reasonable requests for information on spending, progress, etc. To the extent possible, planning for future renewals/extensions of the pilot project, including discussions on what might follow should the pilot project show positive outcomes.
3	INAC would take a limited interpretation of a surplus policy and not permit deferral of funds to future years.	The pilot project agreement was premised on the deferral of unspent maintenance funds to prevention programming. It was important for INAC to recognize and support program development over time. Good management of a block fund required planning for future years, and a deferral of annual funds for that purpose was necessary.	Work in cooperation with INAC to regularly provide information on program development and plans for deferred revenue. Maintain records of expenditures, for both maintenance and prevention programs, and share these with INAC staff.
4	Commencing the pilot project under a one-year term, with possible year by year renewals, and with no firm commitment that the block funding could/would	Ongoing negotiations with INAC could prove to be unsuccessful, and Agency would need to operate with a block fund that was inadequate and/or revert to the pre-pilot method of funding maintenance. Given the changes made to work	See mitigation strategies under #3. Keep Agency Board of Directors/Chiefs fully informed and engage them in negotiations with INAC and federal political leaders.

	become an ongoing funding approach for WRCFS should the pilot project prove successful.	within a block fund, this would create both a funding pressure and disruption in services.	Collect data and prepare regular output and outcome results.
5	Expectations and benchmarks set by INAC would be unrealistic / not achievable and not in line with Agency own benchmarks.	Unrealistic benchmarks would result in outcomes not being met and jeopardizing ongoing block funding. Withdrawal of INAC support in the transition process to the block fund arrangement, including mutual agreement on the amount of the block fund, the base line funding, and the terms and conditions for the pilot project.	Take a proactive approach in setting Agency determined outcomes and seek to achieve mutual agreement on outcomes.
6	Inaccurate / insufficient data being collected and/or available to the Agency.	The Agency did not have well established data collection capacity. Without good data and financial records, it would be difficult to manage within a block fund. Data would be crucial, not only for tracking expenditures, but to track programs outcomes.	Improvement of data collections already in use. Development of data collection tools for data not currently collected but necessary for the pilot project. Reviewing electronic data collections methods and upgrading where needed. Sharing the data analysis with staff and linking this to their own job satisfaction. Education and training for staff about the value of data collection.
7	Loss and/or lack of skilled, competent, and committed management staff. Resistance from staff to implement a block funded approach.	Without competent Finance and Management staff, it would be a difficult to control expenditures and bring about the necessary internal changes to work within a block fund. Going into the pilot project, the Agency had a competent, experienced Finance Director who shared the enthusiasm for the potential in block funding, and two finance maintenance clerks who understood how the block fund was to work. Other key management staff were experienced and competent and committed to the pilot project idea. Should one or more of these individuals	Implementing cross-training of finance staff. Reviewing and updating the succession plan for key finance and management personnel. Involving staff in planning committees, review processes. and regular updates about the progress on negotiations. Celebrating achievements and regularly reviewing lessons learned with staff. Management recognition of demands on staff and creating an environment/process for staff share and provide feedback and input.

		leave the employ of WRCFS in the early stages of the block fund, it could lead to disruption and financial instability. There were not a lot of individuals that the Agency could immediately look to internally that understood what the internal impact of the block was on admin and finance system and that could administer the block fund with a short learning curve. Recruitment of skilled staff was often a challenge, given the rural location of the Agency. Management of a block fund required a major change in office procedures – from workers role in setting rates, approval of the rate by supervisors, admin systems, and finance policies and procedures. Expenditure for each child needed to be tracked closely, and changes in trends or child profiles needed tracking. Staff needed the knowledge and the willingness to make the needed changes on short notice. Staff had been working under a system where maintenance was reimbursed on actuals, with over expenditures reconciled at year end. Questioning expenditures was generally limited to determining if the expenditure would/could be reimbursed. The block funding approach would require scrutiny of all expenditures, which could cause resentment from staff. Staff cooperation would be important. If staff were resistant to the changes, implementation would be more challenging. The	Creating a positive work environment for staff, including staff recognition and team building events. Education sessions for staff, to inform about the pilot project and the hoped-for outcomes, highlighting the anticipated benefits this could have for children and families. Providing staff with results of analysis of children in care, and the demonstrating to them how this was useful and helpful in their role as front line staff Provide opportunities for FAQs. Getting staff feedback on new forms or new processes being suggested, to avoid a duplication of paperwork and unnecessary administrative requirements on front line staff.

		changes necessary would affect the staff: the service delivery model would change; there would be changing expectations on staff in how to address the needs of children from a different perspective; would almost certainly be some glitches and/or unforeseen things that would occur during transition and in particular in the beginning year of the pilot that would require working through; staff job responsibilities would change. Staff are an important voice in the community and community engagement would become more challenging if staff were actively / passively opposed.	
8	Non-acceptance and/or resistance to the change by leadership, and/or the community CFS committees	Agreement and participation to the pilot project arrangement, from key community partners and leadership, was critical to the success in making these changes effectively and achieving the hoped-for outcomes.	Presentations to leadership and the Board of Directors about the pilot project and the hoped-for outcomes for the pilot project. Regular briefings for the leadership and involvement of leadership at negotiating tables. Developing / updating a presentation package for staff to use in informing the community CFS Committees and setting up a formal process that provided for regular input and feedback from the CFS Committees. Providing orientation and ongoing training for CFS committee members.
9	Strained or deteriorating relationship with the Province of Manitoba.	The pilot project was with INAC and the block fund arrangement was limited to federal maintenance. Manitoba was aware / informed of the pilot project, but MB was not a key partner in the pilot project. However, Manitoba was a key partner in the tripartite arrangements that had been agreed to in transferring service delivery responsibility on reserve to FNCFS, and as MB determined the maintenance rates/guidelines	Including the Province in updates, and where appropriate, in discussions with INAC. Formally planning to include the Province in completing quality assurance reviews. Including an evaluation process as part of the terms and conditions of the pilot project.

	that INAC followed, and had overall responsibility for the operation of all CFS agencies under provincial legislation, it was important for WRCFS to maintain a good relationship with the Province so that any changes would be mutual, and WRCFS would not be left without participation in any discussion between the Province and INAC.	

Negotiating and implementing the block pilot

The consensus at the Agency was to proceed to negotiate[3] for a pilot project that would test a block funding of federal child maintenance. There was optimism that with a different approach to the allocation and funding "rules" of maintenance funds, it would be possible financially support a service model that promoted preventive services and programs, rather than child removal, as the first response to child protection and safety.

Concern about escalating costs and rising numbers of children in care was shared by both WRCFS and INAC, and it was common ground where discussions could begin. The Agency considered these shared concerns to be motivating factor for both parties.

Based on the analysis that WRCFS had done on children in care and historical spending patterns, WRCFS believed that it was feasible to move to a block fund. It was the Agency's position that with the ability to be more flexible, there were some immediate savings that could be realized in maintenance spending, thereby leaving funds that could be diverted for prevention/alternative programs and services without additional funds.

While there were risks involved, the Agency's analysis and risk mitigation strategies indicated that the benefits of capping maintenance were greater than the risks.

Continuing with a 'child only' focus on programs/expenditures and/or child protection would not address the fundamental shift that the Agency felt was necessary to achieve better outcomes for children over the long run. Therefore, INAC was requested to agree to permit the Agency to expand the thinking of what child protection included.

The Agency wanted to implement ways of improving child well-being and protecting children that would recognize and incorporate the importance of supporting families and family well-being and playing a key role in community well-being.

The Agency wanted considerable flexibility in determining how to allocate and/or expend the maintenance funds beyond the provincial maintenance guidelines. To be successful, the Agency would need to carefully plan, track, and monitor expenditures and be accountable and transparent to stakeholders.

The Agency looked at the options and scenarios of block funding, the risks involved, the feasibility of achieving desired outcomes, what changes would be needed throughout the Agency to implement a block funded approach, and what assets the Agency had that would contribute to a successful pilot project.

[3] The parties involved in the negotiation were management representatives from WRCFS and INAC Regional Office. On a few occasions, INAC HQ participated in the meetings. Sign off on positions and agreements came from INAC HQ and from WRCFS Executive Director.

Within a larger context of wanting to provide services to children and families in a way that was consistent with the Agency's values, vision, goals, and objectives, there were some common objectives. Both WRCFS and INAC wanted a way that would provide the Agency with increased flexibility; ensure accountability; provide predictability in costing out accurate budget projections; and allow for improved administrative ease.
The WRCFS proposal for block funding maintenance had the potential to meet all three of these shared objectives. In addition, such a pilot could be done within existing TB authorities.[4]
Agreement was reached on five principles that would guide the negotiations:

1) ***Cost Neutral***
   Block funding was to be *"cost-neutral"* – that is, this was not a cost saving exercising. It would not cost INAC more to block fund maintenance, but it would not cost less. On an annual basis, a review of the block fund needed to compare costs to similar agencies not on block funding, and to project what the costs at WRCFS would have been if maintenance funding had continued a reimbursement basis.

2) ***Block Amount/ Base***
   The initial block would be a base amount, and the block fund would not decrease past that level.

3) ***Surplus/ Deficit***
   The Agency would retain any surplus in the block fund at end of the FY and be able to: divert the funds to prevention/alternative services/programs, and/or defer spending to future years, and/or set up a contingency fund for child maintenance costs for future years.

4) ***Exceptional Circumstances***
   Exceptional circumstances that came up over the course of the pilot project, that were not present when the initial block was set, could be considered as an increase to the block fund in the following fiscal year. These costs would be annualized.

5) ***One-time only costs***
   Exceptional circumstances that came up that were one-time only events would be funded in the same fiscal year. The Agency would not be expected to fund these costs from the block fund. The costs would be invoiced to INAC for reimbursement. Example: flooding; political standoff, inquests).

Based on the cost-neutral principle, regular reviews would occur to project what the costs might have been if WRCFS had remained on the pre-pilot maintenance

[4] *INAC did have TB authority to enter pilot projects. Both Regional Office and HQ were involved in the agreement discussions and approvals.*

arrangement. The Block fund was to adjust for these increases. If projections indicated that the WRCFS costs, without a block fund, would have seen a decrease, any decrease would not go below the baseline of 92/93.
The Agency could secure other sources of revenue for programs without a reduction in the block fund.

WRCFS and INAC would meet quarterly to review progress and expenditures; WRCFS to provide quarterly statement of maintenance costs. Quality Assurance reviews of services to children to be regularly completed during the pilot project.

The WRCFS pilot project began in FY 92/93. Initially to run for one year, the pilot project was renewed on an annual basis until FY 10/11.

Maintenance funding: Pre-block funding	**Maintenance funding: Block funding**
Annual allocation for maintenance based on prior year actual expenditures.	Initial Block fund determined using prior year actual mtce expenditures, plus 8% volume increase, plus 3% price increase; provisions in the agreement for exceptional circumstances; provision for ongoing adjustments for cost of living; Provision to re-base.
Annual Agreement	Annual Agreement
Maintenance was funded under a Contribution Agreement, with approved expenditures reimbursed upon receipt of monthly billings from Agency.	Block fund provided under a Flexible Funding Arrangement (FFA). The Agency was provided with a pre-determined block fund for the fiscal year, paid to the Agency on a quarterly basis.
Working capital advance equivalent to 1-2 months of actual mtce expenditures. Reconciled at year end. Rolled over from year to year. Might be adjusted from time to time to reflect rising maintenance costs.	Block funding sent to Agency at beginning of each quarter.
Using provincial maintenance guidelines, rates, and processes, Agency pays maintenance costs and provides details of expenditures by child to INAC for reimbursement.	Agency pays maintenance costs using required provincial guidelines but able to use own policies and rates for non-statutory payments. Agency keeps detailed records and data for internal use.
Agency invoices INAC for the monthly maintenance expenditures. INAC reviews invoice and reimburses allowable expenditures.[5] Turnaround time varies and can be up to 3-6 months.	Agency sends INAC a quarterly report of expenditures for children in care (this was changed to annual report during the term of the pilot project.
Expenditures that INAC considered ineligible were 'crossed off', and in the absence of a formal dispute resolution process, the Agency and INAC jointly reviewed the decision. Generally, these were resolved in favor of the Agency and costs were reimbursed. This process was lengthy and time	Agency and INAC cooperate in adjustments to Block Fund and/or in re-basing of the block fund.

[5] *Provincial guidelines were used by INAC, as per federal policy, to determine eligible expenses*

consuming, and the delays in resolution and reimbursement often resulted in cash flow issues for the Agency.	
Over expenditures are reconciled through the PAYE process. This was a lengthy process, and with over-expenditures frequently in the $400K to $800K range, it created cash flow pressures.[6]	Over expenditures are Agency responsibility unless they fall within the provisions for adjustments to the block fund.
Annual audits include audit of maintenance expenditures.	Annual audit of the Block Fund includes child in care costs, alternative and preventive programming costs.
Where Agency actual costs are less than the allocated amount, the Agency cannot 'keep' the money.	Agency can defer annual surplus for use in later years and/or set up a contingency fund for child in care costs.
Where there are year-end surpluses (reimbursables received exceed actual costs), surplus amount deducted from first quarter maintenance in the new year (unless arrangement made for a gradual repayment over the FY).	See above.
Maintenance funds cannot be used for operations.[7]	Agency has flexibility between operations and block funds, with provision that statutory child maintenance requirements are met.

Table 3:2: Comparison of pre-block and block funded federal maintenance

Implementing the block pilot

The pilot project began in FY 92/93 and the first and second quarter of the first FY were devoted primarily to transitioning the Agency operations and staffing to what was envisioned as possible under a block funding arrangement. During the first six months of this first year, the Agency collected, reviewed, and analyzed data about the children in care and the costs of child maintenance in prior years.

To align with the Agency service priorities for improving services to children and families that focused on a community-based model to support child, family, and community well-being, and to reduce maintenance costs and divert funds to preventive programs, the Agency focused on two areas:

1) Reducing group home/institutional placements in favor of community based and/or Indigenous special needs foster homes.

---

[6] *The PAYE process resulted in continued under-reporting of the actual maintenance expenditures since the government budget cycle required submissions from departments much earlier. The Agency frequently started a fiscal year with the maintenance allocation in the contribution agreement less than the actual expenditures in the prior year. Occasionally the Regional office was able to do a budget adjustment mid-year, which was helpful in resolving cash flow issues for both parties, and in ensuring somewhat more accurate allocations for next fiscal year.*

[7] *Operations funding under Dir 20-1 did not adjust for the growing workload in administering maintenance.*

2) Reducing expenditures for treatment costs by establishing a treatment/counselling capacity within the Agency, to provide culturally sensitive and culturally competent services to families and children within their home communities and/or geographic area.

It is important to recognize that effective preventive programs could not be developed and implemented 'overnight'. Careful planning, jointly with community engagement, was important to get community support and improve the achievement of positive outcomes for the initiatives.

Summary of Expenditures	92/93	93/94	94/95	95/96	96/97	97/98	98/99
Operations	1,654,366	1,618,881	1,721,986	1,721,986	2,027,033	2,027,032	2,049,326
Maintenance Billings	2,394,744	2,073,287	1,874,846	1,977,936	2,031,975	2,353,967	2,575,968
Prevention Services from Block	504,067	886,960	974,813	858,236	1,071,070	1,299,461	973,152
Total Block Expenditures	2,898,811	2,960,247	2,849,659	2,836,172	3,103,045	3,653,428	3,549,120
Surplus (Deficit) from Block	47,621	- 13,815	96,773	110,260	- 306,613	- 856,996	- 752,688
Offset STF Grant	300,000	300,000	300,000	300,000	225,000	75,000	-
FY Total Surplus (Deficit)	347,621	286,185	396,773	410,260	- 81,613	- 781,996	- 752,688
Cumulative Surplus (Deficit)	347,621	633,806	1,030,579	1,440,839	1,359,226	577,230	- 175,458

Table 5:1: Expenditures Summary 92/93 to 98/99

While possible to do projections in planning for child maintenance costs, an Agency does not have full control over this. Intervention is needed when a child is at risk and an Agency must respond. Where an Agency has options to child apprehension in order to keep a child safe/protected, it can begin to address and/or have some control over admissions to care. The ability under the block funding to develop these kinds of options is an important factor in reducing the number of children in care, the days care provided, and even the cost of care. It is one of the greatest advantages in having a block approach – assuming that the block fund is adequate in the first instance, and that there are mechanisms to increase a block fund under certain circumstances. The principles of being cost neutral and of having a baseline are critical.

Rethinking supports for children in need of protection

The block fund allowed the Agency to expand the definition of children in care to include children *in need* of care, and so provide robust family support services aimed at keeping children in their own home. Without the flexibility offered by the block funding, such family support services would not have been possible.

It was one of the key advantages of block funding that the Agency was able to provide services to address child safety concerns without having to place the child in formal out of home care. With the provision of the various community prevention and regional programs, as well as individual supports provided to a family and/or child, the Agency was able to reduce the children in care through reunification back with family, reducing the length of time a child spent in out of home care, and/or avoiding placement in care in the first instance.

Supports provided to at risk families and/or to a child at home or in out of home care, that were not part of the usual child maintenance allowable billable payments, were now provided through the block fund provisions. Alternative programming included policies and activities that provided support to children in care, in addition to the usual maintenance costs. To name a few examples: tutoring for a child; therapy /counselling not covered by other funders such as FNIHB; increased support for youth moving to independent living; participation in ceremonies, powwows and other cultural events; computers; clothing needs, and so on. The types of costs/supports could now be provided to a child who remained in own home placement.

Engaging communities as partners
A key Agency objective was to build capacity in each community. This included developing human resource capacity in each community; expanding child care resources in each community; building a base of programs accessible to the community; partnering with Chief and Council to secure facilities and space for meetings and events; delivering/supporting a variety of programming in the community; opening up training events to community members.

The 'core' of this approach was the community-based team (CBT). A community-based team (CBT) was established at each community, with the complement of staff determined by the population and/or service demands/needs of the community. Over time, these teams were strengthened and enhanced and, for the larger/busier sites, included at least one clerical support staff as part of the team.

A community CFS committee was established in each community. Members were appointed by Chief and Council, and included Elders, a representative from Chief and Council, and representatives from other community programs, such as Education, Health, Police, Income Assistance, Housing, Addictions Services, Day Care, and Economic Development. The Committees were trained and resourced by WRCFS. Coordination and support of the CFS Committee became the responsibility of the CBT supervisor.

The CFS Committee had a key role in the planning of prevention programs for their respective community, and in making recommendation for regional programs. They assisted the CBT in securing resources for families in need, advocated for families, and, where appropriate participated in family conferencing and case planning with families.

A two-year training initiative for CFS Committee members was regionally developed and delivered with the Agency assigning a staff person dedicated to this initiative. Subsequent ongoing training for the Committee members was done primarily by the community team supervisor, with occasional regional training events. Committee members were eligible for consideration for conferences and third-party training events.

The regional training brought tougher CFS Committee members from all nine First Nations and became a forum for sharing experiences and knowledge, increasing awareness of the needs of the families in the community and how the community might support these families in caring for their children. The training provided to the community CFS committees became an important factor towards improved community engagement, which began to reverse the historical negative perception towards CFS.

Financial planning and management
The Agency developed detailed methods of monitoring, controlling, and projecting expenditures, and budgeting and allocating funds. This was critical to effective management of a block fund. A planning and budget cycle included community, staff, management, and Board in finalizing the annual Operational Plan and accompanying annual budgets.

Initially, the pilot project agreement called for WRCFS and INAC to meet quarterly to review progress and expenditures, with WRCFS providing quarterly statements of maintenance costs. In fact, this happened sporadically during the first two year of the pilot, and then became an annual audit and program report being submitted to INAC. There was, however, a good working relationship with INAC, and frequent contact, verbal updates, and issues management occurred.
The Management Team reviewed expenditures at monthly management meetings to stay on top of over/under expenditures. Expenditures were closely monitored, and issues flagged. Detailed financial records with respect to children in care were maintained for Agency use.
The Finance Team followed up on any adjustments made to the block fund based on provisions of the FFA and the Pilot Project Agreement. Adjustments were done for the following fiscal year and were annualized.

Adjustments made for exceptional circumstances were included in the following fiscal year. Depending on the circumstance, this adjustment might be a one-time only adjustment, or it might be annualized into the block fund. One-time only costs would be approved as they occurred and upon Agency request. Funds would be paid to the Agency apart from the block fund as a one-time cost.

Based on the cost-neutral principle, regular reviews were done to project what the costs might have been had WRCFS continued on the pre-pilot maintenance arrangements. If projected costs under the pre-pilot arrangement indicated a decrease to the block fund, the 92/93 block amount was to be the baseline. If the projected cost was an increase, a re-basing of the block was to occur.

When re-basing was complete, calculations showed that the Agency had realized considerable savings for the government under the block arrangement. This is an important factor to include in any future block funding arrangements, so that the process and timing of re-basing is clear. Had re-basing occurred regularly, the Agency might

have had additional funds for increased prevention programming. However, capacity to deliver increased programming, particularly human resource capacity, would have to be considered.

Data
Key areas of children in care data and maintenance expenditures were collected and analyzed on a regular basis. Relevant monthly child in care data was provided to each worker and supervisor for review at monthly team meetings. Monthly data was reviewed by senior finance and management staff.

The Agency developed a number of templates for worker use that assisted in standardizing expenditures, collecting data, and controlling expenditures. Data on the movement and profiles of children in care – admissions, re-admissions, discharges, aging-out of care, intakes, special needs, ages etc. – was collected and analyzed in order to identify shifts or spikes in expenditures and profiles. This data provided important metrics for evaluating outcomes. Evaluations and reviews were part of WRCFS's block experience.

Program, financial and practices evaluations were built-into the agency's monthly and annual operations, using data collected to track the block experience. In 1999, Dr. Brad Mackenzie of the University of Manitoba undertook a five-year review of the initiative. A subsequent cost-benefit analysis followed in 2005, as Directive 20-1 was being introduced, eliminating WRCFS's block pilot and changing the agency's funding dynamics. WRCFS's innovation with the block was recognized in 1998 with the Peter T. Drucker Foundation Award for "Innovation in a Canadian Non-Profit," for its work to build best practices for children.

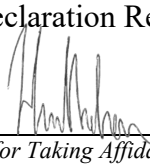
Conclusion
With the move to block funding of maintenance, WRCFS agreed to cap maintenance and manage child maintenance expenditures within a set block of money. The agency succeeded in diverting funds to alternative preventive programs and services, with a determination to ensure child safety was upheld.
To achieve the change in practice, considerable changes in attitude, policy, and practise at all levels of the Agency were required. Equally, or perhaps more, critical to success was the need to have community engagement and support in making and this shift.

WRCFS's block pilot offers important lessons on transition, the value of leveraging internal data for planning and practice development, and the importance of addressing the *causes of the causes* in child and family services.

IFSD
IFPD

Institute of Fiscal Studies and Democracy at the University of Ottawa |
Institut des finances publiques et de la démocratie à l'Université d'Ottawa

This is Exhibit "36" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Funding First Nations child and family services (FNCFS):

A blueprint for program reform

Institute of Fiscal Studies and Democracy (IFSD)

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This analysis was produced by the Institute of Fiscal Studies and Democracy (IFSD) through a contract with the Assembly of First Nations (AFN). The views and analysis do not necessarily reflect the views of the AFN.

IFSD is grateful to its Phase 3 collaborators whose generous contributions made this work possible. IFSD wishes to also recognize the many other First Nations Child and Family Services (FNCFS) agencies and First Nations who have shared their knowledge, information, and expertise to support this work. Their contributions are reflected throughout this report. IFSD's recommendations and analysis do not necessarily reflect those of the collaborating and/or contributing FNCFS agencies and First Nations.

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April 7, 2025

Jessica Quinn
Acting Director, Social Development
Assembly of First Nations
50 O'Connor Street, Suite 200
Ottawa, Ontario K1P 6L2

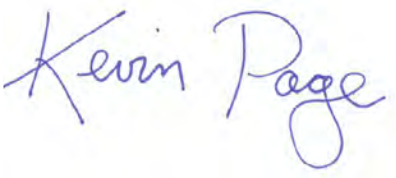
Dear Ms. Quinn,

Pursuant to contract no. 22-80503-003, the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa is pleased to submit the report: *Funding First Nations child and family services (FNCFS): A blueprint for FNCFS Program reform*.

We trust that this report meets the expectations set out in the terms of reference for this project.

We are grateful to our Phase 3 collaborators for their generous contributions, and to the many other FNCFS agencies and First Nations who shared their time and knowledge throughout this project. We thank the Assembly of First Nations and the First Nations Child and Family Caring Society for their confidence in undertaking this work.

Yours sincerely,



Kevin Page
President & CEO

Helaina Gaspard, Ph.D.

This report was prepared under the supervision of Kevin Page, President & CEO of the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa.

With contributions by Sahir Khan, Mostafa Askari, Azfar Ali Khan, Aimeric Atsin, Eli Dzik, Clara Geddes, Vivian Liu, and Tianna Tischbein.

IFSD gratefully recognizes the extensive and generous contributions of Phase 3 collaborators. Along with contributions from many FNCFS agencies and First Nations, their shared knowledge and information have informed this work.

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EXECUTIVE SUMMARY

IFSD has undertaken research and analysis for the reform of the First Nations child and family services (FNCFS) Program at the request of the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society (Caring Society). IFSD was mandated to provide its best advice based on the evidence. With the support of its clients, IFSD is offering independent analysis and recommendations.

We, at IFSD, have been humbled by the generosity of spirit of the many contributions from FNCFS agencies and First Nations. We are grateful to have worked alongside fierce champions and tireless advocates for children. This report lays out a blueprint for FNCFS Program reform.

The Canadian Human Rights Tribunal (CHRT) delivered two orders that guide IFSD's work:

1. end discrimination in FNCFS; and,
2. ensure it does not reoccur.

Upholding these orders requires sustainable change of the FNCFS Program. Since 2018, IFSD has been working on FNCFS Program reform:

Phase 1: Costed the FNCFS system and identified gaps.

Phase 2: Developed a bottom-up needs-based funding structure, and the *Measuring to Thrive* framework (a well-being focused measurement framework).

Phase 3: Tested and modelled the approach from Phase 2, into First Nation and agency specific delivery models.

Each phase of work relied on the quantitative and qualitative contributions of FNCFS agencies, First Nations, and other technical experts. Through questionnaires, case studies, working groups, and extensive collaborations, Phase 3 modelled and tested the funding approach and performance framework defined in Phase 2.

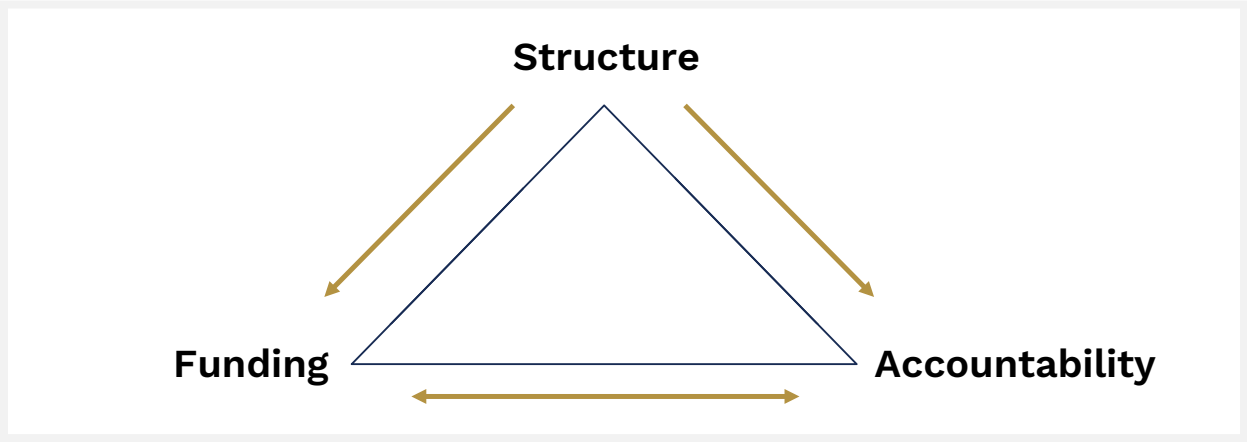
With the contributions of 20 collaborators (a combination of FNCFS agencies and First Nations exercising/contemplating jurisdiction) alongside many other FNCFS agencies and First Nations, IFSD's approach was refined and considerations for transition were defined.

This report provides a blueprint for FNCFS Program reform with consideration of structure, funding, and accountability, and transition. The section on transition captures lessons from collaborators testing and modelling elements of the approach. Findings indicated the time and challenges associated with service delivery and the importance of clarity around accountability. Existing service providers will be better positioned to implement changes in 2 to 5 years, whereas those without existing services can take 10 to 15 years to achieve operational stability.

Regardless of the type of service provider, there are significant constraints on delivery capacity. The reform of the FNCFS Program must consider the evidence. The FNCFS Program funds *FNCFS on reserve and in the Yukon* (and the provinces/territories providing services on reserve). This means that the FNCFS Program is funding FNCFS agencies, First Nations, transfers to provinces/territories, and jurisdiction.

There are three related areas of focus for reform of the FNCFS Program: structure, funding, and accountability (Figure 1).

FIGURE 1



1. **Structure:** The incentives, rules, and conditions that determine when and how funding moves within a system.
2. **Funding:** The amount of money allocated to recipients.
3. **Accountability:** Monitoring of detailed indicators to determine if the system structure and funding are working to achieve desired goals.

Upholding the CHRT's orders to end discrimination and ensure it does not reoccur will require changes to structure, funding, and accountability, alongside consideration of the transition process. The challenge of sustainable reform is linking an increase in funding with competent delivery and monitoring of outcomes to improve the well-being of children.

IFSD makes the following recommendations:

STRUCTURE

1. Clarify federal policy and associated regulations (including terms and conditions and outcome-based performance indicators) for the FNCFS Program to focus on well-being with alignment to the principles of *An Act respecting First Nations, Inuit and Métis children, youth and families*.
2. Implement a block funding approach for existing FNCFS agencies, with a carry-forward provision.
3. Ensure resources for the FNCFS Program are secure and cannot be used for other purposes by Indigenous Services Canada (ISC) through a Special Purpose Allotment (SPA), with a carry-forward provision.
4. Adopt the allocation approach proposed in this report for FNCFS agencies with a holistic understanding of the allocation for existing service providers. This means leaving the approach and its components intact and not artificially segmenting the allocation, as ISC has done with its interim funding commitments.
5. Stop all ad hoc decision making and changes to funding and to FNCFS Program rules.
6. Adopt a cohesive reformed approach that includes recommended changes to structure, funding, and accountability. Notify service providers of the full intended reform and its parameters at least one full fiscal year in advance of the change.
7. Provide service providers at least one full fiscal year in advance of the change with:
   a. A clear statement of policy on the FNCFS Program and its associated terms and conditions;
   b. A five-year funding allocation in a block approach;
   c. Performance reporting indicators aligned to the goals of a reformed FNCFS Program.

FUNDING

8. Allocate resources to the service provider able to continue to or immediately deliver child and family services in First Nations. This includes protection and prevention (primary, secondary, tertiary) services.
9. Understand the funding approach and allocation holistically. Do not pull apart the allocation intended for a service provider, as the amounts may not be sufficient for the discharge of their mandate.
10. Ensure the existing federal baseline for service providers is maintained as the foundation on which to add activity and context specific components (adjusted by inflation and population escalators).
11. Develop allocations to service providers with funding principles linked to their activities and different contexts (e.g., poverty, geography, and over time, outcomes). IFSD provides recommendations for each funding component.

ACCOUNTABILITY

12. Require a national reporting practice for FNCFS for transparency to First Nations and their delegated service providers while holding the Government of Canada accountable.
13. Establish a First Nations-led secretariat to support data gathering and analysis and best practices in FNCFS.
14. Define the reporting and service obligations of different funding recipients through the FNCFS Program, e.g., if FNCFS agencies and First Nations are expected to deliver secondary and tertiary prevention services, their reporting obligations on an activity basis should be the same.
15. Ensure ISC's performance indicators for a reformed FNCFS Program reflect the structural drivers of contact with protective services.
16. Include a review of the allocations to reform the FNCFS Program, e.g., $47.8B from the Draft Final Agreement (assuming it is ratified), its allocation, and outcomes as part of a five-year program review.

Ending the discrimination against First Nations children and ensuring it does not reoccur takes more than writing a cheque — although additional resources are essential. It means fixing the policies, rules, terms and conditions, performance indicators, reporting requirements, and incentives that shape the decisions of actors in the system, both inside and outside of the Government of Canada.

FNCFS agencies and First Nations have shared their knowledge, their data, and their experiences to shape an approach that comes from the front lines. IFSD's proposed approach fits within the Government of Canada's existing contribution approaches and policies on results. Canada should not miss this opportunity.

True reform of the FNCFS system will take years. This is an opportunity to get a major policy change right.

IFSD'S MANDATE

The Institute of Fiscal Studies and Democracy (IFSD) is pleased to provide this final report to the Assembly of First Nations (AFN) on its work in Phase 3 to support the reform of First Nations child and family services (FNCFS).

This work builds on prior phases of analysis:

Phase 1: Costed the FNCFS system and identified gaps. The **Phase 1** report demonstrated that FNCFS agencies faced inadequate funding and structural constraints, often requiring them to place children in care to access resources.

Phase 2: Developed a bottom-up needs-based funding structure, with a well-being focused measurement framework (the *Measuring to Thrive* framework). The **Phase 2** report recommended an alternative structure in which service providers would receive resources tied to their context as a block. This was crucial to break the need to place a child in protection to access resources. With a block, service providers could allocate resources to seamlessly integrate protection and prevention services. The *Measuring to Thrive* performance framework developed in collaboration with FNCFS agency directors and supporting experts, emphasized the need to consider context in understanding the well-being of children. Community, family, and child well-being were integrated in the approach.

Phase 3: Tested and modelled the approach from Phase 2, into First Nation and agency specific delivery models. In Phase 3, IFSD worked closely with a representative group of 20 collaborators including FNCFS agencies and First Nations exercising/contemplating jurisdiction to explore the implications of implementing a reformed approach of the FNCFS Program. Strategy, people, processes, and systems were considered. Existing service providers will be better positioned to implement changes in 2 to 5 years, whereas those without existing services can take 10 to 15 years for operational stability. Regardless of the type of service provider, there are significant constraints on delivery capacity.

In Phase 3, IFSD was mandated to prepare for implementation of a reformed approach to FNCFS. This work was undertaken in collaboration with a total of 20 FNCFS agencies and First Nations exercising/contemplating jurisdiction, as well as other contributing agencies and First Nations. Phase 3 was designed to gather primary data on the current expenditures and operations of FNCFS agencies, test funding principles from Phase 2, review and refine the *Measuring to Thrive* framework for use, assess the path to transition for different service provider types, and define options for a First Nations-led secretariat.

The generous contributions of the collaborators inform the findings. The group of 20 collaborators is generally representative of the population of FNCFS agencies and First Nations exercising/contemplating jurisdiction. Working with the collaborators, representative models of change are developed by assessing transition strategies, measurement approaches, capital considerations, and funding approaches.

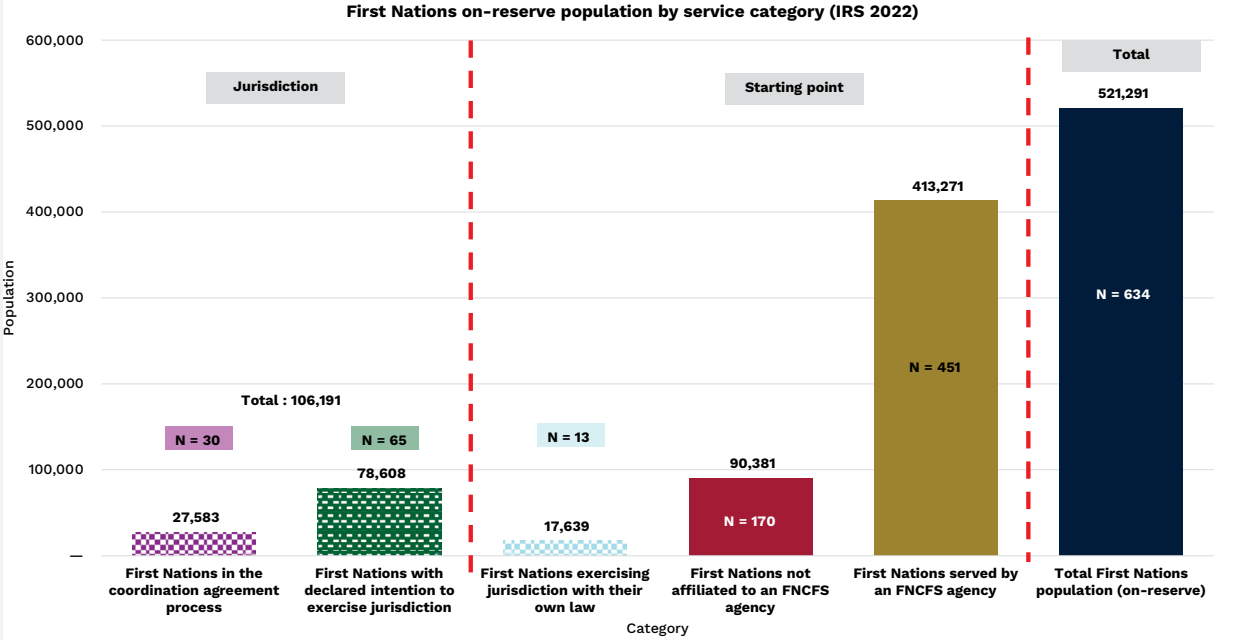
This final report provides a review of context, structure, funding, accountability, and transition.

INTRODUCTION

The universe of FNCFS delivery is in transformation. At the time of writing, most First Nations (approximately, 80% of the on-reserve population) are served by an existing FNCFS agency. Approximately 17% of the on-reserve population is not affiliated to an FNCFS agency,[1] i.e., receives protection services from the province/territory, and 3% are operating under their own CFS laws (Figure 2). The composition of service delivery approaches and providers is expected to change as some First Nations resume jurisdiction from the province/territory, leave an FNCFS agency, join an agency, seek services from the province/territory, or some other approach to service delivery.

Note: The chart below is current to August 8, 2024. The other calculations and estimates in this report are current to March 2024. The slight differences do not have a material impact on the estimates.

FIGURE 2



Source: Indigenous Services Canada (ISC) (2024), Indian Registry Service (population).
Note: The data on service categories is current to August 8, 2024. Some First Nations intending to exercise jurisdiction can also be considered as served by an FNCFS agency (78 of 95) or not affiliated to an FNCFS agency (17 out of 95).

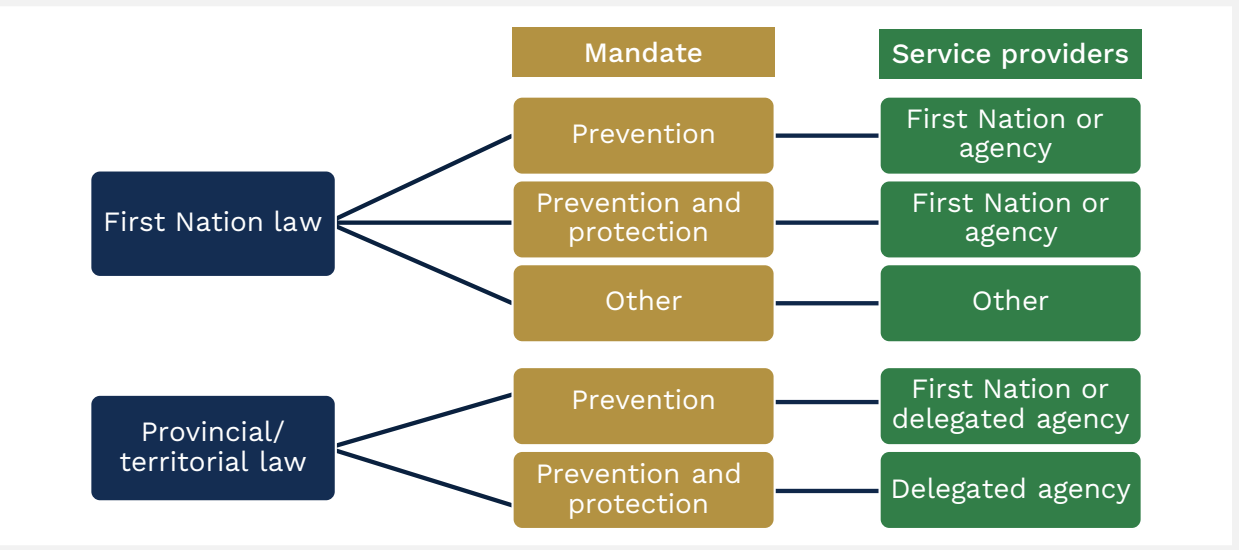
However service delivery is pursued, there are two broad categories of CFS mandates, defined through prevention, i.e., supporting the well-being of children and families, keeping them out of contact with protective services, and protection, i.e., supporting children and families when an incident of harm has occurred. Expressions of prevention and protection will differ based on

1 For additional details on service and funding considerations for First Nations not affiliated to an FNCFS agency, Institute of Fiscal Studies and Democracy, *First Nations Not Affiliated to an FNCFS Agency* (IFSD, 2024), https://ifsd.ca/wp-content/uploads/2024/08/2024-07_en_first-nations-not-affiliated-to-an-fncfs-agency-final-report.pdf.

law, cultural practices, context, etc. (see Appendix A1 for a review of context data, e.g., housing conditions, labour market indicators, etc.).

Approaches to delivering FNCFS can be grouped by legal framework with consideration of mandate and possible service providers (Figure 3):

FIGURE 3



There are 112 FNCFS agencies serving 451 First Nations. Nearly all agencies follow provincial laws for protection services. Some First Nations have brought their agency, e.g., Peguis Child and Family Services, under their own law or have declared their intent to do so. Given the availability of FNCFS agency data (through their generous contributions over the last five years), IFSD has applied the primary information to funding and related elements. There are some who disagree with the very premise of IFSD's approach to responding to the CHRT's orders using FNCFS agency data (see Figure 4 for Misipawistik Cree Nation's dissent).

FIGURE 4

MISIPAWISTIK CREE NATION

Misipawistik Cree Nation provided the text below to IFSD in July 2024 and consented to its publication in the final report. This text is being reproduced as provided to IFSD.

Misipawistik Cree Nation (MCN) is not a branch of the colonial government. We are a sovereign people holding treaty with the Crown. Treaty 5 demonstrates our Ininewak sovereignty. Nations make treaties, treaties do not make nations. In our treaty between Misipawistik and the Crown,

it specifically states that there would be a sharing in the bounty and benevolence that the land provides. For MCN, this does not mean being subject to the remaining crumbs of a federal budget, divided up by a population very much controlled and unilaterally identified by the Crown, or being subject to spending approval by a nation that has yet to understand our worldview and practices. Instead, what this means is that we have full locus of control over our own financial affairs.

MCN's laws are not the same as provincial or federal laws. Though we have never surrendered our inherent right to make laws, we are only now beginning to witness a respect and recognition for our own laws after watching generations of our children be stolen and harmed against our will and right.

Bill C-92 is not only an opportunity to reform the imposed child welfare system, but also an opportunity for the Crown to fulfill the treaty, to right historical wrongs through real reconciliation — that which recognizes true nationhood — and bring equilibrium to the autonomy of our distinct nations, as it was and is understood through the treaty agreement. Our resilience to the many atrocities committed against us, stems from our continual effort to bring our truth into light and our conviction and belief in our sovereignty. We are Treaty nations, not Canadian subjects. This is why we insist on a new model of relationships that help our families and their children flourish. The budget must put into practice the honouring of our treaty which we understand as a promise to share the land, and the bounty that she provides, in accordance with our own avocation and mode of life. Anything less will further erode our rights.

Jurisdiction over the well-being of our children and families without autonomous control over funding preserves discrimination against our children and almost certainly ensures its reoccurrence.

One of MCN's primary agreements with Bill C-92 is that our law, "*Mino Opikiyawasowin*" (raising our children in a good way), will be "prevention" based and not protection based — which brings children into care, considers placements outside of the nation, reduces family, community, and cultural connectivity, and brings other numerous harms against our children. As a prevention-based model this requires us to take care of every member before they come into need of assistance, it is an active and caring approach that prevents the need for intervention and is more conducive to our society's way of being and our natural law, which is the source of our self-governing authority. Though Canada/the Crown would have us believe section 35, the *Indian Act*, and other legislation created by our Treaty companion are our sources of authority, we know this is an untruth that has left Indigenous nations oppressed, impoverished, and at risk of genocide by policy for centuries. We must think outside of these boxes if we are to achieve the goals we desire and deserve.

To reform any aspect of our relationship with the Crown, without the treaty as being central and fundamental to that reform, is to dishonour our treaty while preserving the unilateral and dominant interpretation of a nation that wrongfully claims superiority over another. There has never been a surrender of our sovereignty, only an interference. Reform requires a new path, one that is focussed on culture and prevention. Currently, there is not enough systemic data on evidence-informed well-being indicators for First Nation children, youth, families and Nations themselves to perform this work. Where prevention data does exist as a focal point for an agency utilizing a pan-indigenous approach by capitalizing on that data is the wrong approach as it assumes sameness across many distinct and diverse nations. As such, rights holding First Nations ought to take the primary lead on the long-term reform of the First Nations Child and Family Services program and Jordan's Principle.

Utilizing existing data points from a system of oppression and attempting to meet the needs of our people through calculations based on those data points is merely shuffling the deck while expecting different cards to be dealt.

For these reasons Misipawistik Cree Nation dissents against the recommendations of the IFSD. The MCN perspective on child welfare reform is not that *it* will do better but that *we will do better ourselves*; essentially,

1. The principles of our approach are that we are and remain a sovereign nation in a nation-to-nation treaty-based relationship with Canada. There are two understandings of the Treaty yet only one nation dominates the narrative. Our understanding is that the spirit and intent of the treaty is to share in the bounty and benevolence while allowing each nation to exist as their own and progress as they will. Our sovereignty was never surrendered, our laws were never forgotten, our land is for us to share.
2. This very much informs the budget. We have always had the inherent right to raise our children according to our ways of being. Canada has only recently recognized our right to have jurisdiction over the lives of our families and children. This **jurisdiction must include financial resources without restriction**. We must have the ability to provide sustainable programs and projects, led by our own determinations, that heal our nation from the over 150 years of colonial harm — including the numerous attempts to assimilate and disregard our laws and governance. We are supported by Canada's implementation of UNDRIP which nullifies the Doctrine of Discovery — a papal bulls, which led to the notion that our land was terra nulius and we were not a civilized people therefore everything was up for the taking. We are fundamentally supported by the spirit and intent of the treaty we made through the pipe which recognizes our sovereignty.

3. Our goals to our funding approach are to be able to, without limitation or coerced direction but with certainty and fiscal sustainability, meet the needs of our children, families, community and nation collectively. As such, funding agreements that can be modified according to a colonial regime's agenda or budget will not begin to meet our requirements. Further, such an agreement perpetuates our subjugation to injustice.
4. We, our children, families and nation, are not to be regarded as under the assumed control of a colonial government. All we require of Canada to change is their oppressive and dominating paternalism by relinquishing their sense of superiority and recognizing our inherent authority over our own lives — as was the day before and during Treaty, we are equals.

This perspective was presented to IFSD early in our engagement, yet MCN has not seen even a slight shift towards implementing or actualizing any of these reform recommendations. In our view it is an error to rely on existing agencies' information and data to help reform the long-damaging system of colonial child welfare, simply because each agency is a byproduct of provincial self-assumed supremacy over First Nation livelihood. This statement is not intended to discredit First Nation child welfare agencies, it is simply an honest observation that the control over programming, projects and policies is not vested in the autonomy of any First Nation. If it were, as an example, program funding requests to the provincial government would not be a reality. First Nations seek autonomy not continued paternalistic approaches to how we may manage and provide for the lives of our own members.

In relation to data gathering exercises to reform the child welfare system, MCN also felt there was a miss in relying on existing data because the data from this system was not solely designed by our own people. MCN does not believe that IFSD's data collection is supportive in our initiative to restore First Nation jurisdiction over our children in our own ways. It is limited by what is seen, not supportive of what we First Nations know.

In developing an entirely new way of addressing family concerns through Bill C-91 *[sic]*, MCN was looking for data that would support prevention service development and implementation based in our worldview. What was relied on was protection service data based in a colonial view of our world. For instance, our children do not reside on a "reserve", they reside in our "territory". To rely on "on-reserve" data — a colonial construction intended to limit our access to our lands and participation in the larger society — is to admit discrimination is acceptable. Our "off-territory" children hold every existing inherent right to our nations sovereignty as those who are raised or living on our traditional lands.

MCN's Mino Opikiyawasowin law and model moves away from protection services and into prevention services, as such we are already well aware of the overrepresentation and harm caused to our children, we need to know "what works" in efforts to heal families — i.e., what

programs and services have the most beneficial impact on families; what is the current success rate of kinship care models; how have culture, language, and spirituality-based services helped in the reunification of families; what First Nation culturally specific treatment programs have resulted the most rewards, were those programs accessible in the community/nation, and how do we treat one another when intervention is necessary. This data requirement is not captured in current child welfare systems.

We understand that IFSD's mandate was to support the reform of the FNCFS Program, consistent with the rulings of the Canadian Human Rights Tribunal. IFSD's work is designed to respond to the rulings to end discrimination and ensure it does not reoccur in the context of the Government of Canada's existing appropriations and public financial management systems. We also understand that IFSD's official mandate was received from the AFN, and that IFSD's role is to work with First Nations and FNCFS agencies to propose a path forward in that context. Neither party are First Nation inherent or treaty rights holders.

MCN's contractual agreement with IFSD articulates that all contributions to IFSD's research would help to ensure it reflects the *actual experiences and needs* of First Nations/Bands and those they serve and will "produce objective analysis, *informed by the contexts* of First Nations". However, MCN does not trust that our input helped shape the work IFSD has done to reform child welfare. Too often a learning opportunity seems to have been swayed by a predetermined outcome and our input set aside as being on a separate trajectory. It is easier to paint an old building than it is to build a new one.

Throughout IFSD's process towards reform recommendations, MCN representatives personally spoke at length of First Nation sovereignty, treaty relationship with the Crown, and the actual experiences and needs and context of MCN. MCN articulated many times that First Nation jurisdiction, laws and ways of being are not colonial and will, in themselves, generate significant long-term reform. Nonetheless, the direction remained, in our observation, very colonial agency focussed and not community based or driven. The result, in our opinion, is a huge miss in reparation, reconciliation, and reinvigoration of distinct First Nation ways. MCN views the resulting recommendations as a revision of non-Indigenous ways left to the will and control of the Crown, rather than a reform that respects the autonomy of First Nations. Thus, our children move closer to within our grasp but ultimately remain in the hands of the colonial powers. Had the room been full of First Nations charting a new path forward through the reinvigoration and implementation of their own child raising laws, discussions would not have been what they were, and the outcome of IFSD's report would predictably be significantly different.

FUNDING FNCFS

Funding for FNCFS on reserve (and to the provinces/territories providing services on reserve) comes through the FNCFS Program. This means that the FNCFS Program is funding FNCFS agencies, First Nations, transfers to provinces/territories, and jurisdiction. The description of the FNCFS Program through InfoBase[2] (the Government of Canada's public facing reporting on its programs) includes *supporting safety and well-being for First Nations children ordinarily resident on reserve* (for an overview of the program, its desired results and related indicators, see Appendix A2).

In April 2022, IFSD submitted its request to ISC for disaggregated expenditure data (see Appendix B1) in five expenditure areas (Table 1). The process to receive the data took over one year and covered IFSD's CHRT-mandated work, i.e., Phase 3, First Nations not affiliated to an FNCFS agency. IFSD retained an expert privacy lawyer to manage ISC's requirements in areas of information security and privacy. In October 2023, IFSD sent a letter to ISC's Associate Deputy Minister to express its concerns with respect to the delays in the delivery of data for analysis and subsequent times for review. At the time of writing, all data requested by IFSD was provided by ISC, over one and a half years after it was originally requested.

However, on April 19, 2024, ISC indicated to IFSD that a new dataset would be provided for planned expenditures for fiscal years 2022-23 and beyond. At the time of writing, ISC has not produced the updated dataset. As a result, the expenditure analysis in this final report is based on the latest data provided by ISC. The last year of expenditure data provided by ISC is for fiscal year 2021-22.

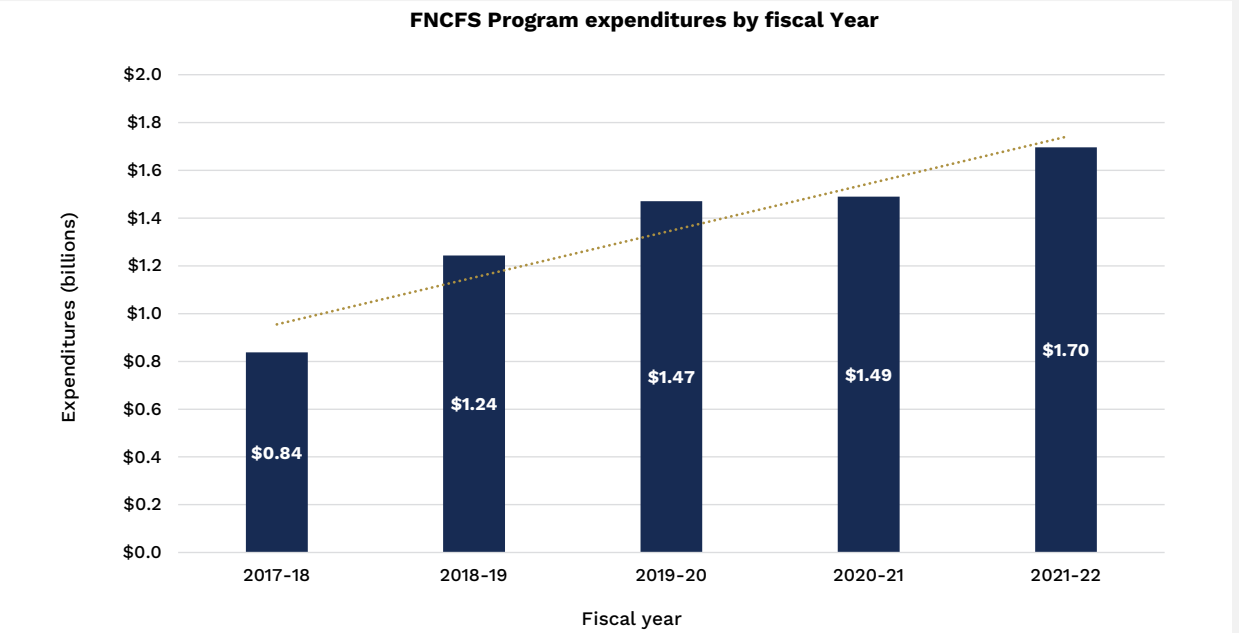
2 GC InfoBase, "Infographic for Child and Family Services," Government of Canada, last updated August 19, 2024, https://www.tbs-sct.canada.ca/ems-sgd/edb-bdd/index-eng.html#infographic/program/INDSC-BYP08/intro.

TABLE 1

EXPENDITURE AREA	DESCRIPTION	RESULT
Program data	IFSD requested detailed program, sub-, and sub-sub-program level expenditure information at the national level. The information was used to produce a current state portrait for the modelling work in First Nations child and family services (FNCFS), as well as for assessing the needs of First Nations not served by an FNCFS agency.	ISC provided an initial data set in April 2023 and an updated data set in November 2023.
Breakdown of the FNCFS Program	IFSD sought detailed information on the lowest level of granularity of spending through the FNCFS Program, e.g., sub-, sub-sub, sub-sub subprogram, etc. This information was necessary to understand the components that make up the FNCFS Program.	ISC provided the data in September 2023.
Prevention/actuals funding	IFSD sought information on the actuals/prevention funding requests and allocations of FNCFS agencies and other eligible recipients mandated by the CHRT. In subsequent e-mail communications, ISC indicated that only eligible paid expenditures are tracked by the department. Claims that were ineligible or that were denied were not recorded in the financial system.	ISC provided the data in September 2023.
Transfers	IFSD sought information on transfers to provinces and territories for First Nations child and family services, and related activities. IFSD requested financial and related details for all votes/associated activities defined in the Public Accounts.	ISC provided the data in December 2023.
Post-majority care	IFSD sought information on funding for post-majority care provided to FNCFS agencies or other eligible recipients. The information is necessary to understand current funding practices in post-majority care and identify demand (and changes in demand with the pandemic-induced extension).	ISC could not provide data for this request. ISC indicated that the activity was being newly funded at actual costs with no information available to share.
Band representative services	IFSD sought information on funding for band representative services provided to FNCFS agencies or other eligible recipients. In October 2022, IFSD asked ISC how it developed its internal estimates for the First Nations Representative Services (then Band Representative Services). ISC responded indicating that "[...] Canada created a national estimate based on Ontario per capita expenditures over a 5 years [sic] period."	ISC provided the data in September 2023.

Analysis exclusively of the FNCFS Program indicates increased expenditures across fiscal years (Figure 5). Most of the expenditures are provided through a fixed contribution approach, i.e., funds have a defined purpose and total expenditures are defined annually.

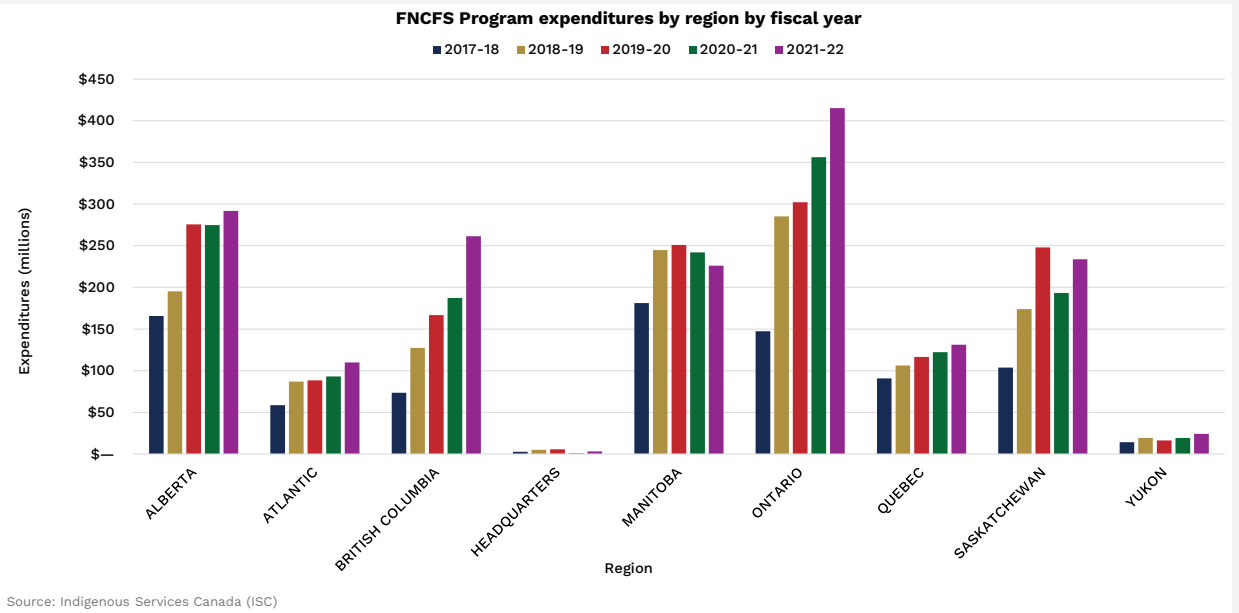
FIGURE 5



Source: Indigenous Services Canada (ISC)

In the FNCFS Program, funding by region generally increases across fiscal years. Ontario-based recipients receive most of the expenditures, followed by those in Alberta (Figure 6).

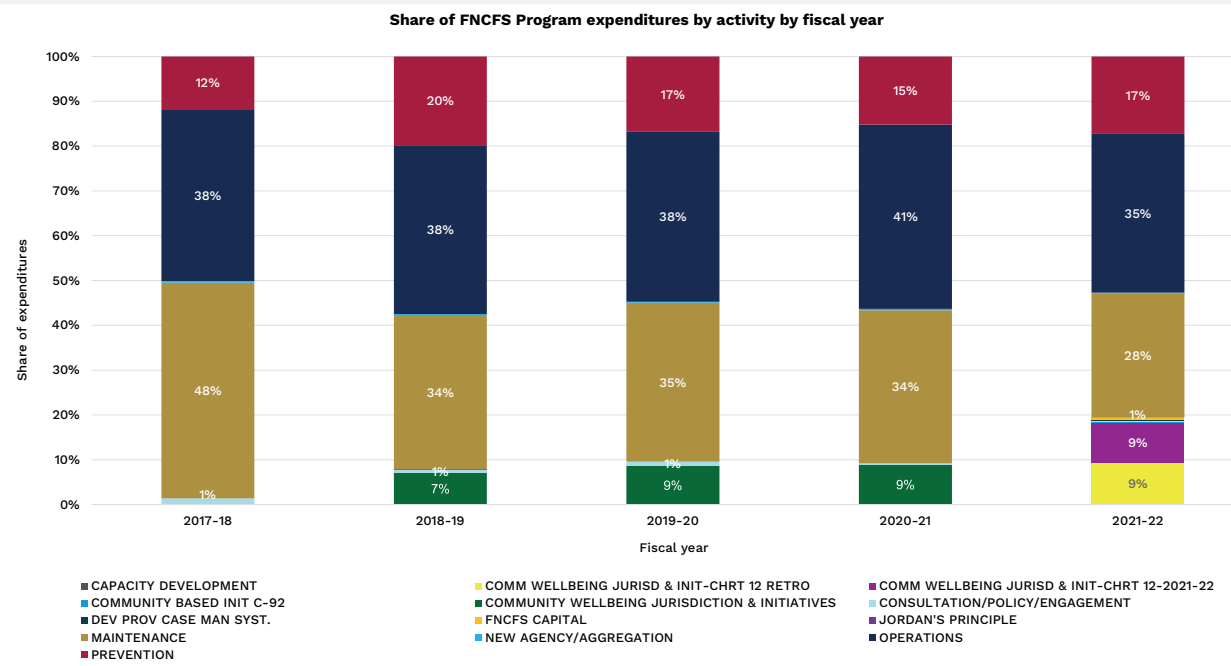
FIGURE 6



Source: Indigenous Services Canada (ISC)

Within the FNCFS Program, there are three main activity areas (maintenance, prevention, and operations), as well as others that are funded through the program, e.g., CHRT mandated retroactive payments, development of a case management system, etc. The three main activity areas, however, represent upwards of 80% of total annual expenditures (Figure 7).

FIGURE 7

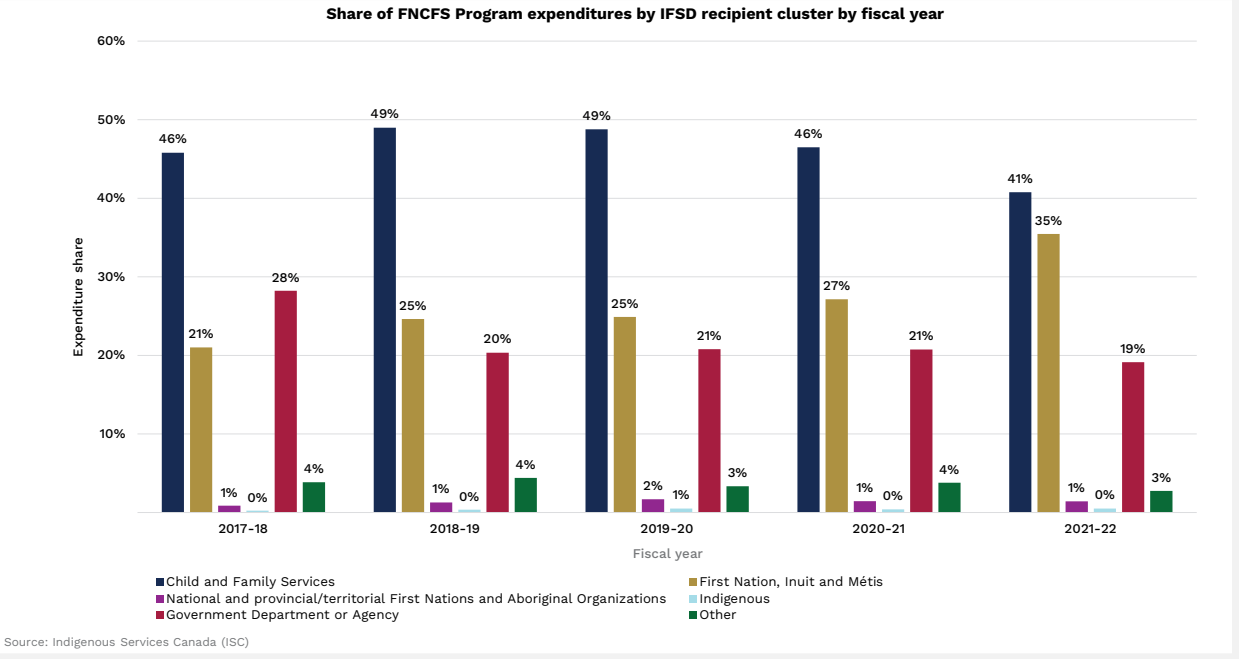


Source: Indigenous Services Canada (ISC)

For clarity, IFSD clustered recipient types into five categories: child and family services (which includes FNCFS agencies); First Nation, Inuit, and Métis; National and provincial/territorial First Nations and Aboriginal[3] organizations; Indigenous; government department or agency, e.g., provincial/territorial government; other. FNCFS agencies and similar service providers receive over 45% of the FNCFS Program funding, although their share is trending slightly downward to 41%. The share of funding for First Nations, Inuit, and Métis increases across fiscal years. Funding for a government department or agency remains relatively constant at approximately 20% (Figure 8).

3 Aboriginal is used for consistency with ISC's expenditure codes.

FIGURE 8



Source: Indigenous Services Canada (ISC)

At the time of writing there were two per capita funding amounts defined by ISC:

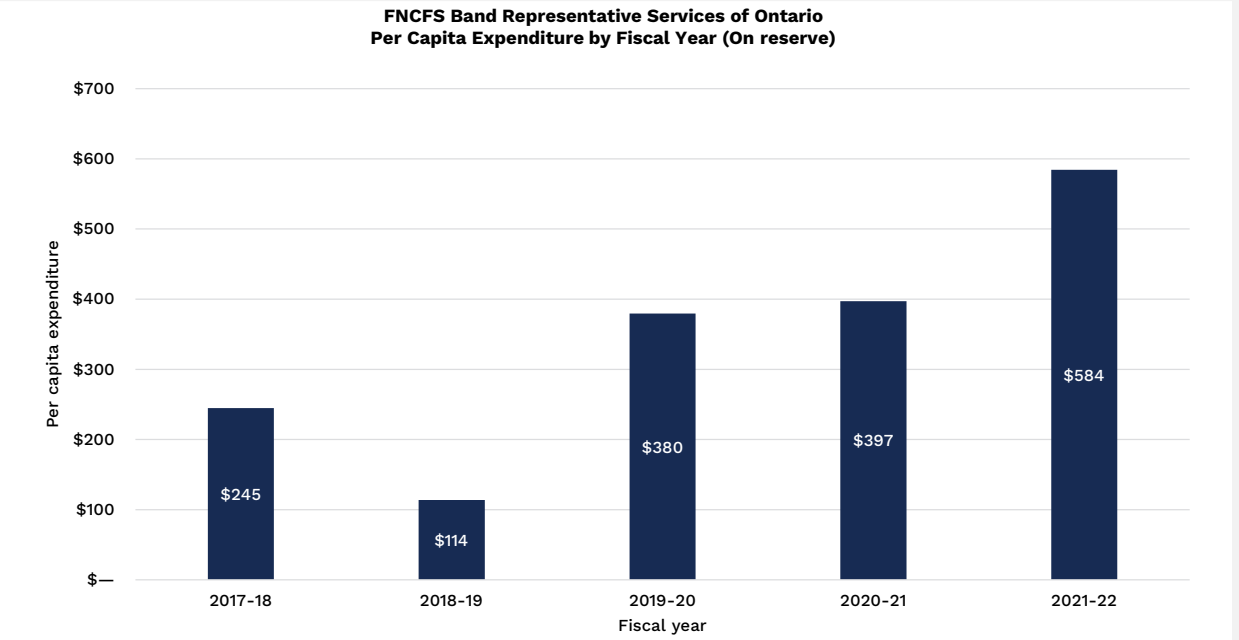
- Prevention at $2,500 per person on reserve, upwardly adjusted for inflation;
- First Nations Representative Service (FNRS) funding at $283 per person on reserve, upwardly adjusted for inflation.

The per capita prevention allocation comes from IFSD's previous analysis.[4] The per capita allocation for the FNRS was developed by ISC using Ontario per capita expenditures for the activity over a five-year period (as Ontario First Nations received funding for the services since 2017). However, in its analysis of the expenditure data, IFSD could not produce the allocation defined by ISC. Using on-reserve population by fiscal year in Ontario, per capita allocations range from a low of $114 to a high of $584 (Figure 9). The parties may wish to clarify the calculation of the estimate and the activities associated with the allocation.

4 The cost per person for prevention services, estimated at $2,500 per person, comes from an operating agency providing only prevention services. The program activities include: "community-based activities and family support, legal support, victim services, social work, and social assistance. The active learning style initiatives range from education on fetal alcohol syndrome and brain development to emergency homes for respite" (Enabling First Nations Children to Thrive, p. 92).

The $2,500 per capita allocation for prevention is built from an existing FNCFS agency that provides full prevention services to its community. The $2,500 per capita allocation represents a specific set of program activities. It does not represent the upper end of a range. The full case study and program activity description is from IFSD's report, Enabling First Nations Children to Thrive, p. 91-94. It is **important** to keep in mind, that the allocation of $2,500 for prevention activities is **part of a larger approach** described in IFSD's report, Funding First Nations child and family services (FNCFS): A performance budget approach to well-being. The allocation of $2,500 per person is part of a funding approach that ensures adequate and needs-based resourcing for contextual factors such as, geography and differences in need (i.e., poverty). **Pulling out the $2,500 per person from the overall funding approach is an artificial representation of the full resource profile that is being proposed as part of the broader reformed approach.**

FIGURE 9



Source: Indigenous Services Canada (ISC)
Note: Population for each fiscal year is the IRS population at the end of the first year in the fiscal year, e.g., for fiscal year 2017-18, 2017 population data was applied.

For an overview of ISC's total expenditures and additional analysis of the FNCFS Program see Appendix B2, and for Band Representative Services, see Appendix B3.

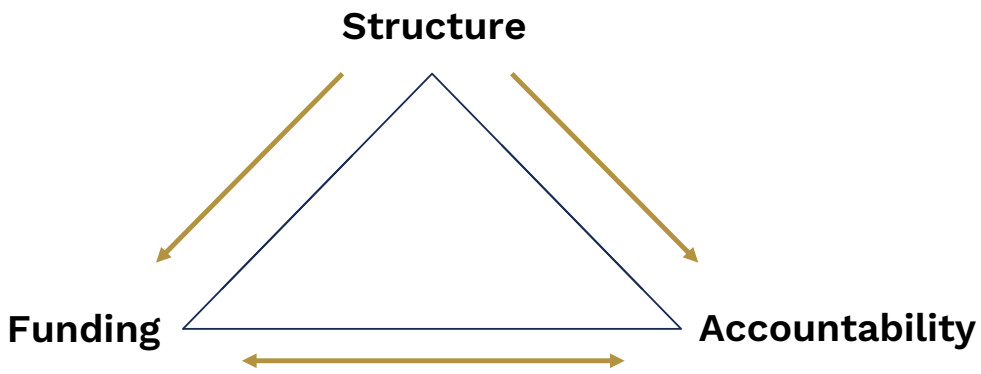
Hear from Mary Teegee, Executive Director, and Warner Adam, Chief Executive Officer, Carrier Sekani Family Services on considerations for the long-term reform of the FNCFS Program.

https://youtu.be/7uthwy6kNbI

FACTORS FOR THE SUCCESSFUL IMPLEMENTATION OF A REFORMED FNCFS PROGRAM

Sustainable change of the FNCFS Program with the goal of well-being requires changes to structure, funding, and accountability (Figure 10).

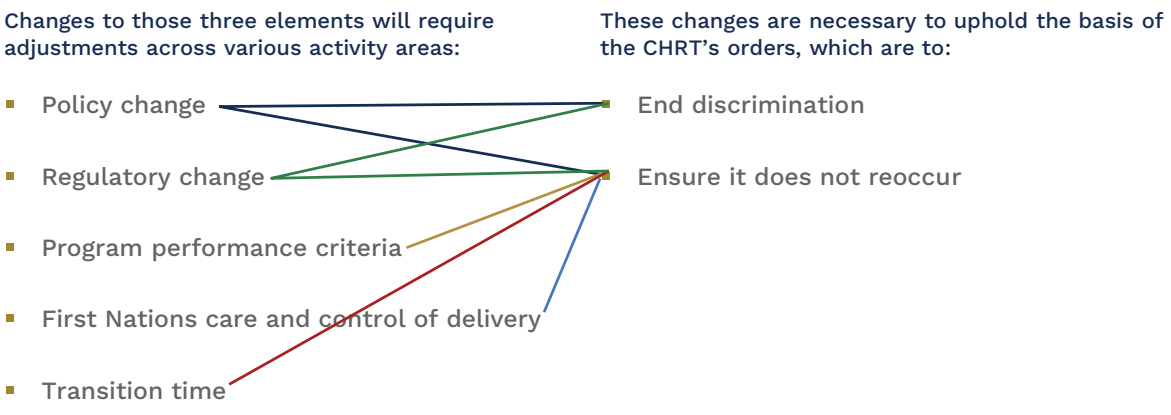
FIGURE 10



1. **Structure:** The incentives, rules, and conditions that determine when and how funding moves in a system.
2. **Funding:** The amount of money allocated to recipients.
3. **Accountability:** Monitoring of detailed indicators to determine if the system structure and funding are working to achieve desired goals.

These three changes will require adjustments across various activity areas (Figure 11):

FIGURE 11



1. **Policy change:** Define the purpose of the FNCFS system, i.e., the well-being of children, families, and communities through a culturally-informed, substantive equality approach, focused on the best interests of the child.
2. **Regulatory change:** Recognize that the development of new activities and programs to support children, families, and communities will require different Terms and Conditions (aligned to the policy change).
3. **Program performance criteria:** Use the *Measuring to Thrive* framework (or a similar set of indicators), aligned to the goal of well-being. The financial (expenditure data) and non-financial information (from *Measuring to Thrive*) will be necessary to improve funding and results tracking over time. Changing the way funding is allocated and performance is captured will link policy and funding to support better outcomes for children, i.e., performance budget informed approach.
4. **First Nations care and control of delivery:** First Nations should lead on the collection and analysis of their own information to improve decision-making and outcomes for children, families, and communities. Leveraging the Secretariat (and/or other bodies), First Nations could share best practices, approaches for training, service delivery, etc.
5. **Transition:** Establish provisions for adjustment and refinement of the approach throughout the two-to-five-year period for transition (for existing service providers). The time for implementation of jurisdiction is expected to take much longer, e.g., 10+ years when legislative adjudication is considered.

A reform to the FNCFS Program requires changes to policy, financial, and management authorities. (Table 2).

TABLE 2

AUTHORITY TYPE	DESCRIPTION	SOURCE
Financial	Allocation of public funds for a specific program or activity.	Prime Minister and Minister of Finance
Policy	Definition of program and performance objectives.	Cabinet Committee
Management	Program terms and conditions to operationalize the policy.	Treasury Board (Committee of Cabinet)

All three authorities are required to initiate a new program or reform an existing one. In the case of FNCFS, financial authorities have already been granted. The policy authority is being negotiated by the parties, and once defined, management authority will be sought to ensure consistency between them.

This final report proceeds by discussing analysis and recommendations on structure, funding, and accountability, followed by a review of considerations for transition, with guiding questions and guides for estimating allocations, preparing for data gathering and measurement, etc.

STRUCTURE

The structure of the FNCFS Program shapes incentives through rules and conditions. Adjusting the underlying structure of the existing FNCFS Program means changing its purpose through policy, its rules for funding allocations (including how and when resources flow to participants), and defining how progress will be assessed (discussed further in the accountability section). Structural reform is imperative to sustainable change. It cannot be expected that the system is set up to fund protection, report on protection, and measure instances of protection to deliver a different result by changing an amount of funding. To ensure that financial resources can be applied in ways to achieve the well-being of children, families, and communities, a different approach to the definition of policy and its implementation is required.

It is unwise to expect a change in outcomes from financial resources alone. To change the impact of funding, change the rules for its use and its monitoring. Once the system structure, funding, and accountability mechanisms are aligned to support a common goal, change can be expected with time. Adding more money to a broken system will not support sustainable change or better results for children. A 2022 report by the Office of the Parliamentary Budget Officer,[5] indicated that Indigenous Services Canada (ISC) struggles to demonstrate results despite its spending increases. There is sufficient evidence to that effect with the CHRT's orders and non-compliance orders for administrative issues against Canada.

To change the results of the system, its structure needs to be changed. IFSD makes the following recommendations:

1. Clarify federal policy and associated regulations (including terms and conditions and outcome-based performance indicators) for the FNCFS Program to focus on well-being with alignment to the principles of *An Act respecting First Nations, Inuit and Métis children, youth and families*.
2. Implement a block funding approach for existing FNCFS agencies, with a carry-forward provision.
3. Ensure resources for the FNCFS Program are secure and cannot be used for other purposes by Indigenous Services Canada (ISC) through a Special Purpose Allotment (SPA), with a carry-forward provision.
4. Adopt the allocation approach proposed in this report for FNCFS agencies with a holistic understanding of the allocation for existing service providers. This means leaving the approach and its components intact and not artificially segmenting the allocation, as ISC has done with its interim funding commitments.
5. Stop all ad hoc decision making and changes to funding and to FNCFS Program rules.
6. Adopt a cohesive reformed approach that includes recommended changes to structure, funding, and accountability. Notify service providers of the full intended reform and its parameters at least one full fiscal year in advance of the change.

5 Office of the Parliamentary Budget Officer, *Research and Comparative Analysis of CIRNAC and ISC*, Ottawa: Office of the Parliamentary Budget Officer, *2022*, https://distribution-a617274656661637473.pbo-dpb.ca/4dd5db44bd0d5ddc57fd166053a5ee-6703753a32baa02d6906a3082c84b23a38.

7. Provide service providers at least one full fiscal year in advance of the change with:
    a. A clear statement of policy on the FNCFS Program and its associated terms and conditions;
    b. A five-year funding allocation in a block approach;
    c. Performance reporting indicators aligned to the goals of a reformed FNCFS Program.

CLARIFYING FEDERAL POLICY AND ASSOCIATED REGULATIONS

A reformed FNCFS Program should define its objectives in alignment to *An Act respecting First Nations, Inuit and Métis children, youth and families*. The objective and funding authority for the FNCFS Program should support a culturally informed approach to service delivery, the best interests of the child, and least disruptive measures. The purpose of the FNCFS Program should be to promote the well-being of children, families, and communities consistent with the holistic understanding of well-being in the *Measuring to Thrive* framework (or a similar set of indicators).

Funding associated to the FNCFS Program should be predictable (for planning and capacity building), transparent, with resources linked to outcomes for accountability, and renewal. Focused on well-being, there should be space for a variety of approaches to service delivery. The diversity of approaches should be supported by a transfer policy with a five-year funding envelope, with the provision for carry-forwards of unspent funds. Terms and Conditions associated to the FNCFS Program should be aligned to policy objectives. **They should not be defined before the parameters of a reformed program are in place.**

There are two principles that should be reflected in the Terms and Conditions for long-term funding (consistent with CHRT orders):

1. That discrimination ends;
2. That discrimination does not reoccur.

Achieving these objectives requires consideration of: funding; structure; and accountability.

Terms and conditions associated to the long-term funding approach should be drafted to ensure recipients can allocate resources with flexibility, to meet the needs of children, families, and communities, consistent with the goal of holistic well-being. This should include consideration of:

- Capacity, e.g., demonstrating ability to deliver program activities to achieve results;
- Results, e.g., reporting on results annually;
- Comptrollership, e.g., including clean and timely audit opinions.

Terms and conditions for recipients should leverage indicators from the *Measuring to Thrive* framework, or a similar framework, that consider the well-being of children, families, and communities. This would embed a performance-informed approach to budgeting that promotes flexibility for recipients, with consideration of holistic results.

This approach requires recognition of different points of departure. Consideration should be given to capacity development for program design and delivery, data collection, and evidence generation.

Performance of the FNCFS Program should be assessed through outcomes by monitoring and measuring changes in holistic well-being. Indicators, such as those in the *Measuring to Thrive* framework should consider children, families, and communities.

BLOCK FUNDING APPROACH FOR EXISTING FNCFS AGENCIES

Where should care and control in delivery and accountability in FNCFS rest? *Should it rest with First Nations and their delegated service providers or with ISC?* When funding is sufficient, determining how resources should be applied to meet needs should be done by those on the ground. Even with the actuals process mandated by the CHRT, ISC retains control of what is an eligible or ineligible expenditure in FNCFS. If First Nations and their service providers are seeking autonomy in the provision of services, it will come with trade-offs.

In a fee-for-service model (i.e., ISC pays bill for activity), power rests with ISC:

- ISC dictates funding streams and uses
- ISC determines allowable expenditures
- ISC reallocates resources within the department and different priorities because funding is not infinite, nor is it protected (through an SPA) for FNCFS

In a block approach, decisions on how to spend resources rests with the service provider:

- Service provider has an agreement with a defined funding amount which supports planning
- Service provider has autonomy in allocation and does not seek approvals or reimbursements from ISC on spending
- Service provider is accountable for delivering on the mandate

Whether considering the past or current approaches to funding, the accountability for results rests with the service provider (Table 3). If the service provider is accountable for delivering services to children and families, they should want to control *how* they spend their resources to meet needs.

TABLE 3

CONSIDERATION	PAST	CURRENT	"FUTURE (IFSD'S APPROACH)"
Funding approach	Fee-for-service	Fee-for-service via actuals process	Block (provider controls how they spend)
Control of spending	ISC	ISC, with increased flexibility with reimbursement for actual spending	First Nation/delegated service provider
Accountability for results	Service provider	Service provider	Service provider

The current approach to the FNCFS Program is a fee-for-service model (Table 4). ISC's approach funds service providers to deliver specific activities. Eligibility is defined and determined by ISC.

In both the current system (fee-for-service) and the proposed reformed system (block contribution approach), Parliament must appropriate resources annually.[6] This means that resources — in either the existing or reformed system — could be constrained or increased by proposal of the federal government and parliamentary (approval/rejection). While both systems rely on parliamentary appropriations, they have different premises. In the fee-for-service model, ISC determines what is eligible and ineligible, even though resources are at actuals for the interim period. In the block approach, the provider determines how best to expend funds, with clarity around the formulation of the allocation.

6 The Government requires the approval of Parliament to raise or spend funds. In a majority Parliament (where the governing party holds a majority of seats), votes on Government proposals are expected to pass. In a minority Parliament (where the governing party holds a plurality of seats but not the majority of seats), votes on Government proposals may not pass. Money bills (in which revenues are raised or spent) are matters of confidence. Failure to pass a money bill is a tacit vote of non-confidence and a government would resign and seek dissolution of Parliament, triggering an election. Government can seek Parliamentary approval to spend funds in two ways: 1) annual appropriations acts: Government prepares spending proposals for Parliamentary review. The Estimates (documents supporting the appropriations bills) include amounts and broad use of funds. Should the appropriations bills be passed, they will receive Royal Assent and Government will have its requested funds. Government may return to Parliament to seek additional resources should they be required throughout the fiscal year; 2) statutes: legislatively defined authority to make payments at an amount specified in the statute. Parliament approved the statute and authorities, i.e., funding, is deemed to be granted until such time the statute is amended or rescinded, or it sunsets. Examples of statutes include Equalization, Canada Health Transfer. All money raised or spent by Government is subject to Parliamentary approval. No Parliament can bind a future Parliament, therefore, spending approval through an appropriations act for one program in year 1 does not guarantee funding for the program in year 2. A statute, however, would provide greater security as laws require more effort and time to change than an appropriations bill. Statutory funding, however, is not guaranteed as legislation can still be amended. See for instance, Treasury Board of Canada Secretariat, "Estimates Publications and Appropriation Acts," Government of Canada, last updated February 13, 2024, https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/expenditure-management-system/estimates-publications-appropriation-acts.html; Treasury Board of Canada Secretariat, "Appropriation Acts (Supply Bills)," Government of Canada, last updated December 20, 2024, https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/appropriation-acts.html; House of Commons, "Financial Procedures," Ottawa: House of Commons, no date, https://www.ourcommons.ca/procedure/our-procedure/financialProcedures/c_g_financialprocedures-e.html.

TABLE 4

COMPONENT AND DEFINITION	DESCRIPTION — ISC'S CURRENT APPROACH
Structure: The incentives, rules, and conditions that determine when and how funding moves in a system.	• The FNCFS Program follows terms and conditions for various streams of related funding, e.g., protection, prevention, etc. • Most funding is allocated through the 'fixed' allocation mechanism. This means that allocated resources have a defined purpose and cannot be used for different purposes, even within program objectives • Funding is on a fee-for-service basis, i.e., payment for services (currently at actuals) and per capita allocations, i.e., prevention
Funding: The amount of money allocated to recipients.	• The FNCFS Program is funded through a combination of actuals, i.e., reimbursement for allowable expenditures, and fixed funding, e.g., per capita allocation for prevention of $2,500 divided among First Nations and service providers • This is an interim approach until a final funding approach is implemented
Accountability: Monitoring of detailed indicators to determine if the structure and funding are working to achieve desired results.	• The FNCFS Program requires reporting by recipients for reimbursements and for overall program performance • Performance indicators are being revised by ISC

In IFSD's proposed approach to funding the FNCFS Program, funding is understood holistically, i.e., you cannot segment the approach. Service providers have flexibility to adjust allocations within their block (e.g., operations and capital; protection and prevention, etc.).

In the block funding approach proposed by IFSD (Table 5), funds are provided for general purposes identified under terms and conditions in a contribution agreement or a statute.

In a reformed program, it is expected that recipients will provide protection and/or prevention related programs and services. This requires recipients to have consistency in funding (for planning purposes) and to have the flexibility required to respond to changing/evolving circumstances in communities, within the scope of the *Measuring to Thrive* framework, or an equivalent framework.

TABLE 5

COMPONENT AND DEFINITION	DESCRIPTION — IFSD PROPOSED APPROACH
Structure: The incentives, rules, and conditions that determine when and how funding moves in a system.	• Funds transferred through the block contribution approach with adjustments • Funds are provided for general purposes under a contribution agreement or statute to be used by service providers with flexibility to meet needs in communities • Carry forwards are allowed, unexpended funds can be retained • Special purpose allotment established to restrict repurposing of FNCFS funds within department • Funding flows to recipients in a single transfer at the start of the fiscal year, having received prior notice (12 months in advance) of their budget allocation, consistent with the terms of the reformed FNCFS Program
Funding: The amount of money allocated to recipients.	• Allocations are defined based on a set of principles, consistent with program objectives • Allocations are adjusted with updated information to meet changing needs, e.g., population, inflation (CPI), income-based poverty, etc. (it is expected that updates, other than population and inflation be revisited through evaluation every five years) • Funding amounts are reliable and known
Accountability: Monitoring of detailed indicators to determine if the structure and funding are working to achieve desired results.	• Outcome-based performance indicators that consider the well-being of children, families, and communities to define a baseline and track changing results over time • Use information to evaluate and adjust funding and structure to ensure objectives are being achieved

Funding amounts would be predetermined every fiscal year: baseline budget + funding top-ups, e.g., prevention, poverty, etc. + adjustments for population + inflation (there should be limited changes to annual funding for service providers within the five-year period, other than adjustments for population and inflation). The approach, i.e., amount of funding, structure, and results should be evaluated before the end of the fifth fiscal year.

This approach is expected to be manageable for service providers working in established organizations, e.g., those organizations with well-developed business practices, internal management, and service delivery, who know the people they serve and their needs.

For organizations that are new or in a state of crisis, the approach could be more challenging. Without clarity and consistency around service offerings and existing expenditures, the block approach could provide supplementary funds that risk being unused or insufficient funds for what the organization will eventually do. However, the amount of funding, structure, and results would be reviewed every five years, which would provide an opportunity to rebalance the approach.

IFSD's proposed funding approach is designed as a trade-off for recipients: maximum flexibility to make decisions in the best interests of children and families, in a culturally informed approach, in pursuit of substantive equality, with an understanding that the recipient will work within a predefined set of resources (assuming they are sufficient). This trade-off is reasonable, from IFSD's perspective, as the current fee-for-service based approach restricts planning, program development, and problem-solving.

The proposed approach aligns to ISC's existing block funding mechanism with some refinements:

- funding allocation based on principles;
- a special purpose allotment to ring-fence funding designated for FNCFS within ISC;
- emergency funding; and,
- outcome-based performance criteria.

The refinements are not expected to be fiscally significant but tied to achieving results and aligned with the Government of Canada's Policy on Results. See Table 6 for a comparison of ISC's existing block funding approach and IFSD's proposed approach.

TABLE 6

ELEMENT OF FUNDING APPROACH	FUNDING APPROACH		COMPARISON (SIMILAR; SOMEWHAT SIMILAR; DIFFERENT)
	IFSD FUNDING APPROACH[7]	*ISC BLOCK FUNDING*[8]	
Resource Allocation	Funds are allocated based on a combination of previous financial data (to fund maintenance and protection) and need (population size, geography, poverty level, etc.)	Funds are provided for a block of programs under a contribution agreement.	Somewhat similar
Reallocation of Funds	Funds are provided for general purposes identified under a contribution agreement or statute. Service providers have flexibility to adjust allocations based on need. Allocations are defined on a set of principles, consistent with program objectives.	Funds can be reallocated within block, as long as program objectives are being achieved.	Similar
Carry Forwards	Carry forwards are allowed.	Carry forwards are allowed.	Similar
Retention of Funds	Unexpended funds can be retained and directed to program activities by service providers on an as-needed basis.	Unexpended funds can be retained (even at the end of the program), assuming use of funds is consistent with program objectives.	Similar
Eligibility Criteria	Recipient must meet criteria established in contribution agreement or statute.	Recipient must meet general assessment criteria.	Similar
Special purpose allotment	Funding for FNCFS should be ring-fenced, i.e., defined as a special purpose allotment within the department.		Different
Emergency funding	Assuming sufficient funding, recipients are expected to work within the block. Should circumstances beyond the recipient's control, e.g., natural disaster, suicide crisis, etc., emerge requiring additional resources, emergency funding is available within the FNCFS Program.		Different
Performance criteria	Outcome-based performance indicators that consider the well-being of children, families, and communities to define a baseline and track changing results over time. That may be considered in the future for program design and/or funding level changes.	In-progress; current indicators are output-focused.	Different

7 Institute of Fiscal Studies and Democracy, *Funding First Nations Child and Family Services (FNCFS): A Performance Budget Approach to Well-Being,* IFSD, 2020, https://ifsd.ca/wp-content/uploads/2024/06/ifsd-report-2020-07-funding-first-nations-child-and-family-services-fncfs.pdf.

8 Treasury Board of Canada Secretariat, "Directive on Transfer Payments: Appendix K," Government of Canada, last updated April 1, 2022, https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=14208.

The Government of Canada transfers funds to recipients for various reasons, e.g., acquisition of goods or services, compensation, equalization, etc. There are different approaches and criteria to transfer funding to uphold constitutional and legal obligations and ensure transparency for Parliament and the public.

To obtain funding through a block approach and apply it with latitude, a recipient must meet eligibility criteria. It is IFSD's understanding from ISC that most First Nations and FNCFS agencies would qualify for block-style funding approaches based on the assessment criteria. Increased flexibility in the use of funds comes with eligibility criteria and differentiated reporting requirements.

IFSD considers the block funding approach a crucial element for care and control in delivery of FNCFS by First Nations and their service providers. ISC does not deliver services in FNCFS and is not placed to adjudicate on the most suitable use of funds to meet the best interests of the child, through least disruptive measures, in a culturally informed approach. Service providers are required to maintain provincial/territorial CFS standards or those of their First Nation's law. From that position, with the practice standards and legal requirements, service providers are best placed to allocate funds to meet the FNCFS needs of communities.

THE SPECIAL PURPOSE ALLOTMENT (SPA)

The funding for the FNCFS Program should be allocated to ISC through a Special Purpose Allotment (SPA). An SPA is a specific authority in the Treasury Board Transfer Policy designed to protect funds from departmental internal vote transfers. Funding for FNCFS is embedded in a larger transfer — grant and contribution — vote).

From Treasury Board Policy on Transfer Policy:

> An SPA is used to set aside a portion of an organization's voted appropriation for a specific program or initiative, thereby prohibiting its use for another program. An SPA is established, for example, when the Treasury Board wishes to impose special expenditure controls.
>
> Any unspent funds remaining at year-end in an SPA are not eligible to be carried forward to the next fiscal year under the TBS operating budget carry-forward guidelines, unless separate Treasury Board approval has been obtained. If such an approval has been obtained, then that amount within the SPA is carried forward and placed in an SPA for the next fiscal year.[9]

Adjusted terms and conditions and a carry-forward provision would be tailored to define an SPA and ensure the funds cannot be used for other purposes within the department. An SPA can include Treasury Board approval (Finance Minister is a member of Treasury Board) of a carry-forward provision. It will also send a transparent signal to Parliament and Canadians that these authorities are treated separately from other departmental transfers (grants and contributions).

The SPA is an important component of the approach, as ISC should not be allowed to reallocate FNCFS funds internally to cover shortfalls in other policy areas.

9 Treasury Board of Canada Secretariat, "Commonly Sought Authorities," Government of Canada, last updated November 25, 2020, https://www.canada.ca/en/treasury-board-secretariat/services/treasury-board-submissions/guidance/commonly-sought-authorities.html.

FUNDING

At the time of writing, a $19.08B allocation to the 'long-term reform' of FNCFS over five years was made by the Government of Canada. It is unclear what resources come from that allocation and what remains of the allocation (Table 7).

TABLE 7

FUNDING ISSUE	ESTIMATES KNOWN/UNKNOWN
FNCFS agencies	Unknown, only IFSD estimate available
Post majority supports and services	Unknown, paid at actual costs
First Nation Representative Service (FNRS)	Known, per capita estimate
Prevention and other allocations to First Nations served by an FNCFS agency	Unknown, split of prevention resources and other allocations calculated by ISC
Capital (new purchases and builds + maintenance for owned assets)	Unknown, by application
First Nations not affiliated to an FNCFS agency	Unknown, only IFSD estimates available (March 2024)
Housing for FNCFS	Known, allocation approach to be confirmed

To ensure funding is not discriminatory and reflective of the diverse contexts of First Nations, IFSD makes the following recommendations:

1. Allocate resources to the service provider able to continue to or immediately deliver child and family services in First Nations. This includes protection and prevention (primary, secondary, tertiary) services.
2. Understand the funding approach and allocation holistically. Do not pull apart the allocation intended for a service provider, as the amounts may not be sufficient for the discharge of their mandate.
3. Ensure the existing federal baseline for service providers is maintained as the foundation on which to add activity and context specific components (adjusted by inflation and population escalators).
4. Develop allocations to service providers with funding principles linked to their activities and different contexts (e.g., poverty, geography, and over time, outcomes).

IFSD provides recommendations for each funding component.IFSD provides its recommendations for each funding component in Table 8.

IFSD modelled national cost estimates for FNCFS agencies based on:

1. IFSD uses FNCFS agency-reported federal portions of expenditures from FY 2021-2022.
2. The agency-reported federal expenditures for FY 2021-2022 were adjusted for inflation and population to bring them to 2023-2024 dollars.
3. For any non-reporting FNCFS agencies, their estimated federal expenditures were extrapolated based on province and whether the First Nations they serve have year-round road access.

4. The total value of agency-reported federal expenditures is defined by IFSD as the baseline budget in its calculations.
5. To this baseline budget, all top-ups, i.e., prevention, poverty, etc. are added.
6. All components are adjusted for remoteness.
7. Projections for future fiscal years are grown by inflation and population.

What is NOT included in FNCFS agency estimates:

1. Post-majority supports and services (Appendix C).
2. First Nations Representative Services (Appendix B3).
3. Capital (new acquisitions/builds and maintenance of owned assets). IFSD's recommendation is a national, application-based pool. Cost estimates were revised following collaborator feedback on the original estimate (Appendix D1 and Appendix D2).

To build national bottom-up estimates for FNCFS agencies, IFSD applied the following calculations and assumptions:

1. Baseline budgets estimates include only federal funding sources.
   a. Baseline budgets for FNCFS agencies have two sources:
      i. Actual expenditures reported by participating FNCFS agencies through the 2021-2022 questionnaire (49% participation rate)[10] (see Appendix E1 for the questionnaire, and Appendix E2 for a summary of the findings). All federal expenditures are included (as they were reported as a total by FNCFS agencies), e.g., maintenance, least disruptive measures, prevention, protection, etc.
      ii. Imputed budgets based on weighted per capita average budgets for FNCFS agencies within the reporting province/region (with and without year-round road access);
   b. For any agency that reported their expenditures (but not the federal portion) or for any agency with an imputed

10 The outreach approach to contact FNCFS agencies involved both calling and emailing the 117 FNCFS agencies identified at the time the questionnaire was issued in April 2022. Note: The number of FNCFS agencies was revised to 112 later in the project period.

The first phone call to each FNCFS agency began in the week of April 4, 2022. If contact was made with the relevant person, an email including the project overview and questionnaire were sent within that week as well.

Following the initial contact, follow-up attempts occurred between April-end of June 2022. **Agencies were contacted by phone at least 3 times, and by email, 5-7 times.**

British Columbia and Saskatchewan agencies received additional outreach as working sessions were hosted by regional organizations to complete the questionnaire that occurred in June 2022. Individual virtual sessions were offered to assist in the completion of the questionnaire with minimal uptake.

Issues identified during outreach:

- Challenge connecting with directors; messages left with assistants or by voicemail and unsure if transmitted.
- Lack of familiarity with IFSD.
- Contacts are extremely busy; some noted not having the time to complete the questionnaire.

In June 2022, IFSD offered a $300 gift card to each agency that completed the questionnaire.

The questionnaire process was closed on November 4, 2022. FNCFS agencies that did not participate in the questionnaire were contacted the week of November 28, 2022, and were invited to respond to five questions (from the questionnaire). The five questions captured basic information on revenues/expenditures for the baseline exercise.

budget, a 75% average portion of baseline budgets (the national average) was applied to model the federal allocation.

c. To build the baseline budget for cost modelling for Ontario FNCFS agencies:
    i. Ontario FNCFS agencies reported federal funding sources with significant variability. It was not possible to use their reported federal proportion of their baseline budgets for this exercise;
    ii. Nationally, including Ontario FNCFS agencies, the average portion of a baseline budget paid by Indigenous Service Canada (ISC) is 75%;
    iii. 75% was applied to estimate the federal portion of baseline budgets of Ontario FNCFS agencies (participating or not participating in the FNCFS questionnaire).

2. Two scenarios based on the remoteness allocation are used in estimates. Both models are premised on 15% of the Cost Adjusted Factor (CAF) calculated based on the remoteness index of a community and whether it has access to roads, developed by ISC. The resulting CAF estimates were scaled down to an average of 15% across all FNCFS agencies. The remoteness top-up is applied to the baseline budget and to top-ups:
    a. Scenario 1 (CAF_15%_>0.4): 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
    b. Scenario 2 (CAF_15%_>0.0_agency-level): 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
3. There are 7 components that build on the baseline budget to develop an estimated federal allocation for FNCFS agencies. Post-majority support is being funded at actuals and is not included in the model. Capital allocations are not included, nor is capital maintenance (as that would apply only to owned assets).
    i. Geography/remoteness (see Appendix F)
    ii. Poverty
    iii. Prevention
    iv. IT
    v. Results
    vi. Emergency funding (see Appendix G)
    vii. Maintenance allocation (see Appendix H)
    a. The principles underlying the components are the same for FNCFS agencies across Canada.
    b. There are high, medium, and low scenarios for each component, other than geography/remoteness and prevention.
4. Prevention at $2,500 per person is fully allocated to FNCFS agencies in this model.
5. To forecast expenditures for the next five fiscal years, the total estimated budget is grown by population (Indian Registry System (IRS) data) + inflation (based on the Consumer Price Index (CPI)) (see Figure 40).

The funding allocation is meant to be understood and applied holistically. On their own, none of the components are sufficient to address the issue to which they relate. The total budget on its own, understood to be transferred through the block contribution approach,

is intended to be sufficient for the discharge of a FNCFS agency's mandate with the goal of supporting the well-being of children, their families, and communities.

Across all scenarios, the baseline, prevention, and remoteness (applied to all FNCFS agencies) allocations are the same, as are program escalators for projections, i.e., population and inflation. National estimates of the low, medium, and high scenarios with remoteness applied only to those FNCFS agencies serving First Nations with an index of 0.4 or above are included in Appendix I. IFSD's recommended funding allocation draws on different levels of top-ups as presented in Table 8.

TABLE 8

COMPONENT	DESCRIPTION AND CONSIDERATIONS	IFSD'S RECOMMENDATION
Baseline budget	FNCFS agency's total federal expenditures for the delivery of CFS reported through the 2021-22 questionnaire and adjusted to 2023-24 dollars.	Total federal expenditures for the delivery of CFS as reported by FNCFS agencies.
Prevention[11]	Resources to deliver activities and services to stop or reduce the risk of child maltreatment. 3 types of prevention (it is expected that at least secondary and tertiary services are being delivered by FNCFS agencies): Primary: Directed to the community as a whole, designed to educate and prevent child maltreatment. Secondary: Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc. Tertiary: Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention.	$2,500 per person resident on-reserve
Remoteness/ geography	15% scaled average of Cost Adjusted Factor (CAF). Remoteness can impact FNCFS agency operations and budgets. The remoteness/ geography component should be recognition of the differentiated costs of delivering and acquiring needed services in different geographic contexts (beyond year-round road access alone).	15% scaled average of CAF applied to all FNCFS agencies
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards. Different needs and IT sophistication among agencies. Some will require complete reset, others will be adding to existing capacity.	5.5% of the baseline budget

11 IFSD understands protection and prevention services to be integrated. This is crucial for service delivery that meets the needs of children and families by ensuring safety, while leveraging least disruptive measures.

Protection: Services for child safety to ensure children are free from harm, abuse, and neglect.

Prevention: Activities and services to stop or reduce the risk of child maltreatment (primary, secondary, tertiary).

Poverty	Difference between the Market Basket Measure (MBM) (by region and population size) and total after-tax median household income (Census 2016)[12] on-reserve). This is not poverty alleviation and not an income supplement. The resources recognize that poverty is a known driver of contact with protection services. The allocation recognizes that resources are needed to mitigate the impacts of deprivation as a driver of contact with protection.	5% of the difference between regionally-relevant MBM and total after-tax median household income
Results	Allocation to support data collection and analysis. Data is essential for control and improved decision-making. Collecting and analyzing relevant information can be an early warning sign of challenges and can highlight successes. For many FNCFS agencies, this will be a new activity in need of support.	5% of the baseline budget
Maintenance	Support to mitigate the changing costs of child maintenance (over and above inflation) within the regular course of business.	3% of the baseline budget
Emergency	Support responses to unanticipated circumstances related to CFS that affect demand for core services (protection and prevention).	2% of the baseline budget
Inflation	The purpose of an inflation adjustment on program funding is to correct for changes in purchasing power. Working with an adjusted inflation rate, such as one based on the Consumer Price Index (CPI) inflation, would be generally reflective of changes in the costs of goods and services. For five-year projections, the inflation rate is assumed to be 3% (the higher end of the Bank of Canada's inflation target).	CPI, adjusted annually
Population	Changes in population size impact service delivery. Population and projections should use the Indian Registry Service (IRS) by Band.	IRS population by Band

IFSD's funding approach generates national allocations between the medium and high scenarios (Figure 12). Five-year national projections estimate the total system cost to be $17.5B with IFSD's recommended scenario (Table 9).

By comparison, system costs range from $16.7B with the low scenario, $17.2B with the medium scenario, and $17.7B with the high scenario (Table 10 and Figure 12).

12 Following a consultation with Statistics Canada, IFSD will continue to use Census 2016 total median household income data with adjustments for inflation in its cost estimation, as it considers the number a more accurate (albeit imperfect) reflection of the current state of First Nations.

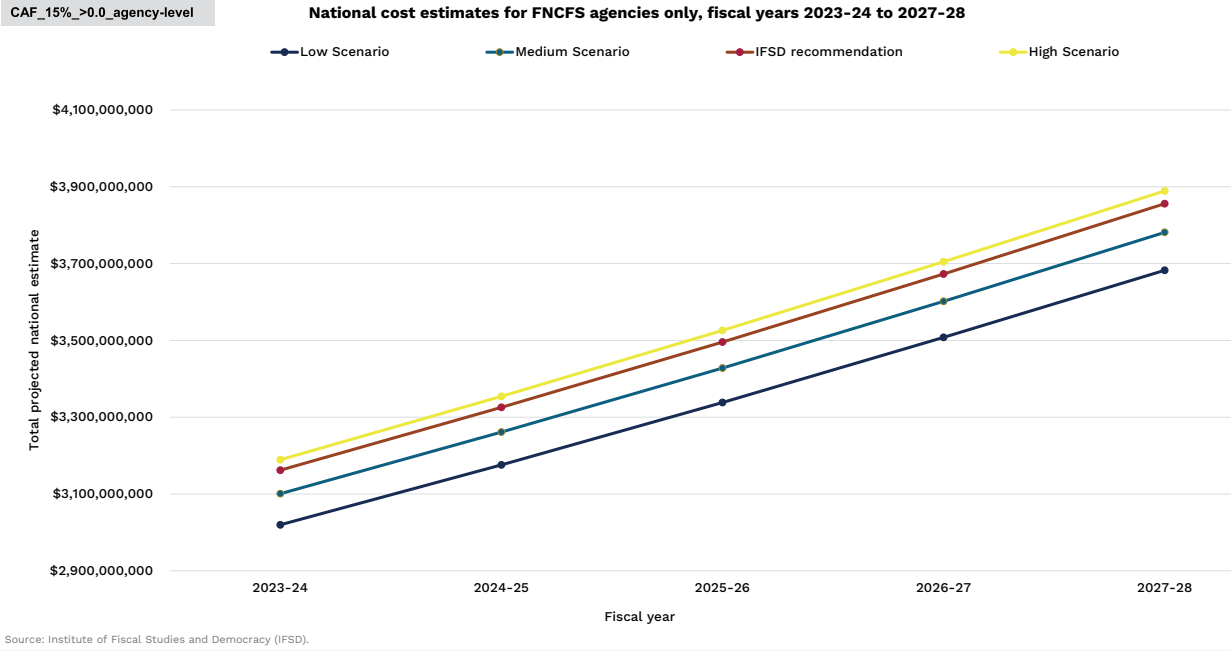
Total median household incomes as captured in Census 2016 and Census 2021 increased significantly for First Nations. Statistics Canada has also observed general growth in income across Canada (see Statistics Canada, "Pandemic Benefits Cushion Losses for Low-Income Earners and Narrow Income Inequality – After-Tax Income Grows Across Canada Except in Alberta and Newfoundland and Labrador," Government of Canada, last updated July 13, 2022, https://www150.statcan.gc.ca/n1/daily-quotidien/220713/dq220713d-eng.htm).

Nationally, pandemic relief programs and other direct transfers to persons, e.g., increases to the child benefit, contributed to the income growth. While every First Nation is different, and the sources of their income changes unique, the pandemic relief programs and direct transfers were nationally available and were likely an important factor in the income growth observed for First Nations. Moreover, Statistics Canada indicated a change in Canada Revenue Agency (CRA) reporting with Form T90 for First Nations (starting in 2019) which could contribute to differences when making historical comparisons—although the size and direction of the impact is unknown.

TABLE 9

IFSD RECOMMENDATION	2023-24	2024-25	2025-26	2026-27	2027-28	TOTAL
Alberta	$447,364,457	$469,937,027	$492,464,316	$516,036,650	$540,164,897	$2,465,967,347
Atlantic	$175,375,845	$186,132,044	$197,265,080	$208,838,534	$220,972,131	$988,583,635
British Columbia	$437,876,471	$460,812,756	$484,257,003	$508,997,278	$533,950,454	$2,425,893,963
Manitoba	$661,196,878	$696,190,547	$733,030,216	$771,515,737	$810,990,845	$3,672,924,223
Ontario	$766,757,730	$802,091,754	$839,354,792	$877,856,378	$918,281,852	$4,204,342,506
Quebec	$220,719,014	$230,903,812	$241,335,338	$252,326,481	$263,745,595	$1,209,030,240
Saskatchewan	$452,795,282	$479,545,418	$507,984,995	$537,410,170	$567,792,771	$2,545,528,636
Total	$3,162,085,678	$3,325,613,358	$3,495,691,741	$3,672,981,228	$3,855,898,545	$17,512,270,550

FIGURE 12



IFSD's recommended funding allocation approach reflects the different starting points of service providers, the widely reported needs, e.g., IT, data gathering analysis, and consideration of emergency and maintenance needs as activities in the system stabilize. Protection and prevention are assumed to be integrated in service delivery (Figure 13).

FIGURE 13

CONSIDERATIONS ON THE SPLIT OF PREVENTION RESOURCES

Protection and prevention are integrated services. This is crucial for service delivery that meets the needs of children and families by ensuring safety, while leveraging least disruptive measures. There are three types of prevention services:

Primary: Directed to the community as a whole, designed to educate and prevent child maltreatment.

Secondary: Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc.

Tertiary: Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention.

ISC split the allocation of prevention resources between existing service providers and First Nations. It was (and remains) unclear who was accountable for which types of prevention service delivery.

There should be an assessment of the effectiveness of prevention funding to First Nations served by an FNCFS agency to ensure children and families can immediately receive needed services. Secondary and tertiary prevention services are complex interventions that require trained professionals. It is unfair, without warning or time to plan, to expect that First Nations are prepared to deliver secondary and tertiary prevention services, especially if they are served by an FNCFS agency. While not all First Nations are pleased with their FNCFS agency, an existing FNCFS agency mandated by the First Nation can be a source of expertise with a history of practice, service delivery, and a network of practice.

The following questions should be asked of First Nations receiving prevention funding (whether or not that are currently served by an FNCFS agency):

1. Has there been a needs assessment or readiness assessment to determine the ability to immediately deliver secondary and tertiary prevention services?
2. What are the service requirements for prevention (primary, secondary, tertiary)?
3. How is service provision integrated with protection?
4. How is the service provider accountable for delivering prevention services (primary, secondary, tertiary) ensuring consistency with the Act? With other CFS providers?

Care and control of First Nations in prevention service delivery should include a respectful and adequate period to plan and prepare for the complexity of secondary and tertiary services, and its integration with protection.

TABLE 10

CAF_15%_>0.0_ AGENCY-LEVEL	FISCAL YEAR					
PROVINCE	SCENARIO	2023-24	2024-25	2025-26	2026-27	2027-28	TOTAL
Alberta	Low Scenario	$428,308,535	$449,919,632	$471,487,361	$494,055,486	$517,156,106	$2,360,927,120
	Medium Scenario	$438,951,356	$461,099,442	$483,203,086	$506,332,121	$530,006,608	$2,419,592,614
	IFSD recommendation	$447,364,457	$469,937,027	$492,464,316	$516,036,650	$540,164,897	$2,465,967,347
	High Scenario	$450,645,815	$473,383,951	$496,076,464	$519,821,823	$544,126,896	$2,484,054,948
Atlantic	Low Scenario	$165,672,720	$175,833,876	$186,350,961	$197,284,177	$208,746,568	$933,888,303
	Medium Scenario	$171,848,027	$182,387,923	$193,296,972	$204,637,626	$216,527,262	$968,697,810
	IFSD recommendation	$175,375,845	$186,132,044	$197,265,080	$208,838,534	$220,972,131	$988,583,635
	High Scenario	$178,464,311	$189,409,985	$200,738,997	$212,516,188	$224,863,564	$1,005,993,045
British Columbia	Low Scenario	$414,355,100	$436,059,600	$458,243,946	$481,654,750	$505,268,414	$2,295,581,810
	Medium Scenario	$427,370,397	$449,756,464	$472,637,921	$496,784,208	$521,139,204	$2,367,688,195
	IFSD recommendation	$437,876,471	$460,812,756	$484,257,003	$508,997,278	$533,950,454	$2,425,893,963
	High Scenario	$441,698,953	$464,835,366	$488,484,282	$513,440,300	$538,611,401	$2,447,070,301
Manitoba	Low Scenario	$633,431,922	$666,956,151	$702,248,547	$739,118,213	$776,935,585	$3,518,690,417
	Medium Scenario	$649,431,692	$683,802,711	$719,986,761	$757,787,533	$796,560,196	$3,607,568,892
	IFSD recommendation	$661,196,878	$696,190,547	$733,030,216	$771,515,737	$810,990,845	$3,672,924,223
	High Scenario	$666,902,110	$702,197,750	$739,355,407	$778,172,879	$817,988,638	$3,704,616,784

Ontario	Low Scenario	$730,706,478	$764,379,401	$799,890,585	$836,581,513	$875,106,404	$4,006,664,381
	Medium Scenario	$750,393,979	$784,974,136	$821,441,911	$859,121,726	$898,684,399	$4,114,616,151
	IFSD recommendation	$766,757,730	$802,091,754	$839,354,792	$877,856,378	$918,281,852	$4,204,342,506
	High Scenario	$772,126,948	$807,708,573	$845,232,348	$884,003,771	$924,712,075	$4,233,783,715
Quebec	Low Scenario	$212,509,968	$222,316,133	$232,359,680	$242,942,012	$253,936,340	$1,164,064,132
	Medium Scenario	$216,941,697	$226,952,258	$237,205,256	$248,008,305	$259,231,919	$1,188,339,435
	IFSD recommendation	$220,719,014	$230,903,812	$241,335,338	$252,326,481	$263,745,595	$1,209,030,240
	High Scenario	$221,845,591	$232,082,328	$242,567,092	$253,614,370	$265,091,708	$1,215,201,089
Saskatchewan	Low Scenario	$434,870,336	$460,561,553	$487,875,240	$516,135,544	$545,315,296	$2,444,757,968
	Medium Scenario	$445,793,232	$472,129,743	$500,129,557	$529,099,695	$559,012,407	$2,506,164,634
	IFSD recommendation	$452,795,282	$479,545,418	$507,984,995	$537,410,170	$567,792,771	$2,545,528,636
	High Scenario	$457,591,385	$484,624,891	$513,365,804	$543,102,656	$573,807,064	$2,572,491,800
Total	Low Scenario	$3,019,855,059	$3,176,026,345	$3,338,456,320	$3,507,771,695	$3,682,464,713	$16,724,574,133
	Medium Scenario	$3,100,730,381	$3,261,102,677	$3,427,901,464	$3,601,771,216	$3,781,161,995	$17,172,667,732
	IFSD recommendation	$3,162,085,678	$3,325,613,358	$3,495,691,741	$3,672,981,228	$3,855,898,545	$17,512,270,550
	High Scenario	$3,189,275,115	$3,354,242,843	$3,525,820,393	$3,704,671,988	$3,889,201,345	$17,663,211,683

ACCOUNTABILITY

There are different parties responsible for ensuring the appropriate delivery and results from CFS, e.g., service providers, funders, etc. Each actor has a role and reporting obligations. Service providers are accountable to the First Nations they serve and to ISC for the use of resources. ISC is accountable for ensuring funding is sufficient, non-discriminatory, and consistent with goals of the FNCFS Program.

Ensuring those accountabilities are upheld requires information to understand how the children are doing. Asking and understanding how the children are doing will provide the information needed to assess whether the structure and funding of the FNCFS Program are delivering on the needs of children.

Upholding the CHRT order to ensure discrimination does not reoccur requires relevant information. Not just any information, but information that measures and monitors how the children are doing.

Information for First Nations and service providers can be used for planning, reporting to community, reporting to funders, improving practice, and advocacy. For ISC, that information is required to report to Parliament, and back to the First Nations and service providers funded through the program.

Accountability in FNCFS requires the measuring and monitoring of relevant information to ensure discrimination does not reoccur. Measuring what matters means identifying and addressing structural drivers of contact with protective services and having the information to improve service access for First Nations children and families. IFSD recommends accountability be ensured by:

1. Require a national reporting practice for FNCFS for transparency to First Nations and their delegated service providers while holding the Government of Canada accountable.
2. Establish a First Nations-led secretariat to support data gathering and analysis and best practices in FNCFS.
3. Define the reporting and service obligations of different funding recipients through the FNCFS Program, e.g., if FNCFS agencies and First Nations are expected to deliver secondary and tertiary prevention services, their reporting obligations on an activity basis should be the same.
4. Ensure ISC's performance indicators for a reformed FNCFS Program reflect the structural drivers of contact with protective services.
5. Include a review of the allocations to reform the FNCFS Program, e.g., $47.8B from the Draft Final Agreement (assuming it is ratified), its allocation, and outcomes as part of a five-year program review.

Research and analysis on indicators consistent with a holistic well-being framework has been defined by FNCFS agency directors and reviewed by Indigenous and non-Indigenous experts. The *Measuring to Thrive* framework is a collection of indicators meant to help assess the well-being of First Nations children, families, and communities. The framework is not a

case management tool. It is an approach based on gathering information at the level of the First Nation, and potentially, aggregated to the level of a service provider, regionally, or nationally.

Measuring to Thrive is intended as a linking mechanism between realities and changes in communities, funding, and accountability in FNCFS. The approach recognizes that levels of income, poverty, housing shortages, and other structural factors impact children and families. These factors weigh on families raising children, increasing the likelihood of contact with child protection services. As a performance framework, consistent with the Government of Canada's policy on results, *Measuring to Thrive* is outcome-based and emphasizes wellness across its measures. The performance approach considers context and various indicators of individual and familial well-being.

IFSD's proposed funding approach for a reformed FNCFS Program is rooted in *Measuring to Thrive* by reflecting and qualifying community-level differences, such as poverty or geography that impact service provision.

Working with the 20 collaborators (a combination of FNCFS agencies and First Nations exercising/contemplating jurisdiction), a set of indicators were defined for measuring and monitoring change in FNCFS for service providers and for ISC.

IFSD maintains, consistent with collaborators' recommendation, that ISC's indicators for the FNCFS Program reflect the structural drivers of contact with protective services and realities in First Nations. Mitigating the effects of structural drivers means working to reduce immediate protection concerns for children. The five proposed indicators for ISC were (see Appendix J1):

1. Safe and suitable housing
2. Sufficient and safe water from source to tap
3. Family reunification
4. Livable income
5. Access to mental health and specialized services within the community

At the time of writing, ISC's indicators for the FNCFS Program focus on the safety of children without any consideration of well-being. This is problematic for accountability. There is no understanding of *why* children are in contact with protective services, what happens to them while they are in care, when they exit, why they exit, or the realities of their communities.

The work of the parties to reach a final agreement is a step toward reforming the FNCFS Program to end discrimination and prevent its reoccurrence. Actual reform is not yet underway (Table 11). There is a requirement to recognize that true reform in FNCFS will take several years and will be inextricably linked to changes in structure, funding and accountability. Services and activities will not have an opportunity to stabilize until the FNCFS Program's funding to recipients, i.e., service providers, have a consistent and clear structure and funding approach. The current state is ad hoc and in constant flux which does not allow for medium- or long-term planning.

TABLE 11

HIGH-LEVEL STEPS	IFSD RESEARCH
1. What's the problem you're trying to solve? Define gaps between current state and desired future state.	Phase 1 Costed the FNCFS system and identified gaps.
2. Propose an alternative approach.	Phase 2 Developed a bottom-up needs-based funding structure, with a well-being focused measurement framework.
3. Test the proposed approach.	Phase 3 Tested and modelled the approach from Phase 2, into First Nation and agency specific delivery models.
4. Implement changes to structure, funding, and accountability for reform.	Not yet started.

In this ad hoc environment, there has been no consideration of how recipients receiving funding are required to report on results. For instance, existing FNCFS agencies have existing reporting requirements for their federal funding. It remains unclear, however, how First Nations receiving prevention and other resources will be asked to report on their results. If the funds they receive are consistent with the purpose of the FNCFS Program to promote the safety and well-being of children, they too should be required to demonstrate how resources are supporting the desired outcome.

Accountability among funding recipients from the FNCFS Program requires clarity on service delivery. All recipients of the FNCFS Program providing or assumed to be providing protection and/or prevention services (mainly secondary and tertiary) should be undertaking their activities consistent with the principles of *An Act respecting First Nations, Inuit and Métis children, youth and families*. Since 2022, ISC decided to split resources between FNCFS agencies and First Nations without consideration of accountability for program and service delivery, let alone outcomes. There should be reporting consistency among funding recipients expected to deliver the same programs and services. It is not prudent, in anticipation of a program review, to only understand results from the work of a subset of service providers but not all of them.

The requirement for reporting should be welcomed by all parties. Without clear reporting requirements to First Nations served by an FNCFS agency and to the federal government, there is a risk that system outcomes and contributing elements through funding and structure decisions remain unknown. With its current approach, ISC is indicating that it does not want to know how resources are being expended by recipients, especially by First Nations receiving resources and the results generated. This limits the ability of stakeholders to hold ISC to account for its structure and funding decisions.

Stakeholders should demand transparency by providing ISC information that First Nations and their delegated service providers own and control. Only then will a lack of transparency and poor data management cease to be excuses for the failures of the existing system.

Without data collection and reporting there will be no evidence as to whether discrimination has indeed ended. Evidence over time about the structural drivers of contact with protective services and changes in well-being outcomes for children will be the only way to ensure discrimination is not reoccurring.

THE FIRST NATIONS-LED SECRETARIAT

The First Nations-led Secretariat should be established to play a coordinating role in supporting First Nations and their delegated service providers in gathering and analyzing their data in FNCFS. In addition, the Secretariat as a centre for best practices would be a place of knowledge sharing, with the development of a national network of practice. Peer-to-peer learning in FNCFS would be a powerful tool for the design and development of program and service delivery. Appendix K provides an overview of models for the secretariat. In March 2024, IFSD hosted an expert roundtable to reflect on options for the design and mandate of the Secretariat. The recommendations and summary of the discussion are presented in Figure 14.

In brief, an expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous) worked with IFSD to prepare recommendations on a First Nations-led Secretariat in FNCFS. The call for the body has been documented by IFSD in its work since 2018 with FNCFS providers.

The roundtable differentiated the immediate need for analysis of FNCFS administrative data from the longer-term strategy of First Nations-led enumeration in their communities. The focus of the discussion and recommendations were on the immediate need to leverage administrative FNCFS data for analysis to monitor and improve the FNCFS Program.

It is a fundamental human right to be counted, especially, when a child is being cared for by anyone other than their parent/guardian. Counting in FNCFS is a critical first step to establishing a baseline from which to monitor well-being.

To this end, a two-part mandate for the FNCFS Secretariat was defined:

1. **Data and evidence generation:** "The Centre for Measurement in CFS," a staffed entity within an existing First Nations-led organization would hold, scrub, analyze, and report on evidence from data provided by existing service providers.
2. **Best practices and operational support:** a devolved network of regional organizations with a coordinating national office to share program and operating practices, as well as disseminate research prepared by the Centre for Measurement in CFS.

FIGURE 14

Summary of the measurement roundtable: Defining next steps for a national First Nations child and family services data strategy.

Purpose

In February 2024, IFSD convened an expert roundtable of First Nations child and family services (FNCFS) leaders, practitioners, and academics (First Nation, Indigenous, and non-Indigenous). The group advised and challenged IFSD as it prepared its recommendations on the First Nations-led Secretariat.

The concept of establishing a 'Secretariat' for FNCFS came from service providers. The call from providers for a centre to support data analysis and to share best practices was documented in IFSD's first report, Enabling First Nations Children to Thrive, and was further detailed in its second report, Funding First Nations Child and Family Services: A performance budget approach to well-being.

The concept of a First Nations-led Secretariat for FNCFS was included in the Agreement-in-Principle among the parties to the Canadian Human Rights Tribunal (CHRT).

The primary focus of this expert roundtable was the immediate need for a national FNCFS data strategy, leveraging existing administrative data.

A separate but related matter is a long-term strategy for First Nations-led enumeration. This is a distinct matter on its own timeline that should be addressed separately from the immediate issues confronting FNCFS.

The opportunity

The Secretariat is an opportunity for First Nations to lead a solution to build an evidence base focused on the well-being of children. Information shared by existing service providers will inform practice, standards, policies, and laws to shape the care and control in delivery of First Nations child and family services.

Leveraging existing information (already captured by service providers) and an analytic approach with decades of operating history in states and major cities in the United States, the Secretariat can generate evidence for decision-making. This is an opportunity to use data on practice to generate evidence to build better services, improve decisions in resource allocations, and over time, anticipate community needs based on past trends.

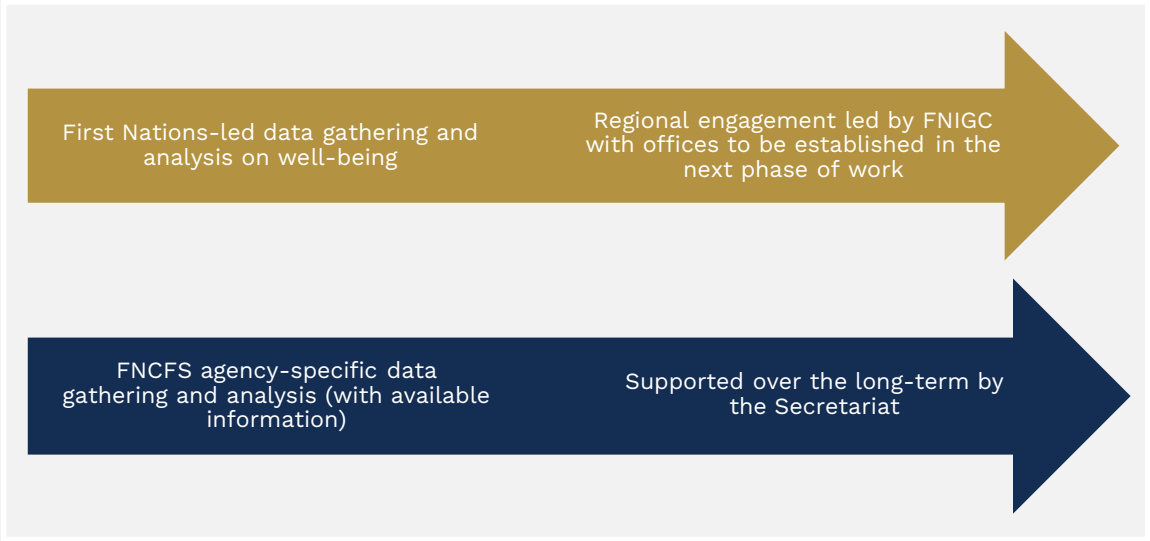
Context

It is a fundamental human right to be counted, especially, when a child is being cared for by anyone other than their parent/guardian. Counting in FNCFS is a critical first step to establishing a baseline from which to monitor well-being.

When compared to Australia and the United States, Canada is a poor performer in its counting of children in care, let alone in its understanding of their well-being. Information about children is being collected by service providers and the provinces/territories, without any consistent aggregation or reporting. There is an opportunity for change.

There are two separate matters that require different responses:

1. First Nations gathering their own data about their well-being (general and specific to FNCFS-related topics);
2. Existing FNCFS agencies sharing their data for analysis.



The first matter is a work in progress led by the First Nations Information and Governance Centre (FNIGC). At the time of writing, FNIGC and its regional partners are implementing Phase 1 of the First Nations Data Governance Strategy. The end goal is to establish a national network of fully functional data and statistical centers, led by First Nations in every region and at the national level. As envisioned by the Strategy, these centers will aim to provide a comprehensive suite of expert-driven data and statistical services, including data gathering and analysis, to support the common data capacity needs of communities, their governments, their service delivery entities, and advocacy organizations.

The second matter should be actioned immediately, and was the focus of the discussion, defined as the *Secretariat*. There is an opportunity to leverage data from FNCFS agencies to understand *how the children are doing*. The evidence generated from the data analysis will be crucial for assessing the impact of system reform and whether discrimination in FNCFS is recurring.

Mandate of the Secretariat

The Secretariat will have two functions: 1) data and evidence generation; 2) best practices and operational support.

The discharge of the mandate will be done through two separate structures:

1. Data and evidence generation: "The Centre for Measurement in CFS," a staffed entity within an existing First Nations-led organization. Separating the data and evidence functions from best practices and operations is imperative for independence. Hosted within an established and trusted national First Nations-led organization, such as the First Nations Information Governance Centre (FNIGC), would hold, scrub, analyze, and report on evidence from the data. The Centre for Measurement in CFS would work with existing service providers to gather data and generate evidence. The gathering and analysis of data requires a group of consistent people with requisite expertise.

   Sustainable infrastructure and a research practices are necessary for building and analyzing longitudinal datasets. To ensure the integrity and objectivity of the data gathering and analysis within the realm of CFS, it is crucial that the Centre for Measurement operate with independence from the entities focused on the development and dissemination of best practices and operational support. By maintaining a clear separation, the Centre for Measurement will function as a neutral body, dedicated to the empirical aspects of CFS.

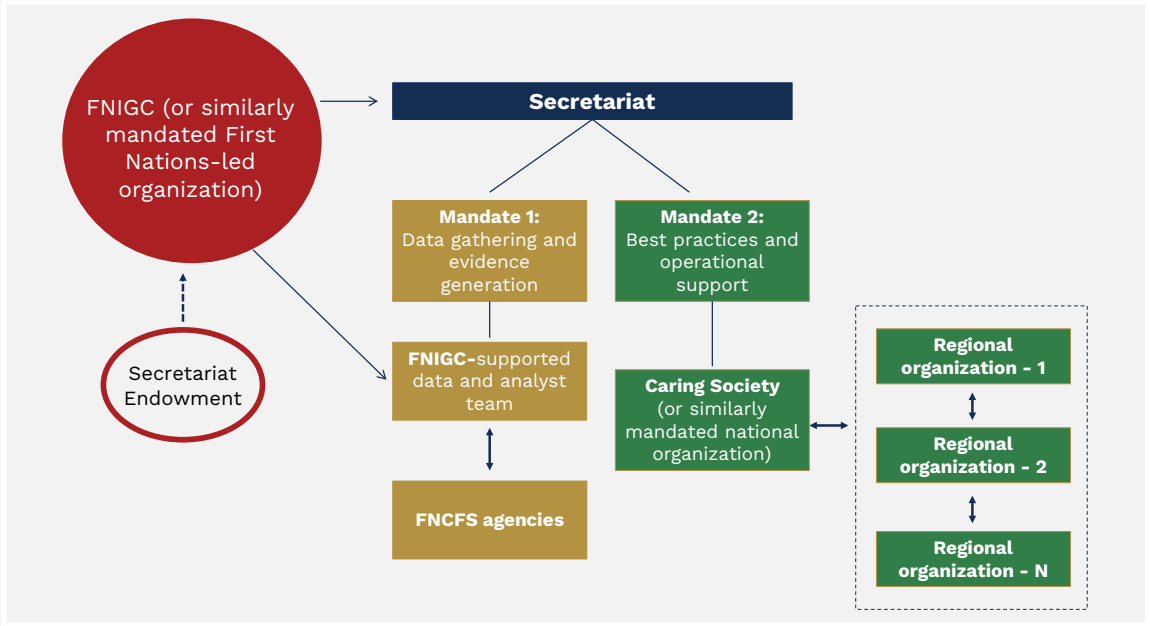
2. Best practices and operational support: a devolved network of regional organizations with a coordinating national office in the Caring Society, or similar organization. The contributing organizations would create a de facto network of practice to share program and operating practices, as well as disseminate research prepared by the Centre for Measurement in CFS. The regional organizations and national coordinating office may identify priority areas in practice, refine program design, monitor service delivery policies, and prepare reports to disseminate and share knowledge.

Taken together, the two mandates of the Secretariat would be positioned to lead on the renewal of the FNCFS Program with evidence generated from service provider data and the collection of practices from local innovations. Regional organizations could explore grants or awards to encourage service providers to innovate in the gathering and analysis of data for program design and outcomes for children and families.

To demonstrate sustainable opportunities for improved monitoring and evidence generation, the 112 FNCFS agencies could be convened in anticipation of the establishment of the Centre for Measurement in CFS. The gathering would provide a platform for these agencies, in partnership with First Nations regional representatives, to assess their willingness to

share their data for analysis and identify the questions they and the communities they serve would like answered. It is imperative to recognize that First Nations are the sovereign custodians of their data. The agencies and the forthcoming Centre for Measurement are envisioned to serve as trusted stewards, facilitating the use of the FNCFS administrative data in a manner that respects ownership and governance principles established by First Nations. Participation from all FNCFS agencies is ideal but not compulsory, the involvement of those prepared to share will be instrumental in helping to define a sustainable path forward for improving data and evidence on the well-being of First Nations children in care.

In addition, established regional organizations should be convened to define an approach to their devolved network for sharing best practices and research dissemination. For provinces/regions without an established support organization, e.g., Alberta, some Atlantic provinces, a rotating chair may be established, they may wish to join an existing organization, or establish their own.



The mandate of the Secretariat should include a requirement for evaluation in its fifth year by a third-party organization. This assessment will be structured to function autonomously, separate from the general FNCFS Program review. The framework for the evaluation could be included in the Secretariat's mandate.

The dual mandate would be funded through an endowment. It is recommended that the endowment structure and value be allocated independent from ongoing negotiations on First Nations child and family services.

The endowment structure is intended to promote independence and resource sufficiency for the mandates of the Secretariat. Resources from the endowment would be allocated on a differentiated basis to the data and evidence generation function, and the best practices and operational support function. Sufficient and independent resources would contribute to local innovation in service provision.

The endowment would be held by a national organization that has First Nations-led governance, research, and data analysis expertise consistent with OCAP ® Principles. The board governing the endowment would work with Executive Director of the Centre for Measurement in CFS, as well as that of the Caring Society or a similar organization to allocate resources to the regions and the Centre for Measurement in CFS.

Local capacity remains crucial. Data gathered from providers and analyzed by the Secretariat will remain at least one year behind. Field-leading work will be undertaken locally and ideally, supported, and informed by evidence.

Recommendations

1. Recognize and leverage the opportunity for two tracks of data gathering and analysis:
    a. First Nations-specific data gathering and analysis, supported by FNIGC and its existing regional structures until such a time as the future data capacities to be built at the regional and national levels as part of the First Nations Data Governance Strategy come on line;
    b. FNCFS-specific data gathering and analysis, that leverages data from existing service providers.
2. Establish a First Nations-led Secretariat with a focus on FNCFS for existing service providers.
    a. The Secretariat will be mandated to report back to First Nations, and FNCFS agencies.
3. Define two separate but related functions and mandates of the Secretariat:
    a. Data gathering and analysis;
    b. Best practices and operational support.
4. Fund the Secretariat through an endowment.
    a. The endowment will be held by a First Nations organization, such as FNIGC or a similar organization.
    b. Emphasize innovation through the endowment through local practice of service providers.
    c. Ensure the Secretariat and its functions are separate from politics. Separate the funding of the Secretariat and its functions in the negotiations for a final settlement agreement.
5. Link the data gathering and analysis function to an existing First Nations-led independent organization, such as FNIGC or a similar organization, with established governance and practices aligned to OCAP ® Principles.

6. The best practices and research dissemination role should be undertaken by existing regional organizations with expertise in child and family services (separate from the data gathering and analysis function). Their activities should be supported by the coordinating work of a national organization, such as the Caring Society or a similar organization.
7. Immediately resource a data gathering and analysis exercise for existing willing FNCFS agencies to demonstrate the possibilities of working with available data and established practices for analysis.
8. Call on the provinces and territories to produce the data on First Nations children in care in their possession.

PROGRAM EVALUATION

The Government of Canada has a well-articulated legislative and policy framework for the evaluation of programs. More specifically, in the case of the FNCFS Program the *Financial Administration Act* requires an evaluation at least every five years. Further, the Treasury Board's policy and directives on evaluation prescribe "good practices" for evaluation. The Government of Canada will lead an evaluation of the FNCFS Program within the next three years. The results from this evaluation will inform future funding and programming decisions.

The mandatory evaluation presents an opportunity for FNCFS delivery organizations. Most notably, the absence of a clear federal evaluation framework provides First Nations and their delegated service providers the chance to present their own that could be adopted by the Government.

Drawing from the federal government's policy framework, this could include the up-front identification of *how* and *what* will be evaluated.

Why is program evaluation necessary?

The Government of Canada funds the FNCFS Program through ISC. Recipients include FNCFS agencies, First Nations, Tribal Councils, provinces, etc. Program evaluation is a legal obligation of the federal government (in order to report to Canadians on results), and is consistent with sound program management practices.

The legal requirement for program evaluation comes from the *Financial Administration Act* which provides that:

> Subject to and except as otherwise provided in any directives issued by the Treasury Board, every department shall conduct a review every five years of the relevance and effectiveness of each ongoing program for which it is responsible.[13]

ISC must lead an evaluation at least every five years. More importantly, by policy and convention the results of this evaluation are reported publicly. This ensures that parliamentarians and the public can use the information to hold the federal government accountable for issues of funding and results.

13 Canada, *Financial Administration Act* (1985), s. 42.1. , https://laws-lois.justice.gc.ca/eng/acts/F-11/section-42.html.

Sound program management requires measuring the effectiveness of spending in achieving results. To that end, the Government of Canada has implemented an evaluation policy framework to ensure *value* for *money* in service delivery. In principle, this involves an obligation on the part of ISC to monitor outcomes to identify opportunities to improve program delivery and the overall efficacy of the FNCFS Program.

How do you know programs are achieving results?

The Government of Canada's evaluation policy recommends departments and agencies articulate a "theory of change" (ToC). The ToC outlines how the government's proposed money and funded activities will result in the desired goals. The goals typically fall within two categories: outputs and/or outcomes.

- *Outputs* are the programs and services a provider would deliver. This would include specific types and numbers of interventions for FNCFS and generally corresponds with the government's old funding model. It is focused on what is being done.
- *Outcomes* focus on the overall results of programs and services for children, families, and communities. It is generally agnostic to the modalities of service delivery. It focusses on what is being achieved.

ISC's current practice is to control the program through management of outputs — the allowable/fundable activities. A focus on measuring outcomes is consistent with a block approach in which First Nations and their delegated service providers take on care in control and delivery.

Considerations for a path forward

There are two key considerations for a path forward in measurement and accountability. First, consensus needs to be solidified among all stakeholders regarding the overarching intent of the FNCFS Program: to end discrimination and ensure it does not reoccur. Second, the core elements of a reformed program need to be instituted for all service providers, specifically:

- Recognize the structural drivers (root causes) of contact with protective services.
- Reduce contact of children with protective services.
- Integrate protection with secondary and tertiary prevention.

POTENTIAL PERFORMANCE INDICATORS

As a starting point, First Nations and their delegated service providers may wish to consider identifying potential indicators that provide all stakeholders with the requisite information to monitor well-being in First Nations communities. If possible, such indicators would also allow ISC to fulfil its responsibility to demonstrate the value for money in FNFCS programming as well as provide ongoing opportunities to improve program efficiency and effectiveness.

Data is sovereignty and can be an effective tool for First Nations and their service providers. First Nations care and control in collecting, analyzing, and using data should be a core tenet of any FNCFS reform.

First Nations and their FNCFS service providers will take a variety of paths on FNCFS data capture and analysis. To improve outcomes for children, families, and communities, we must first ask and track how they are doing.

IFSD's collaborators on the Phase 3 project defined a combination of case-level and community-level indicators for use by service providers for measurement to monitor change in FNCFS. Following the November 2022 meeting in Ottawa, a sub-working group of collaborators made additional contributions by defining the indicators and their potential measures. The indicators reflect a combination of case-level and community-level information relevant to the delivery of FNCFS with consideration of well-being. The collection of indicators, their definitions, and measurement considerations are included in Appendix J2.

Using their own data systems as models, the collaborators prepared a gap analysis relative to the indicators. Their gap analysis indicated that case level information, especially, as it related to protection services was available among FNCFS agencies. Other data, such as knowledge of Indigenous languages, spiritual, and cultural indicators could be retrieved from case notes (but not readily available through data systems).

Some of the community-level indicators, e.g., those related to education completion rates are accessible through the Census (the limitations of the data are recognized). The balance of the community-level indicators, e.g., substance misuse, and perceived access to services were not available through publicly accessible sources.

The takeaway from the gap analysis was the recognition that current data gathering was focused on the reporting requirements of funders (federal and provincial in FNCFS). Some collaborators engaged in program-specific data gathering about secondary and prevention programming, but they were the exception. Most of the gathered data aligned to practice standards and requirements.

The results of the gap assessment indicated that data was being gathered in different systems and in different ways across the country. While the commonly available information was related to protection services, it was gathered in different systems. Thus, to test even a subset of the indicators with the collaborator group, an alternative approach to organizing information was necessary in order to build a common base for analysis.

Organizing the data needed to monitor change in CFS means tracking what is happening with children and families in need of support, tracking the services received, and incorporating the community context, in the data model.

One approach to organizing the data is to consider the "events" associated to a child (or the person/family with whom interventions are being made). In this approach, information about the person receiving supports is captured by coding the events based on a date and related activity descriptors (Appendix J3). The approach is premised on understanding a trajectory from a starting point, with a series of events to assess change.

The event-based approach comes from Multistate Foster Care Data Archive, an information database on child welfare managed by Chapin Hall Center for Children, at the University of Chicago. Several state child welfare agencies compile administrative data for analysis by Chapin Hall. As in Canada, state jurisdictions gather different types of data and it is not always comparable. To manage differences, Chapin Hall's approach uses the basic, most commonly understood data terms for comparability across time and with other jurisdictions. Administrative data captures information about the population served. Analyzing this information can be helpful to understand trends and changes for children in the child welfare system. The more data that is included, the more complete the analytic portrait, and the monitoring of changes.

The event-based approach makes four assumptions:

1. There is a record of the person/persons receiving supports.
2. Events related to the person/persons are relevant and are tracked in chronological order.
3. The First Nation or FNCFS agency would define the events to be tracked, e.g., an assessment, a service received, a change in living arrangement. An assessment might capture facets of cultural identity, language, etc. Events also refer to the steps taken to protect a child.
4. Data is captured and organized for analysis. There is no pre-judgement of outcomes.

In October 2023, IFSD convened Phase 3 collaborators in Ottawa to review a data organization strategy for the *Measuring to Thrive* pilot (Appendix J4). The workshop was attended by all 20 collaborators for Phase 3 (a mix of First Nations exercising jurisdiction and FNCFS agencies), with 43 participants contributing to the discussion. Collaborators were invited to code up to 100 case files from two fiscal years using the event-based approach. Collaborators with their own coded data sets applied the analytic script to their own information. For those without data, a dummy data set was provided for analysis.

To assess the impact of interventions for children, data is required. Gathering and organizing data into a useable format that captures different interventions is a crucial first step. By coding events and corresponding date as well as related activity descriptors for the child or family in need of services, the trajectory of the service recipient from a starting point can be tracked through to exiting care of the agency. Tracking a range of events, e.g., prevention, protection, and recording information relating to children and families in need of support is about gathering data and organizing it.

The exercise was engaging and challenging. It demonstrated the importance of a common approach to organizing data for analysis and the power of good information to answer a relevant set of questions about outcomes of children. To promote access, the full exercise was done in Excel. The event-based approach is an option for a forward strategy in national data gathering.

Building a culture of measurement can be challenging. It represents extra work, it may pose IT challenges, there may be concerns about blame in the process or for outcomes. This, however, does not mean it cannot be done. The United States and Australia both have national reporting approaches to child welfare. Canada should take this as an opportunity to lead with First Nations and their delegated service providers on a relevant and well-being focused approach to measurement and monitoring in child welfare.

In an assessment of what comes after the shock of uncovering unmarked graves and the clarity of CHRT's orders on discrimination in FNCFS, Dr. Fred Wulczyn, a global expert in child welfare measurement and analysis, notes:

> In its relationship with First Nations people, Canada finds itself at a critical moment in time. One path forward is built around a commitment to empowering communities so that they know the state of their child. What of the other path? It is the path with which we are already familiar.[14]
>
> Even if the choice is clear, the way forward requires due diligence. Again, history offers guidance. There are two parts to the answer. First, is what we might call the data capture phase. [Orville] Brim [1975] said it best — to know the state of the child one needs measures repetitively applied over time. The second phase involves interpretation — using the data so that everyone with an interest in the state of the child knows the state of the child.

Gathering and analyzing data is imperative for First Nations and FNCFS agencies to ensure the structure and funding of the FNCFS Program are delivering desired results for children and families. Ensuring discrimination does not reoccur requires an understanding of the starting point and changes from that starting point.

For those existing FNCFS agencies with case-level information, a starting point for national data gathering and analysis could be the five indicators in Table 12. Service providers would have to extract the data from their case files to populate the indicators. **(Note that this streamlined approach has not been tested with collaborators nor has it been proposed to them. Service providers may not wish to provide this information in aggregate to ISC)**.

14 Fred Wulczyn, "Why Measuring Matters. The Callousness of not Asking how Children are Doing," prepared for the *Institute of Fiscal Studies and Democracy*, May 30, 2023, https://ifsd.ca/en/blog/last-page-blog/Why-measuring-matters.

TABLE 12

REPORTING ELEMENT	DATA REQUIRED	WHAT QUESTION DO WE ANSWER?
Count of all entries of children into care (i.e., out of home placement or removal of parents)	Date of entry into care to generate counts of all entries: Number of first-ever entries into care, by fiscal year Number of non-first entries into care, by fiscal year	How many children are entering care for the first time ever or on a re-entry into care?
Rate of placement in care per thousand children	Number of placements into care standardized by total population of children	How often do children enter care after controlling for the size of the population?
Probability of family reunification	Reason for exit, e.g., age-out, adoption, reunification, etc. Date of exit	What is the likelihood of a child being returned to parent(s)/ guardians?
Length of stay in care	Date of entry Date of exit 6-month interval (or other time interval) to determine conditional probability of leaving care	What is the likelihood of discharge within a period of time?
Probability of re-entry	Count of children re-entering care with reason for exit, i.e., all reasons other than age-out of care	What is the likelihood of re-entering care after being discharged?

There are outstanding questions on measurement and accountability for the reform of the FNCFS Program that should be answered for a final settlement:

1. What are the proposed indicators for a *reformed* FNCFS Program?
2. Will all recipients of FNCFS Program funding be expected to provide data on the indicators?
3. Will there be differentiated indicators for recipients, based on activities?
4. If recipients are expected to deliver common services to established standards, why would their reporting requirements differ?
5. In practice, ISC does not require provinces/ territories to report on their uses of funding. Should First Nations insist on provinces/ territories reporting operating data to their communities?

Answers to these questions should be obtained to ensure a final settlement is designed with consideration of the best interests of First Nations children. Accountability for program and service delivery must be ensured through clarity in accountability, measurement, and monitoring to ensure discrimination does not reoccur for First Nations children.

The impacts of recent prevention funding increases could be instructive on the realities of time and capacity required for planning and implementation in CFS. How were resources applied to support and improve the well-being of children, families, and communities? This final report provides considerations for broader program reform and transition.

TRANSITION

The intent of FNCFS Program reform is to reduce the contact of children with the protection system through prevention services. This does not mean eliminating protection, but shifting the composition of services over time to emphasize early intervention and support through prevention.

Transitioning to a new system and engaging in reform will take time and effort. As one collaborator explained,

"They think it's going to be easy. It's not."

There are different service providers in FNCFS with different states of readiness (Figure 15). Existing FNCFS agencies have had the longest runway to develop approaches to service delivery, relative to First Nations exercising jurisdiction and First Nations not affiliated to an FNCFS agency. The history of practice, alongside the existing operating base, and staff, mean FNCFS agencies are best placed to manage a change in the FNCFS Program. For First Nations, that change will take more time and will be more complex to manage.

FIGURE 15

COLLABORATOR TYPE	TRANSITION ELEMENT		
	SERVICE DELIVERY	FUNDING	REPORTING
FNCFS Agency			
FNCFS Agency serving a First Nation exercising jurisdiction			
First Nation exercising jurisdiction			
First Nation not affiliated to an FNCFS agency			

LEGEND	
Not ready to transition. May take upwards of 5 years to be transition ready	
Partially ready to begin transition. Critical elements may not be in place	
Widespread inconsistency in starting points	
Ready to begin transition	

Notes:

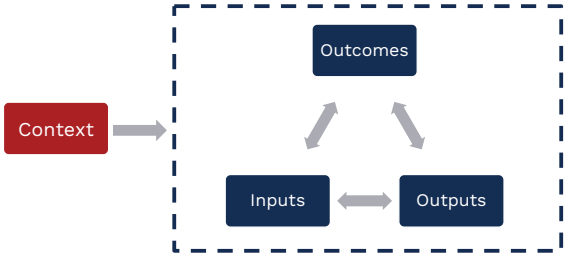
- Service delivery — new or additional service delivery (staff, capital, etc.)
- Funding — change in funding level, terms, etc. (incl. in funding block)
- Reporting — change in requirements for reporting, or who reporting is to, e.g., community, band, etc.

The experiences of First Nations not affiliated to an FNCFS agency offer perspective on the delivery of CFS with limited opportunity to design and deliver services consistently in environments with multiple service providers, i.e., province/territory, First Nation. In an IFSD report published in 2024[15] contributions from several First Nations not affiliated to an FNCFS agency indicated changes to funding amounts were a starting point. The complexity of their existing service environments with protection offered by the province/territory and the requirement to integrate those services with the prevention activities, was a work in progress for many First Nations.

Given the diversity in points of departure and variability in consistency in service delivery, contributing First Nations were clear that any attempts at reform were a starting point not a solution. They require consistency in resources and clarity on mandates to effectively plan, design, and deliver the services their communities want and need. This is not a quick exercise. Service delivery requires community consultation and participation, people with the right skills and training to deliver services, approaches and practices to align activities and services to needs. Service delivery should evolve to meet changing needs and evolution requires a starting point.

Based on collaborator feedback, existing service providers will be better positioned to implement changes in 2 to 5 years, whereas those without existing services can take 10 to 15 years for operational stability. Service providers are shaped by their contexts and are distinguishable through several characteristics, e.g., remoteness, operational sophistication, size of the population served, etc. These characteristics and contexts can be captured and recognized through funding approaches and addressed through practice and operations. Wherever a provider operates, their general goal, i.e., the well-being of children, families, and communities through prevention and potentially, protection, is consistent. The consistency means that tools for the building blocks of service provision, e.g., funding, accountability mechanisms, operations, for most providers will share similarities, with nuances based on their contexts.

FIGURE 16



Whether you are engaged in prevention and protection, one or the other, or your own new approach to fostering well-being, you will require resources to deliver activities and services to meet your goals in your environment (Figure 16 and Table 13). The building blocks of planning, implementation, and evaluation are common but should be sequenced differently when applied for planning and implementation (Table 14), and evaluation (Table 15).

15 See, Institute of Fiscal Studies and Democracy, *First Nations Not Affiliated to an FNCFS Agency,* IFSD, 2024, https://ifsd.ca/wp-content/uploads/2024/08/2024-07_en_first-nations-not-affiliated-to-an-fncfs-agency-final-report.pdf.

TABLE 13

Context	Socioeconomic, environmental, and political/governance realities.
Inputs	Resources applied to discharge a mandate, e.g., money, people, capital, etc.
Outputs	Activities or products generated by applying inputs, ideally linked to mandate and desired results.
Outcomes	Results of the outputs that may be short-, medium-, or long-term. Monitoring results should force a reconsideration of inputs and outputs with consideration of context to help achieve desired goals.

When considering planning and implementation, the framework can be useful by defining a starting point (context), desired results (outcomes), the actions to achieve the outcomes (outputs), and the resources required to deliver the activities (inputs).

TABLE 14

Context	What's your starting point? What socioeconomic, environment, and political/governance realities will impact your plans?
Outcomes	What are you trying to achieve? What are your goals? For instance, the well-being of children and families in a resilient community.
Outputs	What actions will you take to achieve your goals? For instance, deliver new services.
Inputs	What resources do you need to deliver on the actions? For instance, people, money for salaries, buildings, cars, etc.

To evaluate a service or program, the approach to planning and implementation is reversed. For an evaluation, an accounting of resources (inputs) is tied to activities (outputs) to assess whether goals (outcomes) have been achieved.

TABLE 15

Context	What's your starting point? What are your current socioeconomic, environment, and political/governance realities?
Inputs	What resources are you using? Quantify expenditures, staff organization, etc.
Outputs	What actions, e.g., activities, services, programs, are being delivered? How?
Outcomes	What results are being generated? Do they align to mandate and defined goals?

Turning these components into a plan for execution or transition requires strategy, systems, processes, and people.

This section on transition proceeds by:

1. Presenting a general framework for transition and operational considerations with strategy, systems, people, and processes;

2. Discussing guiding questions and tools for:
    a. Self-assessment to define a starting point;
    b. Estimating required funding; and
    c. Defining and executing a performance framework.
3. Providing summary analysis of operational tools:
    a. Capital considerations;
    b. Common positions and job descriptions (Appendix L); and
    c. Prevention and protection programs (Appendix Q).

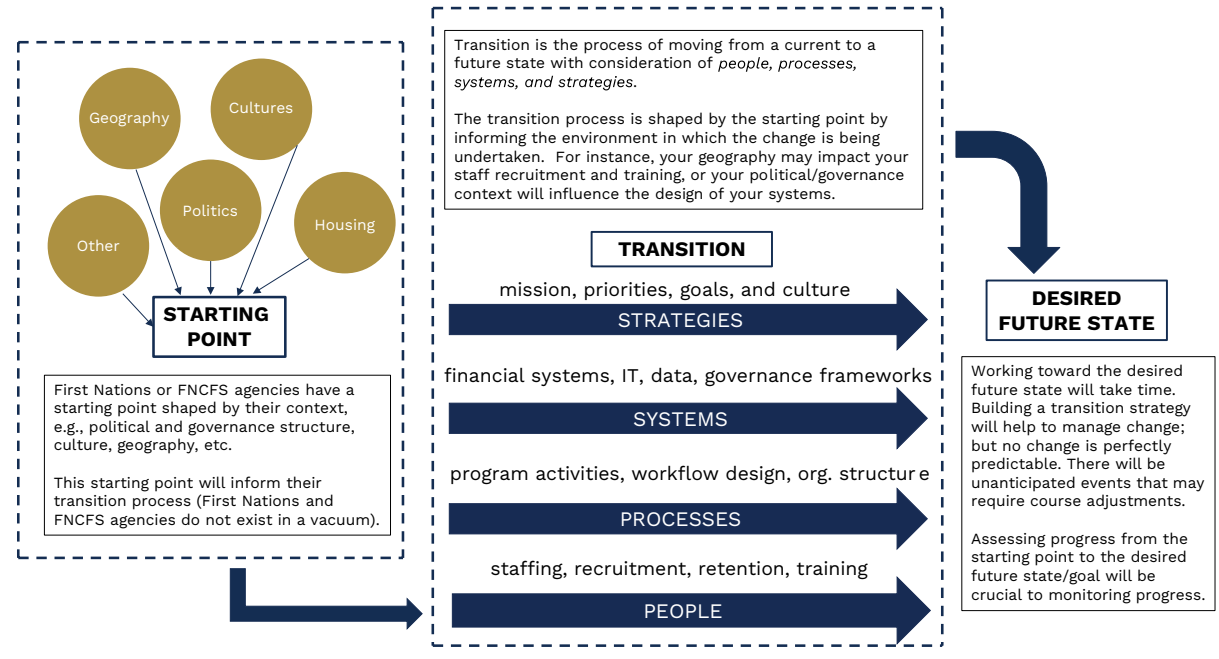
Hear from Neil Perley, Chief Operating Officer, Tobique Child and Family Services Agency Inc. on transition.

https://youtu.be/bJlCduGv6gY

GENERAL TRANSITION FRAMEWORK

In this report, transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process (Figure 17). Transition will look different for every community and agency.

FIGURE 17



The components of this approach are connected (see summary in Table 16). While they are presented separately, they are not mutually exclusive. Consider for instance the development of systems and processes. These are activities that should be led by the senior team responsible for service delivery and informed by strategy. Even though the "people" component of the approach is presented last, it does not imply that hiring may not occur throughout the establishment process. People are needed to oversee and execute decisions on systems and processes. In terms of sequencing, strategy is the sole exception. There must be clarity around purpose and intent before any other elements of the approach are actioned (see Figure 18).

FIGURE 18

COLLABORATOR E

Collaborator E is refining its organizational design in preparation for exercising jurisdiction. It is sequentially establishing strategy, systems, processes, and people to facilitate a smooth transition.

Strategy guides the entire transition process for Collaborator E, making it important to define clear strategic goals. This involved answering the following key questions:

- Where are we as an organization?
- Where do we want to be?
- What is the history of the community?
- What does a healthy community, family, and individual look like?

Collaborator E is actively evaluating and upgrading systems to meet the needs of its future state. Collecting and gathering their own information, such as through a community census, is an integral component of this process. The community context, the alignment of programs to needs, and measurement of outcomes informs funding and capital requests.

Clear strategic goals guide the development of processes to ensure alignment. Establishing feedback loops enables Collaborator E to continuously re-evaluate its programs, ensuring they meet community needs and signaling when adjustments are necessary.

After designing the strategy, upgrading systems, and establishing processes, Collaborator E has a strong foundation to recruit and retain staff. Guided by its strategic plan and vision, Collaborator E can anticipate future staffing needs and begin the recruitment process concurrently with the other elements. Collaborator E recognizes that over this 10–15-year journey, they will need to be responsive to shifting realities and make adjustments along the way.

TABLE 16

	CONSIDERATIONS, MILESTONES, AND CHALLENGES
Strategy	Defining the mission, priorities, and goals, shaped by culture is an essential first step in service delivery design. In CFS, whether a First Nation's law or provincial/territorial law is being followed will influence strategy. *Guiding questions:* • What does a healthy community, family, and individual look like? • What is our starting point, e.g., environment, history, culture? • What are we doing now to support them? • What can we do to better support them? • What is our vision for children and families in our community? • How will we express our vision? • What goals are associated to our vision? *Who should lead?* Defining a strategy should be led by those in the First Nation or FNCFS agency accountable for or overseeing the establishment of service delivery. Collaboration with the community, i.e., Elders, youth, adults, existing services, etc., and its leadership will be essential and should be ongoing. Some First Nations and FNCFS agencies have hired external services to support them in this work. *Illustrative timeline:* 12 months to 3 years, depending on the consistency of activities, community capacity for participation, reporting, and review of proposals. Consistent and devoted leadership is helpful for supporting engagement and continuity.
Systems	Identifying (or building) the financial and information technology practices and services, and governance frameworks should connect to the defined strategy. The systems will help to ensure the foundations for service delivery are in place. *Guiding questions:* • Where will your services be located, e.g., within the First Nation, in an independent not-for-profit FNCFS agency, etc.? • Are there existing systems that can be leveraged? If yes, what are the associated costs? If no, will these systems be outsourced/rented or established? • What are the basic functions you require from your: ◇ Finance system, e.g., pay staff, ensure accounting controls are in place, etc. ◇ IT system, e.g., staff tools, security for data privacy, website, etc. • Do you have an approach for tracking service delivery? Consider: ◇ Case management (protection and/or prevention) ◇ Performance, i.e., what you will monitor to report to your First Nation(s) on the well-being of children, families, and communities (or the defined mission and goals)? ◇ What type of information is required? What sources of information can you access, e.g., from the First Nation(s), Census, etc.? What sources of information will you develop, e.g., individual/family assessments? *Who should lead?* The director or person accountable for establishing services in the First Nation or FNCFS agency should oversee the definition of systems. They should be supported by an informed team who can support them in assessing and selecting appropriate systems to launch service delivery. Depending on the size and location of the service delivery, considering the outsourcing of certain functions, e.g., IT, pay system, etc., may be more cost effective than managing them internally.

	Illustrative timeline: 12 to 18 months for initial setup. This process is iterative. As processes are established, a change in systems may be required.
Processes	As the approach to service delivery is defined, the strategy, i.e., mission and goals should be aligned, and systems should be considered at relevant points of interface, e.g., linking case management to staffing functions. Processes will evolve with service delivery changes. *Guiding questions:* • What do you know about the population to be served? Consider: ◇ Size ◇ Declared areas of need ◇ Input on the strategic direction of service delivery ◇ Context, e.g., environment, existing services, etc. • What activities and services will help to fulfill mandate and goals? • Are CFS activities and services being delivered? Are activities and services supporting or adjacent to CFS being delivered? If yes, how are they being considered in planning? • What organizational structure will be implemented? Consider: ◇ Accountability, e.g., legal, technical, governance ◇ Activity and service requirements ◇ Alignment to mandate and goals to support accountability to First Nation(s) • How will you know what activities and services are working? Consider: ◇ Data gathering and analysis on relevant indicators ◇ Engagement with First Nation(s) and their leadership ◇ What practices will ensure adjustment to service delivery based on results? *Who should lead?* Leadership and middle management, i.e., program managers, supervisors, etc. should define and design the activities and services they will provide. *Illustrative timeline:* 6 months-12 months for initial development. Processes should be iterative and adjusted as activities and services are consistent.
People	Trained and qualified staff are required to implement strategy, leverage systems, and operationalize processes (see Appendix L for a list of positions and descriptions associated to CFS). *Guiding Questions:* • What people do you need to deliver your programs/services? • Are you hiring people from your community? • What training do you need to provide? • How will you recruit and retain staff? • What salaries and benefits can you offer? *Who should lead?* Different staff will be required at various periods of the development process. For instance, senior staff that will manage activities and services should be hired early in the process. They will then be accountable for defining positions and hiring staff for service delivery. *Illustrative timeline:* Timelines for hiring qualified personnel will vary. Existing service providers regularly highlight staff shortages. Access to pools of relevantly trained candidates will be an important consideration for planning. If new staff are to be trained, depending on the required qualifications and education, it may take months to several years. It is prudent to consider hiring across several years as service delivery is designed and developed.

FIGURE 19

Challenges of Implementation and Major Policy Change: Indigenous Affairs in Australia

Mark Moran, Geoff Richardson, Michael Woolcock

An excerpt of this analysis is presented in this report. Read the full analysis.[16]

[...] The paper has three principal themes: challenges and opportunities with implementation; the resistance of existing policies to substantive reform; and the capacity and leadership on the ground to create and sustain change. The intended audience in Canada is First Nations and First Nations leadership, First Nation Child and Family Service Agencies, policymakers, politicians, and advocacy organisations.

[...]

Many of the problems faced in Aboriginal and Torres Strait Islander are known in social science as 'wicked' problems due to their resistance to resolution. Because of their complex interdependencies, efforts to solve one aspect of the problems often only reveal others. Intractable social problems — such as family and gender violence, alcohol and other drug abuse, youth suicide, child neglect, parolee reoffending, and foetal alcohol spectrum disorder — do not respond to simplistic programmatic solutions. With complex problems, implementation pathways cannot be predicted. Fixating on contracting New Public Management style 'end-of-investment' outcomes puts the "cart before the horse" and perversely abrogates government of its responsibility to achieve those outcomes. Aboriginal and Torres Strait Islander people, while acknowledging that their challenges may be complex, contend that it's the so-called solutions that are the 'wicked' part.

As demonstrated through the case studies, successful initiatives in Australia tend to have four things in common:

1. a strong alignment with Aboriginal and Torres Strait Islander culture, with community-controlled organisations who specialise in delivering culturally safe and specific services to their constituents.
2. recognised representational authority with clear jurisdictional boundaries or a well-defined service delivery catchment area, especially if this authority is legislated.
3. ability to adapt and innovate in finding solutions to complex problems.
4. stability in leadership, key personal and funding.

[...]

Read the full analysis.

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16 Mark Moran, Geoff Richardson, Michael Woolcock, "Challenges of Implementation and Major Policy Change: Indigenous Affairs in Australia," *Institute of Fiscal Studies and Democracy*, May 2023, https://ifsd.ca/2023/05/challenges-of-implementation-and-major-policy-change-indigenous-affairs-in-australia/.

Every First Nation and FNCFS agency will have distinct starting points and contexts that will shape their approach to designing and delivering CFS. The strategy, systems, processes, and people approach is an illustrative framework for consideration. There is no supplement for context-specific planning and decision-making. Consider lessons from Australia on the challenges of implementation and major policy change among Indigenous peoples (Figure 19).

FIGURE 20

MINO — OBIGIWASIN SERVICES ENFANCE FAMILLE

Mino — Obigiwasin Services Enfance Famille (Mino) is an agency that is changing and adapting as it prepares to assume control of child and family services, in accordance with forthcoming legislation. Although Mino expects this legislation to be finalized by 2025, the transition toward self-governance will be a gradual one to ensure continuous and uninterrupted service delivery to children and families. To achieve this, the agency is following a plan that engages First Nations served by Mino, its staff, and its Board of Directors. Integrated processes, strategies, and systems will be used to manage the hurdles and successes arising from the new models of service delivery. The step-by-step approach used by Mino in the transition process is a considerable asset.

FIGURE 21

NIL TU, O CHILD AND FAMILY SERVICES SOCIETY

NIL TU, O Child and Family Services Society (NIL TU, O) serves seven First Nations in British Columbia (BC). These Nations confront conditions of poverty, housing shortages, inadequate housing, etc. Despite these First Nations being considered urban, transportation access remains a challenge, which affects the recruitment and retention of employees.

NIL TU, O responds to these challenges by offering services that meet the needs of the First Nations it serves. For instance, it is in the process of developing an office on wheels to provide clients with a safe and private meeting option to "[meet] them where they are." Additionally, NIL TU, O strategically partners with other organizations to meet the needs of community members. For example, it is collaborating with Threshold Housing Society in Victoria, BC, to provide supportive housing for youth ageing out of care.

NIL TU, O has already made significant efforts to engage with communities for future planning. Progress is slow, but NIL TU, O uses community input to better align its service offerings with the needs of the communities it serves. Continuing these efforts can help NIL TU, O prepare for ongoing transitions and develop strategic plans to respond to evolving community needs and dynamics.

UNDERSTANDING DIFFERENT POINTS OF DEPARTURE

Phase 3 collaborators offered insight on developing service provider typologies. These typologies are intended to support other First Nations and FNCFS agencies in identifying their characteristics in the Phase 3 contributions (Figure 22).

FIGURE 22

Guiding principles for service providers, regardless of typology:

1. **Communication:** Engage effectively with First Nations, stakeholders, service providers, etc.
2. **Research to inform policies and define best practices:** Develop policies informed by local, regional, national, and global best practices, e.g., Australia and New Zealand.
3. **Build trust:** Foster trust with community by ensuring consistency, transparency, and regular reporting.
4. **Supportive relationships:** Walk alongside those you're serving, offering support throughout all phases of the journey, whether that's the journey through healing or jurisdiction.
5. **Change is a process:** Whether building a new service model with community or exercising jurisdiction, promote a gradual increase in decision-making, recognizing these processes are not binary.

Collaborators identified two general approaches to service delivery:

1. Those exercising jurisdiction or implementing a First Nations law;
2. Those delivering services under the provincial/territorial CFS law.

In each approach, there are considerations across two continuums: whether the provider is **operational** or **in development**, and whether the provider is **walking alongside** (prevention services) or has **deemed intervention** (protection and prevention) in their mandate. Whatever the service delivery model, points of departure shaped by the First Nations served are unique.

Recognizing the unique contexts, collaborators shared their experiences to define considerations along the two continuums (see Appendix M for a summary of the collaborators' approach).

Working from the foundations defined by collaborators, IFSD depicts most cases of CFS delivery through the defining legal framework (First Nation law or provincial/territorial law) and broad activity areas associated to mandates (prevention, prevention and protection, other). From the legal framework and mandate, whether the provider's services are operational or in-development is considered (Figure 23).

FIGURE 23

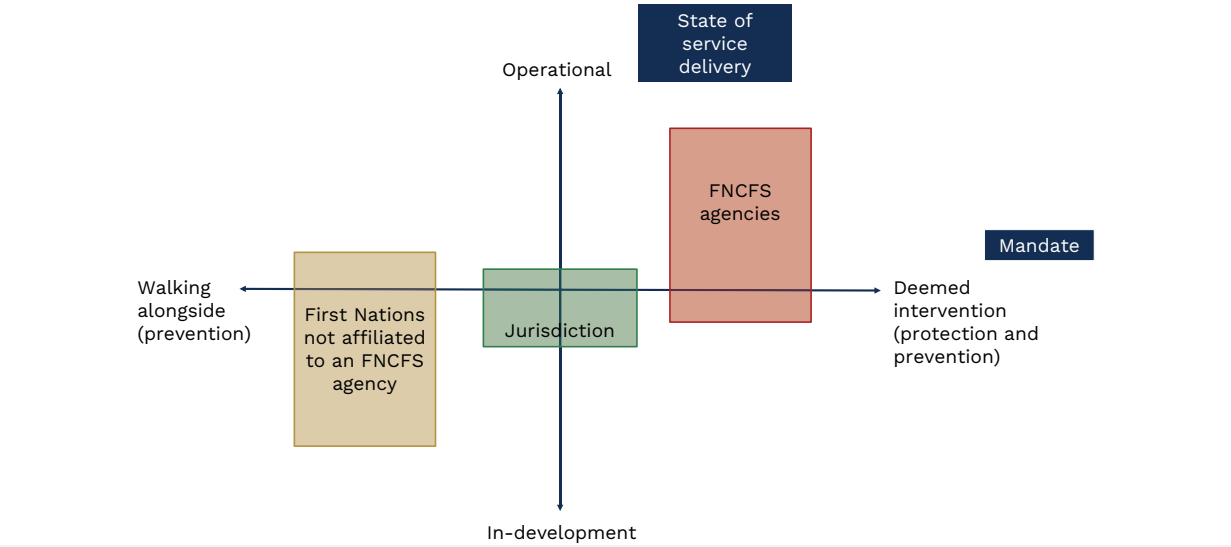


FIGURE 24

AWASIS AGENCY OF NORTHERN MANITOBA

Awasis Agency of Northern Manitoba (Awasis) is preparing to operate under multiple legal frameworks simultaneously. This presents challenges for managing its strategy, systems, processes, and people.

Of the 11 First Nations Awasis serves, some plan to sign a collective law, while others are in the process of drafting their own. Awasis will have to ensure its strategy, systems, processes, and people are aligned not only with two different First Nations laws, but also the provincial law.

While Awasis aims to operate under one mandate, this will depend on the outcomes of the First Nation laws. During this transition period, Awasis's strategy, systems processes, and personnel will undergo changes to ensure alignment to multiple legal frameworks.

Systems will upgrade to meet various requirements for reporting, adjudication methods, case management, etc. Additionally, processes such as policies, services, and workflows will have to be modified and clearly defined to align with three different laws. Operating under three laws will likely create additional demands on employees, making it essential to establ ish clear procedures and provide consistent communication and training to uphold these laws.

Awasis is preparing for this transition by implementing activities and services that reflect First Nations approaches. This includes clearly communicating their vision to the First Nations they serve and expanding community-based prevention services.

For most existing FNCFS agencies, they are operational and are mandated for protection and prevention. For most First Nations not affiliated to an FNCFS agency, they are developing their prevention services. In the case of jurisdiction, their starting points are varied. For instance, a First Nation that brings an operating agency under their own law may transition (or continue) service delivery with greater ease than a First Nation building their service delivery approach from scratch.

Collaborators provided their input on defining states of service delivery and expressions of mandate (Table 17). Their contributions may help other service providers identify their current state.

FIGURE 25

COLLABORATOR F

Collaborator F is on a journey to redevelop its organization plan and structure to improve its existing organizational design. It is reforming the structure internally by defining strategy, upgrading systems, establishing processes, and developing an organizational structure for employees. Collaborator F recognizes that for smooth operation, these elements require an overhaul.

Key to this internal reform is maintaining constant communication from upper management to all employees. As Collaborator F defines its strategic goals and vision, effective communication is critical for ensuring cohesive operation from the top-down. Concurrently, Collaborator F is upgrading its systems such as financial and data management to ensure alignment with the newly defined policies and procedures of the organization.

The agency is reintroducing and adapting a previously successful service delivery model while continuing its current operations. Changes in policies, procedures, and service delivery must be communicated to employees to ensure they are implemented in practice.

Collaborator F is establishing a new organizational structure by redefining employee roles and responsibilities to improve stability within the organization. It is evaluating how to best align existing employees with its reformed strategic goals, systems, and processes. This involves transitioning employees into roles that better match their skill set, creating teams with clear responsibilities and reporting structures, and updating human resource policies.

Collaborator F is reforming its internal structure while continuing to maintain operations and service delivery. A critical component of this journey is ensuring clear and constant top-down communication about changes to maintain organizational stability and effectively implement changes to strategy, systems, processes, and personnel.

TABLE 17

TERM	ACTIVITIES/CHARACTERISTICS
In Development	A service provider in development may be: • Developing community profiles and engaging with community to understand needs • Identifying practice and policy frameworks • Identifying community values and standards • Gathering available data on CFS and community needs • Confirming community context and needs • Designing a service delivery model • Holding meetings to develop service needs, expectations, and guidelines • Fostering collaborations with other services in the community • Seeking external support on unfamiliar topics, e.g., legal, financial, etc. • Identifying capital and expenditure requirements to operationalize their model • Creating a culturally relevant service delivery plan and policy framework.
In Operation	A fully operational service provider may have: • Policies that continue to evolve • Enacted their own law • Prevention protocols • Developed and operational programs • Hired and trained staff • Alternative dispute resolution/mediation practices • Cultural protocols • Nation-based decision-making processes • Standardized practices • Enforcement and appeals processes • Elder and youth committees • Community consultations • Regular meetings with staff and supporting experts, e.g., lawyers, accountants, etc.
Walking Alongside/ Prevention	When walking alongside or providing primary prevention, activities are: • Voluntary • Proactive • Available upon request by families • Least intrusive • Inclusive • Replacing provincial/territorial policies • Supported by comprehensive infrastructure • Focused on building relationships and trust • Redesigning protection services • Based on comprehensive needs assessments • Culturally relevant • Maintaining family connections • Recognizing First Nations law and autonomy
Deemed Intervention/ Protection-Prevention	When engaging in a deemed intervention or protection/prevention activities are: • A last resort • Intrusive • For higher-risk situations • Involving out-of-home care or supports in-home with the possible removal of parents • Applied after surpassing a threshold of deemed risk or need for treatment.

COLLABORATOR LESSONS ON TRANSITION

The 20 collaborators that contributed to Phase 3 were existing FNCFS agencies, First Nations contemplating/exercising jurisdiction, and agencies preparing to exercise jurisdiction for their associated First Nation. The service providers represented various:

- Approaches to service delivery
- Sizes of populations served
- Geographies (including with and without year-round road access)
- Practice histories, i.e., ten years plus
- Size of service provision teams/ organizations
- Provinces

Table 18 summarizes some of these characteristics, with the others omitted to respect the anonymity requests of various collaborators.

Many collaborators generously consented to publishing their working documents to ensure others could learn from their approaches and experiences. See Appendix N for collaborator materials including, sample allocations (using IFSD's funding approach and requested adjustments), transition cases, and capital estimates.

The collaborator group was reflective of the general population of service providers. They operate in different contexts, confront structural drivers of contact with protective services, and work to enhance the well-being of children, families, and communities. While no two service providers are identical, several share common characteristics and may have practices to emulate or lessons learned to share. Collaborator contributions informed findings and offer examples for other service providers in CFS.

The collaborators shared their work in anticipating transition. With 20 different profiles on transition, one from each collaborator, operational and service delivery considerations were raised. Their learnings suggest the importance of time to plan, to work with community, and to recognize that transition (especially, in the case of jurisdiction), is an ongoing exercise (Table 19). There is no end point, only evolution as service providers respond to changes in program parameters, funding, and community needs.

TABLE 18

TYPE	COLLABORATOR NAME	CHARACTERISTICS					
		POPULATION SERVED > 5,000 (ON-RESERVE, IRS 2022)	NUMBER OF FIRST NATIONS SERVED	ROAD ACCESS	OPERATIONAL FOR MORE THAN 10 YEARS	DELIVERING PREVENTION SERVICES**	DELIVERING PROTECTION SERVICES
Jurisdiction with agency in-house	Collaborator E		1	X	X	X	X
	Piikani Child and Family Services		1	X	X	X	X
	Carrier Sekani Family Services		6+		X	X	
	Mino - Obigiwasin Services Enfance Famille		2-5	X		X	X
	Fisher River Cree Nation*		1	X	X	X	X
	Pimicikamak Cree Nation*	X	1	X	X	X	X
	Kinosao Sipi Minisowin Agency	X	1	X	X	X	X
	Collaborator A		6+		X	X	X
First Nation exercising jurisdiction	Collaborator K		1	X	X	X	
	Misipawistik Cree Nation		1	X		X	
	Garden River First Nation		1	X		X	
Delegated FNCFS agency	Awasis Agency of Northern Manitoba	X	6+		X	X	X
	NIL TU, O Child and Family Services Society		6+	X	X	X	
	Collaborator D	X	6+	X	X	X	X
	Nogdawindamin Family and Community Services	X	6+	X	X	X	X
	Collaborator G	X	6+		X	X	X
	Collaborator H	X	1	X	X	X	X
	Secwépemc Child and Family Services Agency		6+	X	X	X	X
	Yellow Thunderbird Lodge	X	6+	X	X	X	X
	Collaborator F		6+	X	X	X	X

* These First Nations are currently served by an FNCFS agency, with their future path still under development. The information in this table reflects the details of their respective agencies.

** Any instance of prevention activity, i.e., primary, secondary, and/or tertiary is captured in this table. Prevention activities are not distinguished by type or complexity. All forms of prevention services are treated equally.

TABLE 19

CHALLENGE/ LESSON	DISCUSSION
Long time horizon	Collaborators are, in general, at the early stages of transition. Many are just beginning to plan out their future vision, or capture their community's baseline context and needs. Some collaborators spoke about transition requiring a complete cultural shift, and undoing 400 years of colonization. This will likely require at least 15 years, and the process will be iterative.
Law development, adjudication, and alignment	Many communities are working on, or have completed, their own CFS law. While this can be an important step along the path of transition, it is not an end goal. Collaborators highlighted challenges that will follow: 1. How will the law be adjudicated? 2. How will service delivery align with the new law? 3. Will existing CFS staff want to work under a new legal framework, or for a new employer?
Liability	There is uncertainty over the liability and insurance impacts of operating under a new legal framework. Collaborators expressed concern that they would not be able to obtain insurance from current providers. Some collaborators expressed that Canada may have to develop an insurance specifically for the reformed FNCFS Program.
Recruitment, retention, and "under-hiring"	Recruitment and retention are industry-wide issues. Frontline workers have particularly high turnover. In many communities, this challenge is exacerbated by remoteness, a lack of suitable housing, and other community issues. Some collaborators have sought to fill gaps by hiring less-qualified candidates, i.e., hiring a high-school graduate instead of a university graduate.
Community context challenges	Many communities are facing significant issues outside of CFS, e.g., poverty, addiction, inadequate housing, etc. This creates more demand for CFS and places greater strain on existing staff and communities.
Communication	Open and adequate communication is critical. This applies internally, e.g., between management and frontline staff, and externally e.g., between an agency and a First Nation. Collaborators with strong communication consistently highlighted positive outcomes, e.g., greater political support, stronger organizational partnerships, etc. Conversely, collaborators with less communication reported frequent challenges, e.g., staff lacking understanding of corporate policies, inability to plan over the medium- and long-term, etc.
(Re)building institutional trust	High institutional trust allows an agency or First Nation to operate effectively. Many collaborators highlighted that they were starting from a deficit, i.e., community members distrusted CFS staff, and the organization in general. Collaborators discussed communication and delivering prevention services as being critical to trust-building, i.e., CFS is more than just protection.

FIGURE 26

PIMICIKAMAK CREE NATION

Pimicikamak Cree Nation's (Pimicikamak) journey in jurisdiction recognizes the value of having a child and family services organization that is independent from the Band. As such, its law will be implemented by its existing FNCFS agency.

Pimicikamak has a clear vision for child and family services, which includes caring for people from birth to death, and supporting the development of capable individuals. This vision guides its transition process.

Pimicikamak faces housing gaps, including a shortage of housing, inadequate housing, overcrowding, and a lack of access to potable water. Pimicikamak aims to address these gaps through child and family services, which will require funding and planning.

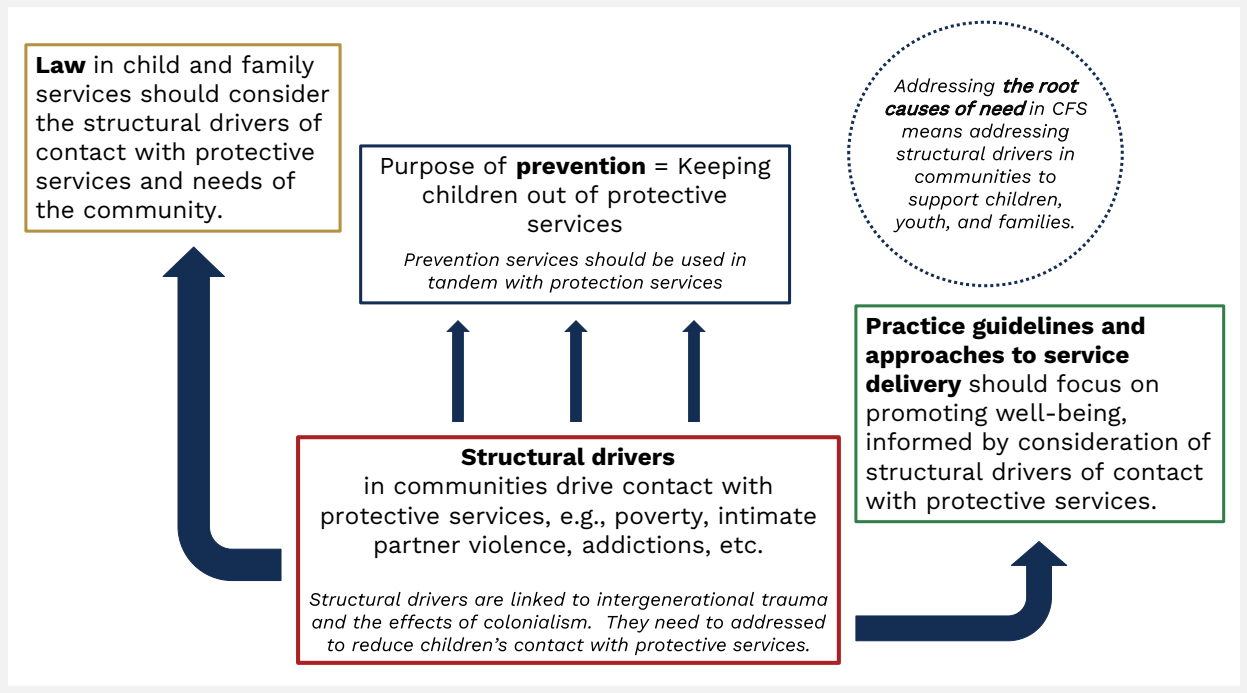
While the agency is in place structurally, the transition will focus—even ahead of the enactment of the law—on realigning its practice to emphasize prevention, in a culturally relevant manner, with the best interests of the child at its core.

Analysis of the collaborators' transition profiles indicates that service providers are falling into a better-funded system by integrating changes as they arise. Instead of deliberately planning to focus practice on the well-being of children and families with community engagement, service providers are reacting to funding changes. This lack of deliberate, purposeful, and informed, reform results from ad hoc funding decisions from ISC.

Lessons from transition analysis for reform

Reform must focus on well-being to mitigate the effects of structural drivers of contact with protective services (Figure 27). To implement reform that ensures discrimination ends and does not reoccur will require changes in the practice of FNCFS (through communities and service providers), funding and structure (at the level of funders/governments), and in measuring and monitoring change in communities for accountability to First Nations.

FIGURE 27



Laws and practice guidelines governing protection and prevention services must consider the structural drivers of contact with protective services. Addressing the root causes of need of children and families is the only sustainable way of promoting reform. This type of change will take decades of sustained efforts.

Children come into contact with protective services most often from structural drivers of need, e.g., poverty, inadequate housing, intimate partner violence, parental mental health challenges, addictions. These structural drivers are linked to intergenerational trauma and the effects of colonialism.

FIGURE 28

KINOSAO SIPI MINISOWIN AGENCY (KSMA)

Kinosao Sipi Minisowin Agency (KSMA) serves Norway House Cree Nation (Norway House), which is pursuing jurisdiction. Norway House families face high rates of poverty, food insecurity, high living costs, inadequate housing, and intergenerational trauma. These are structural drivers of children entering care and affect KSMA and its transition path.

KSMA is continually updating its programs and services to meet the needs of Norway House. For instance, it has established a food cupboard in the community to help address food insecurity. Additionally, KSMA supports families by providing financial assistance, with the most support going towards families with medical needs.

KSMA is anticipating its transition by updating its services to be culturally appropriate. Throughout this process, KSMA should focus on core activities and services to ensure that existing needs for people, processes, and systems are being met.

There are three principal reasons why children come into contact with protective services:

1. Immediate needs (0 to 1 month): Child needs emergency assistance and placement in protective services because of existing threats to their safety e.g., intimate partner violence, caregiver substance misuse, caregiver death, etc.
2. Short-term needs (1 month to 2 years): Child needs protective services because caregiver cannot ensure their well-being, e.g., caregiver in rehabilitation, caregiver incarcerated, caregiver in hospital, etc.
3. Long-term needs (2 years +): Child needs protective services for the foreseeable future, e.g., severe abuse, severe neglect, complex special needs, caregiver has long-term addictions or is incarcerated.

Addressing immediate needs means reducing the interaction with protective services (even if prevention services continue). Without addressing immediate needs, the child/family enters the short- or long-term phases of protection. Prevention services should be continuously offered (for parent(s)/guardian(s)) even if children are in care.

Over time, the goal is to reduce the need for protective services (Figure 29). The need for protective services would be reduced by mitigating the effects of structural drivers of care and leveraging prevention services. This will take time.

FIGURE 29

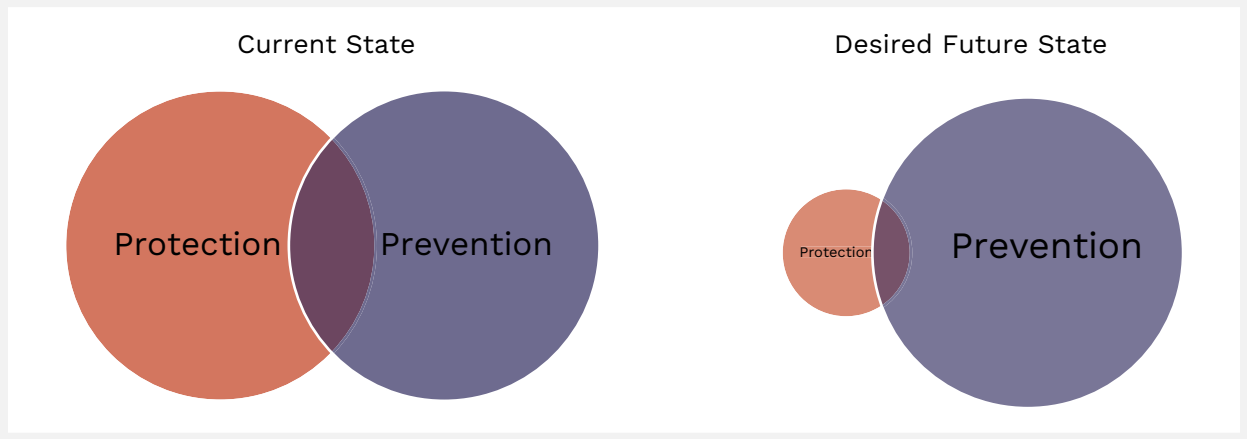


FIGURE 30

GARDEN RIVER CHILD AND FAMILY SERVICES

Garden River Child and Family Services (GRCFS) is in the early stages of preparing for exercising jurisdiction. It is beginning to concurrently update and establish its strategy, systems, processes, and people to ensure readiness for the devolution of protection services.

GRCFS is delivering prevention services that meet the needs and demographics of the community it serves; however, it would like to expand its service offerings. This desire is constrained by challenges across strategy, systems, processes, and people.

The primary challenge for GRCFS is a lack of capacity and people. This limits its ability to deliver services and meet future goals. GRCFS faces recruitment challenges primarily driven by pay. It cannot offer competitive compensation as it is limited by the First Nations pay band, which defines pay rates and thresholds for Band employees. While GRCFS is updating its strategic plan, capacity issues constrain its ability to set and meet goals.

GRCFS is working towards expanding prevention services to meet evolving community needs; however, it is operating in an environment with limited resources, space, and people. This limits its ability to implement strategies, systems, and processes.

Organizational transitions will take years. Transitioning from the current state to a desired future state to implement organizational changes will take several years (approximately 2 to 5 years for established FNCFS agencies, and longer for those exercising jurisdiction without an existing

CFS practice). Adequate and sustainable funding based on needs is critical, but money alone cannot guarantee results. All communities and service providers face different circumstances and are at different starting points. The time and resources required to navigate from starting point to a future steady state will vary significantly between communities and service providers.

FIGURE 31

COLLABORATOR H

Collaborator H is confronting uncertainty in its planning as the First Nation it serves contemplates the pursuit of jurisdiction. Given the uncertainty, Collaborator H is only able to plan at most six months at a time. This limits long-term program development and delivery as well as complicates staff retention.

Administratively, Collaborator H is independent from the First Nation and is externally accredited for its service standards. This means that Collaborator H must maintain certain operational standards to retain the designation. Its independence means it can manage salary levels and employment matters directly with its staff. A change in structure through jurisdiction may mean a loss in accreditation and staff should the same standards and practices not be upheld.

This highlights several considerations for First Nations contemplating the pursuit of jurisdiction independently from an FNCFS agency, with a key consideration being the translation of the law into practice. In addition to having a law in place, it is essential to develop policy manuals, establish governance structures, and hire qualified staff.

Clear communication between an agency and a First Nation planning to exercise jurisdiction is critical for supporting long-term planning for both parties.

First Nations facing a major transition (or those starting service delivery from scratch) will likely take longer to arrive at a steady state than established service providers. This includes communities that are developing their own law, those building a new organization from the ground up, and those facing significant challenges in their community (e.g., severe addictions, trauma, housing inadequacy, etc.).

Conversely, some communities service providers will take less time to transition. These communities and service providers may be adapting existing systems to suit their needs, already have adequate staff, or have relatively fewer community or political challenges. Consider the case of Payukotayno James & Hudson Bay Family Services (Figure 32), which covers a complex geography and works alongside the First Nations it serves to build prevention service capacity.

FIGURE 32

PAYUKOTAYNO JAMES & HUDSON BAY FAMILIY SERVICES

An excerpt of this case study is presented in this report. Read the full case study.[17]

Context

Payukotayno James & Hudson Bay Family Services (Payukotayno) is a Children's Aid Society serving all community members – both First Nation and non-Indigenous - on- and off-reserve, including a municipality and a local area services board, along the western coast of James and Hudson Bay, geographically prescribed by the Ontario Ministry of Children, Community and Social Services, of approximately 8,000 people. For 40 years, the agency has provided a range of services including, child welfare, children's and youth's mental health services, foster and customary care, adoption, and prevention services.

The communities served are geographically remote and are often only accessible by boat, aircraft, or ice road. The seasonal cycle, including the annual flood threats that result in community evacuations, further complicate accessibility. This makes commuting and service-delivery costs high. Payukotayno charters a plane from Timmins three times a week at a cost of $11,000 per day to reach three First Nation communities. For the farthest and most northern community, a special charter, costing $17,000 per day per Transport Canada regulations, is required. Due to travel costs and logistics, staff are encouraged to work from or stay in the community they serve to minimize costs. However, a lack of on-reserve and off-reserve housing and accommodations makes this challenging, and impacts program delivery and staff retention.

Payukotayno navigates these realities to serve children, youth, and families, with an approach premised on culturally-relevant community building and capacity development for program and service delivery. Most staff are members of the First Nations served, and have been personally impacted by the child welfare system. Staff are making decisions not only as employees, but as part of the community fabric.

[...]

Now, Payukotayno is working towards the communities' original vision: "[o]ur families are healthy and empowered to nurture and care for their own." The organization is moving forward with an Omushkego approach to child welfare ("As One Family"). This approach focuses on children as gifts from the Creator, extended family networks as collective, and adopts a holistic perspective that integrates spirituality, local culture and the relationship with the land, ways of knowing and being, and rites of passage.

17 Institute of Fiscal Studies and Democracy, "Paykotayno James & Hudson Bay Family Services," IFSD, August 29, 2024, https://ifsd.ca/en/blog/last-page-blog/Payukotayno-James-Hudson-Bay-Family-Services/.

Community building

Payukotayno is a partner with each First Nation, and considers a gradual transformational strategy to be essential to supporting and sustaining change in service delivery. The agency's board members are appointed by leadership of Weenusk, Attawapiskat, Kashechewan, Fort Albany, Moose Cree, and Taykwa Tagamou First Nations, Mocreebec, and Moosonee. Annually, it presents at the Mushkegowuk Council Assembly.

Payukotayno sees First Nations taking the lead as a critical long-term goal. Working with the First Nations communities, the agency is transforming in coordination with each First Nation to create community-based service hubs. Payukotayno supports the First Nation communities by planning and mapping steps to service delivery, "meet[ing] them where they're at." There is recognition that First Nation communities all have different starting points on their reclamation of sovereignty over child welfare, education, health, etc. The agency works alongside First Nations communities, supporting them through the planning and execution processes, specifically through the input and guidance of the Deputy Chiefs/First Nation Representative Services Table: "We need to look through a lens of intervention, prevention and partnership. We need to change our thinking on how we are supporting communities... the original intent."

First Nation communities working with Payukotayno had two years of funding to support and establish their service hubs. There is no arguing over prevention dollars, their approach was pre-determined. Each on-reserve First Nation community determined what they would do with prevention funding and how services would be designed and delivered. The agency is working alongside each First Nation through an established regional prevention network to support community-based, First Nation-led prevention programs, e.g., "The Prevention House Toolkit."

While the warmth and integration of the agency-First Nation relationship varies based on community and context, roles for each of the partners are becoming more clearly defined as each First Nation asserts its sovereignty over child and family well-being. The First Nations deliver prevention services with support from the agency, and the agency delivers protection services along with tertiary or intensive prevention services. This is an interim model, as each First Nation is determining their unique vision of child and family well-being.

In one example, the healthy working relationship between First Nation and agency has seen an exceptional increase in trust and capacity development. According to the agency: "...they [the First Nation] are doing a fantastic job with prevention. [...] They are building a relationship of trust where community members are seeking out prevention before protection."

The capacity building piece within First Nations is crucial to the agency, *"our communities know themselves better than we [agency] do. It's our job to set them up for success."*

Children in Care – Placements

Payukotayno is working towards having all children in care remain within the Mushkegowuk territory. Year over year, the relative number of children placed in care outside of the territory has decreased, while the number of placements in customary care and placements in James Bay have increased. This has also been accompanied by an increase in the total number of children in care. Payukotayno emphasizes that this increase "creates challenges due to inadequate housing infrastructure and the need to comply with restrictive and community-inappropriate standards and directives issued by the provincial Ministry standards."

Capacity development

The majority of Payukotayno's staff are members of the First Nations served. Payukotayno staff highlighted community-based staffing as important to effective service delivery. They are making decisions not only as employees, but also as part of the community. However, two key barriers exist to the staffing approach.

First, there is a lack of housing within all communities, on-reserve and in the municipality. Community members who would like to return home to work are unable to find adequate housing on- and off-reserve. Other provincial social services (e.g., police, education, health) have subsidized housing available to staff, but not for child and family services. This makes it difficult to recruit and retain staff. One staff member said "people can't come home because they've got nowhere to live."

Second, there is a shortage of human resource capacity within communities. Provincial regulations now stipulate post-secondary educational requirements to work in provincial child welfare. There are community members that meet these professional requirements, yet are employed in other organizations, making it difficult for Payukotayno to recruit. The agency employs 130 staff members, but these staff members are not paid at provincially comparable rates. Additionally, access to community-based career and training opportunities is limited (especially for those interested in social work). This includes many of Payukotayno's current childcare workers, who have worked in the field for many years.

Payukotayno is addressing this barrier by partnering with a university and a regional tribal organization to deliver a community-based social work degree learning and career continuum model. Payukotyano is working with these partners to ensure applicants to the four-year program will have advanced standing for their prior educational and work experience and are investigating the recognition of concurrent application of learning for the practicum component.

The program and internal capacity delivering approach are essential for jurisdiction, for the agency and for each First Nation. Building capacity and expertise within the First Nation by integrating cultural and traditional practices with Western ones increases support and staff availability, benefitting both the agency and each First Nation's programs and service delivery models.

[...]

Delivering services takes time and requires capacity. Staff need to be trained, competent, and available (i.e., not managing an unsustainable workload). Processes and systems need to be designed and implemented. Organizational strategies need to be determined by senior leadership and executed, with room for adjustment. Developing partnerships, like Payukotayno's parternship with a university, can help agencies develop long-term capacity and stability. Capacity can be built internally, but it cannot be built overnight. It takes time for an agency to reach stability and organizational maturity.

Read the full case study.

SELF-ASSESSMENT TOOLS

When a service provider is anticipating a change to their funding, operations, service delivery, or starting something new, reviewing the experiences of other providers with similar characteristics or approaches is useful. Rather than confronting a blank page, there is an established network of service providers from which to learn. To help assess starting points for service providers, IFSD developed a general, four-stage approach to capturing and analyzing transitions:

1. Future Vision Determining and articulating a future-state vision (i.e. where do you want to be?)
2. Current State Articulating the current state (i.e. where are you now?)
3. Gap Analysis Identifying misalignment between the current state and the future state (i.e. what are the gaps?)
4. Transition Planning Preparing plans and timelines for addressing the gaps (i.e. how do you get there?)

There are two approaches presented: one for FNCFS agencies (Table 20) and one for First Nations contemplating/exercising jurisdiction (Table 21). The questions in the self-assessment tool are intended to define and align to operational readiness. It is expected that FNCFS agencies are mostly operational with some elements of mandate in development, whereas First Nations exercising/contemplating jurisdiction are in varying states of development. Assessing the state of readiness for service delivery/operations can help to orient transition efforts.

FIGURE 33

YELLOW THUNDERBIRD LODGE

Yellow Thunderbird Lodge (YTL) serves a large geographic area in Saskatchewan consisting of 14 First Nations. It is anticipating changes to the FNCFS Program and has begun adjusting its strategy, systems, and processes.

YTL integrates both Western and Indigenous approaches to delivering child and family services, as defined in its policies, models, and procedures. YTL has developed unique service delivery models for each cultural group that it serves, incorporating culture, identity, and languages. YTL's strategy is continuously evolving, with new guidelines and procedures outlining these approaches. This departure from the provincial mandate is evidenced by data and outcomes generated by YTL's robust data system. The data is used for improved decision-making and funding requests to ensure continued funding.

FNCFS agencies

TABLE 20

FNCFS AGENCIES

COMPONENT	GUIDING QUESTIONS	INFORMATION AVAILABILITY	LESSONS AND CONSIDERATIONS FROM COLLABORATORS
Future vision	1. What does well-being mean to the First Nation(s) served? To your agency? 2. What are the characteristics and practices of a well-functioning agency? 3. How should your agency's vision be defined? By whom? 4. What is your agency's vision for CFS?	Is the information available? Yes, or no? If no, how much time will it take to develop or obtain? What factors will influence the process?	*Engage with staff and First Nations served to define and/or adjust vision to meet needs in communities.* *Mino-Obigiwasin Services Enfance Famille is defining the transition process by engaging with First Nations served, its staff, and the Board of Directors, see Appendix N (transition case study).* *Carrier Sekani Family Services (CSFS) is working closely with the First Nations it serves to define and navigate transition by sharing resources, establishing services such as Child Safety Departments, and building capacity within the Nations through a Community Development Program. See Appendix N (transition case study).*
Current state	1. What are the socioeconomic, environment, and political/governance realities your agency confronts/addresses? 2. What are the agency's governance and accountability frameworks? How are they performing relative to First Nation(s) served and compliance requirements and practice standards? 3. What is your agency's mandate? 4. What resources do you use to deliver your mandate? Consider, people, capital, program requirements, etc. 5. What programs and services do you deliver? How? 6. How do you assess the results of your work? 7. What results have been generated? Do they align to the mandate and defined goals of the agency?	Is the information available? Yes, or no? If no, how much time will it take to develop or obtain? What factors will influence the process?	*Secwépemc Child and Family Services Agency is an example of an FNCFS agency that leveraged its current state analysis to identify housing as an area of need in the First Nations it serves. It expanded its mandate to include housing in response to the gaps. See Appendix N (transition case study).*

Gap analysis	**Strategy:** 1. How does the agency's mandate compare to its desired/future vision and goals? 2. Do the First Nation(s) served support the future vision and/or the current mandate? **Systems:** 1. What systems, e.g., IT, financial, performance exist? 2. How do existing systems align to desired/future vision and goals? 3. Do the systems need to be revised to align to the desired/future vision and goals? **Processes:** 1. How does your agency understand current and future needs of the First Nation(s) served? 2. How do current activities and services align to the desired/future vision and goals? Do activities and services need to be realigned or reimagined for consistency? 3. How does your agency's organizational structure align to the desired/future vision and goals? **People:** 1. Are existing staff qualified and able to discharge the current mandate? Will additional or different skills be required to align to the desired/future vision and goals? 2. Is training required? 3. How is staff retention at the agency?	Have gaps been defined relative to the starting point? Yes, or no? If yes, how was the gap defined and what was the result? If no, how much time will it take to develop?	*With the future vision and current state defined, the agency's senior leadership team and managers responsible for the activity areas should assess whether current systems and practices are sufficient to address the vision.* *In some instances, outside consultants are retained to undertake or assess the gap analysis generated by the agency.* *CSFS is strategically planning for the evolution of its data system by establishing the necessary processes, systems, and expertise for its Quality and Innovation Program (See Figure 50).* *Collaborator A is an example of an FNCFS agency that is examining its internal data systems with the goal of integrating and upgrading them as it works with 6+ First Nations served on the exercise of jurisdiction (see Figure 44).*

Transition planning	Strategy: 1. How will you operationalize your new vision, mandate, and goals? 2. How will you engage with First Nation(s) served to share planning and transition expectations? 3. How will alignment between vision, mandate, goals, and operations be ensured? Systems: 1. Will the change impact your governance and accountability frameworks? 2. Is an adequate IT system in place? 3. Is an adequate financial system in place? 4. Is an adequate performance management system, i.e., data gathering against relevant indicators, analysis, and reporting, in place? 5. Are practices in place for regular reporting to the First Nation(s) served? Processes: 1. Is an organizational structure aligned to the new approach in place? 2. Are positions defined and relevant job postings prepared? 3. Are revised or redefined programs, services, and activities defined? 4. Are workflow and processes defined for the new approach? People: 1. Is hiring required to meet objectives? 2. Are current staff being retained? 3. Are staff from community being recruited? 4. Is training required? What are the timelines? 5. Are salaries and benefits competitive?	Has transition been considered? Yes, or no? If yes, how? If no, how will it be planned for? Does the agency have lessons from previous experiences designing and delivering new services or managing major change?	*Communication with the agency's staff and First Nations served will be crucial for managing any transition. While internal processes are shifting, front-line and internal services may be impacted.* *Clearly defining the steps for transition, the people and activities involved, and the expected timelines can help to manage expectations and create an environment conducive to learning to adjust as required.* *Collaborator F is planning for transition by practicing regular top-down communication to effectively implement changes across strategy, systems, processes, and personnel (see Appendix N, transition case study).* *Nogdawindamin Family and Community Services is an example of an FNCFS agency adjusting the types of services it delivers in preparation for the eventual devolution of prevention services to the First Nations it serves. This process involves regular communication and knowledge transfer with these First Nations (see Appendix N, transition case study).* *Awasis Agency of Northern Manitoba is anticipating operating under multiple First Nations' frameworks. It is preparing for transition by implementing activities and services that align with First Nations approaches to well-being (see Figure 24).*

First Nations exercising/contemplating jurisdiction

TABLE 21

FIRST NATIONS EXERCISING/CONTEMPLATING JURISDICTION

COMPONENT	GUIDING QUESTIONS	INFORMATION AVAILABILITY	LESSONS AND CONSIDERATIONS FROM COLLABORATORS
Future vision	1. What does well-being mean to your community? 2. How is the vision defined? By whom? 3. How can jurisdiction support your vision of well-being? 4. What's the goal of jurisdiction? 5. How will the vision and goals of jurisdiction be expressed?	Is the information available? Yes, or no? If no, how much time will it take to develop or obtain? What factors will influence the process?	*A person should be appointed or named to lead the vision exercise. They may have an established team, e.g., if prevention services are already being offered in the First Nation. Some First Nations have sought an outside firm to lead engagement exercises and gather feedback for reporting.* *Working with youth, Elders, leadership, and the community at large will be important to capture a complete vision.* *Piikani Child and Family Services is defining its future vision by conducing in-depth consultations with the community members, see Appendix N (transition case study).* *Collaborator E defined key strategic goals for the organization's future as it exercises jurisdiction for the First Nation it serves (see Figure 18).*
Current state	1. What are the socioeconomic, environment, and political/governance realities of your community? a. What's the community's starting point, consider culture, elders, housing, water, etc.? 2. Does your First Nation offer CFS? a. If yes, what are the services/activities? b. How are they delivered, e.g., staff, infrastructure, etc. 3. What have been the results of the existing approach to CFS? 4. What CFS resources exist in your community, e.g., people, infrastructure, history of practice, training opportunities, etc.? 5. How is CFS governed in your community? 6. Are there consistent resources, i.e., funding, people, infrastructure, allocated to CFS?	Is the information available? Yes, or no? If no, how much time will it take to develop or obtain? What factors will influence the process?	*Collaboration with other service providers in the First Nation will be helpful. Consider engaging with education, early childhood education, health, infrastructure, etc. to define the community's starting point. Are there common areas of action or concern? How can the different service areas collaborate to support well-being across the community?* *The CFS lead and their team should identify accessible data that can support planning, e.g., population, health outcomes, etc. There may be various sources of information available, especially, if the First Nation gathers their own information.* *Piikani Child and Family Services is addressing data gaps by developing a robust data system, beginning with tracking prevention services. This system links service provision with culture, relationships, and participation in activities. The approach is part of Piikani Child and Family Services' preparation to exercise jurisdiction on behalf of its First Nation (see Figure 49).*

Gap analysis	**Strategy:** 1. How does the future vision compare to the current state? 2. How will the community continue to be involved in jurisdiction activities? **Systems:** 1. How will be jurisdiction be expressed, e.g., within the structure of the First Nation, as an independent not-for-profit organization affiliated to the First Nation, etc.? 2. What systems, e.g., IT, financial, performance exist in the First Nation? Will they be available for use for jurisdiction? 3. Are additional systems required or existing ones revised to align to the vision of jurisdiction? **Processes:** 1. How does your community define current and future needs related to the vision of well-being and jurisdiction? 2. What activities and services will be designed and delivered to give meaning to the vision of well-being and jurisdiction? Are these different than or in addition to those being offered? 3. How will a service delivery and oversight structure be designed and implemented to operationalize the vision of well-being and jurisdiction? **People:** 1. Are appropriately qualified and skilled people in place to fulfill the mandate? Will additional or different skills be required to align to the vision of well-being and jurisdiction? 2. Is training required? 3. What entity employs staff, e.g., First Nation, separate organization?	Have gaps been defined relative to the starting point? Yes, or no? If yes, how was the gap defined and what was the result? If no, how much time will it take to develop?	*The CFS lead and their team should leverage information from the vision and current state assessments to define gaps across systems, processes, and people considerations. They may wish to liaise with related fields, e.g., early childhood education, health, where similar resources (people, tools, etc.) are working.* *In some instances, outside consultants are retained to undertake or assess the gap analysis produced by the CFS team.*

Transition planning	**Strategy:** 1. How will you operationalize the vision of well-being and jurisdiction? 2. How will you engage with the community to share planning and transition expectations? 3. How will alignment between vision, jurisdiction, and operations be ensured? **Systems:** 1. What governance and accountability practices will be introduced to align to the vision of well-being jurisdiction? 2. Is an adequate IT system in place? 3. Is an adequate financial system in place? 4. Is an adequate performance management system, i.e., data gathering against relevant indicators, analysis, and reporting, in place? 5. Are practices in place for regular reporting to the community? **Processes:** 1. Is an organizational structure aligned to the new approach in place? 2. Are job positions defined and aligned to jurisdiction? 3. Are revised or redefined programs, services, and activities defined? 4. Are workflow and processes defined in alignment to jurisdiction? **People:** 1. Is hiring required to meet objectives? 2. Are current staff being retained? 3. Are staff from community being recruited? 4. Is training required? What are the timelines? 5. Are salaries and benefits competitive?	Has transition been considered? Yes, or no? If yes, how? If no, how will it be planned for? Does the First Nation have lessons from previous experiences designing and delivering new services or managing major change?	*Planning for implementation will require the CFS lead and their team to define and execute activities to operationalize service delivery. Certain activities, e.g., defining staff profiles and preparing job postings, may happen at the same time as IT requirements are being defined.* *Determining the structure of the service delivery approach, e.g., part of the Band Council/First Nation, at arm's length independent organization, etc. would be an important first step. From there, governance considerations can be defined, and operational components designed.* *Communication with the First Nation will be crucial. Clearly defining the steps for transition, the people and activities involved, and the expected timelines can help to manage expectations and create an environment conducive to learning to make adjustments as required.* *Misipawistik Cree Nation (MCN) is planning for transition by acknowledging the importance of regular communication with the First Nation to effectively integrate the CFS law within the fabric of society, see Appendix N (transition case study) for these considerations.* *Garden River Child and Family Services is preparing for transition by concurrently updating and establishing its strategy, systems, processes, and people to ensure readiness for the devolution of protection services (see Figure 30).*

SUPPORTING TOOLS

ESTIMATING FUNDING REQUIREMENTS

Service providers require resources to discharge their mandates, ideally, connected to their differentiated contexts. Public funding can be allocated in different ways, e.g., per capita, by application, by formula, direct transfer, etc.

Funding CFS is dependent on the service provider and the law(s) they follow. In this section, two approaches to estimating federal funding allocations for populations living **in community** (i.e., on reserve) are presented:

1. FNCFS agencies (following provincial laws):
    a. Funded through the FNCFS Program and subject to its terms and conditions;
    b. Following provincial CFS laws for delegation.
2. Jurisdiction service providers:
    a. Funded through the FNCFS Program as described in the jurisdiction funding agreement and operationalized based on the First Nation's law.

The differences between the approaches include the principles for determining allocations, e.g., how the funding amount is defined, and the terms and conditions associated to their application/use. These elements are dictated by the laws and programs governing practice and funding.

FIGURE 34

IFSD's mandate related to federal funding for FNCFS. Service providers, however, even if they are principally funded by the federal government, will interface with provinces and often, their funding practices. At the request of a collaborator, the following questions were defined to seek clarification from a provincial government on activities and approaches to FNCFS:

- What are the goals of the province's child welfare system?
- Are the different starting points of Indigenous and non-Indigenous children considered?
- Are results for children in contact with the child welfare system tracked? What have been the results?
- How are costs for children in care determined?
- Are prevention services funded by the province? At what rate? How have they changed?
- How is funding for service providers determined?
- Is funding reviewed for sufficiency relative to the needs of children and families?
- How is the province supporting First Nations jurisdiction in child welfare?

This section presents IFSD's approach estimating CFS funding allocations informed by contributions from FNCFS agencies and First Nations.

IFSD's allocation approach was designed to connect to local contexts and ensure service providers were equipped to deliver on their mandates. The individual components of the allocation were meant to reflect known gaps in the FNCFS system.[18] Some gaps were addressed through industry standard benchmarks (e.g., IT), others based on case studies (e.g., prevention).[19] From a practical perspective, general operating costs are included in the model, e.g., legal fees, travel costs. When the baseline and components are taken together through a block contribution ap-proach (see the Structure section of this report), the expectation is that service providers will apply resources in ways to best meet the needs of children and families.

IFSD's approach to allocating funding is premised on local decision-making. While IFSD presents the components of the allocation as separate items, they are not expected to be treated as such in practice. For instance, just because the prevention allocation for is a service provider is $5M, it does not imply that the service provider can or should only spend $5M on prevention activities and services. The intent behind the block contribution approach is to empower those making decisions that are closest to children and families. It is up to a service provider to budget based on the needs of its community because it knows it best.

In a discussion of IFSD's Phase 3 recommendations, collaborators were clear that more time, resources (human, financial, etc.,) and consistent structural change would be required to uphold the CHRT's orders to end discrimination and ensure it does not reoccur.

Transparency in decision-making and clarity were required immediately for:

1. Monitoring of program performance to ensure accountability of the service delivery provider;
2. Funding amounts, recipients, and activities; and,
3. Governance of resources and reporting on funding.

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18 See IFSD's past reports on costing the gaps in the FNCFS system, *Enabling First Nations children to Thrive* (IFSD, 2018), https://ifsd.ca/wp-content/uploads/2024/06/ifsd-report-2018-12-enabling-first-nations-children-to-thrive.pdf; and defining an alternative funding approach and performance framework, *Funding First Nations Child and Family Services (FNCFS): A Performance Budget Approach to Well-Being* (IFSD, 2020), https://ifsd.ca/wp-content/uploads/2024/06/2020-09-09_final-report_funding-first-nations-child-and-family-services.pdf.

19 The cost per person for prevention services, estimated at $2,500 per person, comes from an operating agency providing only prevention services. The program activities include: "community-based activities and family support, legal support, victim services, social work, and social assistance. The active learning style initiatives range from education on fetal alcohol syndrome and brain development to emergency homes for respite." (Enabling First Nations Children to Thrive, p. 92)

The $2,500 per capita allocation for prevention is built from an existing FNCFS agency that provides full prevention services to its community. The $2,500 per capita allocation represents a specific set of program activities. It does not represent the upper end of a range. The full case study and program activity description is from IFSD's report, Enabling First Nations Children to Thrive, p. 91-94. It is **important** to keep in mind, that the allocation of $2,500 for prevention activities is **part of a larger approach** described in IFSD's report, Funding First Nations Child and Family Services (FNCFS): A Performance Budget Approach to Well-Being. The allocation of $2,500 per person is part of a funding approach that ensures adequate and needs-based resourcing for contextual factors such as, geography and differences in need (i.e., poverty). **Pulling out the $2,500 per person from the overall funding approach is an artificial representation of the full resource profile that is being proposed as part of the broader reformed approach.**

Essentially, who is getting funding, to deliver what services, and with what obligations, needs to be clarified. These elements are required for planning, service delivery, and reporting.

There was agreement with IFSD's recommendations, but not consensus across all categories. Collaborators indicated that capital estimates were low, especially for those exercising jurisdiction. Prevention resources were also deemed to be too low, especially for agencies in provinces previously covered under Directive 20-1 (which did not include prevention resources), e.g., British Columbia, New Brunswick, etc. Until a steady state of prevention services could be defined, resources, from collaborators' perspectives, should not be limited.

Given the foregoing, collaborators make the following recommendations (Figure 35):

FIGURE 35

1. Capital funding should be needs-based. It should not be circumscribed by the FNCFS Program, especially for those exercising jurisdiction.
2. Prevention funding should be needs-based.
3. Establish a national pool of funds for emergency needs in CFS to address unexpected or costs of high-needs children.
4. ISC must clarify its funding and policy decisions aligning them to CHRT orders, e.g., capital, housing, etc.
5. Housing resources intended for CFS should be free of political influence and should be administered in collaboration with the CFS service provider.
6. Allocations for First Nation Representative Services should be revisited with a baseline for small First Nations and consideration of provincial/territorial variances in mandates.
7. To support the delivery of CFS, existing gaps in housing, health, and education in First Nations should be defined.
8. Population on-reserve does not represent true population served in First Nations as members may move in and out of community. Until such time that First Nations define their own populations, total population should be used for funding estimates.
9. Provincial and territorial governments should report all CFS-related information, e.g., expenditures, child outcomes, etc., on a distinctions basis, i.e., Inuit, Metis, etc.
10. Those negotiating the reform of the FNCFS Program should be engaging with rights holders and their delegated service providers.

Estimating a funding allocation should align to mandate and contextual realities. As delivery approaches to CFS continue to evolve, so will funding. Service providers may grapple with funding amount and approach changes, as exemplified in the cases of Sagkeeng Child and Family Services (Figure 36) and Animikii Ozoson Child and Family Services (Figure 37). Due to changes outside of their organizations, these service providers grappled with funding approach and amount changes by revising their planning and services. For Sagkeeng Child and Family Services, an underfunded provincial fixed envelope forced internal reallocation exercises. The team used the challenge to realign resources to their mandate and maximize their local control.

For Animikii Ozoson Child and Family Services, the resumption of jurisdiction in a nearby First Nation increased the number of children in care in the urban agency. Initially, the province did not fund them for the change in service demand, although that was resolved. Their case highlights the relevance of defining service populations for funding estimates.

FIGURE 36

Sagkeeng CFS block funding and accountability[20]

Since 2019, Manitoba child and family services agencies have been operating under block funding, i.e., single envelope funding. From the outset, the block was underfunded. For many agencies in the province, the block has a negative connotation because of its association to reduced funding. However, Sagkeeng Child and Family Services (SCFS) embraced the challenge of working with the block. The agency had to change the dynamic of its spending to meet the parameters of the block approach. Its efforts enhanced flexibility in decision-making and accountability to its First Nations.

The lessons from SCFS's experience with the provincial block are relevant as funding approach reforms for the federal First Nations Child and Family Services Program are being negotiated. In a federal context, should a block approach be adopted it would be expected that the resources in a block would be commensurate to agency mandates, i.e., not underfunded as in the case of Manitoba.

The block approach:

1. Means *autonomy* as a service provider.
2. Enables *allocations* to meet service delivery needs.
3. Requires *accountable* planning.

Changing the dynamic of spending in SCFS required action on three fronts:

1. Making tough internal decisions on performing versus non-performing activities;

20 Institute of Fiscal Studies and Democracy, "Sagkeeng CFS block funding and accountability," IFSD, May 8, 2024, https://ifsd.ca/en/blog/last-page-blog/Sagkeeng-CFS-Block-funding-and-accountability.

2. Revisiting practice and (re)educating staff to focus on preventive services rather than removals;
3. Building accountability into planning.

"My objective as an agency is to be completely autonomous, so as to operate as if our own laws are already in place."

Tough internal decisions

Manitoba's block funding incentivized agencies to reduce their caseload because fewer cases of children in care meant lower expenditures for maintenance payments, protection staff, etc. SCFS carefully reviewed its internal services and activities and made difficult decisions to cut non-essential services. The management team worked to determine which services and activities were unused or non-performing and they were eliminated.

As this exercise was happening, SCFS spent time educating caregivers, e.g., about changes to their rates and services, and with leadership. SCFS needed its community to understand and support its approach of working within its parameters to make it possible.

For established agencies or other organizations, managing a block will be easier from SCFS's perspective because they understand their approach to service delivery, needs, and issues. For newer agencies a block risks being harder to manage as their approach to practice and history of service delivery is not well-established.

Revisiting practice

With the block funding, SCFS had to shift the 'mindset' of practice from placing children in care to manage liability to accepting the risk of supporting children in their families. While supporting children and families through intensive prevention services was a way to keep children out of care, it also meant lower maintenance expenses. This meant that resources could be redeployed to focus on supports and services to keep children with their families. SCFS used the incentive of the block, i.e., to work within a fixed budget, to use its resources to focus on prevention services.

Caseload composition at the agency has shifted. There are *more* protection cases that lead to more work with families, continuous supports and services, but *fewer* children placed in out of home care. The approach means doing more to reduce the need for removal and addressing safety concerns for children. The agency differentiates between a *risk* and an *immediate* safety concern. When the concern is immediate, the child is removed. If there is a risk, that means further action is taken but not necessarily a removal to support the child and their family.

SCFS changed the dynamic of its spending with the block approach. Using the block's flexibility to allocate resources to meet needs, SCFS could make decisions like hiring their own

therapist. They treated this as a reasonable expense to support children and families in contact with their agency. By controlling their resource allocation, they improved their approach to practice. SCFS used the block to move money where it makes the most difference for children and families.

Accountable planning

A block funding approach means the recipient takes on care and control in service delivery. While the provider benefits from the flexibility of applying funds where they are needed, they are also accountable for working within the fixed budget.

During their planning exercise for block funding, SCFS decided to retain 2% of their budget for unanticipated situations. The decision was prudent as it provided SCFS with a cushion that it controlled for unanticipated situations. For instance, there continue to be children with specialized support needs with costs that stress the agency's budget. Fortunately, the agency's retained funds could be applied to manage the circumstance. The situation, however, is not indefinitely sustainable. From the outset, the provincial block was underfunded. While SCFS has leveraged the flexibility of the structure, it remains accountable for working with insufficient resources. SCFS has had to seek resources elsewhere to sustain its practice.

As an agency serving First Nations in and outside of community, i.e., on- and off-reserve, SCFS receives both provincial and federal funding. Provincial funding under the block approach was focused on protection and prevention services for children and families in need of support. The agency's federal funding had different uses depending on the source, e.g., First Nations child and family services Program, Jordan's Principle, etc. Funds are managed separately for transparency, accountability, and ease of reporting on use.

What did SCFS learn from the block funding approach?

1. Changing a funding approach takes time, commitment, and good internal information.
2. Ensure your management team is strong, competent, and supported by your First Nation.
3. Build and manage your own contingency fund.
4. Accept that changes to your service model may be needed and can be achieved.
5. Establish a training unit to support staff to change their approach to practice.
6. Accept that tough decisions will be required. Use your own information on practice and the needs of your children and families to make them.

For Animikii Ozoson Child and Family Services, the resumption of jurisdiction in a nearby First Nation increased the number of children in care in the urban agency. Initially, the province did not fund them for the change in service demand, although that was resolved. Their case highlights the relevance of defining service populations for funding estimates.

FIGURE 37

A CASE STUDY ON ANIMIKII OZOSON CHILD & FAMILY SERVICES

An excerpt of this case study is presented in this report. Read the full case study.[21]

Animikii Ozoson Child & Family Services (AOCFS) is an urban agency in Winnipeg that serves First Nations across Northern Ontario, Manitoba, Saskatchewan, and beyond. While delegated (in 2005) and funded by the province of Manitoba, it principally serves Ontario First Nations. AOCFS operates on an inter-provincial/inter-territorial basis to ensure First Nation and Indigenous children in Winnipeg have culturally informed services.

As an agency in an urban centre serving children and families residing on and off reserve, AOCFS experiences service delivery challenges compounded by jurisdictional issues. As an urban Indigenous agency, AOCFS often self-describes as being 'overlooked' by the province because its community and service delivery approach do not align to typical funding streams. To AOCFS, typical funding streams should not compromise the availability or accessibility of the maintenance funding of children under state care.

"Are these kids just a figment of their imagination?"

[...]

AOCFS operates in an urban centre serving Indigenous children from different communities. This means that children may be connected to a First Nation, may reside in an urban centre, or other, and require different approaches to service delivery to meet their best interests in a culturally-informed way. AOCFS operates outside of the typical territorial boundaries (on-/off-reserve) that determine funding (federal/provincial), which can create precarity in resource access for First Nations children. Just because children do not fall neatly in territorial boundaries, their needs are no less real. As an AOCFS representative stated "Are these kids just a figment of their imagination?"

Challenges

AOCFS faces two principal challenges: funding and jurisdiction. *Funding* is an issue of who should be paying for services for children. Jurisdictional disputes exist between provincial and federal responsibility for funding, because AOCFS serves children from several provinces outside of Manitoba, notably, Ontario. *Jurisdiction* is the issue of who cares for children when boundaries for service delivery change. Children can be transferred to AOCFS for various reasons (e.g., not covered by a First Nations child and family services (FNCFS) agency, not

21 Institute of Fiscal Studies and Democracy, ""Are these kids just a figment of their imagination?" A case study on Animikii Ozoson Child & Family Services," IFSD, September 18, 2023, https://ifsd.ca/2023/09/animikii-ozoson-child-family-services/.

a member of the First Nation where they reside, Indigenous child does not meet federal criteria to be a 'status Indian', etc.). Funding does not always follow a child expediently, leaving the agency to pursue the province for the transfer of funds. The funding transfer process can be disorderly. Ensuring resources follow children is important for maintaining their care.

Funding

As AOCFS works with First Nations in Northwestern Ontario, Manitoba, and Saskatchewan, each jurisdiction brings unique needs and challenges, which requires increased resources from AOCFS. Different communities have different systems, protocols, and standards that AOCFS must work within. Accordingly, it is impossible for AOCFS staff to develop one standardized approach to case management. Instead, staff manage cases within diverse systems, including both government and First Nations, consistent with the new federal legislation. This increases the workload on staff and ultimately, costs.

A shifting legal context

An Act respecting First Nations, Inuit and Métis children, youth and families has created space for Indigenous Governing Bodies (IGB) to pursue jurisdiction in CFS for their members *wherever they may reside*. While the federal Act would notionally make funding available for children recognized through jurisdiction (whether they reside in their community (on-reserve or elsewhere), the same does not apply to AOCFS. The federal government does not fund off-reserve children with 'Indian status' that are in care with AOCFS, despite ongoing efforts by the agency. There is an increasing risk that children are being left out of the evolving funding structure intended to meet their best interests in a culturally informed fashion just because their home community has not exercised jurisdiction in CFS. This practice risks instituting a two-tiered approach in CFS for 'status Indians': one for those exercising jurisdiction (a minority) and another for those without jurisdiction (the majority).

AOCFS staff have high caseloads (each case manager has 25-30 cases). Historically, up to the current fiscal year, salaries were lower than those of other agencies. Provincial funding for AOCFS staff salaries is based on 2014 salaries. This forced AOCFS to use funding from other areas to meet annual salary changes. With the high caseloads and salary pressures, attracting and retaining staff (especially, front line staff), is an ongoing challenge.

[...]

Relying principally on funding from the province of Manitoba means that AOCFS is subject to their terms with limited federal support for services provided to children outside the boundaries of the province.

[...]

Jurisdiction

Membership to a First Nation and status are driving the current service model. If an Indigenous child does not have status, the federal government does not pay for them. If a child does not have membership, the First Nation or related FNCFS agency will not necessarily serve them. This creates a service vacuum for many displaced Indigenous children that AOCFS has filled in Manitoba and across provincial boundaries.

For instance, when a First Nation's new CFS law covered only its members through its agency, any other children living in the community, whether they are First Nation, Indigenous, or non-Indigenous, were no longer served by the agency. When these children were transferred to AOCFS, no maintenance funding followed them (it had been paid in full to the agency earlier in the fiscal year). AOCFS appealed directly to the province and demanded the funding to cover maintenance for the 30+ children. Manitoba responded to the appeal, and AOCFS received the maintenance funding. However, this instance highlights a standing issue for AOCFS. Children are being transferred to AOCFS without the requisite funding to support them. In this case, AOCFS had to advocate to receive the maintenance funding associated to the 30+ children transferred to its care. From AOCFS' vantage point, the province has not developed an effective plan to manage the transfers of Indigenous children impacted by the new federal legislation with the constant transfer of children in Manitoba.

First Nations jurisdiction in child and family services is to be celebrated. It must be recognized however, that the decisions of First Nations on who to serve, where, and how, will impact children and families. As the case of the First Nation above whose law covered its agency and only its members, there will be children and families that will require services from other providers. Ensuring those children have culturally appropriate supports and services in the best interests of the child is consistent with federal legislation.

[...]

Canada's urban Indigenous population continues to grow, as does the First Nation population on-and off-reserve. This reality should be recognized and reflected in policy and in funding decisions. *An Act respecting First Nations, Inuit and Métis children, youth and families* commits to culturally relevant services in the best interests of the child in CFS. Upholding that standard requires that urban Indigenous agencies and FNCFS agencies have the services provided in urban centres recognized with adequate funding. The case of AOCFS highlights the pressures of service delivery in environments with limited funding and changes from the exercise of jurisdiction.

[...]

Read the full case study.

BUILDING A FUNDING ALLOCATION ESTIMATE

A funding allocation is different than a budget (although the terms are often used interchangeably). For the purposes of this report, the funding allocation is an amount of money transferred to a service provider to discharge their mandate. A budget is the internal and locally determined application of resources by the service provider. IFSD was mandated to help understand funding allocations, it is up to service providers to determine how to apply resources in practice to define their budget.

To build a funding allocation, IFSD leverages information public sources, e.g., Indian Registry Service (IRS) for population, Census for household income, as well as from existing service providers, e.g., through a questionnaire.

FIGURE 38

DATA LIMITATIONS AND NATIONAL ESTIMATES

IFSD was mandated to produce *national* estimates for the FNCFS Program for First Nations on reserve. National estimates are built on common sources of information, e.g., population, inflation, etc. Having common sources of information, while imperfect, enables the development of a consistent and statistically reliable set of estimates necessary to identify overall program funding requirements and other important program attributes. National estimates may or may not correspond precisely to local conditions.

It is entirely possible that a First Nation or an FNCFS agency has their own population data. However, for IFSD to use the information for a consistent national reliable estimate, every First Nation or FNCFS agency would have to have captured their population data in a methodologically consistent manner and provide IFSD with that data. This is the burden of the exercise being undertaken with imperfect information.

Without a consistent and reliable alternative source of data available for all First Nations served by an FNCFS agency, IFSD is required to work with the best available information. Data developed by First Nations, for First Nations is limited or nonexistent nationally. Analysis is therefore restricted by the national-level information that could be accessed for the national estimates for the FNCFS Program.

The population issue has been debated among experts but usually between IRS and Census data sources. In past consultations with the National Advisory Committee (NAC), IFSD has been encouraged by the technical experts to use only IRS population data and not Census data. It should be noted that in IFSD's work with population data, IRS population data on reserve is *generally* higher than Census population data.

Following a consultation with Statistics Canada, IFSD will continue to use Census 2016 total median household income data with adjustments for inflation in cost estimation, as IFSD considers the number a more accurate (albeit imperfect) reflection of the current state of First Nations.

Total median household incomes as captured in Census 2016 and Census 2021 increased significantly for First Nations. Statistics Canada has also observed general growth in income across Canada (see Statistics Canada, "Pandemic Benefits Cushion Losses for Low-Income Earners and Narrow Income Inequality – After-Tax Income Grows Across Canada Except in Alberta and Newfoundland and Labrador," *Government of Canada*, last updated July 13, 2022, https://www150.statcan.gc.ca/n1/daily-quotidien/220713/dq220713d-eng.htm).

Nationally, pandemic relief programs and other direct transfers to persons, e.g., increases to the child benefit, contributed to the income growth. While every First Nation is different, and the sources of their income changes unique, the pandemic relief programs and direct transfers were nationally available and were likely an important factor in the income growth observed for First Nations. Moreover, Statistics Canada indicated a change in Canada Revenue Agency (CRA) reporting with Form T90 for First Nations (starting in 2019) which could contribute to differences when making historical comparisons — although the size and direction of the impact is unknown.

IFSD's approach is built from a baseline with top-ups based on specific contexts. To estimate the allocation, the following information is needed (see Table 22):

TABLE 22

INFORMATION	DESCRIPTION
Baseline	Foundation of the funding approach determined by service provider type, e.g., FNCFS agency v. First Nation exercising jurisdiction. IFSD's focus is exclusively on federal funding. The baseline includes resources to fund core operations. In the case of existing FNCFS agencies, the baseline is expected to cover protection services costs, e.g., intake, maintenance payments, etc.
Total population	Population on-reserve, consistent with federal funding terms. IFSD uses IRS on-reserve data in its calculations. IFSD recognizes that publicly available population data is imperfect. It is entirely possible that a First Nation or FNCFS agency has their own population data. Should that data exist, they may wish to apply it to a funding allocation estimate.
Household income	The after-tax household income on-reserve from Census 2016 (data from Census 2021 was not used due to the impacts of individual and household supports related to the COVID-19 pandemic).[22] The information is used to calculate the gap between the after-tax median household income on-reserve and Market Basket Measure (MBM). If the difference is positive, i.e., household income is greater than the MBM, no adjustment is included in the funding approach. If the difference is negative, i.e., household income is lower than the MBM, and adjustment is included. Some collaborators requested that a territorial or Northern MBM be applied to better reflect the cost-of-living pressures in their communities. These were applied only to their estimated allocations. General concerns were raised about using an income-based measure to quantify deprivation or a lack of access to services. IFSD agrees with the limits of an exclusively income-based measure, but without an alternative consistent national measure, the top-up could not be quantified.
Remoteness quotient	Applied to adjust allocation estimates based on geography. IFSD re-estimated ISC's Cost Adjustment Factor model (CAF) and used it to estimate remoteness quotients. CAF uses Statistic Canada's remoteness index and considers whether a community has access to roads. ISC has recommended that CAF-based quotients be scaled down such that the average quotients across all agencies be 15 percent. IFSD used the same scale factor to estimate remoteness quotients (see Appendix O for IFSD's estimates of remoteness quotients for FNCFS agencies, First Nations not affiliated to an FNCFS agency, and First Nations affiliated to an FNCFS agency).

22 See Figure 38 for an overview of data considerations and limitations.

After the information is gathered, there are five steps to building the funding approach (steps 2-5 are discussed in this section):

1. Prepare the spreadsheet (or other tool for calculations). To access a copy of the script, contact the Assembly of First Nations Social Development Sector (via email: social.development@afn.ca). The script, produced by Dr. Fred Wulczyn, is being made available to First Nations and FNCFS agencies under copyright of the AFN, as an associated product of this report. The script cannot be licensed or used for any purposes other than for the internal work of the First Nation or FNCFS agency.
2. Define or infer a baseline.
3. Define and calculate top-ups.
4. Define growth factors, i.e., inflation and population.
5. Calculate the estimated funding allocation and any relevant scenarios.

The discussion focuses on IFSD's funding approach. There are other approaches to generating funding estimates. Various accounting and consulting firms have leveraged these principles to develop funding estimates for First Nations, especially in the exercise of jurisdiction.

Defining or inferring a baseline

Note: The examples below are generated for illustrative purposes only. First Nations and FNCFS agencies should use actual data from service providers or other relevant data on the costs of service delivery to estimate their baselines and related allocation components.

For an existing service provider, e.g., FNCFS agency, the baseline is the federal portion of their total expenditures for the most recent fiscal year. Consider, for instance, the case of Agency Z (Table 23).

TABLE 23

	AGENCY Z
Mandate	Protection and prevention
Total population served (on-reserve)	7,000
Number of First Nations served	5
Total expenditures 2023-2024	$25,000,000
Baseline (equivalent to total federal expenditures)	$17,000,000

If a baseline is unavailable or is being developed for the exercise of jurisdiction, it can be estimated in different ways. Consider the case of First Nation Y, preparing to exercise jurisdiction (Table 24):

TABLE 24

FIRST NATION Y	
Mandate	Protection and prevention
Total population served (on-reserve)	1,500
Number of First Nations served	1
Baseline	TBD (see examples below)
Geographic zone	1
Remoteness adjustment factor	0.15
Formerly served by Agency Z	

To estimate its federal allocation, First Nation Y phoned FNCFS agencies in different provinces with similar mandate, population size, and geographic considerations. First Nation Y produced Table 25 to summarize the information shared by other service providers.

TABLE 25

COMPARABLE SERVICE PROVIDERS	NUMBER OF FIRST NATIONS SERVED	HIGHEST GEOGRAPHIC ZONE	PROVINCE	ON-RESERVE POPULATION	FEDERAL BASELINE ALLOCATION FY 2023-24	PER CAPITA EXPENDITURE
Agency A1	4	1	Province A	1461	$4,300,000	$2,943
Agency A2	1	2	Province D	1599	$6,300,000	$3,940
Agency A3	5	2	Province C	1543	$7,000,000	$4,537
Agency A4	1	1	Province D	1514	$2,900,000	$1,915
Agency A5	1	2	Province D	1484	$600,000	$404
				Average total federal expenditure	$4,220,000	
				Average total federal expenditure of service providers in Province D	$3,266,667	
					Average total per capita expenditure	$2,748
					Average per capita expenditure of service providers in Province D	$2,087

Three approaches are presented to estimate a baseline for First Nation Y:

1. *It can be inferred by using the baseline of another provider with a similar mandate, size of population served, and geographic context. "Scenario 1"*
   When considering its location, mandate, and size of population served, First Nation Y identified Agency A4 as a relevant and comparable service provider. In this model, First Nation Y adopts Agency A4's $2.9M federal baseline allocation for its estimates.
2. *A per capita estimate of baseline expenditures for service providers with the same geography and province can be calculated. The average per capita expenditure is then multiplied by the size of the population served to generate a baseline. "Scenario 2"*
   First Nation Y identifies Agencies A2, A4, and A5 as comparable service providers. Their average per capita allocation is $2,087. First Nation Y multiplies its total population by the average per capita allocation to generate an estimated baseline:
   =1,500*$2,087
   = $3,130,500
3. *The percentage of the existing provider's baseline expenditures based on the weight of the population being served can be calculated to serve as the baseline. "Scenario 3"*

First Nation Y was previously served by Agency Z. To estimate an alternative baseline, First Nation Y calculates the weight of its population relative to Agency Z's total population served (21%) (Table 26). First Nation Y then calculates 21% of Agency Z's federal allocation as a baseline allocation of $3.57M.

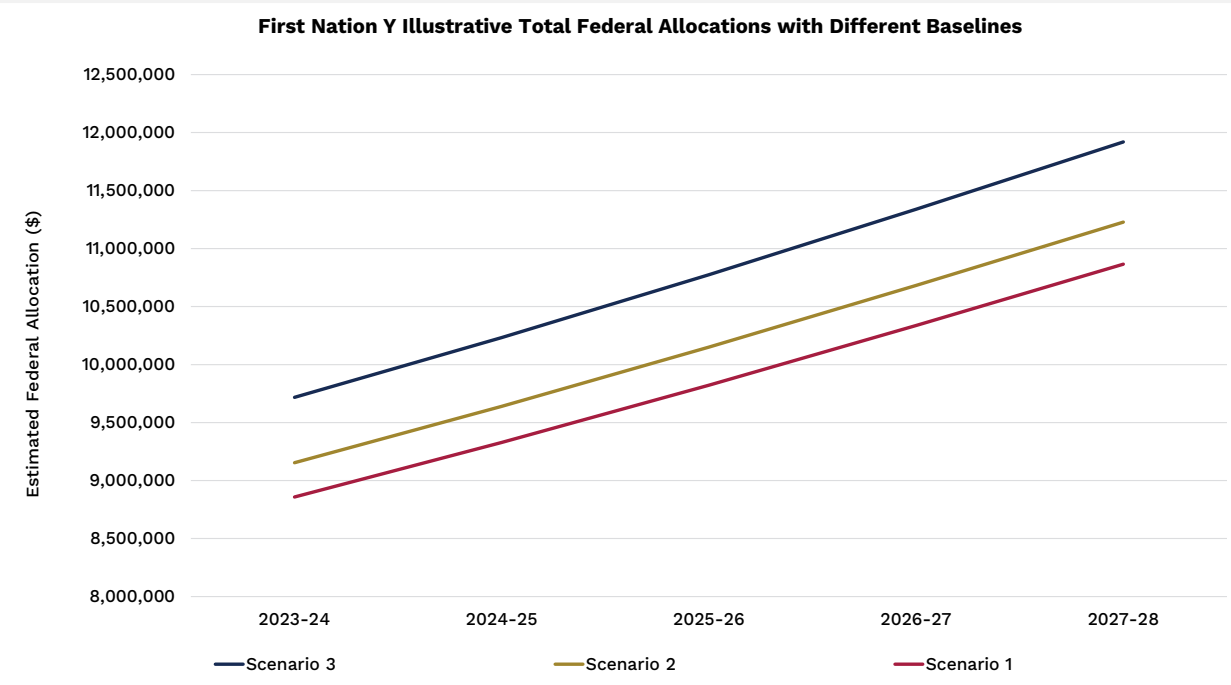
TABLE 26

ESTIMATING FIRST NATION Y'S BASELINE FEDERAL ALLOCATION USING AGENCY Z'S DATA	
Total population served (on-reserve)	7,000
Total expenditures 2023-2024	$25,000,000
Baseline (equivalent to total federal expenditures)	$17,000,000
First Nation Y's population	1,500
Population weight of First Nation Y (relative to total)	=1,500/7,000 =0.21 0.21*100 =21%
Value of federal baseline relative to First Nation Y population weight (Agency Z federal baseline * First Nation Y population weight)	Federal baseline = $17,000,000 First Nation Y population weight = 21% =$17,000,000*0.21 =$3,570,000

Having calculated or inferred three estimated baseline allocations, First Nation Y recognizes that its population weighted estimate (using data from its current service provider) and the average per capita allocations of service providers in the same province with similar mandates and population sizes are similar. First Nation Y decides to omit the baseline of $2.9M, and instead use one of the other estimated baselines. Since First Nation Y is currently served by Agency Z, it decides to adopt its population-weighted value of the agency's federal allocation as its baseline.

To depict the different impacts of initial baseline values on the total estimated allocation for First Nation Y, see Figure 32. The largest baseline, i.e., Scenario 3, produces the largest total estimated allocation when the top-ups are included.

FIGURE 39



Source: Institute of Fiscal Studies and Democracy (IFSD)

Defining and calculating top-ups

The baseline and components are useful tools for estimating allocations (see Table 27 for an overview of components and calculation approaches). It is up to the service provider to determine the resource mix that will best support the discharge of their mandates. For a list of specific start-up costs that may be relevant to operations (that are assumed to be covered by the baseline), see Appendix P.

TABLE 27

COMPONENT	DESCRIPTION AND CONSIDERATIONS	IFSD'S RECOMMENDATION	CALCULATION APPROACH OR VALUE
Baseline	FNCFS agency's total federal expenditures for the delivery of CFS for the most recent fiscal year. Inferred or estimated baseline for the exercise of jurisdiction.	Total federal expenditures for the delivery of CFS as reported by FNCFS agencies.	Defined by provider or inferred (see examples of Agency Z and First Nation Y below)
Prevention[23]	Resources to deliver activities and services to stop or reduce the risk of child maltreatment. 3 types of prevention: Primary: Directed to the community as a whole, designed to educate and prevent child maltreatment. Secondary: Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc. Tertiary: Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention. When estimating the prevention allocation, the roles and responsibilities of service providers should be considered.	$2,500 per person resident on-reserve	Multiply value of prevention funding by total population served, i.e., $2,500 x population See Appendix Q for examples of protection and prevention programs

23 IFSD understands protection and prevention services to be integrated. This is crucial for service delivery that meets the needs of children and families by ensuring safety, while leveraging least disruptive measures (see Appendix Q for examples of protection and prevention programs).

Protection: Services for child safety to ensure children are free from harm, abuse, and neglect.

Prevention: Activities and services to stop or reduce the risk of child maltreatment.

3 types of prevention:

Primary: Directed to the community as a whole, designed to educate and prevent child maltreatment.

Secondary: Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc.

Tertiary: Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention.

Remoteness/ geography	15% scaled average of Cost Adjusted Factor (CAF). Remoteness can impact FNCFS agency operations and budgets. The remoteness/ geography component should be recognition of the differentiated costs of delivering and acquiring needed services in different geographic contexts (beyond year-round road access alone).	15% scaled average of CAF applied to all FNCFS agencies	See Appendix O
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards. Needs and IT sophistication among agencies differ. Some will require complete reset, others will be adding to existing capacity.	5.5% of the baseline Other options: 5% or 6% of the baseline	% of baseline
Poverty	Difference between the Market Basket Measure (MBM) (by region and population size) and total after-tax median household income (Census 2016) [24] on-reserve. This is not poverty alleviation and not an income supplement. The resources recognize that poverty is a known driver of contact with protection services. The allocation recognizes that resources are needed to mitigate the impacts of deprivation as a driver of contact with protection.	5% of the difference between regionally-relevant MBM and total after-tax median household income Other options: 3% or 7% of the difference	% of difference between MBM and after-tax household income multiplied by number of households (on-reserve)
Results	Allocation to support data collection and analysis. Data is essential for control and improved decision-making. Collecting and analyzing relevant information can be an early warning sign of challenges and can highlight successes. For many FNCFS agencies, this will be a new activity in need of support.	5% of the baseline Other options: 1% or 3% of the baseline	% of baseline

24 Following a consultation with Statistics Canada, IFSD will continue to use Census 2016 total median household income data with adjustments for inflation in its cost estimation, as it considers the number a more accurate (albeit imperfect) reflection of the current state of First Nations.

Total median household incomes as captured in Census 2016 and Census 2021 increased significantly for First Nations. Statistics Canada has also observed general growth in income across Canada (see Statistics Canada, "Pandemic Benefits Cushion Losses for Low-Income Earners and Narrow Income Inequality — After-Tax Income Grows Across Canada Except in Alberta and Newfoundland and Labrador," Government of Canada, last updated July 13, 2022, https://www150.statcan.gc.ca/n1/daily-quotidien/220713/dq220713d-eng.htm).

Nationally, pandemic relief programs and other direct transfers to persons, e.g., increases to the child benefit, contributed to the income growth. While every First Nation is different, and the sources of their income changes unique, the pandemic relief programs and direct transfers were nationally available and were likely an important factor in the income growth observed for First Nations. Moreover, Statistics Canada indicated a change in Canada Revenue Agency (CRA) reporting with Form T90 for First Nations (starting in 2019) which could contribute to differences when making historical comparisons—although the size and direction of the impact is unknown.

Maintenance	Support to mitigate the changing costs of child maintenance (over and above inflation) within the regular course of business.	3% of the baseline Other options: 1% or 2% of the baseline	% of baseline
Emergency	Support responses to unanticipated circumstances related to CFS that affect demand for core services (protection and prevention).	2% of the baseline Other options: 0.5% or 1% of the baseline	% of baseline
Inflation	The purpose of an inflation adjustment on program funding is to correct for changes in purchasing power. Working with an adjusted inflation rate, such as one based on the Consumer Price Index (CPI) inflation, would be generally reflective of changes in the costs of goods and services. For five-year projections, the inflation rate is assumed to be 3% (the higher end of the Band of Canada's inflation target).	CPI, adjusted annually Other options: Region-specific inflation rate, fixed inflation rate	Per CPI (see overview in Figure 40).
Population	Changes in population size impact service delivery. Population and projections should use the Indian Registry Service (IRS) by Band.	IRS population by Band Other options: Census, own-source population data	Per population source

FIGURE 40

OVERVIEW OF THE CONSUMER PRICE INDEX (CPI)

1) What is the Consumer Price Index (CPI)?

Consumer price inflation is defined as the change in the Consumer Price Index (CPI) over time. Statistics Canada describes the CPI as follows:

"The Consumer Price Index represents changes in prices as experienced by Canadian consumers. It measures price changes by comparing, through time, the cost of a fixed basket of goods and services."

Inflation adjustments do not replace program funding that is adequate for the needs of a First Nation. **If a program area is underfunded relative to need, it will remain insufficient even with an inflation adjustment**.

The purpose of an inflation adjustment on program funding is to correct for changes in purchasing power. Working with an adjusted inflation rate, such as one based on the CPI, would be generally reflective of changes in the costs of goods and services.

2) What is included in the CPI?

The CPI is based on a fixed basket of goods and services in 700 product classes. The products are selected based on what consumers normally purchase. They include necessities, luxuries, and products such as tobacco and alcoholic beverages.

Every month prices of a sample of goods and services in each product class are surveyed through various methods to measure the value of the CPI for that month. The prices are what consumers pay including discounts and all the taxes. The observed prices are then weighted based on their importance.

It is important to note that the CPI is not a measure of the cost of living for every household or individual. It is the cost of a fixed basket of goods and services. The CPI may overestimate or underestimate the cost for a specific consumer buying a different basket of goods. Moreover, the CPI does not represent purchases made in First Nations reserves, military bases, prisons, and long-term care institutions, as it is based on consumption information from the majority of the Canadian population residing outside of these places.

3) When is the CPI adjusted?

The CPI is adjusted monthly.

Every month Statistics Canada releases the value of the CPI for the previous month. The release includes the CPI for all items included and several subcategories like shelter, energy, transportation, etc. The headline rate of inflation is measured as the change in the value of the CPI relative to its value twelve months ago (year-over-year inflation rate). One could also examine the month-to-month inflation rate or the annual average inflation rate.

4) When applying the CPI, is the entire estimate or a subset of product classes applied?

If the CPI is used to correct for purchasing power (as it would be in the FNCFS Program), the annual average CPI should be applied to allocations for the upcoming fiscal year. Applying only a subset of product classes risks being restrictive on the service provider.

5) How does IFSD apply the CPI in its estimates for the FNCFS Program?

IFSD applies the annual average CPI-based inflation rate to its national estimates to the FNCFS Program. IFSD applies the inflation adjustment to the **total allocation** (along with population). This means that all allocations (including remoteness, information technology, etc.) associated to a service provider are adjusted for inflation and population.

Service provision in FNCFS continues to evolve. An example of a change is when a First Nation served by an FNCFS agency decides to exercise jurisdiction. How should the agency's allocation be adjusted? How can the First Nation model its own funding allocation? The examples below model the approach to estimating the allocation for an FNCFS agency and estimating the allocation for a First Nation exercising jurisdiction.

Consider Agency Z (Table 28) and First Nation Y: Agency Z serves 5 First Nations, one of which, First Nation Y is leaving the agency to exercise jurisdiction. To model the possible changes to Agency Z's (Table 29) allocation and to estimate First Nation Y's (Table 33) allocation, IFSD prepared the models below. It is important to note that the approach to revising agency allocations with service changes, i.e., First Nation leaving an agency, remains unconfirmed at the time of writing.

TABLE 28

AGENCY Z	
Mandate	Protection and prevention
Total population served (on-reserve)	7,000
Number of First Nations served	5
Total expenditures 2023-2024	$25,000,000
Baseline (equivalent to total federal expenditures)	$17,000,000
Geographic zone (highest of all First Nations served)	2
Remoteness adjustment factor	0.14
First Nation Y's population	1,500
Population weight of First Nation Y (relative to total)	=1,500/7,000 =0.21 0.21*100 =21%
Value of federal baseline relative to First Nation Y population weight (Agency Z federal baseline * First Nation Y population weight)	Federal baseline = $17,000,000 First Nation Y population weight = 21% =$17,000,000*0.21 =$3,570,000
Revised baseline with First Nation Y's portion excluded (Agency Z federal baseline - First Nation Y's portion based on population)	Federal baseline = $17,000,000 First Nation Y value of baseline based on population weight = $3,570,000 =$17,000,000-$3,570,00 =$13,430,000

TABLE 29

AGENCY Z REVISED (EXCL. FIRST NATION Y)	
Total population served (on-reserve)	5,500
Number of First Nations served	4
Baseline (equivalent to total federal expenditures)	$13,430,000
Geographic zone	2
Remoteness adjustment factor	0.15
Average after-tax median household income on-reserve (among First Nations served)	$11,836
Total number of households on-reserve	732
Value of Market Basket Measure (relevant province, population >30,000)	$48,000

To model the funding allocation impacts of the departing First Nation on Agency Z:

1. Subtract the weight (%) of the departing population from the baseline
2. Adjust components using the revised baseline and population

To model these impacts the weight of the departing population is calculated from the denominator of the total population served (on reserve). The per capita calculation of prevention resources (assuming they exist) will be revised downward, based on the departing population.

To illustrate Agency Z's revised allocation using IFSD's approach, the revised baseline is applied to generate an estimate. In this model, remoteness is assumed to be applied to all FNCFS agencies and Agency Z's remoteness index remains unchanged. For an overview on how to estimate the poverty top-up, see Figure 41.

TABLE 30

COMPONENT	DESCRIPTION	OPTIONS	ESTIMATES
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures	$13,430,000
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget	$772,225
		MED: 5.5% of the baseline budget	$849,448
		HIGH: 6% of the baseline budget	$926,670
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget	$154,445
		MED: 3% of the baseline budget	$463,335
		HIGH: 5% of the baseline budget	$772,225
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, the population-weighted average of the after-tax median income of the First Nations for which we have data was used to extrapolate the missing data.	LOW: 3% of the difference	$744,993
		MED: 5% of the difference	$1,241,655
		HIGH: 7% of the difference	$1,738,317
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget	$77,223
		MED: 1% of the baseline budget	$154,445
		HIGH: 2% of the baseline budget	$308,890
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget	$154,445
		MED: 2% of the baseline budget	$308,890
		HIGH: 3% of the baseline budget	$463,335
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500	$17,450,675
Geography/ Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.	$2,014,500
		Total LOW allocation	$34,798,506
		Total MED allocation	$35,912,948
		Total HIGH allocation	$37,104,612

To illustrate how to project costs for the next four fiscal years, the medium allocation scenario is adjusted for population and inflation. To generate the estimate for the next fiscal year: (FY-1)*Inflation*Population change.

As indicated in Table 31, the on-reserve population is expected to grow by approximately 2% every year. Based on IFSD's forecast of the CPI, inflation should be approximately 3% per year.

TABLE 31

NATIONAL POPULATION PROJECTION	2.23%	2.24%	2.23%	2.18%	2.05%
INFLATION FORECAST (PER CPI)		3%	3%	3%	3%

To calculate the projections, the total costs of the previous fiscal year are multiplied by the anticipated population change for that year and by inflation to generate the estimate for the next fiscal year (Table 32).

For instance, to calculate the allocation for FY 2024-2025:

=Allocation FY2023-24*population 2024-25*inflation 2024-25

=$35,912,947.50*1.0224*1.03

=$37,818,919

TABLE 32

PROJECTION — MEDIUM SCENARIO				
2023-24	**2024-25**	**2025-26**	**2026-27**	**2027-28**
$35,912,948	$37,818,919	$39,822,150	$41,910,981	$44,053,261

FIGURE 41

ESTIMATING THE POVERTY GAP

To model the hypothetical poverty gap for Agency Z

Agency Z serves 5 First Nations: A, B, C, D, and Y:

FIRST NATIONS IN AGENCY Z	NUMBER OF HOUSEHOLDS	MEDIAN H. INCOME AFTER-TAX	PROVINCIAL POVERTY LINE (MBM)
First Nation A	183	$20,000	$48,000
First Nation B	183	$15,000	$48,000
First Nation C	183	$17,000	$48,000
First Nation D	183	$22,000	$48,000
First Nation Y	183	$11,836	$48,000

To determine the poverty top-up for Agency Z, the following calculations are made:

Step 1: Identify the after-tax median household income for each First Nation. Identify the relevant MBM. Then, calculate the difference between the after-tax median household incomes and the MBM. A positive value means there is a poverty gap; a negative value means there is not a poverty gap, and no top-up is applied. In the example of Agency Z, all First Nations have a positive difference, i.e., a gap exists.

First Nation A: $48,000 - $20,000 = $28,000

First Nation B: $48,000 - $15,000 = $33,000

First Nation C: $48,000 - $17,000 = $31,000

First Nation D: $48,000 - $22,000 = $26,000

First Nation Y: $48,000 - $11,836 = $36,164

Step 2: Multiply the poverty gap in each First Nation by the number of households in the First Nation. For the purposes of this illustration, all First Nations served by Agency Z have 183 households on-reserve.

First Nation A: $28,000 * 183 = $5,124,000

First Nation B: $33,000 * 183 = $6,039,000

First Nation C: $31,000 * 183 = $5,673,000

First Nation D: $26,000 * 183 = $4,758,000

First Nation Y: $36,164 * 183 = $6,618,012

Step 3: Sum the poverty gaps to determine the overall poverty gap for First Nations served by the FNCFS agency.

$5,124,000 + $6,039,000 + $5,673,000 + $4,758,000 + $6,618,012 = $28,212,012

Step 4: In IFSD's approach, there are three top-up options, 3%, 5%, or 7% of the value of the poverty gap. To generate those estimates, the total poverty gap is multiplied by the percentage. The poverty gap is then adjusted for remoteness (based on the remoteness adjustment of the service provider).

$28,212,012 * 3%*(1+0.15) = $973,314

$28,212,012 * 5%*(1+0.15) = $1,622,191

$28,212,012 * 7%*(1+0.15) = $2,271,067

Since First Nation Y will be exercising jurisdiction, the value of its poverty gap is subtracted from that of Agency Z. To do so, First Nation Y's value is removed at step 3.

$5,124,000 + $6,039,000 + $5,673,000 + $4,758,000 = $21,594,000

Therefore, Agency Z's revised poverty gap options are:

$21,594,000 * 3%*(1+0.15) = $744,993

$21,594,000 * 5%*(1+0.15) = $1,241,655

$21,594,000 * 7%*(1+0.15) = $1,738,317

To model the poverty gap options for First Nation Y, steps 1, 2, and 4 are followed using First Nation Y's total after tax median household income ($11,836) and its number of households (183).

Step 1:

First Nation Y: $48,000 - $11,836 = $36,164

Step 2:

First Nation Y: $36,164 * 183 = $6,618,012

Step 4:

$6,618,012 * 3%*(1+0.15) = $228,321

$6,618,012 * 5%*(1+0.15) = $380,536

$6,618,012 * 7%*(1+0.15) = $532,750

To illustrate an allocation for First Nation Y, the service provider's baseline is assumed to be $3,570,000 (one of the three sample baseline allocation estimates defined above) (Table 33 and Table 34). IFSD adopts the remoteness index from Agency Z and assumes the same remoteness index for First Nation Y (0.15). The assumption is made because IFSD estimates the remoteness allocation on a relative basis. To apply this approach, the list of service providers must be defined. A quotient is developed on a relative basis (from least to most remote) based on the existing group of service providers. See Appendix O for the remoteness adjustment factor by service provider type.

TABLE 33

FIRST NATION Y	
Mandate	Protection and prevention
Total population served (on-reserve)	1,500
Number of First Nations served	1
Baseline	$3,570,000
Geographic zone	1
Remoteness adjustment factor	0.15

For an overview of the calculation of the poverty top-up, see Figure 41.

TABLE 34

COMPONENT	DESCRIPTION	OPTIONS	ESTIMATES
Baseline budget	Population-weighted value of existing service provider's federal allocation.	Estimated federal allocation.	$3,570,000
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget	$205,275
		MED: 5.5% of the baseline budget	$225,803
		HIGH: 6% of the baseline budget	$246,330
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget	$41,055
		MED: 3% of the baseline budget	$123,165
		HIGH: 5% of the baseline budget	$205,275
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For the service provider, the population-weighted average of the after-tax median income of the First Nation(s) for which data was available was used to extrapolate the missing data.	LOW: 3% of the difference	$228,321
		MED: 5% of the difference	$380,536
		HIGH: 7% of the difference	$532,750
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget	$20,528
		MED: 1% of the baseline budget	$41,055
		HIGH: 2% of the baseline budget	$82,110
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget	$41,055
		MED: 2% of the baseline budget	$82,110
		HIGH: 3% of the baseline budget	$123,165
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500	$4,759,275
Geography/ Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	15% CAF applied to the baseline + top-ups.	$535,500
		Total LOW allocation	$9,401,009
		Total MED allocation	$9,717,443
		Total HIGH allocation	$10,054,405

To project the estimated allocation, the same growth factors (population + inflation) are applied as described above. They are repeated for ease of reference.

As indicated in Table 35, the on-reserve population is expected to grow by approximately 2% every year. Based on IFSD's forecast of the CPI, inflation should be approximately 3% per year.

TABLE 35

NATIONAL POPULATION PROJECTION	2.23%	2.24%	2.23%	2.18%	2.05%
INFLATION FORECAST (PER CPI)		3%	3%	3%	3%

To calculate the projections, the total costs of the previous fiscal year are multiplied by the anticipated population change for that year and by inflation to generate the estimate for the next fiscal year (Table 36).

For instance, to calculate the allocation for FY 2025-2026:

=Allocation FY2023-24*population 2024-25*inflation 2024-25

=$9,717,443.19*(1+0.0224)*(1+0.03)

=$10,233,167

TABLE 36

PROJECTION — MEDIUM SCENARIO				
2023-24	**2024-25**	**2025-26**	**2026-27**	**2027-28**
$9,717,443	$10,233,167	$10,775,208	$11,340,411	$11,920,076

The examples of Agency Z and First Nation Y are instructive. As the FNCFS environment evolves, service providers should be equipped to assess changes. This requires clear information on how allocations will be revised as the service population increases or decreases, as well as consideration of sustainability in service delivery.

Ideally, funding analysis and accountability measures are assessed together. Understanding what a service provider expends, how, and what results it generates can be useful for planning, advocacy, and oversight. While financial management and performance frameworks may be managed separately, linking the analysis and processes internally is an effective practice for ensuring alignment between expenditures and desired outcomes.

Estimates can be generated using the approach. Service providers may wish to adjust the value of components or run alternative scenarios to depict different needs or circumstances. For instance, when IFSD built allocations with collaborators, these are some of the adjustments requested to generate alternative scenarios:

1. 1.5x or 2x the prevention allocation per capita
2. % reduction of prevention allocation or elimination of prevention allocation
3. % reduction in population served
4. % increase in population served
5. Total membership (rather than population on-reserve)

6. Application of a Northern MBM (rather than province specific MBM)
7. Alternative inflation scenario, e.g., Northern, fixed, etc.

MODELLING SHOCK SCENARIOS

Funding for CFS is external to the service provider. Therefore, funding is subject to changes that may result in shocks the provider is required to absorb.

To model changes to funding allocations for FNCFS agencies, IFSD assumes that there has been a shift to a **block contribution approach** (for details, see the Structure section of this report). This means that FNCFS agencies gain flexibility in use of their funding (it is no longer restricted by pre-defined activity streams) but the amount of funding is pre-defined. IFSD assumes that the amount of pre-defined funds or block of funds with which an FNCFS agency is working with are sufficient for the discharge of their mandate and are linked to the contextual realities of the First Nation(s) they serve.

The "shock" or hypothetical scenarios modelled in this section represent changes to federal funding levels that an FNCFS agency may be required to manage. These shocks would be exogenous or outside of the FNCFS agency's control and unrelated to their use of funds. The exogenous shocks may be political, i.e., a change in government decision-making, fiscal, i.e., a change in available funds, inflationary, i.e., a change in the cost of goods or services.

In the scenarios, IFSD assumes that:

- The federal government will not provide additional funds
- FNCFS agencies will manage internal allocations, priorities, etc. to address the changes

Based on these scenarios, it would be prudent for FNCFS agencies to maintain a reserve fund, whenever possible, to insulate themselves from political decision-making in the short-term. It is expected that any long-term or sustained changes would be reflected in the review of the FNCFS Program, approximately every five years.

To model the scenarios, IFSD presents the impacts locally in three sample agency cases (Table 37).

TABLE 37

MODEL AGENCY	DESCRIPTION	BASELINE ALLOCATION
Agency 1	Population served on-reserve <500	$2,885,872
Agency 2	Federally funded allocation of $16M (reflective of the national average reported by FNCFS agencies in the 2021-2022 questionnaire)	$16,729,090
Agency 3	Serving at least one First Nation without year-round road access	$49,552,744

The five scenarios applied to the model agencies present the different impacts external changes may have on an FNCFS agency's federal allocation (Table 38). The allocation model is assumed to reflect (in the next fiscal year) changes such as, an increase or decrease in inflation and an increase or decrease in population. Since the changes would be captured in the funding approach, they are not presented as scenarios here.

TABLE 38

SCENARIO	DESCRIPTION	CONSEQUENCE FOR FNCFS AGENCY
Scenario 1	3% increase to per capita costs	FNCFS agency absorbs higher costs for various reasons, e.g., salary changes
Scenario 2	Prevention allocation reduced by 50%	FNCFS agency loses a part of its allocation
Scenario 3	Prevention allocation reduced to 0	FNCFS agency loses a portion of its allocation
Scenario 4	5% reduction in overall allocation	FNCFS agency allocation is reduced
Scenario 5	10% reduction in overall allocation	FNCFS agency allocation is reduced

The scenarios and their impacts are presented for each of the three agencies relative to the estimated IFSD "Recommended" allocation for FY 2024-25 (see Table 39, Table 40, and Table 41). The difference between the scenario and the IFSD "Recommended" allocation indicates the impact the agency would be required to absorb. Scenario 3 presents the greatest impact with the prevention allocation reduced to 0. Reductions in overall allocations at 5% and 10% would require substantial internal reallocations but are not as stark as the elimination or partial reduction of prevention funding.

TABLE 39

AGENCY 1: POPULATION <500	2024-25	DIFFERENCE BETWEEN "RECOMMENDED" AND SHOCK SCENARIO
IFSD "Recommended" allocation	$2,885,872	
Scenario 1	$2,972,448	$(86,576)
Scenario 2	$2,325,889	$(559,983)
Scenario 3	$1,765,907	$(1,119,965)
Scenario 4	$2,741,578	$(144,294)
Scenario 5	$2,597,285	$(288,587)

TABLE 40

AGENCY 2: FEDERALLY-FUNDED ALLOCATION OF $16M	2024-25	DIFFERENCE BETWEEN "RECOMMENDED" AND SHOCK SCENARIO
Baseline scenario	$16,729,090	
Scenario 1	$7,230,962	$(501,872)
Scenario 2	$12,203,524	$(4,525,566)
Scenario 3	$7,677,959	$(9,051,131)
Scenario 4	$15,892,635	$(836,454)
Scenario 5	$15,056,181	$(1,672,909)

TABLE 41

AGENCY 3: SERVING AT LEAST ONE FIRST NATION WITHOUT YEAR-ROUND ROAD ACCESS	2024-25	DIFFERENCE BETWEEN "RECOMMENDED" AND SHOCK SCENARIO
Baseline scenario	$49,552,744	
Scenario 1	$51,039,326	$(1,486,582)
Scenario 2	$38,426,090	$(11,126,654)
Scenario 3	$27,299,436	$(22,253,308)
Scenario 4	$47,075,107	$(2,477,637)
Scenario 5	$44,597,469	$(4,955,274)

From a funding perspective, the scenarios indicate a change in financial resources with direct implications on staff, capital, and other items required to deliver CFS. Should these or other scenarios external to agencies (or another service provider) impact funding amounts, their ability to discharge their mandates would be affected. For those with funding reserves, some changes, e.g., 5%-10% reduction in overall allocation in scenarios 4 and 5, may provide a period for adjustment and planning. For more severe scenarios where significant activity areas such as prevention are eliminated, more drastic internal reallocations will be required or external resources will have to be sought to cover impacts.

The purpose of the shock scenarios is to illustrate the scale of possible impacts for service providers. While not all shocks and impacts can be anticipated, some risk planning and provisioning would be prudent.

Assuming a block contribution approach for funding transfers to recipients, a modest but meaningful reserve could be established to support providers in managing impacts with some resources.

ESTIMATING CAPITAL COSTS

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model. **This is not a replacement for formal engineering assessments and detailed bottom-up cost analysis.**

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1. Clinical
2. Residential
3. Offices
4. Programming space
5. Storage
6. Fixed cultural assets
7. Vehicles
8. Moveable cultural assets

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per square foot construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios.

Table 42 provides an overview of the bottom-up model's design and assumptions. Appendix D1 provides a summary of each asset type included in the model.

TABLE 42

INDIVIDUAL BOTTOM-UP CAPITAL COSTING MODEL DESIGN
Model benefits:
• The individual bottom-up capital costing model provides cost estimates for a standard set of asset types common to FNCFS service providers. • It converts program requirements (e.g., number of FTEs/clinicians) to capital requirements, providing an intuitive way for service providers with limited experience in capital planning to identify their organization's capital needs.
Model inputs:
• Collaborators provide program requirements (i.e., number of FTEs), which serve as the model's inputs for costing fixed assets.[25] • The model requires collaborators to specify their movable asset requirements (i.e., vehicles) on a per-unit basis.
Model assumptions:
• The model employs SF assumptions based on a building's use and capacity (i.e., office space for 25 FTEs) to determine the gross area required for fixed assets (i.e., buildings). • It costs moveable assets (i.e., vehicles) on a per-unit basis. • The model then uses unit cost assumptions (i.e., SF costs, price per vehicle) to estimate investment costs for the collaborator's specified asset portfolio. • The model assumes a phased 5-year investment period for fixed assets, where a percentage of the overall fixed asset portfolio is acquired each year. • The model assumes a 5-year useful life for movable assets. As such, the model assumes service providers acquire all movable assets in year one, and replace these in year six. • The model applies a 25% contingency factor to the total investment requirement, aligned with INFC and PSPC guidelines, and adjusts for inflation using Budget 2024 projections.[26] • The model applies a 2% annual recapitalization/renewal rate to the inflation-adjusted sum of all fixed assets acquired in all previous periods. This aligns with TBS guidelines.[27]

25 In cases where collaborators had already developed conceptual designs for proposed buildings, the model was reconfigured to use the gross area defined in these plans.

26 Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund," Government of Canada, last updated January 20, 2023, https://www.infrastructure.gc.ca/rural-trans-rural/step-guide-etape-eng.html; Infrastructure Canada, "Step-by-Step Guide for Capital Projects Application Form [for Zero Emission Transit Fund]," Government of Canada, last updated September 21, 2021, https://www.infrastructure.gc.ca/zero-emissions-trans-zero-emissions/capital-immo-guide-eng.html; Infrastructure Canada, "Disaster Mitigation and Adaptation Fund: Applicant guide," Government of Canada, last updated December 7, 2023, https://www.infrastructure.gc.ca/dmaf-faac/applicant-guide-demandeur-eng.html; Public Services and Procurement Canada, *Doing Business with PWGSC: Documentation and Deliverables Manual,* Government of Canada, 2018, https://publications.gc.ca/collections/collection_2023/spac-pspc/P68-4-2-2023-eng.pdf; Department of Finance Canada, "Annex 1: Details of Economic and Fiscal Projections," Government of Canada, April 16, 2024, https://budget.canada.ca/2024/report-rapport/anx1-en.html.

27 Treasury Board Secretariat, *Guide to the Management of Real Property*, Government of Canada, 2011, https://www.canada.ca/en/treasury-board-secretariat/services/federal-real-property-management/guide-management-real-property.html.

Note: this document is archived on the TBS webpage; however, more recent guidelines do not provide advice on appropriate recapitalization/renewal rates.

Model outputs:

- The model produces low, medium, and high 10-year capital expenditure schedules for collaborators, based on their defined program and/or capital requirements. Cost scenarios are based on the per SF construction cost range specified for each building type.
- Estimated costs are driven by collaborators' program requirements, publicly available capital requirement benchmarks from Canada and US (e.g., SF per FTE), and unit cost assumption based on industry benchmarks and vendor information (see Table 43).
- The model functions on a cash accounting basis, where all costs occur in the year that cash changes hands. In other words, it does not amortize asset costs over their useful lives.

Model limitations:

- The model is not predictive; it requires service providers to specify their program requirements to estimate their capital needs.
- It cannot estimate how much capital a service provider requires based on variables such as population, number of children/families served, rates of children in care, etc.

The individual bottom-up capital model applies a remoteness CAF to each collaborator's capital estimate. IFSD calculated CAFs for all FNCFS agencies in Canada. The CAF calculation adjusts for remoteness (using Statistics Canada's Index of Remoteness) and whether the First Nations served have year-round road access. As per ISC's requirements, IFSD scaled all CAFs to reflect an average adjustment factor of 15%.[28]

For First Nations collaborators, IFSD applied the CAF of the agency currently serving them (if applicable).

When assigning unit cost assumptions, the model either employs cost standards from recognized sources commonly used for public sector costing (i.e., Altus Group and National Joint Council), or vendor information for specific asset types (see Table 43).

TABLE 43

ASSET TYPE	COST ASSUMPTION SOURCE
All buildings, including for land-based camps	Altus Group's 2024 Canadian Cost Guide[29]
Passenger vehicles	National Joint Council corporate fleet services guidelines[30]
15 passenger vans	Vendor information
Mini-buses	Vendor information
Moveable assets and shipping containers (sea cans)	Vendor information

28 Institute of Fiscal Studies and Democracy, "Monthly update – Phase 3 FNCFS Agencies and First Nations Exercising Jurisdiction," April 2023, https://ifsd.ca/wp-content/uploads/2024/07/fncfs-2023-04_agencies-jurisdiction-monthly-update_en.pdf.

29 Altus Group, "2024 Canadian Cost Guide," 2024, https://www.altusgroup.com/.

30 Corporate Fleet Services, *CFS Annual Report – 2024,* National Joint Council, November 2023, https://www.njc-cnm.gc.ca/s3/d896/en.

In some cases, collaborators told IFSD they needed assets that were external to IFSD's bottom-up model (e.g., playground). In these cases, IFSD costed the assets on a one-off basis using the best available information (vendor information, project proposals and guidebooks, established media reports).

Primary Cost Drivers

The primary cost drivers for the model are collaborator-defined program requirements. The model uses publicly available capital requirement benchmarks from Canada and US to convert collaborators' program requirements to capital requirements. For example, the model calculates office space requirements based on the number of FTEs required to deliver CFS, healing centre space requirements on the requisite number of clinicians, and residential treatment centres on the required number of beds. Lastly, the model uses per unit cost assumptions based on industry standards and vendor information to arrive at a capital estimate for each participating collaborator.

An individual collaborator's understanding of their communities' unique needs impacts both their overall capital estimate and its distribution by asset type. The result of cost estimates being driven by individual collaborators' understandings of need is significant heterogeneity in the capital estimates across collaborators. For instance, the majority of one collaborator's capital requirement was for clinical spaces (i.e., residential treatment centres, rehabilitation centres, and healing centres), whereas other collaborators' largest asset type requirement by value was either office space or programming space.

The variability between collaborators' understandings of their own needs underpins IFSD's recommendation that ISC fund FNCFS capital through a national pool. The inability to identify consistency in the cost drivers behind collaborator's capital needs makes extrapolating overall program requirements at the national level difficult. A proposal-based approach to funding capital would allow FNCFS service providers to articulate their capital requirements on a case-by-case basis until a comprehensive understanding of capital needs across the entire FNCFS Program is established.

Considerations

1. The bottom-up modelling approach provides a detailed framework for converting programmatic requirements to capital requirements. This makes it a useful tool for assisting FNCFS agencies and First Nations with limited capital planning experience in identifying their capital needs.
2. The modelling approach is based on service providers' needs, as articulated by the service provider. It does not account for variables such as population, rates of children involved with FNCFS, etc. As such, it is not a predictive model that can project service providers' capital needs based on demographic data.
3. The prescribed investment timeline (i.e., 5 years) is illustrative but does not account for local factors such as labour and/or material availability that could impact the deliverability of projects within this timeframe.

See Appendix D1 for the full summary on the bottom-up capital cost assessment and Appendix D2 for the top-down national assessment.

DEFINING AND EXECUTING A PERFORMANCE FRAMEWORK

Gathering and analyzing data is imperative for First Nations and FNCFS agencies to ensure the structure and funding of the FNCFS Program are delivering desired results for children and families. Ensuring discrimination does not re-occur requires an understanding of the starting point and changes from the starting point. Asking and understanding how children are doing is critical to understanding whether the structure and funding of the FNCFS Program are working to deliver supports and services to children.

In FNCFS, measurement can ensure the accountability of stakeholders such as service providers, funders, Indigenous Services Canada (ISC), etc. to the First Nations served.

Accountability in FNCFS requires the measuring and monitoring of relevant information to ensure discrimination does not reoccur. Measuring what matters means identifying and addressing structural drivers of contact with protection services and having the information to improve service access for First Nations children and families. Data is sovereignty and can be an important tool for First Nations and service providers. First Nations care and control in collecting, analyzing, and using data is paramount.

The basics of measurement and monitoring exist across organizations. In CFS, especially among established service providers delivering prevention and/or protection, input and output data is regularly gathered. Service providers will know the number of people they employ, how many people access a service, the days a child spends in out-of-home care, their annual revenues and expenditures, etc. This information is often required for reporting to government funders and to the First Nation(s) served.

Service providers will know the contexts in which they operate, their strengths, their issues, and needs. That information, however, is not always formally tracked or monitored. With a reformed FNCFS Program, there is an opportunity to build on existing data practices or develop new ones that are focused on outcomes. Based on IFSD's work with collaborators, existing reporting requirements for federal and provincial resources are focused on outputs, i.e., what activities and services were undertaken or provided with resources, the number of people accessing them, etc.

With that type of monitoring, no one is answering the question, **how are the children doing (**Figure 42**)?**

FIGURE 42

Why measuring matters

Dr. Fred Wulczyn

An excerpt of this analysis is presented in this report. Read the full analysis.[31]

In late May 2021, after hundreds of unmarked graves were uncovered at a former Indian residential school near Kamloops, British Columbia, there was a shock that resounded globally. First Nations children in Canada had suffered unspeakable outcomes. Callous disregard is a hard phrase to use when talking about someone else's children but there are times when it is an inescapable conclusion. That was one of those times.

The repercussions of that dark chapter in Canadian history raise many, many questions. There is one that stands out at this moment of truth and reconciliation: what next?

The Canadian Human Rights Tribunal (CHRT) ruled that the First Nations child and family services system — linked to the intergenerational trauma and repercussions of residential schools — was discriminatory and underfunded. Subsequently, the CHRT defined two critical elements in its rulings: end discrimination and ensure it does not recur. There have been expenditures (approximately $20B) committed to invest in the past — a righting of wrongs — for children and families that suffered from the child protection system. There must be a connection to how those same wrongs might be avoided going forward. While an additional roughly $20B has been committed to investing in a better system for the future, there must be a commitment to knowing how young people are doing (by and for the First Nations that care for them). Is the Government of Canada prepared to invest more wisely in the tools and technology needed to uphold what is a fundamental obligation to ensure discrimination does not recur? It is an uncomfortable and costly question to answer, but as it often does, history tells us that ignoring the question is even more costly than addressing it.

It is, of course, fair to ask about the way forward. History is again instructive. Speaking before the U.S. Congress in 1975, Orville Brim called on the United States to document the well-being of children in the same way we worked to document the health of the economy. His words ring true today. We are obliged to know, with a sense of purpose, how children are doing — the state of the child if you will. "Nothing esoteric is meant by using the term 'indicators of the state of the child' or 'indicators of child development', or even 'childhood indicators." Children rely on the adults in their community to understand how well they are doing.

Brim also had advice for how we might come to know the state of the child. "To produce these facts clearly requires there be identical measures, repetitively applied over time, to

31 Fred Wulczyn, "Why Measuring Matters. The Callousness of not Asking how Children are Doing," prepared for the *Institute of Fiscal Studies and Democracy*, May 30, 2023, https://ifsd.ca/en/blog/last-page-blog/Why-measuring-matters.

comparable populations of children." As a collaborator and confidant of Urie Bronfenbrenner, Brim understood the importance of rigor. One does not come to know the state of the child haphazardly. A sense of purpose has to be matched with investment in the collection of data that provides the evidence needed to judge the well- being of children and whether our efforts to improve the state of the child are paying off in the expected ways.

In its relationship with First Nations people, Canada finds itself at a critical moment in time. One path forward is built around a commitment to empowering communities so that they know the state of their child. What of the other path? It is the path with which we are already familiar.

Even if the choice is clear, the way forward requires due diligence. Again, history offers guidance. There are two parts to the answer. First, is what we might call the data capture phase. Brim said it best — to know the state of the child one needs measures repetitively applied over time. The second phase involves interpretation — using the data so that everyone with an interest in the state of the child knows the state of the child.

Best practices suggest the following steps:

1. It starts with a **conceptual** model of child development and the factors the influence healthy development: the child, the child's family, the child's community, and the investments made to support healthy development. The *Measuring to Thrive* framework provides the groundwork for the measurement model and the accountability framework.
2. An investment in **data capture systems**. Data capture refers to the recording of the relevant data, laid out in the *Measuring to Thrive* framework. Data capture requires investment in data management technology (this is how the data is recorded) and the human resources needed to enter data if data entry is not accomplished in some other way. For relatively simple tasks, such as recording the dates of placement or the reason for leaving placement, the types of data have to be defined but no specialized data collection instruments are required. In the case of a child's well-being, assessment instruments have to be selected along with an operational plan for measurements.
   [...]
3. To support regular reporting, the **data captured have to be used** in ways that help communities manage their investments in children and families. This is the evidence-building phase of the monitoring function.
   [...]
4. The **data captured** are used by the local community to manage their investments. **Data sharing** enriches our understanding of how well our investments in children pay off by way of comparison. To support data comparison, there are several options.
   [...]

Read the full analysis.

In the context of a reformed FNCFS Program, where service providers are receiving funding allocations via a block contribution approach or a fiscal arrangement through jurisdiction, measuring to monitor changes will be crucial. With a reformed program and with the devolved accountability to a variety of service providers through funding, it will be important to know how children, families, and communities are doing.

First Nations and their service providers should lead by measuring and monitoring what matters for the well-being of children and families in their communities. For some existing service providers, namely, agencies, they may gather and analyze data through case management systems. Others may rely on observational data. Some may combine case and observational data by using quantitative information to monitor "what" is happening, and using qualitative information to explain "why" these phenomena are being observed.

Working with collaborators, IFSD piloted a measurement approach. There were many lessons learned. It was not an easy or straightforward exercise. The approach piloted derives from the *Measuring to Thrive* framework[32] (originally developed with FNCFS agency directors). Collaborators worked together to identify indicators relevant to their work and communities, and for ISC. Indicators were defined and approaches to measurement were proposed (see Appendix J2 for a list of indicators, definitions, and measurement approach).

To operationalize the selected indicators, an event-based approach was adopted. The approach allowed collaborators (with different data sets) to commonly code information for analysis. Excel was used to code the data and a script (a set of instructions for analysis) were followed to answer questions and analyze the data. Through the exercise, together we learned that measurement is a practice that requires strategy, systems, processes, and people to execute (Figure 43). It is not easy or straightforward, but it is possible and a regular practice among many service providers.

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32 *Measuring to Thrive* is a set of indicators meant to help assess the well-being of First Nations children, families, and communities.

Measuring to Thrive is not a case management platform. The framework was developed with First Nations child and family services agency directors. See Funding First Nations child and family services (FNCFS): A performance budget approach to well-being (p. 39-116), for a complete overview of the framework, supporting research, and linkages to the Government of Canada's Policy on Results. *Measuring to Thrive* is a linking mechanism between realities in communities, funding, and accountability.

The approach recognizes that levels of income, poverty, housing shortages, and other structural factors impact children and families. These factors weigh on families raising children, increasing the likelihood of contact with child protection services. *Measuring to Thrive* is the basis for IFSD's proposed funding approach for the reformed First Nations child and family services (FNCFS) by qualifying community-level differences, such as poverty or geography, in the funding approach. As a performance framework, *Measuring to Thrive* is outcome-based and emphasizes wellness across its measures. The performance approach considers context and various indicators of individual and familial well-being.

FIGURE 43

People

- *Building Relationships* — Engaging with First Nations to "bring people along" and ensure data reflects community needs.
- *Building Capacity* — Human capacity is a challenge. Collaborators have adopted different strategies, e.g., hiring from nontraditional educational backgrounds, focusing on core positions.

Process

- *Tailoring an Approach* — Collaborators have different priorities and will capture and analyze data differently. The event-based approach can be modified to suit different approaches. Data capture and organization is critical for any approach.
- *Consistency* — Consistent data collection and analysis, aligned with internal standards, is key to building a narrative.

Strategy

- *Evidence* — Analyzing good data to develop evidence is required to justify program changes and decisions, and used as a tool for funding advocacy.
- *Alignment of Data and Evidence with Goals* — Data being collected should align to the mandate. Evidence derived from the data should align with the goals of a service provider. Tools like a data governance strategy, policy framework, data dictionary, are useful supports for an effective data management system. Care must also be taken when developing evidence from data.
- *Transparency* — A culture of information sharing (internally and externally) can help build support and engagement from community members and internal stakeholders on data gathering, analysis and reporting.

Systems

- *Building a Data System* — Collaborators are currently using a variety of data gathering systems. The event-based approach can work across systems by linking mandate and activities to desired outcomes.
- *Structure Over Tool* — Collaborators recognized that it was dedication and coding of the event information rather than the complexity of the tool that is paramount to a well-functioning data system.

FIGURE 44

COLLABORATOR A

Collaborator A is pursuing jurisdiction over child and family services with the development of a collective law with 6+ First Nations it currently serves. Collaborator A acknowledges that this is a long-term process, with the development of the law alone anticipated to take four years to complete. During this process, Collaborator A will continue to update its strategy, systems, processes, and personnel to ensure alignment with the collective law.

With this collective law, Collaborator A will deliver both prevention and protection services to the First Nations it serves. This integrated service delivery approach will help understand if prevention services are having the intended impact in mitigating the need for protection interventions. A robust data system, which provides evidence on outcomes, is critical to this process. Collaborator A is working with a consultant to review and prepare for upgrading its existing data system. This is an intensive process that requires:

- Buy-in from stakeholders, including First Nations served,
- Individuals to support and back the changes,
- Training for all staff, and
- Capacity building, including the design and integration of a new database.

Collaborator A is concurrently evaluating and updating its strategy, systems, processes, and personnel, to ensure readiness for implementing the collective law.

Hear from Kelly Provost, Executive Director, Piikani Child and Family Services, on the importance of culture and tradition in service delivery.

https://youtu.be/JHgWxeA8CRU

How do you start the measurement process?

1. Define your starting point.
    a. Do you gather data on CFS, e.g., well-being of children and families, contact with protection or prevention services?
    b. How do you/will you make programming decisions?
    c. How do you/will you determine what programming works?
    d. What information is available on the well-being of children and families in community, e.g., health, languages spoken, community engagement, and participation in cultural activities, etc.? What gaps need to be filled?
2. Identify relevant actors or contributors to the exercise.
    a. Who will define the strategy, i.e., goals/purpose of measurement?
3. Define the strategy for measurement, including scope, purpose, and goals.
    a. What are you trying to understand? Why?
    b. What questions are you looking to answer?
    c. Is CFS staff/practice supported by other services? Will they be included in this work, e.g., housing, water, education, etc.?
4. What will be monitored?
    a. Define indicators to align to strategy.
    b. Leverage existing work, e.g., *Measuring to Thrive*, and other frameworks for a starting point.
    c. Consider integrating community-level information with family and child level information.
5. Prepare indicators by defining them and assigning measurement approaches.
    a. Work with other service providers that have done this work. Are they in your First Nation? Other organizations? Are there external expert supports, e.g., universities, best practice centres, that can be useful?
    b. Review the approach and ask others for peer review.
6. Identify data sources and undertake gap analysis.
    a. What data do you have?
    b. What data can you access?
    c. Is the information relevant for the indicators to be monitored?
    d. Undertake a gap analysis to determine whether the information you have or can access align to the measurement framework.
7. Define a data gathering approach.
    a. Who will gather information? When? How?
    b. How will the data be commonly coded for analysis?
8. Define an approach for analyzing data.
    a. How will data be turned into evidence?
    b. Will the work be undertaken by the service provider? An external organization?
    c. What questions should be answered with the analysis?
9. Run a pilot exercise.
    a. Start with a small group and a subset of indicators. It won't be perfect, it won't be easy, but it can be done.
10. Revise the approach.
    a. Undertake internal audits/assessments. Is data being gathered consistently? Is it helpful in answering questions?
    b. Seek out external supports and assessment of the approach.
    c. Leverage what has already been learned or designed by other service providers.

FIGURE 45

Dilico Anishinabek Family Care: collecting and applying strengths-based data on health, mental health, and child and family services[33]

"No one is going to do it if we don't."

Dilico Anishinabek Family Care (Dilico) long ago realized that they had to capture their own data to understand and meet client needs. No one else was gathering the data necessary to improve needs-based client supports and services with a focus on their strengths. The focus of Anishinabek people is on the gift and purpose of our people, and not on their deficits. The focus on strengths means being concerned with what has happened to them versus what is wrong with them. Dilico's approach uses a circle of care of professionals to work with the individual to restore balance in areas of their life that are causing them issues. Gathering information and measuring on terms that support the best interests of the communities served is an approach to improving the alignment of services to needs.

In the 1980s, a group of chiefs from Ontario joined together declaring a problem with the existing child and family services system. They wanted their children back in their communities and they wanted an emphasis on prevention. From that effort, Dilico emerged as a child welfare organization.

Since its establishment, Dilico has changed and grown. When two First Nations-led health and mental health organizations were struggling in the 1990s, Dilico took them over, expanding its mandate. Dilico now has an **integrated mandate across child and family services, health, and mental health**.

By the numbers:

- **Date of establishment:** 1986
- **Number of First Nations served:** 13 (child and family services and mental health), with health services for 9 of the 13 First Nations
- **Total population served from First Nations served (on-reserve):** 4,439
- **Total population served from First Nations (off-reserve):** 9,312
- **Total population served (Thunder Bay District):** 146,862
- **Total revenues and expenditures (FY 2022-23):** $72M
- **Governance:** Board of Directors, with one director appointed from each of the 13 First Nations

33 Institute of Fiscal Studies and Democracy, "Dilico Anishinabek Family Care: collecting and applying strengths-based data on health, mental health, and child and family services," IFSD, January 9, 2024, https://ifsd.ca/en/blog/last-page-blog/The-Dilico-Case.

Average expenditure per client served by service sector:

Child and Family Services (CFS): approx. $15,000/client

Health services: approx. $1,200/client

Mental health and addictions treatment: approx. $3,700

In 2012, leadership was Indigenized, replacing senior ranks with Indigenous people. This represented an important change for the organization. As Indigenous leaders brought forth Indigenous practices and perspectives, the organization began tracking and monitoring their successes. Dilico leveraged the approach because it had to advocate to provide services to their own people (when faced with mainstream organizations). Gathering and analyzing their own data equipped them to demonstrate their successes (which it still does).

"No one could ever say we weren't as good as the mainstream. We do everything they do but in a way that works for people, in a way that gives them what they need."

Dilico's approach is premised on addressing the root causes of issues with strengths-based approaches. Fully accredited by Accreditations Canada (with distinctions in various categories), the team works to identify root causes of challenges and supports clients to reclaim their identity, building confidence along the way. Treatment approaches are based on need and link the best of Indigenous and Western techniques. In this model, the focus is on what happened, why, and how can we work through it, rather than Western power approaches that dictate behaviours without understanding why and how they arrived at this circumstance in the first place.

There is a lot of demand for supports and services in Thunder Bay. Most of Dilico's clients are First Nations or Indigenous peoples that find their way to Thunder Bay through transiency. For instance, some have come to the hospital, having been jailed, released from jail, being excommunicated from their First Nation, do not know how to get home, etc. Addictions are a major challenge (for a sense of scale, there are 13 methadone clinics in Thunder Bay, with a population of approximately 123,000 people).

Dilico offers direct services in communities and supports First Nations in delivering their own services. Most community-led services are addictions related. These services focus on pre-treatment supports, after care, cultural services and land-based services, and community health nurses. To build skills in communities, Dilico offers community-based workers access to their professional training, the same as it offers to its own employees. Supporting this capacity building is job shadowing where community-based workers shadow employees at Dilico's treatment centre. The on-the-job training supports community-based workers in their service delivery.

Central to Dilico's approach to service delivery is the individual and relative measure of success. This means that Dilico has a different baseline for every client and works to support and measure against that baseline. There is no universal threshold for success. The approach requires that data is gathered using strength-based tools, mental health measures, and outcomes on an individual basis.

In addictions treatment, for instance, clients are assessed multiple times in their treatment cycle. There are intake and exit assessments that compare changes, strengths-based assessments are done early on so that clients leverage those capacities during treatment. Gathered data is a combination of observational and narrative-based (a mix of quantitative and qualitative) that is leveraged to support individual plans, and aggregated and anonymized to assess overall program outcomes. Working with Dr. Christopher Mushquash (Lakehead University), Dilico analyzes data and makes sense of the changes.

Residential treatment centre

Coming around the bend, you are met with the vastness of Lake Superior on the left and rustling trees on the right. The secluded, quiet location of the treatment centre feels like it could be hundreds of kilometres away from the city centre. A garden of sacred medicines guides your path into the centre and the faint sound of drumming greets you. Asked to wait to respect the privacy and intentions of those in circle, the smell of burning sweet grass fills the space as drumming subsides.

Clean and bright, there are hallways with rooms on either side of the main gathering space that is filled with natural light. The residential treatment facility is home to approximately 20 individuals at a time (plus staff) for 5-6 weeks.

The average cost per client for the full in-care residential program is approximately $13,400.

The cost includes:

- Residential program
- In-house staff
- Personalized treatment plan
- Cultural supports and services
- Pharmaceutical supports and medical services
- Unlimited follow-ups post-treatment

Clients at the treatment centre vary from those on the streets to professionals, e.g., nurses struggling with addictions. There's a 90% completion rate of the program with 60% of those that took part continuing on a good path. Success is measured on an individual basis, with no universal indicator of what defines success.

Demand for treatment far outstrips capacity. There were 776 requests for treatment/referrals in fiscal year 2022-2023, with 221 people admitted (squeezing in extra beds to meet demand). Taking the toughest cases is a point of pride for Dilico.

The program is always changing and is adjusted with client feedback, “nothing is ever the same.” There is no cookie cutter approach when the program is designed to meet people’s different needs.

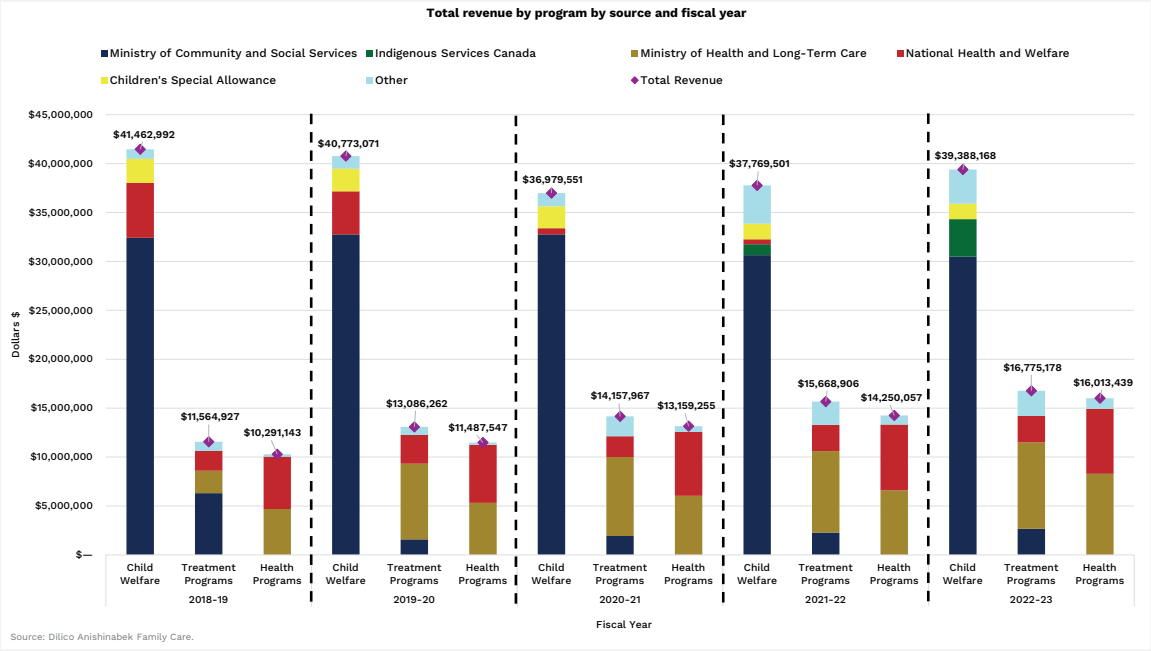
As a central part of the approach, culture is woven into the treatment approach and the physical space it occupies. There are Lodges for sweats and a sacred fire. Walking out onto the healing grounds offerings are laid among the trees with gratitude.

Dilico’s approach to integrated service delivery means that they can integrate problem solving and work to meet people’s unique needs. With expertise and service offerings across child and family services, health, and mental health, Dilico’s employees can “yell down the hall” to build an integrated approach to supporting clients in need.

Resource analysis

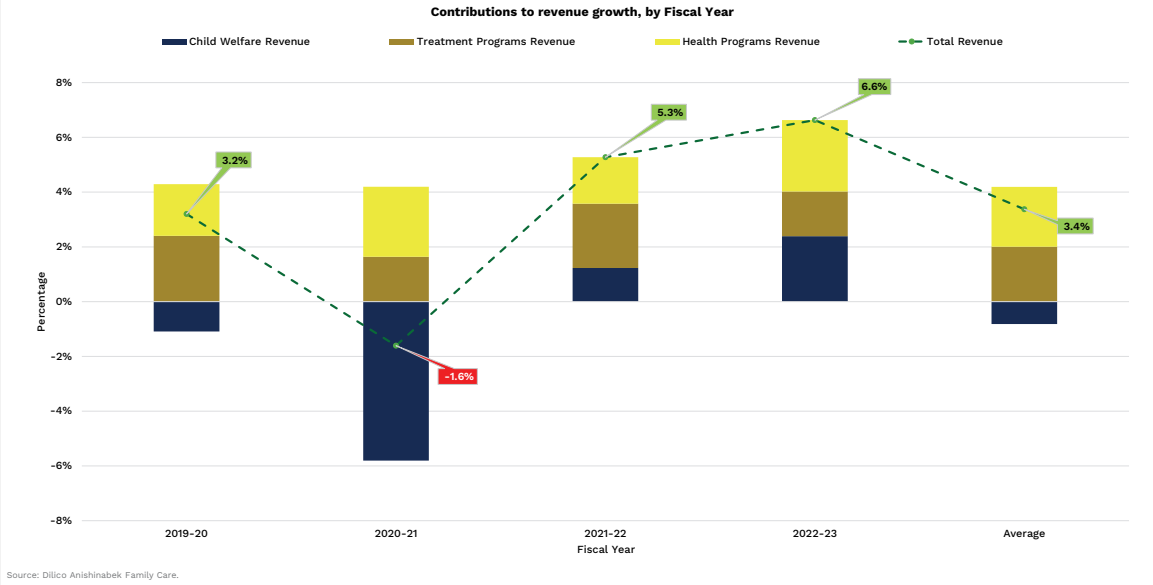
As an integrated service provider, from the outside, Dilico looks like one large centre. Through a financial lens, Dilico is operating three agencies with funding from different sources. The majority of the agency’s funding comes from the province of Ontario for child and family services, as well as health funding (Figure 1).

Figure 1



The increase in Dilico's overall revenues is attributable to health services funding (Figure 2), which is awarded based on competition through a request for proposals (RFP) process with Ontario. Often, the RFPs have strict criteria for uses of funds and even dictate parameters of how programs will be delivered by providers, e.g., defining numbers of particular types of employees, maximum salaries, etc. The approach restricts problem solving and the ability to address changing needs by predefining what will be done. In its RFP process, Ontario is procuring for a good rather than a service. If Ontario procured for a desired service, e.g., providing addictions treatment support to Indigenous clients, the service provider could determine how to best deliver by deciding on its staffing complement, salaries, operating needs, etc. Procuring for a service would better align to an integrated mandate.

Figure 2

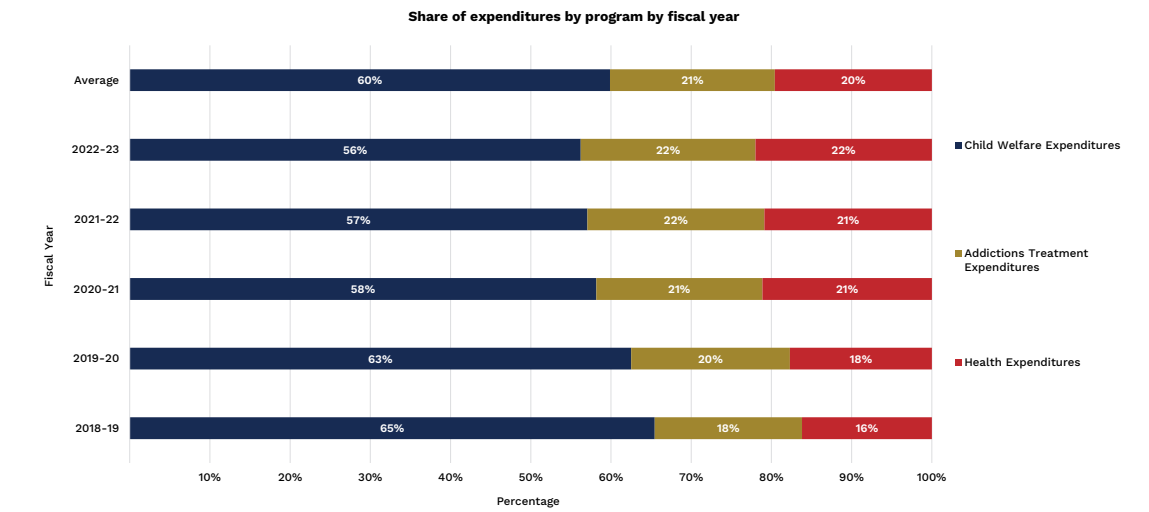


By contrast, federal funding for Dilico is often received through a block transfer. This means that Dilico can decide on how use the funds in the block to achieve a specific goal. The approach is preferred because it empowers the provider to make decisions in the best interests of the people served, rather than following what can appear to be arbitrary constraints imposed by government.

With most of Dilico's non-child and family services funding awarded through contracts, the organization often reacts to revenues obtained. This can make long-term planning a challenge. While needs are defined through their own data collection system and changes monitored, the ability for Dilico to align resources and service activities is dependent on contracts and their changes.

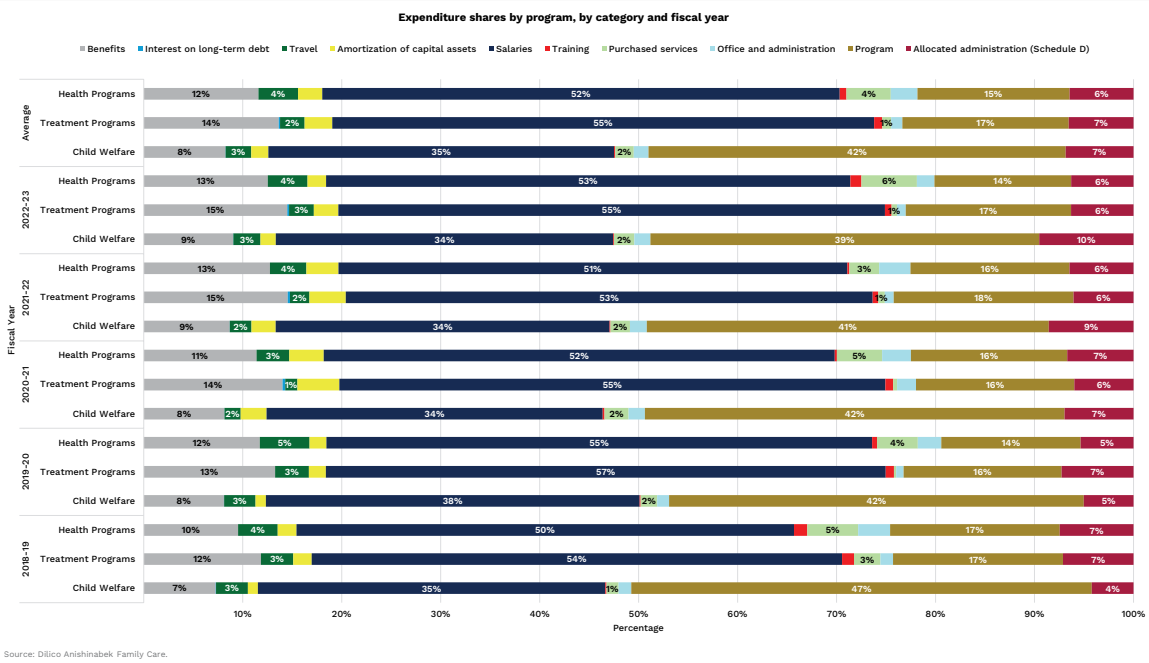
Consistent with service-delivery organizations, the majority of Dilico's expenditures are allocated to salaries, benefits, and training (Figure 3). While child and family services has the highest revenues and expenditures, most costs are attributable to the delivery of the program, e.g., maintenance payments, services for children in care, etc. On a percentage basis, child welfare has the lowest salary, benefits, and training allocation, whereas health and addictions treatment are higher (Figure 4).

Figure 3



Source: Dilico Anishinabek Family Care.

Figure 4



Source: Dilico Anishinabek Family Care.

For a large, mature, integrated service provider like Dilico, service-based procurement, block transfers, and funding certainty better align to the ever-changing realities and needs for service delivery.

Conclusion

Dilico's integrated service delivery approach is an example of an Indigenous model that leverages the best of Indigenous and Western practice to meet the needs of the people it serves.

Delivering services in a way that works for people means giving them what they need in a way that suits them. The individual-focused approach means that there's often no black and white in defining success, "it's often gray."

To demonstrate the successes of its approach and outcomes, Dilico gathers and analyzes its own data. Measurement and analysis can be done in a strengths-based Indigenous-led approach to support, sustain, and improve practice.

COLLABORATOR PILOT PROJECT ON IMPLEMENTING *MEASURING TO THRIVE*

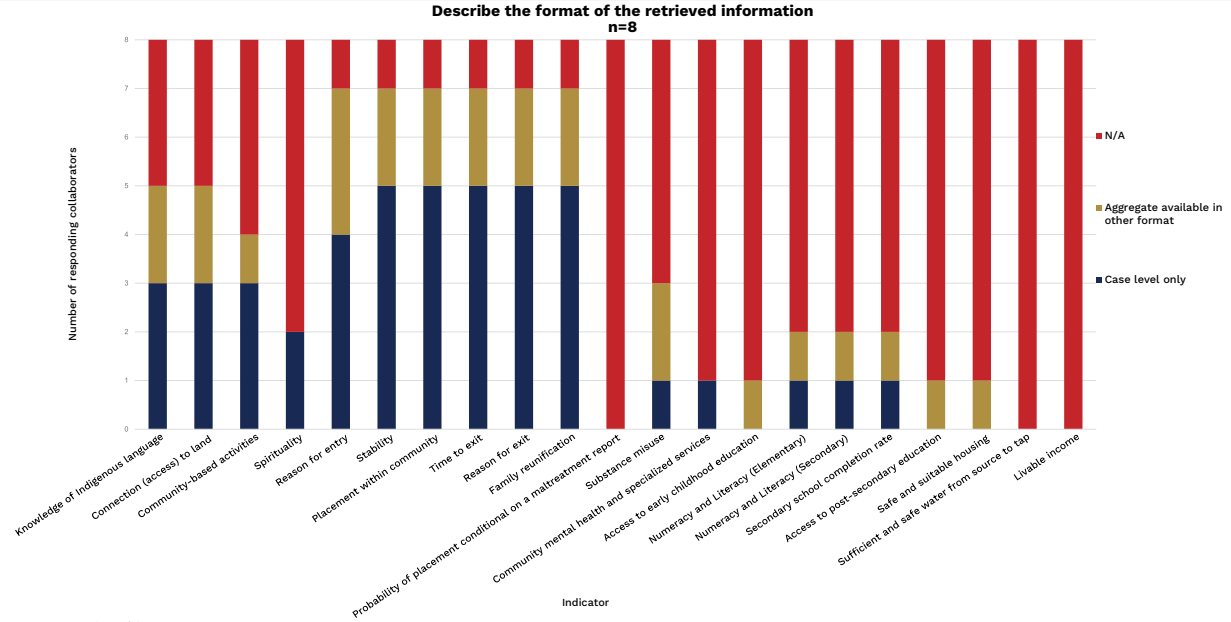
The pilot exercise was initiated with collaborators in November 2022. At a gathering, collaborators identified a subset of indicators from the *Measuring to Thrive* framework for their use and for ISC[34] to monitor the FNCFS Program (see Appendix J1).

With the indicators selected, a working group of approximately 10 participants representing three collaborators committed to defining and proposing measures for the selected indicators. At this phase of the pilot, it was incorrectly assumed that collaborators already gathering data could track the indicators. A gap analysis was undertaken with collaborators to determine:

1. What information they were gathering
2. What information they could access
3. The format of that information

The results of the gap analysis were instructive. Among the group of 20 collaborators, some actively gathered case-level information (protection and/or prevention) and others did not. Figure 46 summarizes the availability of information from reporting collaborators. Over half of the data needed to measure the collaborator-selected indicators was reported as not available. When considering available data, most comes from case-level sources.

FIGURE 46



34 The five proposed indicators for ISC were (see Appendix J1 for summary of collaborator meeting on measurement):

1. Safe and suitable housing
2. Sufficient and safe water from source to tap
3. Family reunification
4. Livable income
5. Access to mental health and specialized services within the community

While existing service providers were actively gathering data, mainly case data associated to protection services, the systems they used were different. Some collaborators were operating with multiple systems with information that could not easily be leveraged for comparison. In response, an alternative approach to data gathering was proposed.

FIGURE 47

NOGDAWINDAMIN FAMILY AND COMMUNITY SERVICES

Nogdawindamin Family and Community Services' (NFCS) has a dedicated quality assurance (QA) department consisting of seven employees. With a well-established approach to data collection and analysis, NFCS is leveraging the *Measuring to Thrive* framework to connect community context with program outcomes. NFCS is using the 75 indicators outlined in the framework by adapting them to meet the agency's specific needs. This adaptation process involves reviewing the indicators, defining them with parameters that match their service model (e.g., defining age ranges for measurement), and measuring them using queries to extract data from existing systems to connect with program outcomes.

Key factors driving this process include a dedicated database administrator, supported by strong processes, robust systems, and solid inter-departmental relationships conducive to data collection. Recognizing this is a long-term learning process, NFCS is exploring alternative ways to gather data to avoid overburdening front-line workers during the indicator definition and testing phases.

NFCS navigates a culture where there is concern associated with measurement. This concern can influence how data is presented, potentially leading to selective representation of program outcomes. For instance, unsuccessful program outcomes may be overlooked, while unrepresentative but positive data could be exaggerated. To address this, the QA team works with staff to build understanding and gradually shift culture around data collection and analysis. NFCS regularly communicates its findings internally and to the First Nations it serves, educating on the purpose and benefits of data collection and analysis. This shift will take time, but maintaining positive relationships with departments by balancing competing priorities and addressing tensions will support the transition.

NFCS defines their priorities clearly and works toward them efficiently. They gain actionable insights without overburdening employees. For this process to be effective, it requires access to resources, expertise, and building a supportive environment conducive to testing and course corrections. This approach demonstrates that practitioners with an established approach to data collection and analysis supported by an existing team, are well-positioned to leverage the *Measuring to Thrive* framework. This framework can operate within existing systems and connect community context with program outcomes.

The event-based approach was proposed as a consistent mechanism for coding data from different sources for common analysis (Figure 48).

In this approach, information about the person receiving supports is captured by coding the events based on a date and related activity descriptors. The approach is premised on understanding a trajectory from a starting point, with a series of events to assess change.

This approach makes four assumptions:

1. There is a record of the person/persons receiving supports.
2. Events related to the person/persons are relevant and are tracked in chronological order.
3. The First Nation or FNCFS agency would define the events to be tracked, e.g., an assessment, a service received, a change in living arrangement. An assessment might capture facets of cultural identity, language, etc. Events also refer to the steps taken to protect a child.
4. Data is captured and organized for analysis. There is no pre-judgement of outcomes.

In the event-based schema, 'assessment' is used to define a learning about a child or family. The assessment need not be a formal assessment. The assessment event simply acknowledges what has been learned about some relevant aspect of child and/or family well-being. The reason for capturing the data within the event structure has to do with the fact that the assessed strengths may change over time. For example, language exposure may change as living arrangements change. By capturing these changes within the event structure, it becomes easier to see how the services provided relate to changes in the well-being of the child. This is one of the ways in which First Nation's service providers can monitor the impact their service investments are having.

The event-based approach is *one approach* to measurement in FNCFS. Service providers will take a variety of paths on FNCFS data collection and analysis. Whatever the chosen approach, there is a benefit to knowing whether goals are being achieved as well as if the lives of children, families, and communities improved with the allocated resources.

FIGURE 48

BIO RECORD			PLACE RECORD	EVENT RECORD			CODES	
CIN	**DOB**	**Gender**	**Geographic information (on event location, e.g., placement, exit, etc.)**	**Event date**	**Event type**	**Event sequence**	**Event type code**	**Event modifiers**
Unique child identifier, e.g., number	DOB — M/D/Y	Female Male Other	**Home First Nation —** The child's home First Nation, in community/ on-reserve **Other First Nation —** A First Nation other than the child's home First Nation, in community/ on-reserve **Out of community/ off-reserve —** A non-First Nation place or urban setting *Note: Geographic information can be coded to a specific First Nation and linked to a separate data sheet with community level information*	Event date (M/D/Y)	Placement event Exit event	1, 2, 3,...N	**PHM** Removal of parents (child remains in home with kin/kith and/or other caregivers) **PKC** Care of kin/kith out of home **PGH** Group home **POH** Other out-of-home care **XRM** Age out of care **XPW** Permanent placement/ permanent ward **XRF** Reunification with family **XRL** Placement with kin/kith **XRY** Runaway **XDT** Death **XOT** Other **ZTC** Child remains in care	**Placement event modifiers** **PA** Physical abuse **SA** Sexual abuse **NGL** Neglect **EMT** Emotional maltreatment **IPV** Exposure to intimate partner violence **ADD** Parent/caregiver addictions **OTH** Other **Placement change modifiers** **DIS** Discharge, e.g., service plan complete **CAR** Caretaker unable to provide care **REL** Relative (kin/kith) identified for care **P-X** (added to any placement reason), indicates reason for placement change, .e.g., P-PA = placement change due to physical abuse with caretaker
					Assessment event		**AST** Assessment completed	**Assessment modifiers** **LND** Connection to land reported **LNG** Engagement in learning and/or speaking Indigenous language observed **APA** Active participation in First Nation's community **ASP** Spiritual practice observed

CIN	DOB	GENDER	GEOGRAPHIC INFORMATION ON EVENT LOCATION	EVENT DATE	EVENT TYPE	EVENT SEQUENCE	EVENT MODIFIERS	CLARIFICATION
001	02-17-2020	Male	On reserve	04-12-2022	PKC	1	ADD	Change in living arrangement for reason of caregiver substance misuse
001	02-17-2020	Male	On reserve	09-02-2022	POH	2	CAR	Change in living arrangement because caretaker unable to provide care
001	02-17-2020	Male	On reserve	02-10-2023	AST	3	ALN	Sense of connection to traditional land
001	02-17-2020	Male	On reserve	05-15-2023	PKC	4	REL	Change in living arrangemnet - kin identified
001	02-17-2020	Male	On reserve	07-17-2023	AST	5	APA	Participation in First Nation's activity
001	02-17-2020	Male	On reserve	07-31-2023	XRF	6	DIS	Service plan complete

FIGURE 49

PIIKANI CHILD AND FAMILY SERVICES

Piikani Child and Family Services utilized the *Measuring to Thrive* framework to link service provision with culture, relationships, and participation in activities. This database aligns with Blackfoot culture by gathering contextual and program-specific information, such as child enrolment in school, attendance at community events, and participation in prevention programs. It also builds a profile for each child that includes their Blackfoot name, genealogy, and other cultural aspects. Piikani Child and Family Services tracks these activities over time as events.

Piikani Child and Family Services adapted aspects of the *Measuring to Thrive* framework to create a database that aligns with Blackfoot culture. This database tracks various information related to children, like participation in cultural events, to help Piikani Child and Family Services improve service delivery. This example highlights the importance of training employees on the benefits of data collection and analysis to ensure their engagement, enhance service delivery, and improve program effectiveness. Additionally, it illustrates how FNCFS agencies and First Nations can apply the *Measuring to Thrive* framework to develop measurement practices that align with their cultures and unique practices while tracking indicators of children's well-being.

Piikani Child and Family Services measures cultural engagement by tracking the number of cultural events (e.g., language classes, ceremonies, etc.) a child attends. They assign each cultural event a unique code and track it over time. Piikani Child and Family Services plans to use the information in three ways:

1. Demonstrating the importance of cultural activities to funders.
2. Informing child placements by prioritizing those that support cultural participation.
3. Identifying connections between experiences in care and long-term outcomes, such as high school graduation rates.

This database requires data, time, and expertise, which Piikani Child and Family Services is currently developing. Front-line workers who engage directly with children will be responsible for collecting and populating much of the data into the system. Piikani Child and Family Services is actively training employees on how to use the system and explaining its importance to ensure their engagement with it. It plans to eventually expand its data collection to include protection services, post-majority care, and band designate services, recognizing that this is a long-term process.

As Piikani Child and Family Services continues to build the necessary processes, systems, and expertise for data collection and analysis, it will develop a more comprehensive understanding of a child's life in comparison to relying only on a case management system, supporting evidence-based decision making.

Organizing the data needed to monitor services delivered and to monitor change in CFS means tracking what is happening with children and families in need of support, tracking the services received, and incorporating the community context in the data model.

The event-based approach was attempted because the information is available (or accessible to) most collaborators and presents an opportunity to try the events-based approach with ready data. There was a strategic decision during the pilot to use existing data: a result of the pilot was needed in a specific timeframe. The decision was also practical: if a national approach to measuring to monitor was to be defined, it was a reality that service providers would have different approaches to collecting and storing information. There had to be a way to leverage the existing information for analysis.

The pilot used Excel. A software tool had been developed by IFSD but it was set aside. The pilot indicated the issue was not data *entry* for analysis, but a lack of a common basis for gathering and coding information for analysis. In addition, the use of Excel meant accessibility for service providers. There was no requirement to train staff, manage logins, etc. on an alternative tool.

A data entry spreadsheet was prepared to code case-level information in a non-identifiable format to organize data for analysis. A list of codes for event type and modifiers which provide additional information for the event, is available to code each event in a case file (see Appendix J3 for the framework). The event types and modifiers could be altered to be relevant to the user. For instance, additional data e.g., spirituality of child, connection to land, etc. can be included as an event type.

The data is organized by:

- Information on the child
- Information about the community
- Information about the history of service involvement
- Event type codes
- Event modifiers

Once collaborators coded their entries, they followed a 'script' or instructions in Excel to analyze the data and answer questions about their datasets. The analysis answered a series of questions associated to children in out-of-home care. This was a function of the nature of available data.

- What is the number of children admitted to care for the first time?
- How has the number of children admitted changed by fiscal year?
- What is the age composition of children admitted to care?
- Has the age composition of cohorts changed?
- What are the reasons for entering out-of-home care?
- Have the reasons for entering out of home care changed?

These questions offer a starting point for service providers navigating data collection and analysis. In the future, it is anticipated that data will focus on child, family, and community well-being.

FIGURE 50

CARRIER SEKANI FAMILY SERVICES

Carrier Sekani Family Service (CSFS) uses the *Measuring to Thrive* framework to guide long-term planning for data collection and analysis. Over the past 2-3 years, CSFS has been guided by its Strategic Plan, *Measuring Our Way Forward*, and focused on establishing a strong foundation for these efforts by developing the necessary processes, systems, and expertise. A key component driving this process is the Quality and Innovation (QI) Program. With a team of 10 full-time employees (FTE), it has the mandate to support the organization in its research and planning activities, conduct program evaluations to assess quality standards and indicators, and perform analytics to track organizational and program performance.

CSFS views data as integral to making evidence-based decisions, particularly for evaluating program effectiveness. This data-driven approach is supported by CSFS's leadership and has been adopted throughout its various departments. As a result, CSFS is well-positioned to integrate the *Measuring to Thrive* framework into its internal practices.

The steps for using the *Measuring to Thrive* framework, including the gap analysis, provided CSFS with valuable insights about what data is being collected and its accessibility. Following this exercise, CSFS developed a data dictionary to clearly outline how and where they store data. It also offered lessons in the importance of having a dedicated team, data management practices, covering topics like data collection methods, storage protocols, privacy and confidentiality considerations, and aligning practices with OCAP ® Principles.

CSFS reviewed their existing data collection and analysis approach, identified gaps, and set goals for improvement. This process helped CSFS become ready to measure the indicators in the *Measuring to Thrive* framework, which will inform resource allocation, funding requests, and help prevent discrimination from reoccurring. This example demonstrates that implementing a new measurement approach, such as integrating the *Measuring to Thrive* framework, takes time, especially in establishing the necessary processes, systems, and expertise for data collection and analysis.

The pilot exercise was useful in highlighting the opportunity with measurement and the time, effort, and appropriate skills it requires for operation. Many providers measure and monitor across a variety of indicators. Learning from their experiences and adopting their known approaches (rather than developing new ones) can shorten time for implementation and reduce resource requirements.

Among collaborators, there were organizations who shared practices and lessons on measurement.

Hear from Riley Randall and Matthew Hayman, Quality Assurance Supervisors, Nogdawindamin Family and Community Services on defining and adapting performance frameworks in service delivery.

https://youtu.be/UAPy1TtKMmY

Hear from Janna Olynick, Data Analyst, Carrier Sekani Family Services on their journey in data governance.

https://youtu.be/EZ11s9cFvtA

The service providers already engaging in measurement were willing to share their time and resources with others who were planning their approaches. There is an established network of practice that service providers can leverage to exchange ideas and design their approaches. It is anticipated that the First Nations-led secretariat will play a supporting role in data analysis and best practice sharing.

CONCLUSION

This report presents a blueprint for reform of the FNCFS Program. The content is a reflection of the generous contributions of collaborating FNCFS agencies and First Nations and builds on analysis IFSD has undertaken since 2018 on FNCFS reform.

Guided by the CHRT's orders on FNCFS to end discrimination and ensure it does not reoccur, IFSD makes recommendations for changes to structure, funding, and accountability. Sustainable reform of the FNCFS Program will require linking an increase in funding with competent delivery and monitoring outcomes to improve the well-being of First Nations children.

IFSD makes the following recommendations:

STRUCTURE

1. Clarify federal policy and associated regulations (including terms and conditions and outcome-based performance indicators) for the FNCFS Program to focus on well-being with alignment to the principles of *An Act respecting First Nations, Inuit and Métis children, youth and families*.
2. Implement a block funding approach for existing FNCFS agencies, with a carry-forward provision.
3. Ensure resources for the FNCFS Program are secure and cannot be used for other purposes by Indigenous Services Canada (ISC) through a Special Purpose Allotment (SPA), with a carry-forward provision.
4. Adopt the allocation approach proposed in this report for FNCFS agencies with a holistic understanding of the allocation for existing service providers. This means leaving the approach and its components intact and not artificially segmenting the allocation, as ISC has done with its interim funding commitments.
5. Stop all ad hoc decision making and changes to funding and to FNCFS Program rules.
6. Adopt a cohesive reformed approach that includes recommended changes to structure, funding, and accountability. Notify service providers of the full intended reform and its parameters at least one full fiscal year in advance of the change.
7. Provide service providers at least one full fiscal year in advance of the change with:
    a. A clear statement of policy on the FNCFS Program and its associated terms and conditions;
    b. A five-year funding allocation in a block approach;
    c. Performance reporting indicators aligned to the goals of a reformed FNCFS Program.

FUNDING

8. Allocate resources to the service provider able to continue to or immediately deliver child and family services in First Nations. This includes protection and prevention (primary, secondary, tertiary) services.
9. Understand the funding approach and allocation holistically. Do not pull apart the allocation intended for a service provider, as the amounts may not be sufficient for the discharge of their mandate.
10. Ensure the existing federal baseline for service providers is maintained as the foundation on which to add activity and context specific components (adjusted by inflation and population escalators).
11. Develop allocations to service providers with funding principles linked to their activities and different contexts (e.g., poverty, geography, and over time, outcomes). IFSD provides recommendations for each funding component.

ACCOUNTABILITY

12. Require a national reporting practice for FNCFS for transparency to First Nations and their delegated service providers while holding the Government of Canada accountable.
13. Establish a First Nations-led secretariat to support data gathering and analysis and best practices in FNCFS.
14. Define the reporting and service obligations of different funding recipients through the FNCFS Program, e.g., if FNCFS agencies and First Nations are expected to deliver secondary and tertiary prevention services, their reporting obligations on an activity basis should be the same.
15. Ensure ISC's performance indicators for a reformed FNCFS Program reflect the structural drivers of contact with protective services.
16. Include a review of the allocations to reform the FNCFS Program, e.g., $47.8B from the Draft Final Agreement (assuming it is ratified), its allocation, and outcomes as part of a five-year program review.

Ending the discrimination against First Nations children and ensuring it does not reoccur takes more than writing a cheque — although additional resources are essential. It means fixing the policies, rules, terms and conditions, performance indicators, reporting requirements, and incentives that shape the decisions of actors in the system, both inside and outside of the Government of Canada.

FNCFS agencies and First Nations have shared their knowledge, their data, and their experiences to shape an approach that comes from the front lines. IFSD's proposed approach fits within the Government of Canada's existing contribution approaches and policies on results. Canada should not miss this opportunity.

True reform of the FNCFS system will take years. **This is an opportunity to get a major policy change right.**

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APPENDIX A1

CENSUS 2021 OVERVIEW BY SERVICE PROVIDER TYPE

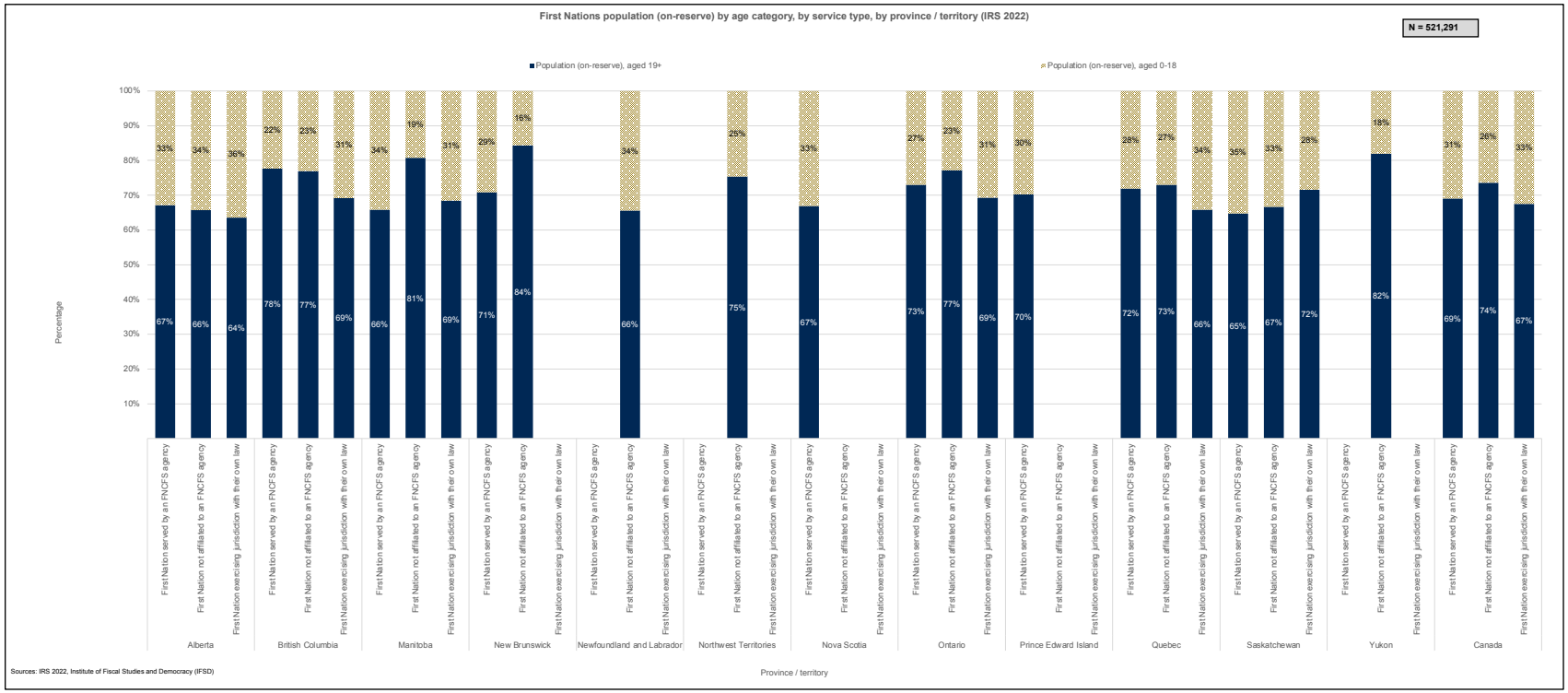
IFSD recognizes the limitations of Census data. Not all First Nations participate and extrapolations are made. However, there is no other national dataset on issues such as housing suitability and labour market participation. For these reasons, IFSD uses Census 2021 (and Census 2016) data for illustrative purposes. The information provides contextual details of First Nations.

Note:

1) The n-value, or size of the participating population/population for which data is available changes across indicators.
2) Service type refers to the approach to CFS, i.e., First Nation served by an FNCFS agency, First Nation not affiliated to an FNCFS agency, or First Nation exercising jurisdiction with own law enacted.

The population aged 0-18 represents on average, approximately 30% of the total on-reserve population using IRS 2022 data, across all service types (Figure 1).

Figure 1



Of First Nations (i.e., reserves), approximately 80% are in geographic zones 1 and 2 (Figure 2). This means they are accessible by year-round road within driveable distances to service centres. Just over 20% of First Nations are in geographic zones 3 and 4. Accessibility, especially for those in zone 4, is restricted. First Nations in zone 4 will not have year-round road access.

Geographic Zones

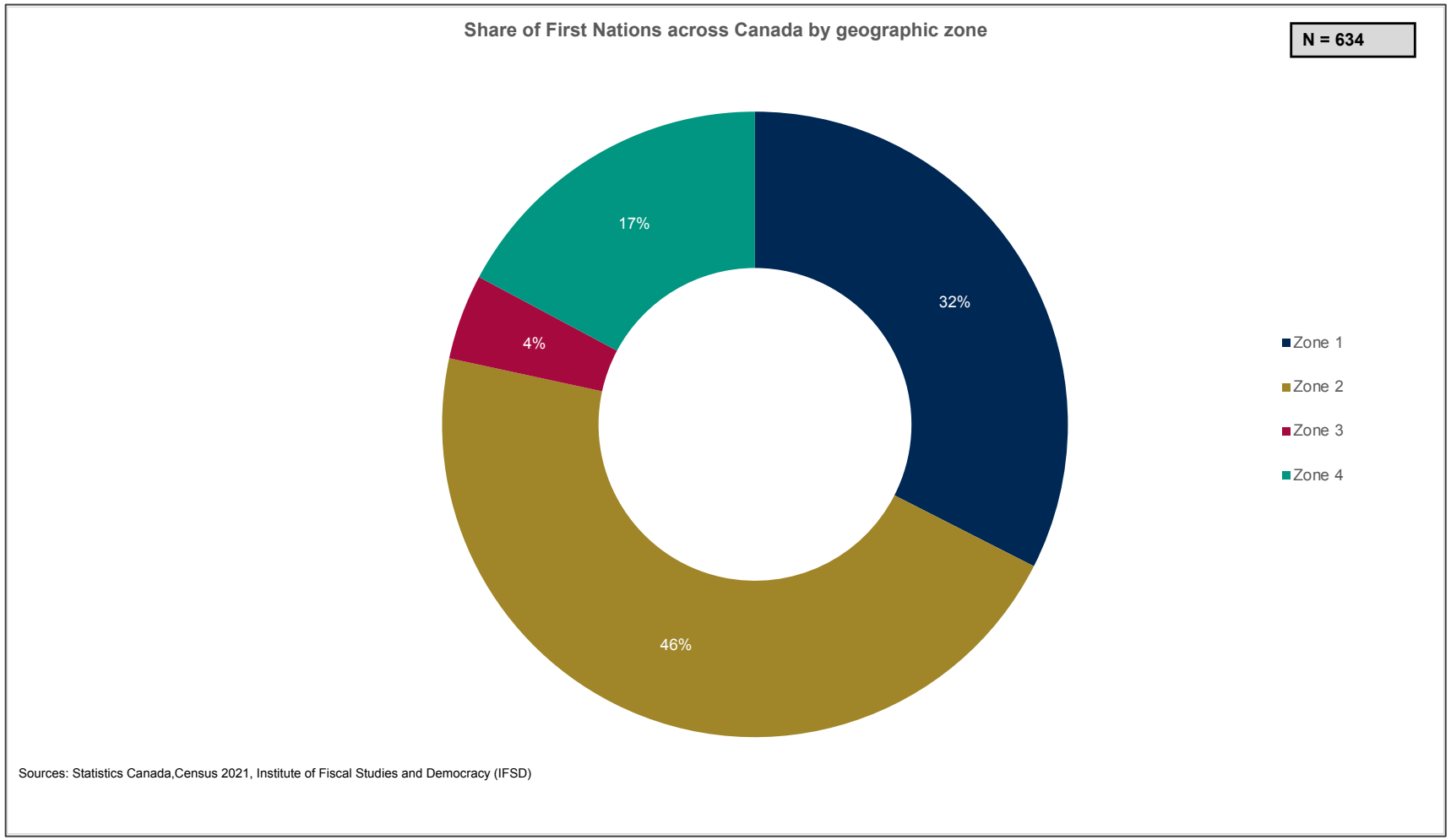
Zone 1: A geographic zone where the First Nation is located ***within 50 km*** of the nearest service centre with year-round road access.

Zone 2: A geographic zone where the First Nation is located **between *50 and 350 km*** from the nearest service centre with year-round road access.

Zone 3: A geographic zone where the First Nation is located ***over 350 km*** from the nearest service centre with year-round road access.

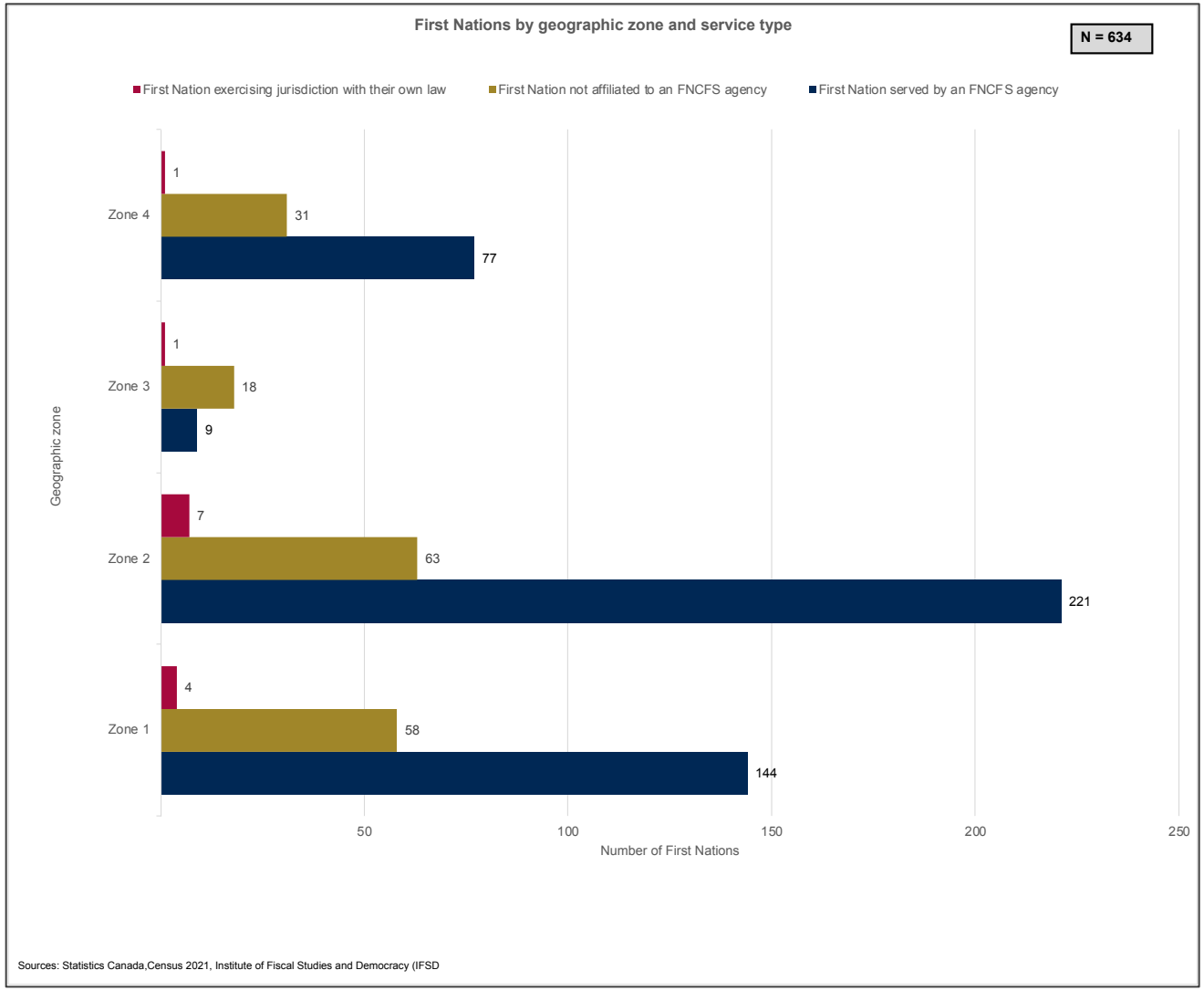
Zone 4: A geographic zone where the First Nation has ***no year-round road access*** to a service centre and, as a result, experiences a higher cost of transportation.

Figure 2


Share of First Nations across Canada by geographic zone
N = 634
32%
46%
4%
17%
Zone 1
Zone 2
Zone 3
Zone 4
Sources: Statistics Canada,Census 2021, Institute of Fiscal Studies and Democracy (IFSD)

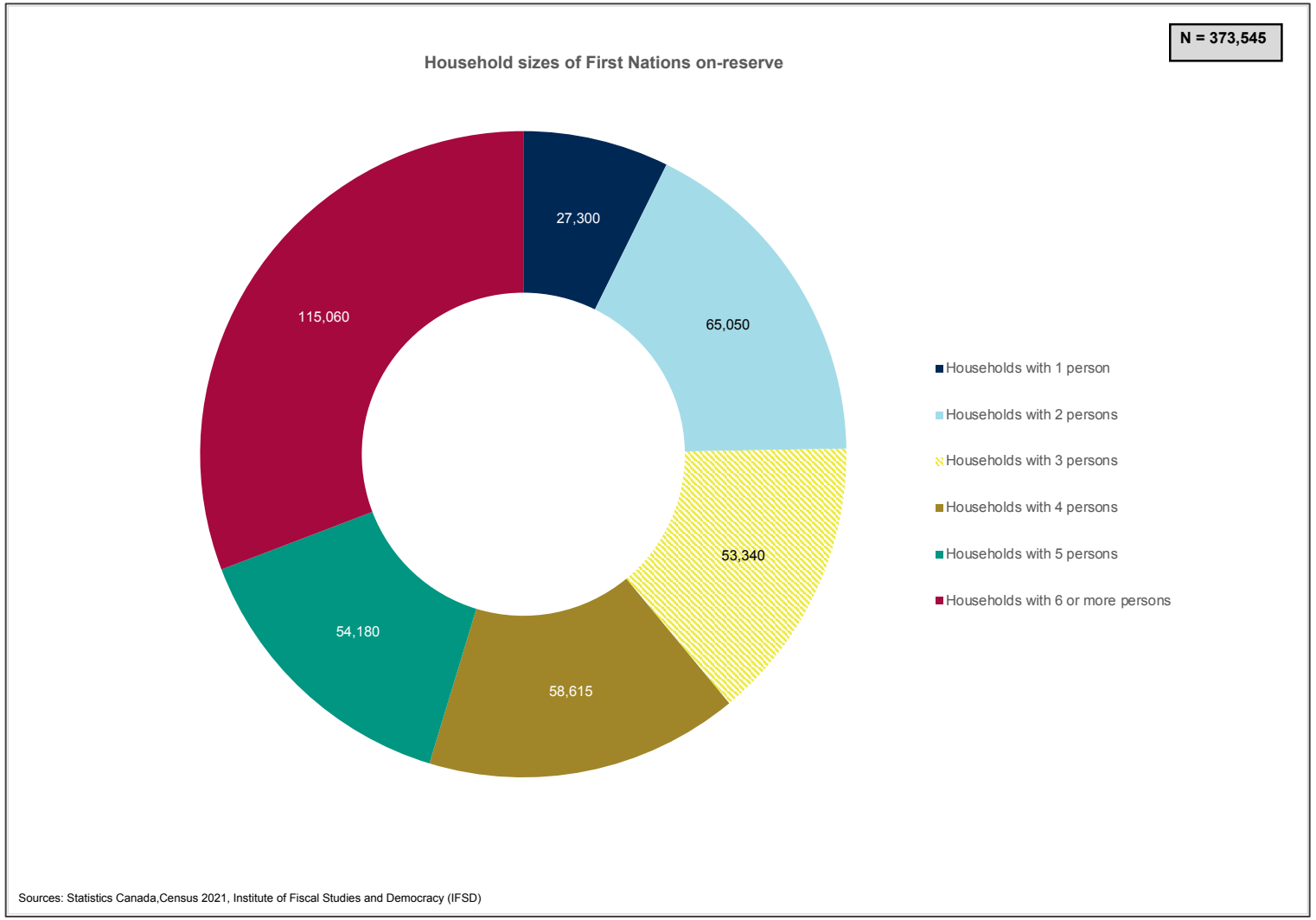
Most First Nations are served by an FNCFS agency, and most are in geographic zones 1 and 2. More First Nations in geographic zone 4 are served by an FNCFS agency than in zone 3 (Figure 3).

Figure 3



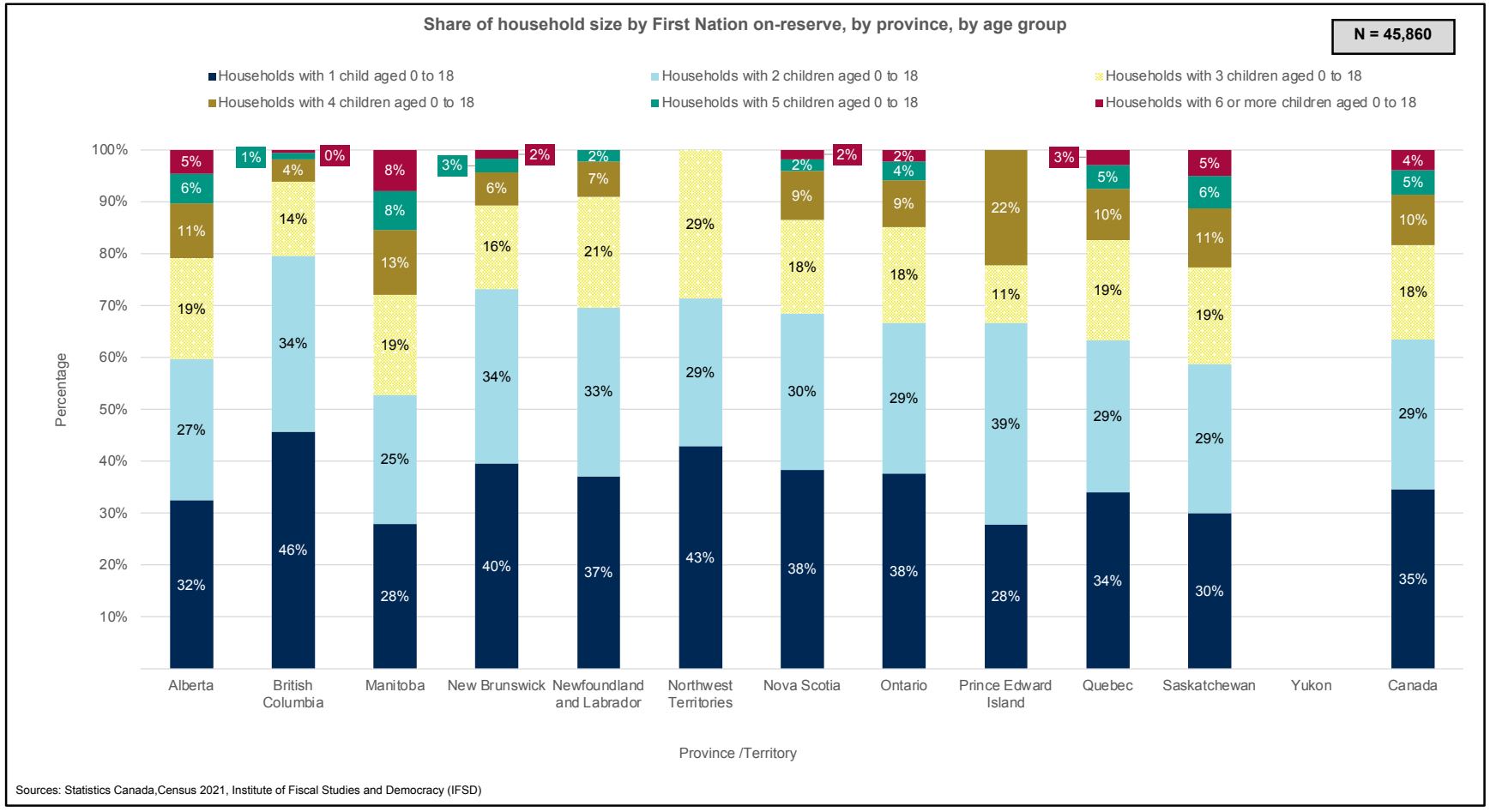
Approximately 31% of First Nations on-reserve reside in households with 6 or more persons. Household size is a relevant consideration for issues of crowding, health, and well-being, e.g., intimate partner violence, school performance, etc.

Figure 4



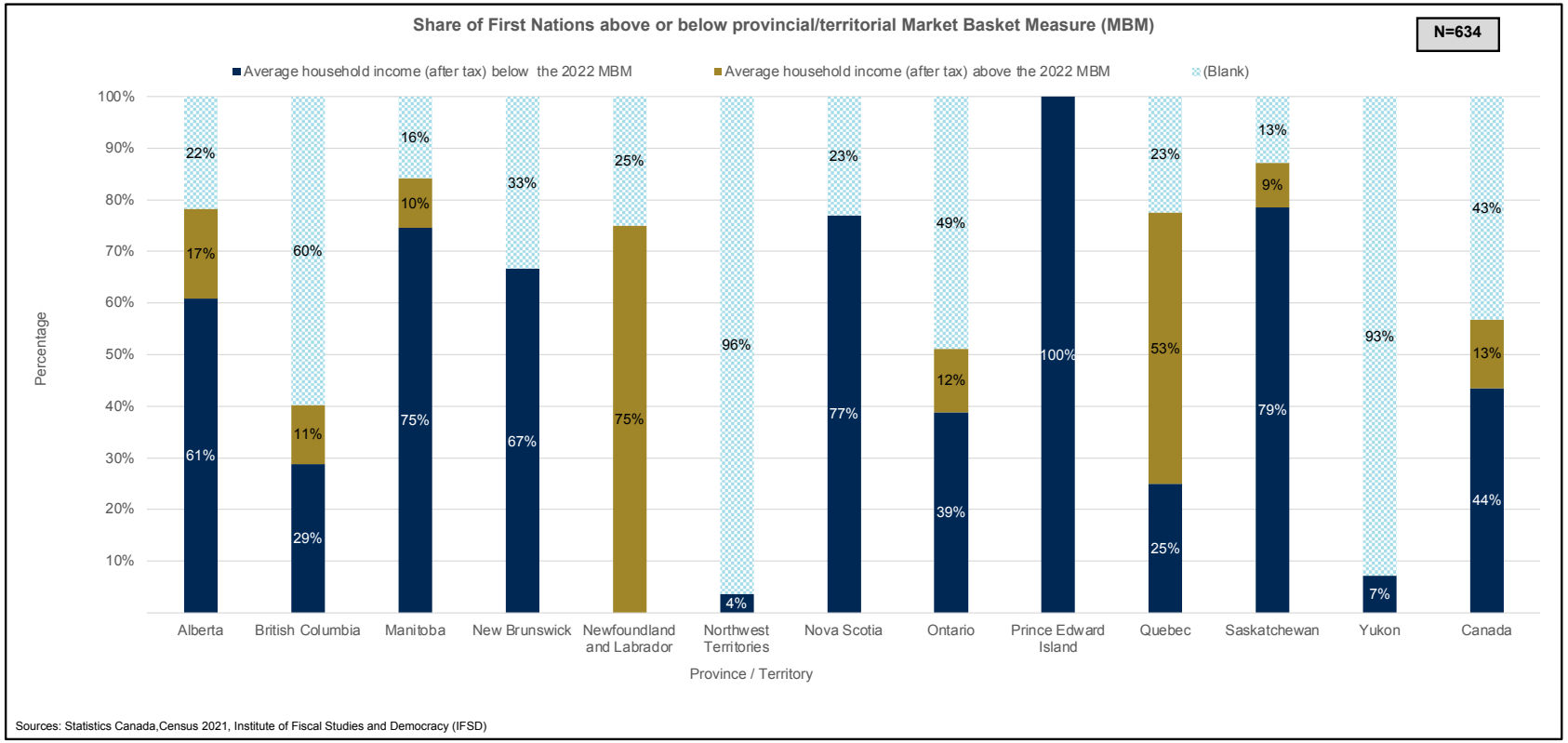
Households on-reserve tend to have at least one child (aged 0-18) residing in them (Figure 5). Most households across all provinces and territories have between 1-2 children, with an average of 33% reporting 3 or more children.

Figure 5



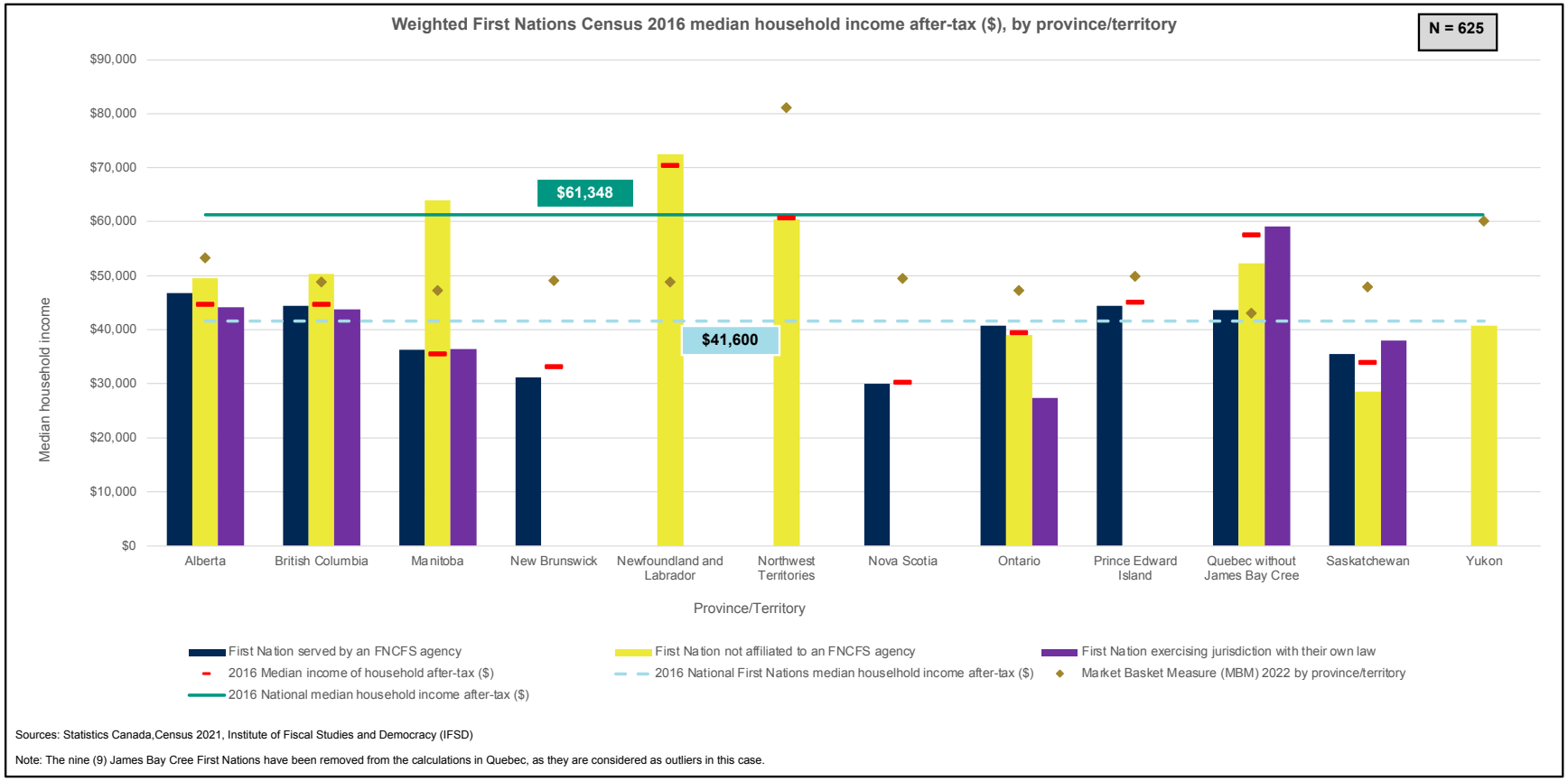
There are significant shares of First Nations across provinces and territories for which household income data is unavailable (blank) (Figure 6). For those reporting household income (after tax), most are below the 2022 Market Basket Measure (MBM) for the relevant province/territory. The MBM is Canada's official measure of poverty that captures the cost of standard goods required for a modest living. Income-based deprivation is an important consideration for CFS and the well-being of children.

Figure 6



To illustrate the difference between median household income (after tax) in First Nations and the relevant Market Basket Measure (MBM), a weighted value (by province/territory) is applied to First Nations without data. Census 2016 data is applied in the calculation (Figure 7) because Census 2021 median household income data (after tax) includes COVID-19 related income supports that artificially increase values (Figure 8). When Census 2021 median household income data (after tax) is applied, most First Nations are above their relevant MBM.

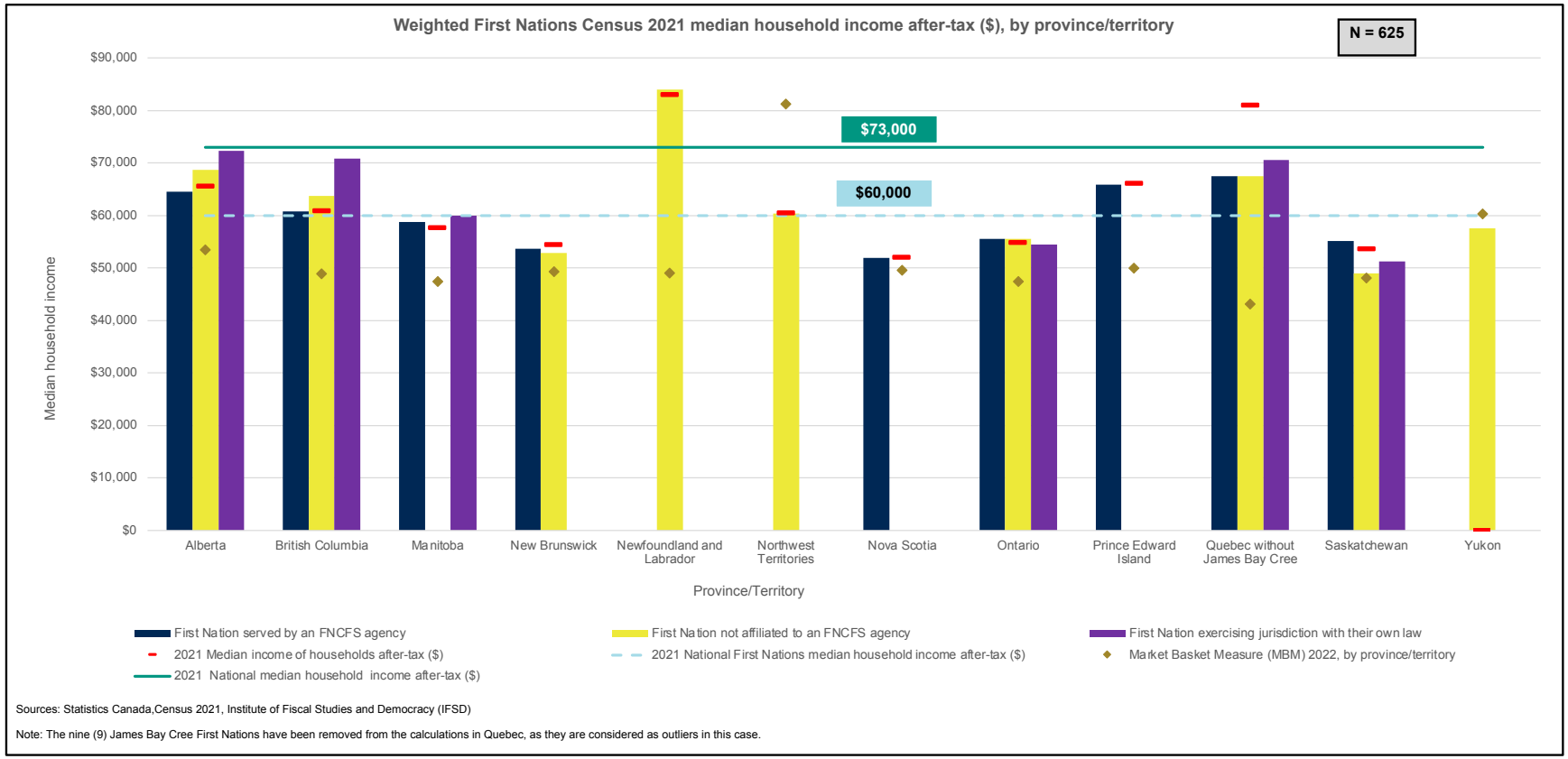
Figure 7



Sources: Statistics Canada,Census 2021, Institute of Fiscal Studies and Democracy (IFSD)

Note: The nine (9) James Bay Cree First Nations have been removed from the calculations in Quebec, as they are considered as outliers in this case.

Figure 8

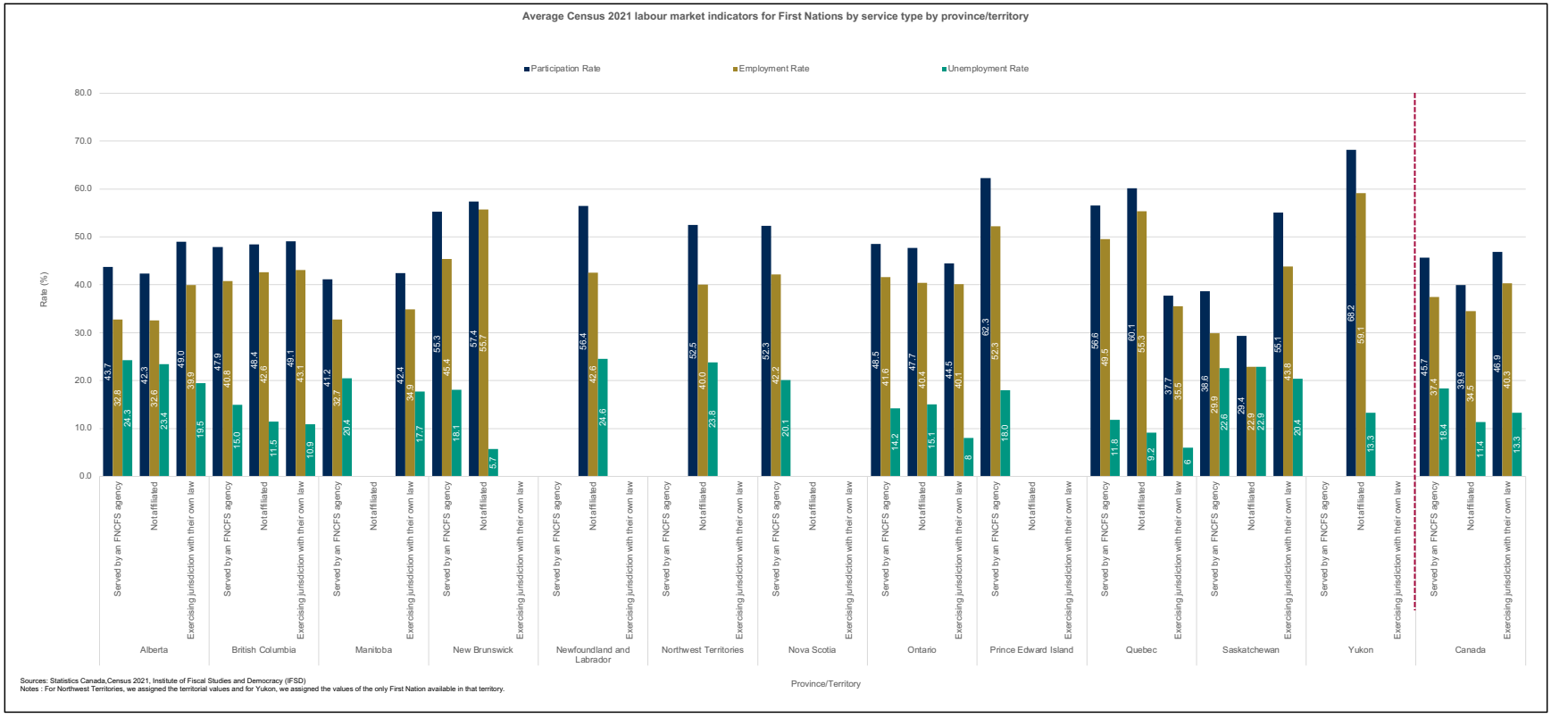


Sources: Statistics Canada,Census 2021, Institute of Fiscal Studies and Democracy (IFSD)

Note: The nine (9) James Bay Cree First Nations have been removed from the calculations in Quebec, as they are considered as outliers in this case.

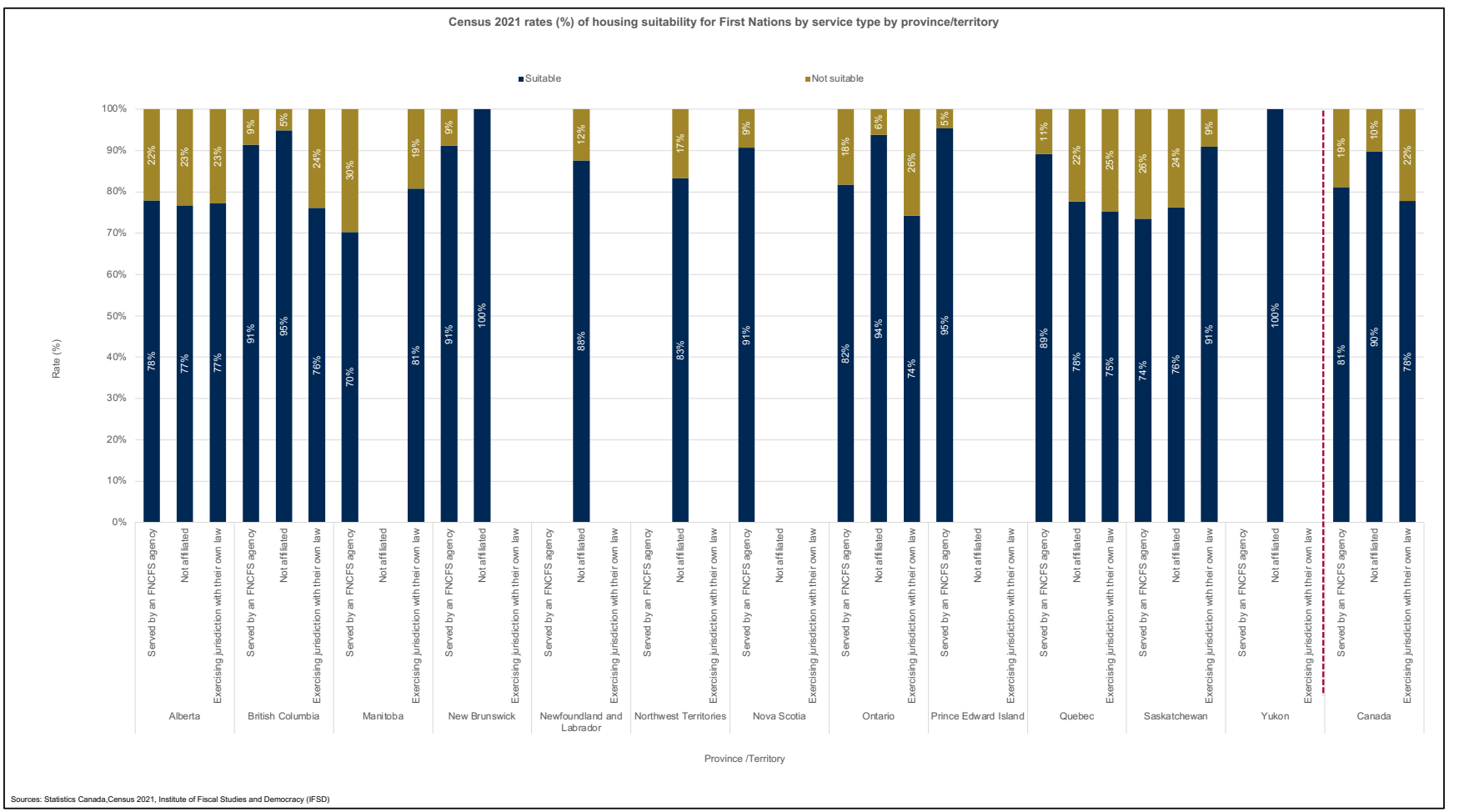
When assessed at a national level, First Nations served by an FNCFS agency have the highest unemployment rates, while First Nations not affiliated to an FNCFS agency have the lowest (Figure 9). The highest employment rate is reported among First Nations exercising jurisdiction, followed by First Nations served by an FNCFS agency. There is no clear relationship between service provider type and labour market indicators. Given the difference in numbers between First Nations served by an FNCFS agency, those that are not affiliated, and those exercising jurisdiction, those served by agencies remain the broadest and most representative group.

Figure 9



Rates of national unsuitable housing are approximately 20% for First Nations served by an FNCFS agency and those exercising jurisdiction (Figure 10). First Nations not affiliated to an FNCFS agency have the lowest rates of unsuitable housing. It is unclear if this is a function of location, i.e., mainly in zones 1 and 2, a matter of reporting/participating in the Census, or related to income and labour market participation/unemployment.

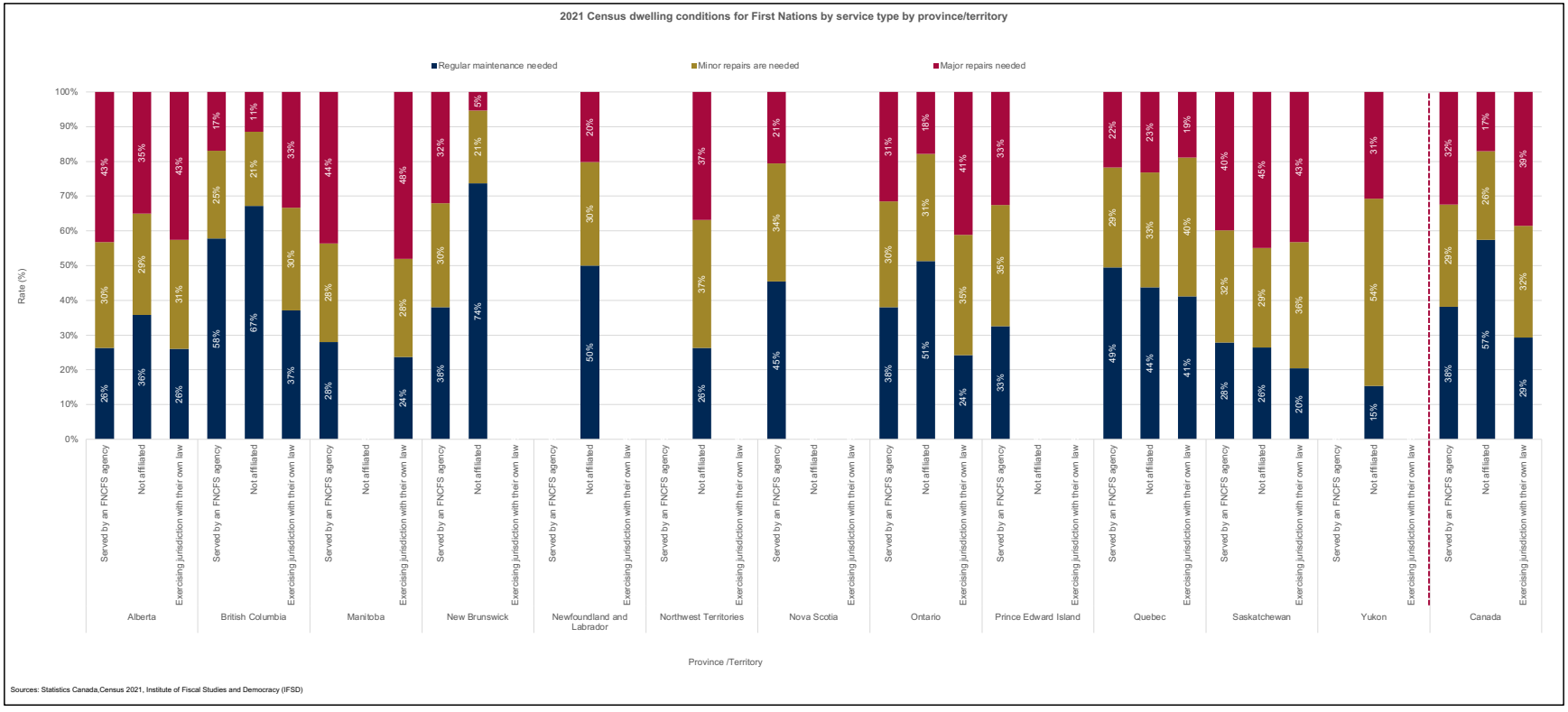
Figure 10



Sources: Statistics Canada,Census 2021, Institute of Fiscal Studies and Democracy (IFSD)

Consistent with issues of housing suitability nationally, most major repairs are required among First Nations exercising jurisdiction and those served by an FNCFS agency (Figure 11). It is unclear if this is a function of location, i.e., mainly in zones 1 and 2, a matter of reporting/participating in the Census, or related to income and labour market participation/unemployment.

Figure 11



APPENDIX A2

FNCFS PROGRAM OVERVIEW

Funding for FNCFS on-reserve (and to the provinces/territories providing services on-reserve) comes through the FNCFS Program. This means that the FNCFS Program is funding FNCFS agencies, First Nations, transfers to provinces/territories, and jurisdiction. The description of the FNCFS Program through InfoBase (the Government of Canada's public facing reporting on its programs) includes *supporting safety and well-being for First Nations children ordinarily resident on-reserve*.

Figure 1

Name	Child and Family Services
Previously Named	First Nations Child and Family Services
Description	First Nations Child and Family Services support the safety and well-being of First Nations children ordinarily resident on-reserve. The program provides funding to First Nations child and family services agencies which are established, managed and controlled by First Nations agencies and delegated by provincial authorities to provide prevention and protection services. In areas where these agencies do not exist, the Department funds services but it does not directly deliver child and family services. Services are provided by provincially delegated First Nations child and family services agencies, tribal councils, First Nation Bands, and the provinces and Yukon in accordance with the legislation and standards of the Province or Territory of residence within the Department program authorities. Pursuant to the 2016 Canadian Human Rights Tribunal ruling, the Government of Canada is working with partners to make immediate and long-term reform to child and family services on reserve. The Department is ensuring the implementation of An Act respecting First Nations, Inuit and Métis children, youth and families by supporting Indigenous communities through distinctions-based governance engagement mechanisms, capacity-building, coordination agreement discussions, and operationalization of Indigenous child and family services models. Definitions. For the purposes of outcomes and indicators relating to First Nations Child and Family Services, the following definitions apply: Child: An individual under 11 years of age; Youth: An individual between 12 years and the age of majority (which differs from one jurisdiction to another); Young adult: An individual from the age of majority (which differs from one jurisdiction to another) up to 25 years old.
Activity Code	BYP08

There are three funding streams in the FNCFS Program as defined by ISC (reproduced from the ISC website) (Figure 2):

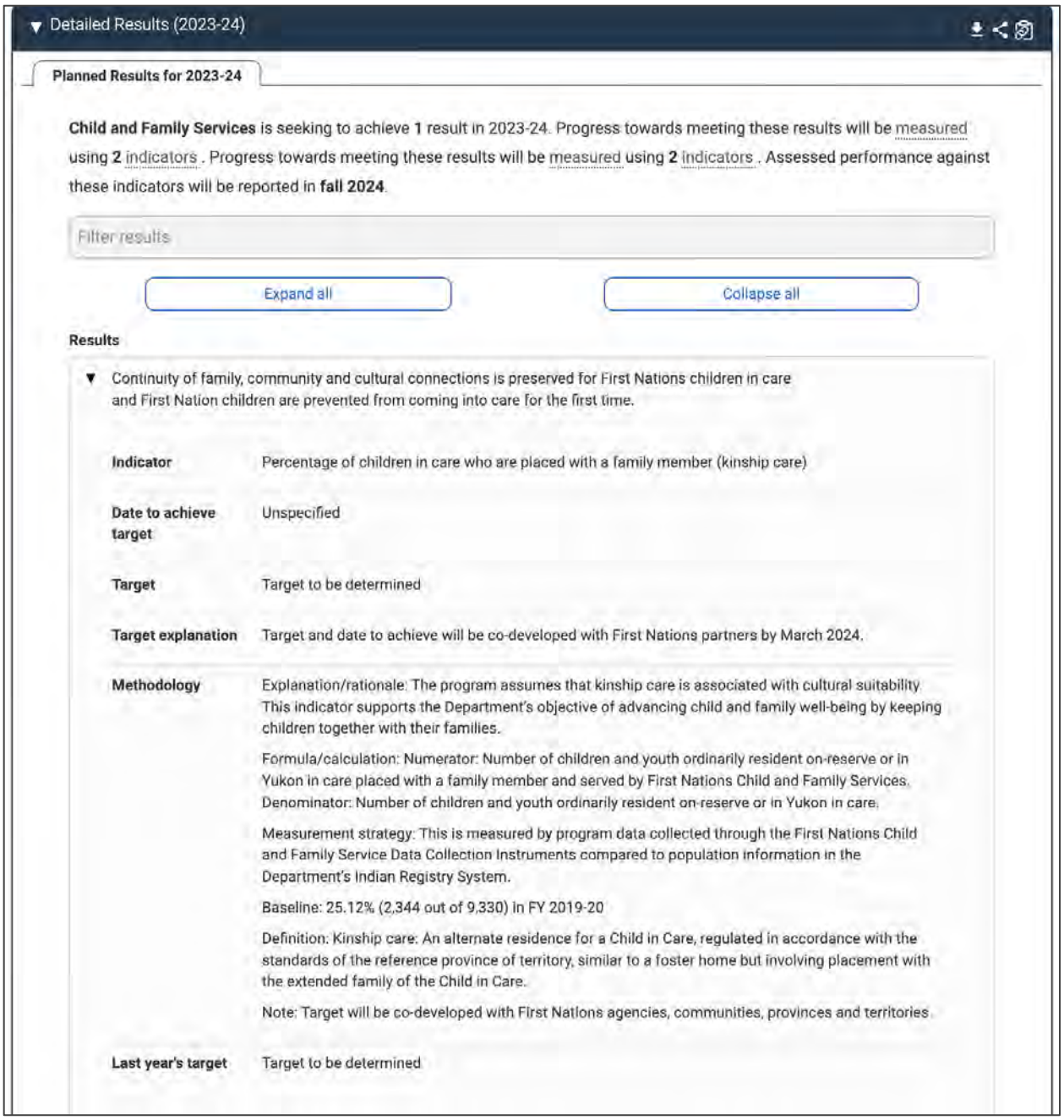
Figure 2

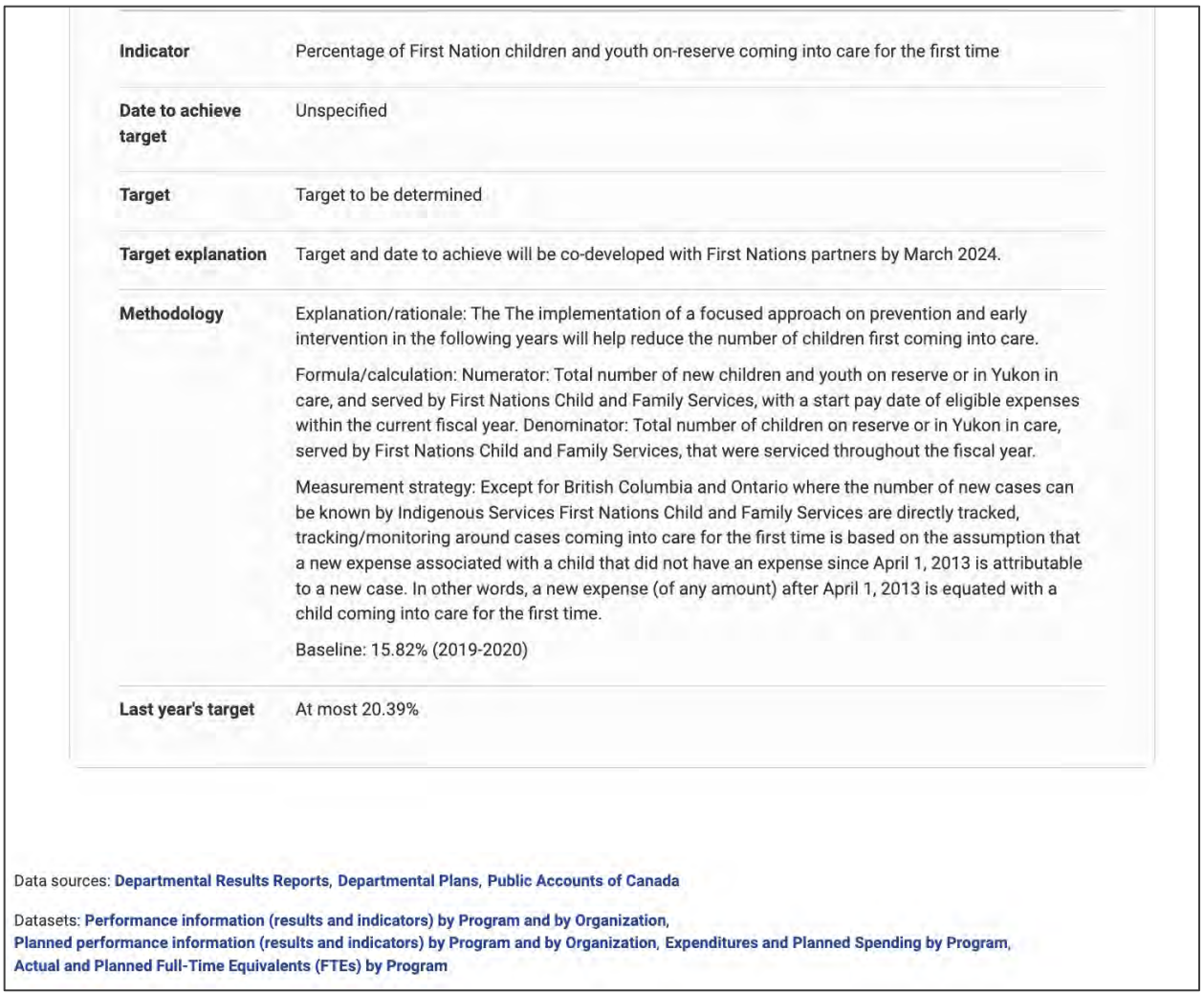
The program provides 3 streams of funding:

- Operations: core and operational funding for protection services (such as salaries and overhead)
- Prevention: resources for enhanced prevention services
- Maintenance: direct costs of placing First Nations children into temporary or permanent care out of the parental home (such as foster care rates and group home rates)

While the program funds a variety of activities and recipients for child and family services, reporting for the program is focused on two indicators (Figure 3):

Figure 3


Detailed Results (2023-24)
Planned Results for 2023-24
Child and Family Services is seeking to achieve 1 result in 2023-24. Progress towards meeting these results will be measured using 2 indicators . Progress towards meeting these results will be measured using 2 indicators . Assessed performance against these indicators will be reported in fall 2024.
Filter results
Expand all
Collapse all
Results
Continuity of family, community and cultural connections is preserved for First Nations children in care and First Nation children are prevented from coming into care for the first time.
Indicator
Percentage of children in care who are placed with a family member (kinship care)
Date to achieve target
Unspecified
Target
Target to be determined
Target explanation
Target and date to achieve will be co-developed with First Nations partners by March 2024.
Methodology
Explanation/rationale: The program assumes that kinship care is associated with cultural suitability. This indicator supports the Department's objective of advancing child and family well-being by keeping children together with their families.
Formula/calculation: Numerator: Number of children and youth ordinarily resident on-reserve or in Yukon in care placed with a family member and served by First Nations Child and Family Services. Denominator: Number of children and youth ordinarily resident on-reserve or in Yukon in care.
Measurement strategy: This is measured by program data collected through the First Nations Child and Family Service Data Collection Instruments compared to population information in the Department's Indian Registry System.
Baseline: 25.12% (2,344 out of 9,330) in FY 2019-20
Definition: Kinship care: An alternate residence for a Child in Care, regulated in accordance with the standards of the reference province of territory, similar to a foster home but involving placement with the extended family of the Child in Care.
Note: Target will be co-developed with First Nations agencies, communities, provinces and territories.
Last year's target
Target to be determined



Indicator	Percentage of First Nation children and youth on-reserve coming into care for the first time
Date to achieve target	Unspecified
Target	Target to be determined
Target explanation	Target and date to achieve will be co-developed with First Nations partners by March 2024.
Methodology	Explanation/rationale: The The implementation of a focused approach on prevention and early intervention in the following years will help reduce the number of children first coming into care. Formula/calculation: Numerator: Total number of new children and youth on reserve or in Yukon in care, and served by First Nations Child and Family Services, with a start pay date of eligible expenses within the current fiscal year. Denominator: Total number of children on reserve or in Yukon in care, served by First Nations Child and Family Services, that were serviced throughout the fiscal year. Measurement strategy: Except for British Columbia and Ontario where the number of new cases can be known by Indigenous Services First Nations Child and Family Services are directly tracked, tracking/monitoring around cases coming into care for the first time is based on the assumption that a new expense associated with a child that did not have an expense since April 1, 2013 is attributable to a new case. In other words, a new expense (of any amount) after April 1, 2013 is equated with a child coming into care for the first time. Baseline: 15.82% (2019-2020)
Last year's target	At most 20.39%

Data sources: **Departmental Results Reports**, **Departmental Plans**, **Public Accounts of Canada**

Datasets: **Performance information (results and indicators) by Program and by Organization**, **Planned performance information (results and indicators) by Program and by Organization**, **Expenditures and Planned Spending by Program**, **Actual and Planned Full-Time Equivalents (FTEs) by Program**

Both indicators are focused on the safety of children with no consideration of their overall well-being. These indicators do not capture the breadth of activities funded through the FNCFS Program.

The department's 2024-25 departmental plan defines four indicators for the FNCFS Program (Figure 4). These indicators focus on protection, jurisdiction, and child and family service offerings in the First Nation. They do not help understand how the resources flowing through the FNCFS Program are supporting both the safety and well-being of children.

Figure 4

Percentage of First Nations children on-reserve in care	5.95%[3]	Not available[4]	Not available[4]	Maintain or decrease results year over year[1]	March 2025
Percentage of children in care who are placed with a family member (kinship care)	26.98%[5]	Not available[4]	Not available[4]	Maintain or increase results year over year[1]	March 2025
Percentage of First Nations communities offering family support services aimed at keeping families together	Not available[2]	Not available[2]	Not available[2]	Not applicable[6]	Not applicable[6]
Number of First Nations Groups, Communities and Peoples exercising their jurisdiction under the *Act respecting First Nations, Inuit and Métis children, youth and families*	New indicator introduced in 2023-24			18[7]	March 2025

A reformed FNCFS Program must have a clear policy objective that includes safety but extends beyond it, clearly encompassing the importance of a horizontal understanding of wellness for children, families, and communities. With a new policy, funding and measurement approaches should be redefined to align to the priority.

APPENDIX B1
ISC DATA REQUEST

Phase 3 data request
FNCFS and First Nations not served by a FNCFS agency

**Request updated on April 5, 2022, to include a detailed breakdown of the FNCFS program and to provide additional details on why the 'recipient' field is requested*.

NOTE: The "recipient" field is requested as a lens through which to verify how funding is coded. The "recipient type" field and the program activity lens do not always align. For instance, a mainstream agency may receive FNCFS funding. If the "recipient type" is coded as 'agency,' and is the only tag provided, IFSD could not distinguish between FNCFS funding for FNCFS agencies, versus others receiving program funding. The "recipient" field provides additional information to ensure a program activity alignment of expenditures and recipients.

I) Program data

IFSD is seeking detailed program, sub-, and sub-sub-program level expenditure information at the national level. This information will help to produce a current state portrait for the modelling work in First Nations child and family services (FNCFS), as well as for assessing the needs of First Nations not served by a FNCFS agency.

IFSD is requesting the following information in an Excel spreadsheet:

- Fiscal years 2011-12 to 2021-22
- Projected expenditures for fiscal years 2022-23 to 2024
- IFSD has provided a sample spreadsheet with the relevant data fields in the transmittal email, e.g., recipient, recipient type, funding approach, etc.

Program	Previous program names
First Nations Child and Family Services	
Jordan's Principle (Child First Initiative)	
Family Violence Prevention	Social Development
Education (K-12)	
Healthy Child Development	First Nations and Inuit Primary Health Care
Healthy Living	
Mental Wellness	
Aboriginal Headstart On-Reserve	

Supplementary Health Benefits	
First Nations Housing	
Water and Wastewater	
e-Health Infostructure	
Education Facilities	
Health Facilities	
Other Community Infrastructure and Activities	
Other programs as required	

Note: This program list is not considered exhaustive, as it only reflects publicly accessible 'program' level information.

Working with ISC, IFSD would be pleased to develop a detailed list of programs at the most granular level of data available, e.g., sub-sub-program level data.

IFSD notes that CHRT-related expenditures in FNCFS are not separately coded by ISC, but are included in the FNCFS program.

II) Breakdown of the FNCFS program

IFSD is seeking detailed information on the lowest level of granularity of spending through the FNCFS program, e.g., sub-, sub-sub, sub-sub-sub-program, etc. This information is necessary to understand the components that make up the program. IFSD is requesting the following information in an Excel spreadsheet:

- Fiscal years 2017-18 to 2021-2022
- Recipient name
- Recipient type, e.g., First Nation, FNCFS agency, etc.
- Region
- Province
- Amount transferred
- Funding approach (fixed, flexible, block)
- Funding mechanism (grant and contribution, application, etc.)
- Detailed program activity:
    - CWJI
    - FNCFS – agency
    - Prevention funding – actuals
    - Capital funding
    - Etc.

III) Prevention/actuals funding

IFSD is seeking information on the actuals/prevention funding requests and allocations of FNCFS agencies and other eligible recipients mandated by the CHRT. While IFSD understands that ISC's national office may not code actuals/prevention expenditures separately from the FNCFS program, IFSD understands that the regional offices may have such information. IFSD is requesting the following information in an Excel spreadsheet:

- Fiscal years 2017-18 to 2021-2022
- Recipient name
- Recipient type, e.g., First Nation, FNCFS agency, etc.
- Region
- Province
- Amount requested
- Amount transferred
- Funding approach (fixed, flexible, block)
- Funding mechanism (grant and contribution, application, etc.)
- Purpose of request for funds, e.g., capital, prevention programming, etc.

IV) Transfers

IFSD is seeking information on transfers to provinces and territories for First Nations child and family services, and related activities. IFSD is requesting financial and related details for all votes/associated activities defined in the Public Accounts. Using the vote structure from the Public Accounts, e.g., 2020-21, vol. III, section 6 (see the list of transfers in Appendix A), IFSD is requesting the following information in an Excel spreadsheet:

- Fiscal years 2011-12 to 2021-22
- Recipient name
- Recipient type, e.g., province, First Nation, etc.
- Amount transferred
- Contribution approach
- Vote/associated activity

V) Post-majority care

IFSD is seeking information on funding for post-majority care provided to FNCFS agencies or other eligible recipients. The information is necessary to understand current funding practices in post-majority care and identify demand (and changes in demand with the pandemic-induced extension). IFSD is requesting the following information in an Excel spreadsheet:

- Fiscal years 2017-18 to 2021-2022
- Recipient name, e.g., First Nation, FNCFS agency, etc.
- Recipient type, e.g., First Nation, FNCFS agency, etc.
- Number of requests for support, i.e., number of young people supported by the recipient's funding
- Region
- Province
- Amount requested
- Amount transferred
- Funding approach (fixed, flexible, block)
- Funding mechanism (grant and contribution, application, etc.)
- Purpose of request for funds, e.g., program development, individual support, etc.
- Terms and Conditions associated to funding for post-majority care

VI) Band representative services

IFSD is seeking information on funding for band representative services provided to FNCFS agencies or other eligible recipients. The information is necessary to understand current funding practices and associated program activities. IFSD is requesting the following information in an Excel spreadsheet:

- Fiscal years 2011-12 to 2021-2022
- Recipient name, e.g., First Nation, FNCFS agency, etc.
- Recipient type, e.g., First Nation, FNCFS agency, etc.
- Region
- Province
- Amount requested
- Amount transferred
- Funding approach (fixed, flexible, block)
- Funding mechanism (grant and contribution, application, etc.)

Appendix A

Public Accounts of Canada, 2021
Volume III, Section 6

https://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/2021/vol3/ds6/index-eng.html#wds6en_tbl_r2509

Indigenous Services Canada
Department of Indigenous Services

(S) Climate Action Support (Budget Implementation Act, 2019, No.1 - S.C. 2019, c.29

(S) Contributions in connection with First Nations infrastructure (Keeping Canada's Economy and Jobs Growing Act)

(S) Indian Annuities Treaty payments (Indian Act)

(S) Payments for Income Assistance pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to enhance public health measures to COVID-19 in First Nations and Inuit communities pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to support a safe restart in Indigenous communities pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to support Indigenous businesses pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to support Indigenous mental wellness pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to support students and youth impacted by COVID-19 pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to the Family Violence Prevention Program pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to the Indigenous Community Support Fund pursuant to the Public Health Events of National Concern Payments Act

(S) Payments to urban and regional Indigenous organizations pursuant to the Public Health Events of National Concern Payments Act

Contributions for emergency management assistance for activities on reserves

Contributions for First Nations and Inuit Health Infrastructure Support

Contributions for First Nations and Inuit Primary Health Care

Contributions for First Nations and Inuit Supplementary Health Benefits

Contributions for the purpose of consultation and policy development

Contributions to First Nations for the management of contaminated sites

Contributions to improve the safety and security of Indigenous women, children and families

Contributions to increase First Nations and Inuit Youth Participation in Education and Labour Market Opportunities

Contributions to Indian bands for registration administration

Contributions to provide income support to on-reserve residents and Status Indians in the Yukon Territory

Contributions to strengthen the safety and well-being of First Nations children and their families

Contributions to supply public services in Indian Government Support and to build strong governance, administrative and accountability systems

Contributions to support First Nations Elementary and Secondary Educational Advancement

Contributions to support Land Management and Economic Development

Contributions to support the Aboriginal Economic Development Strategic Partnerships Initiative

Contributions to support the construction and maintenance of community infrastructure

Contributions to support the First Nations Post-Secondary Education Strategy

Contributions to support the Inuit Post-Secondary Education Strategy

Contributions to support the Métis Nation Post-Secondary Education Strategy

Contributions to support Urban Programming for Indigenous Peoples

Grant for Band Support Funding

Grant to implement the Framework Agreement on First Nation Land Management

Grant to support the new fiscal relationship for First Nations under the Indian Act

Grant to the Miawpukek Indian Band to support designated programs

Grants for the Operation Return Home claims settlements

Grants to British Columbia Indian bands in lieu of a per capita annuity

Grants to increase First Nations and Inuit Youth Participation in Education and Labour Market Opportunities

Grants to provide income support to on-reserve residents and Status Indians in the Yukon Territory

Grants to support the First Nations Post-Secondary Education Strategy

APPENDIX B2
EXPENDITURE DATA

NOTE: On April 19, 2024, ISC informed IFSD that updates to the planned expenditure data for fiscal years 2022-2023 onward were required. To date (August 30, 2024), IFSD has not received the updated data. For this reason, slides 4 to 8 and 21 to 26 have been removed from this document. IFSD will update the appendix when the information is received from ISC.

Phase 3 – ISC expenditure data analysis

Request 1

February 12, 2024

Departmental expenditures

Notes

- Indigenous Services Canada (ISC) is a federal department accountable for providing resources to First Nations, Inuit, and Métis for program and service delivery.

- The department transfers resources to provinces and territories, and to Indigenous peoples (through contribution approaches).

- The analysis in this section is presented by Parliamentary vote structure, i.e., the way in which Parliament appropriates funds for use by the department and by program.
  - Votes 1 and 10 will be the focus of the analysis.
  - Programs are analyzed as reported by ISC and in IFSD clusters.

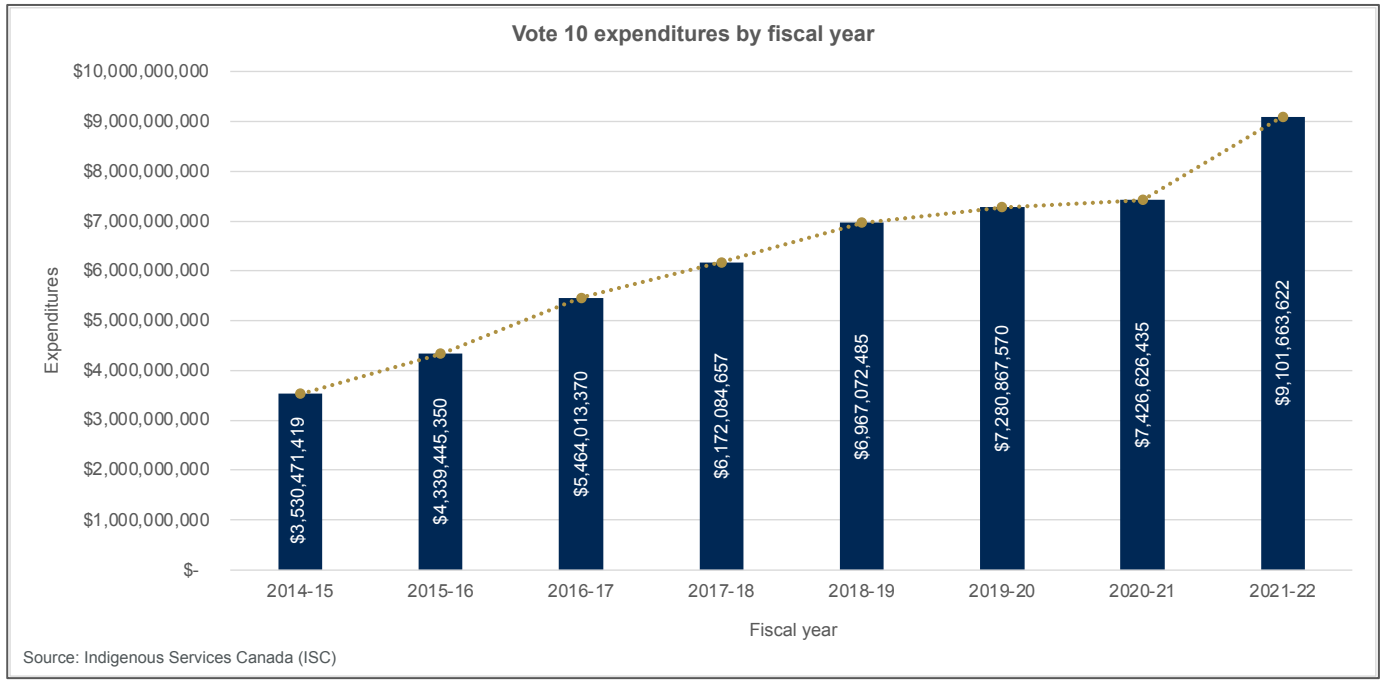
- The data provided to IFSD includes fiscal years 2014-15 to 2021-22, with planned expenditures for fiscal years 2023-24 and 2024-25.

Overview of Parliamentary vote structures

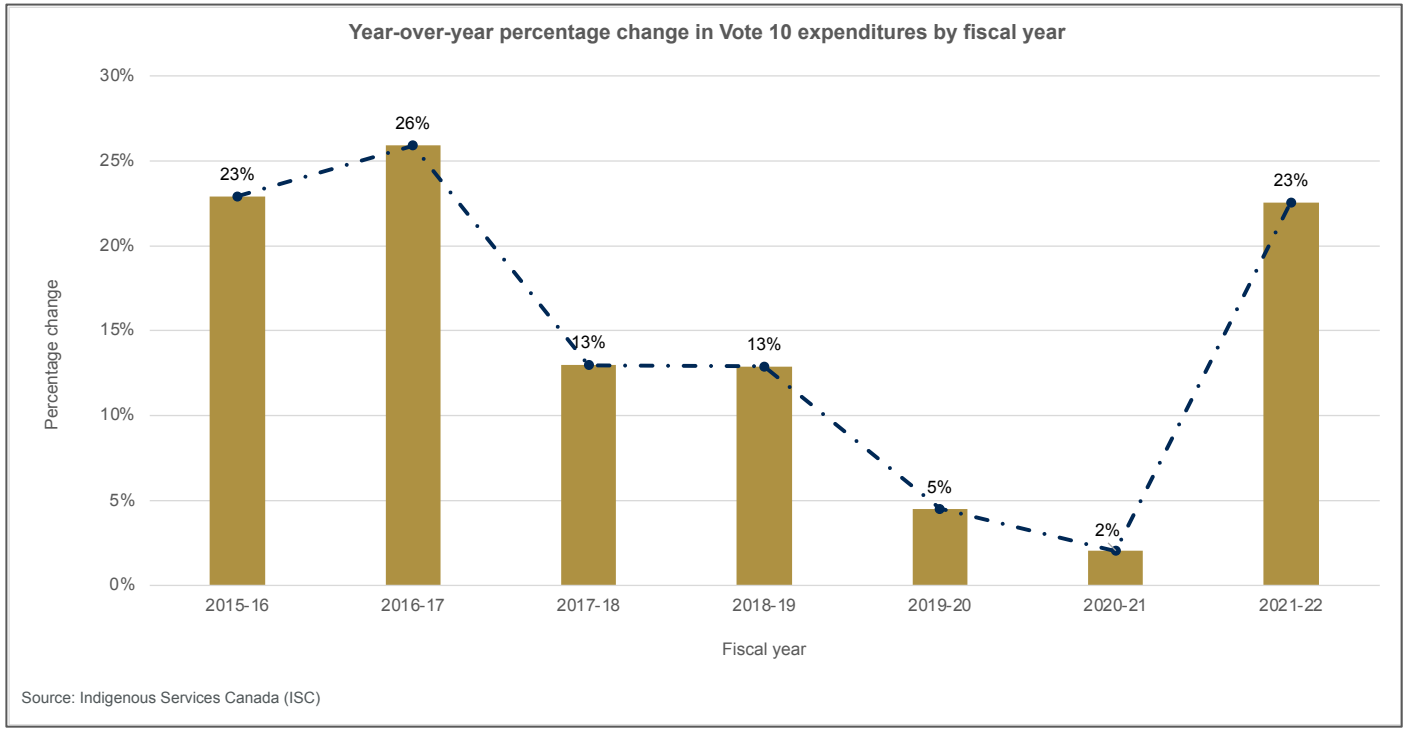
Vote number	Vote 1	Vote 5	Vote 10	N/A
Vote type	**Operating expenses**	**Capital**	**Grants & contributions**	**Statutory**
Definition	Funding for day-to-day items (e.g., salaries, utilities) where where total spending on capital assets or transfer payments is estimated to be above $5 million per year	Funding for capital acquisition or related expenditures, generally for assets exceeding $10,000 in value (e.g., buildings, vehicles)	Grants & contributions to other levels of government and private individuals/organizations (i.e. transfer payments) equal to or above $5 million	Expenditure that Parliament has authorized through pre-existing legislation (e.g., Canada Health Transfers)
Voted on by Parliament each fiscal year	Yes	Yes	Yes	No
Source: Department of Justice, "Quarterly Financial Report for the Quarter Ended June 30, 2018," last modified May 2022, https://www.justice.gc.ca/eng/rp-pr/cp-pm/qfr-rft/2018_q1/index.html; Government of Canada, "Supplementary Estimates (B), 2020-21," last modified November 2023, https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/supplementary-estimates/supplementary-estimates-b-2020-21.html; Pu, Shaowei and Smith, Alex, "The Parliamentary Financial Cycle," Library of Parliament, revised September 2021, https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201541E#txt46; Shared Services Canada, "Quarterly Financial Report - For the quarter ended June 30, 2023," last modified October 2023, https://www.canada.ca/en/shared-services/corporate/publications/2023-24/quarterly-financial-report-q1-2023-24.html				
Note: Appropriations usually apply to a one-year period with the exception of Canada Border Services Agency, Canada Revenue Agency, and Parks Canada Agency which often receive two-year allocations.				

Vote 10 expenditures by fiscal year

- In 2021-22, ISC's Vote 10 expenditures reached a high of $9B.
- Since 2014-15, ISC's Vote 10 expenditures have increased, with variance in the year-over-year percentage increases.



Source: Indigenous Services Canada (ISC)

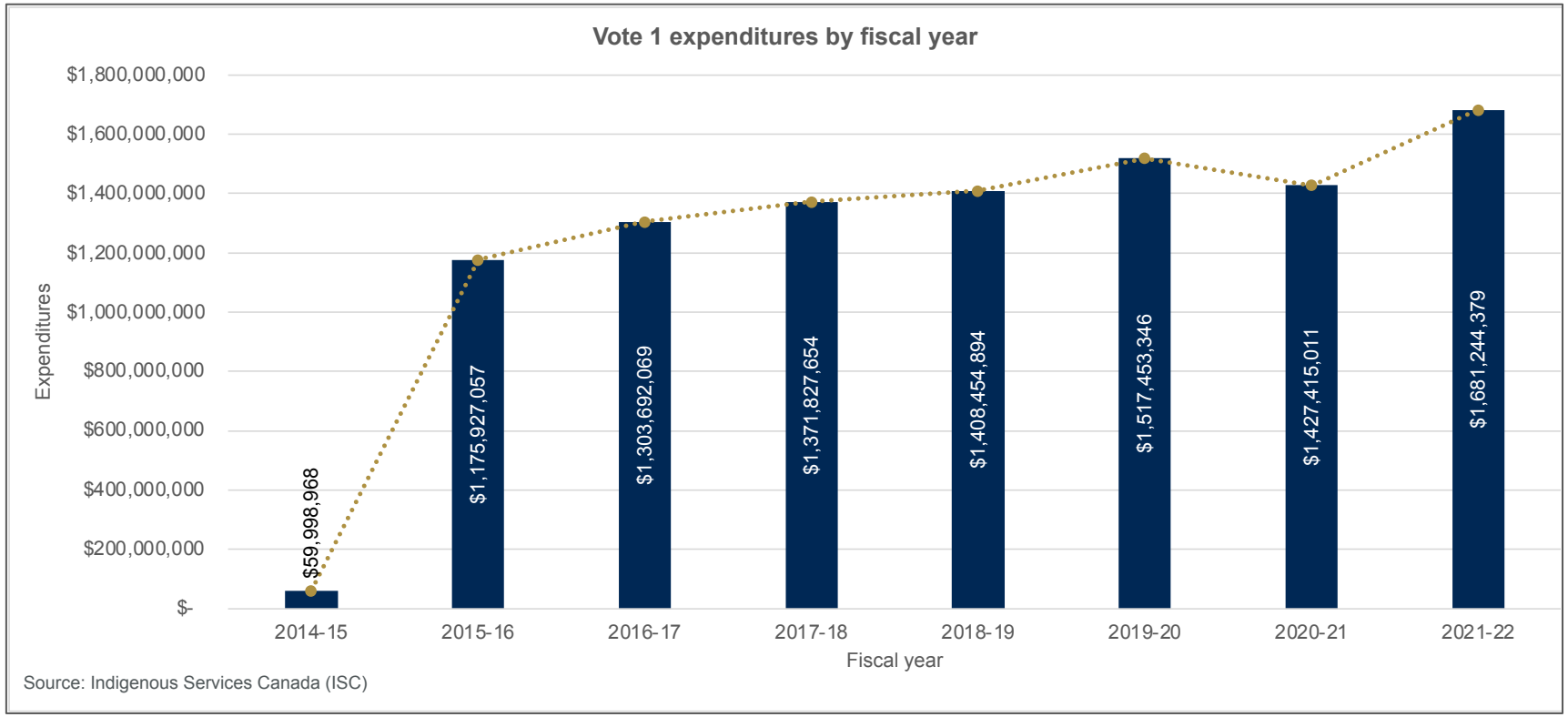


Source: Indigenous Services Canada (ISC)

IFSD
IFPD

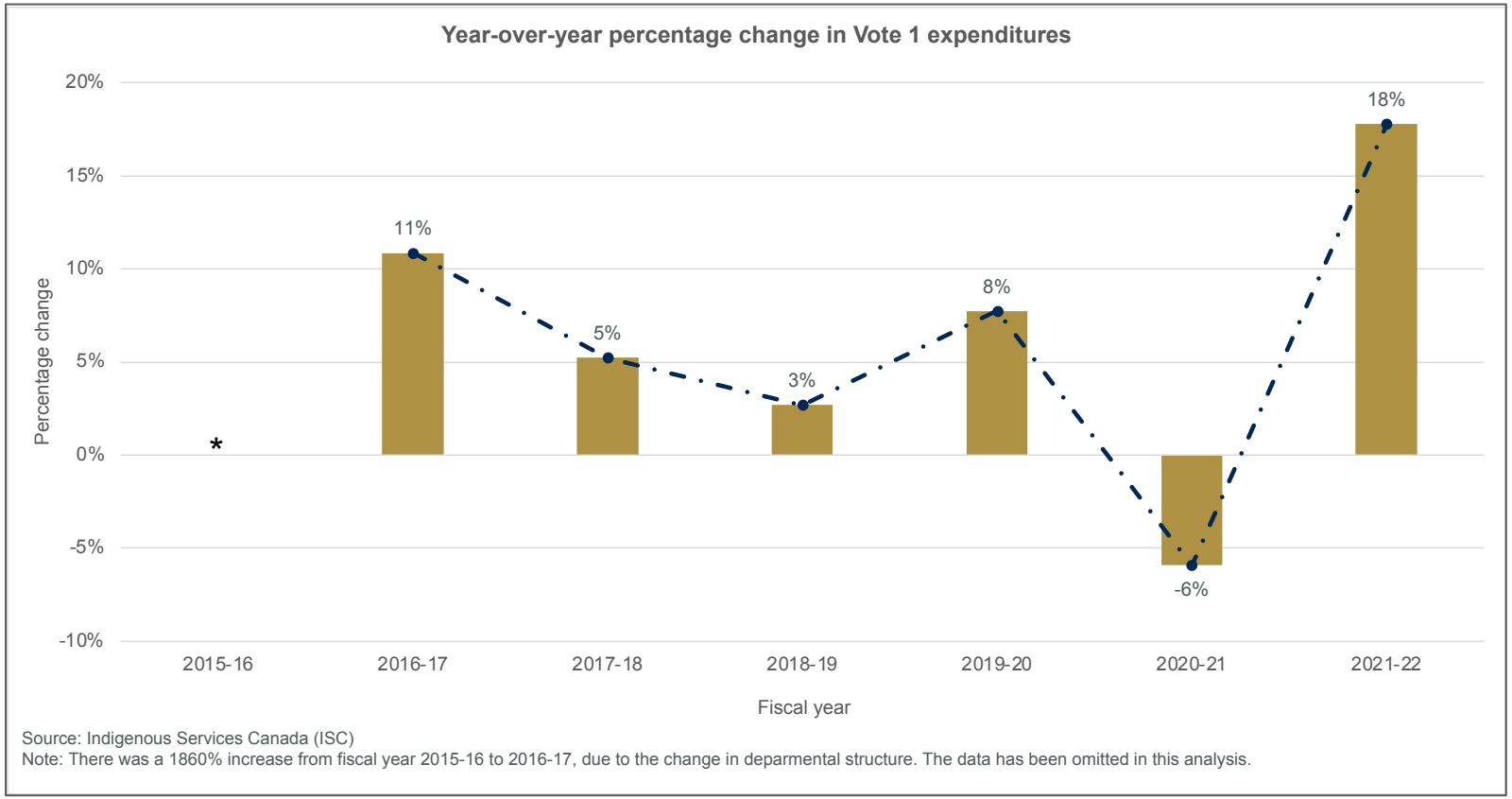
Vote 1 expenditures by fiscal year

- ISC's Vote 1 expenditures have generally increased across fiscal years, reaching a high of $1.6B in fiscal year 2021-22.



Source: Indigenous Services Canada (ISC)

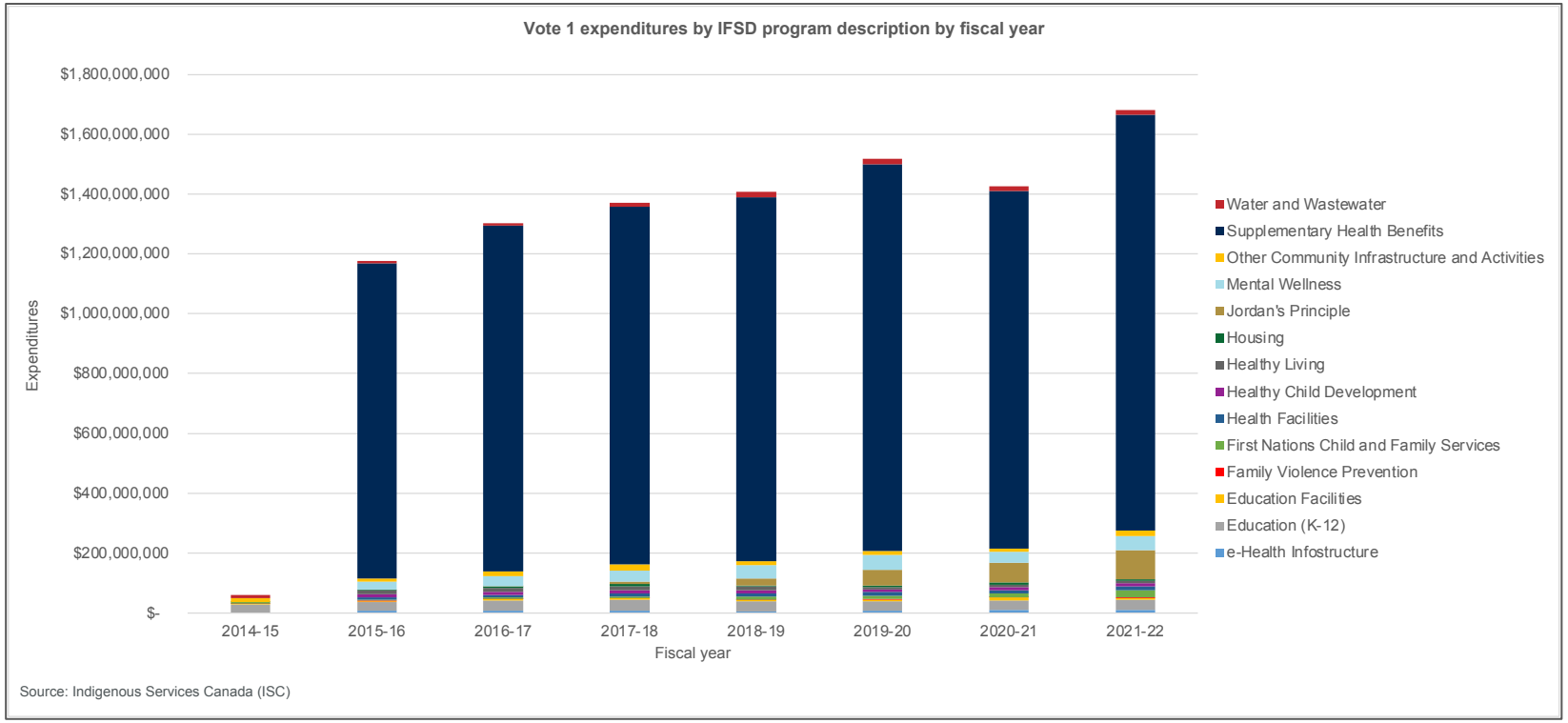
Year-over-year percentage change in Vote 1 expenditures



Source: Indigenous Services Canada (ISC)
Note: There was a 1860% increase from fiscal year 2015-16 to 2016-17, due to the change in deparmental structure. The data has been omitted in this analysis.

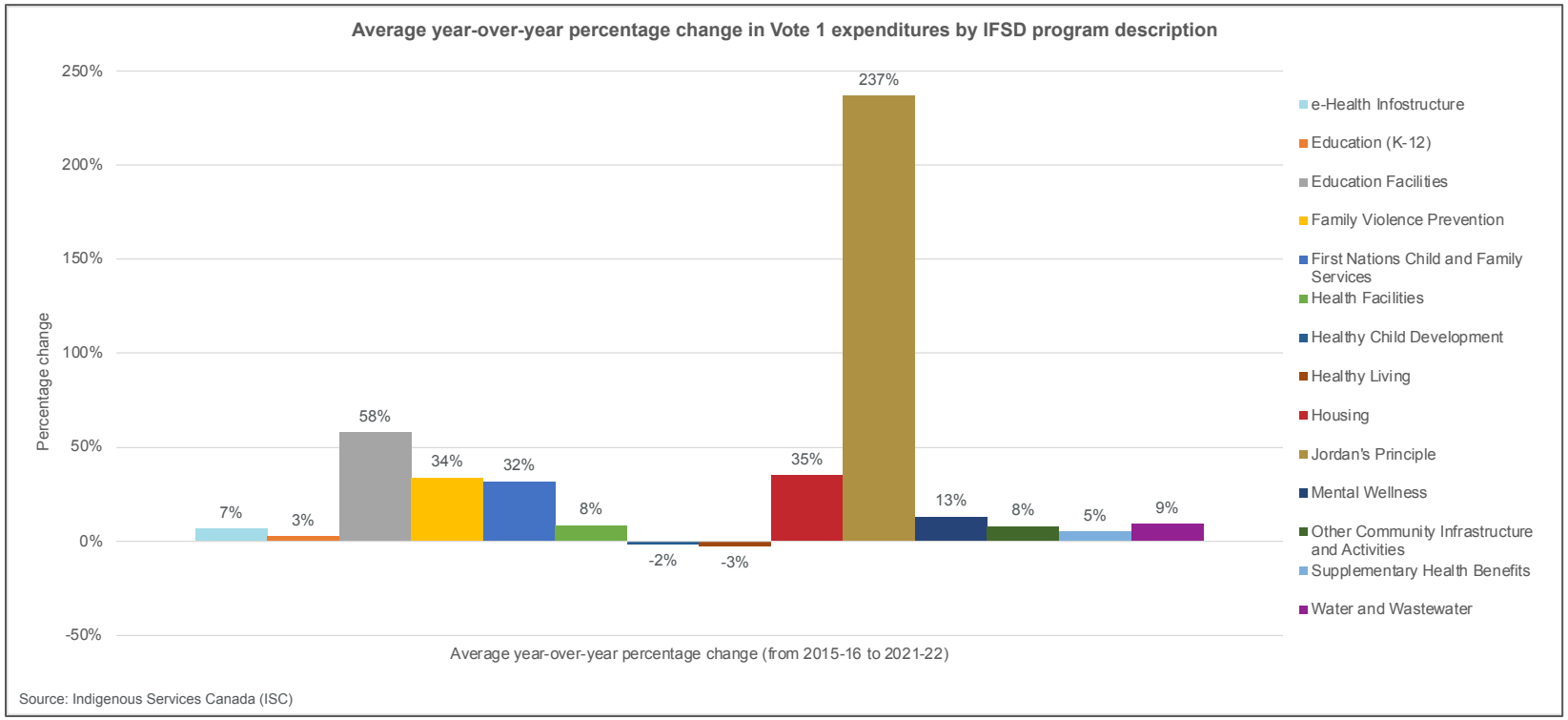
Vote 1 expenditures by IFSD program description

- The significant majority of Vote 1 expenditures are allocated to supplementary health benefits.



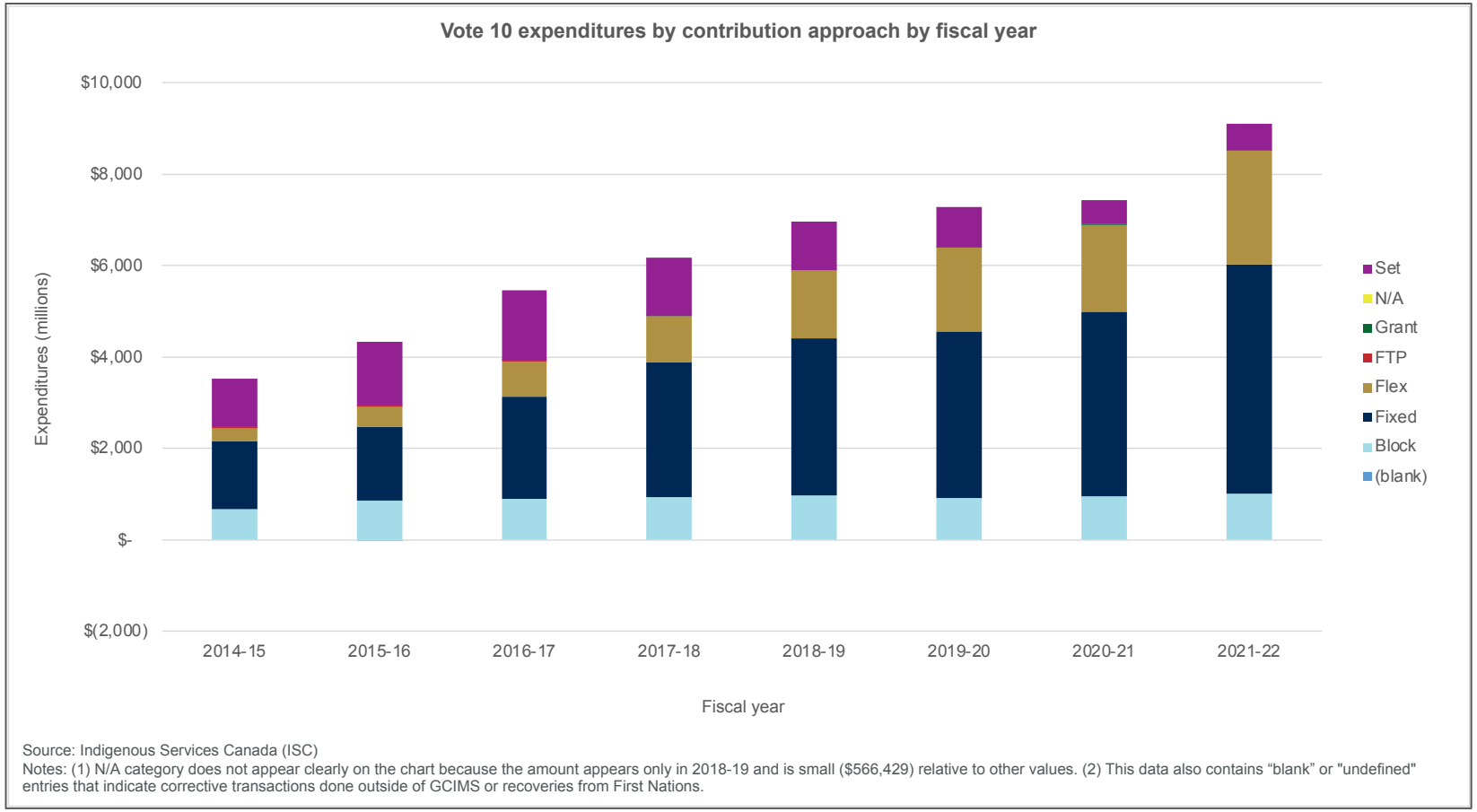
Average year-over-year percentage changes in Vote 1 expenditures

- On average, Jordan's Principle Vote 1 expenditures increased most at 237%, followed by education facilities at an average of 58%.
- Healthy child development and healthy living had average decreases.



Vote 10 expenditures by contribution approach

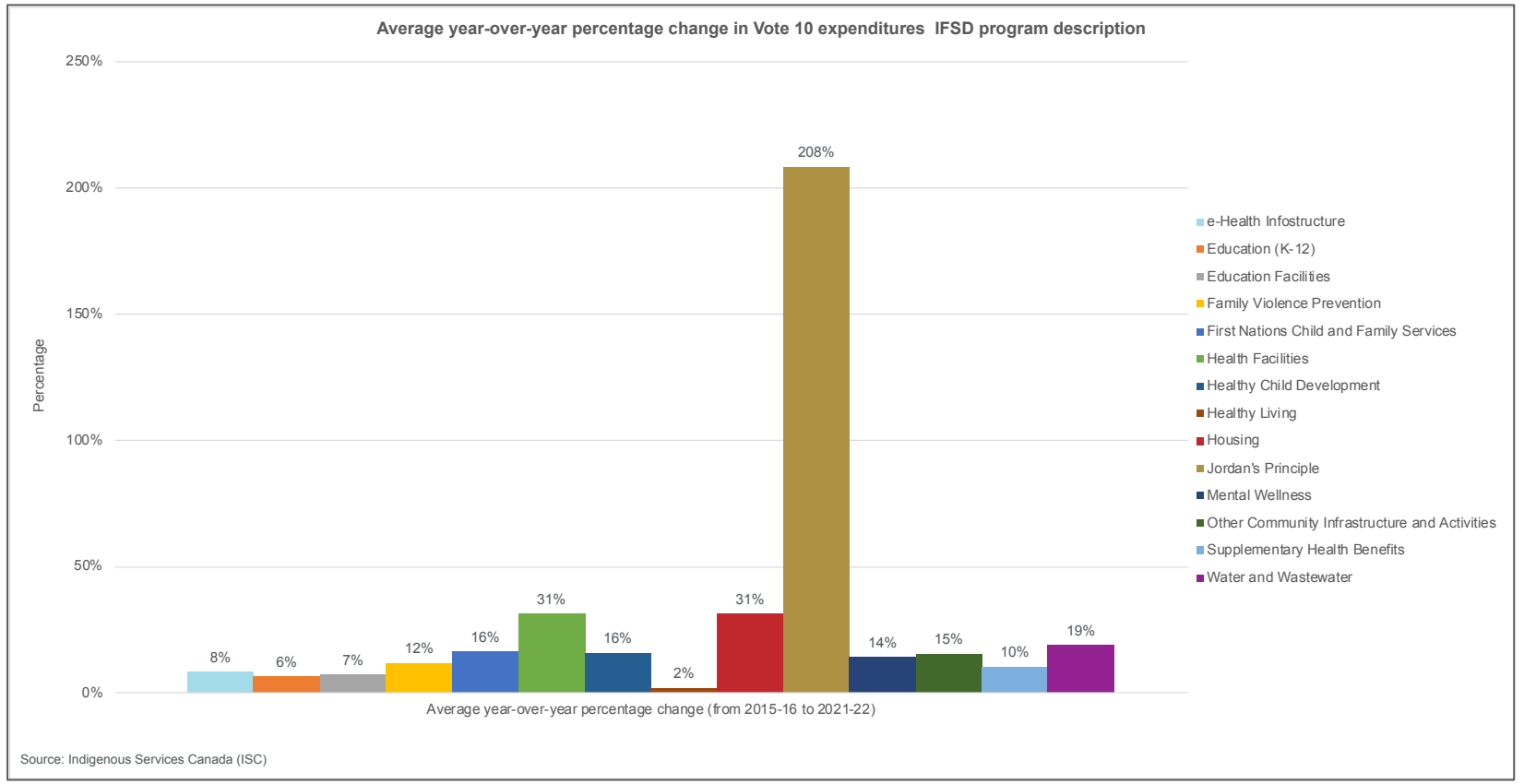
- Most grant and contribution funding (Vote 10) is fixed. The fixed allocation increases across fiscal years, as does the flexible allocation.



Source: Indigenous Services Canada (ISC)
Notes: (1) N/A category does not appear clearly on the chart because the amount appears only in 2018-19 and is small ($566,429) relative to other values. (2) This data also contains “blank” or "undefined" entries that indicate corrective transactions done outside of GCIMS or recoveries from First Nations.

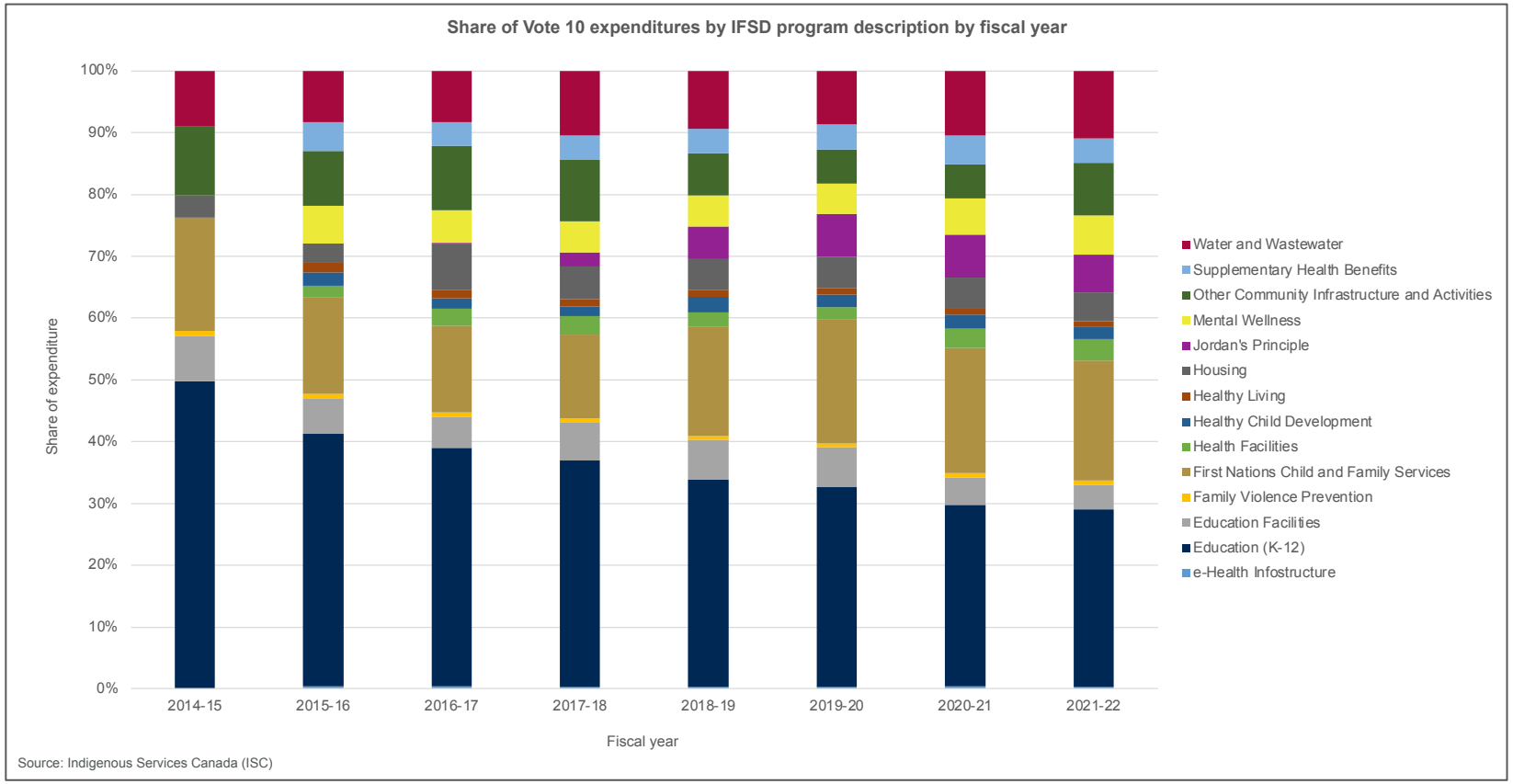
Average year-over-year percentage changes in Vote 10 expenditures

- Across fiscal years 2014-15, the average year-over-year percentage change in Vote 10 expenditures was most significant for Jordan's Principle with an average increase of 208% per year.
- Health facilities and housing at an average 31% increase have the second highest average increases.



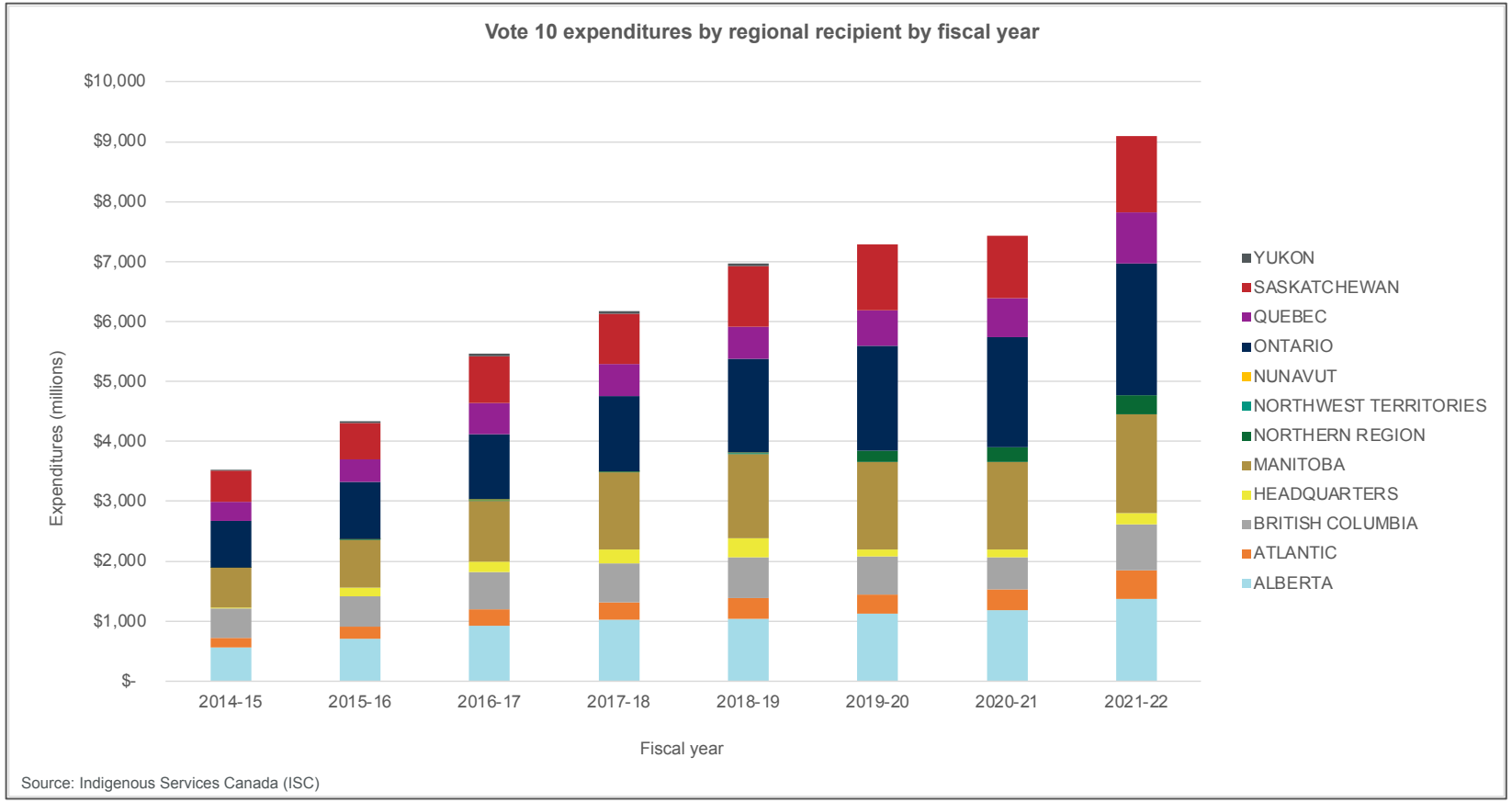
Vote 10 expenditures by IFSD program description

- Most Vote 10 expenditures are allocated to Education (K-12) and FNCFS.
- Note “IFSD program description” was a data field defined by ISC.



Vote 10 expenditures by regional recipient

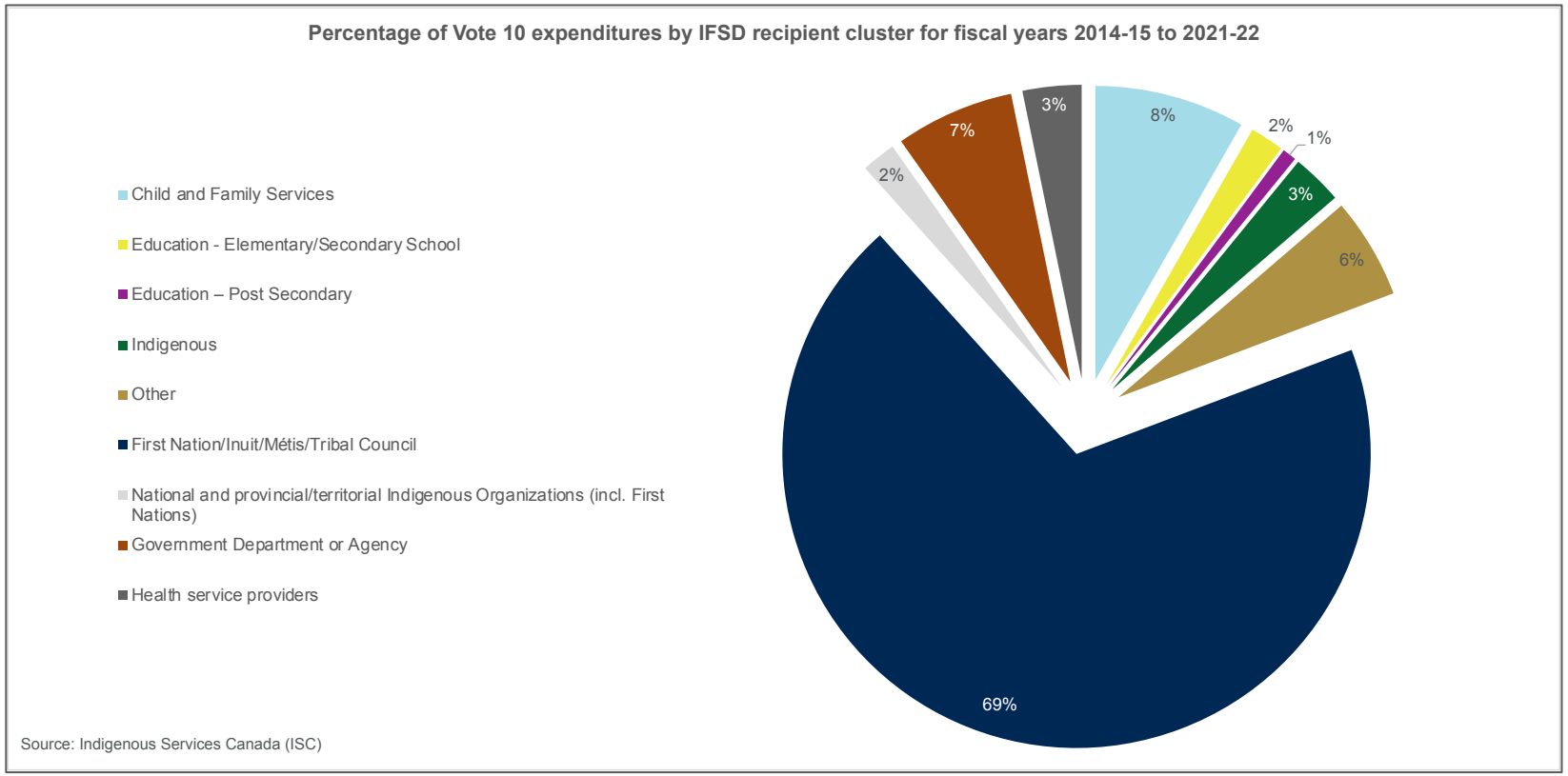
- Across fiscal years, recipients in Ontario followed by Manitoba receive most of the Vote 10 expenditures.



Source: Indigenous Services Canada (ISC)

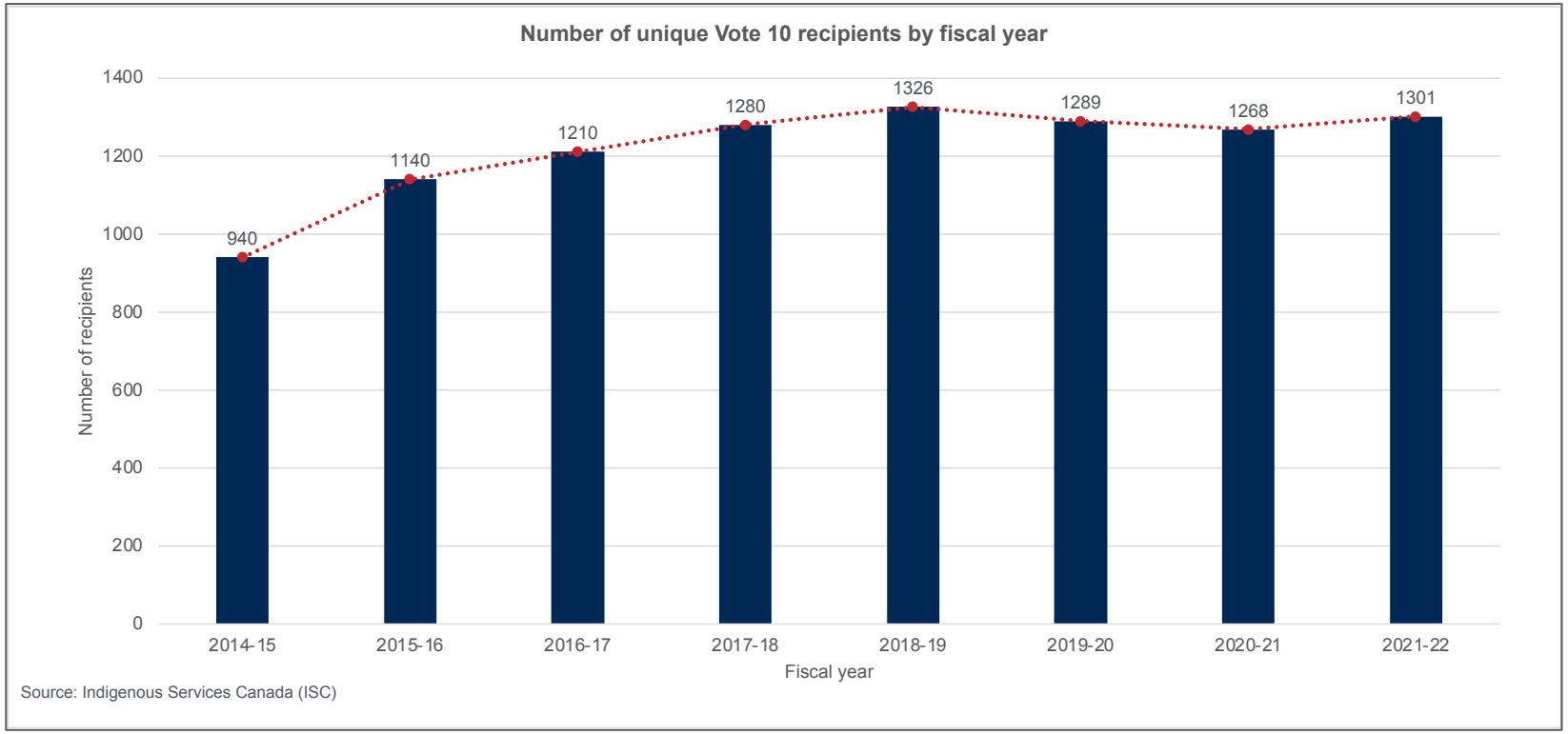
Vote 10 expenditure recipients

- Across fiscal years, approximately 70% of grant and contribution (Vote 10) recipients are First Nations, Tribal Councils, Inuit, or Métis.



Numbers of unique Vote 10 recipients

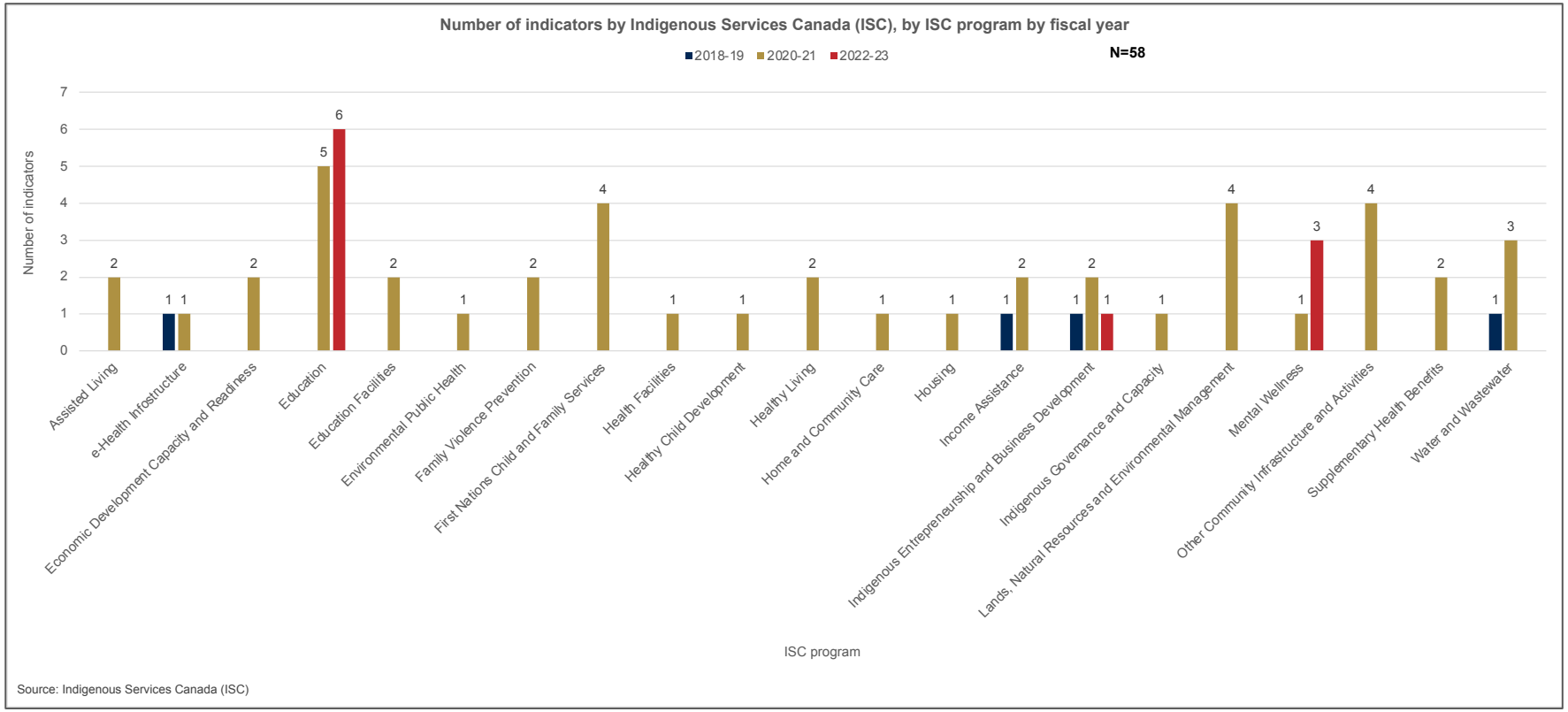
- There are approximately 1,000 **unique** recipients of grants and contributions (Vote 10) by fiscal year.
- The total number of funding recipients (i.e., multiples are included) ranges by fiscal year from approximately 7,200 to 12,400.



Planned spending

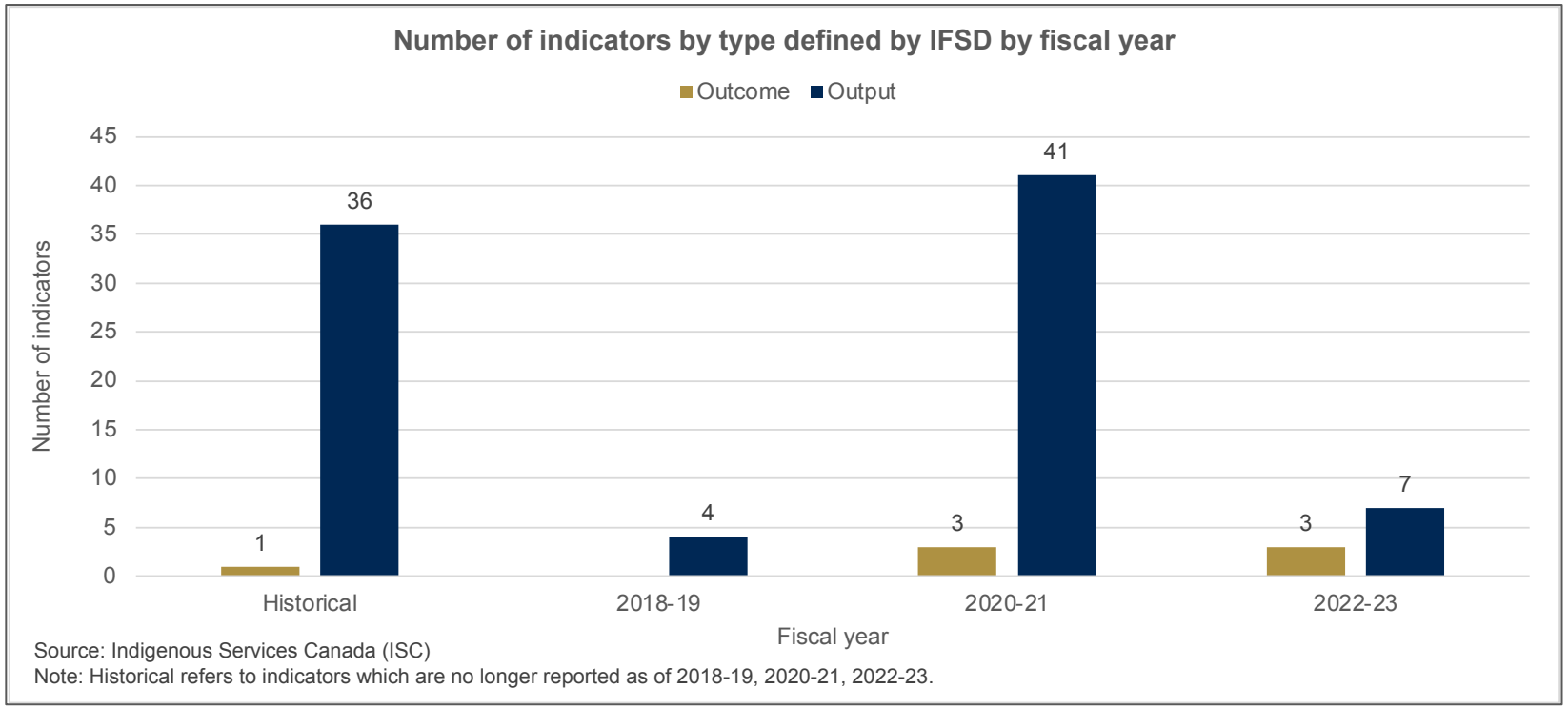
Indicators by program

- ISC defined indicators by program across fiscal years.
- Not all indicators have available data.



Indicator classification

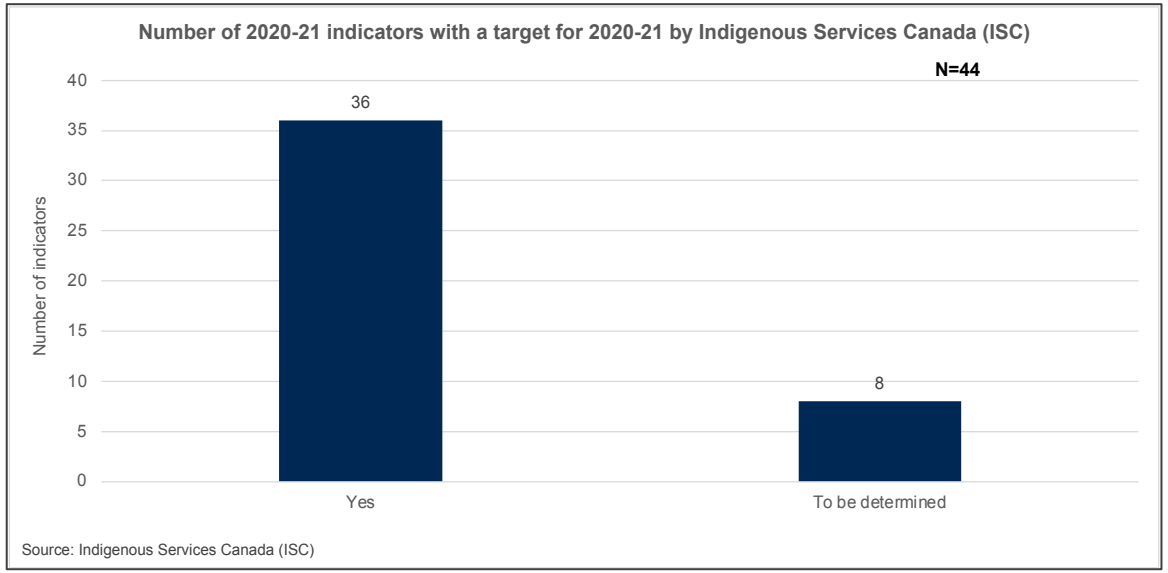
- IFSD classified the majority of ISC's indicators as outputs (rather than outcomes).

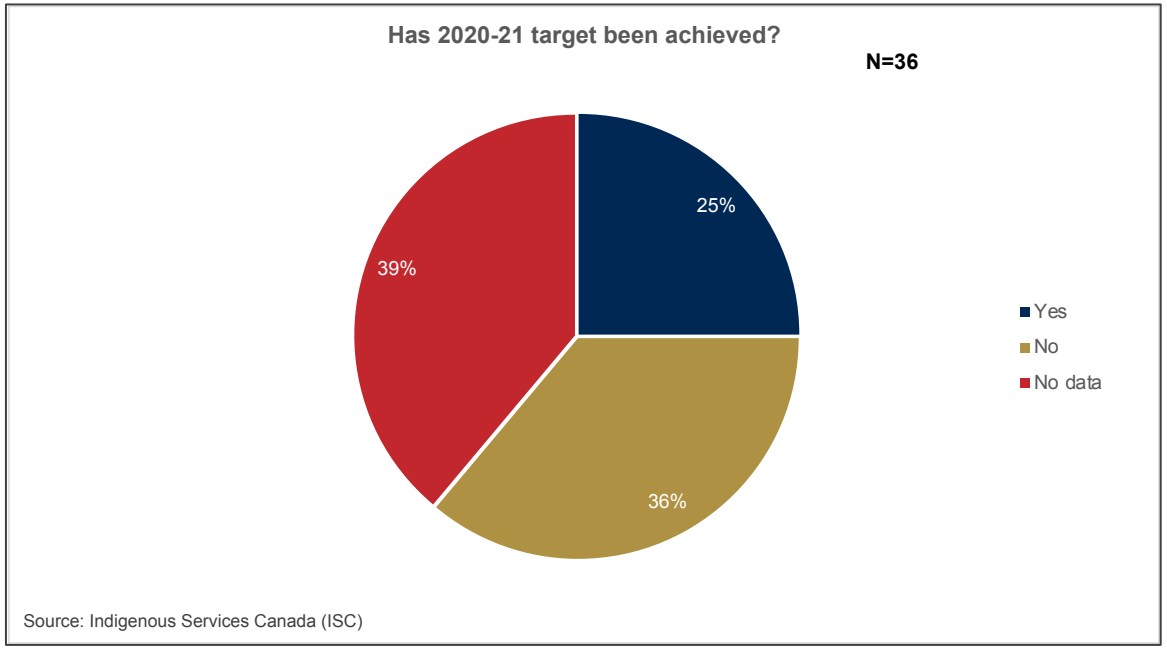


Source: Indigenous Services Canada (ISC)
Note: Historical refers to indicators which are no longer reported as of 2018-19, 2020-21, 2022-23.

Performance indicators

- For fiscal year 2020-2021, 36/44 indicators had defined targets.
- For roughly 40% of indicators, no data was available to assess whether targets were achieved.





FNCFS Program expenditures

Notes

- The description of the FNCFS Program through InfoBase (the Government of Canada's public facing reporting on its programs) includes *supporting safety and well-being for First Nations children ordinarily resident on-reserve*.

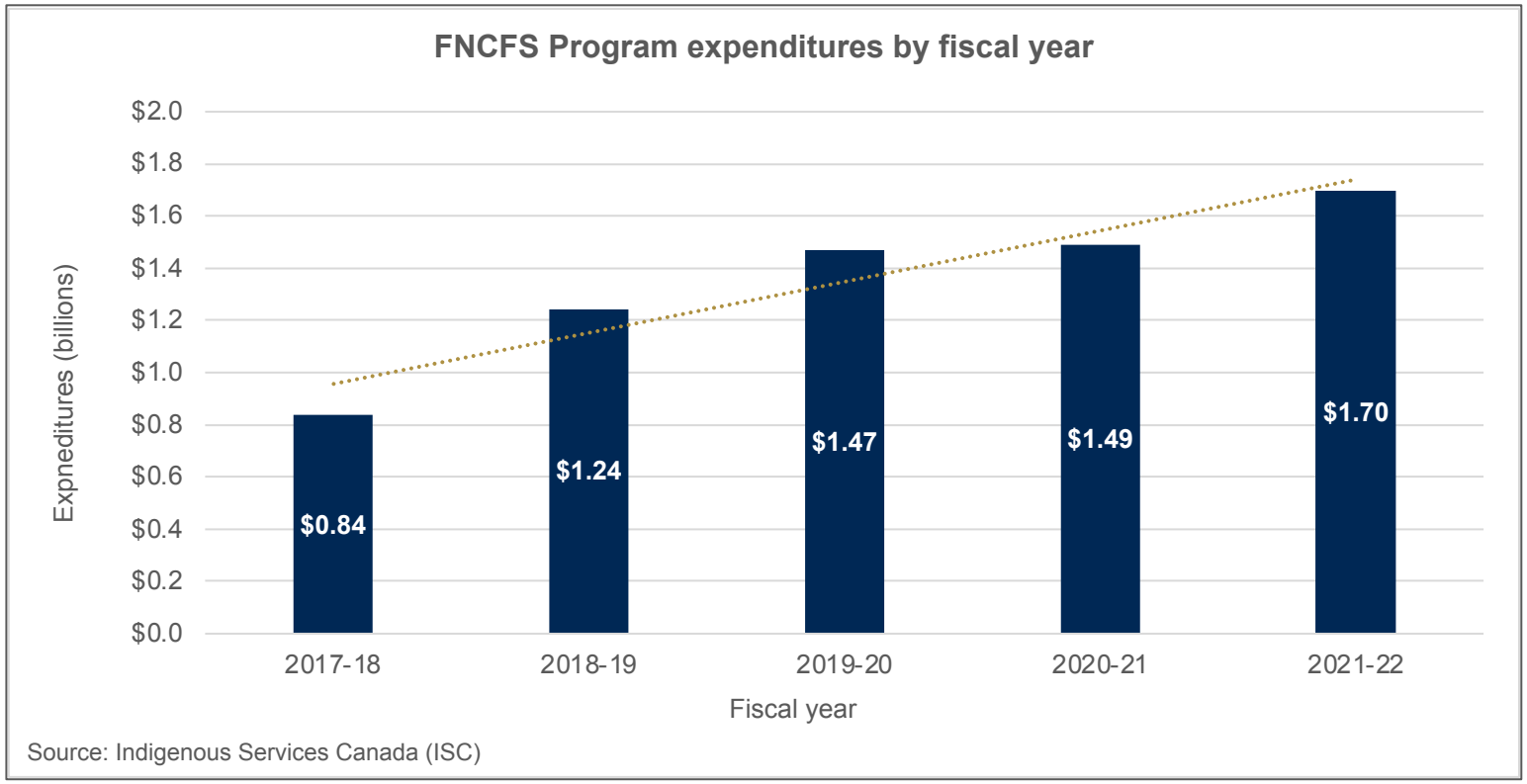
- Funds through the program are allocated to FNCFS agencies, provinces delivering services, First Nations Bands, and Tribal Councils. This means that the FNCFS Program is funding FNCFS agencies, First Nations, transfers to provinces, and jurisdiction.

- IFSD was provided disaggregated data on the FNCFS Program's expenditures for fiscal years 2017-18 to 2021-22.

- This analysis includes all funding recipients of the FNCFS Program, e.g., FNCFS agencies, First Nations served by agencies, First Nations not affiliated to FNCFS agencies, etc.

Total FNCFS Program expenditures

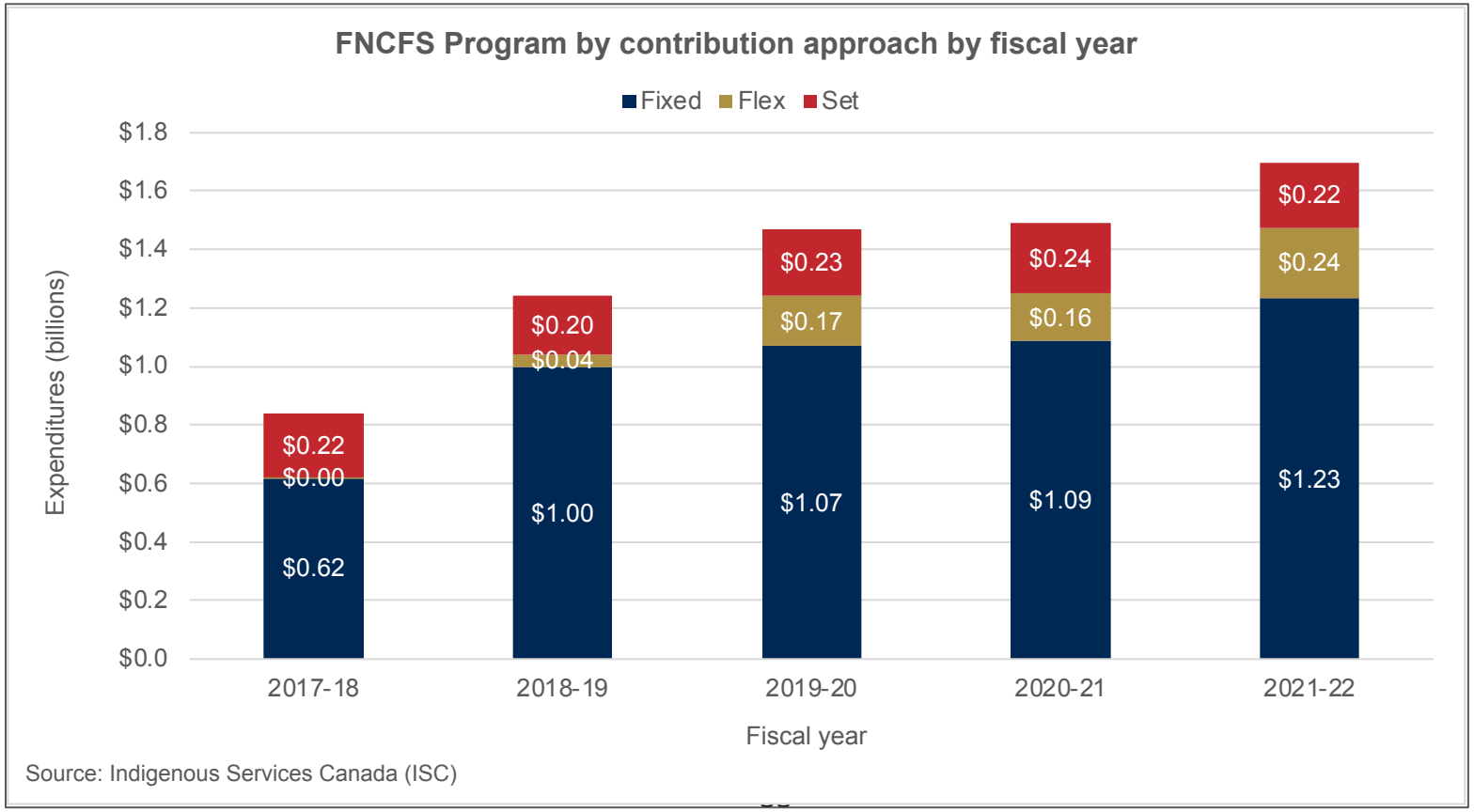
- Expenditures for the FNCFS Program have increased across fiscal years.



Source: Indigenous Services Canada (ISC)

FNCFS Program funding by contribution approach

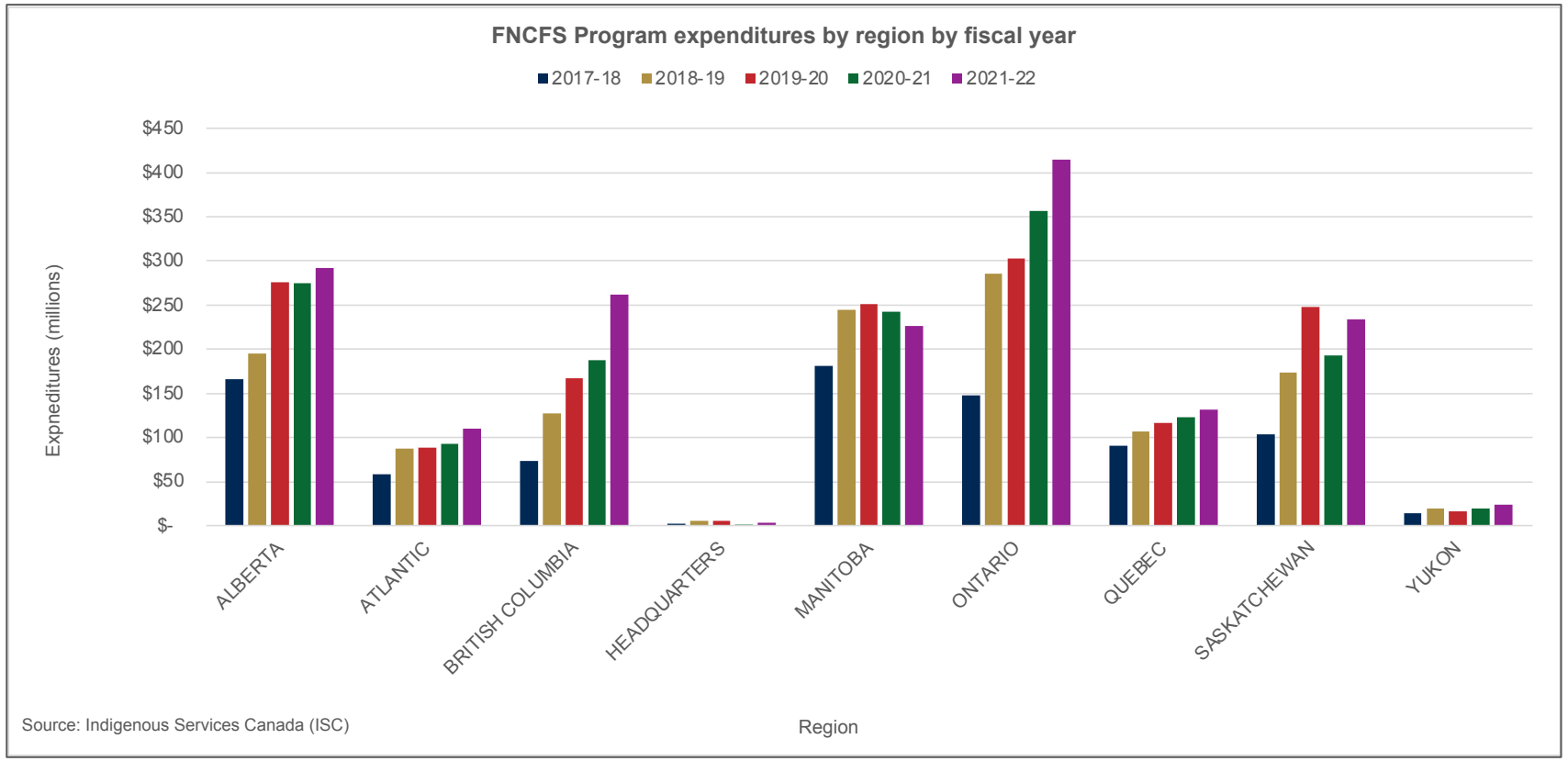
- Most of the FNCFS Program expenditures are fixed, i.e., funds have a defined purpose and total expenditures are defined annually.



Source: Indigenous Services Canada (ISC)

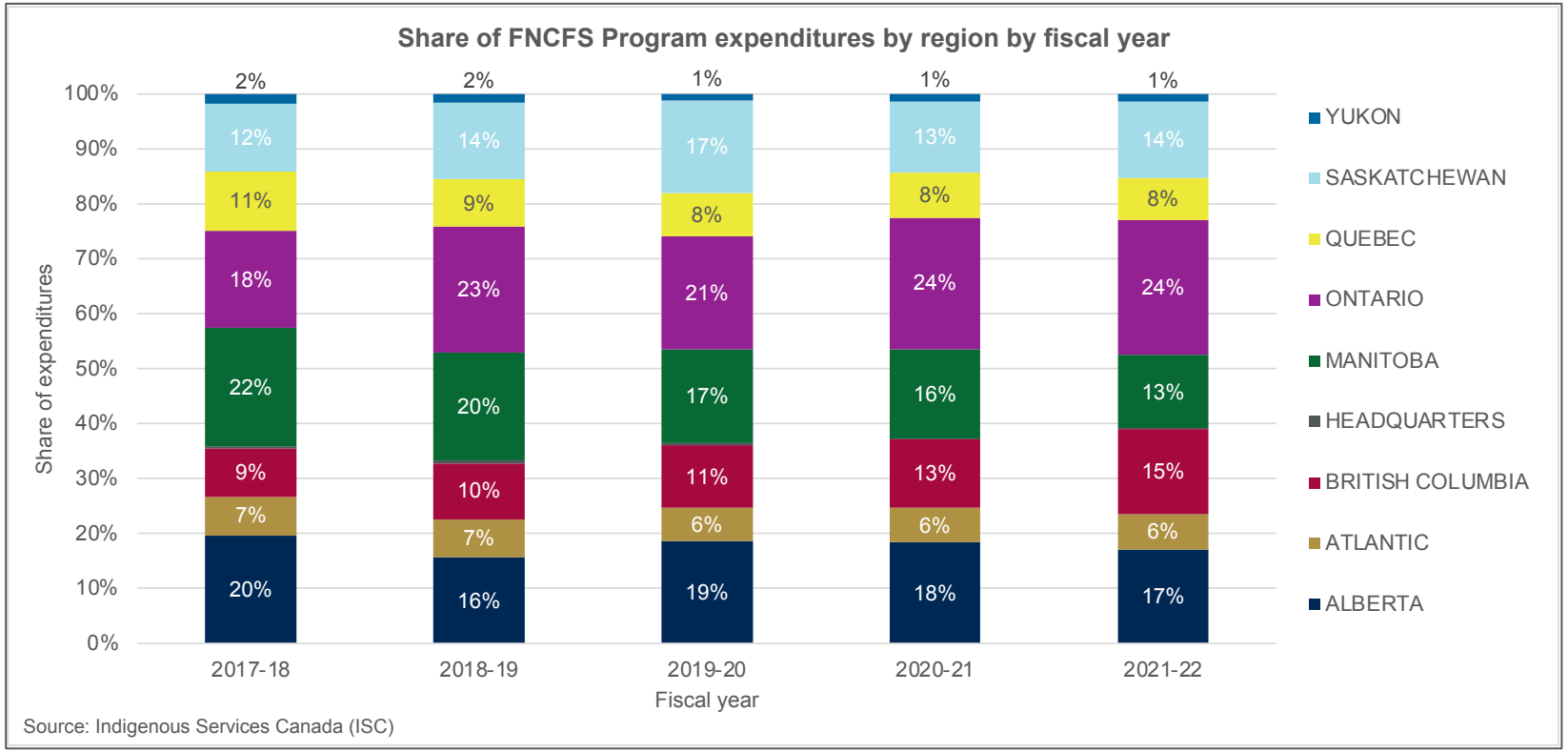
FNCFS Program funding by region

- Funding across regions generally increases across fiscal years. Ontario receives most expenditures, followed by Alberta.
- Headquarters includes funding for various national Indigenous organizations.



Source: Indigenous Services Canada (ISC)

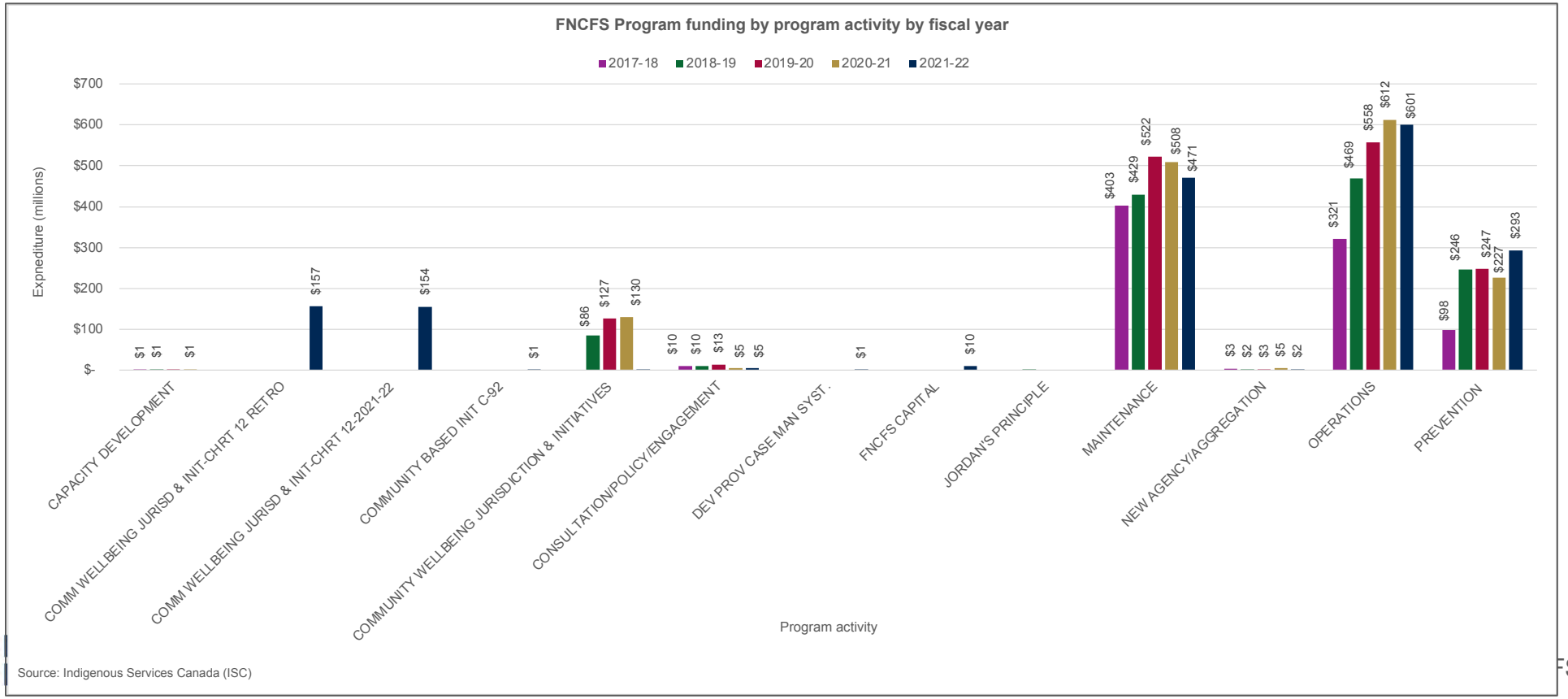
Share of FNCFS Program funding by region



Source: Indigenous Services Canada (ISC)

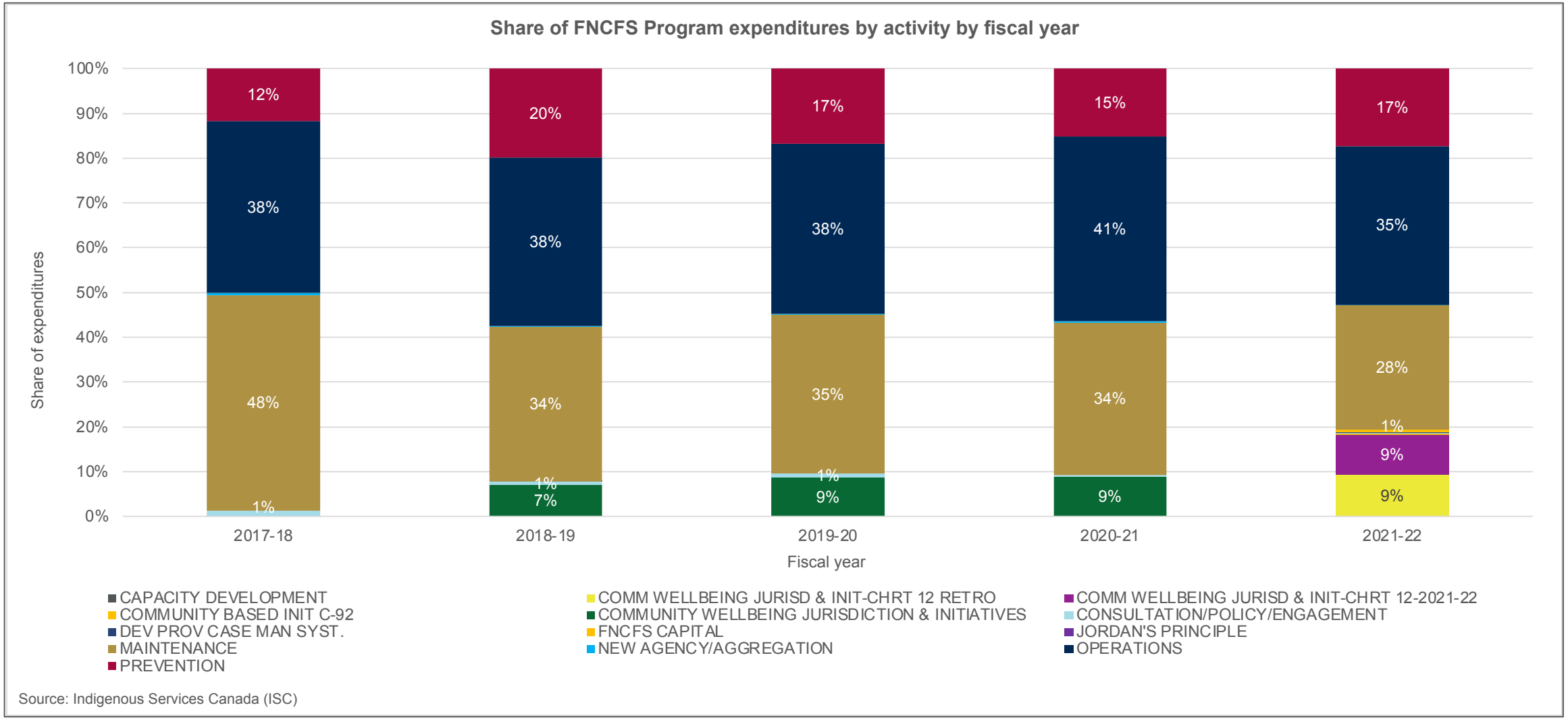
FNCFS Program activity expenditures

- Maintenance, operations, and prevention activities represent the largest expenditures by activity in the FNCFS Program.



Source: Indigenous Services Canada (ISC)

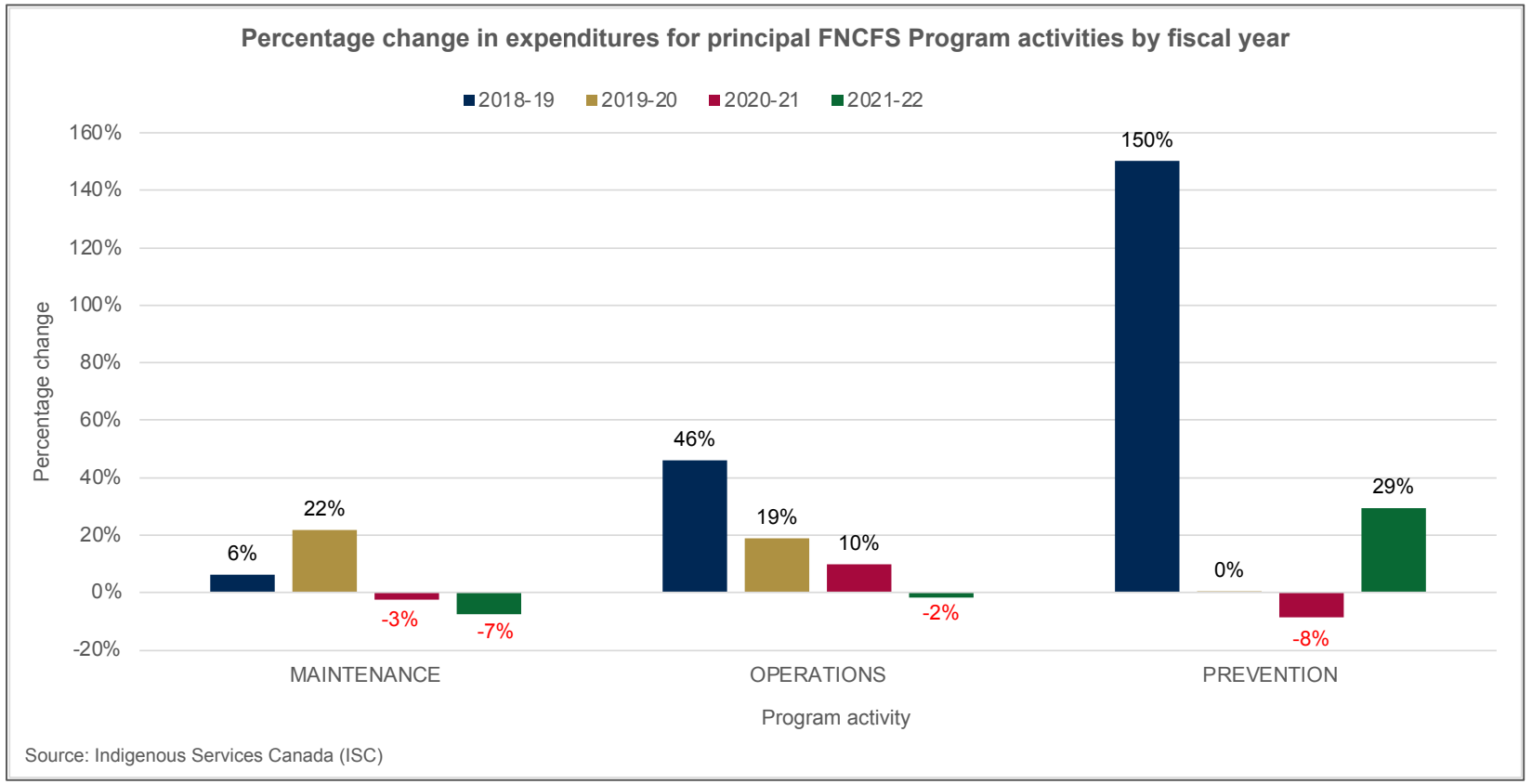
FNCFS Program activity expenditures by percentage



Source: Indigenous Services Canada (ISC)

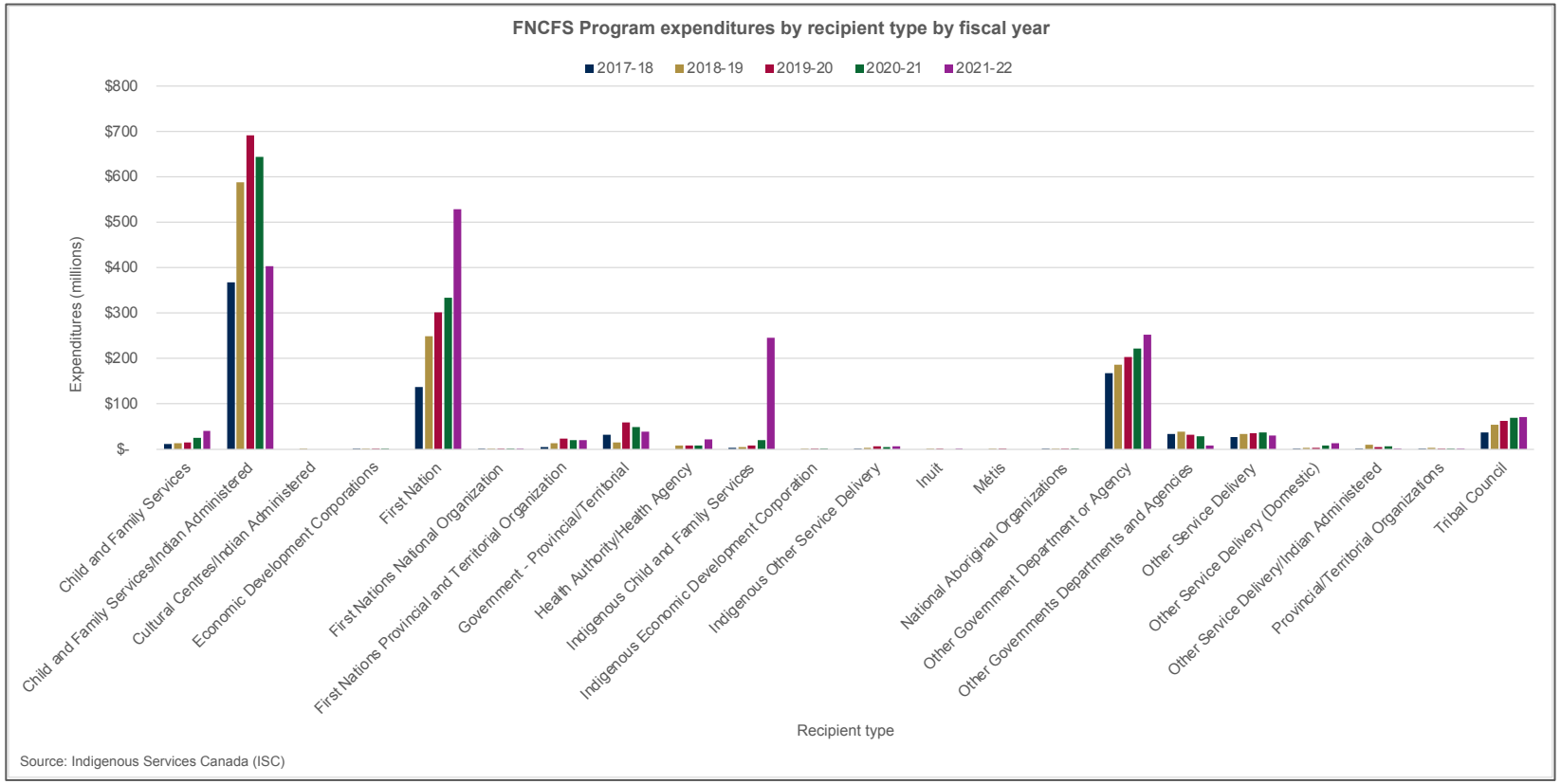
Percentage change in main FNCFS Program activity areas

- In the main FNCFS Program activity areas, i.e., maintenance, operations, and prevention, there has been the most change in prevention expenditures.



FNCFS Program by recipient type

- Most FNCFS Program funding is allocated to services providers, i.e., FNCFS agencies, tagged as Child and Family Services/Indian Administered in ISC's data set, followed by First Nations.

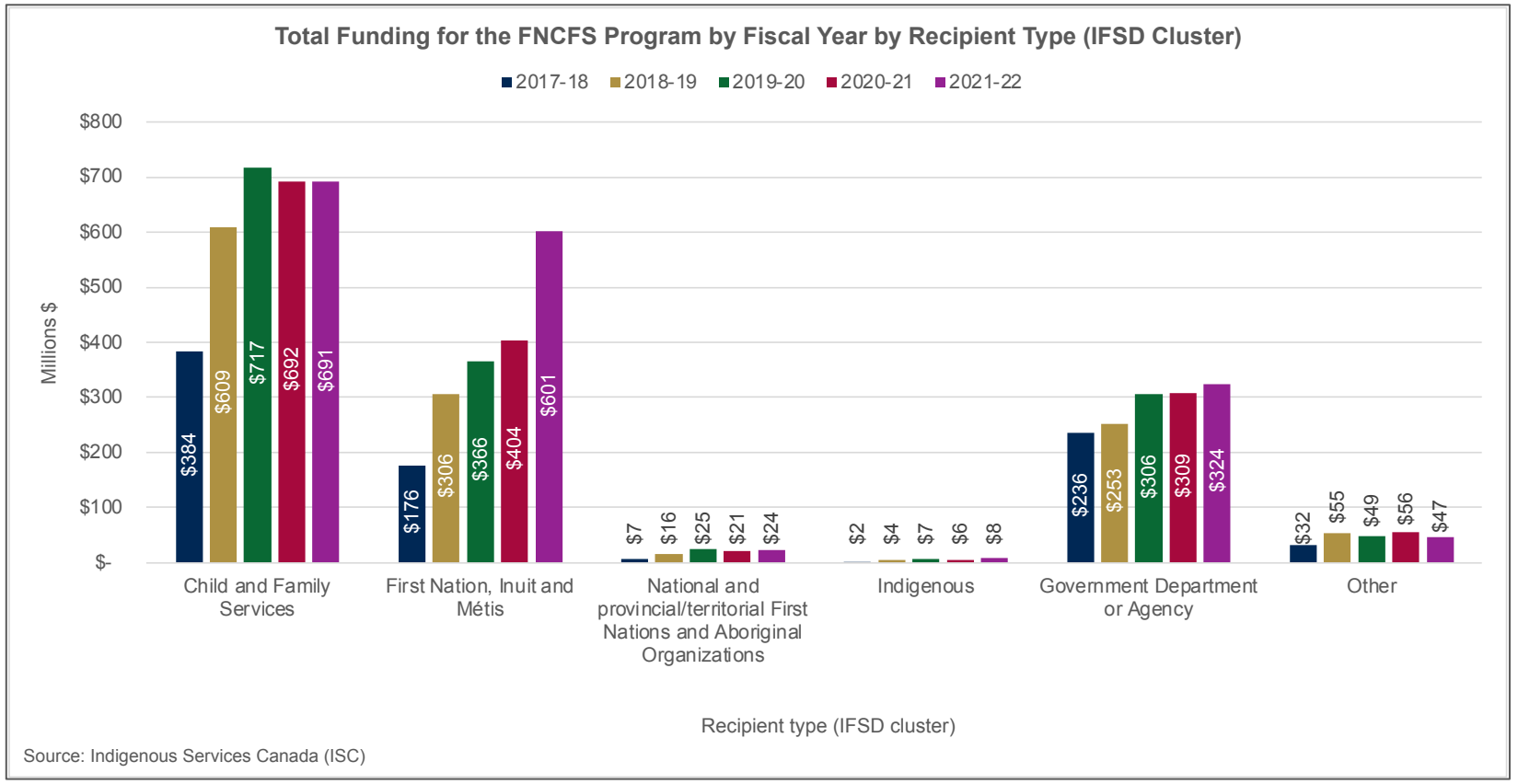


IFSD recipient type clusters

Recipient Type	IFSD Cluster
Child and Family Services	Child and Family Services
Child and Family Services/Indian Administered	Child and Family Services
Indigenous Child and Family Services	Child and Family Services
First Nation	First Nation and Inuit
Inuit	First Nation and Inuit
Tribal Council	First Nation and Inuit
First Nations National Organization	National and provincial/territorial First Nations and Aboriginal Organizations
First Nations Provincial and Territorial Organization	National and provincial/territorial First Nations and Aboriginal Organizations
National Aboriginal Organizations	National and provincial/territorial First Nations and Aboriginal Organizations
Indigenous Economic Development Corporation	Indigenous
Indigenous Other Service Delivery	Indigenous
Health Authority/Health Agency	Government Department or Agency
Government - Provincial/Territorial	Government Department or Agency
Other Government Department or Agency	Government Department or Agency
Other Governments Departments and Agencies	Government Department or Agency
Other Service Delivery	Other
Other Service Delivery (Domestic)	Other
Other Service Delivery/Indian Administered	Other
Cultural Centres/Indian Administered	Other
Economic Development Corporations	Other
Provincial/Territorial Organizations	Other

FNCFS Program by recipient type, IFSD cluster

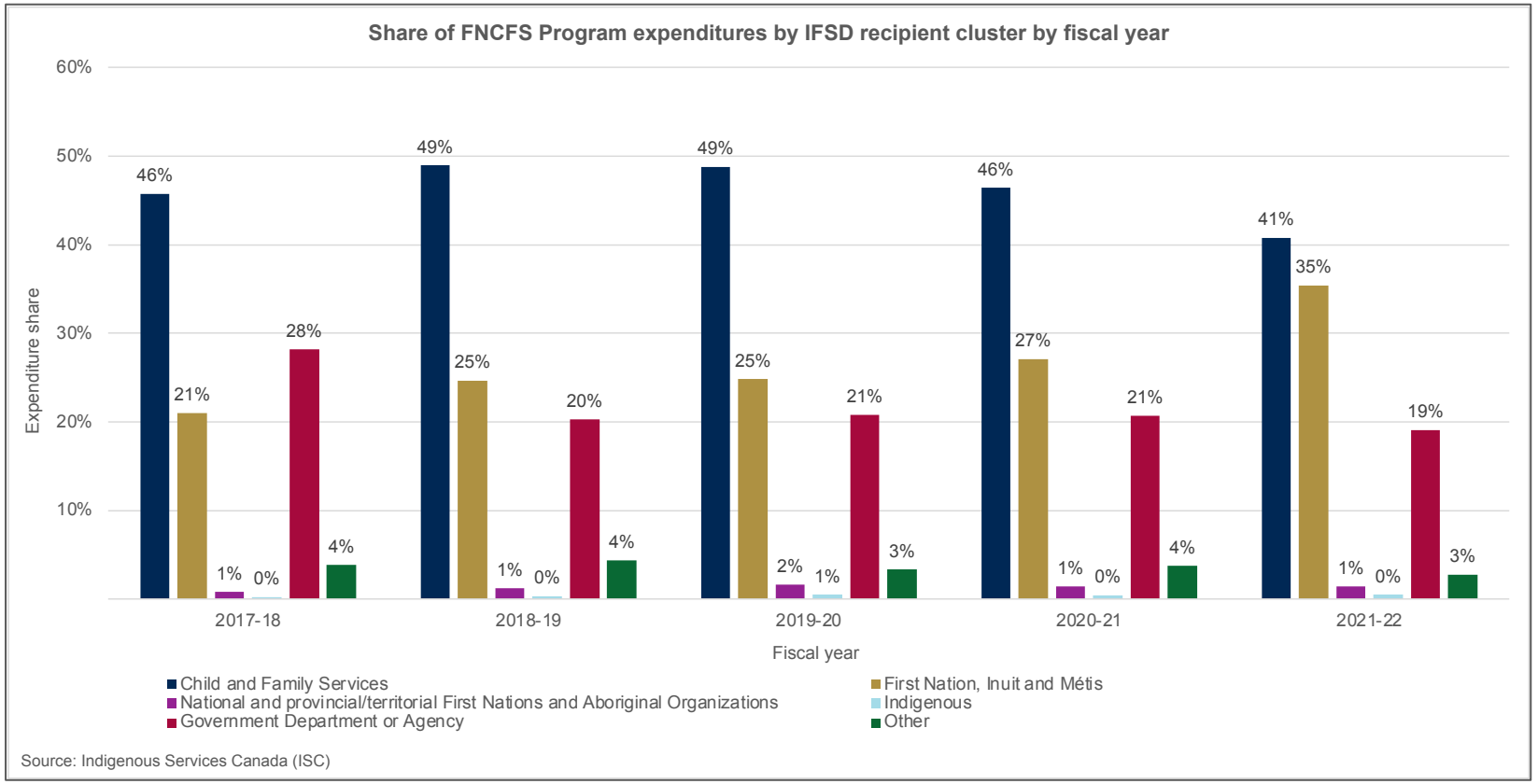
- For clarity, IFSD clustered recipient types. Child and family services includes FNCFS agencies.
- Funding for all recipient types generally increases. There was a notable increase for First Nations, Inuit, and Métis in fiscal year 2021-22.



Source: Indigenous Services Canada (ISC)

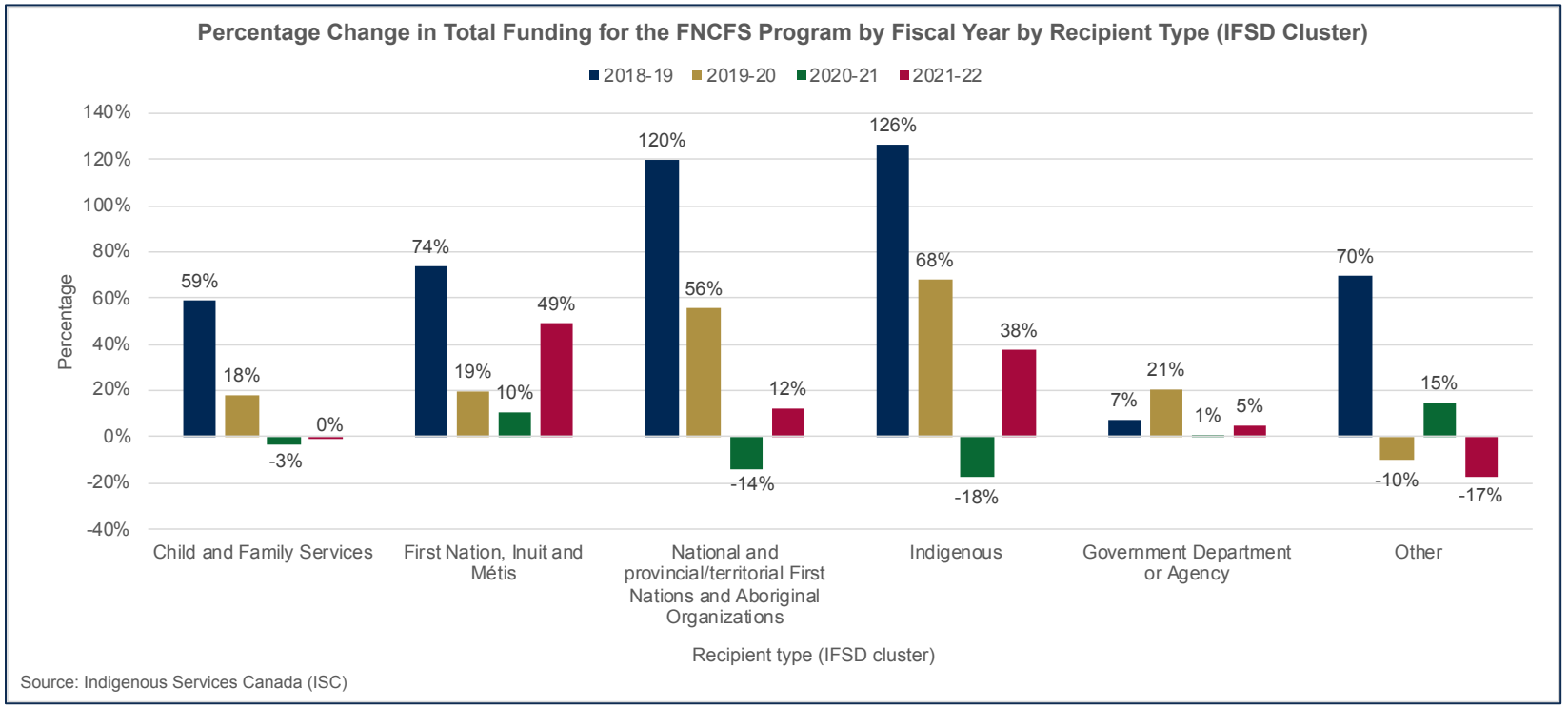
Share of FNCFS Program expenditures by IFSD recipient type

- FNCFS agencies and similar service providers receive most of the FNCFS Program funding, although their share is trending slightly downward. The share of funding for First Nations, Inuit, and Métis increases across fiscal years. Funding for other governments remains relatively constant around 20%.



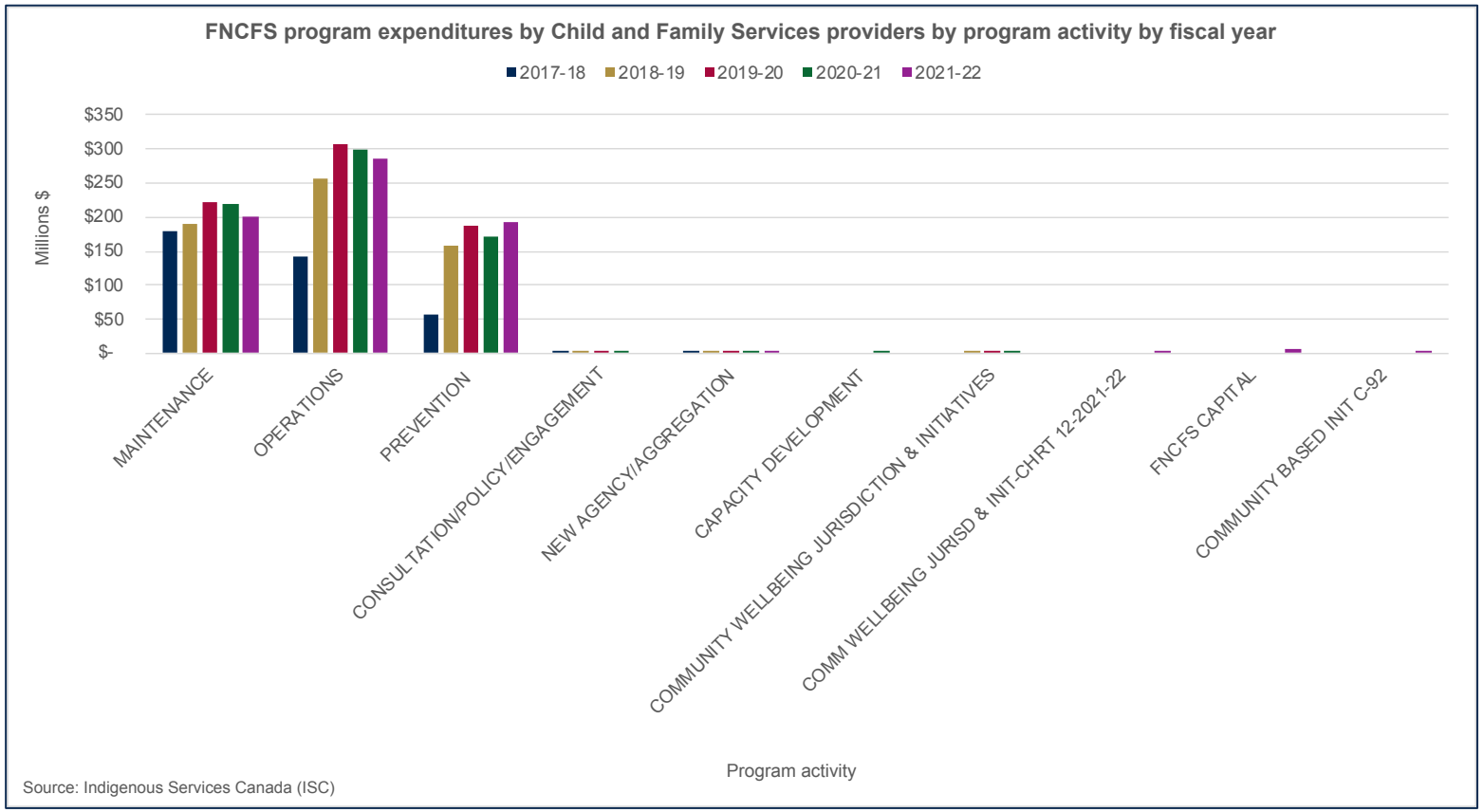
Percentage change in FNCFS Program expenditures by IFSD recipient type

- Percentage changes in recipients' shares of expenditures are consistent with changes in their share of expenditures.



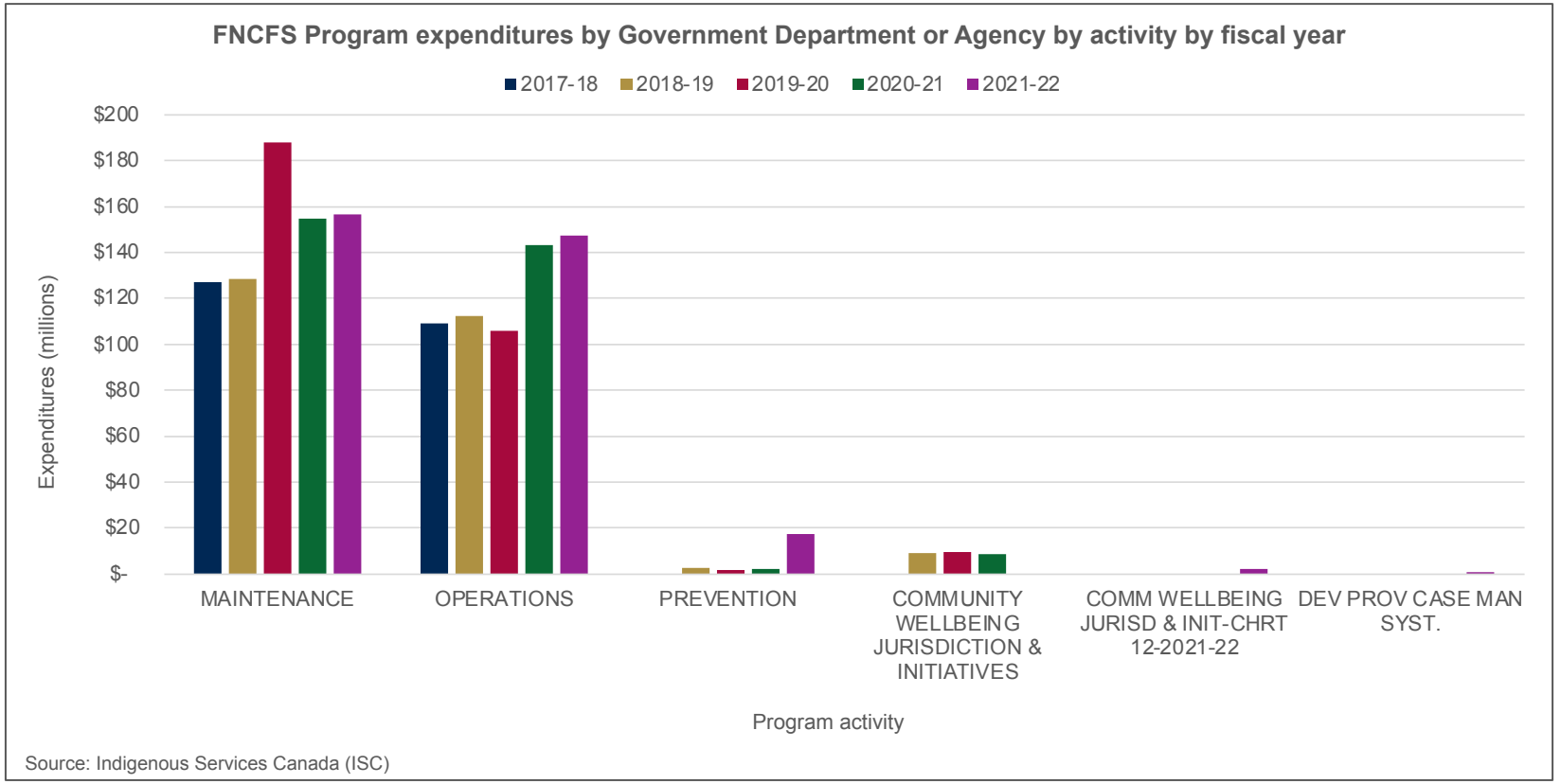
Child and Family Services providers expenditures by activity

- Child and Family Services providers' resources are associated mainly to operations, followed by maintenance and protection, across fiscal years.



Government department or agency expenditures by activity

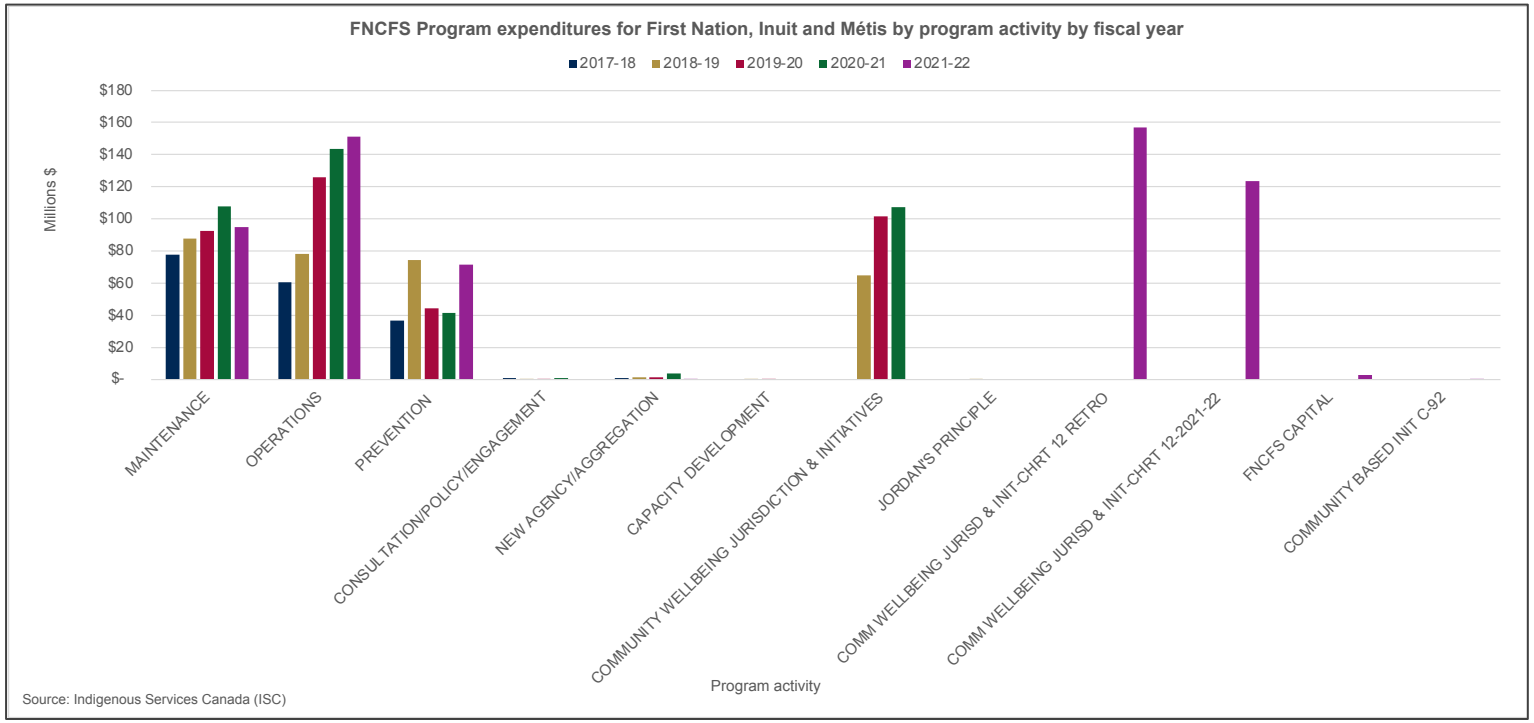
- Government department or agency expenditures by activity are mainly associated to maintenance, followed by operations. There are minimal expenditures associated to prevention.



Source: Indigenous Services Canada (ISC)

First Nation, Inuit and Métis expenditures by activity

- First Nations, Inuit and Métis receive FNCFS Program funding across several activity areas, notably in fiscal year 2020-21. While most expenditures are associated to operations, followed by maintenance and prevention, there are relevant expenditures for Community Wellbeing and Jurisdiction Initiative (CWJI), as well as for Canadian Human Rights Tribunal (CHRT) ordered payments in 2020-21.



APPENDIX B3

FIRST NATIONS REPRESENTATIVE SERVICES (FNRS)

First Nations Representative Services

January 29, 2024

First Nations Representative Services (FNRS)

- First Nations Representative Services (FNRS) were funded by Canada (by order of the CHRT) at $283 per person on-reserve and in the Yukon (https://www.sac-isc.gc.ca/eng/1644518166138/1644518227229)

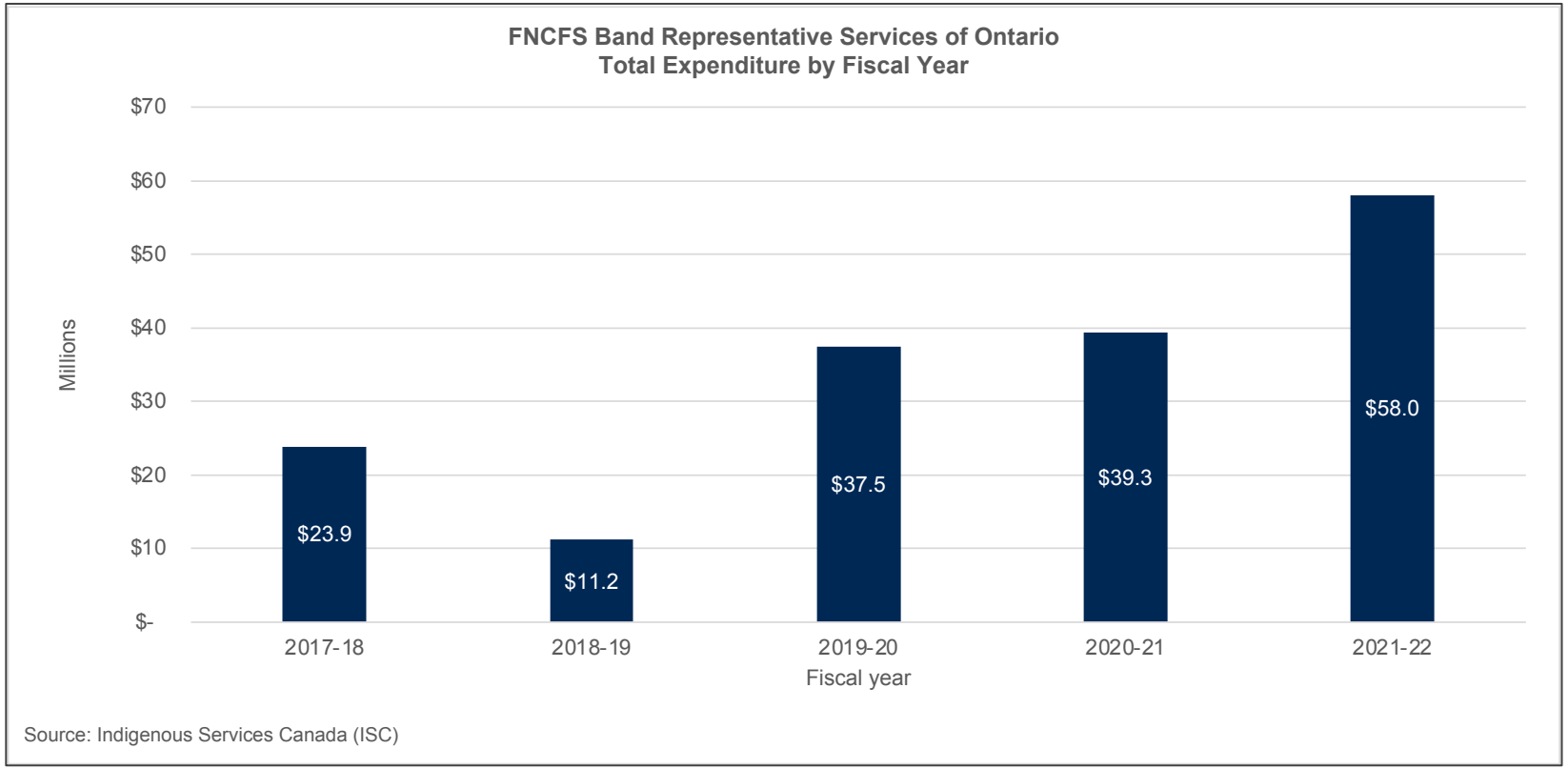
- NAC requested additional information on the source of the $283 per person.

- IFSD understands from ISC that the per capita allocation is derived from Ontario's per capita expenditures over a five-year period for "Band Representative Services," now FNRS.

In October 2022, IFSD asked ISC how it developed its internal estimates for the First Nations Representative Services (then Band Representative Services). ISC responded indicating that "[…] Canada created a national estimate based on Ontario per capita expenditures over a 5 years [sic] period."

Expenditure by fiscal year, Band Representative Service

- Funding for the Band Representative Service (BRS) increased (with exception to 2018-19) from fiscal year 2017-18 to 2021-22.

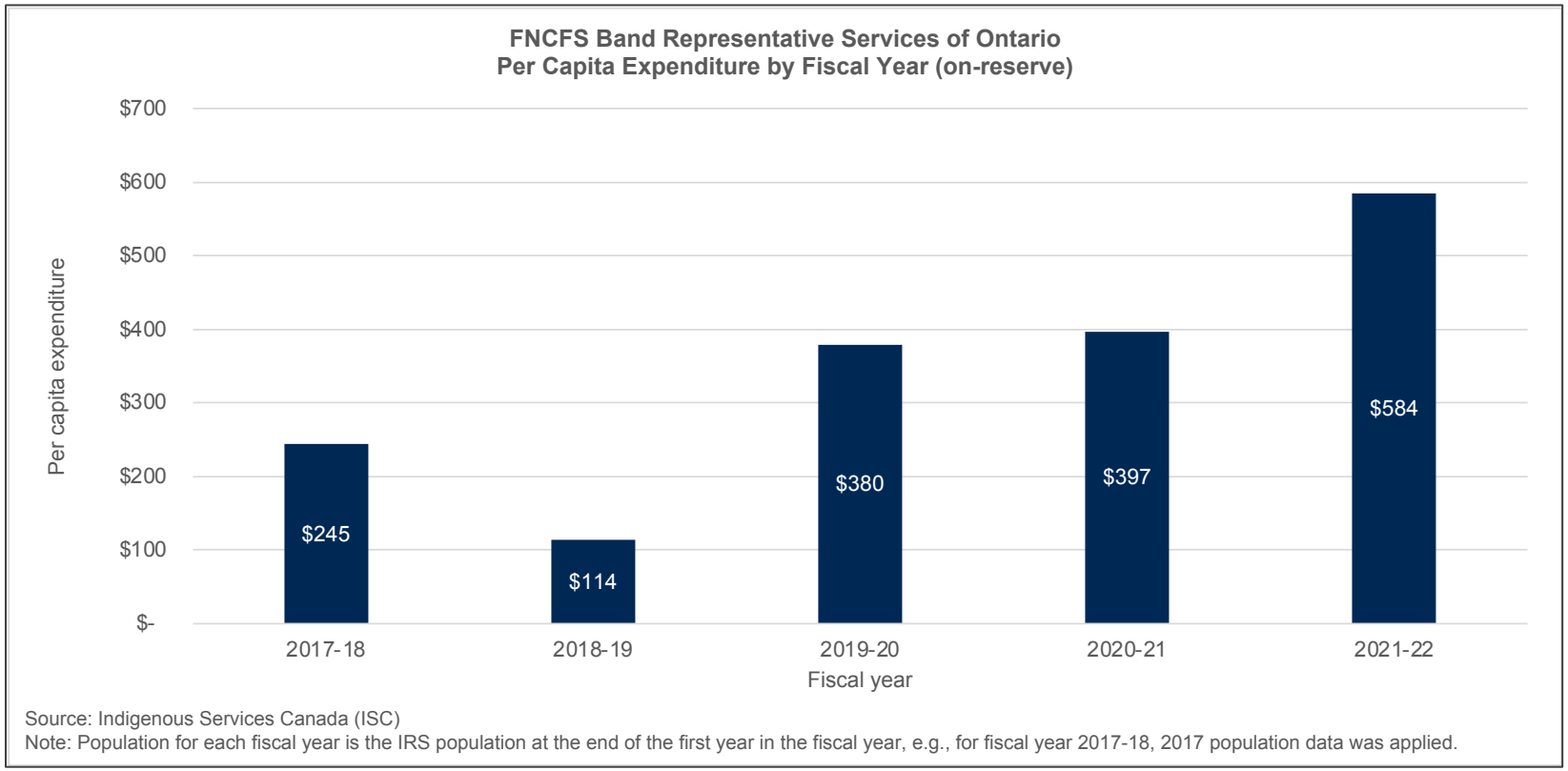


Estimated per capita expenditure, by fiscal year

- IRS population data for Ontario (both on-reserve and off-reserve) were used to estimate the per capita allocations for BRS by fiscal year.
- Neither the on-reserve nor total (on- and off-reserve) populations produce the $283/person allocation defined by ISC.
- NAC may wish to clarify the source of ISC's estimate.

Per capita estimate, on-reserve

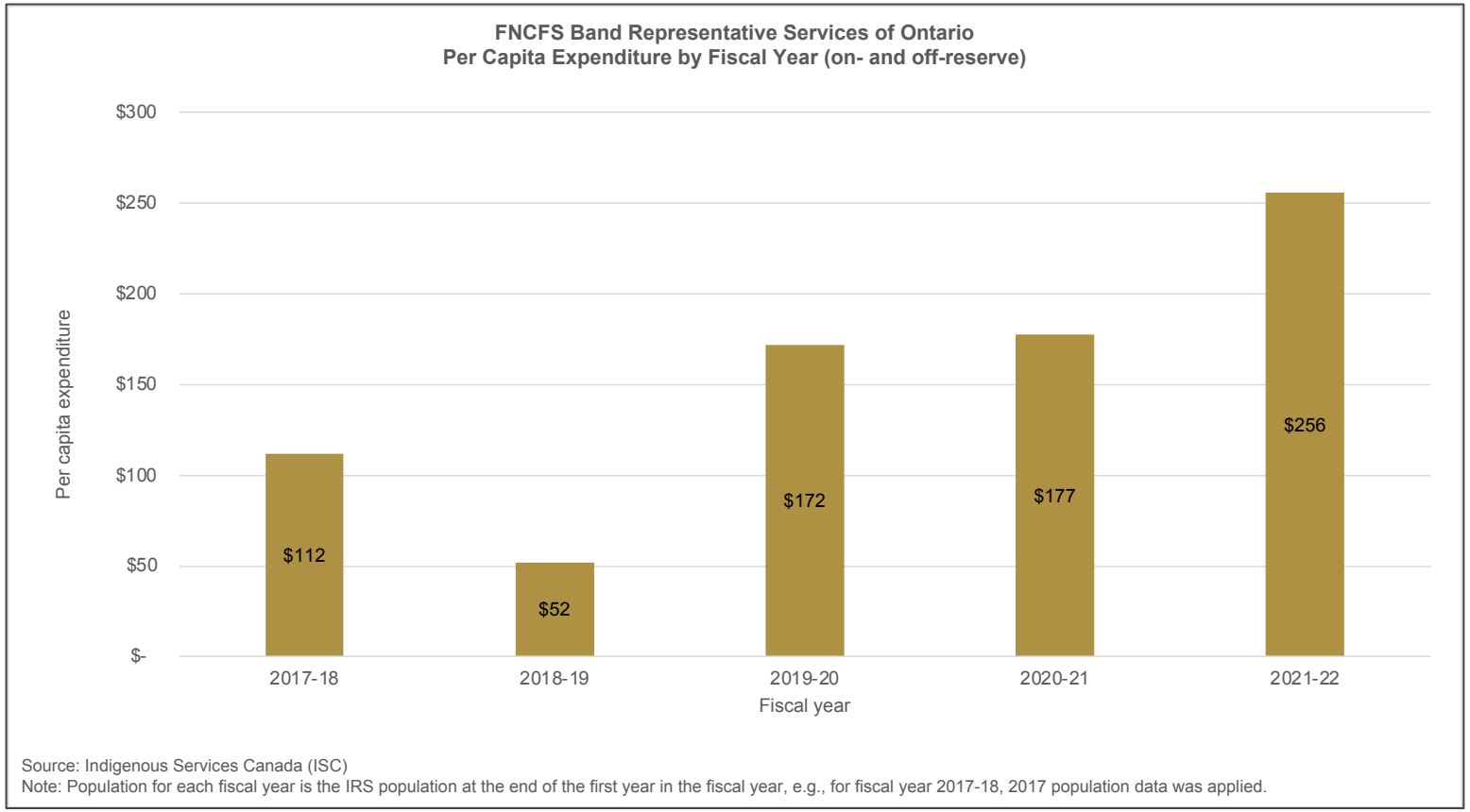
- On-reserve, per capita allocations of BRS range from a low of $114 to a high of $584.



Source: Indigenous Services Canada (ISC)
Note: Population for each fiscal year is the IRS population at the end of the first year in the fiscal year, e.g., for fiscal year 2017-18, 2017 population data was applied.

Per capita estimate, total population (on- and off-reserve)

- Total (on- and off-reserve) per capita allocations of BRS range from a low of $112 to a high of $256.



Source: Indigenous Services Canada (ISC)
Note: Population for each fiscal year is the IRS population at the end of the first year in the fiscal year, e.g., for fiscal year 2017-18, 2017 population data was applied.

APPENDIX C

POST-MAJORITY SUPPORT SERVICES (PMSS)

Monthly Update – FNCFS agencies and First Nations exercising/contemplating jurisdiction

Post-Majority Support Services (PMSS)

October 2023

Current funding for post-majority supports and services

- ISC is funding post-majority supports and services (PMSS) via FNCFS agencies and First Nations at actual costs
- First Nations authorized service providers can submit claims to ISC for the reimbursement of costs related to PMSS
- Claims can be submitted through the existing FNCFS claims process
- The FNCFS Program Terms and Conditions provides a non-exhaustive list of eligible expenditures
- Eligible expenditures could include:
  - Financial support
  - Educational support
  - Housing support
  - Support for physical, mental, and social wellness

How can we estimate the costs of post-majority supports?

- Post-majority supports and services is a relatively new *funded* area of activity for the FNCFS Program

- Estimating cost requires an understanding of the age-out rate, the recipient uptake rate, the program activities, and actual expenditures
  - Data from FNCFS agencies was sought, but variability in the program activities of existing service providers (e.g., some offer custom supports and services, others a predefined program), and their relative newness made cost estimation impractical

- Some provinces, however, offer post-majority supports and have done so for several years with publicly accessible data

- IFSD is using provincial data to develop interim cost estimates on post-majority supports and services, related to a specific set of activities (not necessarily culturally or contextually specific for First Nations youth)

- *The cost analysis for post-majority supports and services in FNCFS should be reviewed and updated once service providers have had approximately five years to operate their programs*

Cost estimation: PMSS

- Following a review of provincial post-majority supports and services, IFSD identified data of varying detail from Alberta, British Columbia, New Brunswick, and Quebec

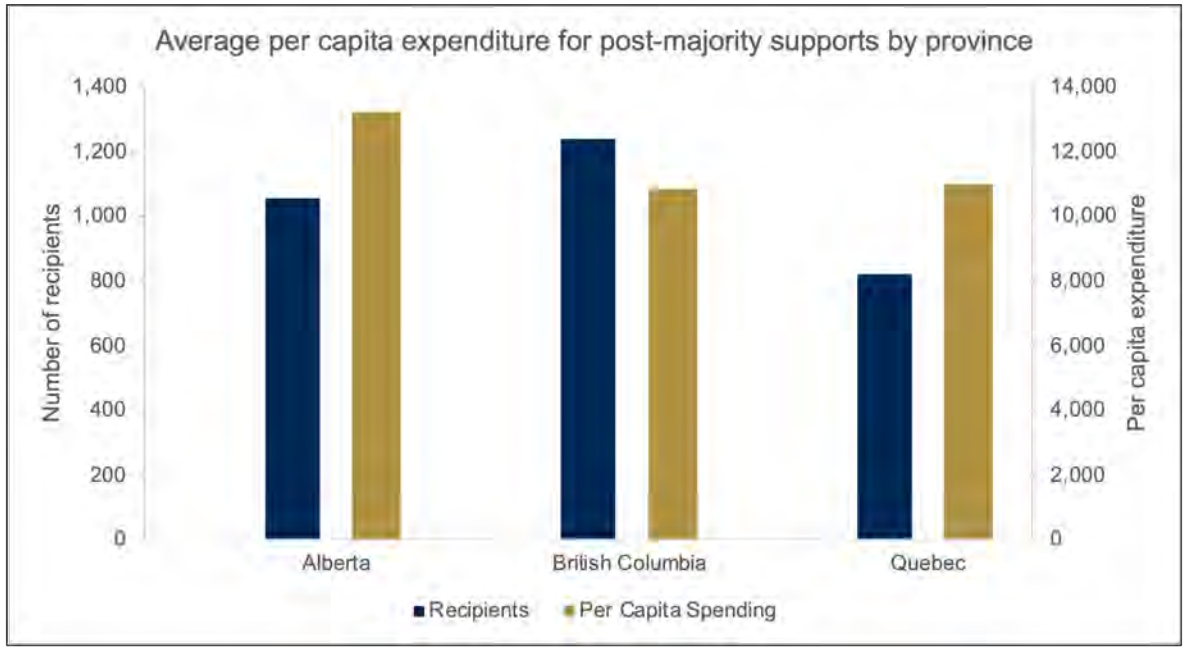
- IFSD reviewed the data against the criteria of:
  1. availability (publicly accessible),
  2. recency (within the last two fiscal years),
  3. and detail (information on uptake),

- Only British Columbia met all three of the above criteria, while Alberta and Quebec met the first two, and New Brunswick, only the first

- The provincial programs with data include a variety of automatic support (e.g., support is a result of a fixed rule) and action-dependent support (e.g., recipients may need to apply), with all offering support to those youth pursuing post-secondary education and training

Cost estimation: PMSS (cont.)

- For comparative purposes, IFSD reviewed the per capita allocations for post-majority supports in Alberta, British Columbia, and Quebec
  - The per capita allocations for British Columbia and Quebec (both FY 2021-2022) are very close at roughly $11,000 each, Alberta (FY 2022-2023) is higher at approximately $13,000
  - The closeness in per capita spending and recipient rates suggest the British Columbia data is representative when compared to Alberta and Quebec data.



Cost estimation: PMSS (cont.)

- The provincial data can be used as a starting point for estimating the costs of specific supports and services
- As approaches, needs, and cost analysis for First Nations youth are better captured and assessed, the estimates can be improved
- Capturing information about activities, costs, uptake, and needs will be crucial to improving our understanding of post-majority supports and services

APPENDIX D1

FNCFS BOTTOM-UP CAPITAL METHODOLOGY

Abbreviations:

SF – square foot

FTE – full-time equivalent

INFC – Infrastructure Canada

ISC – Indigenous Services Canada

PSPC – Public Services and Procurement Canada

FNCFS – First Nations child and family services

CAF – Cost Adjustment Factor

CAPEX – capital expenditure

OPEX – operating expenditure

TBS – Treasury Board of Canada Secretariat

Background

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios.

Figure 1 provides an overview of the bottom-up model's design and assumptions. Appendix A provides a summary of each asset type included in the model.

Figure 1: Individual bottom-up capital costing model design

Individual bottom-up capital costing model design

Model benefits:

- The individual bottom-up capital costing model provides cost estimates for a standard set of asset types common to FNCFS service providers.
- It converts program requirements (e.g., number of FTEs/clinicians) to capital requirements, providing an intuitive way for service providers with limited experience in capital planning to identify their organization's capital needs.

Model inputs:

- Collaborators provide program requirements (i.e., number of FTEs), which serve as the model's inputs for costing fixed assets.[1]
- The model requires collaborators to specify their movable asset requirements (i.e., vehicles) on a per-unit basis.

Model assumptions:

- The model employs SF assumptions based on a building's use and capacity (i.e., office space for 25 FTEs) to determine the gross area required for fixed assets (i.e., buildings).
- It costs moveable assets (i.e., vehicles) on a per-unit basis.
- The model then uses unit cost assumptions (i.e., SF costs, price per vehicle) to estimate investment costs for the collaborator's specified asset portfolio.
- The model assumes a phased 5-year investment period for fixed assets, where a percentage of the overall fixed asset portfolio is acquired each year.
- The model assumes a 5-year useful life for movable assets. As such, the model assumes service providers acquire all movable assets in year one, and replace these in year six.
- The model applies a 25% contingency factor to the total investment requirement, aligned with INFC and PSPC guidelines (see Appendix B: Contingency Benchmarks for Capital Budgeting, and adjusts for inflation using Budget 2024 projections.[2]
- The model applies a 2% annual recapitalization/renewal rate to the inflation-adjusted sum of all fixed assets acquired in all previous periods. This aligns with TBS guidelines.[3]

Model outputs:

- The model produces low, medium, and high 10-year capital expenditure schedules for collaborators, based on their defined program and/or capital requirements. Cost scenarios are based on the per SF construction cost range specified for each building type.

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[1] In cases where collaborators had already developed conceptual designs for proposed buildings, the model was reconfigured to use the gross area defined in these plans.

[2] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund," *Government of Canada*, last updated January 20, 2023, https://www.infrastructure.gc.ca/rural-trans-rural/step-guide-etape-eng.html; Infrastructure Canada, "Step-by-Step Guide for Capital Projects Application Form [for Zero Emission Transit Fund]," *Government of Canada*, last updated September 21, 2021, https://www.infrastructure.gc.ca/zero-emissions-trans-zero-emissions/capital-immo-guide-eng.html; Infrastructure Canada, "Disaster Mitigation and Adaptation Fund: Applicant guide," *Government of Canada*, last updated December 7, 2023, https://www.infrastructure.gc.ca/dmaf-faac/applicant-guide-demandeur-eng.html#_Toc77262360; Public Services and Procurement Canada, *Doing Business with PWGSC: Documentation and Deliverables Manual* (Government of Canada, 2018), 12, https://buyandsell.gc.ca/cds/public/2020/01/28/1309436c314b43a9317acb80ee8fb9b4/ABES.PROD.PW_PWZ.B050.E10977.ATTA001.PDF; Department of Finance Canada, "Annex 1: Details of Economic and Fiscal Projections," *Government of Canada*, April 16, 2024, https://budget.canada.ca/2024/report-rapport/anx1-en.html#a1.

[3] Treasury Board Secretariat, *Guide to the Management of Real Property* (Government of Canada, 2011), https://www.canada.ca/en/treasury-board-secretariat/services/federal-real-property-management/guide-management-real-property.html.

Note: this document is archived on the TBS webpage; however, more recent guidelines do not provide advice on appropriate recapitalization/renewal rates.

- Estimated costs are driven by collaborators' program requirements, publicly available capital requirement benchmarks from Canada and US (e.g., SF per FTE), and unit cost assumption based on industry benchmarks and vendor information (see Table 1).
- The model functions on a cash accounting basis, where all costs occur in the year that cash changes hands. In other words, it does not amortize asset costs over their useful lives.

Model limitations:

- The model is not predictive; it requires service providers to specify their program requirements to estimate their capital needs.
- It cannot estimate how much capital a service provider requires based on variables such as population, number of children/families served, rates of children in care, etc.

The individual bottom-up capital model applies a remoteness CAF to each collaborator's capital estimate. IFSD calculated CAFs for all FNCFS agencies in Canada. The CAF calculation adjusts for remoteness (using Statistics Canada's Index of Remoteness) and whether the First Nations served have year-round road access. As per ISC's requirements, IFSD scaled all CAFs to reflect an average adjustment factor of 15%.[4] For First Nations collaborators, IFSD applied the CAF of to the agency currently serving them (if applicable).

When assigning unit cost assumptions, the model either employs cost standards from recognized sources commonly used for public sector costing (i.e., Altus Group and National Joint Council), or vendor information for specific asset types (see Table 1).

Table 1: unit cost assumption sources

Asset Type	Cost Assumption Source
All buildings, including for land-based camps	Altus Group's 2024 Canadian Cost Guide[5]
Passenger vehicles	National Joint Council corporate fleet services guidelines[6]
15 passenger vans	Vendor information
Mini-buses	Vendor information
Moveable assets and shipping containers (sea cans)	Vendor information

Primary Cost Drivers

The primary cost drivers for the model are collaborator defined program requirements. The model uses publicly available capital requirement benchmarks from Canada and US to convert collaborators' program requirements to capital requirements. For example, the model calculates office space requirements based on the number of FTEs required to deliver CFS, healing centre

[4] Institute of Fiscal Studies and Democracy, "Monthly update – Phase 3 FNCFS Agencies and First Nations Exercising Jurisdiction," April 2023, https://ifsd.ca/web/default/files/Monthly%20Updates/April%2023/2023-04-18_April%202023%20monthly%20update_Phase%203%20FNCFS.pdf.
[5] Altus Group, "2024 Canadian Cost Guide," 2024, https://go.altusgroup.com/2024-canadian-cost-guide.
[6] Corporate Fleet Services, *CFS Annual Report – 2024* (Treasury Board of Canada Secretariat, November 2023), https://www.njc-cnm.gc.ca/s3/d896/en.

space requirements on the requisite number of clinicians, and residential treatment centres on the required number of beds. Lastly, the model uses per unit cost assumptions based on industry standards and vendor information to arrive at a capital estimate for each participating collaborator.

An individual collaborator's understanding of their communities' unique needs impacts both their overall capital estimate and its distribution by asset type. The result of cost estimates being driven by individual collaborators' understandings of need is significant heterogeneity in the capital estimates across collaborators. For instance, the majority of one collaborator's capital requirement was for clinical spaces (i.e., residential treatment centres, rehabilitation centres, and healing centres), whereas other collaborators' largest asset type requirement by value was either office space or programming space.

The variability between collaborators' understandings of their own needs underpins IFSD's recommendation that ISC fund FNCFS capital through a national pool. The inability to identify consistency in the cost drivers behind collaborator's capital needs makes extrapolating overall program requirements at the national level difficult. A proposal-based approach to funding capital would allow FNCFS service providers to articulate their capital requirements on a case-by-case basis until a comprehensive understanding of capital needs across the entire FNCFS program is established.

Considerations

1) The bottom-up modelling approach provides a detailed framework for converting programmatic requirements to capital requirements. This makes it a useful tool for assisting FNCFS agencies and First Nations with limited capital planning experience in identifying their capital needs.
2) The modelling approach is based on service providers' needs, as articulated by the service provider. It does not account for variables such as population, rates of children involved with FNCFS, etc. As such, it is not a predictive model that can project service providers' capital needs based on demographic data.
3) The prescribed investment timeline (i.e., 5 years) is illustrative but does not account for local factors such as labour and/or material availability that could impact the deliverability of projects within this timeframe.

Appendix A: Asset Types and Assumptions

Asset Type	Unit Assumptions	Cost Assumptions
Healing centres	1150 square feet (SF) fixed area (includes waiting area/reception, 1 group therapy room, 2 washrooms, and storage) + 125 SF per clinician + 20% gross up for hallways, interior walls, etc. Based on U.S. Department of Veterans Affairs, *Mental Health Outpatient Services Design Guide*.[7] 20% gross-up assumption from Altus Group/CMHC, *The Economics of New Purpose-Built Rental Housing Development in Selected Canadian Markets*.[8]	Cost data from Altus Group *2024 Canadian Cost Guide*.[9]
Rehabilitation centres/halfway houses	369 SF per bed Based on Example 4 in BC HOUSING's *DESIGN GUIDELINES For Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing*.[10]	Cost data from Altus Group *2024 Canadian Cost Guide*.[11]
Residential addiction treatment centres	938 SF per bed	Cost data from Altus Group *2024 Canadian Cost Guide*.[13]

[7] United States Department of Veterans Affairs, *Mental Health Outpatient Services Design Guide* (United States Government, July 2018), https://www.cfm.va.gov/til/dGuide/dgMHOP.pdf.
[8] Altus Group Data Solutions, *Housing Research Report: The Economics of New Purpose-Built Rental Housing Development in Selected Canadian Markets* (Canada Mortgage and Housing Corporation, 2016), https://eppdscrmssa01.blob.core.windows.net/cmhcprodcontainer/sf/project/archive/research/rr_economics_of_new_purpose_sep18.pdf.
[9] Altus Group, "2024 Canadian Cost Guide," 2024, https://go.altusgroup.com/2024-canadian-cost-guide.
[10] This estimate is based on the design of a 17-bed facility.

BC Housing, "Design Guidelines: For Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing," *Government of British Columbia*, 2021, https://www.bchousing.org/publications/BCH-Design-Guidelines-WTHSP.pdf.
[11] Altus Group, "2024 Canadian Cost Guide."
[13] Altus Group, "2024 Canadian Cost Guide."

	Based on the gross SF per bed in a proposed facility in Nunavut.[12]	
Transition/group homes	369 SF per bed Based on Example 4 in BC HOUSING's *DESIGN GUIDELINES For Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing*.[14]	Cost data from Altus Group *2024 Canadian Cost Guide*.[15]
Reunification homes	916 SF per unit + 20% gross up for hallways, interior walls, etc. Based on Statistics Canada *Table: 46-10-0028-01*.[16] 20% gross-up assumption from Altus Group/CMHC, *The Economics of New Purpose-Built Rental Housing Development in Selected Canadian Markets*.[17]	Cost data from Altus Group *2024 Canadian Cost Guide*.[18]
Emergency shelters/ safe house	369 SF per bed Based on Example 4 in BC HOUSING's *DESIGN GUIDELINES For Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing*.[19]	Cost data from Altus Group *2024 Canadian Cost Guide*.[20]

[12] This SF per bed estimate assumes a sufficient number of beds to scale appropriately. For reference, the proposed facility in Nunavut is a 32-bed treatment centre. Other treatment centres relevant for benchmarking size include Dilico Anishinabek Family Care's treatment centre (ON) that treats approximately 20 patients at a time; the Mark Amy Treatment Centre (AB) which has 14 beds; the Cree Nations Treatment Haven (SK), which accommodates 22 patients at a time; and the Mawiomi Treatment Center Inc. (QC) which has 7 beds.

NVision Insight Group Inc., *Executive Summary: Addictions and Trauma Treatment in Nunavut* (Government of Nunavut, August 2018), https://www.gov.nu.ca/sites/default/files/documents/2021-11/gn_att_executive_summary_summary_report_-_final_-_english.pdf; Institute of Fiscal Studies and Democracy, "Dilico Anishinabek Family Care: Collecting and Applying Strengths-Based Data on Health, Mental Health, and Child and Family Services," January 9, 2024, https://www.ifsd.ca/fr/blog/last-page-blog/The-Dilico-Case; Wood Buffalo Wellness Society, "Mark Amy Treatment Centre Residential Treatment Program," accessed July 4, 2024, https://www.woodbuffalowellnesssociety.com/mark-amy-treatment-program; Cree Nations Treatment Haven, "Home," accessed July 4, 2024, http://www.creenationstreatmenthaven.ca/; Mawiomi Treatment Services, "Home," accessed July 4, 2024, https://www.mawiomi.org/.

[14] This estimate is based on the design of a 17-bed facility.

BC Housing, "Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing."

[15] Altus Group, "2024 Canadian Cost Guide."

[16] Statistics Canada, "Living Area and Assessment Value per Square Foot of Residential Properties by Property Type and Period of Construction, Provinces of Nova Scotia, Ontario and British Columbia," (Table 46-10-0028-01), *Government of Canada*, May 3, 2019, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=4610002801.

[17] Altus Group Data Solutions, *Housing Research Report.*

[18] Altus Group, "2024 Canadian Cost Guide."

[19] This estimate is based on the design of a 17-bed facility.

BC Housing, "Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing."

[20] Altus Group, "2024 Canadian Cost Guide," 2024, https://go.altusgroup.com/2024-canadian-cost-guide.

Staff housing	1238 SF per employee housed Based on teacherage eligibility from Indigenous Services Canada's *Level of Service Standards and Management of Teacherages on Reserve*.[21]	Cost data from Altus Group *2024 Canadian Cost Guide*.[22]
Vehicles	Medium Crossover/SUVs Assumed as standard vehicle type due to appropriateness for both transporting multiple children at once and travelling to communities with unpaved road access (i.e., dirt/gravel).	$52,700 Median cost per medium Crossover/SUV specified in the National Joint Council's CFS Annual Report - 2024.[23]
15-passenger vans	Base-model 15-passenger van	$65,712 Median price of base model 15 passenger vans from Ford, Chevrolet, GMC, and Mercedes. Pricing information from 06-07-2024.[24]
Mini-buses	Mini-bus (i.e., 20-28 seats)	$156,849 Based on the median of 5 quotes for buses ranging from 20-28 seats. Pricing information from 06-07-2024.[25]
Garages	240 SF per vehicle The median area of a typical one-car garage from five guidelines.[26]	Cost data from Altus Group *2024 Canadian Cost Guide*.[27]
Shipping containers (i.e., sea cans)	New 40' Shipping Container	$6,420 Median cost of 12 listings for new 40' shipping containers in Ontario, British Columbia, and Alberta.

[21] Indigenous Services Canada, "Level of Service Standards and Management of Teacherages on Reserve," *Government of Canada*, last updated September 15, 2010, https://www.sac-isc.gc.ca/eng/1100100010644/1533651868855#sec7.
[22] Altus Group, "2024 Canadian Cost Guide."
[23] Corporate Fleet Services, *CFS Annual Report – 2024* (Treasury Board of Canada Secretariat, November 2023), https://www.njc-cnm.gc.ca/s3/d896/en.
[24] Ford, "2024 Transit® Build & Price," accessed June 7, 2024, https://shop.ford.ca/configure/transitvanwagon/chooseyourpath/; GMC, "Build & Price: 2024 Savana Passenger 3500 EXTENDED WHEELBASE, LS, RWD," accessed June 7, 2024, https://www.gmccanada.ca/byo-vc/client/en/CA/gmc/savana/2024/savana_passenger/summary; Mercedes-Benz, "2024 Sprinter Passenger Van," accessed June 7, 2024, https://www.mercedes-benz-vans.ca/en/vehicles/build/sprinter/passenger-van/2p170s?variantType=HIGHROOF&selectedTrimOptionIds=0:D03&selectedSpecifications=Seating%20/%20Roof%20Height,6250,15-Passenger,High%20Roof;Powertrain,0,4%20Cylinder%20Diesel%20Standard%20Output,;Class,0,2500,Payload&options=2:9147,4:VF7&category=summary; Quote for Chevrolet Express 3500 Extended Passenger Van from Jim Tubman Motors on June 7, 2024.
[25] Quotes from The Bus Centre, Crestline Bus Distributor, and Dynamic Specialty.
[26] Dustin Hawley, "How Many Square Feet Are In A Single Car Garage;" Brock Fielding, "Average Garage Size and What you can do with the Space;" Alan Bernau, "Standard Garage Size;" Danley's, "Average Garage Size: What's Right for You;" Jouviane Alexandre, "Garage Sizes: A Complete Guide to Average Dimensions."
[27] Altus Group, "2024 Canadian Cost Guide."

		Pricing information from 05-28-2024.[28]
Recreation/events centres similar in size and structure to a high school gymnasium	9500 SF Based on District of Summerland's (British Columbia) *Summerland Aquatics & Recreation Centre Needs Assessment* (2020).[29]	Cost data from Altus Group *2024 Canadian Cost Guide*.[30]
Office space	198 SF per FTE From Public Services and Procurement Canada's *National – Office Accommodation Metrics*.[31] **Note:** This floor area per FTE assumption includes a suitable amount of space for common areas and meeting rooms for most offices.	Cost data from Altus Group *2024 Canadian Cost Guide*.[32]
Meeting rooms for specialized programming (e.g. family circles)	10 SF per person (at full occupancy). From Table 3.1.17.1 - Occupant Load in the *National Building Code of Canada*.[33]	Cost data from Altus Group *2024 Canadian Cost Guide*.[34]
Daycare facilities	142 SF per child Median area per student for kindergartens without gyms (table E1B) from *School Space Accommodation Standards* (2016) by Indigenous and Northern Affairs Canada.[35]	Cost data from Altus Group *2024 Canadian Cost Guide*.[36]
Land-based camps	7554 SF per camp fixed area for washrooms, kitchen/dining, camp administration office, health office, maintenance, and storage +	Cost data from Altus Group *2024 Canadian Cost Guide*.[38]

[28] Pricing information from listings from: Coast Containers, "Coast Containers: Storage and Shipping Containers for Sale," accessed July 16, 2024, https://coastcontainers.ca/; Sea Box Depot, "Have A Big Idea? We'll Make It A Reality," accessed July 16, 2024, https://seaboxdepot.com/; Container West, "Containerized Building Solutions for All Ranges of Customers," accessed July 16, 2024, https://containerwest.com/.
[29] Carscadden and Lees & Associates, *Summerland Aquatics & Recreation Centre Needs Assessment: Program & Space Requirements Report* (District of Summerland, n.d.), accessed July 16, 2024, https://www.summerland.ca/docs/default-source/parks-recreation/recreation-health-centre/program-space-requirements-summary.pdf?sfvrsn=fbc8f1fb_0.
[30] Altus Group, "2024 Canadian Cost Guide."
[31] Public Services and Procurement Canada, "Our Portfolio – Our Story 2012-2013," *Government of Canada*, last updated November 6, 2019, https://www.tpsgc-pwgsc.gc.ca/biens-property/notrehistoire-ourstory-eng.html#n4-1.
[32] Altus Group, "2024 Canadian Cost Guide."
[33] Canadian Commission on Building and Fire Codes, *National Building Code of Canada 2020 – Volume 1* (National Research Council of Canada, 2020), https://nrc-publications.canada.ca/eng/view/ft/?id=515340b5-f4e0-4798-be69-692e4ec423e8.
[34] Altus Group, "2024 Canadian Cost Guide."
[35] Indigenous and Northern Affairs Canada, "School Space Accommodation Standards (Level of Service Standards for Sizing School Facilities Funded by Indigenous and Northern Affairs Canada)," *Government of Canada*, last updated January 12, 2016, https://isc.gc.ca/DAM/DAM-ISC-SAC/DAM-INF/STAGING/texte-text/ss2016_1466081529610_eng.pdf.
[36] Altus Group, "2024 Canadian Cost Guide."
[38] Altus Group, "2024 Canadian Cost Guide."

	38 SF per camper for cabins (at full occupancy) Based on facilities at Camp Kawartha.[37]	
Sweat lodge canvases/ coverings	12 oz. canvas sweat lodge tarps Unit cost assumes two layers per sweat lodge and includes a flap door.	$ 3,190 per sweat lodge From: Sewn Home Pricing information from 06-07-2024.[39]
Tipis	30' tipi kit (10.6 oz. canvas), including poles	$10,704 From: Sewn Home Pricing information from 06-07-2024.[40]
Canoes	Fibre-glass canoe	$2,900 per canoe From: Mountain Equipment Co-op Listing Pricing information from 06-21-2024.[41]
Kayaks	One-person polyethylene kayak (touring model)	$ 2,250 per kayak From: Mountain Equipment Co-op Listing Pricing information from 06-21-2024.[42]
Fishing boats (with motors)	17 ft. 6 in. fishing boat Includes trailer, 150 HP outboard motor, and two swivel seats + bench seating	$55,999 From: Orleans Boat World Listing Pricing information from 06-21-2024.[43]
ATVs	New mid-range ATV	$15,749 From: Motor Sports World Listing Pricing information from 06-07-2024.[44]
Side-by-sides (off-road vehicle)	New mid-range side-by-side	$29,099 From: Motor Sports World Listing Pricing information from 06-21-2024.[45]

[37] DTAH, "Camp Kawartha Site and Facilities: Master Plan – Final," prepared for *Camp Kawartha*, November 14, 2012, https://web.archive.org/web/20240121061949/http:/www.campkawartha.ca/pdf/about/Site-Facilities-MasterPlan.pdf.
[39] Sewn Home, "Ceremonial Lodges," accessed June 7, 2024, https://sewnhome.ca/products/ceremonial/.
[40] Sewn Home, "Tipis / Teepees," accessed June 7, 2024, https://sewnhome.ca/products/tipis/.
[41] Mountain Equipment Company, "Abitibi & Co. Prospector 16 Fibreglass Canoe," accessed June 21, 2024, https://www.mec.ca/en/product/6019-921/prospector-16-fibreglass-canoe?colour=Red.
[42] Mountain Equipment Company, "Boréal Designs Baffin P3 Skeg Kayak," accessed June 21, 2024, https://www.mec.ca/en/product/6019-583/baffin-p3-skeg-kayak?colour=Red.
[43] Orléans Boat World & Sports, "2024 Legend X18," accessed June 21, 2024, https://www.orleansboatworld.com/inventory/2024-legend-x18-ottawa-on-k4a-0z9-11847681i.
[44] Motor Sports World, "2024 Can Am OUTLANDER XT 850 fiery red," accessed June 7, 2024, https://motorsportsworld.com/In-Stock-Inventory/adid/32690275/2024-Can-Am-OUTLANDER-XT-850-fiery-red-Ottawa-Nepean-ON/.
[45] Motor Sports World, "2024 Can Am Commander 1000R X mr," accessed June 21, 2024, https://motorsportsworld.com/Can-Am-Off-Road-All/adid/32690378/2024-Can-Am-Commander-1000R-X-mr-Ottawa-Nepean-ON/.

Snowmobiles	New mid-range snowmobile	$13,099 From: Motor Sports World Listing Pricing information from 06-07-2024.[46]
Utility trailers	New 5 ft. x 8 ft. aluminum utility trailer	$3,495 From: Miska Trailer Factory Listing Pricing information from 06-07-2024.[47]
Cargo trailers	New 6 ft. x12 ft. aluminum cargo trailer	$11,294 From: Canadian Trailer Company Listing Pricing information from 06-07-2024.[48]

[46] Motor Sports World, "2024 Ski Doo Tundra Sport Rotax® 600 ACE™," accessed June 7, 2024, https://motorsportsworld.com/In-Stock-Inventory/adid/32690244/2024-Ski-Doo-Tundra-Sport-Rotax%C2%AE-600-ACE%E2%84%A2-Ottawa-Nepean-ON/.
[47] Miska Trailer Factory, "Single Axle 5X8 SA Aluminum," accessed June 7, 2024, https://www.miskatrailers.com/open-aluminum-trailers/single-axle/5x8-sa-aluminum/t395.
[48] Canadian Trailer Company, "6x12 Aluminum Cargo Trailer," accessed June 7, 2024, https://www.canadiantrailercompany.net/product-page/6x12-aluminum-cargo-trailer-q5536.

Appendix B: Contingency Benchmarks for Capital Budgeting

Based on guidance from Infrastructure Canada (INFC) and Public Services and Procurement Canada (PSPC), **IFSD could reasonably apply a 25% contingency factor to FNCFS Phase 3 capital estimates**. INFC recommends that applicants apply a 21% to 30% contingency factor to Class D estimates (see Table 2) when applying for capital funding through streams such as the Rural Transit Solutions Fund, Zero Emission Transit Fund, and Disaster Mitigation and Adaptation Fund.[49] PSPC allows a design allowance of 20% for Class D construction cost estimates.[50]

Table 2: INFC Contingency Percentages by Estimate Class[51]

Estimate Class	Contingency Guideline
Class A – bids received, evaluated and verified	5% – 10%
Class B – detailed design	11% – 15%
Class C – preliminary design	16% – 20%
Class D – conceptual design	21% – 30%

IFSD consulted other standards for contingency benchmarks as guidance for capital budgeting which include the following:

- The Royal Architectural Institute of Canada (RAIC) suggests that Class D estimates are accurate to ± 20-30%.[52]
- The US Department of Transit (DOT) Federal Transit Administration (FTA) suggests that 40% is a prudent minimum contingency factor for projects "[a]t nominal 15% design level."[53]
- The Treasury Board of Canada Secretariat's (TBS) *Archived - Guideline on Cost Estimation for Capital Asset Acquisitions*, suggests that "expenditures can vary from an un-adjusted rough-order-of-magnitude (ROM) cost estimate by up to 40 per cent, from an un-adjusted indicative estimate by up to 25 per cent, and from an un-adjusted substantive estimate by up to 15 per cent."[54]
- Infrastructure BC suggests that Class D estimates are typically accurate to ±25%.[55]

[49] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund;" Infrastructure Canada, "Step-by-Step Guide for Capital Projects Application Form;" Infrastructure Canada, "Disaster Mitigation and Adaptation Fund: Applicant Guide."
[50] Public Services and Procurement Canada, *Doing Business with PWGSC Documentation and Deliverables Manual*, 12.
[51] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund."
[52] Royal Architecture Institute of Canada, "Chapter 4.2: Construction Project Cost Planning and Control," in *Part 4: The Design-Construction Program* of *Canadian Handbook of Practice for Architects* (2020-2022), https://chop.raic.ca/chapter-4.2#b3-4.
[53] US DOT Federal Transit Administration, *Oversight Procedure 40 - Risk and Contingency Review* (United States Government, March 2022), M-2, https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-05/OP40-Risk-Contingency-Review-Mar-2022.pdf.
[54] Treasury Board Secretariat, "Archived - Guideline on Cost Estimation for Capital Asset Acquisitions," *Government of Canada*, last updated June 11, 2019, https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=30094&section=html.
[55] Infrastructure BC, *Infrastructure Capital Budgeting: Design Build / Design Build Finance Building Projects* (March 2021), Appendix B, https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/internal-corporate-services/capital-asset-management-framework/ibc-infrastructure-capital-db-budgeting-guidance.docx.

- Newfoundland and Labrador's Department of Transportation and Infrastructure allows municipal applicants to apply a maximum contingency of 10% to new construction buildings that cost less the $5M, and 8% for those that cost over $5M.[56] **These guidelines do not refer to estimate classes, so may not apply to Class D estimates.**
- The Wisconsin Department of Administration, Division of Facilities Development recommends capital project budgets include a 15% contingency.[57] **These guidelines do not refer to estimate classes, so may not apply to Class D estimates.**

[56] Department of Transportation and Infrastructure, *Municipal Infrastructure Capital Works Contingency Allowance Policy* (Government of Newfoundland, May 2023), Table 1, https://www.gov.nl.ca/ti/files/MI-Policy-Cost-Contingency-Allowance-May-2023.pdf.
[57] Department of Administration, *State of Wisconsin Capital Budget Instructions [2025-2027]* (State of Wisconsin, n.d.), accessed June 19, 2024, 3, https://doa.wi.gov/DFDM_Documents/State-Building-Program/CapBud/2025-27%20Capital%20Budget%20Instructions.pdf.

Appendix C: Unit Costs for Miscellaneous Asset Types

Some collaborators identified capital requirements beyond those included in the original costing model. Table 3 outlines these asset types, and the unit cost assumptions used to produce cost estimates for these assets.

Table 3

Asset type	Unit Cost	Notes
Smoke house[58]	$1000 (2022)	IFSD inflated this cost to 2024 values in the model.
Playground[59]	**Walker Island Park (2024):** $425,000 budget, cannot exceed 400m^2 ($1,062.50 per m^2) **Nusatum Park (2024):** $275,000 budget cannot exceed 300m^2 ($916.67 per m^2)	IFSD used the average of the unit costs for these two parks in the model.
Horse Paddock[60]	$1 - $10 per SF including footing and fence (2022 USD)	IFSD converted this cost to CAD and inflated it to 2024 values in the model. Costs were estimated using the low, medium, and high unit costs from this range.
Stables[61]	$30-$80 per SF (2020)	The model uses the existing garage unit costs assumptions ($114 - $166 /sf), which are based on the Altus Group *2024 Canadian Cost Guide*. The source suggesting that stables cost $30-$80 per sf is a blog and may be unreliable. The sf price assumption used for garages provides an appropriate buffer to ensure the model does not underestimate the costs of constructing a stable.

[58] Jared Qwustenuxun Williams, "How do You Put a Price on Sacred Foods?," *The Discourse*, December 15, 2022, https://thediscourse.ca/cowichan-valley/the-price-of-sacred-indigenous-foods.
[59] Central Coast Regional District, *Request for Proposal: Great Bear Playgrounds Project*, Reference No. IR0181 (January 2024), https://www.ccrd.ca/sites/default/files/uploads/news/pdf/2024-01-23_CCRD_Great_Bear_Playgrounds_Project_RFP_.pdf.
[60] Performance Footing, "How Much Does It Cost to Build & Maintain a Horse Arena?," May 12, 2022, https://www.performancefooting.com/blog/cost-to-build-a-horse-arena/.
[61] Land & Title: Real Estate Team, "What Does It Cost To Build An Equestrian Facility?," June 20, 2020, https://landandtitle.ca/all-blog-posts/what-does-it-cost-to-build-an-equestrian-facility/.

Greenhouse[62]	Average cost: $15,000 USD (2024) Highest cost: $25,000 USD (2024) Lowest cost: $2,500 USD (2024)	IFSD converted this cost to CAD and inflated it to 2024 values in the model. The model assumes the average cost for all greenhouses.
Garden[63]	$15 per SF (2021)	IFSD inflated this cost to 2024 values in the model.
Parking lots	Cost data from Altus Group *2024 Canadian Cost Guide*.	

[62] Lauren Murphy and Samantha Allen, "How Much Does a Greenhouse Cost," *Forbes Home*, last updated April 18, 2024, https://www.forbes.com/home-improvement/outdoor-living/greenhouse-cost/#:~:text=Greenhouse%20Cost%20Per%20Square%20Foot&text=Standard%20mid%2Dsized%20greenhouses%20cost,and%20%244%20per%20square%20foot.

[63] Zoe Kirk, Eva Antonijevic, Bruce Naka, and Lindsay Bourque, "Okanagan-Similkameen Rain Garden Guide Book," *Regional District of Okanagan-Similkameen*, 2016, https://www.rdno.ca/sites/default/files/2021-09/Simple_How_to-with_Manual.pdf.

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APPENDIX D2

FNCFS TOP-DOWN CAPITAL METHODOLOGY

Abbreviations:

FTE – full-time equivalent

INFC – Infrastructure Canada

ISC – Indigenous Services Canada

IRS – Indian Registration System

PSPC – Public Services and Procurement Canada

FNCFS – First Nations child and family services

CAF – Cost Adjustment Factor

CAPEX – capital expenditure

OPEX – operating expenditure

TBS – Treasury Board of Canada Secretariat

Background

Accurately modelling long-term capital asset needs requires detailed and accurate data on both the existing asset base's condition and usage, as well as long-term capital asset requirements, and drivers of demand (see Table 1).

Table 1

Required information	Description
Condition assessment	Assessing current state of infrastructure, e.g., asset type, age, condition, capacity, performance, and maintenance needs of existing stock.
Future demand	Based on projected population growth, socio-economic conditions, and community priorities and aspirations.
Criteria for prioritization	Approach to determining which projects will be selected and in what sequence.
Funding gap and strategy	Determining available resources, needed resources, and the source of resources.

IFSD attempted a detailed, bottom-up estimation of collaborators' capital needs, and found the following:

- Collaborators were able to identify a clearly defined set of asset types to support FNCFS service provision (e.g., offices, vehicles, family visitation units, domestic violence shelters, addiction treatment facilities, etc.).
- Collaborators often had limited information on the current state and value of their owned and leased capital assets.
- Collaborators could not consistently identify the primary drivers of their future capital needs in a reformed FNCFS Program that emphasizes prevention-based activities.
- Collaborators prefer asset ownership over leasing. This appears to be related to perceived budgeting ease and security, as having fewer leaseholds reduces their OPEX funding needs, which is subject to annual allocations from ISC.

Due to these limitations, IFSD adopted a hybrid approach to modelling FNCFS capital needs. This approach is typified by a "top-down" model design to estimate capital needs across a set of asset types, defined through consultations with the twenty collaborators.

Given the foregoing, IFSD recommends a national pool (application-based approach) to fund capital needs in the FNCFS Program.

Modelling Approach

The top-down capital needs model produces 10-year, national-level estimates of capital needs for the FNCFS Program.[1] The model estimates capital needs across four core asset types and three secondary asset types:

Core-Asset Types:

1. Office space
2. Reunification/visitation units
3. Garages
4. Vehicles

Secondary Asset Types

1. Recreation/events centres
2. Domestic violence shelters
3. Residential addiction treatment centres

Core assets are those required to deliver child protection services. Secondary assets are those that support broader preventative services, and may or may not be funded through the FNCFS Program.

Each operational variable within the model has a low, medium, and high assumption. In turn, these settings are used to generate the low, medium, and high overall cost scenarios.

The model operates on a cash accounting basis. This means that costs are recognized when money changes hands. The motivation for this is twofold. First, the current appropriation system for federal transfers to First Nations is on a modified cash accounting basis. Second, cash accounting is more intuitive for laypersons and reflects feedback from stakeholders regarding how they actually budget.

[1] The base population used in the model is the total IRS 2022 on-reserve population for all First Nation currently affiliated to an FNCFS agency (as of August 2023).

Figure 1: Top-Down Capital Costing Model Summary

Model Drivers

- Children in care data from Statistics Canada.
- IRS 2022 on-reserve population estimates.

Common Features and Assumptions

- Consultations with twenty FNCFS service providers informed the costing model's underlying assumptions.
- Includes collaborator-defined core asset types (offices, reunification/visitation units, garages, and vehicles), and secondary asset types (recreation/events centres, residential addiction treatment centres, and domestic violence shelters). Secondary assets are omitted in the core capital estimate, but are included in auxiliary estimates.[2]
- A 25% contingency is included in the 10-year cost estimate.
- A recapitalization rate of 2% per year is applied to all fixed assets acquired in previous periods.
- Total costs include a 15% average CAF to adjust for remoteness.
- All numbers adjusted for inflation using Budget 2024 projections.

The Different Assumptions for Each Scenario[3]

Lower Cost	Medium Cost	Higher Cost
▪ 25 cases per caseworker ▪ 3 caseworkers per vehicle ▪ Low building unit costs from the Altus Group's *2024 Canadian Cost Guide* ▪ $52,700 per vehicle	▪ 20 cases per caseworker ▪ 2 caseworkers per vehicle ▪ Medium building unit costs from the Altus Group's *2024 Canadian Cost Guide* ▪ $52,700 per vehicle	▪ 15 cases per caseworker ▪ 1 caseworker per vehicle ▪ High building unit costs from the Altus Group's *2024 Canadian Cost Guide* ▪ $52,700 per vehicle

Outputs

- 10-year annual capital investment estimates, across three cost scenarios, to meet FNCFS capital requirements at the national level.

Model Limitations

- Forecast based on a point-in-time population estimate and count of children in care, and is subject to change as on-reserve population and rates of children in care evolve.
- The number of children in care drives the office space and vehicle requirements estimates, and may not fully represent the capital needs of service providers who increasingly emphasize prevention-based activities.

Methodological Components

The following section summarizes the data and modelling presented in the First Nations Child and Family Services Capital Excel Workbook.

Demographics Inputs

Population demographics are the key input driver for determining the CAPEX requirements in the model. The model utilizes two different population estimates:

[2] The model utilizing dummy variables (i.e., 1 and 0) to either include or omit these asset types from the total capital estimate.
[3] Altus Group, "2024 Canadian Cost Guide," 2024, https://go.altusgroup.com/2024-canadian-cost-guide; Corporate Fleet Services, *CFS Annual Report – 2024* (Treasury Board of Canada Secretariat, November 2023), https://www.njc-cnm.gc.ca/s3/d896/en.

1. ISC's IRS 2022 population estimates to determine the on-reserve population for communities affiliated to an FNCFS Agency; and
2. Statistics Canada's 2021 estimate of the total number of children in foster care.[4]

The model also uses Statistics Canada's estimate of the percentage of children in care in 2021 who identify as First Nations to estimate the total number of First Nations children in care.[5]

Asset Quantity Assumptions

The costing approach assumes that office space, reunification/visitation units, vehicles, and garages are core FNCFS assets, and recreation/events centres, domestic violence shelters, and residential addiction treatment centres are secondary FNCFS assets. Each costing scenario presented includes the core assets, while secondary assets are only represented in a subset of scenarios.

Core Assets (included in all scenarios):

Office space

Office space requirements are based on the estimated number of children in care and the corresponding case worker complement. The number of caseworkers required to serve the population is calculated based on the number of cases managed by each case worker. Using the total number of caseworkers, the model then calculates the number of administration staff, supervisors, and program managers required to support the caseworker complement.[6]

In addition to caseworkers, administration staff, supervisors, and program managers, the model increases the total number of FTEs required by 15% to account for employees who engage in internal services (e.g., human resources, finance, communications, etc.). The internal services factor reflects the average internal services expenditure for all federal departments and agencies as a percentage of their total expenditures from the 2023 Public Accounts of Canada. IFSD rounded the average internal services expenditure for departments and agencies from 14% to 15%.[7] To review IFSD's calculations, see Appendix B.

The model assumes a standard office space allocation for each FTE which is consistent with Government of Canada guidelines.[8]

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[4] Statistics Canada, "Household and Family Characteristics of Persons Including Detailed Information on Stepfamilies, Presence of Grandparents in Household, Age Group and Gender: Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations," (Table 98-10-0135-01), *Government of Canada*, July 13, 2022, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810013501.

[5] Tara Hahmann, Hyunji Lee, and Sylvie Godin, *Indigenous Foster Children Living in Private Households: Rates and Sociodemographic Characteristics of Foster Children and their Households* (Government of Canada: April 18, 2024), https://www150.statcan.gc.ca/n1/pub/41-20-0002/412000022024001-eng.htm.

[6] Manitoba Family Services, *Changes for Children: Overview of Accomplishments – By Theme* (July 2014), https://www.gov.mb.ca/fs/changesforchildren/pubs/overview_accomplishments.pdf.

[7] Treasury Board of Canada Secretariat, *Public Accounts of Canada - Volume II: Details of Expenses and Revenues* (Government of Canada: October 23, 2023), https://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/2023/vol2/intro-eng.html, Section 1 - Table 3, Sections 2 to 28.

[8] Public Services and Procurement Canada, "*Our Portfolio – Our Story 2012-2013*," *Government of Canada*, last updated November 6, 2019, https://www.tpsgc-pwgsc.gc.ca/biens-property/notrehistoire-ourstory-eng.html#n4-1.

Reunification/Visitation Units

The estimate of the total space requirement for reunification/visitation units is based on the number of children in care. It applies a standard assumption about the number of family visitation hours per week per child in care to estimate the total weekly demand for visitation units.[9] The model then applies an assumption regarding the number of visitation hours per week, assuming 8-hour working days and 5-day working weeks, to estimate the total number of reunification/visitation units required.

Consistent with the nature of space requirements expressed by collaborators, the model assumes that apartment-style units are the preferred asset type to support family visitation. It applies a standard apartment size assumption to calculate the overall space requirement for reunification/visitation units.[10]

Vehicles

The estimated cost of vehicles is determined by the estimated number of case workers required for FNCFS service delivery. The model applies standard caseworker-to-vehicle ratios, based on collaborator input, to estimate the total number of vehicles required.

Garages

The space requirement for garages is derived from the estimated number of vehicles required to support FNCFS service delivery. The model applies a standard area per vehicle assumption to estimate the total space requirement.[11]

Secondary Assets (included in auxiliary scenarios only):

Note that secondary assets are not included in the modelling approach for all cost scenarios.

Recreation/Events Centres

The model estimates space requirements for recreational or event-related purposes using the total number of children residing on reserve in communities affiliated to an FNCFS agency. It provides a fixed area allocation per child, consistent with guidelines on high school gymnasium

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[9] Nicholas Bala, Michael Saini, and Sarah Spitz, *Supervised Access as a Stepping Stone Rather Than a Destination: A Qualitative Review of Ontario Services & Policies for Assisting Families Transitioning from Supervised Access* (Ontario Chapter of the Association of Family & Conciliation Courts, September 2016), https://afccontario.ca/wp-content/uploads/2015/11/Bala-Saini-Spitz-Supervised-Access-Sept-2016.pdf.

[10] Statistics Canada, "Living Area and Assessment Value per Square Foot of Residential Properties by Property Type and Period of Construction, Provinces of Nova Scotia, Ontario and British Columbia," (Table 46-10-0028-01), *Government of Canada*, May 3, 2019, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=4610002801.

[11] Dustin Hawley, "How Many Square Feet Are In A Single Car Garage?," *J.D. Power*, March 21, 2023, https://www.jdpower.com/cars/shopping-guides/how-many-square-feet-are-in-a-single-car-garage; Brock Fielding, "Average Garage Size and What you can do with the Space," *Ponderosa Garage Doors*, July 27, 2022, https://ponderosagaragedoors.com/blog/average-garage-size/; Alan Bernau, "Standard Garage Size: 1-, 2-, 3-, 4-Car Garage Dimensions + Diagrams," *Alan's Factory Outlet*, June 20, 2024, https://alansfactoryoutlet.com/blog/standard-garage-size/; Danley's, "Average Garage Size: What's Right for You?," accessed July 15, 2024, https://www.danleys.com/blog/average-garage-size/; Jouviane Alexandre, "Garage Sizes: A Complete Guide to Average Dimensions," *Angi*, March 20, 2024, https://www.angi.com/articles/average-garage-size.htm.

sizes.[12] High school gymnasiums were deemed a suitable proxy for FNCFS recreation/event spaces, as they provide adequate space for space-intensive activities with smaller groups of children (e.g., sports/games, workshops, etc.), as well as for assembly functions with large groups.

Residential addiction treatment centres

The space requirement estimate for residential addiction treatment centres uses a benchmark number of beds per 1,000 people to estimate the number of beds required to serve the total on-reserve population in communities affiliated to an FNCFS agency.[13] It then applies a standard area per bed assumption, based on a proposed facility in Nunavut, to estimate the total space requirement for residential addiction treatment facilities.[14]

Domestic Violence Shelters

The domestic violence shelter space requirement estimate applies a benchmark rate of beds per 1,000 people, applied to the total on-reserve population in communities affiliated to an FNCFS agency, to estimate the number of beds required.[15] The model then applies a standard area per bed assumption to determine the total shelter area requirement.[16]

Unit Cost Assumptions

The model uses standard unit cost assumptions to estimate the total costs of acquiring included assets. IFSD referenced two industry-standard sources to determine appropriate unit cost ranges:

1. Unit prices for all fixed assets are based on the Altus Group's 2024 Canadian Cost Guide.[17] To account for regional price variation, the model uses the average unit costs across all cities included in the cost guide.
2. Per vehicle cost assumption reflects the average cost of medium crossovers and SUVs, as specified in the National Joint Council's 2024 corporate fleet services guidelines.[18]

Cost Adjustments

Inflation

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[12] Expert Panel on Capital Standards, *Building Our Schools, Building Our Future* (Ontario Ministry of Education, June 2010), https://efis.fma.csc.gov.on.ca/faab/Capital%20Programs%20Branch/Report%20of%20Expert%20Panel%20-%20Building%20Our%20Schools_Building%20Our%20Future%20-%20ENG.pdf.
[13] Institute of Fiscal Studies and Democracy, "Dilico Anishinabek Family Care: Collecting and Applying Strengths-Based Data on Health, Mental Health, and Child and Family Services," January 9, 2024, https://www.ifsd.ca/fr/blog/last-page-blog/The-Dilico-Case.
[14] NVision Insight Group Inc., *Addictions and Trauma Treatment in Nunavut* (Government of Nunavut: August 2018), https://www.gov.nu.ca/sites/default/files/documents/2021-11/gn_att_executive_summary_summary_report_-_final_-_english.pdf.
[15] Infrastructure Canada, *Shelter Capacity Report 2022* (Government of Canada, March 2024), https://housing-infrastructure.canada.ca/homelessness-sans-abri/reports-rapports/shelter-cap-hebergement-2022-eng.html#h2.08, Annex C; Statistics Canada, "Population Estimates on July 1, by Age and Gender," (Table 17-10-0005-01), *Government of Canada*, February 21, 2024, https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1710000501.
[16] BC Housing, *Design Guidelines: For Women's Safe Homes, Transition Houses, Second Stage Housing, and Long-Term Rental Housing* (British Columbia, 2021), https://www.bchousing.org/publications/BCH-Design-Guidelines-WTHSP.pdf.
[17] Altus Group, "2024 Canadian Cost Guide."
[18] Corporate Fleet Services, *CFS Annual Report – 2024.*

The costing model accounts for inflation using Budget 2024 projections.[19]

Remoteness

The model applies a 15% CAF to the total estimate the account for the increased labour, transportation, and shipping costs in remote communities.[20]

Contingency

Based on guidance from INFC and PSPC, the model applies a 25% contingency factor to the overall capital estimate.[21] For additional details, see Appendix C.

Recapitalization Rate

The model applies a 2% annual recapitalization rate to the inflation-adjusted sum of the value all fixed assets acquired in all previous periods. This rate aligns with TBS guidelines.[22]

Longer-term capital plan projections

The costing model assumes a normal distribution pattern for the allocation of funding for fixed capital assets. The model has annual fixed asset allocations rise from years one through three, and taper of thereafter until year five. Consistent with the accounting practices of collaborators, the model assumes a 5-year useful life for vehicles.[23] As such, the model assumes service providers acquire all movable assets are year one, and replace these in year six. Cash flow projections beyond three years are uncertain due to several factors, including unpredictable changes in market conditions, events like COVID-19, and execution delays. As such, it is reasonable to

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[19] Department of Finance Canada, "Annex 1: Details of Economic and Fiscal Projections," *Government of Canada*, April 16, 2024, https://budget.canada.ca/2024/report-rapport/anx1-en.html#a1.

[20] Institute of Fiscal Studies and Democracy, "Monthly Update – Phase 3: FNCFS Agencies and First Nations Exercising Jurisdiction," April 2023, https://ifsd.ca/web/default/files/Monthly%20Updates/April%2023/2023-04-18_April%202023%20monthly%20update_Phase%203%20FNCFS.pdf.

[21] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund," *Government of Canada*, last updated January 20, 2023, https://www.infrastructure.gc.ca/rural-trans-rural/step-guide-etape-eng.html; Infrastructure Canada, "Step-by-Step Guide for Capital Projects Application Form [for Zero Emission Transit Fund]," *Government of Canada*, last updated September 21, 2021, https://www.infrastructure.gc.ca/zero-emissions-trans-zero-emissions/capital-immo-guide-eng.html; Infrastructure Canada, "Disaster Mitigation and Adaptation Fund: Applicant guide," *Government of Canada*, last updated December 7, 2023, https://www.infrastructure.gc.ca/dmaf-faac/applicant-guide-demandeur-eng.html#_Toc77262360; Public Services and Procurement Canada, *Doing Business with PWGSC: Documentation and Deliverables Manual* (Government of Canada, 2018), 12, https://buyandsell.gc.ca/cds/public/2020/01/28/1309436c314b43a9317acb80ee8fb9b4/ABES.PROD.PW_PWZ.B050.E10977.ATTA001.PDF; Department of Finance Canada, "Annex 1: Details of Economic and Fiscal Projections."

[22] Treasury Board Secretariat, *Guide to the Management of Real Property* (Government of Canada, 2011), https://www.canada.ca/en/treasury-board-secretariat/services/federal-real-property-management/guide-management-real-property.html.

Note: this document is archived on the TBS webpage; however, more recent guidelines do not provide advice on appropriate recapitalization/renewal rates.

[23] **See:** KPMG, *Financial Statements of Nogdawindamin Family and Community Services And Independent Auditor's Report thereon Year ended March 31, 2023* (Nogdawindamin Family and Community Services, August 2023), https://www.nog.ca/sites/default/files/2023-08/Audited%20Financial%20Statements%20as%20at%20March%2031%202023.pdf; KPMG, *Financial Statements of Kunuwanimano Child and Family Services And Independent Auditor's Report Thereon Year ended March 31, 2023* (Kunuwanimano Child and Family Services), https://kunuwanimano.com/wp-content/uploads/2024/05/2023-Audit-Signed.pdf; NiŁ Tu,O Child And Family Services Society, *AGM Report 2022-2023* (November 15, 2023), https://drive.google.com/file/d/1zbVHkHZAZMXdokRr9VuiR7HfwpzDe93g/view; Carrier Sekani Family Services, *Building History Together: Annual Report 2022/23* (2023), https://www.csfs.org/uploads/annual_general_reports/2023_Annual_Report_Web.pdf.

expect a certain amount of variance in the actual timing of annual cash flows on account of the uncertainties noted above.

Appendix A: Summary of Assumptions

Variable	Assumption
Average # of cases/Caseworker	25, 20, and 15 cases per caseworker in low, medium, and high scenarios respectively.[24]
Administration-, supervisor-, and program-manager-to-caseworker ratios	All scenarios include a 1:5 administration-to-caseworker ratio, a 1:5 supervisor-to-caseworker ratio, and a 1:7 program manager-to-caseworker ratio.[25]
Internal Services Resources Requirement (FTE top-up)	15% top-up to FTE allocation This rate is based on the average internal services expenditure for all federal departments and agencies as a percentage of their total expenditures from the 2023 Public Accounts of Canada (see Appendix B).[26]
Office space	18.4 m^2 per FTE[27]
Recreation/Events Centre space	1.11 m^2 per child living on-reserve This assumption is based on guidelines for high school gymnasiums from the Ontario Ministry of Education's *Building Our Schools, Building Our Future, A Report from the Expert Panel on Capital Standards*.[28] This space allocation per child exceeds National Building Code occupant load minimums for assembly use, space with non-fixed seats and tables, suggesting it provides ample space per child for assembly uses.[29]
Residential Addiction Treatment Beds	4.5 beds per 1,000 people[30]
Residential Addiction Treatment Centre area per bed	87.1 m^2 per bed[31]

[24] Manitoba Family Services, *Changes for Children*, 8; Ernst & Young LLP, "Child Welfare Service Delivery Model and Workload Review," *The Province of Newfoundland & Labrador*, last updated February 2023, https://www.gov.nl.ca/cssd/files/GNL-CSSD_CYS-Final-EY-Report-Child-Welfare-Review-Feb-2023.rev_.pdf; Crown-Indigenous Relations and Northern Affairs Canada, *Implementation Evaluation of the Enhanced Prevention Focused Approach in Saskatchewan and Nova Scotia for the First Nations Child and Family Services Program* (Government of Canada, April 2013), https://www.rcaanc-cirnac.gc.ca/eng/1382098076520/1538138225562; Child, Youth and Family Services, *Annual Report 2013-14* (Newfoundland and Labrador, 2014), https://www.assembly.nl.ca/business/electronicdocuments/CYFS2013-14AnnualReport.pdf; Office of the Auditor General Newfoundland and Labrador, *Report to the House of Assembly on Performance Audits of Departments of Crown Agencies* (Government of Newfoundland and Labrador, November 2016), https://www.assembly.nl.ca/business/electronicdocuments/AGAnnualReport2016.pdf.

[25] Manitoba Family Services, *Changes for Children*, 8-9.

[26] Rounded from 14% to 15%.

Treasury Board of Canada Secretariat, "Public Accounts of Canada - Volume II: Details of Expenses and Revenues," *Government of Canada,* October 23, 2023, Section 1 - Table 3, Sections 2 to 28, https://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/2023/vol2/intro-eng.html.

[27] Public Services and Procurement Canada, "Our Portfolio – Our Story 2012-2013."

[28] Ralph Benson, Sandi Ackroyd, Kevin Bushell, et. al, *Building Our Schools, Building Our Future*, 22.

[29] Canadian Commission on Building and Fire Codes, *National Building Code of Canada 2020 – Volume 1* (National Research Council of Canada, 2020), 3-43, https://nrc-publications.canada.ca/eng/view/ft/?id=515340b5-f4e0-4798-be69-692e4ec423e8.

[30] Institute of Fiscal Studies and Democracy, "Dilico Anishinabek Family Care."

[31] NVision Insight Group Inc., *Addictions and Trauma Treatment in Nunavut*, 56-57

Caseworker FTEs per vehicle	3:1, 2:1, 1:1 caseworker to vehicle ratio in low, medium, and high scenarios respectively.[32]
Car garage space requirement/Vehicle Sq. Ft.	22.3 m^2 per vehicle[33]
Domestic Violence Shelter Beds per 1,000 persons	1.55 domestic violence shelter beds per 1,000 people This represents the ratio of domestic violence shelter beds per 1,000 people in territories.[34] The territories were used as a proxy for shelter demand in isolated/remote regions.
Shelter area per bed	34.2 m^2 per bed[35]
Working Days in Week	5
Percentage of children in care identifying as First Nations	42.5%[36]
Number of kids in foster care Canada	42,565[37]
Number of family visitation/supervised access hours per week for children in care	1.0, 1.5, and 2.0 hours per week in the low, medium, and high-cost scenarios respectively 2 hours bi-weekly (i.e., 1 hour weekly on average) is the reported norm for supervised access in Ontario. A lack of available visitation centres limits visitation frequency in Ontario.[38] As such, the model assumes 1 visitation hour per week in the low-cost scenario, and increases visitation hours per week in the medium- and high-cost scenarios.
Number of visitation hours per day per reunification/visitation unit	8, 7, and 6 hours per unit per working day in the low, medium, and high-cost scenarios respectively[39]
Reunification/visitation unit area	102.1 m^2 This reflects a weighted average of condominium apartment sizes in Ontario and British Columbia from a Statistics Canada dataset published in 2019.[40]
Contingency Factor	25%[41]

[32] Based on collaborator input.
[33] Dustin Hawley, "How Many Square Feet Are In A Single Car Garage;" Brock Fielding, "Average Garage Size and What you can do with the Space;" Alan Bernau, "Standard Garage Size;" Danley's, "Average Garage Size: What's Right for You;" Jouviane Alexandre, "Garage Sizes: A Complete Guide to Average Dimensions."
[34] Infrastructure Canada, *Shelter Capacity Report 2022,* Annex C; Statistics Canada, "Population Estimates on July 1, by Age and Gender."
[35] Example Drawing 4: Women's Transition House With Surface Parking in: BC Housing, *Design Guidelines.*
[36] Tara Hahmann, Hyunji Lee, and Sylvie Godin, "Indigenous Foster Children Living in Private Households."
[37] Statistics Canada, "Household and Family Characteristics of Persons."
[38] Nicholas Bala, Michael Saini, and Sarah Spitz, *Supervised Access as a Stepping Stone Rather Than a Destination*, vii, 44.
[39] This estimate assumes an 8 hour working day, and that some down time is likely to occur between visits.
[40] Statistics Canada, "Living Area and Assessment Value."
[41] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund;" Infrastructure Canada, "Step-by-Step Guide for Capital Projects Application Form;" Infrastructure Canada, "Disaster Mitigation and Adaptation Fund: Applicant Guide;" Public Services and Procurement Canada, *Doing Business with PWGSC Documentation and Deliverables Manual*, 12; Department of Finance Canada, "Annex 1: Details of Economic and Fiscal Projections."

	See Appendix C for additional details.
Average CAF for Remoteness	15%[42]
Buildings Recapitalization Rate	2% This aligns with TBS guidance.[43]
Vehicle Useful Life	5 years This aligns with collaborators' accounting practices.[44]
Inflation	Budget 2024 projections.[45]
Vehicle Costs	$52,700 per vehicle This reflects the average cost of medium crossovers and SUVs included in the National Joint Council's 2024 corporate fleet services guidelines.[46]
Building Costs	All building costs are from the Altus Group's 2024 Canadian Cost Guide. The model uses the average unit costs across all cities included in the cost guide to account for regional variation in costs.[47]

[42] Institute of Fiscal Studies and Democracy, "Monthly Update – Phase 3."
[43] Treasury Board Secretariat, *Guide to the Management of Real Property*.

Note: this document is archived on the TBS webpage; however, more recent guidelines do not provide advice on appropriate recapitalization/renewal rates.
[44] **See:** KPMG, *Financial Statements of Nogdawindamin Family and Community*; KPMG, *Financial Statements of Kunuwanimano Child and Family Services*; NiŁ Tu,O Child And Family Services Society, *AGM Report 2022-2023*; Carrier Sekani Family Services, *Building History Together*.
[45] Department of Finance Canada, "Annex 1: Details of Economic and Fiscal Projections."
[46] Corporate Fleet Services, *CFS Annual Report – 2024*.
[47] Altus Group, "2024 Canadian Cost Guide."

Appendix B: Internal Services/Overhead Calculations

IFSD used Government of Canada departmental and agency internal services expenditure and operating expenditure data (see Table 2 and Table 3) to calculate the Government's average internal expenditure ratio (see Equation 1 and Table 4).

Table 2: Government of Canada Internal Services Spending[48]

Organization	Actual Spending	
	Operating	*Capital*
Department of Agriculture and Agri-Food	239,959,531	4,436,655
Canadian Grain Commission	22,359,191	
Department of Canadian Heritage	106,491,846	
Canadian Radio-television and Telecommunications Commission	18,348,248	
Library and Archives of Canada	42,248,613	427,546
National Film Board	10,870,630	
Telefilm Canada	14,622,305	
The National Battlefields Commission	13,860,115	
Department of Crown-Indigenous Relations and Northern Affairs	218,085,366	47,264
Canadian High Arctic Research Station	18,519,728	
Economic Development Agency of Canada for the Regions of Quebec	24,541,115	
Department of Employment and Social Development	1,362,786,014	
Canadian Accessibility Standards Development Organization	4,662,600	
Canadian Centre for Occupational Health and Safety	4,301,570	
Department of the Environment	290,161,455	9,354,010
Impact Assessment Agency of Canada	10,964,133	
Parks Canada Agency	149,887,881	2,146,454
Department of Finance	57,499,024	
Financial Consumer Agency of Canada	37,560,804	
Financial Transactions and Reports Analysis Centre of Canada	37,582,653	
Office of the Superintendent of Financial Institutions	103,865,350	
Department of Fisheries and Oceans	515,057,244	63,348,961
Department of Foreign Affairs, Trade and Development	320,182,342	26,913,976
Invest in Canada Hub	6,287,452	
Pacific Economic Development Agency of Canada	7,268,222	
Department of Health	523,432,593	6,948,568
Canadian Food Inspection Agency	173,519,893	10,854,768
Canadian Institutes of Health Research	40,108,019	
Patented Medicine Prices Review Board	3,333,947	
Public Health Agency of Canada	239,203,322	648,183
Department of Citizenship and Immigration	426,063,120	18,394,813
Immigration and Refugee Board	73,386,852	
Department of Indigenous Services	337,681,042	45,096
Federal Economic Development Agency for Northern Ontario	7,067,901	
Department of Industry	257,481,222	
Atlantic Canada Opportunities Agency	30,372,837	
Canadian Northern Economic Development Agency	8,574,252	
Canadian Space Agency	69,067,630	4,095,818
Copyright Board	799,135	
Department of Western Economic Diversification	18,819,210	
Federal Economic Development Agency for Southern Ontario	17,282,663	
National Research Council of Canada	158,811,548	4,990,953
Natural Sciences and Engineering Research Council	23,322,234	
Social Sciences and Humanities Research Council	19,536,963	
Statistics Canada	110,581,024	
Office of Infrastructure of Canada	66,309,729	760,418
Canadian Intergovernmental Conference Secretariat	1,539,944	
Office of the Chief Electoral Officer	68,114,464	

[48] Treasury Board of Canada Secretariat, *Public Accounts of Canada - Volume II: Details of Expenses and Revenues*, Sections 2-28.

Office of the Commissioner of Official Languages	7,987,949	
Department of Justice	170,040,990	
Administrative Tribunals Support Service of Canada	25,162,025	
Canadian Human Rights Commission	14,359,116	
Courts Administration Service	35,009,732	
Law Commission of Canada	2,768,475	
Office of the Commissioner for Federal Judicial Affairs	726,800	
Office of the Director of Public Prosecutions	38,835,948	
Offices of the Information and Privacy Commissioners of Canada	14181076	
Registrar of the Supreme Court of Canada	14,689,227	
Department of National Defence	1,405,569,247	14,634,435
Military Grievances External Review Committee	2,382,708	
Military Police Complaints Commission	2,007,852	
Canada Revenue Agency	1,178,076,326	9,161,016
Department of Natural Resources	218,055,272	3,147,140
Canadian Energy Regulator	47,298,542	
Canadian Nuclear Safety Commission	50,374,879	
Office of the Governor General's Secretary	8,802,872	
Library of Parliament	13,653,861	
Office of the Conflict of Interest and Ethics Commissioner	2,667,876	
Secretariat of the National Security and Intelligence Committee of Parliamentarians	847,557	
Privy Council Office	121,924,411	
Canadian Transportation Accident Investigation and Safety Board	8,927,284	
National Security and Intelligence Review Agency Secretariat	10,532,876	
Office of the Intelligence Commissioner	597,080	
Public Service Commission	37,794,388	
Department of Public Safety and Emergency Preparedness	81,012,076	
Canada Border Services Agency	524,682,641	19,664,868
Civilian Review and Complaints Commission for the Royal Canadian Mounted Police	4,405,370	
Correctional Service of Canada	402,545,463	22,180,428
Office of the Correctional Investigator of Canada	1,561,141	
Parole Board of Canada	13,700,453	
Royal Canadian Mounted Police	763,011,783	18,504,518
Department of Public Works and Government Services	395,840,588	30,526,064
Shared Services Canada	338,811,080	11,026,271
Department of Transport	259,050,626	10,022,988
Canadian Transportation Agency	11,910,894	
Treasury Board Secretariat	117,241,799	
Canada School of Public Service	23,947,239	
Office of the Commissioner of Lobbying	1,538,539	
Office of the Public Sector Integrity Commissioner	2,040,806	
Department of Veterans Affairs	130,680,752	
Department for Women and Gender Equality	22,699,564	
Total	12,840,338,159	287,290,258
Grand Total	13,127,628,417	

Table 3: Government of Canada Operating Spending[49]

Standard Object	**Cash Spending ($000s)**
Personnel	56,467,851
Transportation and communications	3,228,497
Information	595,628
Professional and special services	18,591,373
Rentals	4,484,980
Repair and maintenance	4,340,821
Utilities, materials and supplies	8,555,149
Total Cash Operating	96,264,299

[49] Treasury Board of Canada Secretariat, *Public Accounts of Canada - Volume II: Details of Expenses and Revenues*, Section 1 - Table 3.

Equation 1

$$\text{Internal Services Ratio} = \frac{\text{Internal Services Spending}}{\text{Operating Spending}}$$

Table 4: Government of Canada Internal Services Ratio

Internal Service Spending	13,127,628
Operating Spending	96,264,299
Internal Service Ratio	**14%**

Appendix C: Contingency Benchmarks for Capital Budgeting

Based on guidance from Infrastructure Canada (INFC) and Public Services and Procurement Canada (PSPC), **IFSD could reasonably apply a 25% contingency factor to FNCFS Phase 3 capital estimates**. INFC recommends that applicants apply a 21% to 30% contingency factor to Class D estimates (see Table 5) when applying for capital funding through streams such as the Rural Transit Solutions Fund, Zero Emission Transit Fund, and Disaster Mitigation and Adaptation Fund.[50] PSPC allows a design allowance of 20% for Class D construction cost estimates.[51]

Table 5: INFC Contingency Percentages by Estimate Class[52]

Estimate Class	Contingency Guideline
Class A – bids received, evaluated and verified	5% – 10%
Class B – detailed design	11% – 15%
Class C – preliminary design	16% – 20%
Class D – conceptual design	21% – 30%

IFSD consulted other standards for contingency benchmarks as guidance for capital budgeting which include the following:

- The Royal Architectural Institute of Canada (RAIC) suggests that Class D estimates are accurate to ± 20-30%.[53]
- The US Department of Transit (DOT) Federal Transit Administration (FTA) suggests that 40% is a prudent minimum contingency factor for projects "[a]t nominal 15% design level."[54]
- The Treasury Board of Canada Secretariat's (TBS) *Archived - Guideline on Cost Estimation for Capital Asset Acquisitions*, suggests that "expenditures can vary from an un-adjusted rough-order-of-magnitude (ROM) cost estimate by up to 40 per cent, from

[50] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund;" Infrastructure Canada, "Step-by-Step Guide for Capital Projects Application Form;" Infrastructure Canada, "Disaster Mitigation and Adaptation Fund: Applicant Guide."
[51] Public Services and Procurement Canada, *Doing Business with PWGSC Documentation and Deliverables Manual*, 12.
[52] Infrastructure Canada, "Step-by-Step Guide for Applications to the Capital Stream of the Rural Transit Solutions Fund."
[53] Royal Architecture Institute of Canada, "Chapter 4.2: Construction Project Cost Planning and Control," in *Part 4: The Design-Construction Program* of *Canadian Handbook of Practice for Architects* (2020-2022), https://chop.raic.ca/chapter-4.2#b3-4.
[54] US DOT Federal Transit Administration, *Oversight Procedure 40 - Risk and Contingency Review* (United States Government, March 2022), M-2, https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-05/OP40-Risk-Contingency-Review-Mar-2022.pdf.

an un-adjusted indicative estimate by up to 25 per cent, and from an un-adjusted substantive estimate by up to 15 per cent."[55]

- Infrastructure BC suggests that Class D estimates are typically accurate to ±25%.[56]
- Newfoundland and Labrador's Department of Transportation and Infrastructure allows municipal applicants to apply a maximum contingency of 10% to new construction buildings that cost less the $5M, and 8% for those that cost over $5M.[57] **These guidelines do not refer to estimate classes, so may not apply to Class D estimates.**
- The Wisconsin Department of Administration, Division of Facilities Development recommends capital project budgets include a 15% contingency.[58] **These guidelines do not refer to estimate classes, so may not apply to Class D estimates.**

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APPENDIX E1

FNCFS AGENCY QUESTIONNAIRE

IFSD
IFPD

QUESTIONNAIRE FOR FNCFS AGENCIES

You are invited to complete this questionnaire on behalf of your FNCFS agency, to share information and practices to help inform the long-term reform of the FNCFS program.

Your participation in this questionnaire is voluntary. If at any time you wish to withdraw your participation, contact **helaina.gaspard@ifsd.ca** and your data will be destroyed.

Definitions

Child and family services: programs, resources, tools or supports that support the healthy social development of children and families, with a focus on building resiliency.

Prevention services: programs, resources, tools, or supports that aim to limit exposure or re-exposure to the child protection system.

Protection services: services to promote child safety, often by removing the child and placing them in care.

Child in care: a child of the First Nation that is in protective services, whether they are in care in the First Nation or outside of the community.

Fiscal year 2021–22: the period from April 1, 2021 to March 31, 2022.

First Nations-led secretariat: proposed national organization with regional connections to support data analysis and programming for First Nations by First Nations.

Post-majority supports: programs and services for youth ageing out of the care system.

Customary care and kinship adoptions: placement and/or adoption of children in care with family members.

Full-time equivalent (FTE): the number of employees that work a full-time work schedule.

Part-time equivalent (PTE): the number of employees that work less than a full-time work schedule.

Agency name:

Contact name:

E-mail: Phone:

Communities served

1. How many First Nations does your agency serve?

2. How many people does your agency serve?

3. Approximately what percentage of the people served are:
   a. In community (on-reserve)
   b. Elsewhere (off-reserve)

Programs and services

4. What services does your agency provide? Select all that apply.

- [ ] Protection services
- [ ] Post-majority care services
- [ ] Prevention services
  - [ ] Family violence prevention
  - [ ] Healthy child development
  - [ ] Maternal-child health and development
  - [ ] After school programming and supports
  - [ ] Poverty alleviation
  - [ ] Family preservation
  - [ ] Parenting supports and resources
  - [ ] Healthy eating
  - [ ] Healthy active lifestyle
  - [ ] Land-based programming for children, youth, and families
  - [ ] Safe homes for transition and/or respite
  - [ ] Group homes for youth
  - [ ] Community housing or transition housing
  - [ ] Respite services
  - [ ] Mental health services
  - [ ] Early learning and childhood development

- [ ] Special needs services
- [ ] Other (please specify):

5. Do you offer post-majority care services?

   ○ Yes ○ No

   a. If **yes**, describe your programs and services.

   b. Are there any changes you would like to make? Please specify.

6. Do you have policies or practices in place for customary adoption and kinship care?

   ○ Yes ○ No

   a. If **yes**, describe your policies and practices.

   b. Are there any changes you would like to make? Please specify.

7. Does your agency provide legal services for parents and families?

   ○ Yes ○ No

   a. If **yes**, describe services.

   b. Are there any changes you would like to make? Please specify.

8. Does your agency provide mediation services for parents and families?

   ◯ Yes ◯ No

   a. If **yes**, describe services.

   b. Are there any changes you would like to make? Please specify.

9. Where does your agency provide most of their services:

   ☐ In community (on-reserve)

   ☐ Elsewhere (off-reserve)

   ☐ Other (please specify):

10. If your agency provides protection services, how many children are in-care?

    a. Please specify how many of the children in care are:

       First Nations (on-reserve)

       First Nations (off-reserve)

       Indigenous (on-reserve)

       Indigenous (off-reserve)

Programming considerations

11. How many full-time equivalent staff do you have to deliver services?

    a. What are their titles?

12. How many part-time equivalent staff do you have to deliver services?

    a. What are their titles?

13. Do you have any difficulty attracting qualified staff?

    ◯ Yes ◯ No

    a. If **yes**, what are some reasons why?

14. Do you have any difficulty retaining qualified staff?

    ◯ Yes ◯ No

    a. If **yes**, what are some reasons why?

15. Are there programs or services you would like to offer but cannot?

    ◯ Yes ◯ No

    a. If **yes**, what are the limitations? Select all that apply.

    ☐ Funding
    ☐ Staff
    ☐ Programming space or tools
    ☐ Limited time for planning
    ☐ Funding or authority rests with another department or entity in the First Nation, e.g., education, health
    ☐ Program design
    ☐ Program implementation/delivery
    ☐ Program evaluation
    ☐ Other (please describe):

16. What programs and services would you like to offer?

- [ ] Family violence prevention
- [ ] Healthy child development
- [ ] Maternal-child health and development
- [ ] After school programming and supports
- [ ] Poverty alleviation
- [ ] Family preservation
- [ ] Parenting supports and resources
- [ ] Healthy eating
- [ ] Healthy active lifestyle
- [ ] Land-based programming for children, youth, and families
- [ ] Safe homes for transition and/or respite
- [ ] Group homes for youth
- [ ] Community housing or transition housing
- [ ] Respite services
- [ ] Mental health services
- [ ] Early learning and childhood development
- [ ] Special needs services
- [ ] Other (please specify):

17. Do you have existing sources of support for programming design and delivery, data analysis, operations, etc.?

- ○ Yes ○ No

a. If **yes**, please specify the sources of support, e.g., regional organization, community of practice, etc.

18. How could a national First Nations-led secretariat for FNCFS support your agency's mandate? Select all that apply.

- [ ] Program design and delivery
- [ ] Data collection
- [ ] Data analysis
- [ ] Operational supports
- [ ] Other (please specify):

Financial information

19. What were your FNCFS agency's total expenditures for fiscal year 2021–22?

$

20. What were your FNCFS agency's total revenues for fiscal year 2021–22?

$

21. What were your FNCFS agency's sources of funds for fiscal year 2021–22? Select all that apply.

- [ ] Federal—ISC
- [ ] Federal—Other
- [ ] Provincial—Social services/children
- [ ] Provincial—Other
- [ ] Other (please describe):

22. What is the source of most of your funding? Select one.

- [ ] Federal—ISC
- ◯ Federal—Other
- ◯ Provincial—Social services/children
- ◯ Provincial—Other
- ◯ Other (please specify):

23. Approximately what percentage of your funding comes from each source selected in question #19?

Federal—ISC

Federal—Other

Provincial—Social services/children

Provincial—Other

Other (please describe):

24. Did your agency request CHRT funding (i.e., prevention, actuals) in fiscal year 2021-22? (If no, proceed to question #27).

- ◯ Yes
- ◯ No

25. Why did you request the funding?

- ☐ Capital
- ☐ Prevention services and/or programming
- ☐ Information technology (IT)
- ☐ Cultural programming
- ☐ Salaries and benefits
- ☐ Other (please describe):

26. Were the requested funds received?

- ☐ Yes, all requested funds were received
- ☐ Yes, some requested funds were received
- ☐ No
- ☐ Other (please describe):

27. Did your agency request funding through Jordan's Principle?

- ○ Yes ○ No
  - a. If **yes**, did you receive the requested funds? ☐ Yes ○ No
  - b. Were the funds requested for a: ☐ Individual ○ Group
  - c. Were the funds requested for a child in care? ☐ Yes ○ No

28. If you were to deliver your desired set of services for your First Nation, what would you estimate it would cost for one year? Consider for instance, the costs of personnel (salaries and benefits), program development, capital expenditures, etc. You can think of this as an estimated total budget for one fiscal year.

$

Capital needs

29. Where do you host your programming? Select all that apply.

- ☐ Agency's space (owned)
- ☐ Agency's space (leased)
- ☐ First Nation's community centre
- ☐ First Nation's gymnasium
- ☐ First Nation's school
- ☐ First Nation's health centre
- ☐ First Nation's social services centre
- ☐ Other (please describe):

30. Do you have the space you need to deliver your programming?

- ○ Yes ○ No
  - a. If **no**, what programming space is needed?

31. Do your programming spaces meet applicable building codes (e.g., technical specifications or regulations that help to ensure building safety and accessibility)?

- ○ Yes ○ No

32. Could your programming space be improved?

- ○ Yes ○ No

a. If **yes**, how could the programming space be improved?

33. Do you have the office space you need for your staff?

- ○ Yes ○ No

a. If **no**, what office space is needed?

34. Does your office space meet applicable building codes (e.g., technical specifications or regulations that help to ensure building safety and accessibility)?

- ○ Yes ○ No

35. Could your office space be improved?

- ○ Yes ○ No

a. If **yes**, how could your office space be improved?

36. Do you have the necessary technology to do your work?

- ○ Yes ○ No

a. If **no**, what technologies do you require?

- ☐ Faster internet connection
- ☐ Updated computer
- ☐ Additional software
- ☐ Tablet
- ☐ Mobile phone
- ☐ Data collection tools
- ☐ Data analysis tools
- ☐ Other (please specify):

37. Do you have assets (other than technology)? (An item is considered an asset when it is intended for use on a continued basis and is typically repaired, not replaced when damaged, and typically, has a useful life of more than one year).

◯ Yes ◯ No

a. What assets do you need? Select all that apply.

☐ Vehicles

☐ Cultural and language programming tools

☐ Canoes, kayaks, paddle boards

☐ Other (please specify):

Community well-being

38. How would you express your agency's vision of holistic well-being?

39. Does your agency capture its own information on the well-being of children and families in community?

◯ Yes ◯ No

a. If **yes**, what information is captured?

☐ Number of children in care

☐ Rates of family reunification

☐ Number of children accessing services

☐ Number of families accessing services

☐ Outcomes for children in care

☐ Outcomes for children accessing services

☐ Outcomes for families accessing services

☐ Community health outcomes

☐ Family violence incidents

☐ Languages spoken in First Nations served

☐ Community engagement in agency activities

☐ Community participation in cultural activities

☐ Other (please specify):

40. What data would be required to help advance your mandate?

- [ ] Number of children in care
- [ ] Rates of family reunification
- [ ] Number of children accessing services
- [ ] Number of families accessing services
- [ ] Outcomes for children in care
- [ ] Outcomes for children accessing services
- [ ] Outcomes for families accessing services
- [ ] Community health outcomes
- [ ] Family violence incidents
- [ ] Languages spoken in First Nations served
- [ ] Community engagement in agency activities
- [ ] Community participation in cultural activities
- [ ] Other (please specify):

41. Do you have the capacity to collect data necessary for:

Program design:	○ Yes	○ No
Budgeting:	○ Yes	○ No
Assessing well-being:	○ Yes	○ No
Long-term planning:	○ Yes	○ No

a. If you answered **no**, what are your capacity challenges or needs?

- [ ] Funding
- [ ] Technical expertise to analyze data
- [ ] Data governance policy
- [ ] OCAP policies
- [ ] Other (please specify):

42. Would you like to share examples of initiatives, programs, or tools developed or used in your agency to support First Nations children and families?

43. Are there other considerations about child and family services and prevention that you wish to share with IFSD?

44. May IFSD contact you to follow-up on this questionnaire?

○ Yes ○ No

Thank you for your participation

Completed questionnaires can be sent to **helaina.gaspard@ifsd.ca**

APPENDIX E2
FNCFS QUESTIONNAIRE FINDINGS

First Nations child and family service (FNCFS) agencies: Analysis of questionnaires

December 13, 2022

IFSD's mandate

- Build budgets, operating plans, and capital needs assessments to support/facilitate transition to setup First Nations and FNCFS agencies for success in a reformed FNCFS system.

- Phase 3 will:
  - Close data gaps, e.g., capital needs, baselines
  - Model and test the proposed funding approach
  - Refine the Measuring to Thrive framework
  - Define First Nations-based delivery models
  - Enhance fiscal certainty and planning tools
  - Build confidence among stakeholders

Principal takeaways

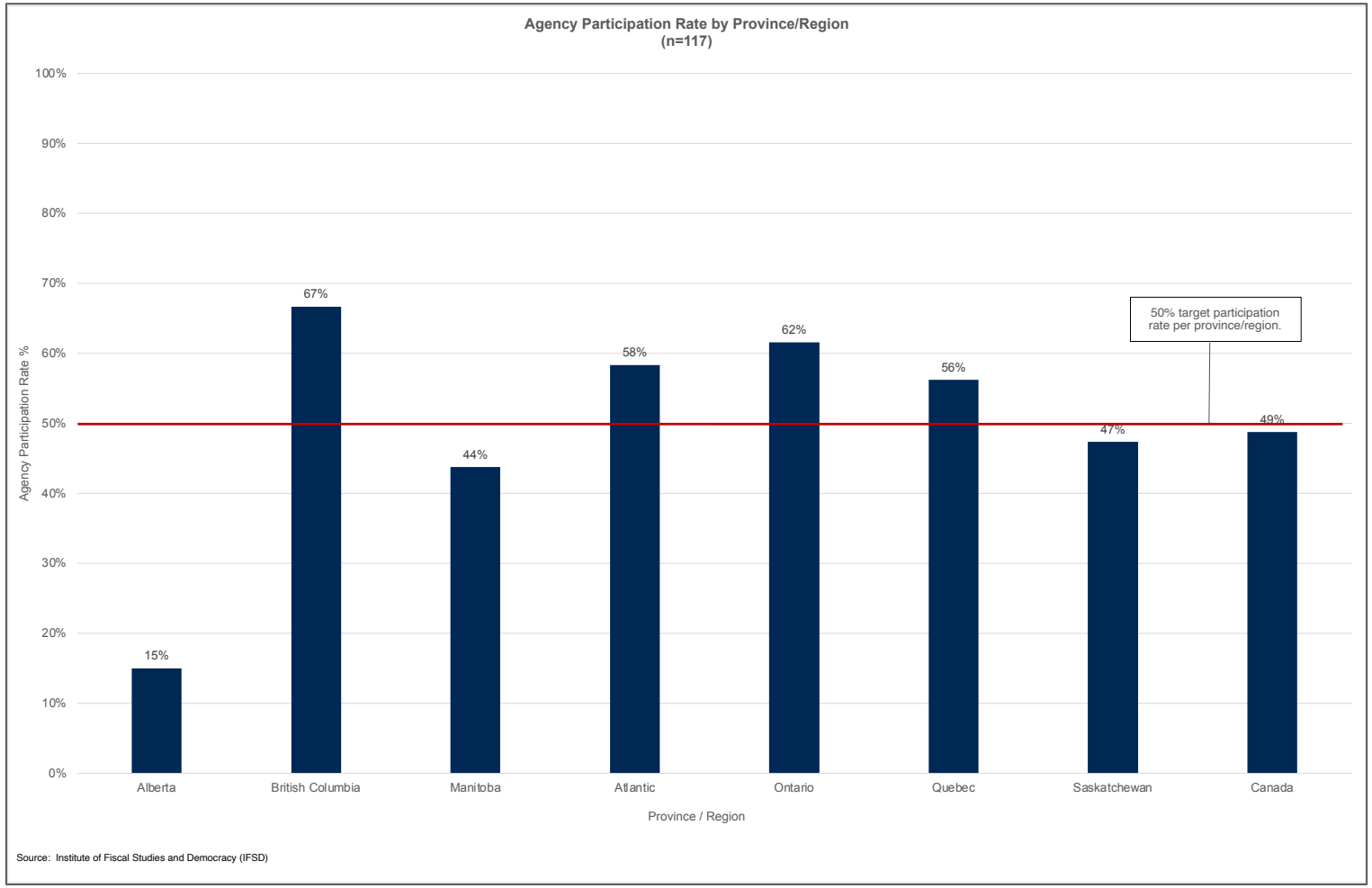
- Average FNCFS agency budgets have increased relative to past exercises.
  - Consistent with funding at actuals and CHRT orders.
- There is a correlation (**but declining**) between total expenditures and revenues and children in care.
  - Hypothesis: Prevention services are being directed to keeping children out of care.
- Correlations between Census 2016 and IRS populations and revenues and expenditures are significant, whereas those correlations with agency-reported population served are much less relevant.
  - Tacit cross-subsidy of federal funding to other supports/services and population residing outside of community is likely.
  - Data suggests that revenues are sought on a smaller population basis than the basis on which expenditures are applied. This could raise issues of budgetary sustainability over the long-run.
- Desired services emphasize housing/lodging with supports, e.g., transition homes, safe homes, etc.
- FNCFS agency revenues=75% federal (ISC) and 20% provincial (ministry of children and families).

Outreach

- All **117 FNCFS agencies** were phoned and emailed.
- Initial contact by phone began the week of April 4, 2022.
  - If contact was made, an email including the project overview and registration for a workshop were sent.
- Outreach continued by phone and email from April to October 2022. **FNCFS agencies were contacted by phone at least 3 different times, and by email, 5 to 7 times.**
- The questionnaire process was closed on **November 4, 2022.**
- FNCFS agencies that did not participate in the questionnaire were contacted the week of November 28, 2022 and invited to respond to five questions (from the questionnaire).
  - The five questions capture basic information on revenues/expenditures for the baseline exercise (see Appendix).

National participation

- We are approaching 50% national participation.
- The outstanding region remains Alberta.
- This analysis **does not include** shortened responses, i.e., five questions, from FNCFS agencies.

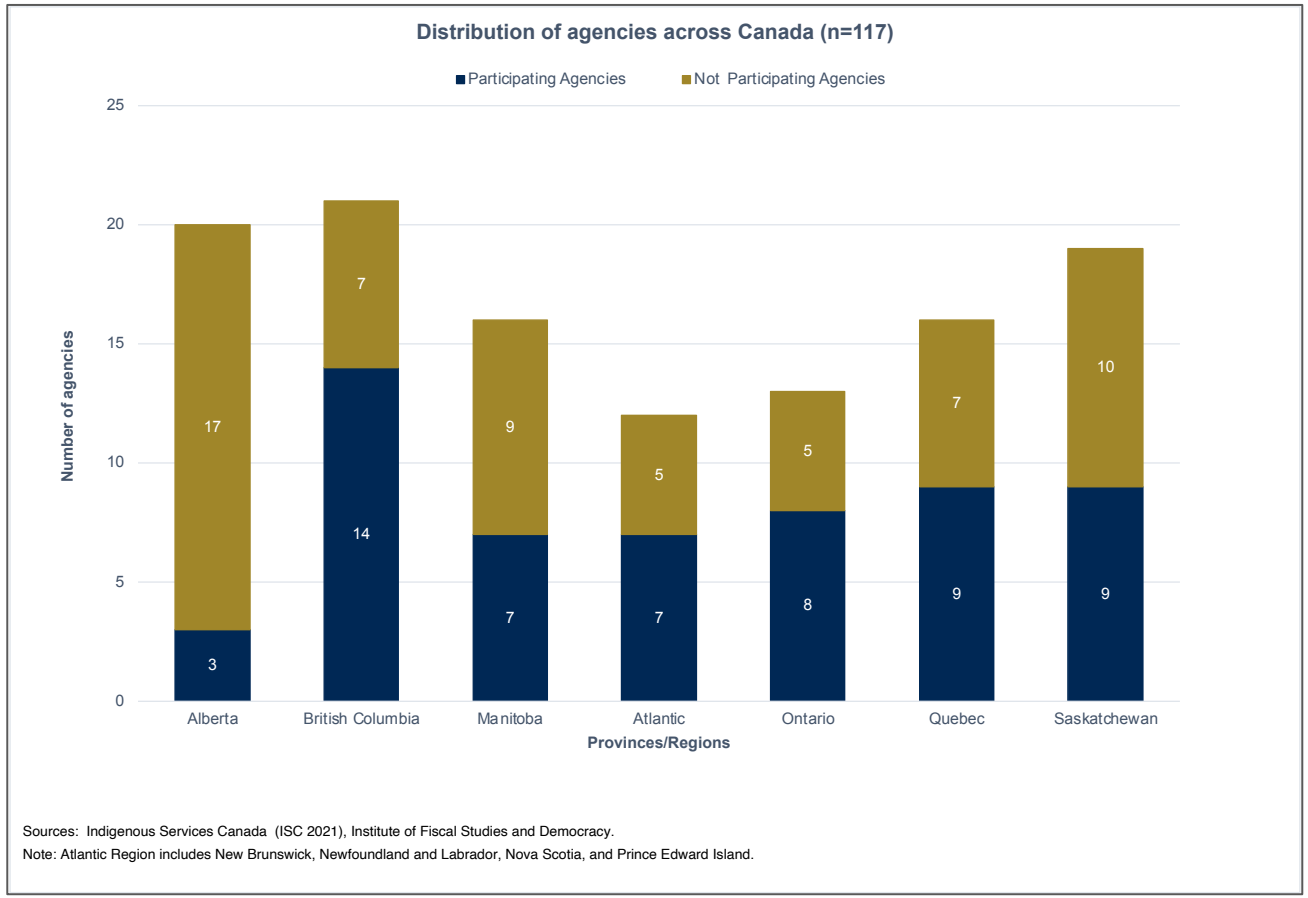


Notes on the analysis

- Descriptive analysis based on questionnaire contributions is presented in this briefing.
- The national participation rate is relevant (49%)
- Note that the response rate (n-value) differs for each question.

Questionnaire participation

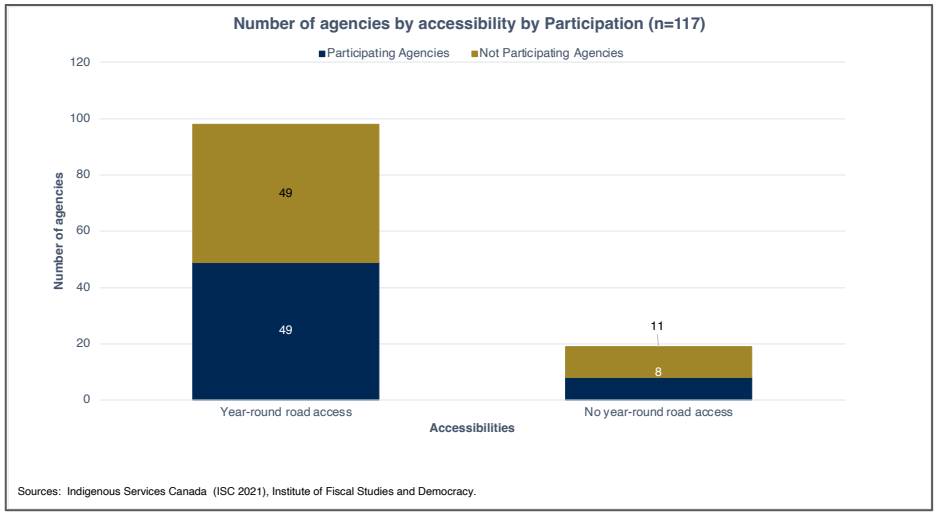
- Other than Alberta, Manitoba, and Saskatchewan, over 50% of FNCFS agencies in provinces/regions participated in the questionnaire.

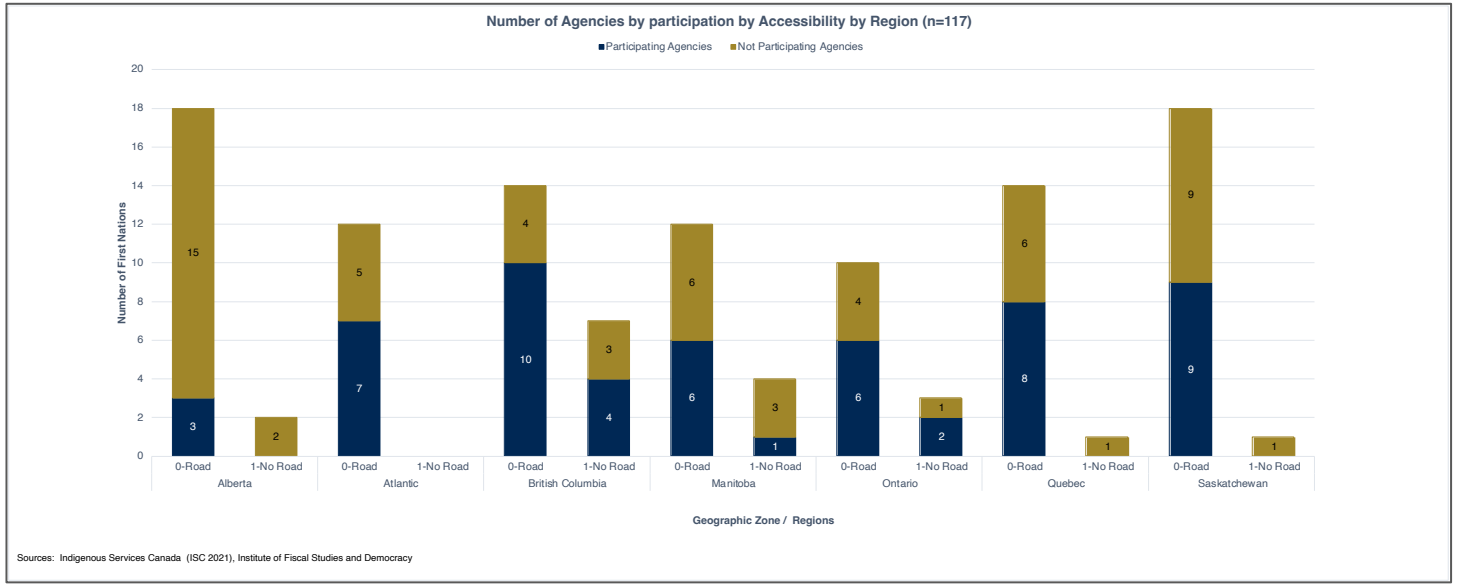


Sources: Indigenous Services Canada (ISC 2021), Institute of Fiscal Studies and Democracy.
Note: Atlantic Region includes New Brunswick, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island.

Participation by road access

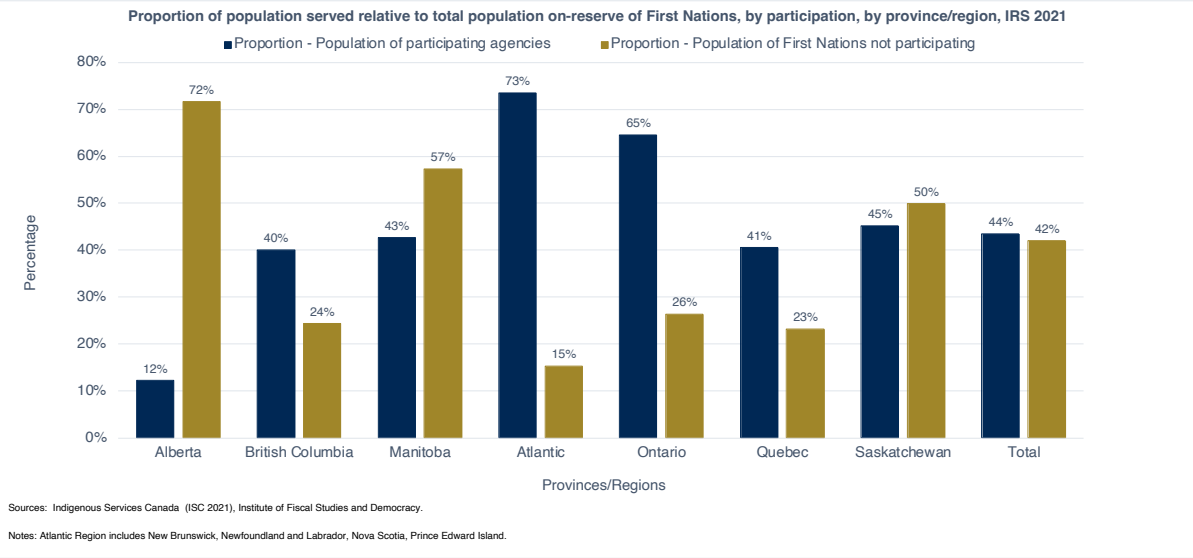
- There is sufficient representation of FNCFS agencies serving First Nations accessible by year-round road both nationally and on a provincial/regional basis. For those not accessible by year-round road, national representation is sufficient, but varies across provinces/regions. This is not a concern, as past exercises indicate consistency of cost behaviour irrespective of provincial borders.





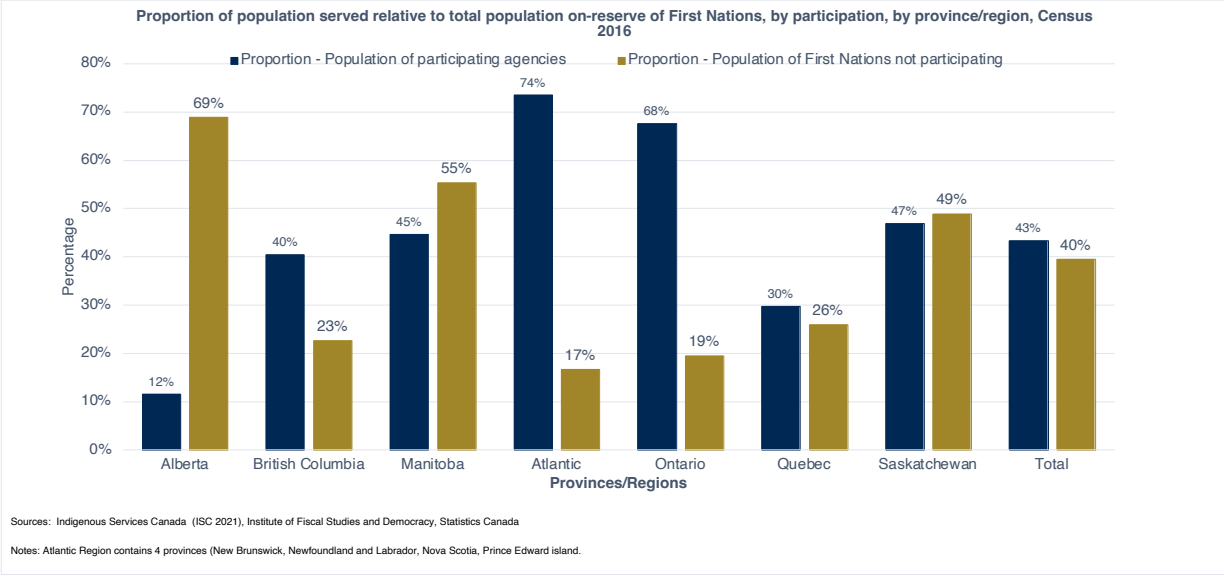
Participation by population served

- With consideration of IRS 2021 and Census 2016 population data, at a national level, most First Nations served by a FNCFS agency are represented through questionnaire participation.
- There is some variance at provincial/regional levels, consistent with overall questionnaire participation.



Sources: Indigenous Services Canada (ISC 2021), Institute of Fiscal Studies and Democracy.

Notes: Atlantic Region includes New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island.



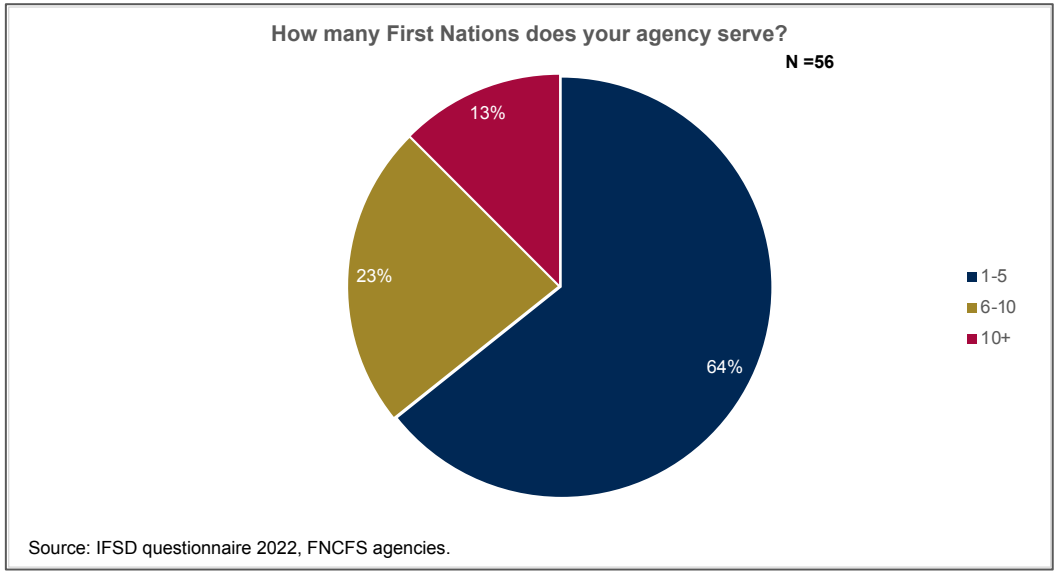
Sources: Indigenous Services Canada (ISC 2021), Institute of Fiscal Studies and Democracy, Statistics Canada

Notes: Atlantic Region contains 4 provinces (New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward island.

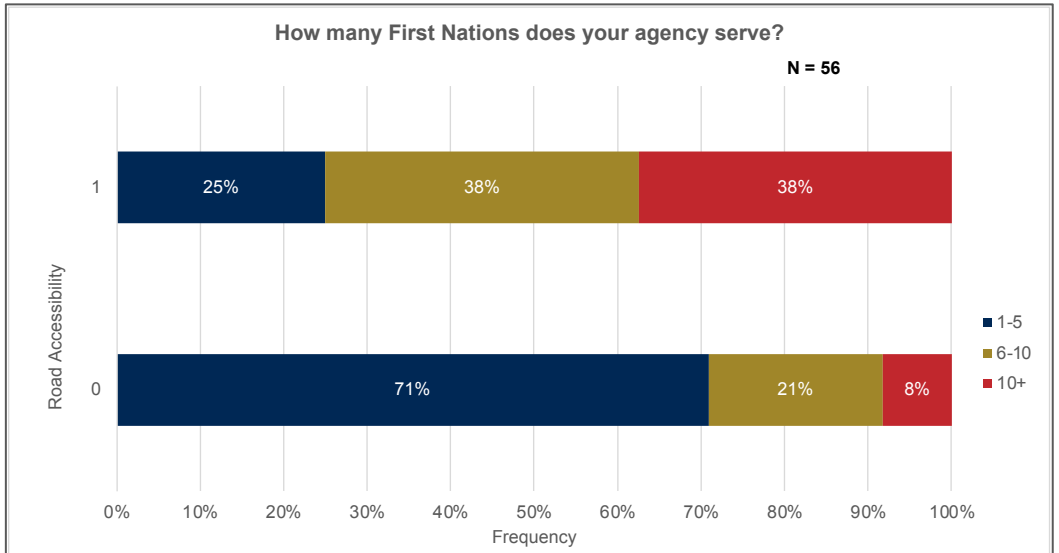
FNCFS agency questionnaire

Number of First Nations served

- Most FNCFS agencies serve 5 First Nations or less.
- FNCFS agencies serving a First Nation without road access are more likely to serve more than 10 First Nations.



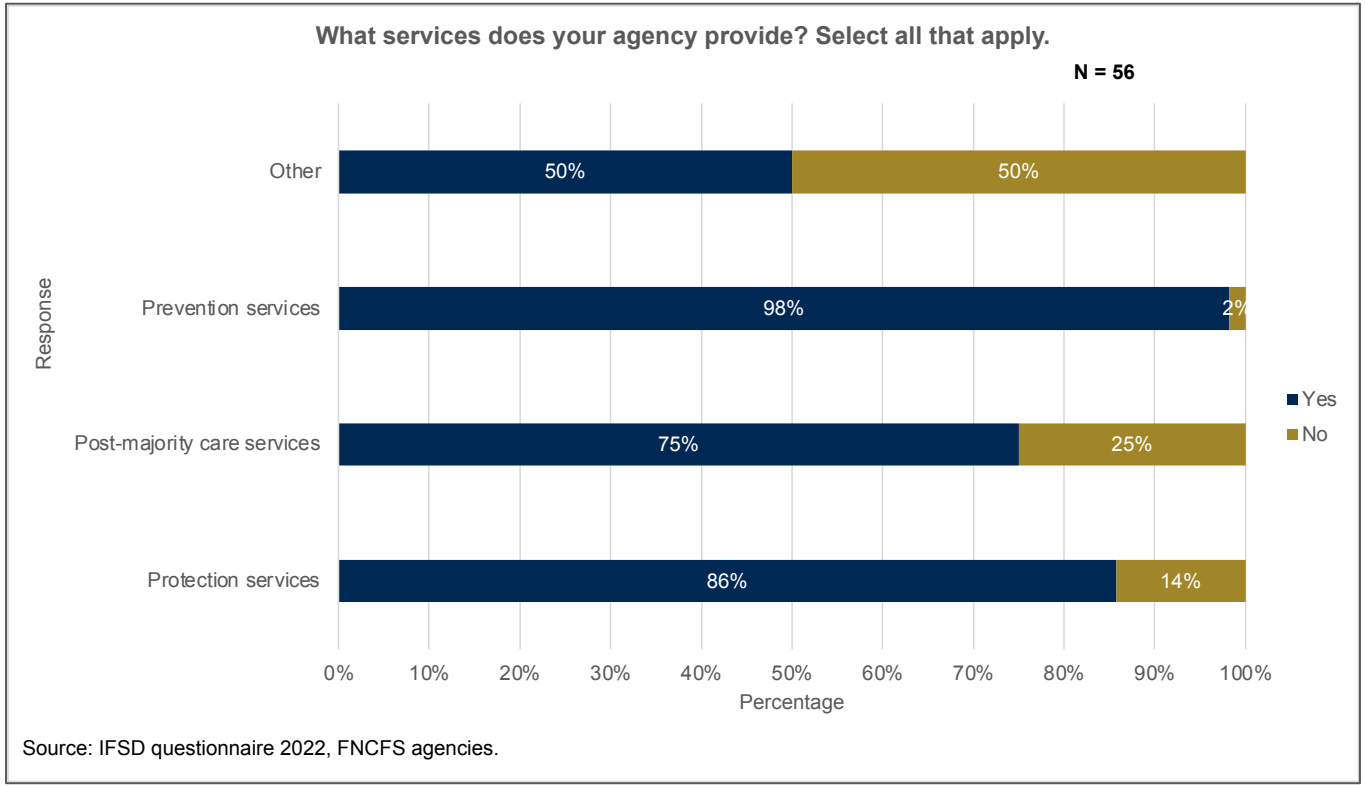
Source: IFSD questionnaire 2022, FNCFS agencies.



Source: IFSD questionnaire 2022, FNCFS agencies.
Note: Road accessibility was designated by a binary code, 0 or 1. If all the First Nations the agency covers have road access (are in geographic zones 1 to 3), they are accessible by road and are designated with the code 0. If an agency covers a First Nation with no road accessibility (located in geographic zone 4), they are not road accessible and are designated with code 1.

Services provided

- Nearly all participating FNCFS agencies report providing prevention services.
- 86% report providing protection services and 75% report offering post-majority care services.

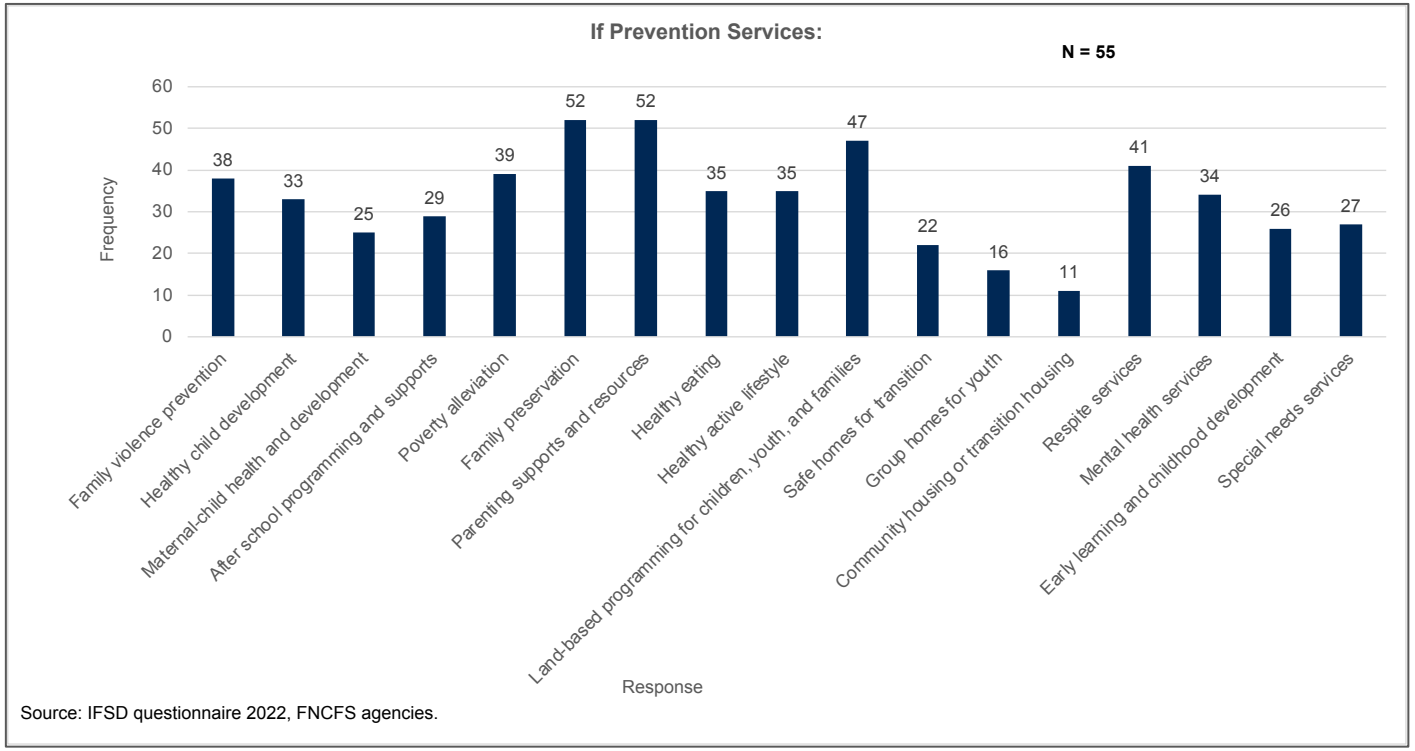


Source: IFSD questionnaire 2022, FNCFS agencies.

Prevention services

- Of those providing prevention services, the majority report providing parenting supports and resources, family preservation, and land-based programming.

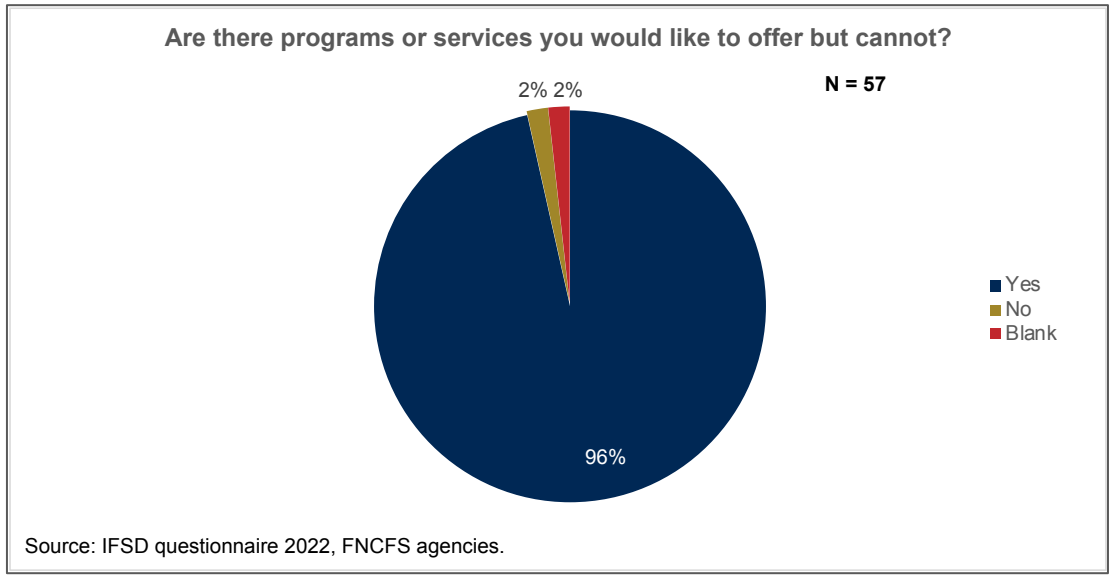
- Hypothesis: the provision of CFS practice-based prevention services may have contributed to the *decline in the correlation* between the number of children in care and the total size of FNCFS agency expenditures and revenues.



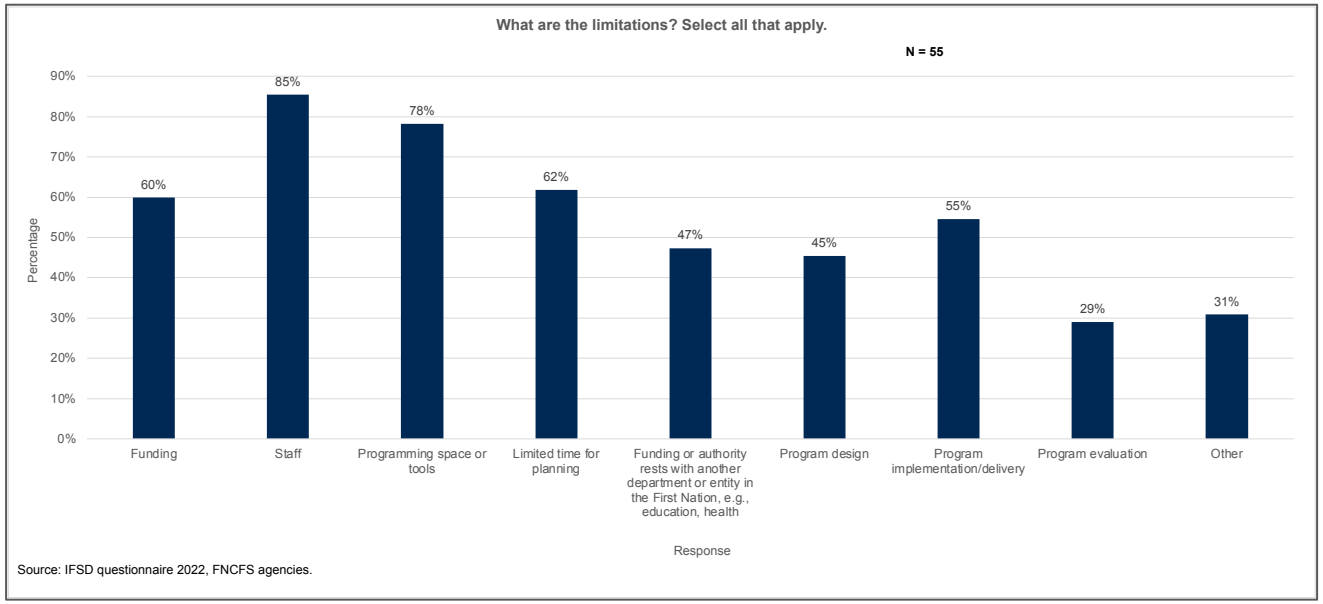
Source: IFSD questionnaire 2022, FNCFS agencies.

Providing desired services

- Nearly all FNCFS agencies reported **not being able to provide desired services** in their communities.
- The most often-cited limitations were staff, programming space or tools, limited time for planning, and funding.



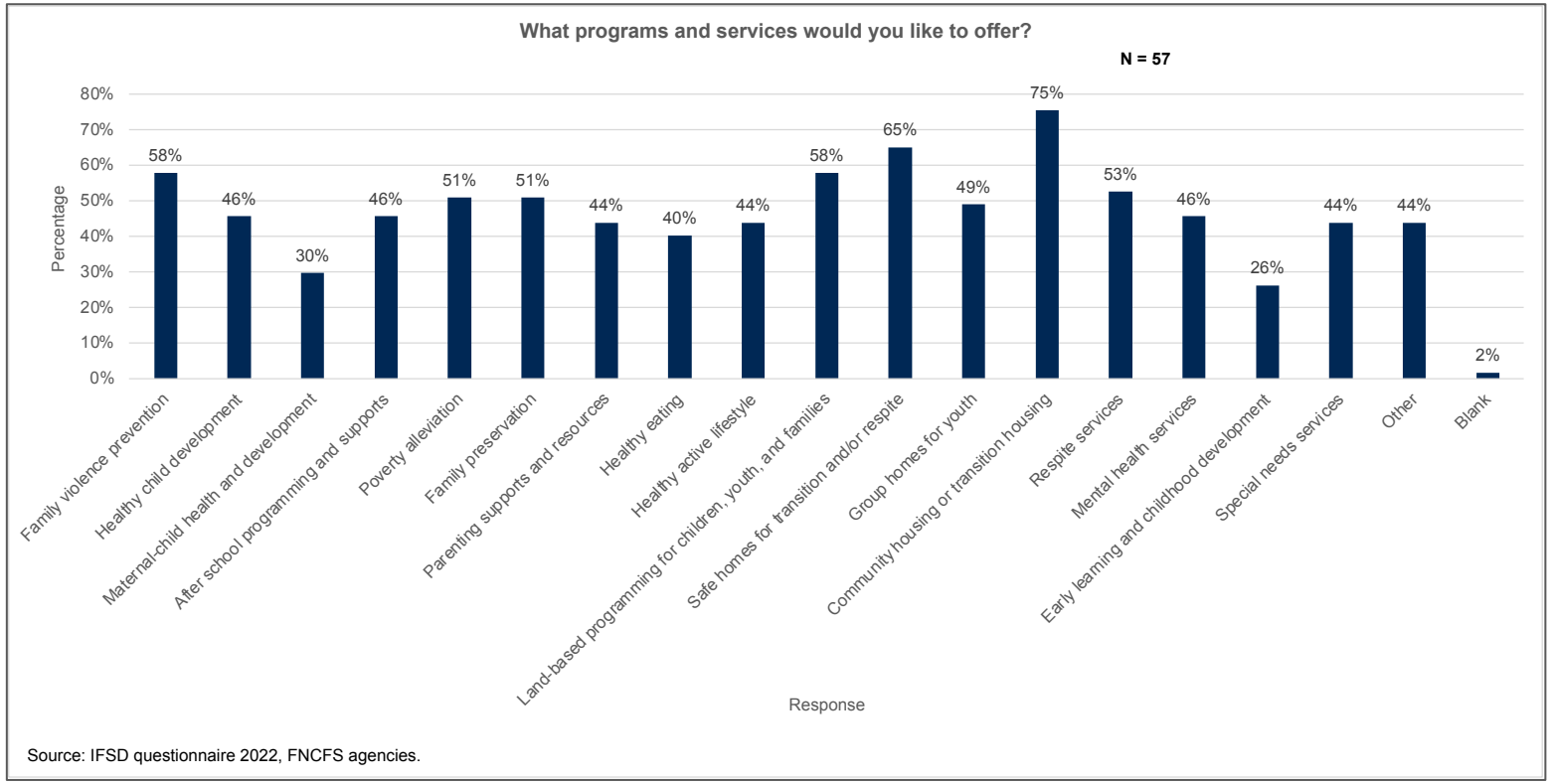
Source: IFSD questionnaire 2022, FNCFS agencies.



Source: IFSD questionnaire 2022, FNCFS agencies.

Desired services

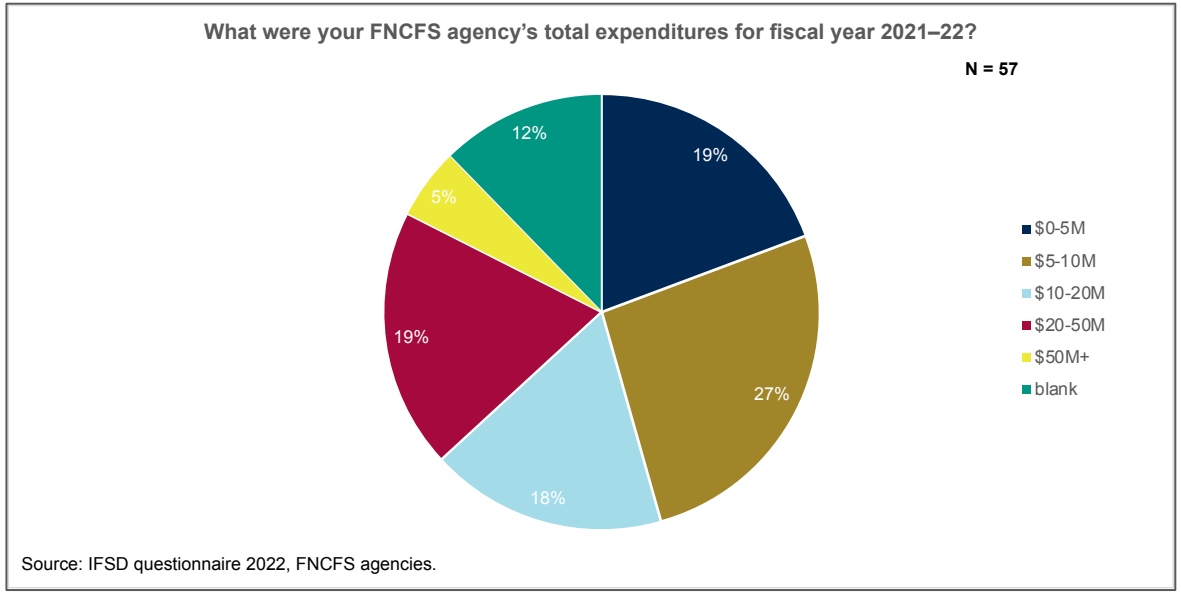
- Specific forms of housing, e.g., community housing or transition housing, and safe homes/respite, stand out among desired services. Family violence prevention and land-based programming also figure prominently.



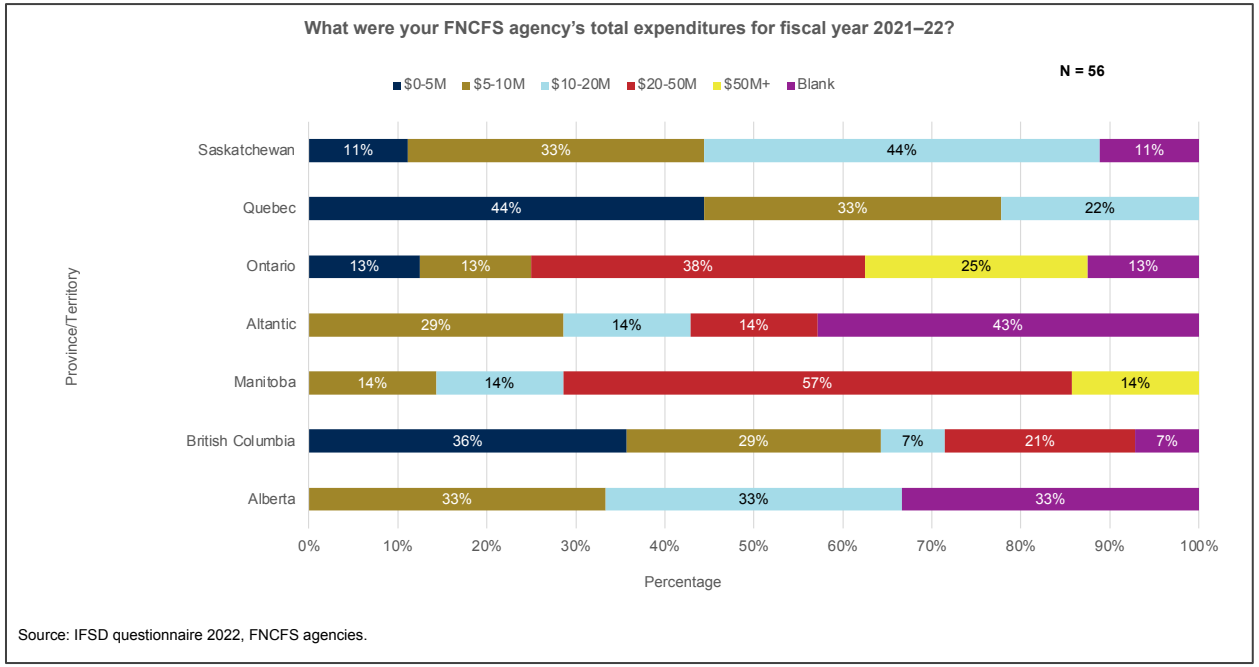
Source: IFSD questionnaire 2022, FNCFS agencies.

Total expenditures

- Most agencies report expenditures (all sources of funds) of up to $10M for fiscal year 2020-21.



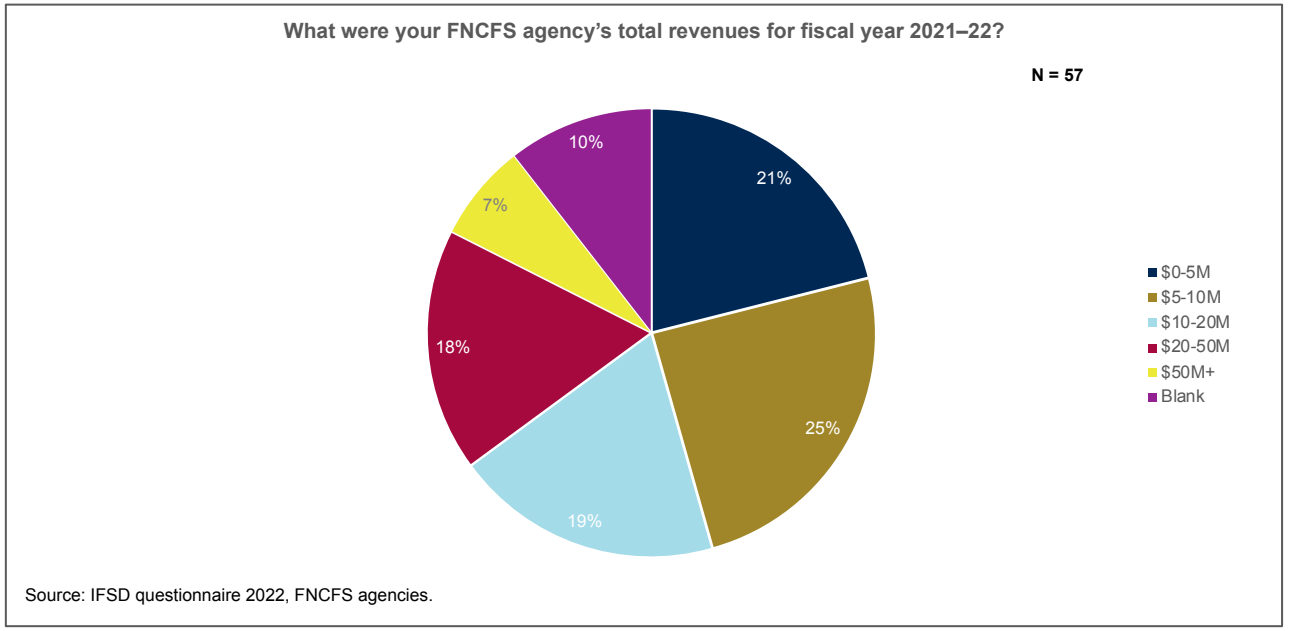
Source: IFSD questionnaire 2022, FNCFS agencies.



Source: IFSD questionnaire 2022, FNCFS agencies.

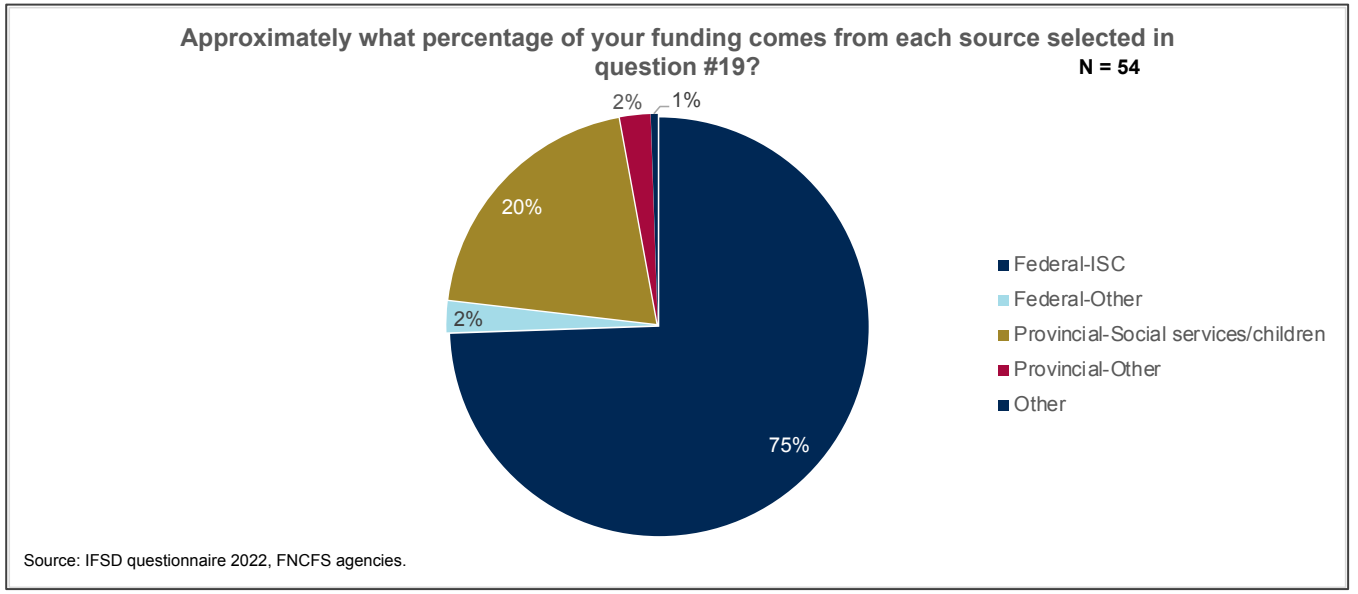
Total revenues

- Nearly half of respondents report revenues below $10M (all sources of funds).



Baselining budgets

- Respondents report **75% of their funding from ISC**.
  - 2% from other federal sources.
- 20% from provincial social services.
  - 2% from other provincial sources.
- 1% from other sources.

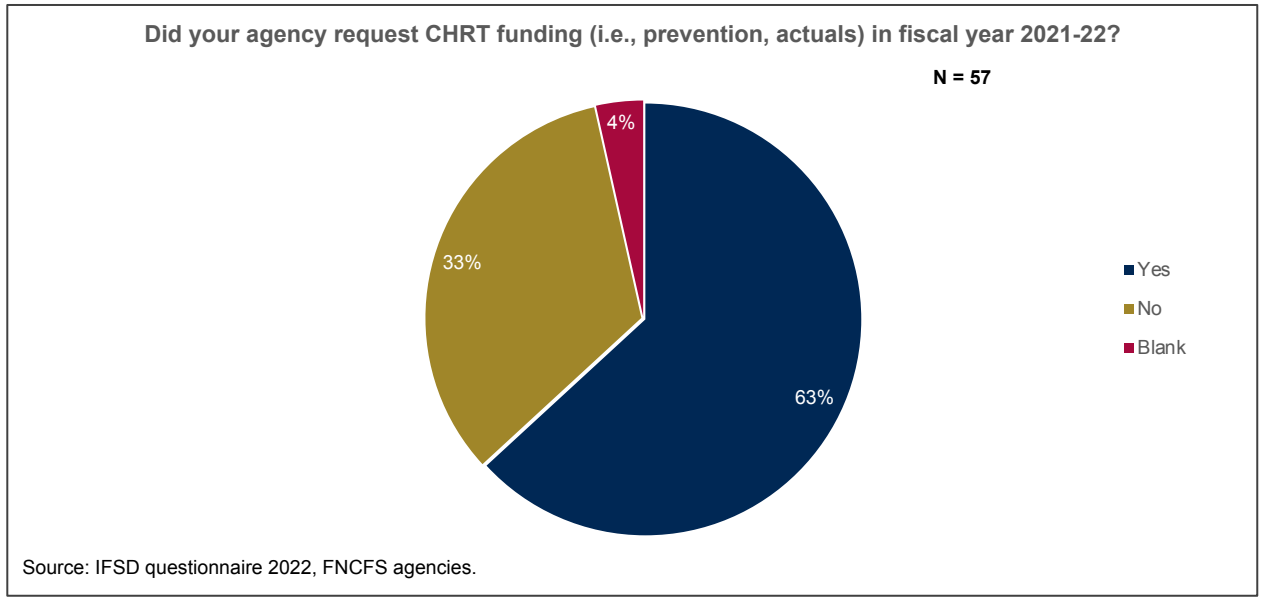


For the updated baseline budget: 75% of total budgets can be considered the "ISC baseline."

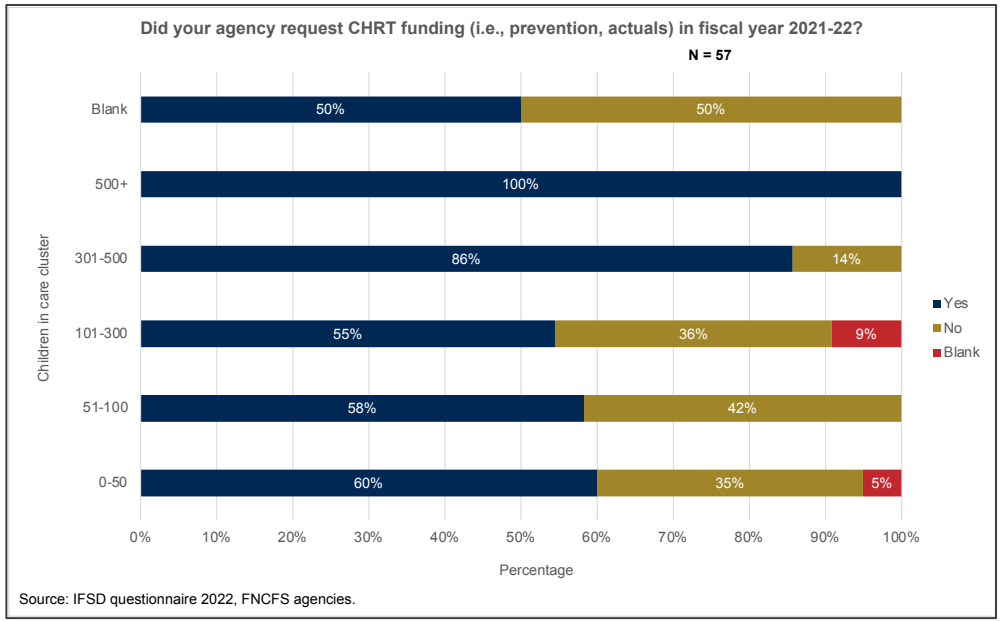
Approx. 80% of total agency budgets come from federal sources.

CHRT funding

- Nearly two-thirds of respondents reported requesting CHRT-mandated funding.



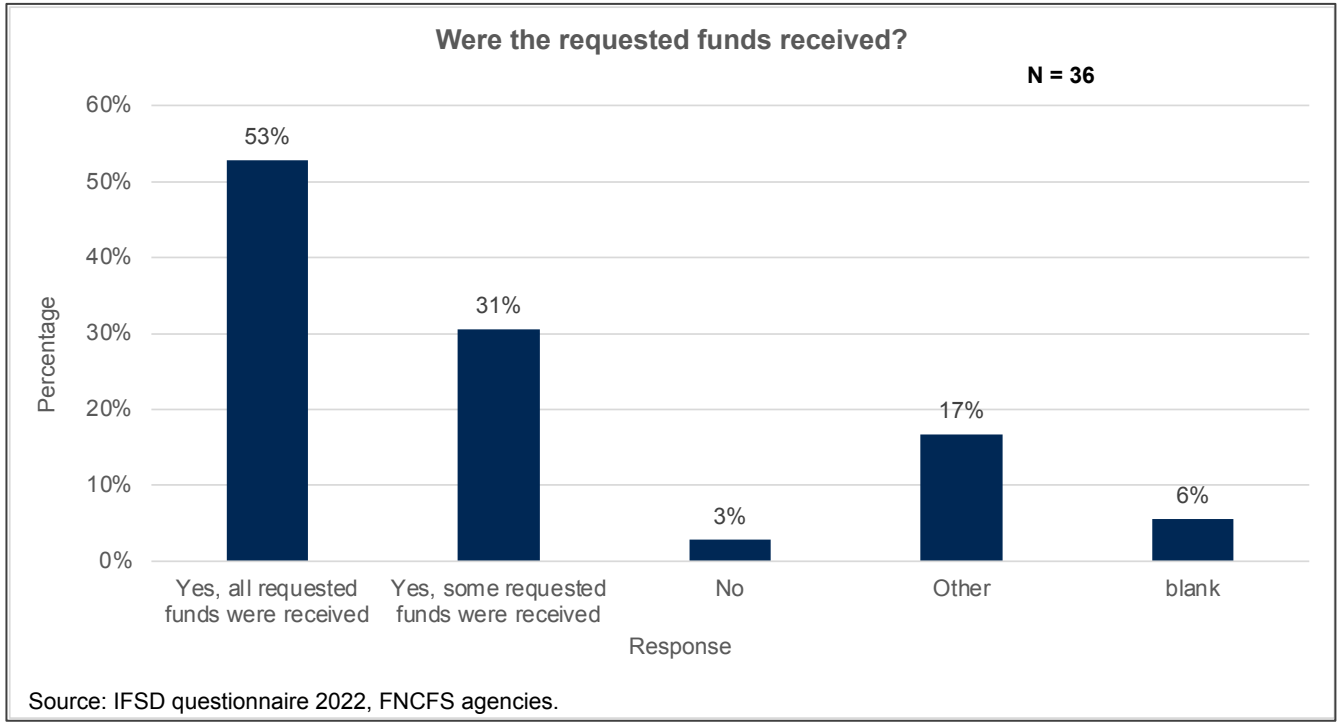
Source: IFSD questionnaire 2022, FNCFS agencies.



Source: IFSD questionnaire 2022, FNCFS agencies.

Receipt of CHRT funding

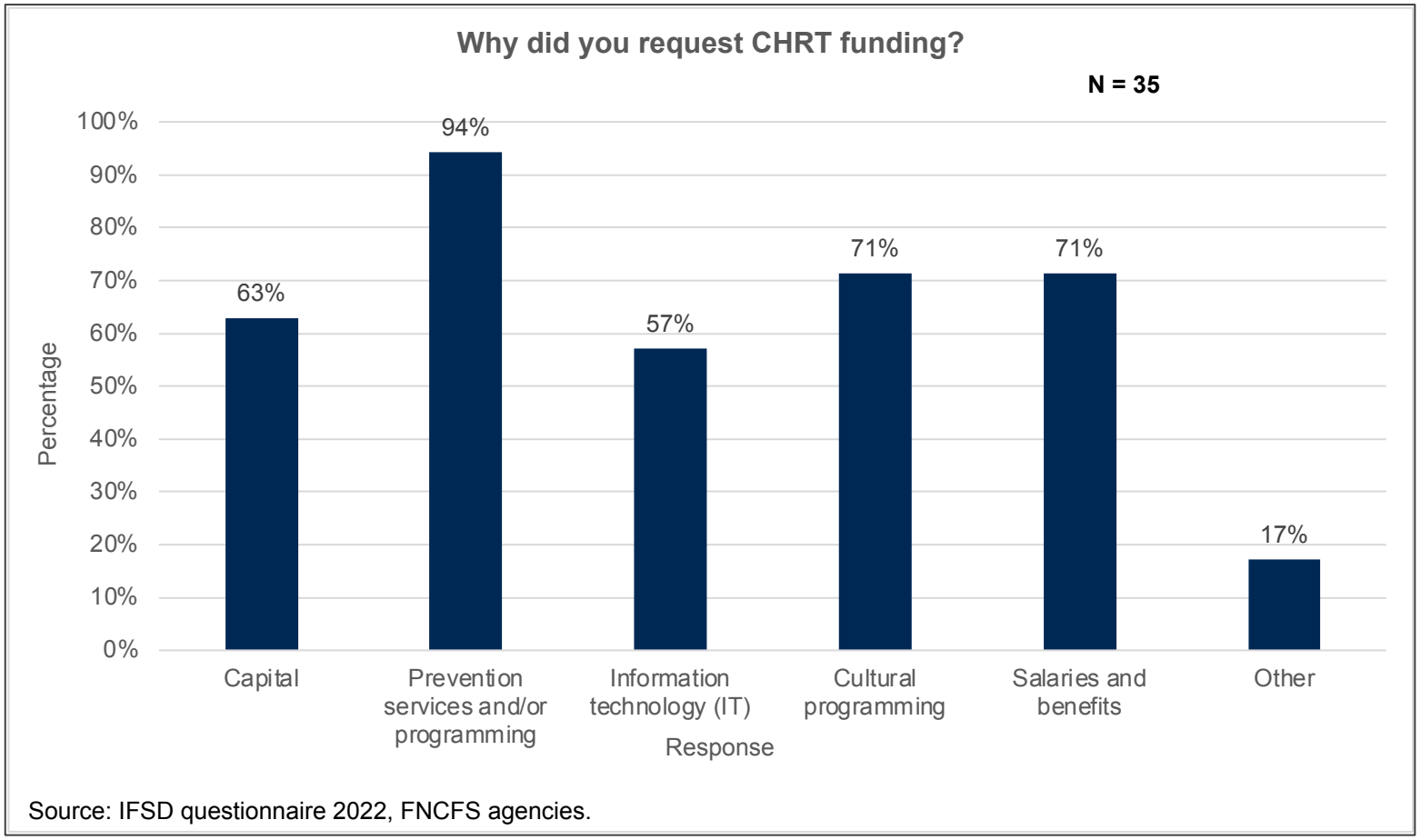
- 84% of respondents receive all or some of their requested CHRT funding.
- There were few reported rejections, but a significant number of non-responses and ‘other’ responses.



Source: IFSD questionnaire 2022, FNCFS agencies.

Use of CHRT funding

- Most CHRT funding was requested for prevention programs/services.
- Cultural programming and salaries and benefits followed with some distance.



Source: IFSD questionnaire 2022, FNCFS agencies.

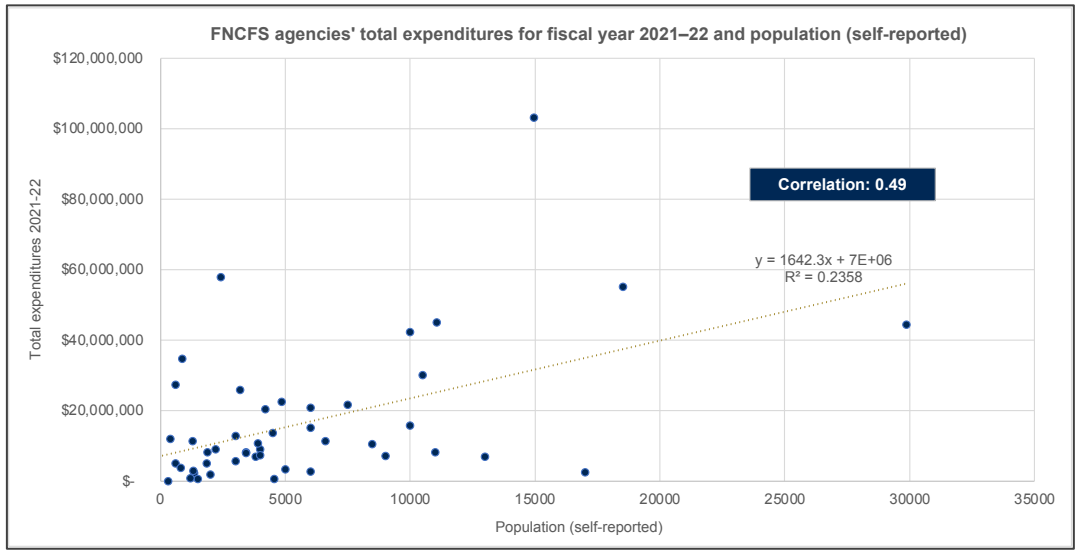
Correlations

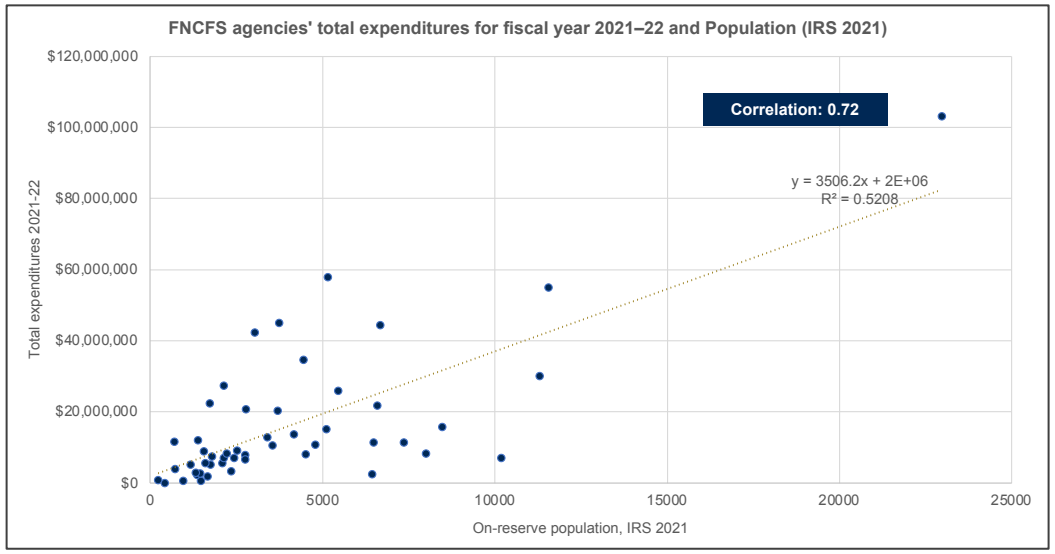
- A correlation denotes the strength of a relationship between two variables.
  - The value of a correlation is between 0 and 1. The closer it is to 1, the stronger the relationship.
  - A positive correlation denotes a linear relationship and a negative correlation denotes an inverse relationship between variables.

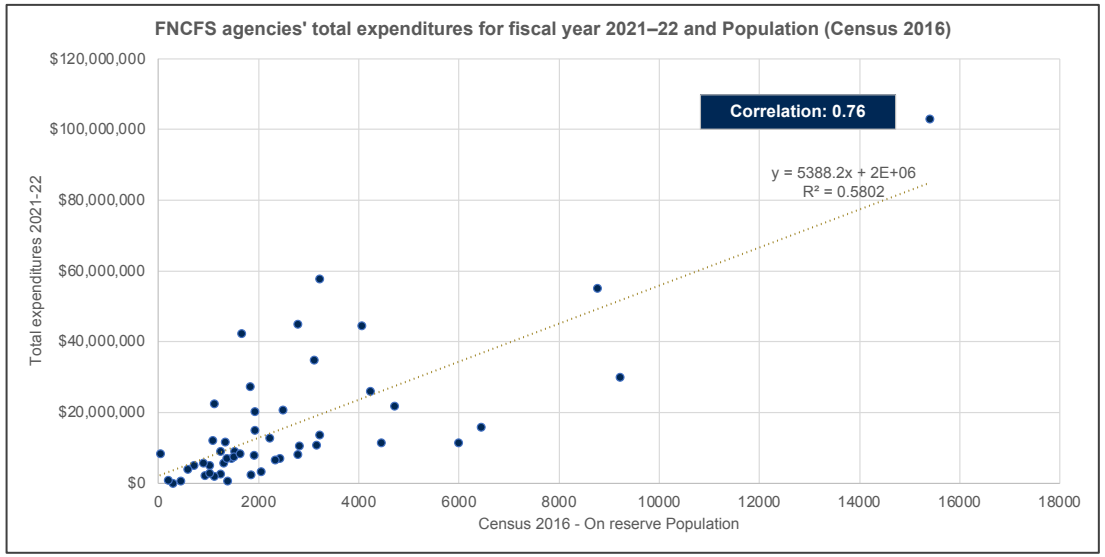
- Correlations are run between different variables (independent and dependent) to try to understand if there are explanatory relationships between them.
  - We seek out these types of relationships to help us make sense of data and the organizations/systems they represent.
  - We try to assess if the relationships between the variables can help to explain phenomena or in forecasting/projecting certain trends, e.g., cost behaviour.

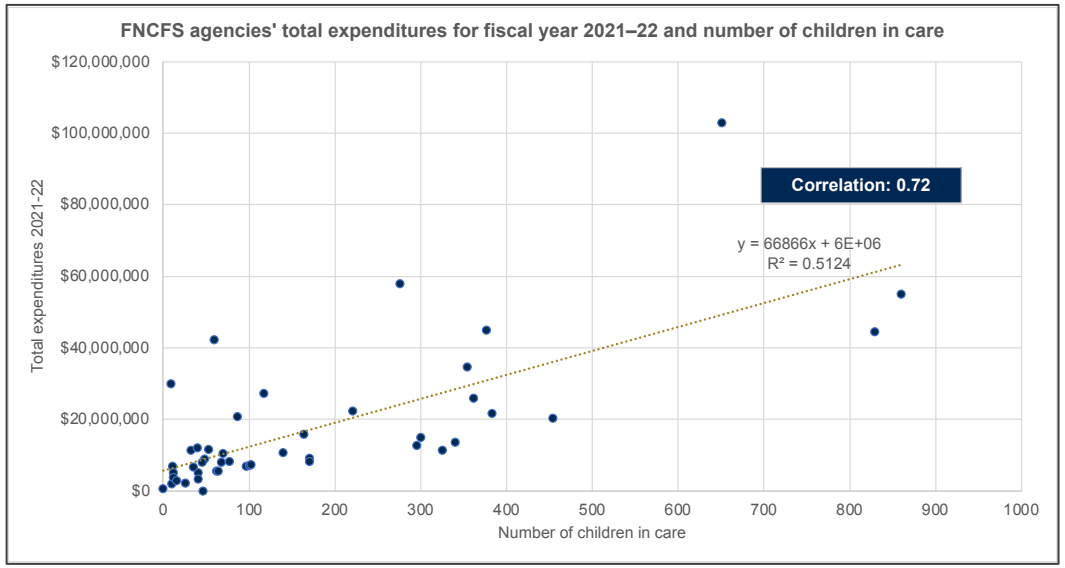
Notes on correlations

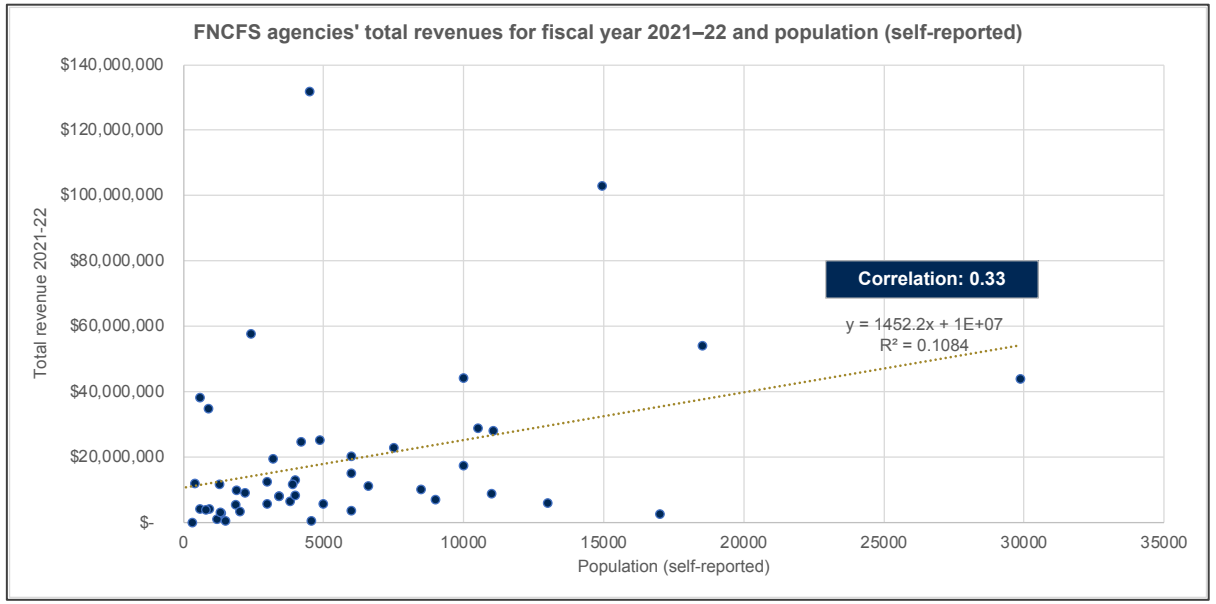
- Self-reported population served has the lowest correlations with expenditures, revenues, and total staff.
- By contrast, correlations with IRS and Census 2016 population data and expenditures, revenues, and total staff are relevant (above 0.5).
- This may be indicative of the differences between data used for allocating funding v. actual population served. A cross-subsidization of funded v. unfunded populations is occurring.
- There remains a relevant positive correlation between total expenditures (0.72) and total revenues (0.60) and the number of children in care. Relative to Phase 1, however, the strength of the relationship has declined (it was previously 0.91). This suggests that funding is being allocated on different terms (this is consistent with CHRT orders and funding and actuals).
  - Data from this questionnaire suggests that most requests were for prevention programs and services.

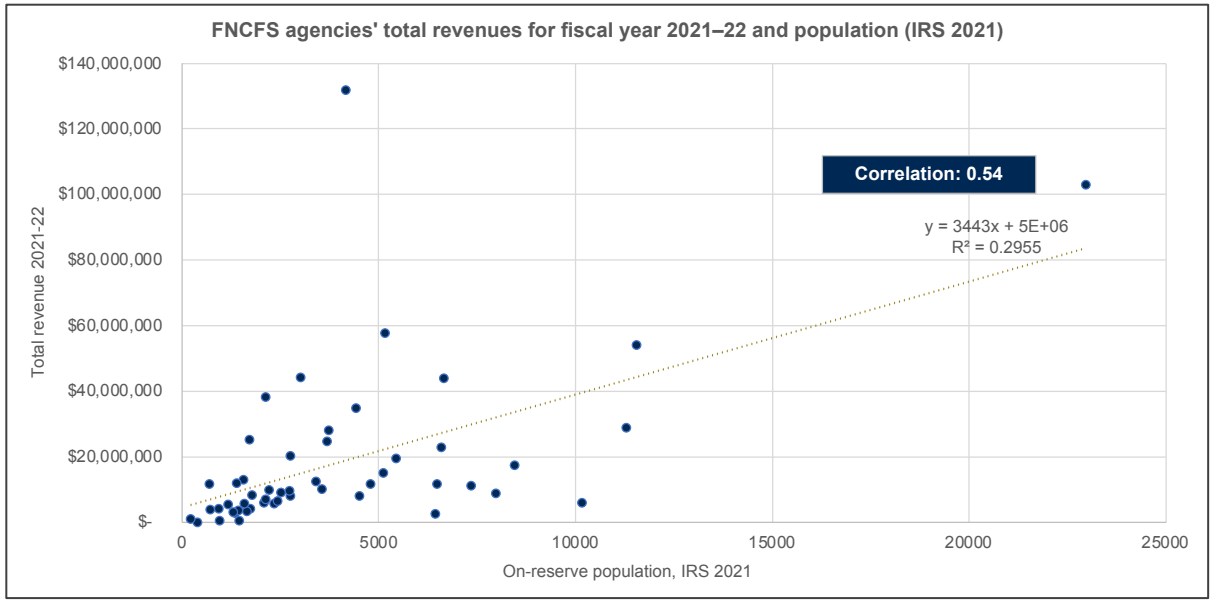

FNCFS agencies' total expenditures for fiscal year 2021–22 and population (self-reported)
Correlation: 0.49
y = 1642.3x + 7E+06
R² = 0.2358
Total expenditures 2021-22
Population (self-reported)

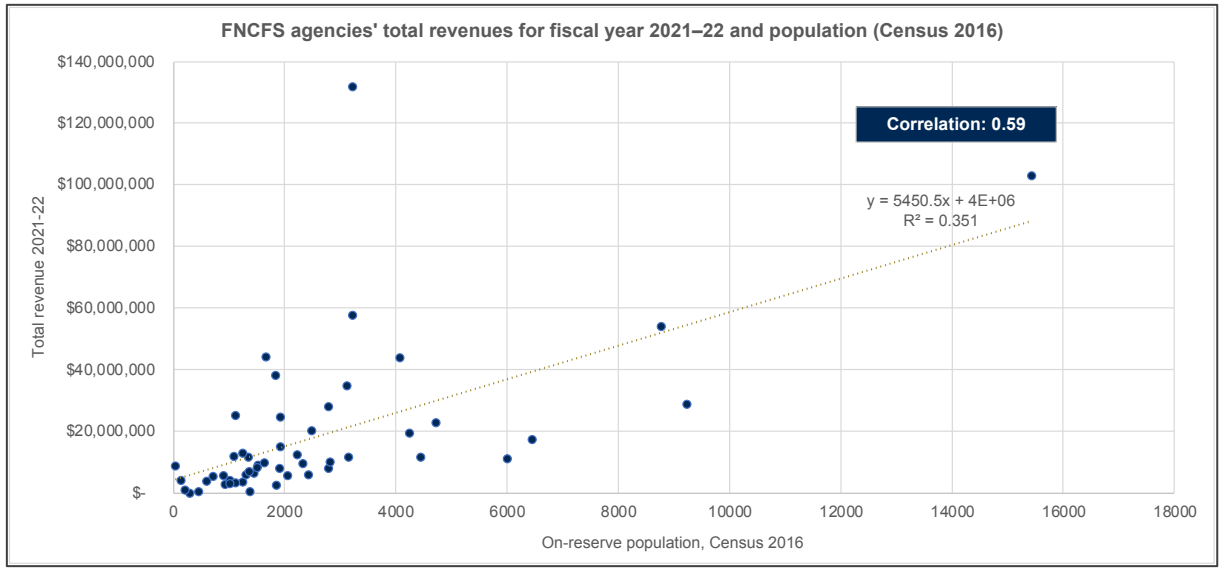

FNCFS agencies' total expenditures for fiscal year 2021–22 and Population (IRS 2021)
Correlation: 0.72
y = 3506.2x + 2E+06
R² = 0.5208
Total expenditures 2021-22
On-reserve population, IRS 2021

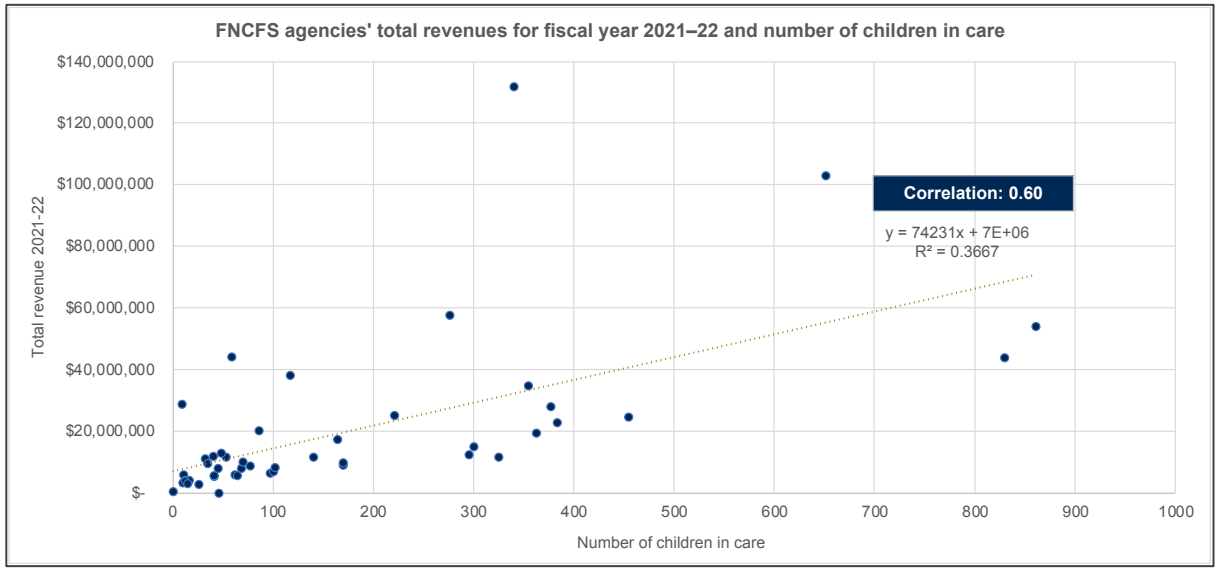

FNCFS agencies' total expenditures for fiscal year 2021–22 and Population (Census 2016)
Correlation: 0.76
y = 5388.2x + 2E+06
R² = 0.5802
Total expenditures 2021-22
Census 2016 - On reserve Population

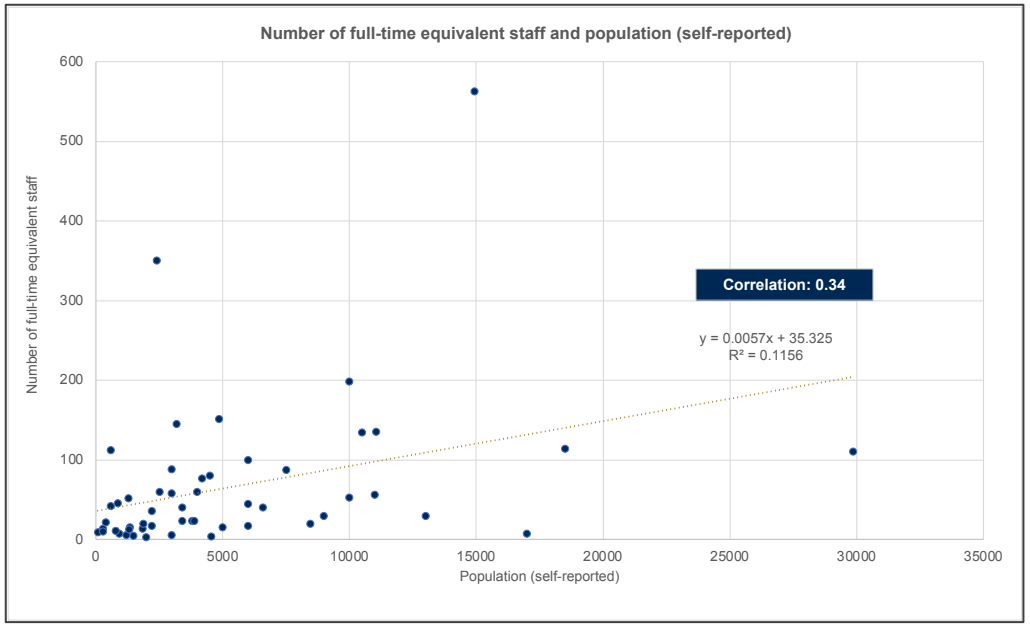

FNCFS agencies' total expenditures for fiscal year 2021–22 and number of children in care
Correlation: 0.72
y = 66866x + 6E+06
R² = 0.5124
Total expenditures 2021-22
Number of children in care

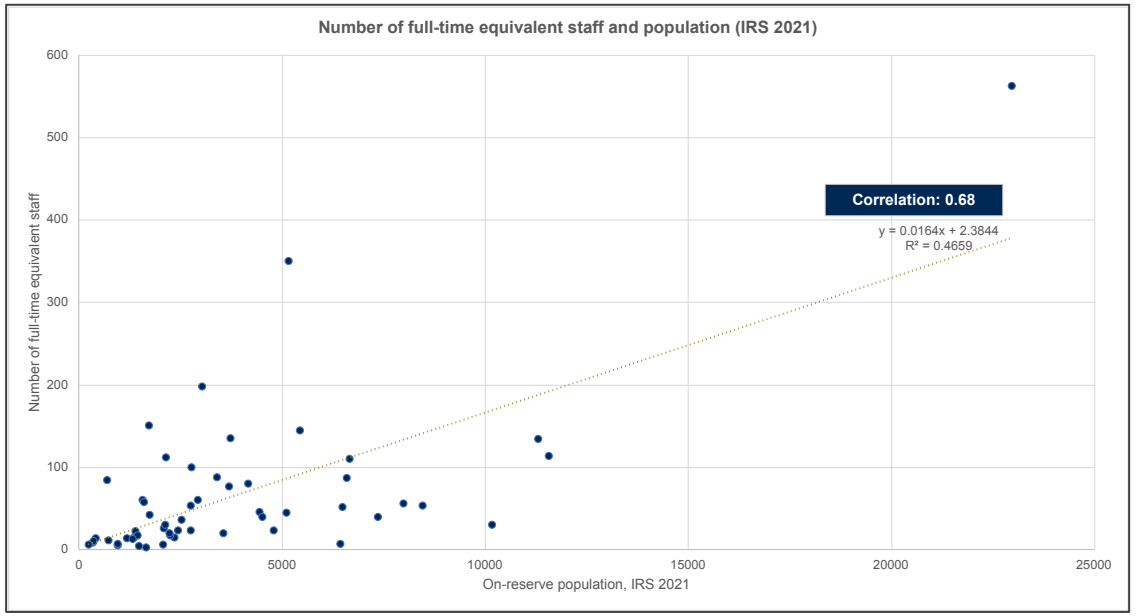

FNCFS agencies' total revenues for fiscal year 2021–22 and population (self-reported)
Total revenue 2021-22
$140,000,000
$120,000,000
$100,000,000
$80,000,000
$60,000,000
$40,000,000
$20,000,000
$-
0
5000
10000
15000
20000
25000
30000
35000
Population (self-reported)
Correlation: 0.33
y = 1452.2x + 1E+07
R² = 0.1084

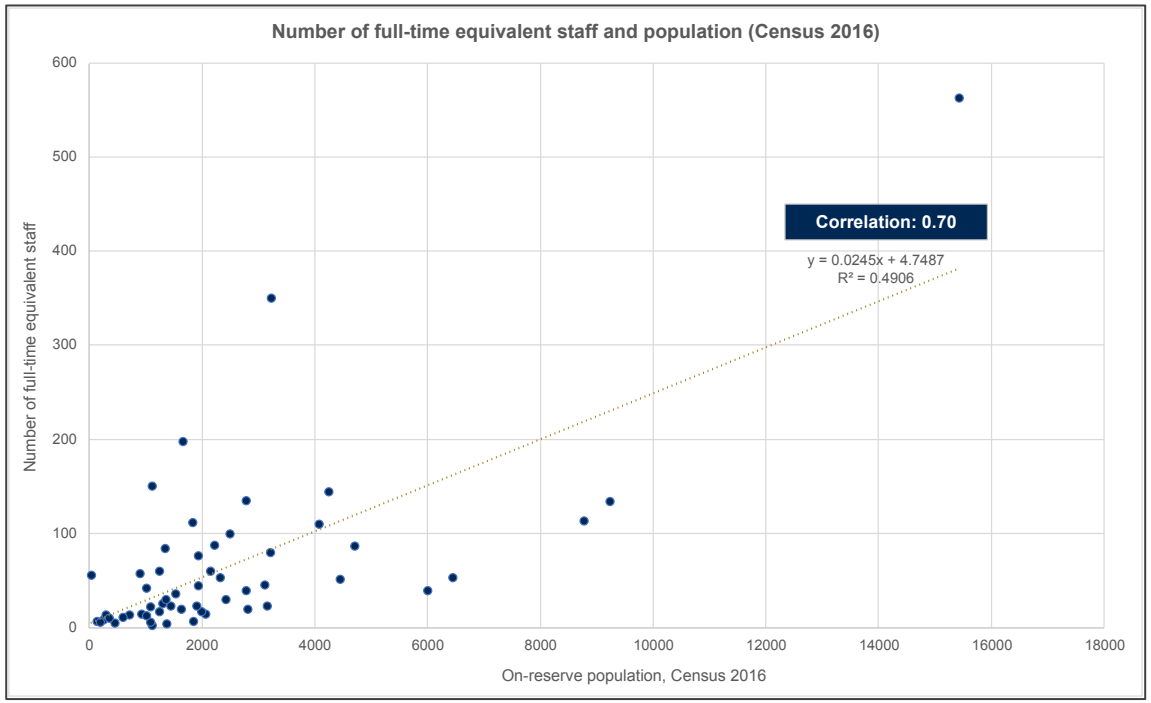

FNCFS agencies' total revenues for fiscal year 2021–22 and population (IRS 2021)
Total revenue 2021-22
$140,000,000
$120,000,000
$100,000,000
$80,000,000
$60,000,000
$40,000,000
$20,000,000
$-
0
5000
10000
15000
20000
25000
On-reserve population, IRS 2021
Correlation: 0.54
y = 3443x + 5E+06
R² = 0.2955


FNCFS agencies' total revenues for fiscal year 2021–22 and population (Census 2016)
Total revenue 2021-22
$140,000,000
$120,000,000
$100,000,000
$80,000,000
$60,000,000
$40,000,000
$20,000,000
$-
0
2000
4000
6000
8000
10000
12000
14000
16000
18000
On-reserve population, Census 2016
Correlation: 0.59
y = 5450.5x + 4E+06
R² = 0.351


FNCFS agencies' total revenues for fiscal year 2021–22 and number of children in care
Total revenue 2021-22
$140,000,000
$120,000,000
$100,000,000
$80,000,000
$60,000,000
$40,000,000
$20,000,000
$-
0
100
200
300
400
500
600
700
800
900
1000
Number of children in care
Correlation: 0.60
y = 74231x + 7E+06
R² = 0.3667







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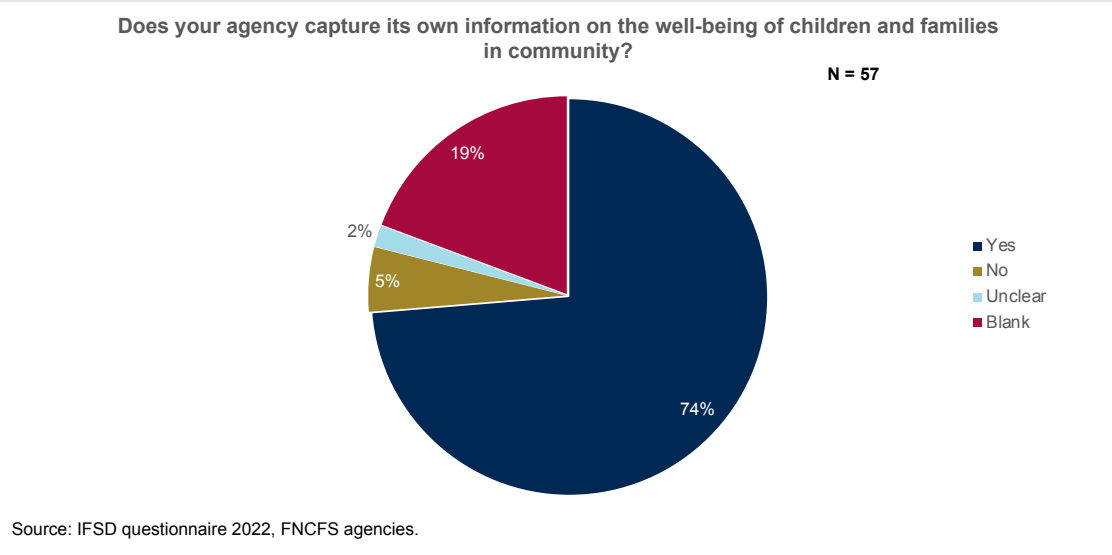
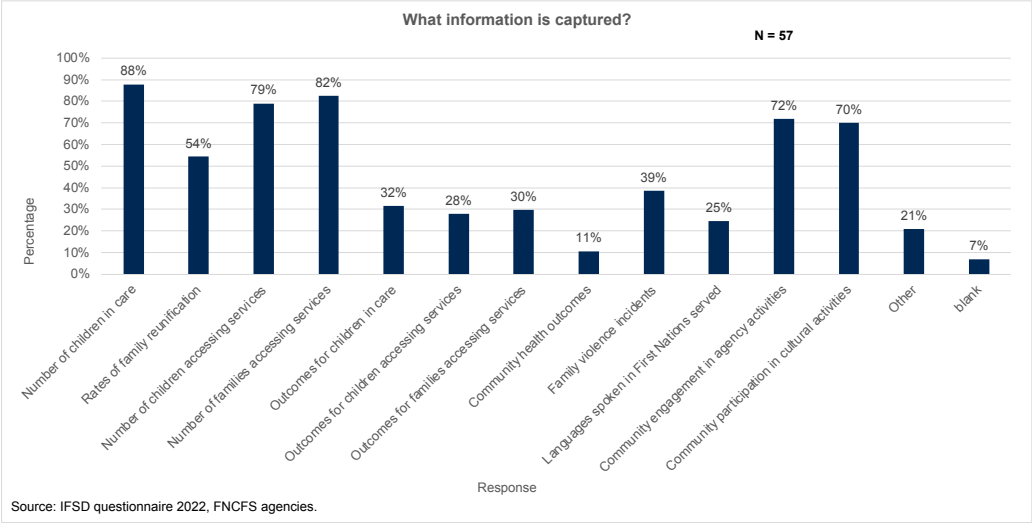
Data collection

- Nearly three-quarters of respondents report collecting their own information on the well-being of children and families.

- However, when asked what type of information is captured, most report ‘input’ type data, e.g., number of children in care, number of families accessing services, etc.



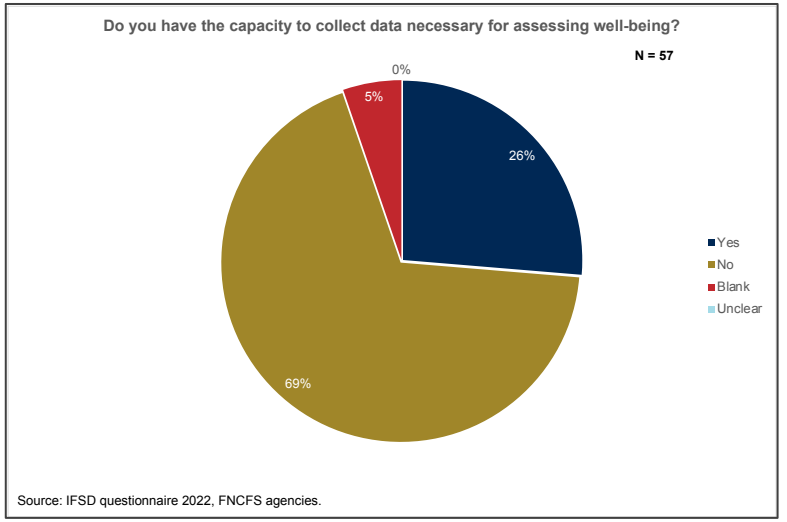
Source: IFSD questionnaire 2022, FNCFS agencies.

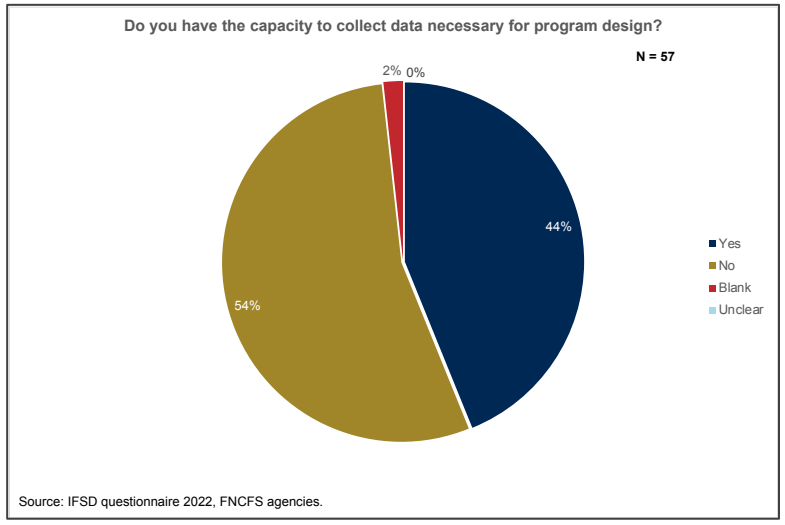


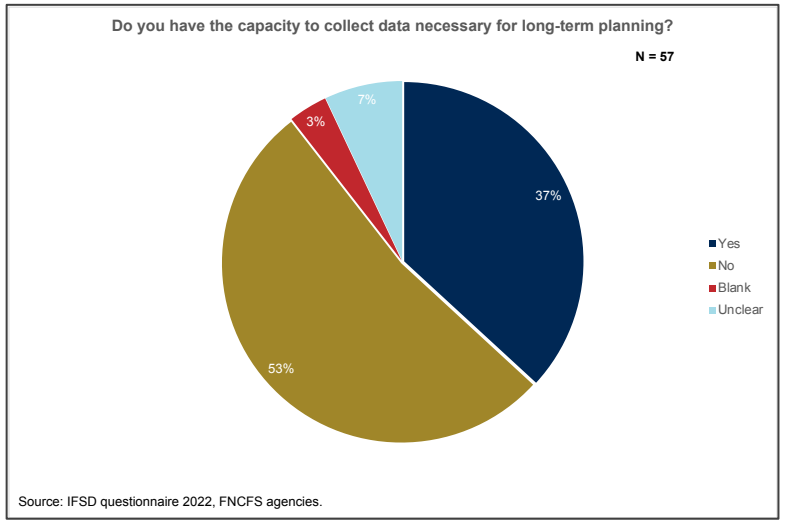
Source: IFSD questionnaire 2022, FNCFS agencies.

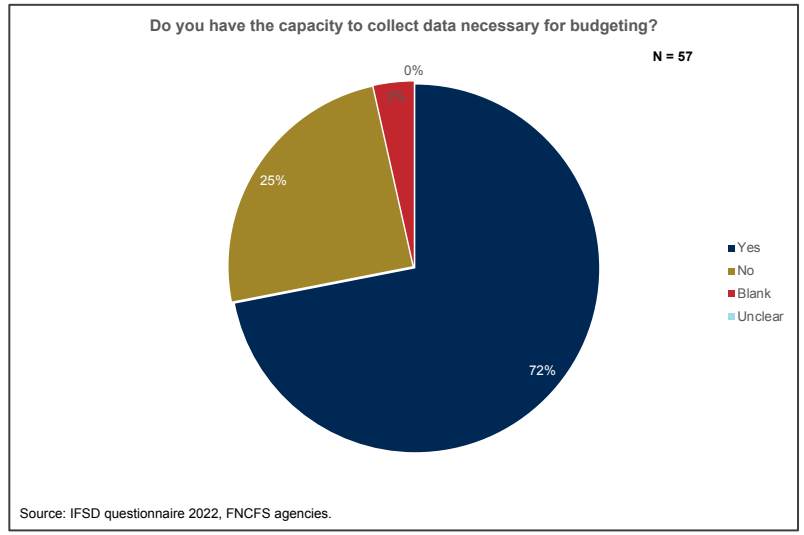
Data collection gaps

- Nearly 70% of respondents report being unable to capture data on well-being. A lack of data for program design and long-term planning was also highlighted.
- Budgeting was the one area in which 72% of respondents reported capacity to collect the necessary information to support the activity.



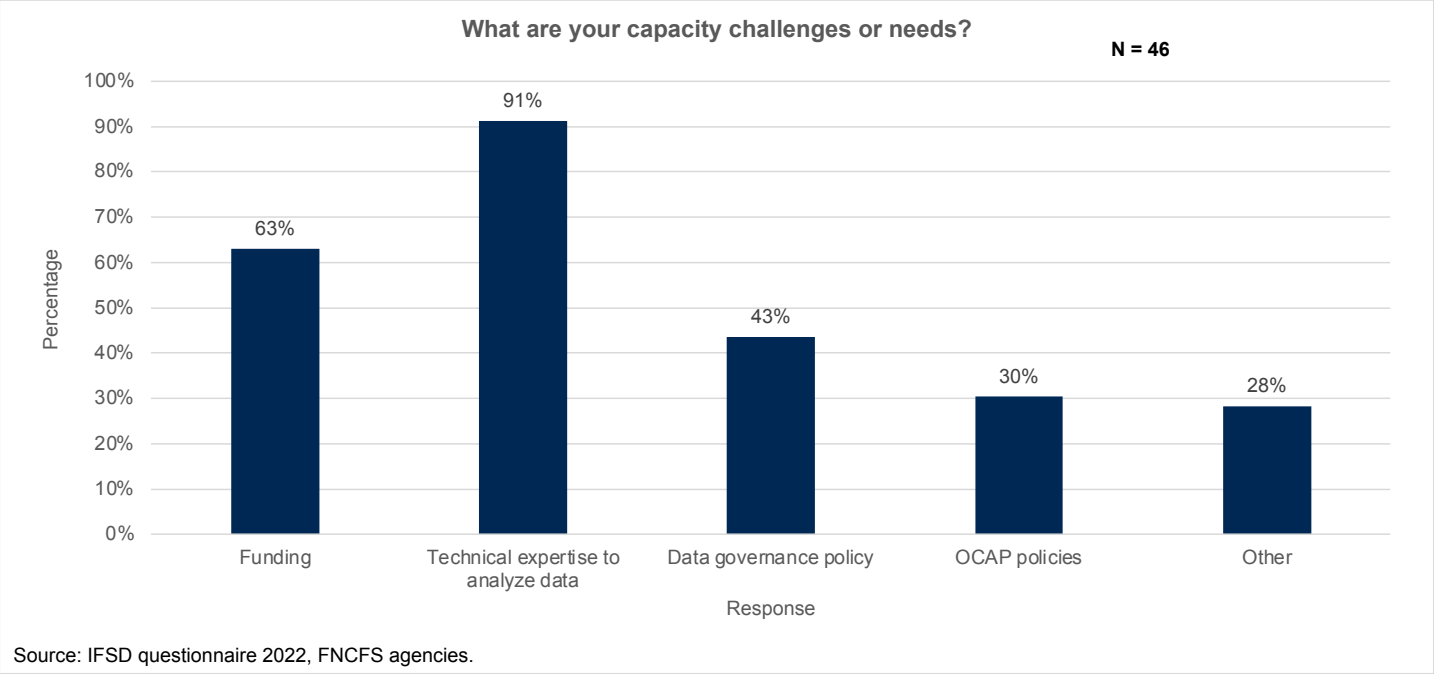






Challenges in data analysis

- 91% of respondents reported a need for technical expertise to analyze data.
- Data analysis can be a resource-intensive exercise without adequate staff, training, and tools.



Source: IFSD questionnaire 2022, FNCFS agencies.

Get in touch

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Institute of Fiscal Studies and Democracy (IFSD)
University of Ottawa
www.ifsd.ca/fncfs

APPENDIX F
REMOTENESS

Funding FNCFS: Considerations for remoteness

June 23, 2023

What is IFSD's role in FNCFS?

- The Institute of Fiscal Studies and Democracy (IFSD) is an independent self-funded research consulting firm hosted at the University of Ottawa.

- Since 2018, IFSD has been working at the request of the Assembly of First Nations (AFN) and Caring Society on First Nations child and family services (FNCFS). **IFSD does not work for or take direction from the Government of Canada in this work.**

- IFSD does not have decision-making authority, nor does it sit at the negotiating table.

Funding considerations for the FNCFS program

- Transparency of the funding approach (structure; funding; accountability).
- Funding principles should be nationally applicable.
- Allocations for remoteness should consider all FNCFS agencies.
- Individual funding components are not – on their own – intended to be sufficient to address a challenge, e.g., remoteness, poverty, etc. IFSD's approach is to be understood holistically.
- Funding should be dynamic and needs-based, i.e., changing with the needs of First Nations.

Remoteness approaches

- There are different ways of allocating resources for remoteness. For a national program, the approach should be nationally applicable, be reflective of actual expenditures, and consider the differentiated costs of living and working in places with varying degrees of remoteness.

- An inadequately considered remoteness factor could introduce distortions in the funding approach such that either non-remote or remote service providers could be short-changed, especially, from a fixed funding pot.

- IFSD reviews four approaches to allocate funding for remoteness in Phase 3.

- IFSD remains open to additional models to nurture the reflections of the parties negotiating a final settlement.

	Cost adjusted factor (CAF)	Phase 2 - Scaled factor adjustment	15% CAF adjustment for remoteness index of 0.4 or higher	15% CAF adjustment for all
Description	Cost Adjusted Factor (CAF) calculated based on the remoteness index of a community and whether it has access to roads. Applied to the baseline only.	Factor increase to the baseline budget based on ISC's weighted remoteness quotient (relative basis) (factor of ^1.1, at 0.25%, 0.5% and 1%) based on Statistics Canada's remoteness index. Applied to the baseline only.	15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.	15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Application	Baseline budget	Baseline budget	Baseline budget + top-ups	Baseline budget + top-ups
Source	ISC	IFSD	ISC	ISC with modifications by IFSD
Transparency	Most significant remoteness allocation Applied to all FNCFS agencies	Lowest remoteness allocation Applied to all FNCFS agencies	Slightly lower allocation than 15% CAF (all), but higher than Phase 2 Applied to FNCFS agencies serving First Nations with a Remoteness Index above 0.4	Lower than CAF, but slightly higher than CAF (0.4) Applied to all FNCFS agencies

IFSD's projects on FNCFS

Component	Phase 3 (Contract holder: AFN)	First Nations not affiliated to a FNCFS agency (Contract holder: Caring Society)
Goal/purpose	Test and model the approach from Phase 2, (with refinements), into First Nation and agency specific delivery models, to build tools and setup First Nations and FNCFS agencies for success in transition.	Define the current state and needs in child and family services of First Nations not affiliated to a First Nations child and family services (FNCFS) agency.
IFSD's mandate	– Close data gaps, e.g., capital needs, baselines – Model and test the proposed funding approach – Refine and test the Measuring to Thrive framework – Enhance fiscal certainty and planning tools	– Assess needs for the delivery of prevention and other child and family related services – Quantify a structure and a range of costed approaches for the delivery of child and family services focused activities on-reserve – Consider capital, programming, and operational requirements (e.g., staff, IT, etc.) in the analysis
Approach	Bottom-up; questionnaire (FNCFS agencies); in-depth collaboration (1.5 years) from 20 collaborators (First Nations and FNCFS agencies); research and analysis; expert support	Bottom-up; questionnaire; case study collaborators; research and analysis
Project end	March 2024 (project end); final report to follow *Monthly updates	December 2023 *Monthly updates

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Remoteness Q&A

June 19, 2023

1) **Why does remoteness matter in FNCFS?**

The impacts of remoteness can be experienced differently in different places. For instance, a First Nation may be within a commutable distance from an urban centre, but without a vehicle or public transportation, the urban centre and its services can be inaccessible. Without year-round road access, the costs of acquiring goods and services are significantly higher, with additional challenges for mobility.

In child and family services, remoteness impacts access to services, e.g., therapists, psychologists, health care, etc., access to goods, e.g., vehicles, fuel, the ability to attract and retain personnel, and informs the context in which programs and services are being delivered.

In the first cost analysis of FNCFS agency expenditures in 2018, in which 76% of existing FNCFS agencies participated, IFSD found that agencies serving even one First Nation without year-round road access had total budgets twice the size of their peers, had travel costs five times as high, and twice the number of staff. These characteristics are reflective of the higher costs of doing business in remote places and the geography that needs to be covered. Remoteness in child and family services is a characteristic that influences service delivery and needs to be recognized. The question, however, is how to recognize the cost pressures of remoteness.

With current funding at actuals for FNCFS agencies, the increased costs of remoteness are included in their expenditures. This does not, however, mean that the resources are sufficient to address the ongoing impacts of remoteness related to planning and service delivery. In its dynamic funding approach, i.e., an approach that links and responds to changing community contexts, IFSD proposes an allocation to the budget to compensate for remoteness. The remoteness component is an addition to a current baseline that already includes actual expenditures, i.e., includes compensation for remoteness.

A top-up for remoteness on an overall budget is not designed to compensate in full for the different costs of living in remote places but is intended to recognize and offset pressures associated to operating in a remote context, e.g., extra costs of accessing a health professional, wireless connectivity, shipping, etc. Since remoteness can be about more than road access, applying a remoteness top-up on a relative basis for all FNCFS agencies can be useful.

2) **To whom is IFSD's work in Phase 3 applicable?**

IFSD's work in Phase 3 is designed to support First Nations contemplating or exercising jurisdiction, and FNCFS agencies.

The purpose is to test and model the approach from Phase 2, (with refinements), into First Nation and agency specific delivery models, to build tools and setup First Nations and FNCFS agencies for success in transition.

3) What approaches is IFSD reviewing in Phase 3 to allocate resources for remoteness?

In its modelling of the FNCFS funding approach, IFSD has reviewed four approaches to allocating resources for remoteness (see summary in table below).

The factor increase comes from Phase 2, and is a relative scale to increase budgets based on remoteness.

The Cost Adjusted Factor (CAF) and 15%CAF (remoteness >0.4) come from ISC. The 15%CAF applied to all FNCFS agencies uses ISC's approach to allocate funding, but adjusts the application by applying it to all FNCFS agencies based on a population-weighted remoteness index.

There are different ways of allocating resources for remoteness. For a national program, the approach should be nationally applicable, be reflective of actual expenditures, and consider the differentiated costs of living and working in places with varying degrees of remoteness.

Given the gap in a First Nations-specific approach to adjusting for remoteness, a recommendation could be made to develop a bottom-up assessment of the actual costs of remoteness. Similar to the development of the Consumer Price Index, a First Nations-specific index for adjusting for the costs of remoteness could be developed based on actual goods, and updated on a regular basis to compensate for the changing costs of living in remote places.

Component	Description	Options
Geography/remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	1) Factor increase to the baseline budget based on ISC's weighted remoteness quotient (relative basis) (factor of ^1.1, at 0.25%, 0.5% and 1%) based on Statistics Canada's remoteness index. Applied to the baseline only.
		2) Cost Adjusted Factor (CAF) calculated based on the remoteness index of a community and whether it has access to roads. Applied to the baseline only.
		3) 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		4) 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.

4) **What is the impact of remoteness funding for the national negotiations, i.e., if general funding (approx. $23B is fixed), from which sources will you draw to compensate for remoteness?**

An inadequately considered remoteness factor could introduce distortions in the funding approach such that either non-remote or remote service providers could be short-changed, especially, from a fixed funding pot.

When an adjustment factor is applied to a baseline of actual expenditures (that already include significantly higher factor inputs), there is a risk of double counting the necessary adjustments.

The remoteness top-up should be recognition of the additional costs of delivering a different set of needed services. We should not be relying on a top-up to address fundamental gaps in an operating baseline of the service provider. Those gaps should be closed.

5) **What is IFSD's role in Phase 3?**

Since 2018, IFSD has been working at the request of the Assembly of First Nations (AFN) and Caring Society on First Nations child and family services (FNCFS).

This work is intended to support First Nations, First Nations leadership, FNCFS agencies, and the negotiating parties.

As a research consulting firm, IFSD does not have decision-making authority, nor does it sit at the negotiating table.

IFSD relies on and is grateful for the contributions of First Nations and FNCFS agencies that help to shape this work. This would not be possible without your willingness to share information, time, and experiences with IFSD.

IFSD has had the pleasure of discussing interim findings and meeting with First Nations and FNCFS agencies across Canada in a variety of forums, e.g., regional gatherings, one-on-one discussions, workshops, etc.

The findings, analysis, and tools that result from IFSD's work on FNCFS, are intended to support First Nations, First Nations leadership, FNCFS agencies, and the parties negotiating long-term reform.

APPENDIX G
EMERGENCY FUNDING

Emergency levers in FNCFS

February 21, 2024

IFSD's recommendation on emergency funding

- IFSD recommends allocating 2% of the baseline budget to be managed by service providers.
- The resources could be kept in reserve for future use (using the carry-forward provision of the block approach) or expended by the service provider.
- Should a provider be unable within its allocated budget to meet increased demands for protection and prevention services, it may seek recourse with the federal government.
- As the insurer of last resort, and the entity accountable for funding FNCFS on-reserve, should a provider be unable to manage due to exceptional circumstances beyond its control (i.e., not poor financial management), the federal government would be expected to provide resources to mitigate the emergency.
- A clearly defined set of terms and conditions should be defined for access to additional emergency resources.

Definitions

- Emergency circumstance: extenuating factors external to the service provider that require an atypical response from the service provider. An atypical resource is considered one beyond the standard course of business that impacts the delivery of protection and/or secondary and tertiary prevention services.

- Emergency lever: a mechanism to alleviate financial or operational pressures to an emergency circumstance.

The purpose of reform

- Purpose of FNCFS program reform = reduce contact with protection services.

- There's an assumption that prevention and protection together, when adequately funded, structured, and monitored, should provide better services to children and families. Over time, this should improve outcomes for children, families, and communities.

- Should this not be the case, service providers should be able to seek redress:
  - Demonstrate case with own data
  - Substantiate need

Managing the risks of change

- There is no risk-free change. Success is not guaranteed in any system. Success depends on different components of the system working together to deliver results (e.g., funding, people, structure, etc.).

- Reform is meant to:
  - End discrimination
  - Ensure discrimination does not reoccur

- IFSD's proposed approach includes changes in three main areas (with linkages between them to create sustainable change):
  - Structure
  - Funding
  - Accountability

- If one of these three elements is not present or inconsistently reformed, do not proceed with reform.

What safety measures exist in IFSD's proposed approach?

- Increase in resources linked to different contexts (in IFSD's proposed approach, FNCFS providers on average, have a 15% increase to their reported budget).
- Stabilized planning environment with clear resource allocations in a block.
- Service provider control of resource allocation on the ground.
- Emergency funding included in provider-managed funds.

Risks of reform

- Reform the FNCFS program with changes to funding, structure, and accountability to: 1) end discrimination; 2) ensure it does not reoccur.
- Service providers are seeking safety measures to ensure the success of reform.
- Differentiated starting points mean different states of readiness and tools for transition.
- There is no risk-free change.

There is a decision to be made on care and control in delivery and accountability in FNCFS:

Should it rest with First Nations and their delegated service providers or Indigenous Services Canada?

Control and funding approaches

- In a fee-for-service model (i.e., ISC pays bill for activity), power rests with ISC.
  - ISC dictates funding streams and uses
  - ISC determine allowable expenditures
  - ISC reallocates resources within the department and different priorities because funding is not infinite, nor is it protected for FNCFS

- In a block approach, decisions on *how* to spend resources rests with the service provider.
  - Service provider has agreement with a defined funding amount which supports planning
  - Service provider has autonomy in allocation and does not seek approvals or reimbursements from ISC on spending
  - Service provider is accountable for delivering on mandate

Control and funding approaches (cont.)

Consideration	Past	Current	Future (IFSD's approach)
Funding approach	Fee-for-service	Fee-for-service via actuals process	Block (provider controls *how* they spend)
Control of spending	ISC	ISC, with increased flexibility with reimbursement for actual spending	First Nation/delegated service provider
Accountability for results	Service provider	Service provider	Service provider

Options for emergency funding

- IFSD's recommendation: Agency/provider retains emergency allocation and is responsible for managing.

- Other options for emergency funding:

1) Defined amount in a fund, managed by ISC.
   - Fee-for-service
   - Allocated by request/application
   - Should be defined in special purpose allotment, to ensure it cannot be reallocated.

2) Forego structural reform and continue the fee-for-service model.

APPENDIX H
MAINTENANCE

Funding maintenance for children in out-of-home care

As national estimates were prepared for the FNCFS Program (FNCFS agencies only) with the collaboratively developed funding approach, the funding of maintenance for children in out-of-home care remained an outstanding issue.

IFSD requested assistance from FNCFS agency collaborators. To better understand maintenance payment trends, IFSD required expenditure information (see Table 1 below). The expenditure information from the federal and provincial governments, as well as specific maintenance allocations were requested.

Fiscal year	Children in care		Total expenditures		Total child in care expenditures			
	Federal	Provincial	Federal	Provincial	Federal	Federal maintenance expenditures	Provincial	Provincial maintenance expenditures
Period from April 1 to March 31	*Include the number of children in care funded by the federal government at March 31 (of the relevant end of the fiscal year)*	*Include the number of children in care funded by the provincial government at March 31 (of the relevant end of the fiscal year)*	*Agency's total FEDERAL-ONLY expenditures for the fiscal year*	*Agency's total PROVINCIAL-ONLY expenditures for the fiscal year*	*Agency's total expenditures associated exclusively to children in care (i.e., maintenance payments, child special allowance) paid by the federal government (no other expenditures to be included)*	*Agency's maintenance expenditures for federally-funded children, i.e., maintenance paid by the federal government (no other expenditures to be included)*	*Agency's total expenditures associated exclusively to children in care (i.e., maintenance payments, child special allowance) paid by the provincial government (no other expenditures to be included)*	*Agency's maintenance expenditures for provincially-funded children, i.e., paid by the provincial government (no other expenditures to be included)*
2022-2023								
2021-2022								
2020-2021								
2019-2020								
2018-2019								
[...]								

Eight responses were provided from FNCFS agency collaborators (mostly based in Manitoba).

Analysis of **federal expenditure** information indicates:

1) Variability in the ratios of maintenance expenditures to total federal expenditures. For instance, some collaborators have average maintenance expenditures at approximately 20% of their total federal expenditures, while others are greater than 50% across fiscal years.
2) The ratio of maintenance to federal expenditures has been decreasing over time to varying degrees. In general, maintenance expenditures as a proportion of total federal expenditures are decreasing (even though federal expenditures are increasing for most reporting collaborators). This suggests that federal expenditures are targeting other activity areas, e.g., prevention, operations, etc.

Based on the analysis, IFSD proposes the following action for maintenance allocations for out-of-home care:

> *Maintain the block funding approach with allocations (calculated from the baseline budget) for emergency and maintenance expenditures. Any maintenance expenditures for out-of-home care that exceed the FNCFS agency's block funding allocation are to be billed at actual costs to Indigenous Services Canada (ISC). It is suggested that terms and conditions be defined to govern adjudication time, criteria, and payment time.*

There are two possible triggers that require additional funding for maintenance:

1) The FNCFS agency has expended all resources for the fiscal year without considering contingency;
2) The FNCFS agency can justify that a maintenance expense is extraordinary (beyond usual costs of doing business).

For #1, the burden would be on the agency to reallocate and work within their allocated funds. For #2, the request for supplementary resources would have to be substantiated.

IFSD understands from collaborators that one exceptional maintenance circumstance could severely impact a budget. With #2, the FNCFS agency would be positioned to determine whether pursuing supplementary funds is necessary.

With IFSD's proposed funding approach, FNCFS agency budgets increase relative to current expenditures. IFSD's assumption is that for most (if not all) of an agency's annual operations, the allocation should be sufficient in block form.

However, IFSD recognizes that there are extenuating circumstances where maintenance costs, e.g., for complex needs, specialized homes, etc. can extend beyond the available budget. In those circumstances, IFSD proposes that those emergency/anomalous maintenance for out-of-home care expenditures are paid by the federal government at actual costs.

The provinces that provide protection services would operate similarly as the insurer of last resort. If you are an FNCFS agency, your insurer of last resort for on-reserve activities is the federal government.

APPENDIX I

LOW, MEDIUM, HIGH COST ANALYSIS SCENARIOS

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget

Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Five-year national FNCFS agency funding estimates
Remoteness applied to First Nations with remoteness >0.4

CAF_15%_>0.4		Fiscal year					
Provinces	Scenarios	2023-24	2024-25	2025-26	2026-27	2027-28	Total
Alberta	Low Scenario	$401,633,685	$421,898,856	$442,123,386	$463,285,936	$484,947,413	$2,213,889,276
	Medium Scenario	$411,621,629	$432,390,748	$453,118,215	$474,807,162	$497,007,182	$2,268,944,937
	IFSD recommendation	$419,509,860	$440,676,980	$461,801,662	$483,906,251	$506,531,713	$2,312,426,467
	High Scenario	$422,595,602	$443,918,418	$465,198,475	$487,465,774	$510,257,518	$2,329,435,788
Atlantic	Low Scenario	$152,368,740	$161,714,390	$171,386,693	$181,442,126	$191,984,385	$858,896,335
	Medium Scenario	$158,046,998	$167,740,920	$177,773,631	$188,203,715	$199,138,841	$890,904,104
	IFSD recommendation	$161,289,237	$171,181,963	$181,420,523	$192,064,566	$203,223,913	$909,180,203
	High Scenario	$164,130,535	$174,197,581	$184,616,430	$195,447,909	$206,803,930	$925,196,385
British Columbia	Low Scenario	$381,505,568	$401,488,539	$421,916,917	$443,471,298	$465,209,162	$2,113,591,483
	Medium Scenario	$393,513,794	$414,125,567	$435,197,216	$457,430,152	$479,851,870	$2,180,118,599
	IFSD recommendation	$403,205,145	$424,324,438	$445,915,323	$468,696,177	$491,669,576	$2,233,810,659
	High Scenario	$406,733,440	$428,037,454	$449,817,278	$472,797,259	$495,971,791	$2,253,357,222
Manitoba	Low Scenario	$581,371,135	$612,140,066	$644,532,286	$678,372,940	$713,081,615	$3,229,498,042
	Medium Scenario	$596,020,293	$627,564,536	$660,773,160	$695,466,349	$731,049,661	$3,310,873,999
	IFSD recommendation	$606,783,716	$638,897,594	$672,706,024	$708,025,682	$744,251,618	$3,370,664,634
	High Scenario	$612,014,878	$644,405,639	$678,505,641	$714,129,675	$750,667,951	$3,399,723,785
Ontario	Low Scenario	$680,917,452	$712,294,539	$745,388,066	$779,579,070	$815,476,793	$3,733,655,921
	Medium Scenario	$699,270,405	$731,493,189	$765,478,523	$800,591,387	$837,456,480	$3,834,289,983
	IFSD recommendation	$714,500,404	$747,424,785	$782,150,333	$818,028,032	$855,696,107	$3,917,799,661
	High Scenario	$719,527,108	$752,683,288	$787,652,956	$823,783,284	$861,716,119	$3,945,362,755
Quebec	Low Scenario	$198,808,814	$207,982,991	$217,378,763	$227,278,879	$237,563,810	$1,089,013,257
	Medium Scenario	$202,947,008	$212,312,046	$221,903,392	$232,009,607	$242,508,626	$1,111,680,679
	IFSD recommendation	$206,473,758	$216,001,479	$225,759,506	$236,041,341	$246,722,880	$1,130,998,962
	High Scenario	$207,526,046	$217,102,280	$226,910,034	$237,244,302	$247,980,224	$1,136,762,886
Saskatchewan	Low Scenario	$409,455,158	$433,644,381	$459,361,702	$485,970,372	$513,445,270	$2,301,876,882
	Medium Scenario	$419,728,530	$444,524,659	$470,887,304	$498,163,602	$526,327,886	$2,359,631,980
	IFSD recommendation	$426,323,932	$451,509,655	$478,286,523	$505,991,432	$534,598,325	$2,396,709,866
	High Scenario	$430,826,328	$456,278,060	$483,337,808	$511,335,310	$540,244,308	$2,422,021,814
Total	Low Scenario	**$2,806,060,551**	**$2,951,163,763**	**$3,102,087,814**	**$3,259,400,621**	**$3,421,708,447**	**$15,540,421,196**
	Medium Scenario	**$2,881,148,657**	**$3,030,151,665**	**$3,185,131,440**	**$3,346,671,973**	**$3,513,340,546**	**$15,956,444,280**
	IFSD recommendation	**$2,938,086,050**	**$3,090,016,893**	**$3,248,039,894**	**$3,412,753,481**	**$3,582,694,133**	**$16,271,590,452**
	High Scenario	**$2,963,353,937**	**$3,116,622,720**	**$3,276,038,623**	**$3,442,203,514**	**$3,613,641,842**	**$16,411,860,636**

APPENDIX J1

OCTOBER 2023 COLLABORATOR WORKSHOP SUMMARY

Indicators for testing in 2023

The Institute of Fiscal Studies and Democracy (IFSD) is working with the Assembly of First Nations (AFN) and the Caring Society to support the long-term reform of First Nations child and family services (FNCFS). Part of this work is focused on building budgets, understanding capital needs, and testing performance measurement approaches in anticipation of a reformed program, known as Phase 3.

IFSD's work builds on previous work in FNCFS since 2018. Phase 1 was a cost and gap analysis of the FNCFS system. Phase 2 proposed an approach to funding FNCFS based on differentiated needs, including the Measuring to Thrive framework developed with FNCFS agency leadership and other experts (an overview of the framework is on p. 39-116 of the Phase 2 report, Funding First Nations child and family services (FNCFS): A performance budget approach to well-being). Phase 3 leverages these findings and builds on the approaches by putting the ideas and models from Phase 2 into practice.

There are 20 collaborators (a mix of FNCFS agencies, First Nations exercising jurisdiction, and FNCFS agencies exercising jurisdiction with their First Nation) working with IFSD on Phase 3. IFSD is grateful to the community of collaborators for continuing to share their time, knowledge, and experiences to improve FNCFS.

Phase 3 collaborators convened on November 8-9, 2022, in Ottawa to define indicators to pilot in 2023, as well as to identify indicators for Indigenous Services Canada (ISC) to consider in a reformed program. The workshop was attended by 18 of the 20 collaborators for Phase 3, with 44 participants contributing to the discussion.

The workshop had three goals:

1) Build consensus on the Measuring to Thrive indicators to test in the 2023 pilot.
2) Build consensus on the Measuring to Thrive indicators to propose to Indigenous Services Canada (ISC) for a reformed FNCFS program (possibly, same indicators as #1).
3) Learn and exchange among colleagues on practices and lessons in data collection, measurement, and evidence generation.

The collaborators identified 15 potential indicators to pilot with their agency or First Nation in 2023, and proposed 5 indicators for Indigenous Services Canada (ISC) to use to measure performance in a reformed program.

A summary of the proceedings (which followed the Chatham House Rule), as well as the list of selected indicators is included below. The collaborators should be commended for their intensive efforts over two days. They have laid the foundations for the measurement pilot in 2023.

Summary of proceedings
Over two days, 44 participants from 18 collaborating FNCFS agencies and First Nations shared practices, perspectives, and established a starting point to pilot the measure of well-being in 2023.

Working from the 75-indicators in the Measuring to Thrive framework, collaborators worked in small groups to first, assess information availability of different indicators, and second, to identify the indicators they considered most relevant to measuring well-being in FNCFS. Following the small group work, the workshop would convene in plenary to report on findings and prepare for next steps.

The small group discussions were fruitful and highlighted the different starting points of collaborators. From those actively collecting and analyzing data to those working to define their mandate, the deliberations highlighted at once their diversity and commonalities in confronting similar challenges. It was evident that multiple approaches to delivering FNCFS will emerge (are already emerging) in a reformed system.

The plenary discussions were an opportunity to express differences and build consensus. As the discussions proceeded, collaborators worked to identify common areas of measurement relevant to well-being. For some collaborators, the premise of starting from the Measuring to Thrive framework was imperfect. They would have preferred starting from scratch with their First Nations. For example, some collaborators expressed a sense of inadequacy of existing indicators to measure spiritual, cultural, and community-based well-being of their communities. Their position was recognized, and collaborators added spirituality as an indicator to measure well-being. It was highlighted, by collaborators that the measures, albeit imperfect, were developed with contributions from FNCFS agencies and experts, with the goal of broad applicability and use.

With Measuring to Thrive as a starting point, the collaborators identified 15 indicators to pilot with their FNCFS agency or First Nation. Collaborators agreed to select as few or as many indicators as they considered feasible from the 15.

The proposed indicators for ISC were a subset of the 15 indicators. There was debate among collaborators as to what ISC should collect or what information it should be entitled to access. ISC is not the service provider, they are the funder. As funder, they have constitutional obligations to report to Parliament (and through Parliament, Canadians) on the application of public funds and their results. To this end, the indicators selected for ISC emphasize the contextual considerations that shape an environment, e.g., housing, potable water, and access to services, along with child and family services-specific indicators, e.g., family (re)unification, that serve as proxies for the overall well-being of communities.

Measurement, as highlighted by two presentations from collaborators, is not a linear exercise. There is constant learning and reworking of practices to address unexpected

challenges while celebrating unanticipated learnings along the way. This will be a challenging exercise but that is the point. Collaborators generously committed to working in their own contexts and together to learn and support others on the journey to long-term reform.

The purpose of the pilot exercise is to:

1) Learn about the measurement process and share practices, tools, and approaches;
2) Leverage learnings to define a well-being focused approach to measurement with First Nations care and control of delivery.

The list of selected indicators for collaborator testing and those to be proposed to ISC are reviewed below. IFSD will work with the collaborators' selections to prepare draft definitions for operationalization, i.e., define the indicator and explain how to collect information about it. Collaborators recognized that important information may not be available to populate the indicators but nonetheless chose to highlight their relevance for long-term measurement.

In February 2023, collaborators will convene again to review the testing framework, tools, and prepare for the pilot exercise.

The purpose of a monitoring system focused on well-being is to capture if discrimination exists. This is a crucial form of accountability. Measuring well-being through a framework will generate a truth, and one that may run counter to what is held to be true. We should be prepared to learn from the exercise. The data generated from the exercise and evidence produced may run counter to what we know now. That is an expected and accepted part of this exercise. Measurement is about accountability, but it does not make the entity measuring the only one accountable for the result. Environment Canada may measure the weather, but it is not accountable for the forecast.

This is an exciting and challenging opportunity for FNCFS agencies and First Nations to lead in the measurement of well-being.

IFSD is tasked with populating a framework to operationalize the indicators. There are certain indicators, e.g., livable income, for which IFSD will propose a range of potential approaches for measurement. IFSD will prepare the analysis for collaborators to review, refine, and prepare for implementation during the test phase.

Service provider indicators

Indicator	Purpose	Definition for operationalization	Notes/considerations
1) Knowledge of Indigenous language			
2) Connection (access) to land			
3) Community-based activities			
4) Spirituality			
5) Family (re)unification			
6) Placement within community (kin and kith)			
7) Stability (i.e., moves in care)			
8) Family violence			
9) Substance misuse			
10) Access to mental health and specialized services within the community			
11) Livable income			
12) Access to early childhood education			
13) Meeting numeracy and literacy targets a. Elementary b. Secondary			
14) Secondary school completion rate			

15) Access to post-secondary education			

Indicators for ISC

Indicator	Purpose	Definition for operationalization	Notes/considerations
1) Safe and suitable housing			
2) Sufficient and safe water from source to tap			
3) Family reunification			
4) Livable income			
5) Access to mental health and specialized services within the community			

APPENDIX J2

MEASURING TO THRIVE INDICATORS FOR TESTING, COLLABORATOR WORKSHOP SUMMARY

Indicator	Case-level or community-level indicator	Definition	Measure	Data source	Level of aggregation		
					Case level	Provider level	First Nation level
What will be measured	*Point of data collection*	*Why indicator matters to understanding well-being in FNCFS*	*How data will be captured*	*Information source ex. Case file, front-line worker/SW, notes, Census data*	*Data from a case file*	*Data, i.e., case files, aggregated to the level of the service provider, i.e., First Nation or FNCFS agency*	*Data aggregated to the level of the First Nation, typically, for community indicators*
Knowledge of Indigenous language	Case-level	Language is connected to culture. One study found that First Nations who had high levels of language knowledge had significantly lower rates of suicide than those with lower levels and for non-Indigenous youth. Researchers identified language as the strongest cultural continuity factor contributing to this difference.	The child or youth (age 5+) in care engages in learning and/or speaking their Indigenous language through formal education, community/collateral programming, or social exposure (Y/N).	Case file, front line worker/social worker through observation.	A child or youth in care engages in learning and/or speaking their Indigenous language through formal education, community/collateral programming, or social exposure (Y/N).	Percentage of children or youth in care that engaged in learning and/or speaking their Indigenous language.	N/A
Connection (access) to land	Case-level	Connection to land helps support children and youth to be connected to culture, and tradition. In a study examining suicide rates among First Nations youth in British Columbia, researchers found that among communities where cultural continuity was preserved through avenues such as securing land claims, were self-governing, had band-administered education, police, fire and health services as well as cultural facilities within the community had lower suicide rates than communities where these factors were less present.	Child or youth (age 5+) in care reports a sense of connection to the land through visits to traditional lands or First Nation (Y/N).	Case file, front line worker/social worker through observation.	A child or youth in care reports a sense of connection to the land through visits to traditional lands or First Nation (Y/N).	Percentage of children or youth in care that reports a sense of connection to the land through visits to traditional lands or First Nation.	N/A
Community-based activities	Case-level	Participation in social activities is important for developing social competence and skills and is linked with fewer behavioural problems and higher self-esteem.	The child or youth (age 5+) in care took part in an activity and/or cultural activity within their First Nation at least once within the reporting period (Y/N).	Case file, front line worker/social worker through observation.	A child or youth in care took part in an activity within their First Nation at least once within the reporting period (Y/N).	Percentage of children or youth in care who took part in an activity within their First Nation at least once within the reporting period.	N/A
Spirituality	Case-level	Spirituality helps support children and youth to be connected to land, culture, and tradition. Many studies have demonstrated Indigenous spirituality acting as a protective factor against alcohol abuse and suicide.	The child or youth (age 5+) in out of home placement identifies active spiritual practice. They participate in activities to connect them with their belief system and support spiritual experiences and development (Y/N).	Case file, front line worker/social worker through observation.	A child or youth in care identifies active spiritual practice (Y/N).	Percentage of children or youth in care who identify active spiritual practice.	N/A
Reason for entry (e.g., neglect, domestic violence, etc.)	Case-level	Reason for entry, informs why a child entered protective services, which can help evaluate whether the child welfare system is appropriately responding to cases of maltreatment.	The child or youth entered care because of a concern for their welfare due to maltreatment. Select all that apply: 1. Physical abuse 2. Sexual abuse 3. Neglect 4. Emotional maltreatment 5. Exposure to intimate partner violence 6. Parent/caregiver addictions 7. Other (please define)	Case file	Maltreatment reason(s) a child or youth entered care.	Percentage of children or youth who entered care based on reason for entry.	N/A

Stability (i.e., moves in care)	Case-level	Multiple moves in care are associated with various negative outcomes among children. Instability may elicit a toxic stress response, which can result in developmental delays and behaviour problems. In turn, this can propagate a negative cycle of displacement and worsening attachment disorders.	Number of moves in care in the reporting period.	Case file	Number of moves in care in the reporting period.	Average number of days a child spent in care during the reporting period.	N/A
Placement within community (kin and kith)	Case-level	Compared to foster children, children in kinship care have displayed better outcomes with respect to behavioural development and mental health functioning.	A child or youth in care is placed in a home with kin/kith.	Case file	A child or youth in care is placed in a home with kin/kith (Y/N).	Percentage of children or youth in care placed in a home with kin/kith.	N/A
Time to exit	Case-level	Time to exit informs how long a child or youth remains in care, which can help evaluate whether the child welfare system is appropriately responding to cases of maltreatment.	The total number of days spent in care by a child before they leave care (whether or not they were continuous).	Case file	Total number of days spent in care before they leave care.	Average number of days a child or youth spent in care before exit.	N/A
Reason for exit (e.g., adoption, age-out, etc).	Case-level	Reason for exit informs why a child or youth leaves care which can inform children or youth in care's outcomes	A child or youth exits care. Please indicate the reason: 1.age-out 2.permanent placement 3.reunification with family 4.placement with kin/kith 5.runaway 6.death 7.other (please define)	Case file	Reason a child or youth exits care.	Percentage of children or youth who exited care based on indicated reason.	N/A
Family reunification	Case-level	A stable and permanent living situation is essential for healthy development and establishing more secure and strong relationships with caregivers, which in turn impact a child's ability to thrive. Research has demonstrated that in general, a child's family is the best way to deliver this environment.	A child or youth exits care and returns to their family, i.e., returning to the place from which they were originally removed, residing with family, friends, community members.	Case file	A child or youth returns to live with their family (Y/N).	Average rate of family reunification occurrence.	N/A
Substance misuse	Community	Substance misuse can lead to a variety of serious health issues both physical and mental and has drastic negative impacts on outcomes regarding employment, income and general well-being.	Annual percentage of members in the First Nation (on-reserve) that have dependencies or substance misuse challenges.	From community	N/A	N/A	Rate of First Nation members with dependences or substance misuse challenges.
Access to mental health and specialized services within the community	Community	Given the effects of intergenerational trauma on mental health among Indigenous peoples, the availability of mental health and specialized services is important to support Indigenous children and youth.	First Nation delivers or can access the required mental health and specialized services required to support the delivery of child and family services within its community. Such services include, but are not limited to, therapists, psychologists, addictions treatment, post-treatment support, etc. (Y/N).	From community	N/A	N/A	Does the First Nation have mental health and specialized services required to support the delivery of child and family services (Y/N).

Access to early childhood education	Community	Participation in early childhood education is a well-evidenced intervention to enhance school readiness, especially among children from disadvantaged backgrounds. Ensuring that children are better prepared when entering school aims to improve educational achievement – a key factor in social mobility and escaping poverty.	The First Nation delivers early childhood education (on-reserve) that can be accessed by its members (for free or at a cost) (Y/N).	From community	N/A	N/A	Does the First Nation deliver early childhood education (on-reserve) that can be accessed by its members (for free or at a cost) (Y/N).
Meeting numeracy and literacy targets							
a. Elementary		Educational attainment is important for child well-being, particularly in the context of a child's socio-economic trajectory. Literacy and numeracy scores tell us how well the child is performing in school and is a gauge of cognitive functioning.	Percentage of elementary school students in the First Nation (on-reserve) that are meeting provincial-standard numeracy and literacy targets.	From community	N/A	N/A	Rate of elementary school students in the First Nation that met the provincial-standard numeracy and literacy targets.
b. Secondary	Community	Most of the gaps that are seen at age 18 are already present at age five. Gaps tend to widen as opposed to shrink as the child proceeds through formal schooling and are predictive of future school performance and educational attainment.	Percentage of secondary school students in the First Nation (on-reserve) are meeting provincial-standard numeracy and literacy targets.	From community	N/A	N/A	Rate of secondary school students in the First Nation who met the provincial-standard numeracy and literacy targets.
Secondary school completion rate	Community	Failure to complete high school is linked to higher rates of welfare dependency and criminality. Elevated high school graduation rates lead to higher earnings, higher percentages of home ownership, lower rates of welfare assistance, fewer out-of-wedlock births and fewer arrests.	Percentage of high-school aged youth graduated/completed secondary school diploma or equivalency.	Statistics Canada, Census data	N/A	N/A	Rate of high-school aged youth who graduated/completed secondary school diploma or equivalency.
Access to post-secondary education	Community	Children and youth exhibit positive attitudes toward learning and are supported in their educational development. Employment rates are higher for Indigenous peoples with post-secondary credentials	Percentage of members of the First Nation (on-reserve) who are currently accessing post-secondary education (in-person or online)? Is it available? Is it accessible?	From community	N/A	N/A	Rate of members of First Nation who currently access post-secondary education.

Safe and suitable housing	Community	Housing improvements linked with improved health include renovations, relocation, and energy efficiency projects. For children, housing improvements were associated with a decrease in respiratory illnesses and lower rates of school absenteeism. For adults, long-lasting improvements in mental health have been demonstrated.	Percentage of residential dwellings in the First Nation (on-reserve) that are suitable.	Statistics Canada, Census data	N/A	N/A	Rate of residential dwellings in the First Nation (on-reserve) that are suitable.
Sufficient and safe water from source to tap	Community	Access to potable water is widely recognized as a fundamental condition for human health, and the lack of access to safe drinking water and adequate sanitation is one of the greatest threats facing vulnerable populations in the world. Clean, accessible, and sustainable drinking water is a basic necessity of life, and indispensable for meeting national and international standards of health, justice, equality, and responsibility.	Percentage of dwellings that have potable water required for standard daily activities (i.e., not industrial), from source to tap.	From community	N/A	N/A	Rate of dwellings in First Nation community with potable water required for standard daily activities from source to tap.
Livable income	Community	Families in chronic and persistent poverty are especially prone to challenges with self-sufficiency and may require additional support to reach this objective. For many First Nations households, life choices can be severely compromised by high food costs, poor availability of healthy food, low income, and/or high housing and heating costs	Use the Northern MBM (MBM_N), which reflects the cost of living in the North.	Statistics Canada	N/A	N/A	Rate of families in First Nation community who lives below the MBM_N

APPENDIX J3
EVENT-BASED CODES

Event-based measurement

On August 2, 2023, Dr. Fred Wulczyn joined collaborators for a virtual session on organizing the data used to track services received and analyze outcomes in child and family services. IFSD recognizes that not all collaborators will participate in this exercise.

IFSD's hope is that collaborators will share their intended approaches to monitoring as examples for other practitioners engaged in designing and delivering CFS.

First Nations and First Nations child and family services (FNCFS) agencies will design and deliver child and family services in different ways. Whatever the chosen approach, there is a benefit to knowing whether goals are being achieved and the lives of children, families, and communities improved with the allocated resources.

Organizing the data needed to monitor services delivers to monitor change in CFS means tracking what is happening with children and families in need of support, tracking the services received, and incorporating the community context, in the data model.

One approach to organizing the data is to consider the "events" associated to a child (or the person/family with whom interventions are being made). In this approach, information about the person receiving supports is captured by coding the events based on a date and related activity descriptors. The approach is premised on understanding a trajectory from a starting point, with a series of events to assess change.

This approach makes four assumptions:

1) There is a record of the person/persons receiving supports.
2) Events related to the person/persons are relevant and are tracked in chronological order.
3) The First Nation or FNCFS agency would define the events to be tracked, e.g., an assessment, a service received, a change in living arrangement. An assessment might capture facets of cultural identity, language, etc. Events also refer to the steps taken to protect a child.
4) Data is captured and organized for analysis. There is no pre-judgement of outcomes.

In this exercise, IFSD is proposing that case-level data (related to the 15 indicators, a mix of case and community-level information identified by collaborators in November 2022 and refined in the winter and spring of 2023) be used. The approach is suggested because the information is available (or accessible to) most collaborators and presents an opportunity to try the events-based approach with ready data.

Some collaborators highlighted the importance of including an assessment of strengths. An adjustment was made to the event schema to include assessments of strengths. The assessment need not be a formal assessment. The assessment event simply acknowledges what has been learned about some relevant aspect of child and/or family well-being. The reason for capturing the data within the event structure has to do with the fact that the assessed strengths may change over time. For example, language exposure may change as living arrangements change. By capturing these changes within the event structure, it becomes easier to see how the services provided relate to changes in the well-being of the child. This is one of the ways in which First Nation's service providers can monitor the impact their service investments are having.

IFSD recognizes that not all collaborators have case-level data, that some collaborators will not be engaging in protection-related activities, and that they may choose not to participate in this exercise. It is this diversity of approaches that is intended to be captured in this work. IFSD's hope is that collaborators will share their intended approaches to monitoring as examples for other practitioners engaged in designing and delivering CFS.

Data organization structure overview
Measuring to Thrive pilot

Physical structure of file:

Each child has at least one record and may have as many records as needed to capture the event history.

CIN	DOB	Gender	Geographic information (on event location, e.g., placement, exit, etc.) *Note: Geographic information can be coded to a specific First Nation and linked to a separate data sheet with community level information*	Event date	Event type	Event sequence	Event modifier

Information about the child

CIN	Unique child identifier
DOB	Date of birth (D/M/Y)
Gender	

Information about the community

Place	Information about the community at the time the living arrangement changed

Information about the history of service involvement

Event date	The date an event of interest happened (D/M/Y)
Event type	Events types of interest include – changes in living arrangements (specifically entry into and out of out-of-home care, services received, assessments
Event sequence	The event number – keeps a sequential counter of the number of events.
Event modifier	Additional information about the event: reason for placement, reason for discharge, results of assessment, etc.

Event type codes:

Placement events	PHP	Home of parent
	PHM	Parents no longer living at home
	PKC	Kinship home
	PGH	Group home
	POT	Other living arrangement

Leaving care event	XRF	Reunification with parents
	XRL	Placement with kin
	XRM	Reached age of majority
	XRY	Runaway
	XDT	Death
	XOT	Other reasons
	XPW	Permanent wardship
	ZTC	Still in care
Assessment events	AST	Assessment completed

Event modifiers

Placement event modifiers

PA	Physical abuse
SA	Sexual abuse
NGL	Neglect
EMT	Emotional maltreatment
IPV	Intimate partner violence
ADD	Substance misues
OTH	Other

Placement change modifiers

DIS	Service plan complete (i.e., discharge)
CAR	Caretaker unable to provide care
REL	Kin identified

Assessment modifiers

LND	Connection to land reported
LNG	Engagement in learning and/or speaking Indigenous language observed
APA	Active participation in First Nation’s community
ASP	Spiritual practice observed

Sample records

CIN	DOB	Gender	Geographic information on event location	Event date	Event type	Event sequence	Event modifier	Clarification
001	2/17/20	Male	On reserve	4/12/22	PKC	1	ADD	Change in living arrangement for reason of caregiver substance misuse
001	2/17/20	Male	On reserve	9/2/22	POH	2	CAR	Change in living arrangement because caretaker unable to provide care
001	2/17/20	Male	On reserve	2/10/23	AST	3	ALN	Sense of connection to traditional land
001	2/17/20	Male	On reserve	5/15/23	PKC	4	REL	Change in living arrangement - kin identified
001	2/17/20	Male	On reserve	7/17/23	AST	5	APA	Participation in First Nation's activity
001	2/17/20	Male	On reserve	7/31/23	XRF	6	DIS	Service plan complete

APPENDIX J4

MEASURING TO THRIVE WORKSHOP SUMMARY

Workshop Summary: Measuring to Thrive

The Institute of Fiscal Studies and Democracy (IFSD) is working with the Assembly of First Nations (AFN) and the Caring Society to support the long-term reform of First Nations child and family services (FNCFS). Phase 3 of this work is focused on building budgets, understanding capital needs, and testing performance measurement approaches in anticipation of a reformed program.

Developing and controlling your narrative in child and family services as well as demonstrating accountability to your First Nation(s) requires a solid foundation. This includes a strategy for gathering, organizing, and analyzing your own data.

Ongoing deliberations on long-term reform present an opportunity to test understandings of required resources (e.g., money, people, systems, processes, etc.) to effectively develop and maintain data strategies.

A data organization strategy should gather data and build evidence to match the breadth of self-determination and sovereignty.

Overview

On October 24-25, 2023, IFSD convened Phase 3 collaborators in Ottawa to review a data organization strategy for the Measuring to Thrive pilot. The workshop was attended by all 20 collaborators for Phase 3 (a mix of First Nations exercising jurisdiction and FNCFS agencies), with 43 participants contributing to the discussion.

Mary Teegee (Executive Director of Child and Family Services, Carrier Sekani Family Services) set the stage reminding us that *we are the ancestors the next generation of children will remember*. With an emphasis on the power of information to better the lives of communities, Mary focused on the importance of asking how First Nations children are doing and answering that question with data gathered and analyzed by First Nations for First Nations.

Dr. Fred Wulczyn (Chapin Hall, University of Chicago) shared lessons from 40 years of experience in gathering and analyzing child welfare data and linking it to funding. Fred facilitated sessions on data coding and analysis, emphasizing that *knowing is better than not knowing, especially when you hold all of the cards*. License from community members is needed if you choose not to know or not to capture data. As a service provider, your accountability is to the people that you serve and there needs to be a way to report back on progress.

IFSD is grateful to the community of collaborators for continuing to share their time, knowledge, and experiences to improve FNCFS.

The workshop had three goals:

1) Review best practices in data gathering and analysis;
2) Share experiences and lessons in data gathering and analysis;
3) Highlight considerations in data gathering and analysis for other First Nations and FNCFS agencies.

It is recognized that First Nations and FNCFS agencies may have different approaches to data gathering, analysis, and evidence building. The event-based approach reviewed in this pilot is established and has decades of operation across U.S. states.

Leveraging the Measuring to Thrive framework, collaborators identified what needs to be measured to monitor change for children, families, and communities. A data structure/file coding system is required to answer questions. Some First Nations and FNCFS agencies may have their own data systems that enable them to report against the indicators but that was not common for all collaborators.

Collaborators were invited to code up to 100 case files from two fiscal years using the event-based approach. Collaborators with their own coded data sets applied the analytic script to their own information. For those without data, a dummy data set was provided for analysis.

A summary of the proceedings (which followed the Chatham House Rule) is included below.

Summary of proceedings

Collaborators had the opportunity to participate in a data analysis exercise which provided the opportunity to structure data and analyze it. Collaborators highlighted the importance of measurement in child and family services (CFS) to build evidence and evaluate the efficacy of interventions. When information is being tracked and analyzed, it can be used to create a narrative and understand outcomes for children, families, and communities, as well as to support funding asks.

Participants highlighted key challgenges and success across four areas: people, process, strategy, and systems.

People

- *Building Relationships* – Engaging with First Nations to "bring people along" and ensure data reflects community needs.
- *Building Capacity* – Human capacity is a challenge. Collaborators have adopted different strategies, e.g., hiring from nontraditional educational backgrounds, focusing on core positions.

Process

- *Tailoring an Approach* – Collaborators have different priorities and will capture and analyze data differently. The event-based approach can be modified to suit different approaches. Data capture and organization is critical for any approach.
- *Consistency* – Consistent data collection and analysis, aligned with internal standards, is key to building a narrative.

Strategy

- *Evidence* – Analyzing good data to develop evidence is required to justify program changes and decisions, and used as a tool for funding advocacy.
- *Alignment of Data and Evidence with Goals* – Data being collected should align to the mandate. Evidence derived from the data should align with the goals of a service provider. Tools like a data governance strategy, policy framework, data dictionary, are useful supports for an effective data management system. Care must also be taken when developing evidence from data.
- *Transparency* – A culture of information sharing (internally and externally) can help build support and engagement from community members and internal stakeholders on data gathering, analysis and reporting.

Systems

- *Building a Data System* – Collaborators are currently using a variety of data gathering systems. The event-based approach can work across systems by linking mandate and activities to desired outcomes.
- *Structure Over Tool* – Collaborators recognized that it was dedication and coding of the event information rather than the complexity of the tool that is paramount to a well-functioning data system.

Next steps

IFSD will:

1) Develop a framework with standards for data gathering and analysis (i.e., evidence building);
2) Make available a folder where collaborators can share resources and tools for data gathering and analysis;
3) Organize a virtual event where collaborators can share resources and best practices on data gathering and evidence generation;
4) Request information from collaborators on costs, job descriptions, salary ranges, etc., related to data gathering and measurement, and compile the information to be shared back;
5) Prepare a check list for each collaborator on the completion of each component of this project;
6) In spring 2024, share draft documents with collaborators for review; and,
7) Plan a summative event for spring 2024 where collaborators will be invited to share culture and ceremony to close the project in a good way.

IFSD is grateful to its Phase 3 collaborators for their on-going efforts and looks forward to continuing this important work. Should you have any questions or comments, please do not hesitate to get in touch at info@ifsd.ca.

APPENDIX K

FIRST NATION-LED SECRETARIAT ANALYSIS

FIRST NATION-LED SECRETARIAT PROJECT

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Executive Summary

Context

In 2018, the Canadian Human Rights Tribunal (CHRT) issued orders 408, 418, and 421, directing attention to the discriminatory funding practices affecting First Nations child and family services (FNCFS). The Institute of Fiscal Studies and Democracy (IFSD) was commissioned by the Assembly of First Nations (AFN) and the Caring Society to undertake various cost analyses and program reform analysis. The work undertaken taken with the contributions of FNCFS agencies and First Nations resulted in two public reports and a current phase of work to model implementation. Phase 1: *Enabling First Nations Children to Thrive* dissected the existing funding gaps within the FNCFS system and set the stage for impactful reform. Subsequently, Phase 2: *Funding First Nations Child and Family Services: A Performance Budget Approach to Well-being* (see pages 214-220 with respect to the Secretariat), built upon this foundation by establishing a funding approach and performance measurement framework designed to elevate well-being outcomes across FNCFS.

In the Phase 2 report, stakeholders called for the creation of a First Nations-led Secretariat as a measure to adhere to the CHRT's mandates, tasked with two primary functions: To equip First Nations and FNCFS agencies with essential resources and expertise for service delivery enhancement and to serve as a hub(s) for data collection and analysis. The secretariat will provide internal support and best practice resources to service providers, offering a repository of successful programs and practices for agencies to adapt and implement, fostering collaboration and continuous learning across the FNCFS network. It is charged with the critical task of collecting, analyzing, and reporting on data to illuminate the efficacy of the system and the welfare of First Nations children, families and ultimately, their communities. The Secretariat stands as a guardian of knowledge, discerning trends, identifying areas of progress, and pinpointing where intervention is needed. The importance of such data governance cannot be overstated. Evidence-based reporting on well-being outcomes is essential for a clear understanding of the issues at hand, identifying areas of improvement, recognizing instances of stagnation, and addressing any deteriorating conditions. As established in the Phase 2 report, no organization is currently managing this at the necessary scale in the FNCFS space. The Secretariat is poised to fill this void by adopting a rigorous approach to data handling that is both comprehensive and culturally sensitive.

The establishment of a national First Nations-led Secretariat is a proactive step towards fulfilling the CHRT's directives. Its fundamental purpose is to address the systemic inequalities that have persisted within FNCFS and ensure the non-recurrence of discrimination within FNCFS.

This report proposes and develops five models for fulfilling this purpose and accomplishing these functions. Each come with their own set of strengths and weaknesses, but regardless of the model selected, the Secretariat ensures that be it via national coordination or a decentralized regional approach, the primary objectives are met: to end discrimination, foster equality, and secure the welfare of First Nations children and families.

The report presents a comprehensive framework to evaluate five distinct models for a First Nations-led Secretariat, each designed to address the systemic inequalities in FNCFS as mandated by the CHRT. The models include:

1. **National Approach - New Organization**: Proposes establishing a central entity to unify efforts across Canada.

2. **National Approach - Existing Organization**: Suggests expanding the mandate of an existing body like FNIGC to incorporate secretariat functions.

3. **Regional Approach - New Organizations**: Recommends the creation of new region-specific entities for local management of secretariat duties.

4. **Regional Approach - Existing Organizations**: Advocates for the extension of current regional bodies to take on additional secretariat responsibilities.

5. **Hybrid Approach**: Envisions a blend of national oversight with regional entities for execution within existing organizations.

The report delves into the operational mechanics, governance structures, and strategic implications of each model. It further discusses the pros and cons, the financial considerations, and the impact on service delivery within the FNCFS ecosystem. This report will serve as a pivotal reference for decision-makers as they select the most appropriate model to foster a responsive, equitable, and sustainable FNCFS framework.

TABLE 1: Proposed First Nations-Led Secretariat Models

Option	*Description*	*Cost Forecast*
National Approach – New Organization	This model advocates for a new, centralized Secretariat, establishing a cornerstone for governance and data stewardship in FNCFS. It aspires to unify stakeholders nationwide, providing an array of resources, including program templates, cost models, staffing insights, and expert networks, to bolster service delivery. Its transformative ambition is weighed against the practicalities of setup costs and logistical challenges, but its potential to standardize and elevate FNCFS on a national scale presents a compelling case for consideration.	*High due to the need for new infrastructure, staffing, and systems.*
National Approach – Existing Organization	This method capitalizes on the established presence and operational frameworks of the First Nations Information Governance Centre (FNIGC). By expanding FNIGC's mandate to assimilate the roles of the Secretariat, the aim is to amplify service delivery and enhance data management capabilities without detracting from its existing mission. The seamless adaptability of the existing governance structures bodes well for swift integration, though it's not without its hurdles, specifically the risk of stretching resources thin and potential mission drift, which must be strategically managed to avoid diminishing the impact of FNIGC's current objectives.	*Potentially lower than creating a new organization due to the use of existing resources.*
Regional Approach – New Organizations	Under this scheme, each region would see the creation of its own secretariat, tailored to address the unique cultural and social fabric of local communities. These new entities would champion regional best practices and data management, advocating for governance structures that are both resilient and aligned with cultural values. The model's emphasis on regional autonomy and specificity is ambitious, acknowledging the inherent complexities and financial implications of initiating multiple new operations simultaneously.	*Variable depending on the number of new organizations and the regions they cover. Expected to be most costly option.*

Regional Approach – Existing Organizations	This streamlined approach envisions existing regional bodies expanding their scope to encompass Secretariat tasks. It suggests a more rapid and integrated process, tapping into the established infrastructure and pre-existing community ties. However, it's a delicate balance, as these entities must manage the additional Secretariat duties without sacrificing their original roles, risking the dilution of focus and potential overextension.	*Lower initial cost but may increase if infrastructure upgrades are needed.*
Hybrid Approach	The hybrid model presents an intricate balance of national policymaking with regional implementation, facilitated by existing organizations. The national secretariat sets the strategic agenda and spearheads data analysis, whereas regional secretariats—housed within current institutions—directly engage in rolling out best practice programming. This dual-tiered strategy promotes inter-regional cooperation and builds upon established organizational strengths. While the hybrid model offers a pragmatic resolution to the need for cohesive national strategy and regional flexibility, it also calls for thoughtful integration strategies and vigilant management of operational nuances.	*Mid-range cost, balancing the establishment of new systems with the use of existing structures.*

Recommendation:

Upon consideration of the five proposed models for the First Nations-led Secretariat, we recommend the Hybrid Approach as the most advantageous framework for implementation. This model adeptly merges the benefits of centralized policymaking and oversight with the adaptability and cultural sensitivity of regional execution, making it the most viable and impactful option for addressing the diverse needs of First Nations communities across Canada.

There is a necessity for a national secretariat body that serves a pivotal role in consolidating and reporting on trends across the nation. Such a centralized entity is crucial for synthesizing First Nations-led data, which is instrumental

in informing funding assessments, guiding programmatic reforms, and shaping federal decision-making processes. By harnessing this data, the secretariat not only advocates for the needs and priorities of First Nations communities but also ensures that policy and funding frameworks are responsive to the lived realities and aspirations of these communities. The aggregation of this data by a national secretariat will provide a comprehensive picture of the impact of services, thereby driving evidence-based policy and fostering a more equitable and effective system for First Nations child and family services. The Hybrid Approach provides for such a body but still capitalizes on the established infrastructure, expertise, and relationships of existing organizations, which can significantly expedite the deployment of the Secretariat's functions. By integrating with these organizations, the Secretariat can extend its reach without the need for extensive new infrastructure, thus optimizing resource allocation and reducing setup time. Additionally, this model encourages a collaborative environment where best practices and innovations can be shared across regions, fostering a national standard of excellence while preserving the autonomy and unique cultural contexts of each community.

Furthermore, the Hybrid Approach mitigates the risks associated with a single, centralized or fully dispersed model by providing a strategic balance that can adapt to regional needs without sacrificing the unified strategic vision required to effectively address systemic challenges. It supports the development of a coherent data collection and analysis strategy, ensuring the Secretariat can fulfill its ultimate purpose of ending discrimination and promoting equitable outcomes as outlined by the CHRT.

National Approach – New Organization

Introduction

In the upcoming discussion on the National - New Organization approach, we present an exploration of the proposed organizational design for the Secretariat tasked with elevating FNCFS. The narrative begins with an examination of the Secretariat's mandate, which articulates its central role as a repository for best practices and a facilitator of data governance and analysis across Canada.

Following the mandate, we identify the stakeholders and communities the Secretariat is poised to serve, highlighting the diversity and breadth of its intended reach. We then turn to a critical analysis of various governance structure options, considering the advantages and the unique contributions each brings to the Secretariat's mission.

The discussion moves to weigh the benefits and challenges inherent in establishing a new national body, contemplating the potential for transformative impact against the backdrop of practical constraints. Lastly, we outline key considerations for the Secretariat's implementation, providing a strategic roadmap from inception to full operationalization.

Organizational Design

Mandate

The Secretariat, as a Centre for Best Practices and Data, is established to serve as a pivotal resource for First Nations and FNCFS agencies, providing access to best practices, expertise, and operational support in FNCFS. Its mandate is to facilitate access to a wealth of resources including program templates, cost models, and staffing insights, alongside a network of experts to bolster support across Canada. Agencies can seek operational assistance, ranging from job profiling to staff retention strategies, and engage in comprehensive training programs designed to enhance service delivery.

Additionally, the Secretariat acts as a central repository for data collection and analysis, aggregating information from various FNCFS agencies to track and improve the well-being of children and families. It offers specialized fee-for-service data analysis for localized community assessments and compiles a national report to inform annual updates to support reporting through the FNCFS program managed by Indigenous Services Canada (ISC), contributing to parliamentary reporting requirements.

At its core, the Secretariat aims to rectify systemic inequalities within the First Nations child welfare system by promoting evidence-based approaches that are effective across diverse community settings. It strives to serve as a central connected organization linking the knowledge and practice of service providers in FNCFS. The Secretariat is committed to excellence and the empowerment of the communities it serves, through First Nations leadership of the organization and adherence to the OCAP® principles.

TABLE 2: Organizational values

Element	*Description*	*Proposed Secretariat Response*

Vision	An aspirational description of what the organization wants to achieve in the future.	*The Secretariat aims to become the leading national Centre of Excellence committed exclusively to First Nations child well-being. In doing so, it seeks to uphold respect for First Nations' information autonomy while managing internal resources effectively for long-term impact.*
Mission	Why the organization exists; the purpose underlying its chosen vision.	*The Secretariat is a for-First Nations, by-First Nations organization dedicated to strengthening FNCFS nationwide.*
Objectives	Specific results that an organization aims to achieve within a time frame; a means by which the organization can measure its success.	*Overall, the Secretariat strives to fulfill a critical gap in the FNCFS landscape: connecting disparate organizations and stakeholders to enhance local-level programming, produce new practical insights, and disseminate best practices.* ***Specifically, over the next 18 months, the Secretariat aims to establish a unified mandate, formalize its organizational structure, and introduce itself to the national FNCFS landscape.***
Approach	An approach provides a methodology for executing the strategy.	*Over the long term, the Secretariat plans to succeed by fulfilling an unmet need. To this end, it does not seek to compete directly with any existing organization, but instead cultivate partnerships with established organizations in the space as a centre for best practices in FNCFS, data gathering and analysis.* ***In the near term, as detailed in Section III: Implementation Plan, the Secretariat's approach will emphasize three things: 1) establishing initial alignment between internal stakeholders; 2) generating***

		awareness for its planned activities; and 3) building trust with service providers.
Tactics	Focused initiatives, projects, or programs that allow organizations to execute strategies.	*To be informed by Stakeholders.*

Stakeholders and Communities Served

Stakeholders encompass a wide array of groups with vested interests in the success of the national secretariat. These include First Nations leaders who provide governance and oversight, service providers (both FNCFS agencies and First Nations themselves) who offer frontline services, and community members who are the beneficiaries of these services. Additionally, the secretariat interacts with national organizations like the Assembly of First Nations (AFN), , and the Caring Society, ensuring that policies and initiatives are in alignment with broader objectives for First Nations well-being.

Communities served by the national approach are diverse, spanning urban, rural, and remote areas, each with distinct needs and cultural considerations. The secretariat's programming and initiatives are designed to be flexible and responsive to these varied contexts, ensuring that all First Nations children and families have access to high-quality, culturally sensitive services.

Governance Structure

It has been proposed that the national organization have a board of directors. To oversee its senior director and the fulfillment of the secretariat's mandate. This is not an operational role but one of strategic direction and oversight. Daily operations would be the responsibility of an executive director and their senior staff. The table below outlines three distinct design options for the Board of Directors under the National Approach - New Organization. Each option presents a different configuration of board size, member composition, and operational focus, reflecting varying levels of stakeholder involvement and strategic oversight. These options are crafted to cater to the unique governance needs of the organization, providing a clear comparison to guide the decision-making process for establishing an effective and representative Board of Directors.

TABLE 3: Design options for board of directors

Design Feature		
Option 1	**Option 2**	**Option 3**
A large Board of Directors with expansive regional representation and practitioner involvement 13-16 board members	A small, focused Board of Directors with representatives from core national organizations (ex. AFN Caring Society) *5-7 board members*	A small, streamlined Board of Directors with spaces designated for key skill sets. Directors are supported by an Advisory Board – with regional representation and members from the Caring Society and the AFN. *7 board members* *15 advisory board members*

Option 1:

The first option proposes a large Board of Directors with expansive regional representation and practitioner involvement. This governance model emphasizes inclusivity and a broad base of perspectives, which is particularly compelling for several reasons.

Reflective of Diverse Stakeholder Interests: A large board with extensive regional representation ensures that the diverse interests and unique needs of

First Nations communities are actively included in the decision-making process. This diversity is essential in a country as geographically varied as Canada, where the challenges faced by child and family services differ significantly from one region to another. The inclusion of practitioners provides a direct line to on-the-ground insights, ensuring that strategies and policies are informed by practical experience and the realities of service delivery.

Richness in Deliberation and Problem-Solving: With a larger and more diverse group, the board is may engage in richer, more comprehensive deliberation. This can lead to more creative and effective problem-solving as the varied backgrounds and expertise of board members can catalyze innovative approaches to complex issues. That being said, as the number of voices involved with decision-making grows, so too does the opportunity for disagreement and conflict. Boards that grow too large can become mired in deadlock and inefficiency, as conflicting priorities and excessive diversity in perspectives lead to prolonged deliberations and impede decision-making. Striking the appropriate balance is key to a successful and pragmatic board.

Building Trust Through Representation: A governance structure that mirrors the constituency it serves can build and maintain trust within the communities. When stakeholders see their interests and concerns directly represented, they are more likely to support and engage with the Secretariat's initiatives. This trust is foundational for the effective implementation of policies and programs and for securing the buy-in necessary for transformative change.

Enhanced Accountability and Transparency: A larger board structure promotes accountability and transparency. A variety of voices may lend to decisions being scrutinized from multiple angles, and the presence of practitioners helps ground decisions in practicality and accountability to service delivery. This can lead to more robust governance, as decisions are likely to be closely examined and justified to a range of stakeholders.

The strengths of Option 1 as a governance model for the Secretariat include prioritizing inclusivity, diverse perspectives, and broad-based expertise, which are critical for addressing the complex and varied needs of First Nations child and family services across Canada. While the decision-making process may be more intricate with a larger board, the benefits of enhanced representation, trust-building, comprehensive problem-solving, and accountability may outweigh the challenges. This model underscores a commitment to democratic participation and equity, aligning with the values of transparency and community representation that are vital for the success of the Secretariat.

Option 2

The second option presents a governance structure with a small, focused Board of Directors, comprising 5-7 representatives from core national organizations such as AFN, and the Caring Society. This model offers several advantages:

Streamlined Decision-Making: A smaller board can make decisions more swiftly and efficiently. With fewer members, the board can often come to a consensus more quickly, allowing for rapid responses to emerging issues and timelier implementation of initiatives. This agility is particularly beneficial in dynamic environments where the needs and circumstances of First Nations communities can change rapidly.

High-Level Expertise and Oversight: By including representatives from core national organizations, the board is composed of individuals who possess a macro-level understanding of the systemic issues affecting First Nations child and family services. These members bring a wealth of expertise and institutional knowledge, which can enhance the strategic direction and efficacy of the Secretariat.

Focused Leadership: The condensed structure enables a more focused leadership, which is crucial for maintaining a clear strategic vision and mission. With a smaller group, each member's voice is amplified, and their input can have a more significant impact on the organization's direction.

Reduced Risk of Over-Representation: Option 2 mitigates the risk of over-representation and potential dilution of accountability that can come with larger boards. Each board member's role and responsibilities are clearer, and they can be held more directly accountable for the organization's performance.

Enhanced Cohesion and Unity: A smaller board typically allows for stronger bonds and better working relationships between members. This can lead to a more cohesive governance body that works effectively as a unit, with a shared understanding and commitment to the Secretariat's goals.

Potential for Rapid Issue Response: The model's inherent nimbleness means the board can address and respond to critical issues without the delays that can occur with larger, more cumbersome governance structures. This can be particularly advantageous in crisis situations where immediate action is required.

In summary, Option 2's governance model emphasizes efficiency, strategic oversight, and focused leadership, making it a strong choice for an organization that needs to be responsive and adaptive to the complex needs of First Nations child and family services. The model's streamlined approach

can ensure that the Secretariat remains agile and capable of making high-impact decisions in a timely manner.

Option 3

The third option — a small, streamlined Board of Directors with designated spaces for key skill sets — hinges on the principles of governance efficiency, strategic skill allocation, and inclusive yet decisive decision-making. Each board member shall be a SME in their chosen field. To ensure that regional stakeholders inform the decision-making process, this option provides for the establishment of a regional advisory board that will assist the Board of Directors. Its role is to ensure representation of regional interests and support the board of directors with in-depth analyses and recommendations on critical issues. This collaborative approach will enrich decision-making and uphold the board's commitment to informed, community-responsive governance.

Efficiency in Decision-Making: Option 3 offers a more agile governance structure, which is crucial in organizations that need to respond quickly to changing circumstances and urgent needs of the communities they serve. A smaller board can streamline decision-making processes, reducing the time it takes to reach consensus and implement actions. This efficiency can be especially beneficial when swift responses are required.

Strategic Skill Allocation: Having a board composed of individuals with key skill sets means that each member is chosen for their expertise and ability to contribute to specific strategic areas. This targeted approach ensures that the board is not just a representation of stakeholders but is an assembly of expertise that can offer informed guidance and oversight. For instance, including experts in child welfare, financial management, legal compliance, and community engagement ensures that the board's decisions are well-rounded and consider all facets of the Secretariat's operation.

Balanced Inclusivity and Decisiveness: While expansive regional representation is beneficial for inclusivity, it can sometimes lead to prolonged discussions and slower decision-making. Option 3 strikes a balance between being inclusive and decisive. The support from an Advisory Board with regional representation ensures that diverse regional and practitioner voices are still heard and considered in the decision-making process.

Mitigating Risks: The potential risk of push-back from major stakeholder organizations can be mitigated through transparent communication and by ensuring that the regional Advisory Board plays a significant role in providing input and feedback to the Board of Directors. The Advisory Board can act as a conduit for wider stakeholder concerns, ensuring that the streamlined board

remains connected to on-the-ground realities and the diverse needs of the communities it serves.

Adaptability and Long-Term Strategic Focus: Option 3 facilitates a governance structure that can adapt more readily to long-term strategic changes. With experts in crucial areas, the board can navigate complex issues with a focus on the future, ensuring that the Secretariat remains relevant and effective in the long term.

Option 3 provides a governance model that is efficient, strategically focused, and capable of balancing inclusivity with decisiveness, making it a compelling choice for the Secretariat's Board of Directors. By addressing the potential risk of stakeholder push-back with a robust Advisory Board and clear channels for stakeholder engagement, this option aligns with best practices for modern governance in the fast-paced, complex realm of national child and family services.

Recommendation:

After extensive review of the various governance structures proposed, IFSD recommends that a National-based Secretariat adopt Option 3 for its governance structure. This model provides the necessary conditions for a modern, responsive, and expertly guided organization. The Secretariat's Board of Directors should be composed of individuals with proven expertise in significant areas pertinent to the Secretariat's operations and the communities it serves. The board would benefit from a regional representative advisory group to ensure its decisions consider the realities of practice and needs of First Nations.

Implementation Strategy:

Recruitment of Board Members: Identify and recruit potential board members who possess the expertise in the key areas identified as crucial for the governance of the Secretariat.

Formation of an Advisory Board: Establish an Advisory Board that reflects the regional diversity and includes practitioners from various communities to provide broader perspectives and guidance.

Engagement with ISC: Formalize the involvement of ISC as an observer to ensure that the Secretariat's operations are aligned with national policies and priorities without direct interference in governance.

Communication and Transparency: Develop a communication strategy to transparently convey the rationale behind the adoption of Option 3 to all stakeholders, emphasizing the benefits of this governance structure.

Monitoring and Evaluation: Implement a framework for monitoring and evaluating the effectiveness of the governance structure, with provisions for adjustments based on feedback and evolving needs.

The development of a communication strategy and framework for evaluation is a task that could be undertaken by AFN. Given their existing role in retaining the board's 'secretariat' function for NAC, the AFN is well-positioned to perform this function, possibly with an operating fee for their services. Alternatively, if the First Nations Child & Family Caring Society is willing and equipped to take on this function, it could also be considered a viable option to develop and manage the communication strategy.

Staffing:

The table below outlines the estimated staffing requirements necessary for the operation of the secretariat, detailing positions from the Board of Directors to front-line staff. It provides an overview of the roles and their respective responsibilities, along with the estimated salary ranges, ensuring a clear understanding of the human resources needed for the secretariat's successful function under the National Approach.

TABLE 4: Staffing for National Approach – Existing Organizations

Position	*Details*	*Description*	*Salary Ranges*
Board of Directors	• Varied approach.	*Responsible for overseeing the governance of the organization, providing strategic advice, and keeping the senior executive team accountable*	*Assumed: Pro-Bono Service*
Executive Director	• One (1) experienced First Nations executive with strong subject matter expertise in both program design/delivery and data gathering /governance, and	*Responsible for leading the organization, building strategic relationships, and advocating for its role in*	*Est. $174,802 to $205,650*[1]

[1] Estimate derived from EX4 Assistant Deputy Minister pay range. Source: Government of Canada Privy Council Office, *Salary ranges and maximum performance pay for Governor in Council appointees,* https://www.canada.ca/en/privy-council/programs/appointments/governor-council-appointments/compensation-terms-conditions-employment/salary-ranges-performance-pay.html

	demonstrated experience as a bridge-builder	*the national child welfare landscape*	
Director of Evidence for Child and Family Services	• One (1) expert in data collection and analysis; professional with deep-seated understanding of First Nations information sovereignty and the leading modern practices to promote care and control in data gathering, analysis and reporting.	*Responsible for steering the data services of the organization; this may include training and education services.*	*Est. $121,550 - $142,982*[2]
Director for Operational Supports and Programming	• One (1) expert in child and family services; possesses deep knowledge of FNCFS practice, with a focus on integrated prevention and protection to promote the best interests of the chid in a culturally informed manner.	*Responsible for steering the programming services of the organization; this may include training and education services, or be limited to knowledge generation.*	*Est. $121,550 - $142,982*[3]

[2] Estimate derived from EX1 Director pay range. Source: Ibid.
[3] Estimate derived from EX1 Director pay range. Source: Ibid.

Front-Line Staff	• Nine (9) to fifteen (15) staff spread across three departments, charged with supporting each of the Directors respectively.	*Responsible for advancing data and programming activities, and enabling the overall administrative functioning of the organization*	*Est. $75,000 - $95,000.*[4]

Assessment of Benefits and Challenges

Benefits: A centralized new organization promises a harmonized approach to data collection, evidence generation, and reporting across all provinces and territories, ensuring consistency and standardization crucial for national policymaking and program evaluation. This model could lead to a cohesive strategy and a strong, unified advocacy front for FNCFS, as it unites diverse groups under a single banner with a clear, focused mandate. A new organization also presents the opportunity to create a structure specifically designed for the unique challenges and objectives of the FNCFS, potentially fostering innovative solutions and approaches. It has the potential to serve as a center of excellence, driving the development and distribution of best practices across the nation, which could be transformative for the provision of services to First Nations communities.

Challenges: However, the creation of a new national secretariat is often a complex, time-consuming endeavor. It involves significant start-up costs, from physical infrastructure to staffing, which may strain limited resources. There is also a risk of duplicating efforts, creating redundancies, and competing for funding with existing organizations that serve similar purposes. Several examples of these organizations include First Nations of Northern Manitoba Child and Family Services Authority in Manitoba, Saskatchewan First Nations Family and Community Institute Inc in Saskatchewan or the Indigenous Child and Family Services Directors' Our Children Our Way Society in British Columbia. Establishing credibility and authority across provinces and territories that have diverse needs and existing systems may be challenging. The new entity would have to build relationships from the ground up, which could delay the actual implementation of its programming support and data collection roles.

Considerations for Implementation

[4] Estimate derived from Governor-in-Council appointee pay scale. Source: Ibid.

Inception Phase: The initial 2 to 3 months are dedicated to aligning stakeholders on the core features of the organization's design, including its mandate and key activities. This period is critical for achieving a shared understanding of the trade-offs inherent in various design features. A Memorandum of Understanding (MOU) will be produced, signed by founding stakeholders, that establishes the intent and foundational principles governing the Secretariat's operations.

Codification and Compliance: Over the next 1 to 2 months, the Secretariat's formal establishment is pursued through the appropriate legal channels. This stage involves setting up the necessary banking and expense accounts and communicating developments to ISC to ensure alignment and compliance with governmental requirements. A key deliverable for this phase is securing the articles of incorporation or other relevant governing documents.

Leadership Setting: Spanning 3 to 4 months, this stage involves using the established mandate and design features to identify core members for the Secretariat's governing Board of Directors. Once the Board is established, a thorough search for an inaugural Executive Director commences, targeting a well-regarded First Nations leader with a track record in bridge-building and the requisite expertise. The culmination of this phase is the signing of employment contracts with the initial Board and Senior Leadership Team.

Pre-Launch Planning: In the following 3 to 6 months, a priority list of programming and data activities is developed, alongside identifying early client communities. An inventory of operational requirements will be taken to craft a detailed rollout plan. This phase concludes with the finalization of hiring for front-line and back-office staff across the organization's departments, ensuring a comprehensive strategy is in place for the launch.

Early Awareness Building: Concurrent with pre-launch planning, a 2-to-3-month period is allocated for engagement with service providers and Frist Nations. The goal is to foster an understanding of the Secretariat's mandate and its value proposition, connecting the organization's mission to the two rulings of the CHRT 1) End current discrimination and 2) ensure it does not reoccur. Feedback will be solicited, misconceptions addressed, and the Secretariat's commitment to OCAP® principles and its relationship with FNIGC will be clarified. The Executive Director will be positioned as a credible leader and unifier. An accessible informational resource will be published, detailing the Secretariat's envisioned contributions to the First Nations Child Welfare landscape.

Inaugural Service Provision: Between 3 to 6 months, the Secretariat will roll out targeted services to selected clients or communities. This phase is instrumental for documenting experiences, deriving lessons learned, and

promoting the Secretariat's value-added services to the clients, which will be highlighted in an external-facing document.

Full-Service Operations: As the organization transitions into ongoing operations, maintaining robust information on organizational performance becomes crucial. The data collected will serve to continually refine service delivery, ensuring an ever-growing impact on the community. It is expected that it will take between 9 months and a year and half to become fully operational.

TABLE 5: Implementation timeline: National Approach – New Organization

Phase of Work	Environmental & Operational Requirements	Anticipated Timeline
Inception	▪ Establish stakeholder alignment on core features of organizational design, including mandate and key activities. ▪ Ensure clear-eyed understanding of trade-offs between various design features. ▪ **Deliverable:** Produce MOU, signed by founding stakeholders, establishing intent and purpose of Secretariat, alongside governing operating principles	***2 – 3 Months***
Codification & Compliance	▪ Formalize the creation of the organization through the appropriate legal channel. ▪ Establish required banking and expense accounts. ▪ Communicate developments to ISC. ▪ **Deliverable:** Secure relevant articles of incorporation or other relevant governing documents	***1 – 2 Months***
Leadership Setting	▪ Informed by the chosen mandate and design features, identify core members of the proposed organization's governing Board of Directors ▪ With the Board established, conduct extensive search for inaugural ***Executive Director***, identifying a well-regarded First Nations leader with demonstrated bridge-building experience, and relevant subject matter expertise.	***3 – 4 Months***

	▪ **Deliverable:** Secure signed employment contracts with inaugural Board and Senior Leadership Team	
 Pre-Launch Plan	▪ Develop 'priority' list of programming and data activities, alongside early list of priority client communities. ▪ Take inventory of operational requirements ahead of launch and develop detailed roll-out plan. ▪ Finalize hiring of front-line and back-office staff across each of the three departments. ▪ **Deliverable:** Comprehensive roll-out strategy; signed contracts with front-line staff	***3 – 6 Months***
 Early Awareness Building	▪ In preparation for launch, stage broad-based engagement with stakeholder groups and communities to build understanding on the Secretariat's mandate and value proposition – tying the organization directly to the Agreement-in-Principle and other landmark actions on First Nations Child Welfare ▪ Solicit stakeholder feedback and respond to misconceptions or inquiries about the Secretariat's role. ▪ Clarify the organization's operating principles, its role in upholding OCAP®, and its relationship to FNIGC. ▪ Promote the Executive Director as a credible First Nations leader and reliable convener of disparate stakeholders. ▪ **Deliverable:** Publish an accessible informational resource detailing the Secretariat's proposed contribution to the First Nations Child Welfare and Landscape Nationwide	***2 – 3 Months***

 Inaugural Service Provision	▪ Roll-out a few targeted services to select clients or communities, document experience and lessons learned for internal learning and external promotion. ▪ **Deliverable:** Produce external-facing document highlighting the Secretariat's experience in its inaugural service provision, and the value-added to the client	***3 – 6 Months***
 Full-Service Operations	▪ **Deliverable:** Maintain robust information sets on organizational performance as services mature to improve performance and produce a greater community impact	***Ongoing***

National Approach – Existing Organization

Introduction

In the following sections, we delve into the National Approach that leverages an Existing Organization, specifically the First Nations Information Governance Centre (FNIGC), to assume the role of the secretariat. We will outline the organizational design, starting with the tailored mandate that integrates the secretariat's responsibilities into FNIGC's established framework.

The discourse will then identify the stakeholders and communities that FNIGC, in its enhanced role, aims to serve, emphasizing the synergy between the existing functions and the new secretariat duties. A nuanced discussion on the governance structure will follow, detailing how FNIGC's current system will adapt to its expanded role while maintaining its core governance principles.

We will assess the benefits and challenges of embedding the secretariat within an established entity, scrutinizing how this integration affects service delivery, resource allocation, and data management. The section will conclude with strategic considerations for implementation, ensuring that FNIGC's transition to incorporating the secretariat's activities is both seamless and effective.

Organizational Design

FNIGC is suitably positioned to fulfill the duties and responsibilities of the proposed national secretariat. Established in 2010 under the mandate from the Assembly of First Nations' Chiefs-in-Assembly, FNIGC has since evolved into a robust national organization focused on advancing First Nations health, well-being, and data sovereignty in line with each First Nation's distinct world view.

The FNIGC operates with a regionally appointed national Board of Directors, ensuring that regional representation is an integral part of its governance structure. This board meets regularly to steer the organization, as evidenced by their four meetings in the 2022–2023 fiscal year. Such regional representation ensues that regional perspectives are incorporated into national decision-making processes.

The FNIGC has established operational budgets that account for all projected expenditures, including those for program delivery in various regions, demonstrating its capacity to handle the financial responsibilities that would come with the additional duties of the proposed secretariat. With experience in managing funds from various sources, including those from the federal government and ISC, FNIGC has the fiscal management, practices and protocols in place necessary for the broader scope of work.

Moreover, the FNIGC's First Nations Data Governance Strategy (FNDGS) showcases its capability to develop and implement extensive data governance frameworks. With a federal commitment of $81.5 million to support Indigenous data initiatives, FNIGC has been tasked with establishing a national network of Regional Information Governance Centres (RIGCs) that will provide data and statistical services to all First Nations communities. This aligns directly with the operational objectives of the proposed secretariat, which seeks to enhance data collection and governance at a national level.

The FNIGC's board already demonstrates a diverse geographical representation, with members from Manitoba, the Assembly of First Nations, British Columbia, Saskatchewan, Nova Scotia and Newfoundland, and Yukon, among others. This regional diversity underscores FNIGC's capability to address the needs of First Nations across various territories.

In conclusion, the FNIGC is a well-established, regionally represented organization with a clear mandate from the Assembly of First Nations. Its current operations, financial management capabilities, and ongoing initiatives such as the FNDGS position it as a viable existing national organization capable of assuming the duties and responsibilities envisioned for the proposed secretariat. Its governance structure, which includes regional representation, aligns with the intended direction for the secretariat, further supporting the case for FNIGC's suitability for this role.

Mandate

The mandate of the national approach utilizing an existing organization will mirror that of the national approach that involves creating a new organization. This strategic decision ensures that the core objectives — to centralize expertise, streamline the dissemination of best practices, and enhance data collection and analysis in the field of First Nations child and family services — are consistently pursued.

Stakeholders and Communities Served

Stakeholders encompass a wide array of groups with vested interests in the success of the national secretariat. These include First Nations leaders who provide governance and oversight, practitioners who offer frontline services, and community members who are the beneficiaries of these services. Additionally, the secretariat interacts with national organizations like AFN, ISC, and the Caring Society, ensuring that policies and initiatives are in alignment with broader objectives for First Nations well-being.

Communities served by the national approach are diverse, spanning urban, rural, and remote areas, each with distinct needs and cultural considerations. The secretariat's programming and initiatives are designed to be flexible and responsive to these varied contexts, ensuring that all First Nations children and families have access to high-quality, culturally sensitive services.

Governance Structure

The FNIGC's current governance structure would remain intact to ensure stability and continuity.

To integrate the secretariat's functions, a new division within FNIGC would be established. This division would be specially created to house the secretariat's activities and would be designed to align with the overarching goals and

strategies of FNIGC. The division would be responsible for implementing and managing the suite of services and initiatives associated with the secretariat, such as data collection, analysis, and the dissemination of best practices in First Nations child and family services.

The advantage of creating a new division within an existing structure like FNIGC is the ability to leverage the pre-existing infrastructure, systems, and relationships that FNIGC has already established. The new division would benefit from FNIGC's established reputation, its experience in handling sensitive data, and its established protocols for data governance that adhere to OCAP® principles. This approach would not only expedite the operationalization of the secretariat's activities but would also ensure that they are rooted in proven methodologies and practices.

Furthermore, the existing relationships that FNIGC has with First Nations communities, policymakers, and other stakeholders would provide a solid foundation for the new division. These relationships would facilitate engagement and collaboration, ensuring that the initiatives and services offered by the secretariat are informed by the needs and perspectives of First Nations. The secretariat division could also benefit from FNIGC's existing technological systems, providing a robust platform for data management and analysis without the need for significant additional investments in infrastructure.

The governance of the new division would require careful planning. It would need a dedicated director who reports to the FNIGC's Chief Executive Officer and, ultimately, to its Board of Directors. This governance structure would ensure that while the secretariat division operates with a degree of autonomy necessary to fulfill its specific mandate, it remains integrated within the strategic objectives and operational guidelines of FNIGC. The director of the new division would likely be a senior role, requiring an individual with extensive experience in First Nations child welfare and governance, capable of navigating both the strategic and operational challenges of integrating the secretariat's functions into FNIGC.

The secretariat is envisioned to function akin to an independent centre within a university, much like that of Chaplin Hall Center for Children, a research institute based out of University of Chicago. It would be housed within FNIGC, benefiting from its established infrastructure and networks, yet maintaining its distinct mandate. This arrangement allows the secretariat to operate autonomously, akin to self-funded research centers that, while part of the larger university ecosystem, have distinct operational guidelines. This structure is designed to ensure that while the secretariat resides within FNIGC, it does not interfere with FNIGC's regular operations, instead fostering a mutually beneficial relationship that leverages shared expertise and research capabilities. This integrative approach promises to combine innovation with

experience, positioning the secretariat to make a meaningful impact in the realm of First Nations child and family services.

Assessment of Benefits and Challenges

Benefits: Incorporating the Secretariat within an established organization can leverage existing networks, knowledge, and infrastructure, potentially leading to a more cost-effective and efficient operationalization. An existing organization like FNIGC already has the expertise, which could help avoid the pitfalls of establishing new systems and processes. This option also provides a quicker route to implementation, as it would be building upon a foundation already familiar with the nuances of data governance. It could ensure continuity in service provision, maintaining the established trust and working relationships that an existing organization has cultivated over time.

Challenges: However, existing entities have established cultures and processes that may resist the changes needed to integrate the new Secretariat's functions, which could limit innovation and adaptability. Aligning the Secretariat's objectives with the existing organization's mandate might prove difficult if they do not coincide, leading to potential mission drift or conflicts of interest. There's also a risk that the existing organization's focus could be diluted, compromising its original goals and objectives due to the additional workload and possibly divergent priorities of the Secretariat.

In considering the FNIGC as a potential candidate for the secretariat, it's also important to consider several issues. The willingness of FNIGC to participate is paramount as this is not a forgone conclusion. Identifying the necessary approvals and endorsements required from within their governance structure will be necessary. Should FNIGC or any other existing organization selected to fill this role decide against participating, alternative organizations or strategies may need to be considered. Does the Chiefs-in-Assembly have the authority to mandate FNIGC's involvement? It is a matter that involves not only the legal and operational readiness of FNIGC but also the broader context of First Nations self-determination and governance. These considerations are not just pertinent to FNIGC but extend to any national organization that may be in contemplation for the secretariat role. Such issues do not arise when creating a new organization.

Considerations for Implementation

Inception and Integration: The inception phase focuses on aligning stakeholders with the existing organization's vision and mission, integrating the Secretariat's mandate seamlessly with current operations. Over the course

of 1 to 2 months, AFN, the Caring Society and service providers will establish a shared understanding of the trade-offs between various design features, producing a MOU that enshrines the intent and purpose of the Secretariat alongside governing operational principles.

Codification and Compliance: Following inception, the next 1 to 2 months will be dedicated to the formalization of the expanded organization through the appropriate legal channels.

Leadership Adaptation: With the chosen mandate and design features as a guide, core members of the existing organization's governing Board of Directors will be identified and possibly realigned to include new executive roles necessary for the Secretariat's operations. Within 3 to 4 months, an extensive search for any additional Executive Directors will commence, seeking well-regarded First Nations leaders with proven bridge-building experience and relevant subject matter expertise. Signed employment contracts with the inaugural Board and Senior Leadership Team will mark the completion of this phase.

TABLE 6: Implementation timeline: National Approach – Existing Organization

Phase of Work	Environmental & Operational Requirements	Anticipated Timeline
Inception	▪ Align stakeholder vision with existing organization's mission and services. Integrate Secretariat's mandate with current operations.	***2 – 3 Months***
Codification & Compliance	▪ Amend legal documents to incorporate Secretariat's activities. Align financial structures with new mandates.	***1 – 2 Months***

 Leadership Setting	▪ Realign existing Board of Directors to include Secretariat's mandate. Identify candidates for any additional executive roles required.	***3 – 4 Months***
 Pre-Launch Plan	▪ Integrate Secretariat's activities into the existing program list. Prepare existing staff for new roles and responsibilities.	***3 – 6 Months***
 Early Awareness Building	▪ Communicate the expanded role of the organization to stakeholders. Update operational principles to include Secretariat's activities.	***2 – 3 Months***
 Inaugural Service Provision	▪ Begin offering new services under the Secretariat's mandate to current and new clients.	***3 – 6 Months***

 Full-Service Operations	▪ Review and adapt organizational performance metrics to include Secretariat's contributions.	***Ongoing***

Regional Approach – New Organizations

Introduction:

The ensuing discussion navigates through the Regional Approach, focusing on the creation of New Organizations to serve as regional secretariats across Canada. We'll initiate with an overview of the organizational design, illustrating how each new regional entity will develop its distinct mandate to support First Nations Child and Family Services within its jurisdiction.

We'll identify the stakeholders and the communities served by these nascent regional secretariats, emphasizing the intent to cater to the unique cultural, social, and service needs of diverse First Nations populations. The narrative will then consider the governance structure options, examining how these new organizations can establish robust and culturally attuned governance systems.

The overview will also unpack the potential benefits and challenges, exploring the advantages of regional specificity against the backdrop of establishing new operations from the ground up. Finally, considerations for the successful implementation of these regional secretariats will be defined, aiming to provide a blueprint for their strategic establishment and integration into the broader national framework of First Nations services.

Organizational Design

Mandate

The regional approach, through the creation of new organizations, is dedicated to serving as local centers of excellence for best practices and data management tailored to the unique needs and conditions of First Nations communities within their specific locales. These regional entities will operate in close collaboration, sharing resources and expertise to ensure a cohesive approach to child and family services, yet with the flexibility to address regional disparities and cultural specificities. Each regional organization will provide accessible programming tools, resources, and operational support to First Nations and FNCFS agencies, adapting the offerings based on regional discretion and necessity. Examples may include:

- Customizing program templates and ideas to suit regional conditions, including cost structures, staffing needs, and lessons learned from local experiences.
- Building and leveraging a network of regional experts for additional, localized support.
- Offering operational support catered to the unique challenges of regional service delivery, including recruitment strategies, hiring processes, and staff retention in alignment with local cultural practices.
- Facilitating training programs and capacity-building initiatives that resonate with the regional context, including train-the-trainer modules and identifying local sources for training and development.

As hubs for data collection and analysis, regional organizations will gather and interpret information specific to their communities. They will also offer fee-for-service data collection and analysis to stakeholders for community-level analysis, reporting on regional trends, and contributing to a collective national understanding of First Nations child and family well-being.

These new regional organizations will address systemic inequities in FNCFS by promoting evidence-based, culturally informed responses within communities, recognizing the diversity of economic and social conditions across regions. They will act as crucial links within the broader patchwork of organizations, connecting research and service delivery efforts on the ground and upholding the principles of First Nations leadership, OCAP®, and community autonomy, all while ensuring alignment with regional strategies and priorities.

TABLE 7: Organizational values: Regional Approach – New Organizations

Element	Description	Proposed Secretariat Response
Vision	An aspirational description of what the organization wants to achieve in the future.	*Each Regional Secretariat envisions becoming a pivotal regional partner, driven by First Nations values and priorities, to foster resilient and thriving First Nations children and families. It aims to work within its region to respect and promote information sovereignty and manage resources efficiently for a sustainable and localized impact.*
Mission	Why the organization exists; the purpose underlying its chosen vision.	*Each Regional Secretariat operates as a community-centric, First Nations-led organization tailored to fortifying child welfare and family services within the region, honoring the distinct cultural and social fabric of its communities.*
Objectives	Specific results that an organization aims to achieve within a time frame; a means by which the organization can measure its success.	*The Regional Secretariat seeks to bridge the gap in child welfare services at the local level by connecting community organizations and stakeholders, fostering regional insights, and sharing region-specific best practices.* ***Within the next 18 months, the goal is to establish a regional mandate, set up an organizational framework that resonates with local values, and position itself as an integral part of the region's FNCFS ecosystem**.*
Approach	An approach provides a methodology for executing the strategy.	*Each Regional Secretariat aims to fill a unique niche by complementing and enhancing existing services, not competing with them. It plans to forge partnerships with local organizations to ensure community needs are met effectively.* ***Initially, the focus will be on aligning with regional stakeholders, raising awareness about its role and services,***

		and cultivating trust within the communities it serves.
Tactics	Focused initiatives, projects, or programs that allow organizations to execute strategies.	*Tactics will be collaboratively developed with regional stakeholders, ensuring that initiatives are grounded in local realities and designed to address the specific challenges and opportunities within each region.*

Stakeholders and Communities Served

The table below presents three distinct options for dividing regions in the context of establishing new regional organizations. The division of regions is a crucial factor as it directly influences the number of secretariats required to provide tailored services. Each option offers a different configuration, ranging from a greater number of smaller, more localized secretariats to fewer, broader regional entities. This division will shape the operational scale, reach, and governance of the secretariats, impacting their capacity to serve the communities effectively.

TABLE 8: Regional division options

Model	Number of Secretariats	Regional Coverage	Description
Option 1: Eleven Secretariats	11	Each province and territory (excluding Nunavut and Northwest Territories)	Independent secretariats for each province and territory, focusing on local issues and tailored solutions. Each operates autonomously while collaborating on inter-regional matters.
Option 2: Three Secretariats	3	Western (Yukon, BC, Alberta, Saskatchewan, Manitoba), Central (Ontario, Quebec), Atlantic (NB, NS, PEI, NL)	Larger secretariats covering broader areas for operational efficiency and resource pooling, while acknowledging sub-regional diversity

			within each secretariat's purview.
Option 3: Self-Determined Secretariats	Variable	Determined by stakeholders	Flexible configuration with the number and boundaries of secretariats based on stakeholder consensus, reflecting a commitment to community engagement and self-governance.

Option 1: Eleven Secretariats

For: Adopting eleven regional secretariats affords the opportunity to tailor services closely to the cultural and social fabric of each province and territory, which is vital given the diversity of First Nations communities. This structure can drive a more nuanced and sensitive approach, as local leaders who best understand regional dynamics govern these secretariats. The proximity to the communities they serve can lead to more immediate responsiveness to local issues and facilitate community involvement and empowerment. It also allows for the creation of services that are culturally congruent and regionally relevant, fostering greater community trust and participation. Moreover, this approach presents an opportunity to harness the strengths of existing regional organizations, drawing on their established operations and mandates to enrich FNCFS. By leveraging these pre-existing frameworks, the secretariats can quickly implement culturally resonant and regionally specific services.

Against: However, the primary concern with this model is the potential lack of cohesion and shared strategic direction that a national secretariat typically provides. Without a centralized body to aggregate data and coordinate efforts, there is a risk of creating silos that impede the exchange of information and best practices. This fragmentation may lead to inconsistencies in service quality and hinder the development of a comprehensive national picture of the welfare of First Nations children and families. Additionally, without effective regional collaboration mechanisms, there might be missed opportunities for regions to learn from each other's successes and challenges, which could result in a poorer overall national outcome. Another major concern is the financial burden; without economies of scale, the cost could escalate excessively, especially when multiple organizations need to bolster their infrastructure to meet the new data and service delivery standards.

Option 2: Three Secretariats

For: Consolidating into three regional secretariats provides a middle ground, balancing the desire for regional specificity with the need for a more unified national approach. This model can enhance operational efficiency and resource allocation while still allowing for some degree of regional customization. It offers the potential for more robust data collection and sharing practices within each larger region, improving the ability to make informed decisions and develop comprehensive regional strategies. Moreover, the broader reach of each secretariat could facilitate stronger advocacy and influence at the national level, potentially leading to better policy outcomes for First Nations communities.

Against: The concern with fewer, larger secretariats is that they may not fully capture the local subtleties of smaller, more isolated communities. The amalgamation of regions could dilute the specificity of services and may inadvertently prioritize the needs of more populous areas within the regions. Additionally, there is a risk that a more centralized regional model could become disconnected from grassroots needs, resulting in services that are less aligned with local community values and practices. The potential for reduced direct community engagement and oversight could lead to services that are less accepted and utilized by the communities they aim to serve. Furthermore, without a national administrative body, the ability to synthesize data across all regions into a cohesive national framework may be compromised, potentially weakening the overall national response to First Nations child and family welfare issues. Finally, there is a lack of comparable regional amalgamations in the FNCFS landscape. Creating three large regional bodies for cooperation would be a novel approach.

When considering the first two proposals, the challenge lies in striking the right balance between regional autonomy and the need for a coordinated national approach to data and service provision. Effective regional collaboration and the establishment of mechanisms for data aggregation and sharing are essential to ensure that while regions operate independently, they do not do so in isolation from the broader national landscape. This balance is critical for improving outcomes for First Nations communities at both regional and national levels.

Governance Structure

TABLE 9: Design options for board of directors – Regional Approach – New Organizations

Design Feature		
Option 1	**Option 2**	**Option 3**
A small board with members from key regional organizations. Board members would include leaders from regional First Nations governing bodies, regional branches of national organizations, and regional child welfare experts. An advisory panel consisting of community representatives and service users would support the board, providing ground-level insights and feedback on board initiatives.	A lean board structure with seats designated for regional experts in fields such as data management, programming, child welfare, compliance and legal affairs, and communications. Ensuring the board has the necessary skills to address the complexities of regional service delivery effectively. An advisory panel consisting of community representatives and service users would support the board, providing ground-level insights and feedback on board initiatives.	Each Region determines their own board structure.

Option 1: Compact Core Regional Board

Focused Leadership: A smaller board can streamline decision-making, leading to more agile and responsive governance.

Regional Representation: Having board members from key regional organizations ensures that the board's actions are aligned with regional needs and priorities.

Community Involvement: The advisory panel allows for direct community involvement without overwhelming the board's decision-making process.

Option 2: Streamlined Regional Board with Designated Expertise

Specialized Expertise: Board members are selected for their specific knowledge and skills, which can enhance the quality of strategic decision-making.

Efficient Operations: A lean board with clear roles can operate efficiently, focusing on strategic issues without getting bogged down in operational details.

Strategic Focus: The board's composition ensures a strategic focus on critical areas like healthcare, education, and legal affairs, which are vital for effective service delivery.

Option 3: Regional Customization

Customization: Tailoring governance to regional preferences ensures that structures are culturally relevant and appropriate.

Alignment with Regional Policies: Regional secretariats can ensure that their governance structures are in harmony with local policies, take advantage of pre-existing advisory bodies and facilitate smoother operations.

Recommendation

IFSD recommends adopting Option 2: Streamlined Regional Board with Designated Expertise. This model aligns with the principles of efficient governance and strategic focus, essential for the effective delivery of services to First Nations communities.

The streamlined structure, composed of experts in pertinent fields, ensures that the board is well-equipped to make informed decisions that address the complex realities of regional service delivery. While there are risks of a narrow focus and potential exclusion of broader community voices, these can be mitigated by implementing a comprehensive selection process for board members and establishing strong communication channels with the community.

The inclusion of a Regional Expertise Panel provides an additional layer of strategic guidance, bringing in diverse community advocates and subject matter experts to advise the board. This panel will play a crucial role in ensuring that the board remains connected to community needs and can adapt to changing circumstances.

In recommending Option 2, IFSD underscores the importance of expertise, efficiency, and a strategic approach to governance. This model promises a robust and dynamic governance structure capable of driving the regional secretariats towards achieving their mission and improving outcomes for First Nations children and families.

Implementation Steps will mirror that of those found under the National Approach – New Organization.

Staffing:

The table below outlines the estimated staffing requirements necessary for the operation of regional based secretariats, referencing the options outlined above. It details positions from the Board of Directors to front-line staff. It provides an overview of the roles and their respective responsibilities, along with the estimated salary ranges, ensuring a clear understanding of the human resources needed for the secretariat's successful function under the Regional Approach – New Organizations.

TABLE 10: Staffing for Regional Approach – New Organizations

Position	*Details*	*Description*	*Salary Ranges*
Board of Directors	• Varied approach.	*Responsible for overseeing the governance of the organization, providing strategic advice, and keeping the senior executive team accountable*	*Assumed: Pro-Bono Service*
Executive Directors	• Eleven (11) or three (3) seasoned First Nations executives with strong subject matter expertise and demonstrated experience as a bridge-builder	*Responsible for leading the organization, building strategic relationships, and advocating for its role in the region's child welfare landscape*	*Est. $174,802 to $205,650*[5] *(Option 1 $1,922,822 – $2,262,150)*

[5] Estimate derived from EX4 Assistant Deputy Minister pay range. Source: Government of Canada Privy Council Office, *Salary ranges and maximum performance pay for Governor in Council appointees,* https://www.canada.ca/en/privy-council/programs/appointments/governor-council-appointments/compensation-terms-conditions-employment/salary-ranges-performance-pay.html

			(Option 2 $524,406 – $616,950)
Directors of Evidence for Child and Family Services	• Eleven (11) or three (3) experts in data collection and maintenance; professionals with deep-seated understanding of the historical threats to First Nations information sovereignty and the leading modern practices to overcome those obstacles	*Responsible for steering the programming services of the organization; this may include training and education services or be limited to knowledge generation.*	*Est. $121,550 - $142,982*[6] *(Option 1 $1,337,050 – $1,572,802)* *(Option 2 $364,650 – $428,946)*
Directors for Operational Supports and Programming	• Eleven (11) or three (3) experts in child and family services; each would possess deep knowledge of the institutional failings of the child welfare system, leading practices in prevention and protection care, and the current landscape of service providers	*Responsible for steering the programming services of the organization; this may include training and education services or be limited to knowledge generation.*	*Est. $121,550 - $142,982*[7] *(Option 1 $1,337,050 – $1,572,802)* *(Option 2 $364,650 – $428,946)*

[6] Estimate derived from EX1 Director pay range. Source: Ibid.
[7] Estimate derived from EX1 Director pay range. Source: Ibid.

Front-Line Staff	• Six (6) to ten (10) staff spread across three departments of each regional secretariat, charged with supporting each of the regional Directors respectively.	*Responsible for advancing data and programming activities, and enabling the overall administrative functioning of the organization*	*Est. $75,000 - $95,000.*[8] *(Option 1 $825,000 – $1,045,000)* *(Option 2 $225,000 – $285,000)*

Assessment of Benefits and Challenges

Benefits: Creating new regional secretariats can offer highly tailored services and data collection methods that account for the cultural, geographical, and political nuances of each region. This approach promotes local engagement, ownership, and the development of initiatives that are culturally sensitive and community specific. New regional entities are well-positioned to form strong, direct connections with local communities, providing services that are more closely aligned with their unique needs and fostering an intimate understanding of regional issues, which is often lost in national models.

Challenges: Nevertheless, this approach risks inconsistencies in data collection and program implementation, which could impede the formation of a coherent national picture. The fragmentation of services might lead to inefficiencies and increased costs, as each region sets up its infrastructure and administrative systems. The resource intensity of establishing and maintaining multiple new organizations across the country could be vast, possibly outweighing the benefits of localized service provision.

Considerations for Implementation

Regional Consultation and Establishment: The foundation for new regional organizations will be laid out over 2 to 3 months, requiring extensive consultations with regional stakeholders to define each organization's specific scope and services. Legal setup and registration will follow, ensuring that each entity has the proper structures to operate within their respective jurisdictions.

Regional Board and Leadership Formation: Subsequently, over 3 to 4 months, the focus will shift to establishing regional Boards of Directors and beginning

[8] Estimate derived from low-level Governor-in-Council appointee pay scale. Source: Ibid.

the search for Regional Directors. This phase ensures that the leadership at the regional level is equipped with the knowledge and authority to make decisions that align with the overarching goals of the Secretariat while being responsive to local needs.

Operational Planning and Community Engagement: In the following 3 to 6 months, regional priorities for programs and services will be identified, and a detailed rollout strategy for each region will be developed. A significant part of this phase is raising awareness about the new regional organizations and establishing their presence within the communities they aim to serve.

TABLE 11: Implementation timeline: Regional Approach – New Organizations

Phase of Work	Environmental & Operational Requirements	Anticipated Timeline
Inception	▪ Engage with regional stakeholders to define the scope and services of new organizations.	***2 – 3 Months***
Codification & Compliance	▪ Register each new regional organization. Set up regional financial and operational systems.	***1 – 2 Months***

 Leadership Setting	▪ Select and establish regional Boards of Directors. Begin search for Regional Directors.	***3 – 4 Months***
 Pre-Launch Plan	▪ Identify regional priorities for programs and services. Develop rollout strategies for each region.	***3 – 6 Months***
 Early Awareness Building	▪ Raise awareness about the new regional organizations. Establish regional presence and clarify mandate.	***2 – 3 Months***
 Inaugural Service Provision	▪ Implement targeted services in selected communities to establish a track record.	***3 – 6 Months***

 Full-Service Operations	▪ Gather data on regional operations to refine service delivery and impact.	***Ongoing***

Regional Approach – Existing Organizations

Introduction:

As we turn our attention to the Regional Approach utilizing Existing Organizations, we'll embark on an examination of how current entities can integrate the roles and responsibilities of regional secretariats. The discussion will unfold with an analysis of the organizational design, detailing how existing structures will adapt their mandates to incorporate the additional functions of the secretariat.

Acknowledging the nuanced dynamics of this approach, we will delve into the benefits and challenges, considering the complexities of adding new layers of responsibility to existing organizational mandates. Lastly, we'll outline the crucial factors for implementation, ensuring these organizations are supported as they transition to meet the demands of their new roles.

Organizational Design

Mandate

The mandate of the regional approach using existing organizations will mirror that of the Regional Approach – New Organizations, however, the functions of the new secretariats will be embedded into already established regional bodies. Like the National Approach – Existing Organization, the aim is to utilize the existing infrastructure to deliver services and programming related to First Nations child and family services. While the intention is to streamline processes and use established channels, the risk is that the primary focus of

the secretariat—developing and disseminating best practices and centralizing data collection—may become diluted when merged with the existing mandates of these organizations.

Governance Structure

The governance structure in this model would incorporate the secretariat functions into the existing governance frameworks of regional organizations. This approach could potentially overburden these organizations, as it would require them to significantly expand their scope without necessarily providing corresponding increases in resources. The existing boards would need to take on additional responsibilities, which could detract from their original missions and strain their capacity. These organizations would have two options for incorporating the duties of the secretariat:

Creation of New Divisions:

- Organizations may choose to create new divisions specifically for the secretariat's functions.
- This would involve hiring a new suite of executives and staff members dedicated solely to the secretariat's responsibilities.
- The advantage of this option is a focused approach, with dedicated personnel who have clear mandates and the ability to specialize in the secretariat's areas of expertise, such as data management, program development, and community engagement.
- The new division would work in close alignment with the national secretariat, ensuring that regional initiatives are consistent with national objectives while also addressing unique regional needs.

Expansion of Existing Roles:

- Alternatively, organizations could expand the roles of current executives and staff members to incorporate the duties of the regional secretariat.
- This option would capitalize on the existing knowledge and experience within the organization, providing continuity and leveraging established relationships.
- While this approach may be more cost-effective and quicker to implement, it requires careful planning to ensure existing staff can manage the additional workload without compromising the quality of their current responsibilities.

- It also necessitates comprehensive training and support to enable existing personnel to effectively take on their expanded roles.

The Indigenous Child and Family Services Directors' Our Children Our Way Society (OCOWS) in British Columbia is an example of an existing organization whose framework and objectives align with those of the proposed regional secretariat[9]. The OCOWS represents the 24 First Nation, Inuit and Métis Delegated Aboriginal Agencies in British Columbia. OCOWS already has a secretariat in place to support the work of the organization, offering technical support in planning, policy analysis, engagement, research, communications, and administrative support[10].

OCOWS's commitment to the well-being of Indigenous children, youth, families, and communities, paired with its mission to support Indigenous Nations' visions for jurisdiction and self-government, reflects the proposed secretariat's aim to provide operational support that aligns with local cultural practices. Their secretariat team, which includes policy analysts, elder advisors, and skilled professionals, may be positioned to facilitate the kind of training programs and capacity-building initiatives envisioned under the regional secretariat approach.

With adequate funding and support, the existing secretariat's infrastructure could be enhanced to meet the wider responsibilities outlined by the proposed regional secretariat. This would leverage the organization's existing strengths and ensure a culturally attuned approach to child and family services for First Nations communities in BC.

However, there is a concern regarding the data management and analysis infrastructure within OCOWS. While the organization is engaged in policy analysis and research, it's not explicitly stated that they currently have a robust system for data collection and analysis, which is a key function of the proposed regional organizations. To fulfill the new mandate, OCOWS would need to establish or significantly enhance its capabilities in data management to gather, interpret, and analyze information specific to First Nations communities. This would be crucial for providing fee-for-service data collection and analysis to stakeholders, reporting on regional trends, and contributing to a collective understanding of First Nations child and family well-being.

[9] "Who We Are," Our Children Our Way, https://ourchildrenourway.ca/who-we-are/.
[10] "Secretariat," Our Children Our Way, https://ourchildrenourway.ca/who-we-are/secretariat/.

Assessment of Benefits and Challenges

Benefits: Utilizing existing regional organizations to fulfill the Secretariat's functions can tap into a wealth of regional expertise, resources, and established relationships. This approach can provide immediate infrastructure and systems to support the Secretariat's functions, facilitating a swift transition and immediate commencement of services. It potentially avoids the logistical and financial complexities of setting up new entities, focusing instead on enhancing the capacity of current organizations to meet the additional demands.

Challenges:

Dilution of Purpose: There is a considerable risk that the essential purpose of the secretariat could be diluted when merged with the existing functions of regional organizations. These entities already have established objectives and adding the responsibilities of the secretariat might lead to a lack of focused attention on the specific needs of First Nations child and family services.

Overextension of Regional Organizations: Many regional organizations operate with finite resources and are often already stretched thin in terms of staff and funding. Requiring them to implement a broader array of programs could lead to a decline in the quality of existing services and inhibit their ability to adopt new programming effectively.

Data Storage and Management: Regional organizations may not have the infrastructure necessary for the large-scale data storage and management expected of the secretariat. Building or upgrading such systems would involve significant costs and technical challenges.

Excessive Costs: The financial burden of expanding programming, enhancing data storage capacities, and possibly increasing staffing levels could be substantial. Without adequate additional funding, the expansion could strain the organizations financially, leading to cutbacks in other crucial areas.

Aggregation of National Data: Compiling and analyzing data at a national level from disparate regional organizations, each with its own methods and systems for data collection, could prove to be an insurmountable challenge. This difficulty may result in inconsistencies and gaps in the national data sets, hindering the ability to make informed, evidence-based decisions and policies.

Considering these challenges, the regional model using existing organizations is considered the least favorable option compared to the other proposed

models. It places excessive demands on the existing regional entities and threatens to compromise the effectiveness and clarity of the secretariat's mission. While the intention to leverage existing structures is well-meant, the potential for mission drift, data management issues, and undue financial strain make this approach problematic. The difficulties associated with aggregating data at the national level by these regional organizations would also likely impede the primary function of the secretariat to act as a body for evidence and best practices, undermining its foundational goals. A central entity would be better position to aggregate and analyze national trends. The synthesis of the regional data to provide a nation-wide picture is instrumental in informing funding assessments, guiding pragmatic reforms, and shaping federal decision-making processes.

Considerations for Implementation

Stakeholder Alignment and Amendment: The integration of the Secretariat's activities into existing regional organizations requires a brief but intensive alignment phase, likely lasting 1 to 2 months. This phase involves modifying bylaws and financial structures to accommodate new activities and communicating these changes to all stakeholders.

Leadership Adjustment and Service Integration: Adjusting the leadership within existing regional boards to incorporate the Secretariat's objectives is a critical step that will take approximately 2 to 3 months. Following the leadership adjustment, the existing services will be adapted to include the Secretariat's programs, with current staff being trained for their new roles over the next 2 to 4 months.

Community Engagement and Service Expansion: Efforts to reinforce the existing relationships with the additional Secretariat's mandate will be prioritized, with an aim to expand new services to communities already served by the organizations. This process will likely take another 3 to 4 months to implement effectively.

TABLE 12: Implementation timeline: Regional Approach – Existing Organizations

Phase of Work	Environmental & Operational Requirements	Anticipated Timeline
Inception	▪ Align with regional organizations on incorporating Secretariat's activities.	***2 – 3 Months***
Codification & Compliance	▪ Modify existing organizations' bylaws and operational accounts for new activities.	***1 – 2 Months***
Leadership Setting	▪ Integrate Secretariat's governance structure with existing regional boards.	***3 – 4 Months***

 Pre-Launch Plan	▪ Adapt current service offerings to include Secretariat's programs. Train current staff for new activities.	***3 – 6 Months***
 Early Awareness Building	▪ Reinforce existing relationships with additional Secretariat's mandate.	***2 – 3 Months***
 Inaugural Service Provision	▪ Extend new services to communities served by existing organizations.	***3 – 6 Months***
 Full-Service Operations	▪ Monitor and adapt services to maximize impact based on the Secretariat's objectives.	***Ongoing***

Hybrid Approach

Introduction

In the hybrid approach section, we'll explore the integration of a national secretariat with regional secretariats, focusing on organizational design and mandate. We'll detail how these entities will collaborate to serve stakeholders and communities, each bringing its strengths to the table. Governance structures will be reviewed, highlighting the flexible models that accommodate both centralized direction and regional nuances. Discussions will address the potential benefits of this collaborative model, as well as the challenges and costs involved in meshing different organizational systems. Finally, we'll cover the key considerations necessary for successful implementation, ensuring clear, actionable steps are outlined.

Organizational Design

Mandate

The hybrid governance structure represents a strategic amalgamation of centralized oversight with regional execution, aimed at delivering best practice programming across the spectrum of First Nations child and family services. It parallels the governance structure of the National Approach - New Organization by establishing a national secretariat that sets the strategic framework and ensures consistency in best practices. The innovative facet of the hybrid model lies in its network of satellite or regional secretariats embedded within existing organizations throughout Canada's diverse regions.

In the pursuit of a functional and efficient hybrid model for the Secretariat, we present two design options. These options stem from concerns that existing regional organizations may not have the necessary infrastructure, capacity, or inclination to undertake comprehensive data collection, analysis, and governance functions and may be better suited to delivering on the best practices in programming duties of the secretariat.

Option 1 suggests centralizing both programming and data responsibilities within the national secretariat, with regional organizations functioning as the arms of the national body. This division is designed to ensure that while the national secretariat leads on data and strategic governance, regional entities can dedicate their efforts to localized program delivery, with the national body filling any operational gaps at the regional level. Option 2 proposes that regional organizations focus solely on executing best practice programming

with the national secretariat assuming a comprehensive role in data collection and analysis.

TABLE 13: Design options for operations – Hybrid Approach

Design Feature	
Option 1	**Option 2**
National Secretariat: Acts as the central hub for all programming and data activities. It sets the strategic direction and operational standards, ensuring a unified approach to service delivery and data management across the country. **Regional Collaboration:** Regional organizations provide insights and on-the-ground knowledge to inform national strategies. They function as the arms of the national body, executing programs under national guidance while retaining a voice in shaping those strategies. **Centralization Benefits:** This option maximizes the efficiency of resource use and reduces the complexity of having multiple data management systems. It also simplifies the reporting process, as there is a single national repository for all data, which streamlines the synthesis of insights and policy formation.	**Regional Organizations:** They are tasked with the implementation of best practice programming, leveraging their established community connections and cultural knowledge to deliver services that are tailored to the unique needs of their regions. **National Secretariat:** Assumes a comprehensive role in data collection and analysis. It serves as the backbone for national-level data oversight, ensuring consistency in data handling and quality across regions. This approach allows for regional organizations to concentrate on service delivery without the added burden of complex data management. **Role Separation:** By delineating roles between regional programming and national data functions, this design minimizes the risk of overextending regional organizations' capacities while maintaining a national standard for data integrity and strategic coherence.

Option 1: National Centralization with Regional Input

National Secretariat Coordination: The central national secretariat orchestrates the regional secretariats, underpinning them with a robust best practices framework that encompasses:

- Development and dissemination of best practice guidelines for child and family services, ensuring all regional secretariats adhere to the highest standards.
- Coordination of regional efforts to uphold the integrity of service quality and adherence to national strategic goals.
- Stepping in as a regional secretariat in areas lacking such infrastructure, thus ensuring uniform access to best practice programming.
- Synthesizing regional data to develop evidence-based practices, reporting findings to shape national policies, and sharing successes and learnings.

Regional Secretariat Functions: Regional secretariats, while operational within the national framework, are tailored to suit regional needs and are responsible for:

- Capturing regional data to reflect local nuances, ensuring programming is responsive to the specific cultural and social dynamics of their communities.
- Implementing and refining best practice programs at the regional level, informed by direct community input and localized evidence.
- Contributing regional insights back to the national secretariat, fostering a two-way flow of information that enhances national programming strategies.
- Engaging with local organizations and communities to ensure programming is culturally congruent, effective, and endorsed by those it serves.

Integration with Existing Organizations: The deployment of regional secretariats within pre-existing organizations offers multiple advantages:

- Immediate access to established infrastructures and systems, enabling swift implementation of best practice programming.
- Utilization of existing relationships and regional expertise, fostering programs that are community-approved and trusted.
- Enhanced capacity for existing organizations to extend their service portfolio, incorporating national best practices into their local operations.

Best Practice Programming and Data Reporting: Central to the hybrid model is a commitment to evidence-based, best practice programming, which is facilitated by:

- The establishment of a consistent methodology for program development, implementation, and evaluation across all secretariats.
- The utilization of data analytics to inform and tailor programming, ensuring that interventions are both proactive and reactive to community needs.
- Regular public reporting on the impact and efficacy of programs, fostering a culture of transparency and continuous improvement.

By integrating the best practice programming philosophy into both the national and regional levels, the hybrid model ensures that every First Nations child and family benefits from the highest standards of service, informed by the latest evidence and adapted to their specific regional context. This structure not only encourages excellence and innovation in service delivery but also promotes a collaborative and informed approach to nationwide child welfare.
Option 2: Regional Programming Focus with National Data Oversight

Regional Organizations' Role: Regional organizations are at the forefront of service delivery, applying best practices and programs specifically tailored to the cultural contexts and needs of their communities. These organizations leverage deep-rooted community connections and in-depth cultural knowledge to provide relevant and effective services. Their focus is squarely on the qualitative, front-line engagement with service users, harnessing local insights to shape and refine the delivery of programs. This model acknowledges the invaluable expertise and established trust that these organizations hold, positioning them as essential executors of tailored services.

National Body's Function: The National body operates as the analytical and strategic epicenter for data governance across the FNCFS landscape. It takes on the comprehensive role of data collection, analysis, and quality assurance, underpinning the entire system with a consistent and methodical approach to data management. This centralized body ensures that data practices meet national standards, providing the necessary oversight to maintain data integrity and enable evidence-based policymaking. The Secretariat's role is to serve as a repository for data insights, standardizing data handling procedures and ensuring that the wealth of information collected is translated into actionable strategies.

Role Separation and Synergy: By clearly defining the roles, this option aims to optimize the capacity and strengths of both regional and national entities. Regional organizations can dedicate their resources to the implementation and continuous improvement of service delivery, while the National Secretariat ensures that data-driven insights inform these services. This separation minimizes the risk of overburdening regional bodies with the technical

complexities of data management. Simultaneously, it preserves the integrity and strategic direction of the national data framework, leading to an efficient and effective system that is coherent and aligned with overarching strategic goals.

This model proposes a synergistic relationship where regional expertise in service delivery is supported by national-level data stewardship, creating a harmonious ecosystem that is both locally responsive and strategically unified.

In summary, the primary distinction between the Option 1 and Option 2 lies in the distribution of responsibilities and the locus of operational control.

Option 1:

- The national secretariat acts as the sole command center for both programming and data functions, setting uniform strategic directions and operational standards for the entire country.
- Regional organizations operate as extensions of the national body, executing programs as per the national secretariat's guidance but with the opportunity to contribute regional insights to inform strategies.
- This centralization concentrates efficiency and resource utilization, with a single, cohesive data management system enhancing the simplification of reporting and policy development processes.

Option 2:

- Regional organizations are primarily responsible for implementing best practice programming, using their established community connections and cultural knowledge to deliver services that are region-specific.
- The national secretariat assumes the role of data governance and analysis but does not directly manage programming.
- There is a clear role separation, which allows regional organizations to focus on service delivery without the additional complexity of data management, relying on the national secretariat for overarching data oversight and strategic coherence.

Governance Structure

National Level Governance: At the national level, the governance structure for the hybrid approach remains identical to that outlined in the National Approach - New Organization. This structure ensures a consistent strategic framework across the country, with the national secretariat serving as the central coordinating body. The national secretariat will be responsible for

setting high-level policy, defining standards for data collection and best practices, and overseeing the overall performance of regional secretariats. It will also aggregate and analyze data from across all regions, ensuring that insights and evidence inform the national child welfare strategy.

Regional Level Governance: At the regional level, the Board of Directors of each organization would remain the same. The hybrid approach offers flexibility to existing organizations selected to fulfill the role of the regional secretariat. These organizations have two options:

Creation of New Divisions:

- Organizations may choose to create new divisions specifically for the secretariat's functions.
- This would involve hiring a new suite of executives and staff members dedicated solely to the secretariat's responsibilities.
- The advantage of this option is a focused approach, with dedicated personnel who have clear mandates and the ability to specialize in the secretariat's areas of expertise, such as data management, program development, and community engagement.
- The new division would work in close alignment with the national secretariat, ensuring that regional initiatives are consistent with national objectives while also addressing unique regional needs.

Expansion of Existing Roles:

- Alternatively, organizations could expand the roles of current executives and staff members to incorporate the duties of the regional secretariat.
- This option would capitalize on the existing knowledge and experience within the organization, providing continuity and leveraging established relationships.
- While this approach may be more cost-effective and quicker to implement, it requires careful planning to ensure existing staff can manage the additional workload without compromising the quality of their current responsibilities.
- It also necessitates comprehensive training and support to enable existing personnel to effectively take on their expanded roles.

The governance structure of the hybrid approach to the secretariat represents a nuanced model aimed at enhancing First Nations child and family services across Canada. This approach seeks to balance the advantages of a

centralized, national secretariat with the localized insights and operational flexibility of regional organizations. A critical aspect of this model is the relationship between the national and regional entities, which, due to legal and operational considerations, cannot be structured as direct subsidiaries or legally integrated components of a singular national body. Instead, a sophisticated framework of membership systems and bilateral agreements is envisioned to define the roles, duties, and obligations of each party involved.

Membership System and Bilateral Agreements:

Regardless of which design option is selected, the foundation of the hybrid model's governance structure will be a carefully designed membership system, complemented by bilateral agreements. These agreements will serve several essential purposes:

1. **Establishing Roles and Responsibilities:** They will delineate the specific roles, duties, and obligations of the national secretariat and each regional organization. This clarity is crucial for ensuring that all parties understand their contributions to the overarching goals of improving First Nations child and family services.

2. **Facilitating Collaboration:** Agreements between regional organizations themselves, and between each regional organization and the national secretariat, will establish formal mechanisms for collaboration. These mechanisms will enable resource sharing, joint initiatives, and the seamless exchange of data and best practices.

3. **Ensuring Accountability:** By outlining the expectations for each entity, the agreements will create a structure for accountability. This includes mechanisms for monitoring performance, reporting on activities, and evaluating outcomes to ensure that the collective efforts are effectively advancing the mission.

Implementing this governance structure will require careful consideration of several factors:

- **Legal Independence:** Recognizing that regional organizations will maintain their legal independence is essential. The agreements must respect this autonomy while ensuring that the activities align with the national secretariat's strategic objectives.

- **Cultural and Regional Sensitivity:** The governance model must be flexible enough to accommodate the diverse cultural and regional contexts of First Nations communities across Canada. This includes acknowledging and integrating local practices and knowledge into service delivery.

- **Data Sharing and Privacy:** Establishing protocols for data sharing that respect privacy laws and the data sovereignty of First Nations is critical. The agreements should detail how data will be collected, stored, and used, ensuring transparency and trust among all parties.
- **Resource Allocation:** The agreements must address how resources, both financial and otherwise, will be allocated and managed. This includes funding flows from the national secretariat to regional organizations and how resources will be shared among regional entities.

The hybrid approach's governance structure, through a combination of a membership system and bilateral agreements, offers a flexible yet cohesive framework for enhancing First Nations child and family services. By clearly defining the relationships and expectations among the national secretariat and regional organizations, this model aims to leverage the strengths of both centralized and localized approaches. However, the success of this model will hinge on the careful drafting and implementation of the agreements, ensuring they are tailored to meet the legal, operational, and cultural needs of all parties involved.

Assessment of Benefits and Challenges

Benefits: The hybrid model offers a best-of-both-worlds solution, combining the advantages of national oversight with the adaptability of regional service delivery. The national Secretariat would ensure consistency in standards and quality control, while regional secretariats would handle the localized implementation of programs and initiatives. This approach could offer a resilient and adaptable framework capable of addressing both broad and specific needs, with different levels of the organization providing mutual support.

Challenges: However, this model is inherently complex, potentially leading to cumbersome and unwieldy management structures with multiple layers of administration. Communication gaps and conflicting priorities between the national and regional levels could impede operations. Furthermore, establishing and maintaining a sophisticated coordination mechanism between the different levels of the organization might be challenging and resource-intensive, adding to the operational costs and potentially leading to inefficiency.

The decision on which model to adopt must be made with careful consideration of these arguments, weighing the potential benefits against the challenges and costs associated with each option.

Considerations for Implementation

Strategic and Operational Planning: The hybrid model requires a strategic planning phase to develop a framework that combines national oversight with regional implementation. This initial 2-to-3-month period involves creating legal and operational structures that facilitate both centralized and regional operations.

Leadership Formation and Pilot Programs: Forming a central governing body and identifying regional leaders will take an additional 3 to 4 months. Once leadership is established, operational planning for both national strategies and regional services will take place. Pilot programs will launch in selected regions to refine the hybrid approach, which will take another 3 to 6 months.

Stakeholder Engagement and Full-Service Operations: Concurrently, over 2 to 3 months, broad-based engagement with stakeholder groups will be essential to build understanding and buy-in for the hybrid model. The roll-out of full services will commence as pilot programs conclude, ensuring that the hybrid model delivers cohesive and consistent services across its operations.

TABLE 13: Implementation timeline: Hybrid Approach

Phase of Work	Environmental & Operational Requirements	Anticipated Timeline
Inception	▪ Develop a hybrid strategy that combines national oversight with regional implementation.	***2 – 3 Months***
Codification & Compliance	▪ Establish legal frameworks that allow for both centralized and regional operations.	***1 – 2 Months***

 Leadership Setting	▪ Form a central governing body and identify regional leaders.	***3 – 4 Months***
 Pre-Launch Plan	▪ Create a rollout plan that incorporates both national strategies and regional services.	***3 – 6 Months***
 Early Awareness Building	▪ Educate stakeholders on the hybrid model's structure and benefits.	***2 – 3 Months***
 Inaugural Service Provision	▪ Launch pilot services in selected regions to refine the hybrid approach.	***3 – 6 Months***

 Full-Service Operations	▪ Implement full services, ensuring cohesion and consistency across the hybrid model.	***Ongoing***

Conclusion

1. **Local Responsiveness vs. National Cohesion**: Stakeholders should weigh the ability of each model to provide services that are culturally and regionally specific against the need for a unified national strategy. A model with many regional secretariats may offer tailored services but could lack the cohesion and shared strategic direction provided by a national secretariat.

2. **Data Collection and Analysis**: Any chosen model must have robust data collection and analysis capabilities to effectively monitor and report on the welfare of First Nations children and families. There should be clarity on who is gathering the information and who will report the findings, ensuring discrimination ends and does not recur.

3. **Stakeholder Calls to Action**: The purpose of the Secretariat should be grounded in stakeholder calls to action, which are derived from the collective aspirations and demands of the communities and organizations involved. The chosen model must reflect these calls in its foundational objectives.

4. **Resource Allocation**: Models that propose creating new regional secretariats could lead to significant resource requirements for setting up infrastructure and systems. Conversely, utilizing existing organizations may avoid these complexities but could overextend their current capacities.

5. **Financial Implications**: The costs associated with each model are a crucial factor. New regional secretariats might incur high initial costs, while expanding the roles within existing organizations could lead to financial strain if additional funding is not provided. Stakeholders must assess the financial sustainability of each model.

6. **Economies of Scale**: Considering the financial aspect, stakeholders should also think about the economies of scale. Centralizing certain functions may reduce costs, but it could also risk losing touch with local community needs.

7. **Incorporation into Existing Structures**: The feasibility of integrating the Secretariat's functions into existing regional organizations without diluting its core purpose or overwhelming the current operational capacity is another critical consideration.

8. **Infrastructure for Data Management**: The chosen model must have or be capable of developing the necessary infrastructure for large-scale data storage and management, which is a fundamental component of the Secretariat's mandate.

9. **Adherence to Function and Purpose**: Regardless of whether the model emphasizes national coordination or regional autonomy, it must uphold the Secretariat's fundamental functions and overarching purpose of ending discrimination and preventing its recurrence in FNCFS.

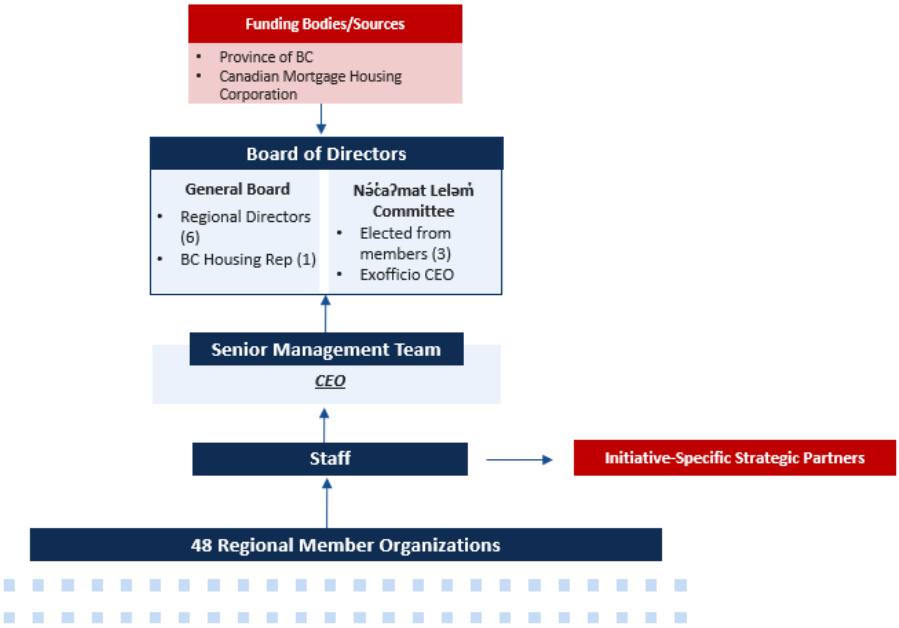
Appendix A: Review of Existing Organizations

Aboriginal Housing Management Association (AHMA – BC)

AHMA

Governance Structure

Est. Staff Complement: 28 FTEs
Est. Total Budget: 46 million
Data Capacity: Medium
Programming Capacity: High



Readiness Scorecard

1. Mandate

- The organization aims to support housing rights for Indigenous people across British Columbia, applying a distinctive cultural lens, led by a team of Indigenous executives.

- This work primarily involves financing new housing units for at-risk persons, but it also includes convening stakeholders, knowledge sharing, and strategic projects with other Indigenous welfare organizations.
    - While not focused exclusively on children and families, the organization recognizes the critical role housing plays in keeping families together.

Notable Child Welfare Programs and Initiatives

- AMHA maintains a strategic partnership with Lii Michif Otipemisiwak Child and Community Services to address child protection issues for the Métis population of Kamloops.
    - The initiative includes support for parents through one-one and group skill-building classes, as well as relationship and outreach programming for youth who have aged out of child welfare system.
- AMHA also has a partnership with the Ki-low-na Friendship Society, to provide supportive housing for new mother at risk of losing their children due to inadequate housing.
    - The Tupa Grandmothers Lodge provides a safe space with many amenities for young families.
- AMHA finances several other initiatives aimed at supporting mothers and children fleeing abuse.

2. Stakeholders and Communities Served

- While the organization has traditionally focused on leading in urban Indigenous housing in BC, it has since expanded its scope to service rural and northern communities as well.
- AMHA supports nearly 8000 finished and in progress housing units across British Columbia.

3. Governance and Organizational Structure

- The AHMA is an umbrella organization comprised of 48 Indigenous housing providers in British Columbia.
- The organization is governed by an independent Board of Directors. The board includes:
    - Six directors each representing a distinct region of the province
    - One director representing BC Housing
    - Nə̓c̓aʔmat Leləm̓ Committee, comprised of three elected directors from member organizations

- There are 28 full-time equivalent staff on hand.

4. Resources and Financial Scope

- The organization has traditionally been funded by the province of British Columbia, however, it has received some contributions from the Canada Mortgage Housing Corporation.
- Revenues in fiscal year 2020-2021 were approximately $46 million.
- AMHA's largest expenditures were its subsidies to its members ($42 million), staff salaries and benefits were the next largest, approximately $2.5 million. The organization has relatively few physical assets.

5. Programming and Data Management Capacity

- As noted, child welfare programming is typically delivered via a strategic partner where AMHA provides funding and supporting housing infrastructure.
- The organization also convenes roundtables of experts across civil society on Indigenous housing-related issues and has a dedicated relationship building capacity.
    - Other organizations frequently engage AMHA team-members for expertise on culturally informed asset management.
- The organization does collect data related to asset management and community housing needs, and has some staff dedicated to this function. Findings are typically disseminated in formal reports.

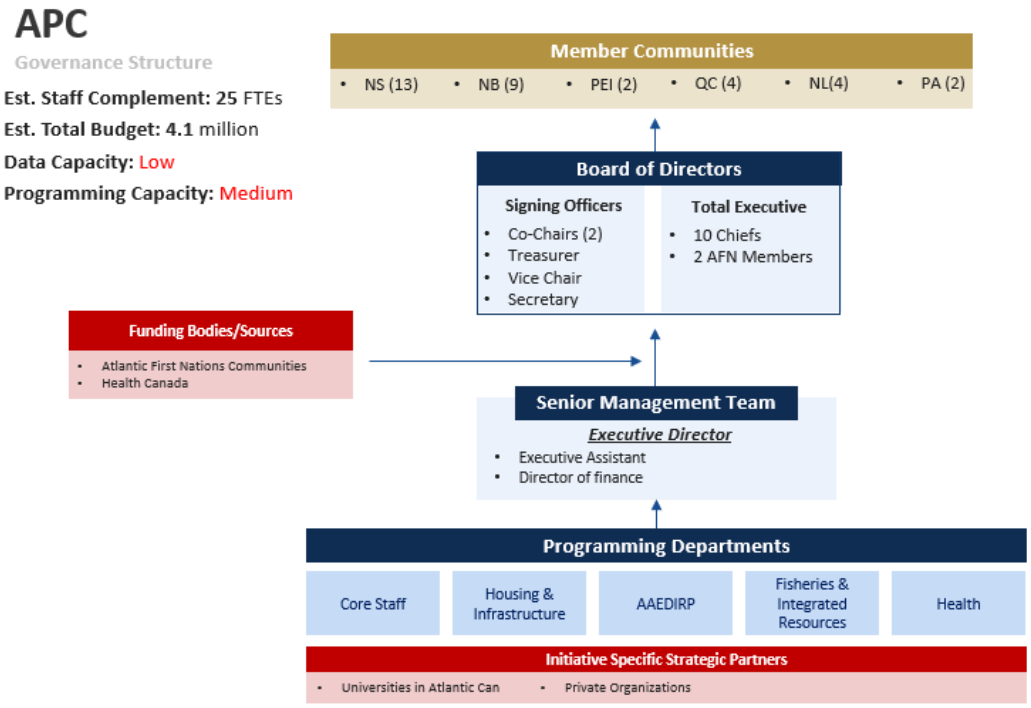
Defining Traits and Conclusion

- AMHA is notable for its ability to disseminate a large amount of funding across the province and for its ability to share its recognized expertise in housing with other welfare-focused organizations.
- AMHA's federated membership structure allows the organization to be relatively lean at the management level, while enabling lower-level regional affiliates to tailor their work to local needs.
    - At the same time, this membership structure gives management a birds-eye view of activities across the province which may enhance learning and lend itself to thought leadership.

Key Design Takeaway

- *For the Secretariat, which aims to be national in scope, a federated membership structure may be appropriate. This design would keep overhead low, while encouraging broad-based collaboration across jurisdictions.*

Atlantic Policy Congress of First Nations Chief Secretariat



Readiness Scorecard

1. Mandate

- The organization seeks to advance the interests of First Nations communities in Atlantic Canada, Quebec, and Maine, through locally led policy research and advocacy.

- The APC presents policy alternatives to communities directly, it also lobbies federal and provincial governments and supports communities in litigating Aboriginal and Treaty rights cases.

Notable Child Welfare Programs and Initiatives

- While the APC has a broad mandate across issues related to Health, Housing and Infrastructure, Water, Fisheries, and Economic Development, these matters often intersect with child welfare.
    - The organization has advocated for increased funding for youth and young family focused programming in its member communities.
    - However, it does not appear to have extensive programming dedicated to early childhood intervention or related issues.

2. Stakeholders and Communities Served

- The organization services 32 communities across the Atlantic region.

3. Governance and Organizational Structure

- The organization is led by the Board of Directors, comprised of eleven executive members, four of whom are designated as signing officers.
    - All Board Directors are Chiefs. Currently, four hail from Nova Scotia, three from New Brunswick, and one each from Quebec, Prince Edward Island, Newfoundland and Labrador, and Passamaquoddy.
- The Board is ultimately accountable to its member communities in the region. It is supported by a senior management team and staff across its five programming departments.
- Staff complement is approximately 25 full time equivalents.

4. Resources and Financial Scope

- The APC has an estimated annual revenue of roughly $4 million.
- Contributions are received from member communities, as well as some grants from the federal government.
- There is limited publicly available information on the organization's expenditures and cost structure.

5. Programming and Data Management Capacity

- The APC regularly convenes policy conferences that include member communities and other First Nations stakeholders. These events typically serve to support knowledge sharing and priority setting across the Atlantic region.
- While the organization does some data collection and management to support its policy publications, this role is fairly limited. The APC does not appear to have robust data sharing or coordination role.

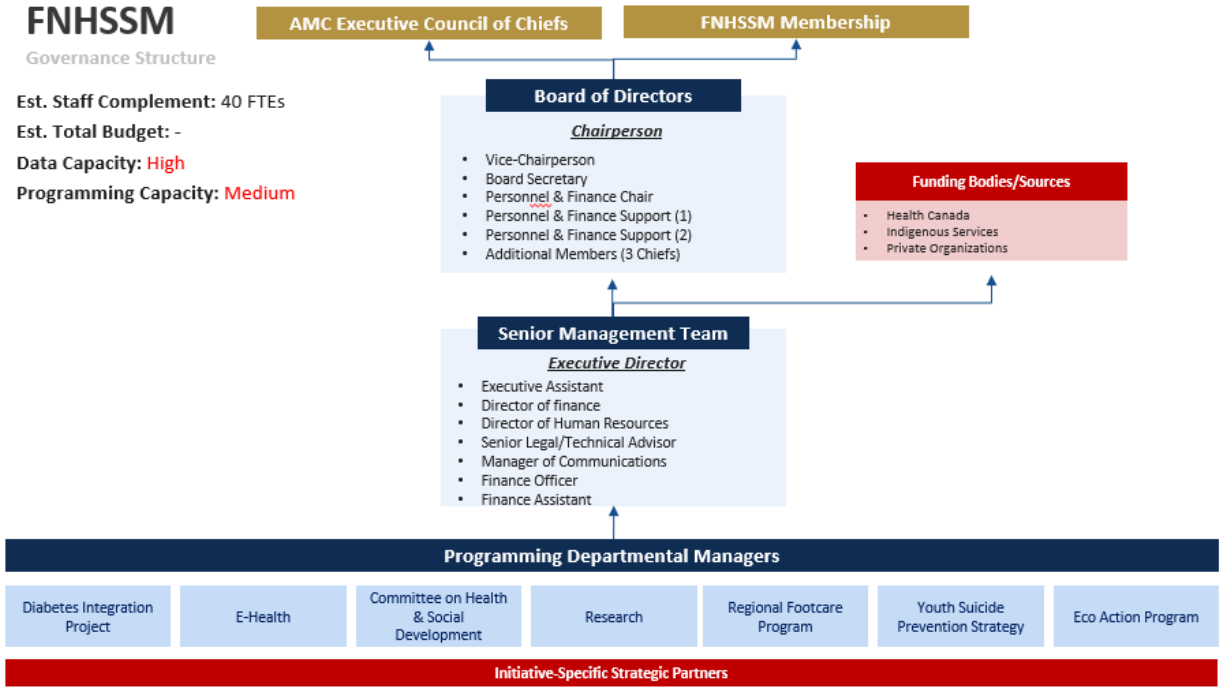
Defining Traits and Conclusion

- The Atlantic Policy Congress is notable for its governance which makes use of existing community leadership in being entirely comprised of local Chiefs. This structure works to ensure that the organization's proposals are reflective of the will of member communities.
    - It may also support continued participation in conferences and other policy making forums.
- From a child welfare perspective, limitations of the APC are its broad mandate and limited data management function.

Key Design Takeaway

- *For the Secretariat, which seeks to be a by First Nations for First Nations organization, imbedding existing community leaders at the Board of Directors level may help to establish trust and legitimacy at the outset.*

First Nations Health and Social Secretariat of Manitoba (FNHSSM)



Readiness Scorecard

1. Mandate

- The FNHSSM works to support Manitoba First Nations communities by increasing opportunities to participate in the planning and development of a Unified Health System in Manitoba; influencing regional and national health policy, and program development in areas including: health consultation, maternal child health, e-Health/Panorama, youth suicide, mental health, inter-governmental health, research, and health governance.

- The organization is a member of the First Nations Information Governance Centre (FNIGC) and contributes to data management and collection efforts.

Notable Child Welfare Programs and Initiatives

- The FNHSSM conducts a regional health survey in conjunction with the FNIGC. The survey captures many indicators of community wellbeing, including parent-child relationships.
- In partnership with the University of Manitoba, Manitoba Health, and other First Nations organizations, FNHSSM organizes a Maternal Child Health Program to study infant mortality in the province as well as indicators of early child health and prepare responding policy options.
- The organization also facilitates a Cree Birthing program to measure indicators of early childhood wellness as they relate to traditional birthing practices.
- FNHSSM has also helped lead the AMC's evaluation of regional implementation of Jordan's Principle.

2. Stakeholders and Communities Served

- The organization works on behalf of all First Nations in Manitoba, including 63 AMC members, 7 tribal councils and the 3 PTOs.

3. Governance and Organizational Structure

- The FNHSSM is overseen by a Board of Directors, comprised of nine Chiefs from different communities across the province.
- The Board is ultimately accountable to the member communities and is mandated to provide regular updates to the AMC Executive Council of Chiefs (ECC).
- An Executive Director heads the Senior Management Team. Managers of each of the organization's departments report to the Executive Director, who in turn reports to the Board.
    - The Executive Director also provides updates to external funding bodies on an ad-hoc basis.
- At the program delivery level, Departmental Managers collaborate directly with outside organizations, including Universities, governments, and other civil society organizations.
- Staff complement is approximately 40 full time equivalents.

4. Resources and Financial Scope

- Financial information supporting FNHSSM's operations is not published in its annual reports, although third party research organizations have estimate that annual revenue is between $1 million and $5 million.

5. Programming and Data Management Capacity

- As part of its role as a regional member of the FNIGC, the FNHSSM manages the Health Information Research and Governance Committee (HIRGC), where it:
    - Acts as the “gatekeeper” of First Nations data at a regional level.
    - Provides guidance to local research efforts performed by First Nations or outside consultants.
    - Acts to ensure that First Nations research is respectful and in accordance with OCAP principles.

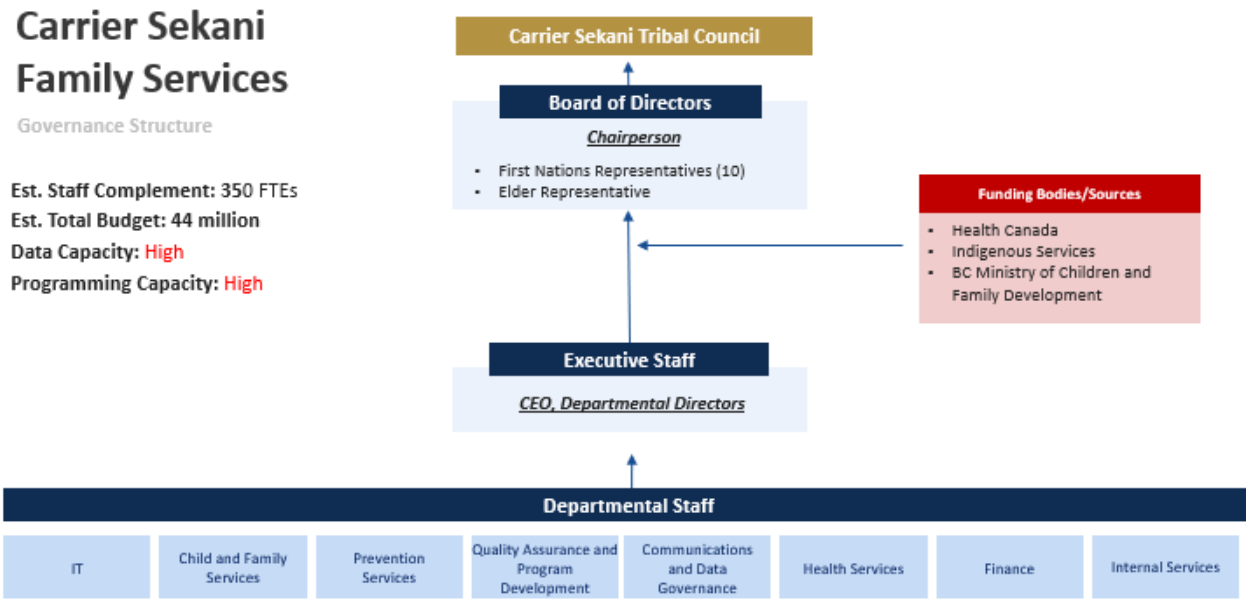
Defining Traits and Conclusion

- The FNHSSM is notable for its built-in accountability, as the organization is mandated to report directly to the communities it serves.
- It is also noteworthy that while it is Indigenous led, FNHSSM regularly conducts collaborative research with non-Indigenous organizations while remaining compliant with OCAP principles.
    - This might be attributed to the use of project-based collaboration at the lower levels of the organizational structure.

Key Design Takeaway

- *The Secretariat may benefit from a similar ad-hoc partnership approach with non-First Nations organizations. In being less focused on multi-year collaborative agreements, the Secretariat may preserve its nimbleness and better promote First Nations data sovereignty.*

Carrier Sekani Family Services



Readiness Scorecard

1. Mandate

- Carrier Sekani Family Services (CSFS) is charged with establishing a "comprehensive infrastructure" for social, health, and legal programs that will eventually be passed on to the regional Tribal Council as part of the community's path to self-government.

Notable Child Welfare Programs and Initiatives

- The CSFS offers guardianship services and resources for its member communities, backed by dedicated staff.

    - The program provides care for children who are under Continuing Custody Order through the management of foster care homes on reserve in member communities.
    - The program also offers continuing supports for youth who age out of the system.
- The organization also provides preventative services, aimed at young parents. This programming includes:
    - Early childhood education programs that seek to build greater cue interpretation skills between parents and children.
    - Family Preservation Outreach that seeks to advocate on behalf of parents in securing housing and other necessities.
    - A Family Empowerment program that allows children in foster care to visit their parents in a supervised environment while providing behaviour management and other skill-building workshops.

2. Stakeholders and Communities Served

- The organization services 22 local bands, over 10,000 persons, in Northern British Columbia.

3. Governance and Organizational Structure

- The organization is led by a Board of Directors consisting of ten member First Nations representatives and one Elder.
- Operational decisions are led by a CEO and departmental directors.
- Staff complement is roughly 350 full time equivalents.
- As the organization has grown rapidly in recent years, the Board of Directors has commissioned a governance review by an independent consultancy.

4. Resources and Financial Scope

- CSFS maintained an operating revenue of roughly $44 million in 2021 and has allocated nearly $50 million for the current fiscal year.
    - The organization is primarily funded by the First Nations Health Authority, Indigenous Services Canada, and the British Columbia Ministry of Children and Family Development.
    - Its largest expenses were salaries and benefits for its large staff complement, as well fostering services for children.
    - It maintains seventeen physical office spaces. Buildings remain its largest asset.

5. Programming and Data Management Capacity

- CSFS maintains a Quality and Innovation department dedicated to tracking the performance of its programming and improving future service delivery.
    - This function is supported by a dedicated Communications and Data Governance department that ensure the organization's tracking of information is modernized and remains consistent with OCAP principles.
- The organization regularly performs service quality audits on its programming. It also seeks validation from the Commission on Accreditation of Rehabilitation Facilities (CARF), an external body.

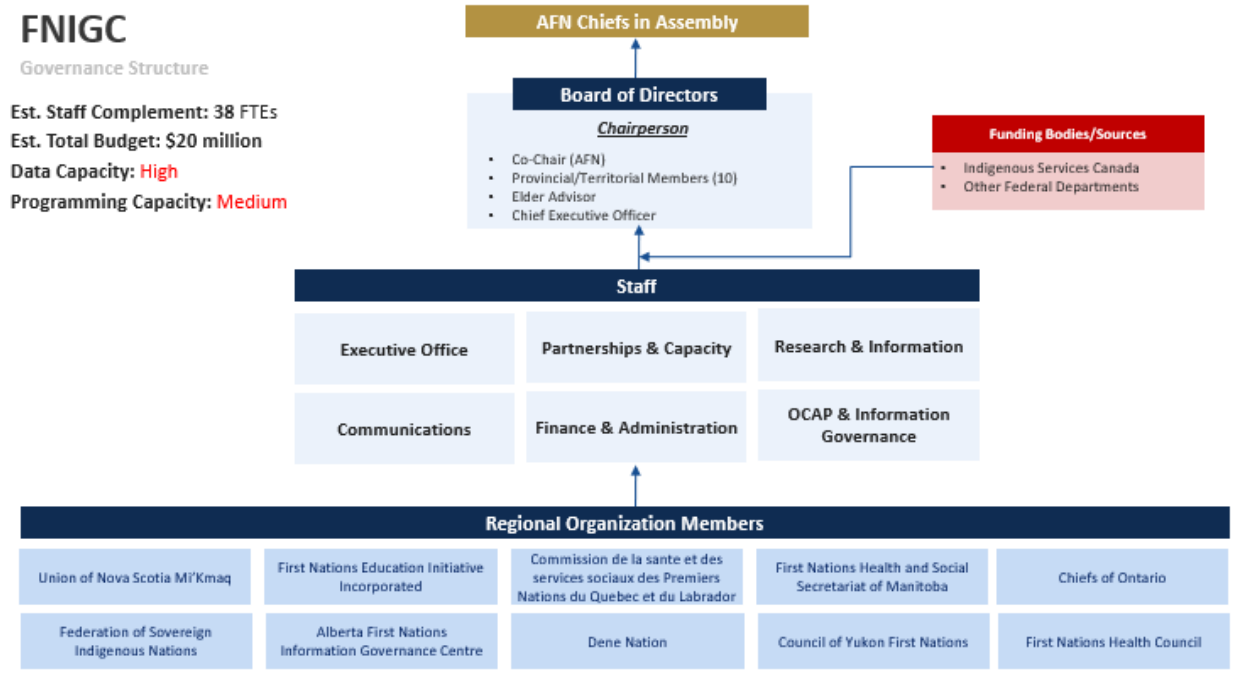
Defining Traits and Conclusion

- As CSFS's aim is to build lasting services, much of its work is performed by the organization itself, with the assistance of some outside consulting services.
    - As such, the organization's operations do not emphasize partnership building.
- Overall, Carrier Sekani Family Services' approach appears to demonstrate a sophisticated capacity to address local child welfare issues. However, there does not seem to be much external collaboration beyond member First Nations.

Key Design Takeaway

- *Any new national Secretariat would likely benefit from incorporating some of CSFS's practices both in its array of available programming and its commitment to tracking and measuring performance.*
- *Importantly, as there are organizations like CSFS which are already quite sophisticated in their programming, the Secretariat might be effective acting as a strategic connector, facilitating knowledge transfer from experts from leading organizations to other First Nations communities.*

First Nations Information Governance Centre (FNIGC)



Readiness Scorecard

1. Mandate

- The First Nations Information Governance Centre aims to support evidence-based decision making in First Nations communities and protect community sovereignty and agency over the collection and stewardship of local data.
- While the organization's primary activities revolve around data gathering initiatives in First Nations communities, it also offers a wide array of other programming – including direct research, training, capacity building and knowledge translation.

Notable Child Welfare Programs and Initiatives

- The FNIGC has been commissioned by the AFN to perform a feasibility assessment of conducting a longitudinal study of First Nations child development and well-being.
    - The initiative included a literature review, direct engagement with subject matter experts, and relied on previous investigations by the AFN.
    - Ultimately the assessment produced a 17-point plan to inform a robust longitudinal study of First Nations children and youth.
- The organization is also performing research work focused on Frist Nations early childhood care and development, in collaboration with the National Centre for Indigenous Health (NCCIH).
- In addition to these specific initiatives many of FNIGC's projects in health and economic development necessarily overlap with child welfare issues.

2. Stakeholders and Communities Served

- The FNIGC conduct its work on behalf of the AFN and the 634 First Nations communities across Canada.

3. Governance and Organizational Structure

- The organization is led by a Board of Directors consisting of representative from each of FNIGC's ten regional partners and an Elder advisor. The board reports directly to AFN chiefs in assembly.
    - Directors are appointed for three-year terms.
- Operational decisions are led by a CEO and departmental directors.

4. Resources and Financial Scope

- FNIGC is primarily financed on a contract-by-contract basis with the federal government, with national surveys, the primary revenue driver, supported by Indigenous Services Canada.
    - FNIGC, in turn, has contribution agreements to support its regional partners.
- Additional revenue is sourced on a fee-for-service basis out of the organization's First Nations Data Centre.
    - Here, FNIGC processes special projects with federal departments, researchers, students, and others.
    - Projects often include data tabulations, storage, and management. The organization performs all of its work in accordance with OCAP principles.
- Finally, FNIGC offers a *Fundamentals of OCAP* online course. The course is available to stakeholders and outside researchers on pay-for-access basis.

5. Programming and Data Management Capacity

- The organization's data management capacity is vast. Not only does FNIGC, and its regional partners, maintain an infrastructure capable of housing national data, the organization also has established strategic partnerships that cement its leading role.
    - Evidence of this position include National Data Governance Strategy, which received ten-year funding from Indigenous Services, and the FNIGC's position as a member of the Canadian Research Data Centre Network (CRDCN).

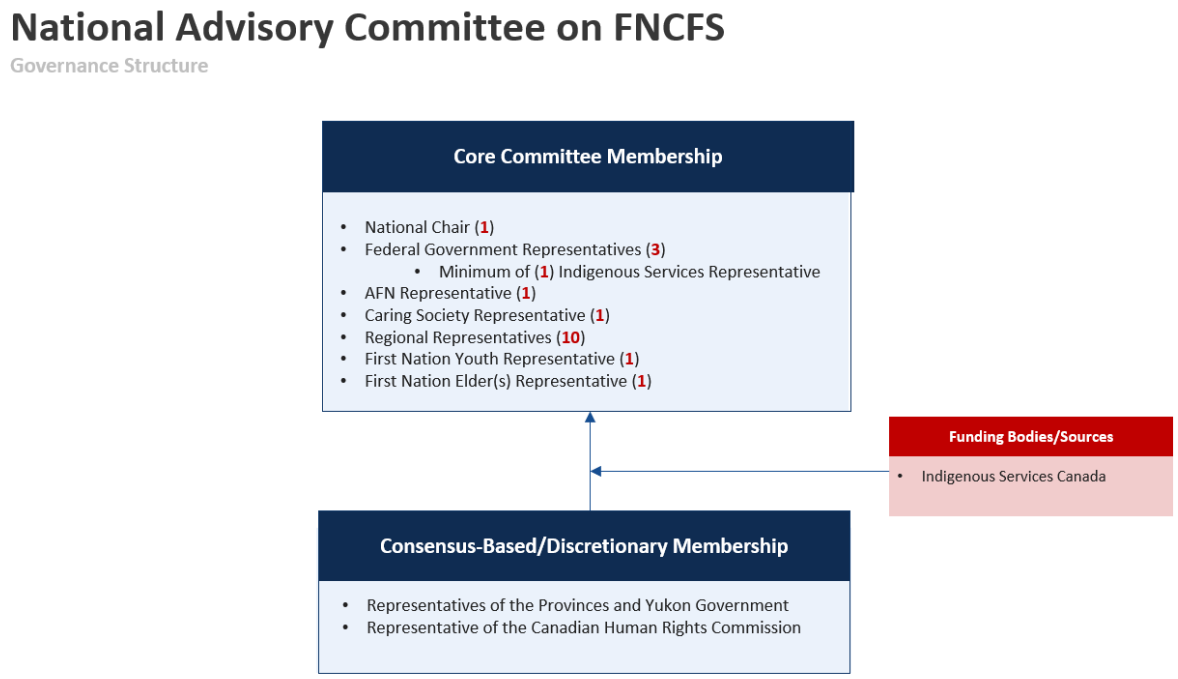
Defining Traits and Conclusion

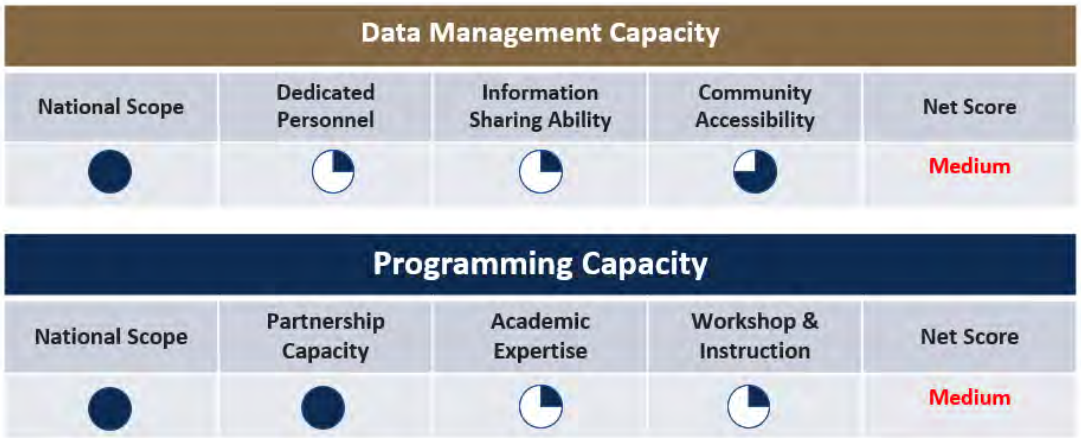
- The defining feature of the FNIGC is the trust it has garnered in communities and among First Nations leadership. The organization has successfully positioned itself as the de-facto leader in the information and data management space.
    - The FNIGC is a first mover in the application of OCAP principles to child-welfare issues and in the provision of related instructional programming.

Key Design Takeaway

- *For the secretariat, this reality likely means that any planned data management activities must be performed in collaboration with, not tangential to, the FNIGC.*

National Advisory Committee (NAC) on First Nations Child and Family Services





Key Design Takeaway

- *For the secretariat, an organization that might derive most of its revenue from Indigenous Services Canada, including ISC representatives on the Board of Directors may be an effective means of engaging Government of Canada officials and ensuring broader institutional support.*

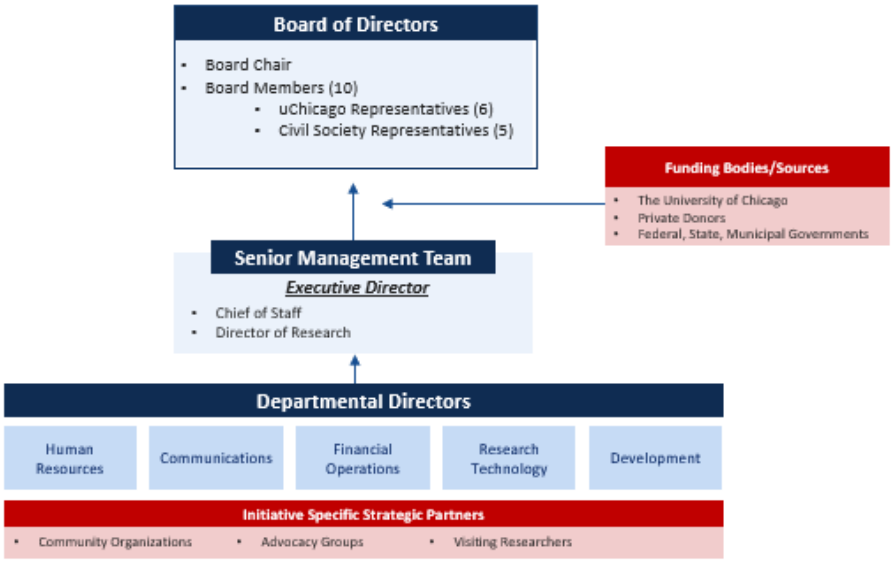
University Affiliation

Chapin Hall – University of Chicago

Chapin Hall

Governance Structure

Est. Staff Complement: 125 FTEs
Est. Total Budget: 29 million
Data Capacity: High
Programming Capacity: High
Notable Traits: Expansive resources and strong fundraising, rigorous research and data stewardship capabilities, high level of university involvement



Key Design Takeaway

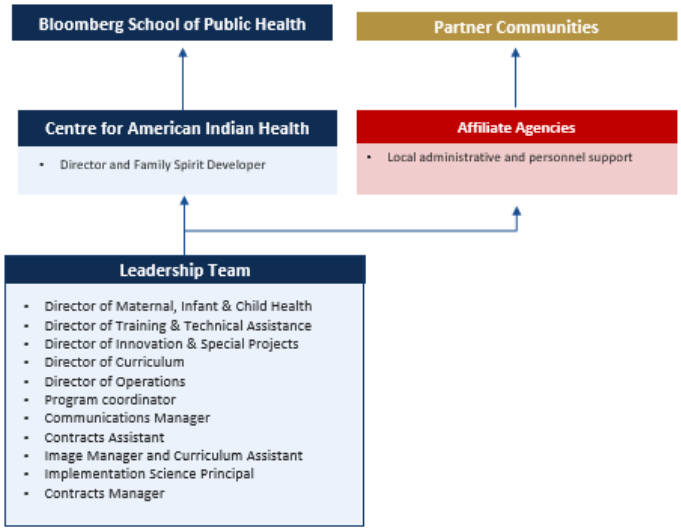
- *For the Secretariat, a university-housed model may help facilitate an array of different funding streams, but it may also necessitate a higher level of non-First Nations administrator involvement.*

Family Spirit – Centre for American Indian Health, Johns Hopkins University

Family Spirit

Governance Structure

Est. Staff Complement: 14 FTEs
Est. Total Budget: -
Data Capacity: Low
Programming Capacity: High
Notable Traits: Lean operating model, nationally dispersed leadership team



Key Design Takeaway

- *For the Secretariat, relying on other affiliate organizations to deliver key programming on an as-needed partnership basis, may reduce overhead and more efficiently deploy key resources.*

Appendix B: Information Technology Approach

This section offers a non-technical view of information technology (IT) costs for a potential Secretariat. It is based on modern best practices, for a small-to-medium enterprise (SME) using a *cloud-first* approach, where **services** are preferred over **capital investments** in on premises infrastructure. This yields greater flexibility for the organization, and while this document is not an exhaustive IT budget, it illustrates major cost components using existing popular services for SMEs. The proposed secretariat will find that privacy, security and access considerations will make IT a key operating feature of the organization. Data will, more often than not, reside in a digital form creating both opportunities and vulnerabilities for the organization. Ensuring appropriate budgeting for a robust IT function will be important in building and maintaining trust with stakeholders. The proposed IT requirements reflect modern management practices including a lean operating model, hybrid work style, mobile workforce and web-centric operations. Further, given that the organizational design considerations for the secretariat are based on existing analogous entities, there is very little, if any, cost associated with "unique" requirements.

Assumptions

The information presented below is based on several key assumptions:

1) The Secretariat will be setup as a not-for-profit organization with the associated status that will allow it to obtain significant not-for-profit discounts on technology-related expenditures.
2) The organization will leverage not-for-profit pricing from Microsoft (https://nonprofit.microsoft.com/), TechSoup Canada (https://www.techsoup.ca/) and other providers.
3) The prices used in this document are in CAD (unless otherwise noted) and are believed to be accurate at the time of preparation but are meant to be illustrative and may be subject to changes. Costs quoted do not include any applicable taxes.
4) The examples used in this document assume a staffing level of **15 full-time** employees.
5) Depreciation of capital assets is not included in this IT budget, but this should be taken into consideration when establishing the overall budget for the organization.
6) Replacement of end-of-life assets (retired laptops, etc.) is not included in the scope of this budget.

Implementation Timeline
For the initial IT setup discussed in this document the organization should anticipate a two-to-three-month timeline. This assumes multiple projects running concurrently (website build, IT infrastructure setup, accounting system, etc.) The timeline will depend on resource and content availability, design choices, as well as timely decision making and support from leadership and other stakeholders.

Budget Overview
Typical IT Spending as a % of Revenue/Budget
While each is unique, generally modern organizations typically spend between 4-6% of their revenue/budget on IT, and this range is recommended by the well regarded IT professional practice publication *CIO Magazine*. Larger organizations tend to have lower percentages as they generate greater economies of scale.

- Small organizations (less than $50 million in revenue) spend 6.9% of their revenue on IT
- Mid-sized organizations (between $50 million – $2 billion) spend 4.1%
- Larger organizations (over $2 billion) spend a relatively small 3.2%

Data from the Deloitte Insights November 2017 CIO Insider report citing "Deloitte 2016-2017 Global CIO Survey" (n=747) echoes these ranges and puts the education and non-profit sector at an average of 5.77% with an average of 3.28% across all sizes and industries. (https://www2.deloitte.com/content/dam/insights/us/articles/4349_CIO-Insider_Tech-budgets/DI_CIO-Insider_Tech-budgets.pdf)

The tenth annual "Non-profit Technology Staffing and Investments Report" published by NTEN in May 2017 focused specifically on technology in non-profits (n=259). NTEN found, across all sizes of non-profits, technology accounted for 5.7% of annual budgets on average. Additionally, they found that smaller non-profits had higher spending as a percentage of their total budget. (https://www.nten.org/wp-content/uploads/2017/05/Staffing_Report2016_v12.pdf)

Summary Table of Expenditures

This document outlines IT costs or considerations for the Secretariat across seven key areas. Within each area costs are differentiated between recurring annual costs versus one-time initial setup project costs. Projects are identified to build the web site, setup IT infrastructure, setup accounting software, train staff, etc. Project costs should be considered placeholder amounts based on relatively straightforward implementations, limited customizations, available content, etc.

Each area is expanded and explained in the sections that follow.

Budget Categories	One Time	Annual
Online Public Presence Setup & Subscriptions	$25,000.00	$97.50
Connectivity & Communication Services	$10,000.00	$38,017.20
Software Setup & Subscriptions	$95,000.00	$9,430.95
Misc Expenses	$0.00	$7,500.00
Measuring to Thrive Cloud Application	$10,000.00	$0.00
IT Hardware	$77,245.00	$0.00
IT Staffing	$0.00	$175,000.00
Totals	**$217,245.00**	**$230,045.65**

Online Public Presence

Web Site

An online public presence will be important for the Secretariat to communicate information to the public and host "non-private" content ranging from job postings to press releases to custom developed content. Numerous solutions exist to host web sites that allow relatively non- technical staff members manage and update content. These services also offer a range of additional functionality as the organization's needs evolve. Popular solutions are provided by Wix, GoDaddy, WordPress and more. TechSoup charges a $15 fee that grants a 70% discount off the $20/month Wix Unlimited Premium plan based on a two-year commitment.

A "one time" 1–2-month project would need to be undertaken to define, setup and build the initial website of the Secretariat. Costs could vary depending on the complexity of the design and availability of content.

Domain Hosting

A core part of the public presence is the domain name(s) of the organization. While the need may exist to register multiple names, this example assumes a single registration. Many providers are available with GoDaddy being one of the most popular. A typical domain registration costs approximately $30/year. GoDaddy offers an "*in-kind product donation program, GoDaddy Shares, providing a one-time donation of one domain name and one shared hosting account from GoDaddy for one year at no charge.*

Following the one-year term of receiving support through our in-kind program, you will receive a discounted rate of 40% for a two-year term. Organizations are eligible for only one donation per organization." (https://forms.benevity.org/87e35df3-1c1c-43ce-a500-7ab3df518124)

Financials – Online Public Presence

Online Public Presence	One Time	Annual
Initial Website Creation	$25,000.00	
Wix Unlimited Premium Web Hosting		$79.50
GoDaddy Canada Domain Name Registration		$18.00
Subtotal	**$25,000.00**	**$97.50**

Connectivity & Communication Services

Modern organizations rely extensively on multiple communication and connectivity services. These cover business-grade Internet service for the office, calling and data plans for employee mobile devices, as well as desktop phone services in many cases. Numerous providers and options exist for each service – the costs shown below are typical from real world examples from major providers but will vary with exact usage, roaming and terms. Additionally, a project is identified to cover installation of network cabling and required hardware. These costs may vary depending in complexity of installation, etc.

Financials - Connectivity & Communication Services

Connectivity & Communication Services	One Time	Annual
Mobile/Cellular (15GB data, unlimited calling - $175/user/mo x15 staff x12 months)		$31,500.00
Business-grade Internet Service		$3,600.00
Installation of Network Wiring/Hardware	$10,000.00	
Microsoft Teams Desktop Phone license with Calling Plan (3000 minutes) ($14.30/user/mo x15 staff x12 months) (Hardware not included)		$2,574.00
Teams Phone with Calling Plan $14.30/mo (3000 minutes) (x2 meeting rooms)		$343.20
Totals	**$10,000.00**	**$38,017.20**

Software Setup & Subscriptions

Employee Productivity

Employee productivity tools are those used to perform basic work functions such as emails, work processing, spreadsheets, presentations, creative/artwork, and such. The most common tools used for these are Microsoft Office and products from Adobe such as Acrobat and Creative Cloud.

The design of IT systems and usage should assume an “anytime, anywhere” approach to productivity, support virtual work and should be based upon a “Zero-trust” approach to security.

The assumptions are based on non-profit Microsoft 365 E5 licenses providing 5TB of personal cloud storage using OneDrive, Outlook, Word, Excel, PowerPoint, Teams, Anti-virus/Anti-malware and more that can be installed on 5 PCs and 5 mobile devices per user, Adobe Acrobat Pro DC licenses (10 staff @13% discount) and 1 Adobe Creative All Apps user (60% off Adobe’s regular rates for the first year and 40% every year after). Also included are the modest licensing requirements/costs for collaboration software in each boardroom/meeting rooms for shared devices.

Employee Software Training

End user training should be provided as appropriate to ensure staff have the necessary technical skills to use their software. Training should also be provided on IT Security and Acceptable Use policies as defined by the organization. A mixture of online/virtual training can be combined with company-specific training as appropriate.

IT Software Services

A robust set of IT infrastructure is critical to the success of an organization. A diverse set of services are required to meet a modern organization’s technology needs. These range from the typical items such as email, document storage, and intranets to advanced enterprise security, threat protection and analytics, internal and external collaboration, device management (including mobile), identity management, business analytics and advanced compliance tools such as records management, eDiscovery, information protection.

The costs associated with properly deploying, managing, and updating the necessary infrastructure with on-premises systems has (in the past) been prohibitive for almost all SMEs. With the mainstream adoption of cloud service offerings such as Microsoft 365 E5 these capabilities are now within reach of most organizations. Importantly, such offerings are now available on exclusively Canadian-based infrastructure to meet data residency and privacy requirements if necessary. Additionally, extensive audits and certifications have validated the use and security of these platforms.

While the features of a Microsoft 365 E5 subscription are extensive, many can be rolled out incrementally as the organization’s needs evolve and become more sophisticated. A “one time” two-month project would be undertaken to define, setup and configure the initial IT infrastructure services of the Secretariat. Additionally, a concurrent project

should define any necessary policies and procedures for IT and staff such as an IT Security Policy.

Business Software

All organizations will require some form of "business operations" software ranging from accounting to HR/payroll to potentially CRM/stakeholder management solutions. While exact details cannot be offered without further analysis of need, there are numerous popular cloud-based subscription services available across most of these categories. Alternatively, such services may be outsourced and thus the rates/terms may vary. Other activities, such as audits may or may not have impacts to technology costs depending on circumstance.

A "one time" project would need to be undertaken to setup and configure the accounting software. Cost estimates may vary based on complexity and requirements.

Data Analysis & Reporting

Data analysis and reporting are essential elements of fact-based decision making, accountability and planning. A wealth of tools exists in this category but the most prevalent is Microsoft Excel. Familiar to most business users, but significantly more powerful in recent versions, it provides the basics of reporting and analysis.

For more advanced analysis, reporting, dashboards and even publishing interactive data-driven graphics to the web, Microsoft offers Power BI Pro. Every user receives a license to these tools (included in their Microsoft 365 E5 license). For even greater capabilities and capacities individual users, such as dedicated data analysts, can be upgraded to Power BI Premium.

Financials – Software Services & Setup

Software Setup & Subscriptions	One Time	Annual
Initial Setup & Configuration of IT Services (Microsoft 365 E5)	$50,000.00	
IT & Security Policy Development	$5,000.00	
Microsoft 365 E5, Enterprise Mobility + Security E5 (15 users @ $22.80/mo x 12)		$4,104.00
Adobe Acrobat Pro DC ($7 admin fee + $16.99/mo x12 months x10 users)		$2,108.80
Adobe Creative All Apps Plan ($7.00 admin fee + Subscription fee - year 1: $311.88 & year 2+: $467.82 (1 user with initial two-year average price used)		$393.35
Teams Rooms Standard license $7.70 license/mo (x2 meeting rooms x12 months)		$184.80
Employee Software & Policy Training ($2,000/employee x 15)	$30,000.00	
Initial Setup & Confuguration of Accounting System	$10,000.00	
QuickBooks Online – Advanced + Payroll) ($160/month + $4/employee)		$2,640.00
Totals	**$95,000.00**	**$9,430.95**

Miscellaneous Expenses

Supplies

Depending on where cost accountability resides, IT costs often include supplies such as toner, printer paper, small cables, accessories, etc.

Repairs

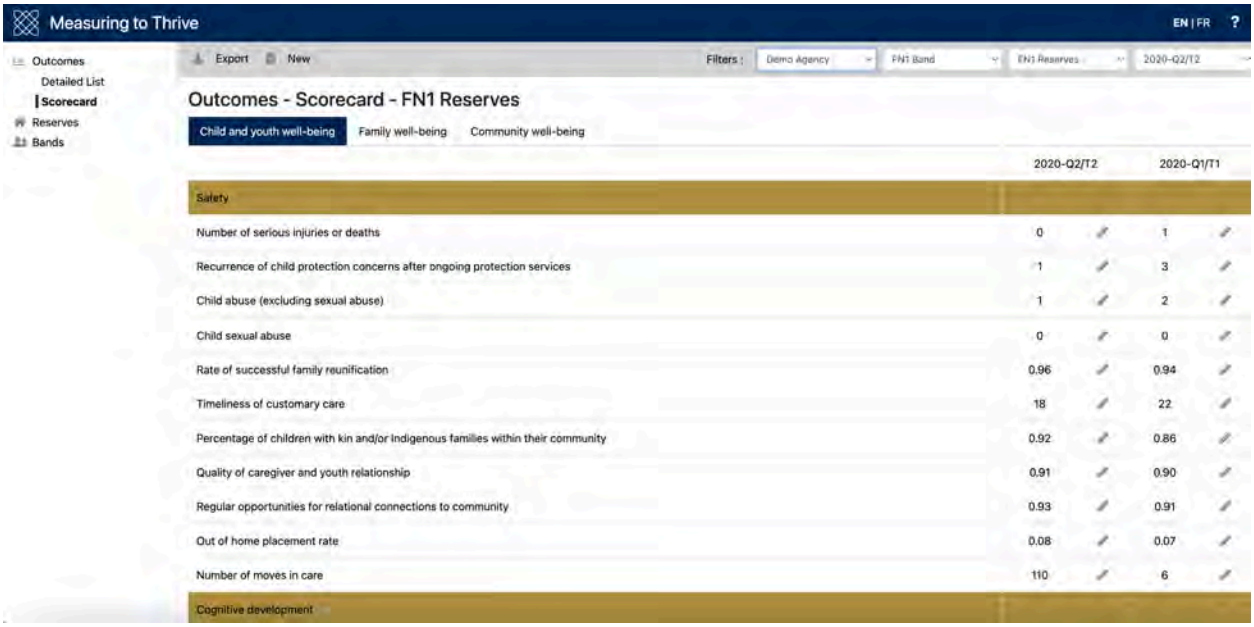
IT budgets will also usually contain a line item for repairs to cover out of warranty costs for occasional repairs or accidental damage.

Financials – Miscellaneous Expenses

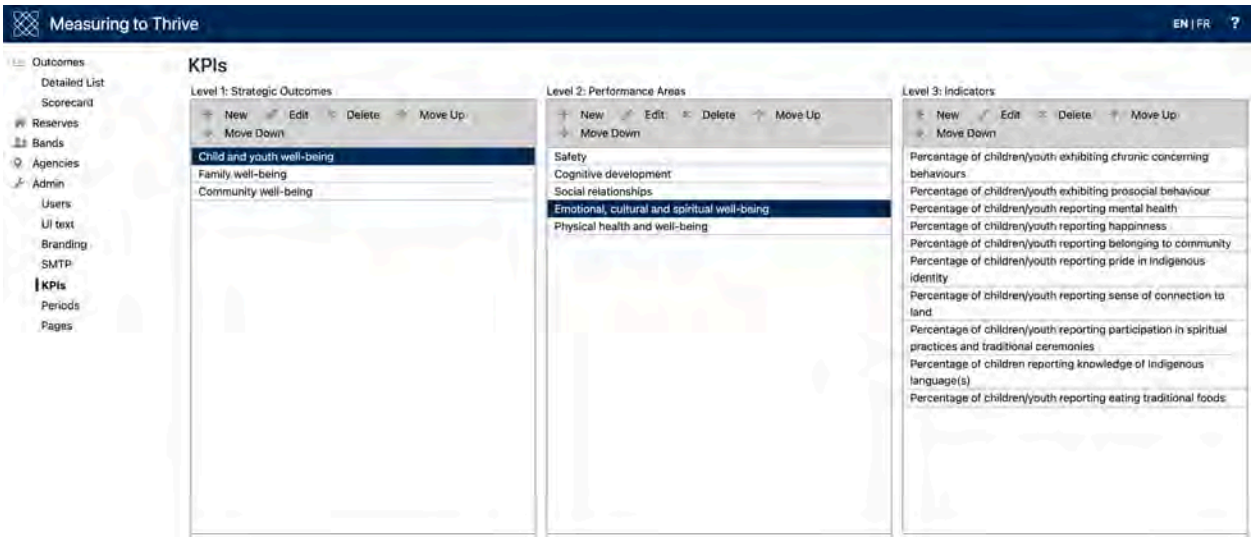
Miscellaneous Expenses	One Time	Annual
Supplies (Toner, Paper, accessory cables, etc.)		$2,500.00
Equipment Repairs		$5,000.00
Totals	$0.00	$7,500.00

Measuring to Thrive Cloud Application
Solution Overview

The Measuring to Thrive cloud application was built by IFSD to provide a location where stakeholders can centrally report anonymized data of KPIs relating to the Measuring to Thrive framework. The system is built using Microsoft Azure cloud services with security and privacy as the core focus. The system is hosted exclusively on Canadian infrastructure and offers end-to-end encryption with fully encrypted data at rest. Data is stored with 6x data redundancy to prevent data loss (3x times in Canada Central region + replication to 3x in Canada East region)

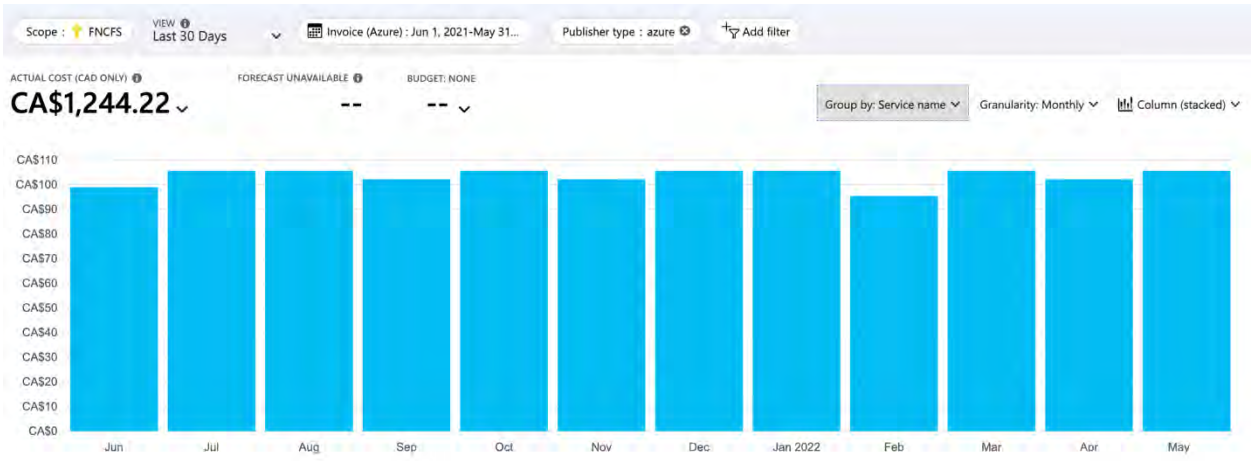


The system supports both English and French and is designed to evolve with the underlying Measuring to Thrive framework. KPIs can be introduced, revised, and retired as required.



Operating Costs

Solutions designed from the beginning to operate on Microsoft Azure or similar platforms can be incredibly efficient to operate as capacity can be adjusted dynamically on an hour-to-hour basis. The Measuring to Thrive cloud application can be configured to almost infinitely scale up or down in line with demand. In the current configuration, it can handle the most of the envisioned loads while only costing approximately $3.41 per day to operate. Operating costs for the past year have totaled $1,244.22.



Initial Development Costs

IFSD bore the development costs create the Measuring to Thrive cloud application. Ownership of the application and its source code will be transferred to the Secretariat at no cost to the Secretariat.

Transfer of Measuring to Thrive to the Secretariat

While IFSD has born the development costs of the application as well as the operating cost to date, the process to transfer the application to a new owner can be a relatively complex task that requires expert skills to accomplish. It is recommended that Microsoft's Consulting Services be engaged on a one-time basis, to managing the migration. A placeholder of $10,000 is included for their fees subject to final agreement between the parties. IFSD will not charge any costs associated with the transfer nor retain any intellectual property rights over the application.

Microsoft Azure Non-Profit Grant

Microsoft offers non-profits a grant for Azure cloud services in the form of a $3,500 (USD) donated Azure services credit annually. (Approximately $4,500 CAD) (Note that unused credit is not refundable hence the zero-dollar total shown in the table below)

Financials - Measuring to Thrive Cloud Application

Measuring to Thrive Cloud Application	One Time	Annual
Measuring to Thrive App Development Costs		$0.00
Measuring to Thrive App Operating Costs		$1,244.22
Transfer of Measuring to Thrive to Secretariat	$10,000.00	$0.00
Microsoft Azure Non-profit Grant (unused credits are non-refundable)		($4,500.00)
Totals	**$10,000.00**	**$0.00**

IT Hardware

Individual Staff Productivity Hardware

This includes one organization owned laptop, smartphone, and large desktop monitor per employee. Also included is a mid-range VoIP desktop phone for each user.

Shared Resources Hardware

Shared resources are IT assets used by multiple staff members rather than assigned to individuals. These would include at least one multifunction colour laser printer/scanner for the office. Additionally, hardware for one boardroom and one meeting room are estimated below subject to further requirements.

Financials - IT Hardware

IT Hardware	One Time	Annual
Business-grade Laptop ($2,000 x15 staff)	$30,000.00	
Smartphone ($1,000 x15 staff)	$15,000.00	
Desktop Computer Monitor ($500 x15 staff)	$7,500.00	
CCX 500 Business Media Desktop Phone, Teams Edition ($475 x15 staff)	$7,125.00	
Lexmark MC3426i Colour Laser All-in-one Multi Function Printer	$820.00	
Board Room Screen (Samsung 75" 4K UHD HDR LED Tizen Smart TV)	$1,600.00	
Meeting Room Screen (Samsung 65" 4K UHD HDR QLED Tizen Smart TV)	$1,200.00	
Teams Room Device/Video Conferencing Equipment ($5,000 x2)	$10,000.00	
Desktop Computer for Meeting Rooms ($2,000 x2)	$4,000.00	
Totals	**$77,245.00**	**$0.00**

IT Staffing

Modern IT operations cover a vast range of services. Each area of specialization can require advanced knowledge for certain tasks. The proposed approach is for an in-house IT generalist supplemented by a modest consulting budget to provide task/project specific assistance on an as needed basis.

Full Time IT Staff

One full time IT employee is envisioned to handle the day-to-day operational needs of the IT, website, and cloud environments. This person should also possess data management and analysis skills and would support the data analysis and reporting needs of the organization. A mid-level position is budgeted with a fully loaded cost of $120,000/year.

Technical IT Training

Technology evolves at a rapid pace in modern business environments. A specific line item is included to maintain and expand the technical skillset of IT staff.

IT Consulting Support

Given the range of responsibilities envisioned for the sole IT staff member, it is almost certain that supplemental support will be required. A line item is provided to cover external consulting support to supplement with specific advanced skills as required.

Financials - IT Staffing

IT Staffing	One Time	Annual
Full Time Staff (1 employee - fully loaded cost)		$120,000.00
Technical IT Training (for 1 IT staff member)		$5,000.00
IT Consulting Support		$50,000.00
Totals	**$0.00**	**$175,000.00**

IT should not be viewed as simply an administrative cost burden. For a data capture and management organization, IT should be properly viewed as foundational to its operating model. A well-funded IT infrastructure would provide the secretariat with a robust platform for security and privacy coupled with the tools for access and transparency for stakeholders.

APPENDIX L
JOB POSTINGS AND DESCRIPTIONS

There are staffing pressures among service providers. Many expressed difficulties finding, attracting, and retaining staff to discharge their mandates. As resources are focused on FNCFS, service providers may find themselves competing for talent in an already restricted pool. Beginning the hiring process early and offering training opportunities will be important for meeting staffing needs.

FNCFS job postings and descriptions were compiled and analyzed to identify common roles in service delivery. The job titles, descriptions, and educational or experience requirements are based on a set of 221 job postings and descriptions collected by IFSD, primarily in April 2024. All reviewed postings were available publicly from FNCFS service providers (typically from the employment/careers section of their websites). The information set contains postings from service providers located in all provinces except for Newfoundland and Labrador and Prince Edward Island.

The information conveyed is representative of the job postings and descriptions included in this information set. Job titles, descriptions, and educational or experience requirements may vary in practice. Service providers must determine the appropriate title, description, and requirements for each role they hire for. They should also consider any regulatory requirements that influence job descriptions and requirements, e.g., for clinical staff, social workers, etc.

Job Type	Job Title	Description	Educational or Experience Requirements
Executive	Executive Director/CEO	Executive directors or CEOs are responsible for leading and managing an organization in alignment with its mandate, objectives and strategic direction. They report to a Board of Directors (or comparable entity).	Executive Directors and CEOs typically have several years of experience and relevant post-secondary training.
	Director	Directors are responsible for leading and managing a specific department or office.	Directors typically have several years of experience and relevant post-secondary training.
Management/ Supervisory	Manager	Managers are responsible for the functioning of specific departments, offices, or programs. They typically report to an executive-level employee (e.g., director, CEO, etc.).	Managers typically have several years of experience and a relevant post-secondary credential.

	Supervisor/ Team Lead	Supervisors and team leads oversee the operation and delivery of specific programs or teams.	Supervisors and Team Leads typically have a relevant post-secondary credential.
Social Workers	Social Worker	Social workers contribute to a variety of programs such as child protection, adoption/ guardianship, prevention, etc. They are often responsible for functions such as case management, assessment, intervention, mediation, counselling, etc.	Social workers must have a Bachelor of Social Work (BSW) or Master of Social Work (MSW).
Protection Staff	Case Aide	Case aides provide support to child protection teams.	Case Aides often have a relevant post-secondary credential.
	Intake Worker	Intake workers are responsible for receiving, assessing and investigating reports of child abuse and neglect.	Intake workers often have a degree in social work or an equivalent/related discipline.
	Foster Care/ Protection Worker	These roles provide a range of protective services such as investigation, assessment, and foster parent recruitment.	Foster Care and Protection Workers often have a degree in social work or an equivalent/related discipline.
Prevention Program Staff (including cultural programming)	Child and Youth Worker	Child and youth workers provide a wide range of supports and services to children and youth.	Child and youth workers often have a relevant post-secondary certificate or diploma.
	Cultural Coordinator/ Connector	Cultural programming roles coordinate and/or deliver a range of culturally relevant programming and supports (i.e., education, ceremonies, guidance, teachings, etc.).	Cultural programming staff often hold a relevant post-secondary credential. The required credential level varies based on the specific position.
	Family Wellness/Well-Being/ Support/	These roles provide preventive supports and programming to promote family well-being and reduce risk to children.	Family wellness, well-being, support and preservation workers often hold a relevant post-secondary credential. The

	Preservation Worker		required credential level varies based on the specific position.
	Community wellness/ resource staff	These roles design and/or deliver community-based programming.	Community wellness/ resource staff may hold a relevant post-secondary credential.
	Prevention Worker	Prevention workers provide preventive supports and programming to clients.	Prevention staff often have a relevant degree (e.g., social work), but education requirements may vary by role and service provider.
	Elder in Residence	Elders in residence provide cultural education and training to staff, community members, external partners, etc.	Elders in residence are recognized by their First Nations, and may hold a relevant post-secondary credential.
Post-Majority Staff	Post-Majority Support/Care Worker	Post-Majority Support or Care Workers provide support and services to youth who age out of care.	Post-Majority Support or Care Workers have often completed post-secondary education in social work or a related field.
First Nation Representative Services Staff	Band Representative /First Nations Representative / Band Designate	First Nations or Tribal Councils typically employ First Nations Representatives. They support children and families involved with CFS, providing guidance and advocacy. They may also be involved in court proceedings.	First Nations Representatives often have relevant post-secondary credentials (e.g. social work).
Clinical Staff	Psychologist	Clinical staff provide a range of clinical services to children and/or families depending on their specific discipline (i.e., assessments, counselling).	Clinical roles typically require a relevant graduate degree (i.e., psychology, social work, counselling), and/or membership in a recognized professional body.[1]
	Psychotherapist		
	Psycho-educator		
	Clinical Counsellor		

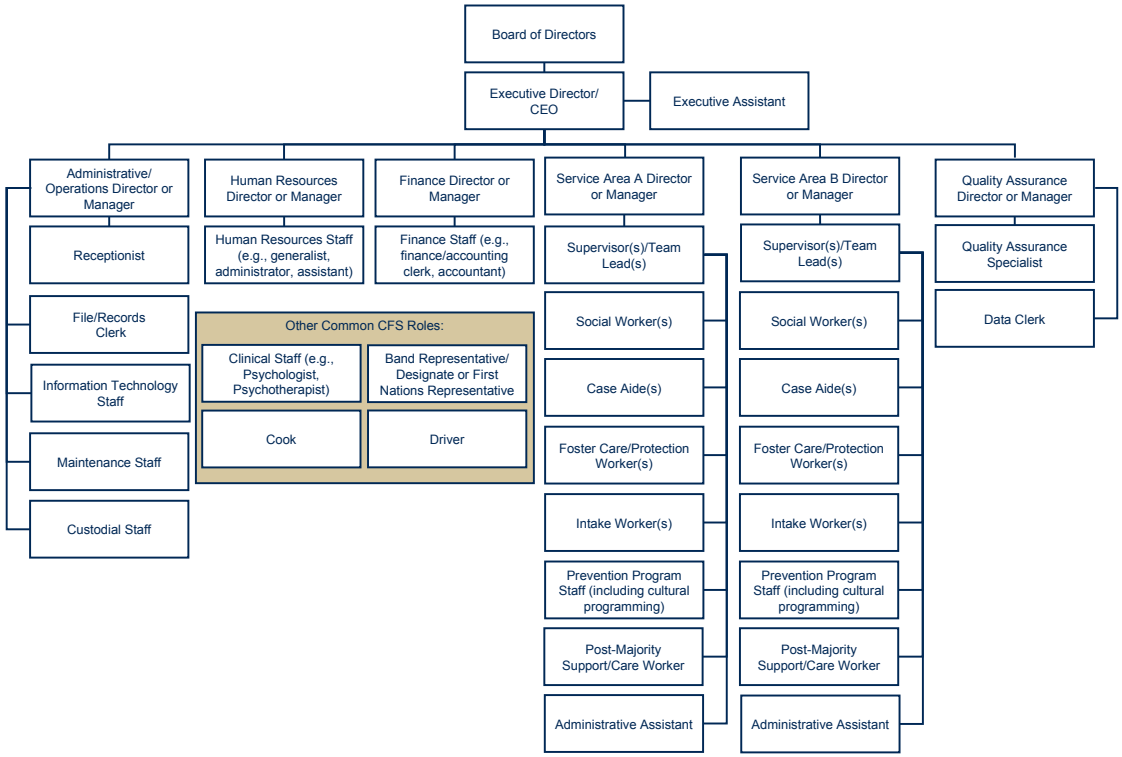
[1] Some Agencies have therapist and/or counsellor roles that do not require graduate degrees, but these roles are not synonymous clinical roles requiring graduate-level clinical training and/or a professional designation.

	Addictions Worker	Addiction workers participate in providing addiction programming to clients. Workers frequently deliver these services at residential facilities.	Addiction workers often have a relevant diploma or degree.
Quality Assurance Staff	Quality Assurance Specialist/ Advisor/Worker, Data Steward, etc.	Quality assurance staff are responsible for reviewing organizational performance to ensure program/service quality and identify areas for improvement. They have responsibilities such as data analysis and reporting, conducting client satisfaction surveys, etc.	Quality Assurance staff often have post-secondary credentials such as a degree in social work or a diploma or degree in a field related to data management.
	Data Clerk	Data clerks are responsible for data entry tasks (i.e., case data, financial data, etc.).	Organizations may not require post-secondary education for these roles.
Information Technology (IT) Staff	IT or Network Administrator/ Coordinator/etc.	These positions are responsible for managing an organization's IT and/or network systems.	IT and network staff often have post-secondary education in computer science or a related field.
Human Resources Staff	Human Resources Generalist	Human resources staff participate in functions such as recruitment, training and orientation, payroll, etc.	Human resources staff typically have a degree, diploma or certificate in Business Administration or Human Resources.
	Human Resources Assistant		
	Recruitment Coordinator		
	Training Coordinator		
Finance Staff	Accountant	Finance staff are typically responsible for implementing an organization's accounting procedures. This includes functions such as accounts payable,	Depending on the level of seniority, finance staff typically have a degree, diploma, or certificate in accounting or business administration.
	Finance/ Accounting Associates		

	Finance/ Accounting Clerks	accounts receivable, financial reporting, and record keeping.	
Administrative Staff	Executive Assistant	Executive assistants provide administrative support to executive-level staff.	Executive Assistants may have some post-secondary education.
	Administrative Assistant	Receptionists and Administrative Assistants provide reception, as well as clerical and administrative support.	Receptionists and Administrative Assistants often have a post-secondary diploma or certificate.
	Receptionist		
	File/Records Clerk	File and records clerks provide a range of administrative support services, including file and record management and data input.	File and records clerk positions may require a post-secondary diploma or certificate.
Other staff	Maintenance Staff	Maintenance staff maintain an organization's facilities.	Maintenance roles may require the completion of post-secondary training or an apprenticeship.
	Custodial Staff	Custodians and cleaners maintain the cleanliness of CFS facilities.	These roles typically do not have educational requirements.
	Driver	Drivers are responsible for transporting clients to appointments, events, etc.	These roles typically do not have educational requirements beyond a valid driver’s license and clean driving record.
	Cook	Cooks prepare food in residential programming centres.	Cooks may have post-secondary culinary training.

Organizational structures should be aligned to mandate and accountability mechanisms. Among existing service providers, organizational structures vary. The figure below outlines a possible organizational structure for FNCFS service delivery organizations. It was developed by cross referencing publicly available organization charts from 11 FNCFS agencies. The sample organization chart represents one way for FNCFS service providers to structure their organization. It is a starting point. Users of this guide may wish to adjust it to suit their unique needs and circumstances. For example, some service providers choose to organize themselves by program area instead of by service area, i.e., separate prevention and protection departments.

Figure 1: Organization Chart - Departments by Service Area


Board of Directors
Executive Director/ CEO
Executive Assistant
Administrative/ Operations Director or Manager
Receptionist
File/Records Clerk
Information Technology Staff
Maintenance Staff
Custodial Staff
Human Resources Director or Manager
Human Resources Staff (e.g., generalist, administrator, assistant)
Finance Director or Manager
Finance Staff (e.g., finance/accounting clerk, accountant)
Other Common CFS Roles:
Clinical Staff (e.g., Psychologist, Psychotherapist)
Band Representative/ Designate or First Nations Representative
Cook
Driver
Service Area A Director or Manager
Supervisor(s)/Team Lead(s)
Social Worker(s)
Case Aide(s)
Foster Care/Protection Worker(s)
Intake Worker(s)
Prevention Program Staff (including cultural programming)
Post-Majority Support/Care Worker
Administrative Assistant
Service Area B Director or Manager
Supervisor(s)/Team Lead(s)
Social Worker(s)
Case Aide(s)
Foster Care/Protection Worker(s)
Intake Worker(s)
Prevention Program Staff (including cultural programming)
Post-Majority Support/Care Worker
Administrative Assistant
Quality Assurance Director or Manager
Quality Assurance Specialist
Data Clerk

APPENDIX M

COLLABORATOR CAPSTONE GATHERING WORKSHOP SUMMARY

IFSD
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Phase 3: Capstone Gathering Summary

Overview

Phase 3 collaborators (a mix of existing First Nations child and family services (FNCFS) agencies and First Nations contemplating/exercising jurisdiction) gathered in Ottawa to:

1) Share lessons, practices, and considerations for next steps (*what we heard*);
2) Review IFSD's interim recommendations (*collaborator recommendations*); and,
3) Build a framework for typologies (*considerations for other service providers*).

Of the 20 Phase 3 collaborators, 15 participated in the capstone activities in-person and virtually.

What We Heard

Collaborators shared the practices and tools they have developed to enhance their service delivery to children and families. One collaborator presented their prevention tracking platform that leverages the Measuring to Thrive framework. The platform links to genograms for children, with additional tools for promoting cultural and language connections, e.g., language learning app, virtual reality tour of the First Nation with elders sharing knowledge.

Other collaborators noted lessons from provincial practices in CFS. For instance, the importance of engaging in fixed envelope or block funding with updated expenditure data commensurate to mandates to ensure sufficiency (and not underfunding).
Contributions from other collaborators considered the shifting landscape in many First Nations where members are moving off-reserve, migrating between them, or living off-reserve and accessing services in the First Nation. While these members are not counted in the IRS on-reserve population, they are accessing supports and services, that are not included in the provider's funding-related population. The reality of residence and service delivery in CFS will need to be revisited.

As one collaborator noted, if Jordan's Principle can support children recognized by their First Nations, regardless of membership status or residency, why not CFS? Territorial rather than a membership-based understanding of population may be a future consideration.

Collaborators also highlighted concerns and challenges with the current environment:

1) **Ongoing administrative challenges working with ISC, regionally and nationally**
    a. Lack of clarity on funding practices and rules, including challenges on capital.
    b. Inconsistent rules, lack of clarity on decision-making in CFS is administratively burdensome and an impediment to planning. Collaborators shared that ISC has withheld funds, left decisions unresolved, etc. Decisions can appear arbitrary, "based on the whims" of the funding officer. As one collaborator stated, "housing [dollars] flew out the door with limited strings attached," but major capital funding is stalled.
    c. ISC is not consulting or engaging with those designing and delivering services.

d. The inconsistency in ISC's approach has affected service providers, including on their ability to plan and deliver needed services.

2) **Opacity of current negotiations and decision-making processes**
   a. Lack of engagement and consideration of needs on the ground.
   b. Limited information, if any, for First Nations leadership and practitioners.
   c. Limited consideration of how realities on the ground, e.g., limited staff, lack of capital, etc. will impact implementation of any reform.
   d. Decisions are being made without consideration of input or rights-holders.
   e. Engagement happening without national or regional organizations. AFN and the Caring Society may be involved, but not First Nations or service providers themselves.

Collaborator Recommendations
In a discussion of IFSD's interim Phase 3 recommendations, collaborators were clear that more time, resources (human, financial, etc.), and consistent structural change would be required to uphold the CHRT's rulings to end discrimination and ensure it does not reoccur.

Transparency in decision-making and clarity were required immediately for:

1) Monitoring of program performance to ensure accountability of the service delivery provider;
2) Funding amounts, recipients, and activities; and,
3) Governance of resources and reporting on funding.

Essentially, who is getting funding, to deliver what services, and with what obligations, needs to be clarified. These elements are required for planning, service delivery, and reporting.

There was agreement with IFSD's recommendations, but not consensus across all categories. Collaborators indicated that capital estimates were low, especially for those exercising jurisdiction. Prevention resources were also deemed to be too low, especially for agencies in provinces previously covered under Directive 20-1 (which did not include prevention resources), e.g., British Columbia, New Brunswick, etc. Until a steady state of prevention services could be defined, resources, from collaborators' perspectives, should not be limited.

Given the foregoing, collaborators make the following recommendations:

1) Capital funding should be needs-based. It should not be circumscribed by the FNCFS Program, especially for those exercising jurisdiction.
2) Prevention funding should be needs-based.
3) Establish a national pool of funds for emergency needs in CFS to address unexpected or costs of high-needs children.
4) ISC must clarify its funding and policy decisions aligning them to CHRT orders, e.g., capital, housing, etc.
5) Housing resources CFS should be free of political influence and should be administered in collaboration with the CFS service provider.

6) Allocations for First Nation Representative Services should be revisited with a baseline for small First Nations and consideration of provincial/territorial variances in mandates.
7) To support the delivery of CFS, existing gaps in housing, health, and education in First Nations should be defined.
8) Population on-reserve does not represent true population served in First Nations as members may move in and out of community. Until such time that First Nations define their own populations, total population should be used for funding estimates.
9) Provincial and territorial governments should report all CFS-related information, e.g., expenditures, child outcomes, etc., on a distinctions basis, i.e., Inuit, Metis, etc.
10) Those negotiating the reform of the FNCFS Program should be engaging with rights holders and their delegated service providers.

Considerations for Other Service Providers

Collaborators offered insight on developing FNCFS service provider typologies. These typologies are intended to support other First Nations and FNCFS agencies in identifying their characteristics in the Phase 3 contributions.

Guiding principles for service providers, regardless of typology:

1) Communication: Engage effectively with First Nations, stakeholders, service providers, etc.
2) Research to inform policies and define best practices: Develop policies informed by local, regional, national, and global best practices, e.g., Australia and New Zealand.
3) Build trust: Foster trust with community by ensuring consistency, transparency, and regular reporting.
4) Supportive relationships: Walk alongside those you're serving, offering support throughout all phases of the journey, whether that's the journey through healing or jurisdiction.
5) Change is a process: Whether building a new service model with community or exercising jurisdiction, promote a gradual increase in decision-making, recognizing these processes are not binary.

Collaborators identified two general approaches to service delivery:

1) Those exercising jurisdiction or implementing a First Nations law (Figure 1),
2) Those delivering services under the provincial/territorial CFS law (Figure 2).

In each approach, there are considerations across two continuums: whether the provider is operational or in development, and whether the provider is walking alongside (prevention services) or has a deemed intervention (protection and prevention) mandate. Whatever the service delivery model, points of departure shaped by the First Nations served are unique. Recognizing the unique contexts, collaborators shared their experiences to define considerations along the two continuums.

Figure 1: Typology chart for service providers implementing own law

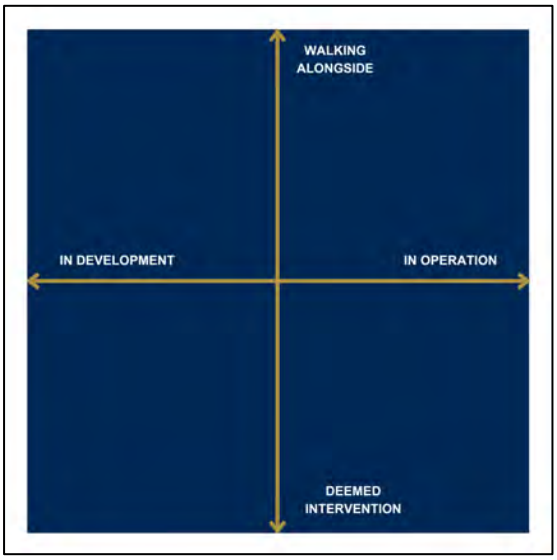
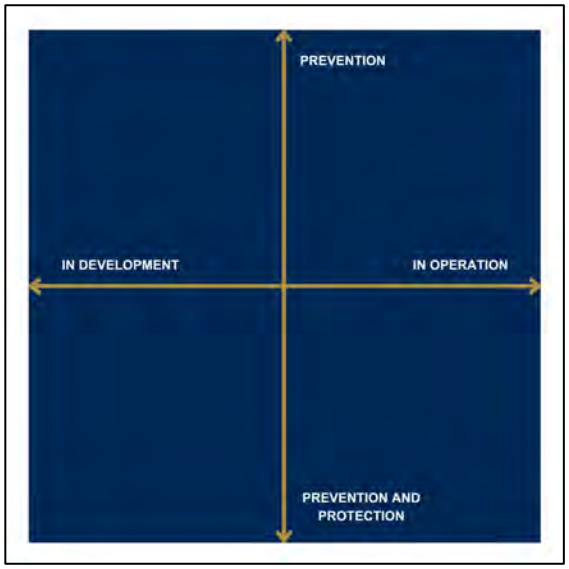


Figure 2: Typology chart for service providers under provincial/territorial law



Note: These lists are not exhaustive, nor are they mutually exclusive. Collaborators shared knowledge to help others place themselves in the spectrum of contributions in Phase 3.

Table 1: Characteristics of the continuums.

Term	Activities/characteristics
In Development	A service provider in development may be: ▪ Developing community profiles and engaging with community to understand needs ▪ Identifying practice and policy frameworks ▪ Identifying community values and standards ▪ Gathering available data on CFS and community needs ▪ Confirming community context and needs ▪ Designing a service delivery model ▪ Holding meetings to develop service needs, expectations, and guidelines ▪ Fostering collaborations with other services in the community ▪ Seeking external support on unfamiliar topics, e.g., legal, financial, etc. ▪ Identifying capital and expenditure requirements to operationalize their model ▪ Creating a culturally relevant service delivery plan and policy framework
In Operation	A service provider fully operational may have: ▪ Policies that continue to evolve ▪ Enacted their own law ▪ Prevention protocols ▪ Developed and operational programs ▪ Hired and trained staff ▪ Alternative dispute resolution/mediation practices ▪ Cultural protocols ▪ Nation-based decision-making processes ▪ Standardized practices ▪ Enforcement and appeals processes ▪ Elder and youth committees ▪ Community consultations ▪ Regular meetings with staff and supporting experts, e.g., lawyers, accountants, etc.
Walking Alongside/Prevention	When walking alongside or providing primary prevention, activities are: ▪ Voluntary ▪ Proactive

	▪ Available upon request by families ▪ Least intrusive ▪ Inclusive ▪ Replacing provincial/territorial policies ▪ Supported by comprehensive infrastructure ▪ Focused on building relationships and trust ▪ Redesigning protection services ▪ Based on comprehensive needs assessments ▪ Culturally relevant ▪ Maintaining family connections ▪ Recognizing First Nations law and autonomy
Deemed Intervention/Protection-Prevention	When engaging in a deemed intervention or protection/prevention activities are: ▪ A last resort ▪ Intrusive ▪ For higher-risk situations ▪ Involving out-of-home care or supports in-home with the possible removal of parents ▪ Applied after surpassing a threshold of deemed risk or need for treatment

APPENDIX N
COLLABORATOR BUNDLES

IFSD
IFPD

Kinosao Sipi Minisowin Agency (KSMA)

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Kinosao Sipi Minisowin Agency (KSMA) delivers both protection and prevention services to Norway House Cree Nation and other Indigenous families in provinces west of Manitoba residing in Winnipeg. Table 1 outlines contextual information about Norway House Cree Nation.

Table 1

Collaborator name: Kinosao Sipi Minisowin

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
Norway House Cree Nation	6602	2	$46,800.00	Below

Kinosao Sipi Minisowin Agency serves Norway House Cree Nation, a large First Nation in Manitoba with year-round road access to a service centre within 350km. Despite access to elementary and secondary education in the community, low rates of high school (37%) and post-secondary (20%) completion are observed. Nevertheless, while Norway House's median household income lies above the provincial poverty line, the employment rate sits just over 37%. The community has established low-speed internet access widely and just under than 70% of homes are considered suitable. Despite accessibility of health and social services, indicators such as population size, poverty, or diminished employment and educational achievement rates may explain the reports from residents regarding the risk of crime and other social issues in certain areas of the community.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

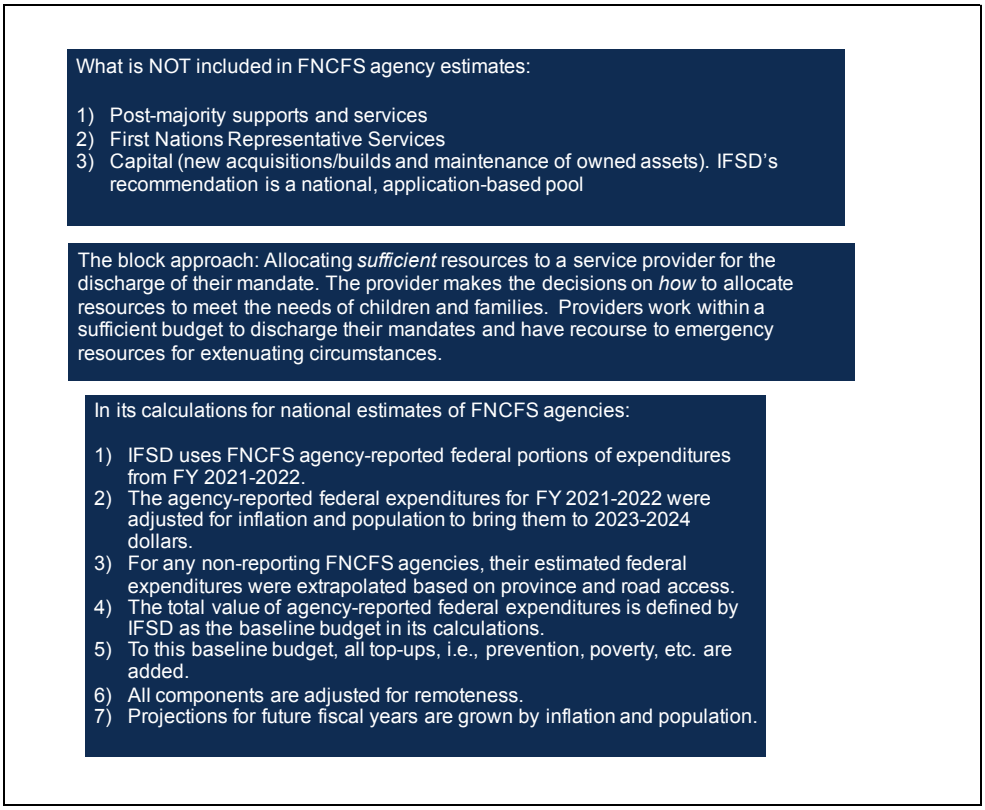


Table 3 outlines three illustrative funding scenarios for KSMA, including adjustments for remoteness, the Northern MBM, and population growth.

Table 3

Kinosao Sipi Minisowin Agency (KSMA)			
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF-for all agencies**	**Scenario 2: Scenario 1 with Provincial MBM replaced by Northern MBM**	**Scenario 3: Scenario 2 with population growth assumed at 4% a year**
Median After-tax HH Income	46800	46800	46800
MBM - 2022	47324 (Provincial)	81150 (Northern)	81150 (Northern)
Number of HHs	1105	1105	1105
Poverty Gap	579020	37956750	37956750
Population IRS 2022	6602	6602	6602
Population Weights	1	1	1
Statcan Remoteness Index - 2021	0.66614617	0.66614617	0.66614617
Accessibility	0	0	0
Total Revenue (21-22)	22,738,132	22,738,132	22,738,132
Total Expenditure (21-22)	21,696,936	21,696,936	21,696,936
ISC Revenue	8,640,490	8,640,490	8,640,490
Ratio: ISC/Total	0.38	0.38	0.38
ISC Baseline Budget (2021-22)	8,244,836	8,244,836	8,244,836
Inflation_2022 (%)	6.8	6.8	6.8
ISC Baseline Budget 2023-24	9,273,920	9,273,920	9,432,435
Geography Factor_CAF_15%	0.19491146	0.19491146	0.19491146
Geography Adjustment ($)_CAF_15%	1,807,593	1,807,593	1,838,490
Poverty _Low (3%)	20,756	1,360,649	1,360,649
Poverty_Med (5%)	34,594	2,267,748	2,267,748
Poverty_High (7%)	48,431	3,174,847	3,174,847
Maintenance_Low (1%)	110,815	110,815	112,709
Maintenance_Med (2%)	221,630	221,630	225,418
Maintenance_High(3%)	332,445	332,445	338,128
Emergency_Low (0.5%)	55,408	55,408	56,355
Emergency_Med (1%)	110,815	110,815	112,709
Emergency_High (2%)	221,630	221,630	225,418
Results_Low (1%)	110,815	110,815	112,709
Results_Med (3%)	332,445	332,445	338,128
Results_High (5%)	554,076	554,076	563,546
IT Low (5%)	554,076	554,076	563,546
IT Med (5.5%)	609,483	609,483	619,901
IT High (6%)	664,891	664,891	676,255
Prevention (@ $2500/per person)	21,765,214	21,765,214	21,765,214
Budget Projections			
Total 2023-24 Budget_Low	33,698,598	35,038,490	35,242,107
Total 2023-24 Budget_Medium	34,155,696	36,388,850	36,600,043
Total 2023-24 Budget_High	34,668,202	37,794,617	38,014,334
Medium Budget Projection			
2023-24	34,155,696	36,388,850	36,600,043
2024-25	35,965,263	38,316,730	39,205,966
2025-26	37,862,963	40,338,504	41,997,431
2026-27	39,852,764	42,458,402	44,987,648
2027-28	41,889,636	44,628,448	48,190,768

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transition Case Study: Kinosao Sipi Minisowin Agency (KSMA)

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Kinosao Sipi Minisowin Agency (KSMA) serves its community in Norway House and Winnipeg. Transition – until such time their own law applies in both places – will be a two-track process. This means following the funding rules from the province and the federal government for the delivery of child and family services depending on the location of the child.
- KSMA is holding the course of its current practices along with the integration of culturally relevant services until it has a clear path forward on jurisdiction.

Summary Assessment

- It is difficult to separate a plan for transition from the context faced by the community. Structural drivers of children in care continue to affect the agency and its transition path, e.g., housing insecurity in the community.
- Transition time will largely be dictated by programming coming to terms with the context of the community. With a focus on secondary and tertiary services, targeted prevention programming will need to focus on structural drivers of children in care.
- KSMA's transition is critically impacted by two factors: (1) the anticipated reform of the FNCFS Program; and (2), Norway House's decisions on jurisdiction. Key external decisions need to be made before KSMA can fully plan its transition. KSMA could consider the following options to facilitate transition once external decisions are made:
    - *Focusing on organizational flexibility.* KSMA cannot prepare for every eventuality, but it can facilitate a future transition by working towards a nimbler organization. This could include reducing information silos and ensuring all staff are receiving adequate communication about organizational priorities and goals.
    - *Focusing on core activities and services.* Transition will build a solid foundation and starting point. Focusing on core activities and services could help ensure that existing needs for people, processes, and systems are being met.
- KSMA's primary community served, Norway House, is seeking jurisdiction.
- Recruitment is a key challenge given the geography of the community.

Context

Kinosao Sipi Minisowin Agency (KSMA) is an agency that provides a wide range of services to the membership of the Norway House Cree Nation and other Indigenous families from provinces west of Manitoba who are residing in Winnipeg. KSMA's services include:

- Prevention services;
- Protection services;
- Foster care and alternative care;
- Permanent ward unit;
- Land-based therapy;
- Family and individual counselling;

KSMA has offices in Norway House and Winnipeg. The offices work together but may follow different processes and use different systems. It is unclear how implementation of a new law in Norway House would affect operation of the two offices.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N	Y	Biggest challenge is recruitment. With changing services, it will be challenging to know the number of staff needed.
	Does your compensation match the provincial standard?	Y	Y	Yes - just went through union overhaul. It is becoming more challenging to compete with mainstream agencies who can offer higher compensation than the province. When recruiting new employees, they

				have a high expectation for salary.
	Do you recruit staff from your member community(ies)?	Y	Y	Harder to predict into the future.
	Do you have high retention of employees?	N	Y	Retention is not high in the Southern office, the competition for staff is higher and there are more employment options than in the community. However, in the community, retention is higher, particularly in among management level staff. It is challenging to recruit specialized positions e.g., abuse investigation. This type of position has higher turnover because of the nature of the work.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	
	Are you attracting the same level of credentialed employees as mainstream organizations?	Y	Y	

	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	Y	Y	Have two certified CPAS on staff. There is not a lot of professional designations within the scope of the current service that are not contracted. Outsourcing to accountants, lawyers, etc., is not challenging to do. Recruiting social workers with professional designations can be more difficult. People in Manitoba without a Bachelor of Social Work can become a registered social worker. KSMA supports social workers to become registered e.g., costs, hours.
Process	Are your current operating baselines meeting needs?	N	N	Funding is block (on the provincial side and is very inadequate. It has been stagnant for a long time) and difficult to move around. Operations could use more funding. Enhance prevention focused funding – 60% (province) and 40% (federal) split, tied to the funding model. There have not been adjustments to the

				funding model in a long time. On the federal side, prevention is being billed at actuals which is helpful.
	Do you have a clear vision of your future state?	N	Y	Working through C-24. Keep agency as standalone but incorporate it through the band. Within 18 months. The tentative timelines are within the calendar year, the Nation will be moving in a position to begin the process of negotiating a coordination agreement for service delivery that supports everything associated with C-24 work. If that is completed within 12 months, then the aim is within three years KSMA will have a clearer vision (which will be outlined in the coordination agreement).
	Are your post-transition activities defined?	N	N	There will be a certain level of consistency. What activities that are included or how it is implemented is uncertain.

	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	Y	Y	
	Have you fully designed your prevention programming?	N	Y	
	Have you fully designed your protection programming?	N	Y	
Strategy	Is your post-transition mission defined?	N	N	Will need to develop our own CFS law. Need consistent funding through one flow – not many (loss of efficiency). There should not be huge differences since KSMA is an agency that serves 1 community. The mission and goals will not change significantly.
	Is your post-transition strategy defined?	N	N	
	Are your post-transition goals and organizational priorities defined?	N	N	
	Are all of your services or programs developed?	N	N	
	Are all of your necessary	N	N	The relationships will change, expand, and contract in some

	organizational partnerships in place?			areas. Would like to build partnerships and our capacity within the Nation and become less reliant on waiting for other services to support children e.g., emergency services.
Systems	Is your post-transition governance framework defined?	N	Y	18 months for a framework and what that will entail (tied to the coordination agreement and what will be funded). Implementation of the changes will likely take longer.
	Do you have an independent board of directors?	Y	Y	May change in the future.
	Is your post-transition legal framework defined?	N	N	Implementation in 18 months. Plus 6 months for onboarding (same as governance framework above).
	Is an adjudication system in place?	N	N	The internal adjudication system would be under the umbrella of C-24. The agency will not be a single entity under the new law. The child protection component will be more tightly focused on abuse and maltreatment. Prevention will expand, looking at how it can keep

				children safe and how to support families to be healthy, prevent those situations that arise or address them quickly. We will need to establish an education and training program so the law is understood internally and externally. A system is being developed to give people options if they are unhappy with a decision. This will involve a third party who can explain why things are being done a certain way. Currently, there is a local child care committee with representatives from the community (primarily Elders,) who speak with parents and provide guidance to social workers. The aim is to take this concept and flesh it out, so it is legally enforced. Families will still have the option to go through a more formal process through the province

				if they choose to do so.
	Is an adequate data system in place?	Y	N	Taking responsibility for our own data and the information of KSMA members and who they serve will take time. Working on a system conversion – nearly ready for training. It will likely like more than 3 years to develop and implement a data system.
	Is an adequate performance management framework in place?	Y	Y	Strict guidelines on performance that are followed.
	Is an adequate IT system in place?	Y	Y	Outsourced.
	Is an adequate financial system in place?	N	Y	It and financial systems always can be improved.
	Are your post-transition reporting systems in place?	N	N	Reporting may change, but is not clear. This will depend on the coordination agreement.
	Are you developing new criteria for evaluative purposes?	Y	Y	None, but it will have to be done while considering the new law.

Table 5

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Yes, we provide both.	We provide the full scope of prevention services.
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	N/A	
Is the delivery of prevention and protection services integrated at a case or family service level?	Yes	When personalized services are requested or required, the delivery of prevention services are integrated in the case plan/family service plan, but we also provide outreach and community focused services as well.

People

KSMA is experiencing significant issues with recruitment. KSMA is expecting to transition existing staff to fill new roles (e.g., on adjudication and interpretation) following the transition. Currently, KSMA has 14 vacancies out of 85 positions. Several factors drive these challenges:

- *Competitive recruitment environment.* Social workers and supporting staff are in high demand industry-wide. The reputation of CFS also contributes to challenges of recruiting locally.
- *Lack of a collective agreement and salary certainty*. KSMA recently concluded a lengthy collective bargaining process. Until recently, this contributed to difficulties attracting qualified employees.

Process

KSMA's process challenges are impacted by:

- *Operations in different contexts.* KSMA operates in Norway House and in Winnipeg. Activities, services, and processes are different between the two offices.
- *Jurisdiction.* If Norway House implements its own law, it is unclear what effect this will have on both offices and processes in general. KSMA will have to determine whether the offices will be further bifurcated or streamlined to follow similar processes.

- *Funding.* KSMA receives some funding from the province through block funding. The funding is not flexible and is stagnant, causing challenges for KSMA to meet its current operational baselines.

Strategy

KSMA delivers services to one community, it does not expect that its mission will change significantly with the transition. With Norway House exercising jurisdiction, KSMA expects to deliver new services. KSMA is already engaged in transitioning its services towards more culturally appropriate options. It is expected within 18 months Norway House will enter into a coordination agreement, which will outline KSMA's role. In turn, KSMA will need to begin the process of designing and implementing services and activities that are cogent with the new law.

Systems

KSMA's systems will be impacted by Norway House pursuing jurisdiction. It expects it will be able to begin implementing its governance structure, legal framework, and adjudication system following the coordination agreement in 18 months. Developing and implementing a new legal system and a new adjudication system will take significant time, it is expected implementing these processes will take more than three years. KSMA will also need to consider the time and resources necessary to retrain existing staff, or hire new staff, who are comfortable with new systems.

NIL TU, O Child and Family Services Society

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

NIL TU, O Child and Family Services Society (NIL TU, O) delivers a variety of prevention services to seven First Nations in British Columbia. Table 1 outlines contextual information about the First Nations NIL TU, O serves.

Table 1

Collaborator name: NIL TO, O Child and Family Services Society				
First Nation(s) served:	**Total population (on-reserve, IRS 2022)**	**Geographic zone (1-4)**	**After-tax total median household income (2016)**	**Difference between after-tax median household income above or below 2022 MBM?**
1) Beecher Bay First Nation	114	1	Not available	Not available
2) Pauquachin First Nation	262	1	$35,200.00	Below
3) Tsartlip First Nation	672	1	$40,400.00	Below
4) Tsawout First Nation	662	1	$43,600.00	Below
5) Tseycum First Nation	131	1	Not available	Not available
6) Songhees First Nation	396	1	$43,600.00	Below
7) T'Sou-ke First Nation	127	1	Not available	Not available

NIL TU, O Child and Family Services Society provides services to seven South Island Coast Salish Communities. All seven of the communities are within 50 kilometres of a service centre and have year round road access. The indicators for connectivity, suitability of housing, and employment vary between the communities served. Employment rates range from 35% to 53%. Housing suitability is generally high, although some communities have a high percentage of housing requiring major repairs. The variability in contexts between the communities suggests that NIL TU, O's approach to service delivery will differ based on the needs of each community.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

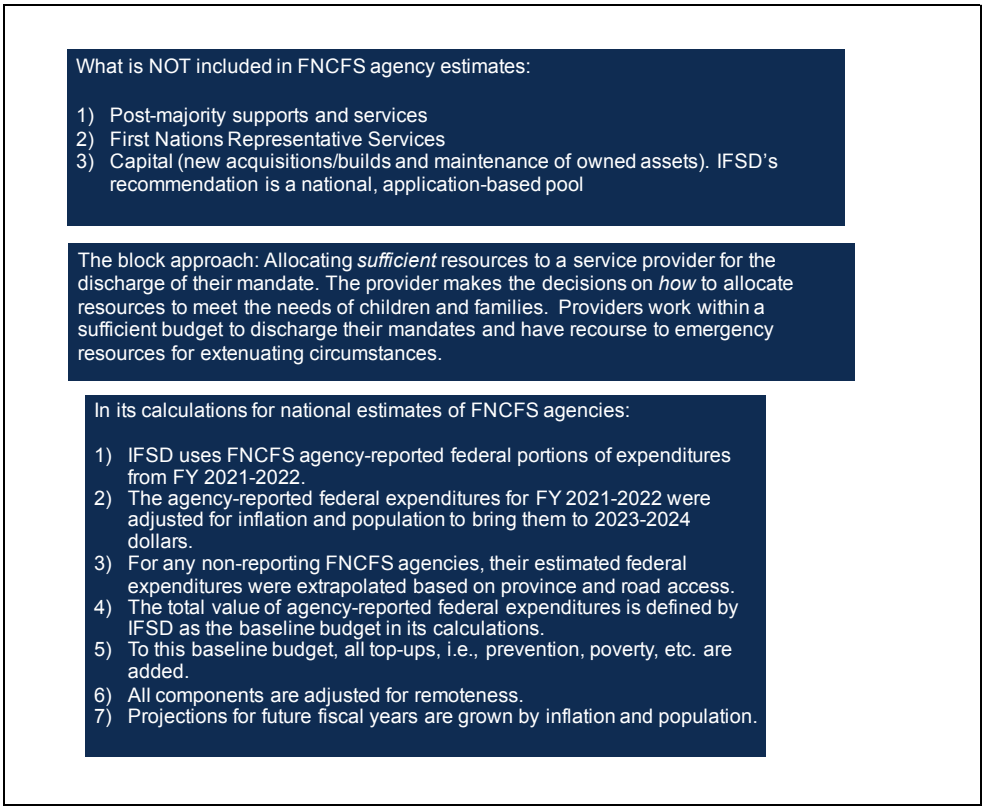


Table 3 outlines two illustrative funding scenarios for NIL TU, O, including adjustments for remoteness and the Northern MBM.

Table 3

NIL TU, O Child and Family Services Society		
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF model**	**Scenario 2: Provincial MBM is replaced with Northern MBM**
Median After-tax HH Income		
Provincial MBM - 2022		
Number of HHs	695	695
Poverty Gap	5425807	27872917
Population IRS 2022	2364	2364
Population Weights	1	1
Statcan Remoteness Index - 2021	0.20541557	0.20541557
Accessibility	0	0
Total Revenue (21-22)	5,535,081	5,535,081
Total Expenditure (21-22)	3,200,000	3,200,000
ISC Revenue	3,377,139	3,377,139
Ratio: ISC/Total	0.9	0.9
ISC Baseline Budget (2021-22)	2,880,000	2,880,000
Inflation_2022 (%)	6.8	6.8
ISC Baseline Budget 2023-24	3,243,764	3,243,764
Geography Factor_CAF_15%	0.04351212	0.04351212
Geography Adjustment ($)_CAF_15%	141,143	141,143
Poverty _Low (3%)	169,857	872,572
Poverty_Med (5%)	283,095	1,454,286
Poverty_High (7%)	396,333	2,036,001
Maintenance_Low (1%)	33,849	33,849
Maintenance_Med (2%)	67,698	67,698
Maintenance_High(3%)	101,547	101,547
Emergency_Low (0.5%)	16,925	16,925
Emergency_Med (1%)	33,849	33,849
Emergency_High (2%)	67,698	67,698
Results_Low (1%)	33,849	33,849
Results_Med (3%)	101,547	101,547
Results_High (5%)	169,245	169,245
IT Low (5%)	169,245	169,245
IT Med (5.5%)	186,170	186,170
IT High (6%)	203,094	203,094
Prevention (@ $2500/per person)	6,806,074	6,806,074
Budget Projections		
Total 2023-24 Budget_Low	10,614,706	11,317,421
Total 2023-24 Budget_Medium	10,863,340	12,034,532
Total 2023-24 Budget_High	11,128,899	12,768,567
Medium Budget Projection		
2023-24	10,863,340	12,034,532
2024-25	11,436,690	12,669,695
2025-26	12,011,494	13,306,470
2026-27	12,620,039	13,980,623
2027-28	13,244,455	14,672,357

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transition Case Study: NIL TU, O Child and Family Services Society

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- NIL TU, O Child and Family Services Society ("NIL TU, O") is an active agency with well-developed programs and partnerships with other organizations.
- Despite their presence and relationships, they are confronting uncertainty given the constant and unpredictable changes in funding from the FNCFS Program, namely, the split of prevention resources. For managing transition, predictability and resources commensurate to mandate are required.

Summary Assessment

- Communication between the agency and member Nations is key to maintaining a strong relationship throughout the transition. Additionally, for First Nations considering exercising jurisdiction, a key for effective service delivery is to consider family situations and socio-economic factors that drive challenges for families.
- Transition is critically impacted by two factors: (1) the anticipated reform of the FNCFS Program; and (2), the decisions on jurisdiction of NIL TU, O's communities.
- NIL TU, O will need to fully develop strategic plans to respond to changes within the communities it serves. NIL TU, O has already made significant efforts to engage with communities for future planning. Progress is slow, but NIL TU, O is aligning service offerings with needs of the communities it serves.
- Despite being near an urban centre, recruitment is a key challenge. NIL TU, O will need to consider how its staffing needs may change with transition and plan accordingly. One option could be to hire staff for general roles, now, with the understanding that roles and responsibilities may change as organizational priorities are developed.
- NIL TU, O does not have full access to prevention dollars due to the funding allocations to First Nations, which means it cannot fully integrate its protection and prevention programming.

Context

NIL TU, O Child and Family Services Society ("NIL TU, O") is an agency that provides a wide range of services to seven communities. NIL TU, O's services include:

- Family Strengthening Programs
    - Support to Families responding to child protection concerns;
    - Groups and workshops;
    - Parenting programs (Indigenous Triple P, Nurturing relationships);
    - Life skills programs;
    - Support to families to enhance family life;
    - Support to youth;
    - Support for young adults;
    - Supported visitation program;
    - Fetal Alcohol Spectrum Disorder (FASD) Support;

- Aboriginal S.M.A.R.T. and H.I.P.P.Y. programs;
- Support to Caregivers Caring for Children from their extended family or community; and
- Support access to counselling services.

- Support Services
  - Guardianship;
  - Voluntary support service;
  - Voluntary or special needs agreements;
  - Extended family program;
  - Youth agreements; and
  - Agreements with young adults.

NIL TU, O serves:

- Beecher Bay/Scianew First Nation
- Pauquachin First Nation
- Tsartlip First Nation
- Songhees First Nation
- Tsawout First Nation
- Tseycum Fist Nation
- T'Sou-Ke First Nation

The impact of Bill C-92 and additional prevention dollars is changing the existing landscape. NIL TU, O aims to recognize the needs in the communities it serves and expand its programs accordingly. Working with each community to accomplish this can be a challenge, particularly due to slow processes for approval (from both ISC and Chief and Council). NIL TU, O also noted the challenges associated with existing trauma among the community members it serves. Many family issues in the communities served, are underscored by existing issues of poverty e.g., housing quality.

NIL TU, O highlighted an additional challenge – the delivery of prevention services. When an agency is not connected to prevention funding there is a strategic risk that program effectiveness will be limited and there will be confusion within the communities as to the lead organization for service delivery. Integration of prevention and protection could mitigate this risk.

First Nations are in early discussions about the prospect of exercising jurisdiction, but NIL TU, O has not been invited to these discussions. NIL TU, O has a clear mission and a future vision, but it does not have control of all the elements needed to get there.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N	N	
	Does your compensation match the provincial standard?	Y	Y	
	Do you recruit staff from your member community(ies)?	Y	Y	
	Do you have high retention of employees?	Y/N	Y/N	Depends heavily on role. Frontline staff have higher turnover.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	
	Are you attracting the same level of credentialed employees as mainstream organizations?	N	Y	

	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	
Process	Are your current operating baselines meeting needs?	N	N	
	Do you have a clear vision of your future state?	Y	Y	
	Are your post-transition activities defined?	N	Y	
	Is your post-transition workflow defined?	Y	Y/N	Will not change until there is more communication from member Nations.
	Is your post-transition management structure established?	Y	Y/N	
	Have you fully designed your prevention programming?	Y	Y/N	
	Have you fully designed your protection programming?	N	Y/N	
Strategy	Is your post-transition mission defined?	Y/N	Y	
	Is your post-transition strategy defined?	N	Y/N	
	Are your post-transition goals and	N	Y/N	

	organizational priorities defined?			
	Are all of your services or programs developed?	N	Y/N	
	Are all of your necessary organizational partnerships in place?	Y	Y	
Systems	Is your post-transition governance framework defined?	Y	Y	Will not change until communities communicate decisions on jurisdiction.
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	Y	Y	Unclear what the future is and what communities will decide about developing their own CFS law.
	Is an adjudication system in place?	Y	Y	
	Is an adequate data system in place?	N	Y/N	Hired a data analyst to manage program data. The aim is to develop evidence of program effectiveness.
	Is an adequate performance management framework in place?	Y	Y	
	Is an adequate IT system in place?	Y	Y	Can always be improved.

	Is an adequate financial system in place?	Y	Y	
	Are your post-transition reporting systems in place?	N	Y	
	Are you developing new criteria for evaluative purposes?	Y/N	Y/N	Dependent on results of data analysis.

Table 5

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Yes	
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?		
Is the delivery of prevention and protection services integrated at a case or family service level?	Family service level	

People

Recruitment and retention are key challenges. NIL TU, O has 30 employees, there are currently 9 people on leave. Issues in recruitment contributes to deficits in program delivery. Several factors drive these challenges:

- *Competitive recruitment environment.* Social workers and supporting staff are in high-demand industry wide. NIL TU, O has challenges starting new programs due to challenges to recruit staff.
- *High turnover.* There is high turnover amongst younger employees at NIL TU, O.
- *Lack of interest from member First Nations.* NIL TU, O aims to hire members from the First Nation communities it serves. It is challenging to recruit both inside and outside of the communities as people are not willing to relocate.

As problems with recruitment and retention persist, NIL TU, O aims to be a competitive employer. NIL TU, O offers compensation that matches the provincial standards, pension plan, a retention incentive, and internal job mobility through education opportunities. NIL TU, O also uses a variety of methods for recruitment such as advertising in First Nation communities, and media advertising. Despite being competitive and using different recruitment strategies, NIL TU, O continues to have challenges recruiting and retaining staff.

Process

NIL TU, O has clear processes established to meet its current needs. It expects program activities to remain the same post-transition. However, NIL TU, O is unsure of how the changing legislative landscape (e.g., C-92) will affect its future plans. A current process challenge, is:

- *Prevention programming.* With prevention funding going directly to the First Nations communities, NIL TU, O is trying to navigate both its role, and working with the communities it serves to educate on what is involved in delivering prevention programming.

Strategy

NIL TU, O has a clear mission and organizational philosophy. The key strategic challenge for NIL TU, O stems from working with seven different communities, all with unique contexts and needs. Factors influencing strategy include:

- *Engagement with communities.* NIL TU, O recognizes a variety of factors that can contribute to protection concerns, like the state of housing. Determining the best way to work with communities to address these issues is a challenge. NIL TU, O aims to include housing issues in its strategic plan to ensure children and families have access to the resources they need.
- *Changing the narrative.* NIL TU, O is trying to change both how it works with its member Nations – more hands on, as well as shift the perception of the agency in the communities it serves. The member Nations have started to establish new programs with new staff for the purposes of delivering prevention, this has enabled a better line of communication between NIL TU, O and the communities it serves. This is an on-going process that requires reinforcement both with its employees, and in the communities.

Systems

NIL TU, O is moving forward business-as-usual. It has established governance and legal frameworks, with a developed performance management framework, IT system, and financial system. A factor, impacting NIL TU, O's systems is:

- *Data and reporting.* NIL TU, O does not have an adequate data system to generate statistics for reporting or as evidence for program outcomes. It is in the process of getting its data organized and, in a place, where it can generate evidence for the efficacy of programs.

IFSD
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Collaborator H

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Collaborator H provides both protection and prevention services to one First Nation. In this community, all households have access to at least minimal Internet; however, relatively low completion rates for high school and post-secondary education are an area of concern. The employment rate is also relatively low, and the median household income falls below the provincial poverty line, suggesting a significant prevalence of income-based poverty in the First Nation. While most existing housing stock is considered suitable, nearly 30% requires major repairs.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 1 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 1

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

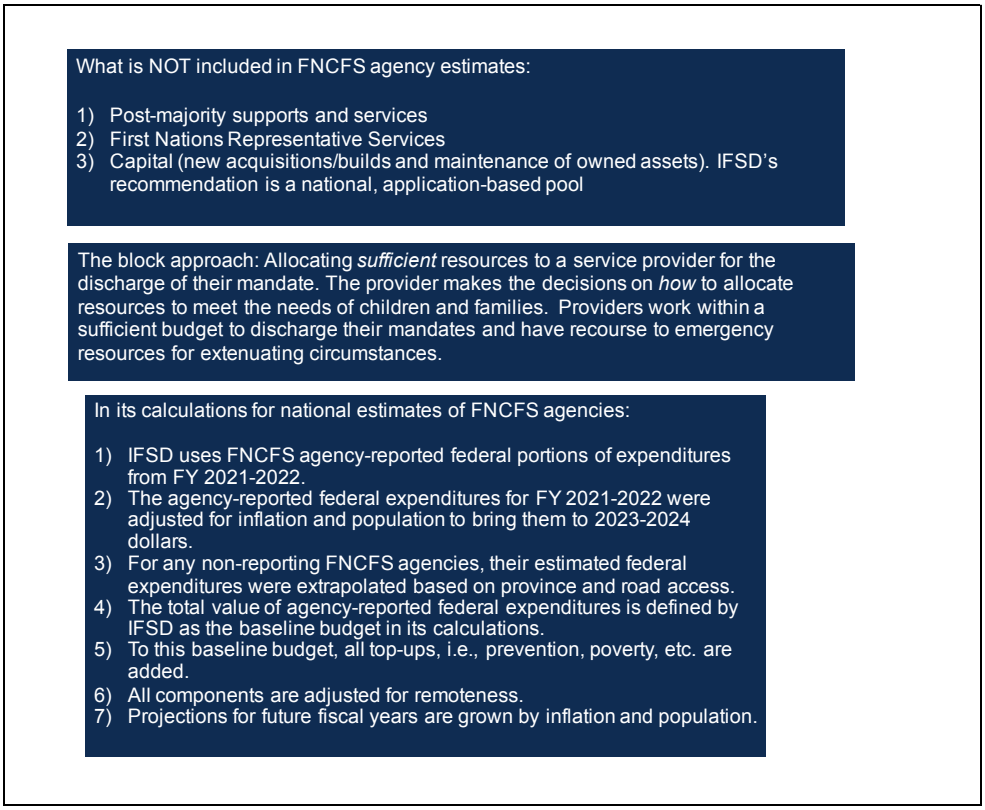

Table 2 outlines three illustrative funding scenarios for Collaborator H, including adjustments for remoteness, the Northern MBM, and excluding prevention funding.

IFSD IFPD

Table 2

Collaborator H			
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF-for all agencies**	**Scenario 2: Scenario 1 adjusted for Northern MBM**	**Scenario 3: Scenario 1 with no prevention funds**
Median After-tax HH Income	35200	35200	35200
MBM - 2022	47976 (Provincial)	81150 (Northern)	47976 (Provincial)
Number of HHs*	-	-	-
Poverty Gap	19036240	68465500	19036240
Population IRS 2022*	7500	7500	7500
Population Weights	1	1	1
Statcan Remoteness Index - 2021*	-	-	-
Band Classification Remoteness Index*	-	-	-
Accessibility	0	0	0
Total Revenue (21-22)	11,071,985	11,071,985	11,071,985
Total Expenditure (21-22)	11,369,720	11,369,720	11,369,720
ISC Revenue	9,411,187	9,411,187	9,411,187
Ratio: ISC/Total*	-	-	-
ISC Baseline Budget (2021-22)	9,664,262	9,664,262	9,664,262
Inflation_2022 (%)	6.8	6.8	6.8
ISC Baseline Budget 2023-24	10,948,851	10,948,851	10,948,851
Geography Factor_CAF_15%*	-	-	-
Geography Adjustment ($)_CAF_15%*	-	-	-
Poverty _Low (3%)	658,093	2,366,887	658,093
Poverty_Med (5%)	1,096,821	3,944,812	1,096,821
Poverty_High (7%)	1,535,549	5,522,737	1,535,549
Maintenance_Low (1%)	126,169	126,169	126,169
Maintenance_Med (2%)	252,338	252,338	252,338
Maintenance_High(3%)	378,507	378,507	378,507
Emergency_Low (0.5%)	63,085	63,085	63,085
Emergency_Med (1%)	126,169	126,169	126,169
Emergency_High (2%)	252,338	252,338	252,338
Results_Low (1%)	126,169	126,169	126,169
Results_Med (3%)	378,507	378,507	378,507
Results_High (5%)	630,846	630,846	630,846
IT Low (5%)	630,846	630,846	630,846
IT Med (5.5%)	693,930	693,930	693,930
IT High (6%)	757,015	757,015	757,015
Prevention (@ $2500/per person)	23,845,011	23,845,011	-
Budget Projections			
Total 2023-24 Budget_Low	38,066,286	39,775,081	14,221,275
Total 2023-24 Budget_Medium	39,009,691	41,857,682	15,164,680
Total 2023-24 Budget_High	40,016,180	44,003,368	16,171,169
Medium Budget Projection			
2023-24	39,009,691	41,857,682	15,164,680
2024-25	41,315,865	44,332,224	16,061,185
2025-26	43,766,899	46,962,201	17,014,003
2026-27	46,301,032	49,681,345	17,999,126
2027-28	48,920,241	52,491,774	19,017,320
*Identifying data has been suppressed or adjusted to maintain the anonymity of the collaborator.			

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transitions Case Study: Collaborator H

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Collaborator H is confronting uncertainty in its planning as the First Nation it serves contemplates the pursuit of jurisdiction.
- Administratively, Collaborator H is independent from the First Nation and is externally accredited for its service standards. This means that Collaborator H must maintain certain operational standards to retain the designation. Its independence means it can manage salary levels and employment matters directly with its staff. A change in structure through jurisdiction may mean a loss in accreditation and staff should the same standards and practices not be upheld.
- Given the uncertainty, Collaborator H is only able to plan at most 6 months at a time. This limits long-term program development and delivery and complicates staff retention.

Summary Assessment

- Communication between an agency and a First Nation planning to exercise jurisdiction is critical. Lack of communication can cause downstream problems e.g., agency cannot plan long- or medium-term, First Nation may not be aware of what is required to operate CFS in the community, staff at agency may not wish to work under a new legal framework or for the First Nation.
- Transition is critically impacted by: (1) the anticipated reform of the FNCFS Program, (2) community-related factors (e.g., remoteness, housing, trauma, etc.), and (3) the decision on jurisdiction of Collaborator H's community.
- For Collaborator H, transition is largely on hold until the community makes decisions with respect to its pursuit of jurisdiction.

Context

Collaborator H is an agency that provides a wide range of services to one community. Collaborator H's services include:

- Child protection services;
- Family services;
- Foster care;
- Prevention services;
- Casual/emergency;
- Prevention youth; and
- Family group conferencing.

Collaborator H's transition will be significantly influenced by the decision to exercise jurisdiction by the community it serves. There has been limited communication between Collaborator H and the First Nation regarding the plan to pursue jurisdiction. This creates challenges for Collaborator H to plan for its transition. Collaborator H can only plan 3-6 months into the future,

until its future role with the First Nation is clarified. Collaborator H described this as being in “no mans land.”

Collaborator H highlighted an issue for First Nations pursuing jurisdiction, which is translating the law into practice. It is not only a law that is needed, but also policy manuals, governance structures, and qualified staff. Attracting qualified social workers is challenging industry wide. The majority of Collaborator H’s current staff have noted that they will look for other employment options, or retire, if CFS is taken over by the First Nation.

Until there is more clarity on the plan of the First Nation, Collaborator H is continuing with the status quo. The agency is focused on the impact of CHRT compensation in the community. Many community members have trauma, and it is expected that CHRT compensation delivered without a plan and resources in place, may increase the number of children in care. In response, Collaborator H has been providing education on financial literacy. Additionally, it has purchased multiple properties as emergency housing, and trained its staff as foster parents.

External factors influencing Collaborator H’s transition make it difficult to articulate a future state, and consequently, to provide a gap analysis. Collaborator H is able to compete with mainstream agencies in some areas, but factors outside of Collaborator H’s control complicate transition planning.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 3

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	Y	Y	Yes, for current needs. Not enough for future vision.

	Does your compensation match the provincial standard?	N	N	
	Do you recruit staff from your member community(ies)?	Y	Y	Yes, but it is challenging particularly due to remoteness.
	Do you have high retention of employees?	Y	Y	
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	
	Are you attracting the same level of credentialed employees as mainstream organizations?	N	N	
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	
Process	Are your current operating baselines meeting needs?	Y	N	Yes, for current needs. Not future vision.
	Do you have a clear vision of your future state?	N	N	Unclear what the future vision will be. Require communication with the First Nation.

	Are your post-transition activities defined?	N	N	
	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	N	Y	
	Have you fully designed your prevention programming?	N	N	
	Have you fully designed your protection programming?	N	N	
Strategy	Is your post-transition mission defined?	N	N	
	Is your post-transition strategy defined?	N	N	Collaborator H can only plan short term. The future of the agency is not clear.
	Are your post-transition goals and organizational priorities defined?	N	N	
	Are all of your services or programs developed?	N	N	
	Are all of your necessary organizational partnerships in place?	N	N	
Systems	Is your post-transition governance framework defined?	N	N	

	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	N	N	
	Is an adjudication system in place?	N	N	
	Is an adequate data system in place?	N	N	
	Is an adequate performance management framework in place?	N	N	
	Is an adequate IT system in place?	N	N	
	Is an adequate financial system in place?	N	N	
	Are your post-transition reporting systems in place?	N	N	
	Are you developing new criteria for evaluative purposes?	N	N	

Table 4

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Y	
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?		

Is the delivery of prevention and protection services integrated at a case or family service level?	Y	

People

Recruitment is a key challenge. Collaborator H employs 60 staff and has low turnover. The key challenge to recruitment is:

- *Future Vision.* Collaborator H's staff may not wish to continue working under a different legal framework or structure, i.e., work for the First Nation, or work under a different law. Communication between the First Nation and the agency is critical.
- *Remoteness.* Collaborator H is located in a Northern area, where there is limited housing, activities, and availability of services.
- *Housing.* Adequate housing is difficult to obtain in the community, both for community members, and those hired from mainstream organizations.

As problems with recruitment persist, Collaborator H aims to be a competitive employer. It offers comparable compensation to mainstream organizations and a comprehensive benefit plan. However, it is challenging to hire outside of the community due to its remote location and lack of housing.

Process

Collaborator H has defined policies and procedures and will continue with the status quo until the future of Collaborator H and the First Nation is defined.

Strategy

Collaborator H has a clear mission and organizational philosophy. The key strategic challenges for Collaborator H stem directly from two issues: uncertainty and community trauma. Factors influencing strategy include:

- *Community-level politics.* Existing relationships with Chief and Council need to be repaired. These relationships are critical for Collaborator H to effectively deliver services.
- *Exercising jurisdiction.* Collaborator H cannot plan a long-term strategy until the First Nation communicates its plan to pursue jurisdiction. In the meantime, it is planning in 3–6-month increments.

Systems

Collaborator H cannot plan for the future until the community it serves communicates its plan for jurisdiction. In the meantime, Collaborator H is continuing with the status quo, and cannot plan systems for post-transition.

IFSD
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Yellow Thunderbird Lodge

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Yellow Thunderbird Lodge (YTL) delivers both protection and preventions services to fourteen First Nations in Saskatchewan. Table 1 outlines contextual information about the First Nations YTL serves.

Table 1

Collaborator name: Yellow Thunderbird Lodge

First Nation(s) served:	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
1) Kahkewistahaw First Nation	$31,200.00	Below
2) Ochapowace Nation	$36,400.00	Below
3) Zagime Anishinabek Nations	$50,000.00	Above
4) White Bear First Nations	$51,200.00	Above
5) Cote First Nation	$22,800.00	Below
6) Keeseekoose First Nation	$29,000.00	Below
7) The Key	Not available	Not available
8) Little Black Bear's Band	Not available	Not available
9) Nekaneet First Nation	Not available	Not available
10) Muscowpetung Saulteaux Nation	$34,800.00	Below
11) Peepeekisis Cree Nation	$41,200.00	Below
12) Starblanket Cree Nation	$37,200.00	Below
13) Ocean Man First Nation	Not available	Not available
14) Pheasant Rump First Nation	Not available	Not available

Yellow Thunderbird Lodge (YTL) serves 14 First Nations that have year-round road access and are within 350km of a service centre. The majority of First Nation are affected by income-based poverty. Connectivity is quite high among the First Nations, with most households receiving 5mbps or more. Employment, housing, and secondary education vary significantly among the communities. While all communities face housing issues, in one First Nation more than 60% of houses require major repairs. Education rates also vary significantly. The high school graduation rate among youth aged 15-24 in the First Nations ranges from 0% to 65%. The diversity of circumstances suggests that YTL's approach to service delivery will vary depending on the unique circumstances of each First Nation.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

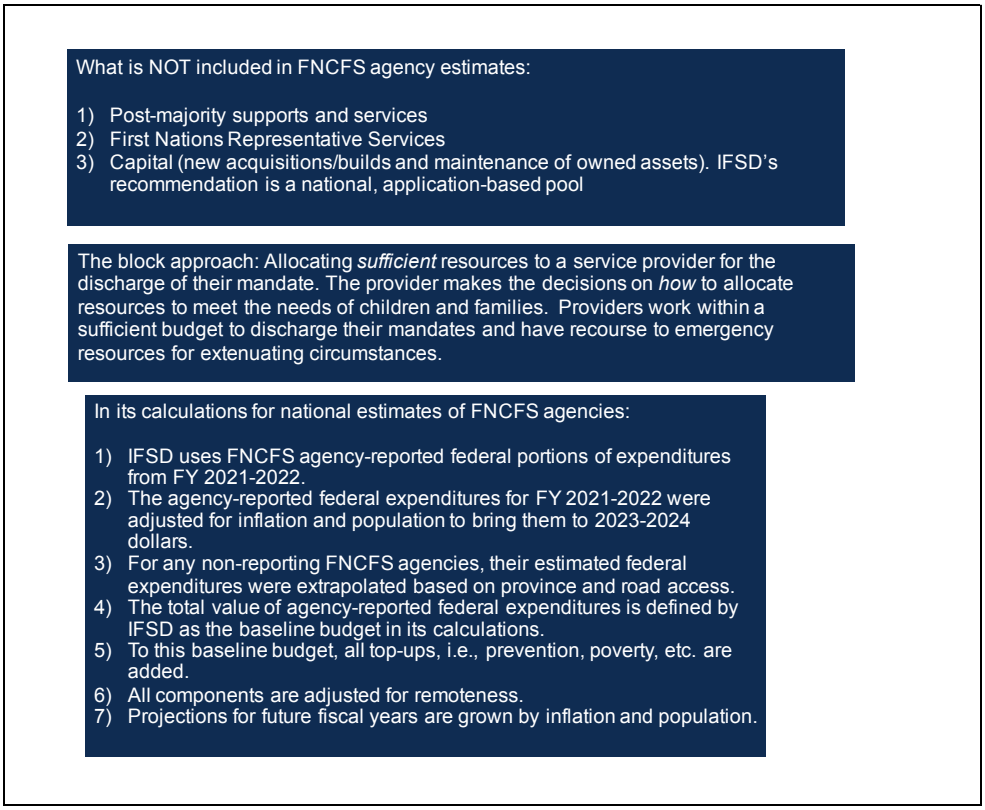

Table 3 outlines four illustrative funding scenarios for YTL, including applying a federal-only baseline, applying a baseline based on the average of actual expenditures, excluding prevention funding, and applying the Northern MBM.

Table 3

Yellow Thunderbird Lodge				
Component	**Scenario 1: Uses the reported federal-only expenditure of 2021-22 as the baseline budget**	**Scenario 2: Using the actual average expenditures over 2018-19 to 2022-23**	**Scenario 3: Scenario 2 excluding prevention funding**	**Scenario 4: Scenario 3 with Northern MBM replacing the provincial MBM as the poverty line**
Median After-tax HH Income				
Provincial MBM - 2022				
Number of HHs				
Poverty Gap	18920421	18920421	18920421	61820282
Population IRS 2022	7369	7369	7369	7369
Population Weights	1	1	1	1
Statcan Remoteness Index - 2021	0.40667409	0.40667409	0.40667409	0.40667409
Band Classification Remoteness Index	0.80	0.80	0.80	0.80
Accessibility	0	0	0	0
Total Revenue (21-22)	21,878,824	21,878,824	21,878,824	21,878,824
Total Expenditure (21-22)	19,444,405	-	-	-
ISC Revenue	19,288,026	-	-	-
Ratio: ISC/Total	0.88158422	-	-	-
ISC Baseline Budget (2021-22) Actual Baseline Budget (2021-22)*	17,141,881	15,872,480.8*	15,872,480.8*	15,872,480.8*
Inflation_2022 (%)	6.8	6.8	6.8	6.8
ISC Baseline Budget 2023-24	19,425,403	17,986,903	17,986,903	17,986,903
Geography Factor_CAF_15%	0.118991061	0.118991061	0.118991061	0.118991061
Geography Adjustment ($)_CAF_15%	2,311,449	2,140,281	2,140,281	2,140,281
Poverty _Low (3%)	635,153	635,153	635,153	2,075,290
Poverty_Med (5%)	1,058,589	1,058,589	1,058,589	3,458,817
Poverty_High (7%)	1,482,025	1,482,025	1,482,025	4,842,344
Maintenance_Low (1%)	217,369	201,272	201,272	201,272
Maintenance_Med (2%)	434,737	402,544	402,544	402,544
Maintenance_High(3%)	652,106	603,815	603,815	603,815
Emergency_Low (0.5%)	108,684	100,636	100,636	100,636
Emergency_Med (1%)	217,369	201,272	201,272	201,272
Emergency_High (2%)	434,737	402,544	402,544	402,544
Results_Low (1%)	217,369	201,272	201,272	201,272
Results_Med (3%)	652,106	603,815	603,815	603,815
Results_High (5%)	1,086,843	1,006,359	1,006,359	1,006,359
IT Low (5%)	1,086,843	1,006,359	1,006,359	1,006,359
IT Med (5.5%)	1,195,527	1,106,995	1,106,995	1,106,995
IT High (6%)	1,304,211	1,207,631	1,207,631	1,207,631
Prevention (@ $2500/per person)	22,750,287	22,750,287	-	-
Budget Projections				
Total 2023-24 Budget_Low	46,752,556	45,022,162	22,271,875	23,712,012
Total 2023-24 Budget_Medium	48,045,466	46,250,685	23,500,398	25,900,626
Total 2023-24 Budget_High	49,447,060	47,579,844	24,829,557	28,189,876
Medium Budget Projection				
2023-24	48,045,466	46,250,685	23,500,398	25,900,626
2024-25	50,877,302	48,976,735	24,885,529	25,900,626
2025-26	53,889,738	51,876,639	26,358,997	25,900,626
2026-27	57,000,099	54,870,809	27,880,363	25,900,626
2027-28	60,229,508	57,979,581	29,459,958	25,900,626

Capital Needs Analysis

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For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

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The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transitions Case Study: Yellow Thunderbird Lodge

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Yellow Thunderbird Lodge (YTL) has adjusted its standards and practices to align to the cultures and traditions of the First Nations it serves.
- The agency has anticipated changes through the FNCFS Program and has been working with First Nations to develop their capacity.
- To plan and manage transition YTL is:
    - Incorporating culture and traditions into service delivery models.
    - Integrating prevention and protection to better serve member communities.
    - Investing in core systems like data gathering to support the generation of evidence for improved decision making and funding requests.

Summary Assessment

- YTL faces significant uncertainty stemming from ISC funding changes within the Nation it serves (i.e., implementing new law, collaboration of services).
- Importantly, YTL is moving forward with modifying and integrating Indigenous approaches to its service delivery models.
- Recruitment and retention are key challenges.
- YTL established Transition Agreements to fully integrate its protection, intervention, and prevention programming. Outlining funding allocations at the tertiary, secondary and primary levels of services to First Nations.

Context

Yellow Thunderbird Lodge (YTL) is an organization that provides services to 14 member Nations. YTL's services include:

- Prevention services;
- Intervention; and,
- Protection services.

YTL serves:

- Cote First Nation;
- Keeseekoose First Nation;
- The Key;
- Kahkewistahaw First Nation;
- Zagime Anishinabek Nations;
- Ochapowace Nation;
- Little Black Bear's Band;
- Ocean Man First Nation;
- Pheasant Rump First Nation;
- White Bear First Nations;

- Peepeekisis Cree Nation;
- Starblanket Cree Nation;
- Nekaneet First Nation; and,
- Muscowpetung Saulteaux Nation

YTL's transition will be impacted by the anticipated reform of the FNCFS Program and the decisions on jurisdiction made by the Nations it serves. Recruitment and retention are currently a significant issue. If services are transitioned to individual Nations, finding qualified staff may be even more difficult (competition may increase, Nations may offer different compensation).

YTL identifies itself as a leader for other FNCFS agencies in Saskatchewan. It is integrating Indigenous approaches to its service delivery models based on positions of the Nation. YTL attributes its success to maintaining stability, particularly with an executive director who is effective at knowledge translation. Additionally, YTL recognizes and respects different political parties, cultural groups, and unique contexts to maintain positive relationships with its member Nations.

YTL has well defined strategies and processes, it is implementing changes to its service delivery throughout its transition agreements. YTL uses both Western and Indigenous approaches to deliver CFS, by integrating culture, identity, and language into service models. Each respective approach is relevant to the cultural group it serves. YTL has developed new guidelines and procedures that outline these approaches.

A legal framework has already been developed, but it remains to be seen how individual Nations will implement the framework into practice. With developed data systems and evaluative criteria, YTL uses data and outcomes as evidence for its approach and for funding asks. Processes for adjudication have yet to be fully designed and implemented.

Individual Nations may evolve to operate differently from each other (with or without support from YTL). External decisions need to be made by the Nations before YTL can fully determine its future vision.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks, capital and facilities systems).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years?	Notes from collaborator

			Response: Yes (Y) or No (N)	
People	Do you have enough staff to meet your operational needs?	N	N	
	Does your compensation match the provincial standard?	N	N	On-going always behind.
	Do you recruit staff from your member Nations?	Y	Y	Always try to recruit in partnership.
	Do you have high retention of employees?	N	Y	
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	N	Y	
	Are you attracting the same level of credentialed employees as mainstream organizations?	N	Y	
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	Hopefully.

Process	Are your current operating baselines meeting needs?	Y	Y	With long term reform funding.
	Do you have a clear vision of your future state?	N	Y	Current funding mechanism is not stable.
	Are your post-transition activities defined?	N	Y	Have better understanding in 3 years. Final Settlement agreement be signed.
	Is your post-transition workflow defined?	N	Y	Have better understanding in 3 years. Final Settlement agreement be signed.
	Is your post-transition management structure established?	N	Y	Have better understanding in 3 years. Final Settlement agreement be signed.
	Have you fully designed your prevention programming?	N	Y	Need to integrate YTL and Nations.
	Have you fully designed your protection programming?	N	Y	Legislation dictates. YTL integrates prevention and intervention.
Strategy	Is your post-transition mission defined?	Y	Y	
	Is your post-transition strategy defined?	Y	Y	

	Are your post-transition goals and organizational priorities defined?	Y	Y	
	Are all of your services or programs developed?	N	Y	On-going development.
	Are all of your necessary organizational partnerships in place?	N	Y	
Systems	Is your post-transition governance framework defined?	N	Y	Beginning stages
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	Y	Y	Kinda/sorta.
	Is an adjudication system in place?	N	N	Provincial only.
	Is an adequate data system in place?	N	Y	
	Is an adequate performance management framework in place?	Y	Y	
	Is an adequate IT system in place?	Y	Y	
	Is an adequate financial system in place?	Y	Y	
	Are your post-transition reporting systems in place?	N	Y	

	Are you developing new criteria for evaluative purposes?	Y	Y	

Table 5

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Y	
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	Y	
Is the delivery of prevention and protection services integrated at a case or family service level?	Y	

People

YTL is currently experiencing issues with recruitment and retention. Several factors drive these challenges:

- *Competitive recruitment environment.* Social workers and supporting staff are in high demand industry-wide.
- *High turnover.* Funding uncertainty creates an unstable employment environment. Fully trained staff may depart in search of greater stability at mainstream organizations. Working conditions are also demanding (ex. staff need to be resilient to local political pressures).
- *Limited training.* Staff are expected to hit the ground running and be operation in two weeks from starting. Ideally, YTL would have three months to fully train new staff. YTL would like to develop its own training program for social workers, First Nation Representatives and Nation employees, but is limited due to funding.

Process

YTL's legal framework is clear but is in the early developmental stages in the Nations. YTL has a vision for its future, but is limited by several factors:

- *Funding uncertainty.* YTL cannot be sure it will be able to fund existing programs and services into the future. This limits the ability to plan for transition effectively.
- *Unique community contexts.* YTL works with individual Nation to deliver programs that meet each unique context. But this can be difficult with Nation each approaching a new legal framework differently.
- *Prevention funding.* The disbursement of prevention funding to its member Nations has created a complex situation. YTL works with the Nations it serves without capacity funding to help build capacity and translate knowledge on what prevention programs look like. This has created "organized confusion."

- *Existing mentality.* YTL is pursuing jurisdiction, but due to the mentality of historical trauma of the Nations it serves, it is challenging to communicate the vision and benefits of exercising jurisdiction over CFS with limited knowledge on inherent rights and treaty rights as it pertains to child welfare.

Strategy

YTL's strategy is clear. It uses both Western and Indigenous approaches to delivering CFS, which is defined in its policies, models, and procedures. YTL has developed service delivery models unique to each Nation, which integrate its member Nations culture, identity, and languages. YTL's strategy is continuously evolving.

Systems

YTL is asserting full jurisdiction over their children. It will be a long-term process to develop the systems needed to get to the ideal state of recognition that Nations take care of their own. YTL has systems in place for data and has defined evaluative criteria. As YTL transitions to its future application of First Nation Laws and Acts; it will consider options for an adjudication system and prepare fully operational IT and financial systems.

IFSD
IFPD

Pimicikamak Cree Nation

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Pimicikamak Cree Nation (Pimicikamak) is pursuing jurisdiction and is currently served by an FNCFS agency. Table 1 outlines contextual information about Pimicikamak.

Table 1

Collaborator name: Pimicikamak Cree Nation				
First Nation(s) served:	**Total population (on-reserve, IRS 2022)**	**Geographic zone (1-4)**	**After-tax total median household income (2016)**	**Difference between after-tax median household income above or below 2022 MBM?**
1) Cross Lake Band of Indians	6535	2	$45,600.00	Below
Pimicikamak Cree Nation is located just over 100km north of Norway House, and has year-round road access. Internet connectivity in the community is poor, with no homes on reserve receiving more than 5mbps. The indicators suggest that housing is a pressing issue, with 59% of homes needing major repairs, and only 57% of homes meeting standards of suitability. Employment is low at only 35%, however, the median income is above the poverty line. The high school graduation rate among youth is also low, at 34%. The indicators suggest that Pimicikamak's approach to service delivery could emphasize housing, employment, and educational supports.				

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

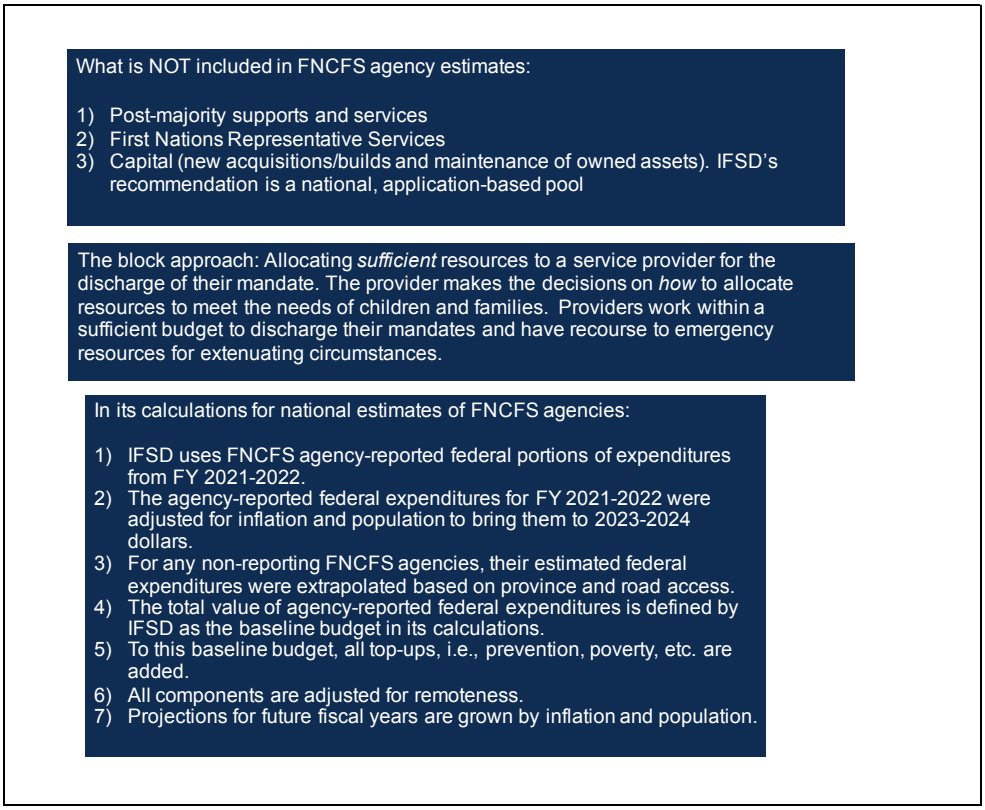

Table 3 outlines two illustrative funding scenarios for Pimicikamak, including adjustments for remoteness and the Northern MBM.

Table 3

Pimicikamak Cree Nation		
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF-for all agencies**	**Scenario 1: Scenario 1 replacing Provincial MBM with Northern MBM**
Median After-tax HH Income	45600	45600
MBM - 2022	47324 (Provincial)	81150 (Northern)
Number of HHs	845	845
Poverty Gap	1456780	30039750
Population IRS 2022	6535	6535
Population Weights	1	1
Statcan Remoteness Index - 2021	0.5536	0.5536
Accessibility	0	0
Total Revenue (21-22)	11,546,813	11,546,813
Total Expenditure (21-22)	11,321,859	11,321,859
ISC Revenue	10,045,727	10,045,727
Ratio: ISC/Total	0.87	0.87
ISC Baseline Budget (2021-22)	9,850,017	9,850,017
Inflation_2022 (%)	6.8	6.8
ISC Baseline Budget 2023-24	11,079,482	11,079,482
Geography Factor_CAF_15%	0.15609229	0.15609229
Geography Adjustment ($)_CAF_15%	1,729,422	1,729,422
Poverty _Low (3%)	50,525	1,041,862
Poverty_Med (5%)	84,209	1,736,436
Poverty_High (7%)	117,892	2,431,011
Maintenance_Low (1%)	128,089	128,089
Maintenance_Med (2%)	256,178	256,178
Maintenance_High(3%)	384,267	384,267
Emergency_Low (0.5%)	64,045	64,045
Emergency_Med (1%)	128,089	128,089
Emergency_High (2%)	256,178	256,178
Results_Low (1%)	128,089	128,089
Results_Med (3%)	384,267	384,267
Results_High (5%)	640,445	640,445
IT Low (5%)	640,445	640,445
IT Med (5.5%)	704,490	704,490
IT High (6%)	768,534	768,534
Prevention (@ $2500/per person)	20,844,419	20,844,419
Budget Projections		
Total 2023-24 Budget_Low	34,664,516	35,655,853
Total 2023-24 Budget_Medium	35,210,556	36,862,783
Total 2023-24 Budget_High	35,820,640	38,133,759
Medium Budget Projection		
2023-24	35,210,556	36,862,783
2024-25	37,071,051	38,810,581
2025-26	39,033,141	40,864,741
2026-27	41,085,169	43,013,058
2027-28	43,184,985	45,211,406

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transitions Case Study: Pimicikamak Cree Nation

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Pimicikamak Cree Nation's (Pimicikamak) journey in jurisdiction recognizes the value of an independent child and family services organization. Its law will be implemented by Nikan Awasisak Agency (Nikan), its existing FNCFS agency.
- While the agency is in place structurally, transition will focus – even ahead of the enactment of the law – on the realignment of practice to emphasize prevention in a culturally relevant manner with the best interests of the child at its core.

Summary Assessment

- Pimicikamak is served by Nikan. Pimicikamak is developing its own law which will be implemented by Nikan.
- Transition is critically impacted by the anticipated reform of the FNCFS Program.
- Recruitment is a key challenge.
- Nikan benefits from a supportive local political environment. Pimicikamak leadership is attuned to the challenges of providing CFS and recognize that Nikan's governance must have independence as should its practice of child welfare.
- Strong governance is an important element of successful reform of the CFS program. However, much work is required to build the processes, people, and systems to fully implement the program.

Context

Pimicikamak Cree Nation (Pimicikamak) is currently served by Nikan Awasisak Agency (Nikan). This relationship will continue and evolve as Pimicikamak develops and implements its new law. Nikan provides a range of services including:

- Prevention services
- Protection services
- Family counselling
- Alternative care
- Wakotowin (family placements)
- Minor parent, expectant and single parent services
- Land-based/cultural opportunities
- Recreational opportunities for families/children
- Family support services
- Intake/after-hours services
- In-house therapists
- Family enhancement/prevention
- Emergency/short-term support services

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);

- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N	Y	We would love to add more positions but we are short on space.
	Does your compensation match the provincial standard?	N	N	
	Do you recruit staff from your member community(ies)?	Y	Y	
	Do you have high retention of employees?	Y	Y	9% vacancy rates.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	We hired an in-house trainer.
	Are you attracting the same level of credentialed employees as	N	N	In the cities we do, but locally it is challenging.

	mainstream organizations?			
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	Law firms, accountants, etc. are based in Winnipeg and provide work remotely from the city.
Process	Are your current operating baselines meeting needs?	Y/N	Y/N	Challenges mostly with human resources.
	Do you have a clear vision of your future state?	N	Y/N	Not presently, as we wait for the many changes that will be presented in our new CFS law.
	Are your post-transition activities defined?	N	Y	Not clearly. Broad vision. A lot depends on new CFS law.
	Is your post-transition workflow defined?	N	N	Just starting. Will be defined by new CFS law.
	Is your post-transition management structure established?	N	Y	There will be some changes. Iterative process.
	Have you fully designed your prevention programming?	N	Y	Will change with the implementation of the law.
	Have you fully designed your protection programming?	N	Y	
Strategy	Is your post-transition mission defined?	N	N	It may be affected.
	Is your post-transition strategy defined?	N	N	Iterative process.

	Are your post-transition goals and organizational priorities defined?	N	N	It's just the beginning of the process.
	Are all of your services or programs developed?	N	N	After implementation of the new law. Programs will evolve after new law is implemented.
	Are all of your necessary organizational partnerships in place?	N	N	Just starting to talk with organizations.
Systems	Is your post-transition governance framework defined?	N	Y	We have to wait for the new CFS Law
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	N	Y	It will change once new law is implemented.
	Is an adjudication system in place?	N	N	It might take longer. Process will begin after law is implemented.
	Is an adequate data system in place?	N	Y/N	Data system is meeting some needs. Could be improved. In the absence of our own system, we have no choice but to continue using the Province's IT system, CFSIS. We must ensure we negotiate funding for the creation of a new data system as part

				of our coordination agreement under the new CFS law.
	Is an adequate performance management framework in place?	N	Y	
	Is an adequate IT system in place?	Y	Y	We are transitioning to having a hybrid service to include an IT position in-house.
	Is an adequate financial system in place?	N	Y	FACTS is less than ideal as it is a DOS system, however there is no other alternative because SAGE, our other finance program, cannot accommodate all of our needs.
	Are your post-transition reporting systems in place?	N	Y	
	Are you developing new criteria for evaluative purposes?	N	N	Maybe in the future.

Table 5

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Yes	We provide both protection and prevention services. Referrals are also sent to other applicable programs within the community, if they require more specialized support that we cannot offer. Addiction issues are referred to external resources at the Health Department. Family violence issues are immediately addressed by assisting families to safety, either to other familial supports or assist by arranging/providing rides

		to shelter's out of town. We will provide ongoing support services or aftercare services through prevention programs. Supports that we are able to provide are programs and classes to address basic household needs, to address issues through traditional, milieu and cultural/land-based connections. We help to provide awareness and also recreational activities for children, youth, families. We have a child abuse team that receives referrals from our protection teams and cases potentially referred to our child abuse committee.
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	Yes	Once our new CFS law comes into effect we will continue to provide services according to the parameters of the new law.
Is the delivery of prevention and protection services integrated at a case or family service level?	Yes	Delivery of prevention & protection is integrated at a family service level. Although we have the prevention team and cases separated from the protection side of child welfare, sometimes their work overlaps or cases flow from one area to the other. We work from a holistic approach and try engaging the entire family system. We also assist children in care and their families on the prevention side by encouraging all families to participate in classes and programming offered. Alternative care is a placement resource in house that assists with the placements of children in care. 93% of our placements are culturally appropriate. 76% are kinship placements.

People

Recruitment, especially of professional staff (i.e., doctors, lawyers) is a key challenge. Vacancy rates are high at 9% but turnover is low. Several factors drive recruitment challenges:

- *Competitive recruitment environment.* Social workers and supporting staff are in high demand industry-wide.
- *Lack of salary parity with mainstream staff.* Staff at Nikan are not compensated in line with provincial child welfare workers. This makes it more difficult to attract qualified staff.

Process

Pimicikamak and Nikan are in the initial stages of planning post-transition processes. Once the new law is fully developed and implemented, Nikan will need to ensure its processes align with the new legal framework.

Strategy

Pimicikamak and Nikan are in the initial stages of planning post-transition strategy. Developing strategy will be an iterative process as the new law is implemented.

Systems

Nikan and Pimicikamak benefit from having an established independent Board of Directors. Key systems (i.e., a post-transition governance framework, adjudication system, and performance management framework) are in the early stages of development.

IFSD
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Collaborator F

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Collaborator F delivers protection and prevention services to 6+ First Nations. All are located between 50 km and 350 km from Collaborator F's main office. Remoteness and geography may correlate with the relatively small populations that characterize the First Nations Collaborator F serves. The communities vary considerably in terms of internet connectivity, high school or post-secondary school completion rates, and employment rate. Across the communities, there is wide ranging outcomes in labour participation (25-63%) and high school education rates among youth aged 15-25 (0-100%). The high degree of variability among communities highlights the need for Collaborator F to tailor their approach to address the unique circumstances that are likely to impact the well-being of children and families.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 1 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 1

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

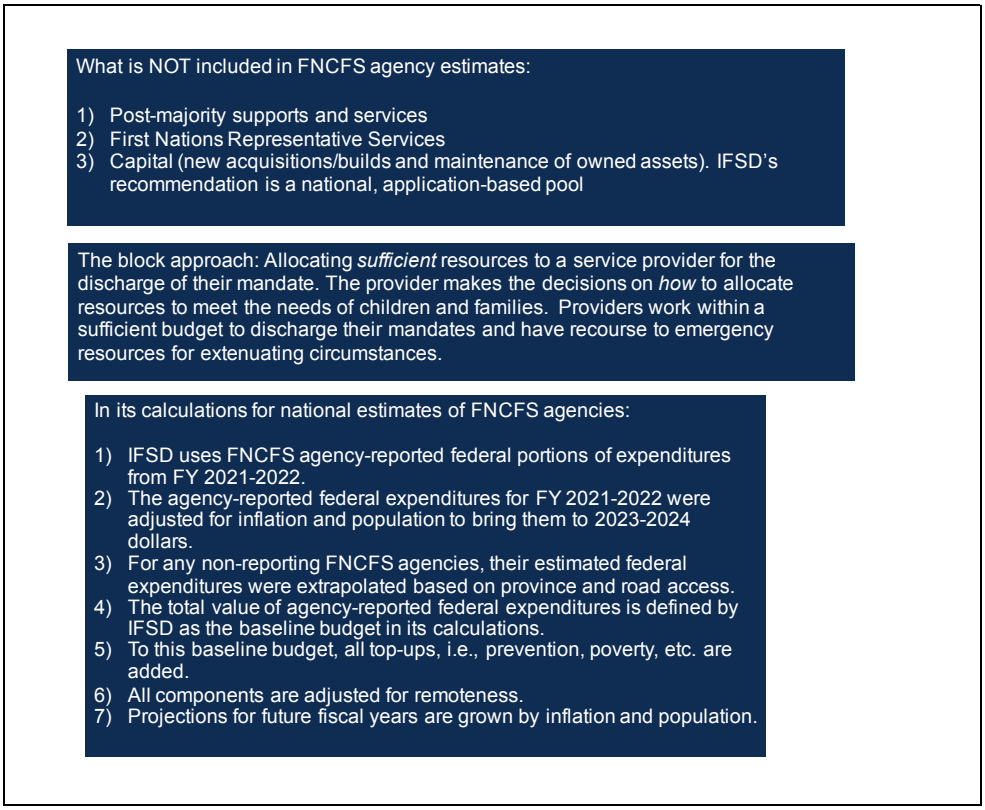

Table 2 outlines three illustrative funding scenarios for Collaborator F, including adjustments for remoteness, exclusion of prevention funding, and the Northern MBM.

Table 2

Collaborator F			
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF-for all agencies**	**Scenario 2: prevention funds are excluded**	**Scenario 3: Scenario 2 with Northern MBM replacing Provincial MBM for measuring the poverty gap**
Number of HHs	379	379	379
Poverty Gap	3718887	3718887	16526278
Population IRS 2022*	1800	1800	1800
Population Weights	1	1	1
Remoteness Index -2021*	-	-	-
Accessibility	0	0	0
Total Revenue (21-22)	25,173,431	25,173,431	25,173,431
Total Expenditure (21-22)	22,359,981	22,359,981	22,359,981
ISC Revenue	NA	NA	NA
Ratio: ISC/Total*	-	-	-
ISC Baseline Budget (2021-22)	16,769,986	16,769,986	16,769,986
Inflation_2022 (%)	6.8	6.8	6.8
ISC Baseline Budget 2023-24	18,769,358	18,769,358	18,769,358
Remoteness Index -2021	0.519639	0.519639	0.519639
Poverty _Low (3%)	128,530	128,530	571,170
Poverty_Med (5%)	214,216	214,216	951,950
Poverty_High (7%)	299,903	299,903	1,332,730
Maintenance_Low (1%)	216,231	216,231	216,231
Maintenance_Med (2%)	432,463	432,463	432,463
Maintenance_High(3%)	648,694	648,694	648,694
Emergency_Low (0.5%)	108,116	108,116	108,116
Emergency_Med (1%)	216,231	216,231	216,231
Emergency_High (2%)	432,463	432,463	432,463
Results_Low (1%)	216,231	216,231	216,231
Results_Med (3%)	648,694	648,694	648,694
Results_High (5%)	1,081,156	1,081,156	1,081,156
IT Low (5%)	1,081,156	1,081,156	1,081,156
IT Med (5.5%)	1,189,272	1,189,272	1,189,272
IT High (6%)	1,297,388	1,297,388	1,297,388
Prevention (@ $2500/per person)	5,721,282	-	-
Budget Projections			
Total 2023-24 Budget_Low	29,094,676	23,373,394	23,816,034
Total 2023-24 Budget_Medium	30,045,287	24,324,006	25,061,740
Total 2023-24 Budget_High	31,104,015	25,382,733	26,415,561
Medium Budget Projection			
2023-24	30,045,287	24,324,006	25,061,740
2024-25	31,410,763	25,429,465	26,200,727
2025-26	32,865,272	26,607,003	27,413,979
2026-27	34,396,367	27,846,544	28,691,115
2027-28	35,989,748	29,136,511	30,020,206
*Identifying data has been suppressed or adjusted to maintain anonymity of collaborator.			

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

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The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transitions Case Study: Collaborator F

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Collaborator F is on a journey to redevelop its organization plan and structure. This involves:
    - Rebuilding relationships with the First Nations it serves in the spirit of collaboration.
    - Making difficult decisions on staffing, reorganizing, and organizational restructuring.
    - Aligning its policies, procedures, and practices to its new approach to service delivery.

Summary Assessment

- Collaborator F is just beginning to redevelop its people, processes, strategies, and systems.
- Transition is critically impacted by two factors: (1) Collaborator F's organizational development; and (2), Collaborator F's ability to build and rebuild relationships with the communities that it serves. Collaborator F is working toward these objectives, but it will take time and resources to get there. Collaborator F will need to:
    - Strengthen and stabilize its organization. This can be tackled through defining and implementing clear strategic objectives with communication, focusing on retaining and aligning leadership staff, and clarifying roles and responsibilities for all staff.
    - Build and rebuild relationships with communities. Collaborator F will need to develop a comprehensive communications strategy with communities that is sustainable for the agency. Developing clear and current policies is a critical consideration as it will help to ensure communities receive consistent services and messaging from Collaborator F.
- Collaborator F does not have full access to prevention dollars due to the funding allocations to First Nations, which means it cannot fully integrate its protection and prevention programming.

Context

Collaborator F is an agency that provides a range of services to 6+ collaborators. Collaborator F's services include:

- Advocacy;
- Customary care/foster care;
- Family Support and prevention services; and,
- Protection services.

Collaborator F's member communities are at early stages of considering pursuing jurisdiction. A hesitation to do so is related to the required insurance and liability associated with CFS. There

are at least two nations pursuing jurisdiction while other smaller communities with small caseloads, will continue to receive services from the agency.

Collaborator F's transition will be influenced by two key factors: (1) Collaborator F's organizational development, and (2) Collaborator F's ability to build and rebuild relationships with the communities that it serves.

Outside of the transition that will occur with the reform of the current FNCFS Program, Collaborator F is undergoing its own organizational transition. It has a new executive director, who is currently leading an organizational reset and tackling numerous issues, stemming from and including:

- A lack of clearly defined roles and responsibilities among staff.
- A two-year vacancy in a key leadership position (Director of Service).
- An incomplete board of representatives.
- A lack of updated policies and procedures.

As one key staff member put it "We've been here for eight years, and it feels like we're in year 1." This organizational reset complicates Collaborator F's future transition under a reformed FNCFS Program.

Building and repairing relationships are key to transition. Communicating with, and finding common ground, with each community is an important barrier the agency will have to overcome in order to transition effectively. This challenge is further complicated by the diverse nature of the communities served, including whether or not communities decide to exercise jurisdiction.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 3

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator

People	Do you have enough staff to meet your operational needs?	N	N	Potentially have enough staff but people are not in the right positions. This is both an organizational challenge and a recruitment challenge.
	Does your compensation match the provincial standard?	Y/N	Y/N	Not sure what the provincial compensation is to compare.
	Do you recruit staff from your member community(ies)?	Y	Y	Yes, but this is challenging given community realities (trauma, addictions, conflicts of interest, family ties, leadership and the intersection of that in child welfare).
	Do you have high retention of employees?	N	N	CFS is a revolving door but hope to retain employees throughout the next three years. There is a lot of uncertainty.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	N	Y	Would like this to be developed and offered within the next three years.
	Are you attracting the same level of credentialed employees as	N	N	No, focusing on building internal capacity by supporting existing employees to get their qualifications

	mainstream organizations?			and achieve their educational goals.
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	Y	Y	Professional staff are outsourced on as needed basis, e.g., traditional healer, lawyer, therapists.
Process	Are your current operating baselines meeting needs?	N	N	
	Do you have a clear vision of your future state?	N	Y	Understand what the vision is for the next three years, but this needs to be well-understood and articulated to the entire organization to get employees on board.
	Are your post-transition activities defined?	N	Y	Not clearly, but vaguely. A 2014 service model is being revived as it worked well in the past. It is being re-introduced and updated to be relevant to the current context. The hope is because it already exists that it will be functioning within three years.
	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	Y/N	Y	Management structure is taking shape.

				Two supervisors have been hired.
	Have you fully designed your prevention programming?	N	Y	Reviving 2014 service delivery mode. In three years, the prevention programming should be designed and will continue to evolve.
	Have you fully designed your protection programming?	N	Y	2014 service model is being revitalized which will support the design of protection.
Strategy	Is your post-transition mission defined?	Y/N	Y	Want to make sure that the practices, conversations, thought processes are having the best impact on child and family services. The mission is defined but is not fully understood within the agency – working on communication.
	Is your post-transition strategy defined?	N	Y	The strategy isn't clearly defined, the management level knows what it is, but it hasn't flowed down.
	Are your post-transition goals and organizational priorities defined?	N	Y	Work in progress, it is not clearly defined, but will be in three years.

	Are all of your services or programs developed?	N	Y	The aim is to have them developed in 3 years and they continue to grow.
	Are all of your necessary organizational partnerships in place?	N	N	Organizational partnerships are growing, there are two community organizations that the agency collaborates with to enhance the partnership. Identifying synergies is important. Organizational partnerships are growing, but in place currently.
Systems	Is your post-transition governance framework defined?	N	Y	Yes, in three years.
	Do you have an independent board of directors?	Y/N	Y/N	Some board positions are unfilled. Chiefs are not supposed to be on the board, but one Chief is.
	Is your post-transition legal framework defined?	N	N	The future of the First Nations exercising jurisdiction is not clear.
	Is an adjudication system in place?	N	N	
	Is an adequate data system in place?	N	Y/N	Currently undertaking a 2-year implementation of a

				data management system. In 2.5-3 years, it should be where we need to be.
	Is an adequate performance management framework in place?	N	Y	
	Is an adequate IT system in place?	Y	Y	Currently finalizing cyber security to bring us the next level. This will be in place in the next month.
	Is an adequate financial system in place?	N	Y	Working to get out of a large deficit. Policies, processes, ideologies around money, spending need to shift.
	Are your post-transition reporting systems in place?	N	N	The hope is that through protocol agreements there will be an understanding with First Nations. This is uncertain.
	Are you developing new criteria for evaluative purposes?	N	Y	Evaluation ongoing. Some criteria is not new, but was not being utilized. New criteria might have to be developed if First Nations are delivering their own prevention.

People

Leadership stability and recruitment are key challenges. This creates deficits in program delivery and elevates surpluses in budgets. Several factors drive these challenges:

- *Lack of clear direction and stability in leadership roles.* High turnover and lack of a consistent vision in leadership staff has contributed to organizational instability.
- *Lack of clarity on roles and responsibilities of staff.* Staff are unsure of the parameters of their roles. Staff may act outside of their roles and direct others incorrectly.
- *Difficulty recruiting in served communities.* A lack of trust in communities has made it difficult for the agency to recruit locally. This makes relationship building more challenging.

Collaborator F's new leadership is actively addressing the above issues, including by developing a clear organization chart and HR policies. However, organizational stability will take time to achieve.

Process

Collaborator F does not have well-developed processes, policies, or operating baselines. Leadership is currently overhauling critical policies (e.g., child protection policies) to ensure consistency in operations. This is further complicated by a lack of resources for programs (e.g., staff may be unaware of budget constraints, due to a lack of consistent direction/supervision). Collaborator F would like to shift towards a prevention-focused approach, but it faces several challenges:

- *Aligning the organization with cultural connections.* Leadership is currently clarifying staff roles and titles to generate operational consistency. Cultural connections have different meanings among staff. Organizational alignment is a challenge.
- *Overhaul of policies.* Leadership has implemented some new policies, but it is still in the process of revising others. Staff may have verbal conversations about policies, but official tracking of policy changes has been negligible.
- *Unique community contexts.* Collaborator F works with individual communities to deliver programs that meet each unique context. But this can be difficult under provincial legislation, and with diverse community circumstances or trajectories. Additionally, services that a community asks for may not be fundable under provincial law.

Strategy

Collaborator F is currently defining its long-term vision. It has identified broad goals (e.g., moving toward a prevention-focused approach), but has not yet defined details.

Key strategic challenges include:

- *Defining and communicating a vision and mission.* Collaborator F's staff are operating with different goals and visions. Clearly defining and communicating a vision and mission, with both staff and external stakeholders, will be critical for an effective transition.
- *Developing a clear organizational structure.* Staff and leadership need to be aligned in their understanding of roles.
- *Relationships with communities.* Determining the best way to communicate and work with communities will take significant time. There is no roadmap for this process.

Systems

Collaborator F's key systems challenges are secondary to its other organizational challenges. Building robust systems (including data architecture, performance management, and financial systems) are critical to an effective transition. However, these areas can only be assessed and tackled once people, processes, and strategies are in place.

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Collaborator A

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach; and
3) Child and family services focused capital needs analysis.

Overview

Collaborator A delivers a variety of services including prevention and protection services to 6+ First Nations. Most of these First Nations have easy year-round access to the nearest service centre, while other Nations are not accessible year-round. Although many communities served by Collaborator A provide health and/or social services, most do not offer primary or secondary education, despite relatively high rates of high school completion. While internet connectivity is generally high, there are notable deficiencies in housing infrastructure, with approximately 20% of housing considered unsuitable in the largest communities.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 1 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 1

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

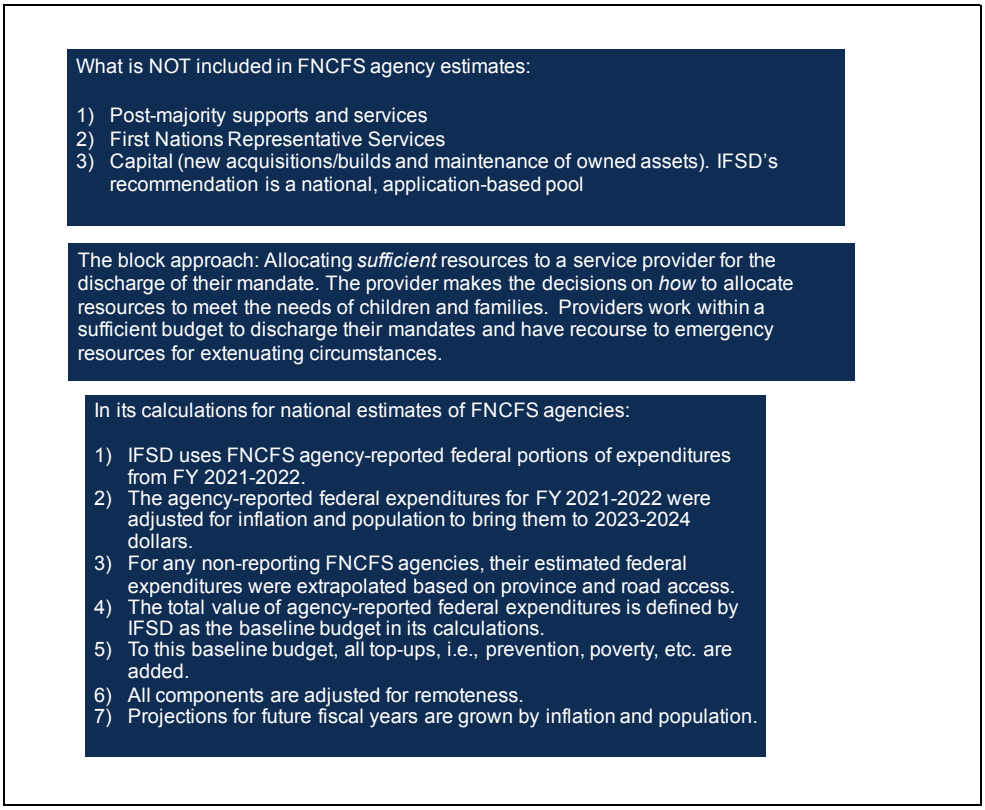

Table 2 outlines three illustrative funding scenarios for Collaborator A, including adjustments for remoteness, the Northern MBM, and increasing the baseline for more staff.

Table 2

Collaborator A			
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF model**	**Scenario 2: Scenario 1 with Northern MBM replacing Provincial MBM**	**Scenario 3: Scenario 2 with a higher baseline for more staff**
Number of HHs	704	704	704
Poverty Gap	8645724	31395765	31395765
Population IRS 2022*	3000	3000	3000
Population Weights	1	1	1
Remoteness Index -2021	0.519639	0.519639	0.519639
Accessibility	1	1	1
Total Revenue (21-22)	20,239,158	20,239,158	20,239,158
Total Expenditure (21-22)	20,747,365	20,747,365	20,747,365
ISC Revenue	11,333,928	11,333,928	11,333,928
Ratio: ISC/Total*	-	-	-
ISC Baseline Budget (2021-22)	11,618,524	11,618,524	11,618,524
Inflation_2022 (%)	6.8	6.8	6.8
ISC Baseline Budget 2023-24	13,079,295	13,079,295	14,140,021
Geography Factor_CAF_15%*	-	-	-
Geography Adjustment ($)_CAF_15%*	-	-	-
Poverty _Low (3%)	310,938	1,129,131	1,129,131
Poverty_Med (5%)	518,231	1,881,884	1,881,884
Poverty_High (7%)	725,523	2,634,638	2,634,638
Maintenance_Low (1%)	156,796	156,796	169,513
Maintenance_Med (2%)	313,593	313,593	339,025
Maintenance_High(3%)	470,389	470,389	508,538
Emergency_Low (0.5%)	78,398	78,398	84,756
Emergency_Med (1%)	156,796	156,796	169,513
Emergency_High (2%)	313,593	313,593	339,025
Results_Low (1%)	156,796	156,796	169,513
Results_Med (3%)	470,389	470,389	508,538
Results_High (5%)	783,982	783,982	847,563
IT Low (5%)	783,982	783,982	847,563
IT Med (5.5%)	862,380	862,380	932,319
IT High (6%)	940,779	940,779	1,017,075
Prevention (@ $2500/per person)	9,922,585	9,922,585	9,922,585
Budget Projections			
Total 2023-24 Budget_Low	27,089,140	27,907,332	29,274,316
Total 2023-24 Budget_Medium	27,923,618	29,287,272	30,705,120
Total 2023-24 Budget_High	28,836,495	30,745,610	32,220,680
Medium Budget Projection			
2023-24	27,923,618	29,287,272	30,705,120
2024-25	29,379,020	30,813,748	32,305,496
2025-26	30,866,791	32,374,175	33,941,465
2026-27	32,448,105	34,032,713	35,680,296
2027-28	34,033,240	35,695,258	37,423,327
*Identifying data has been suppressed or adjusted to maintain anonymity of the collaborator.			

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

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Carrier Sekani Family Services

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Carrier Sekani Family Services (CSFS) delivers a wide range of services, including prevention and guardianship and voluntary services, to eleven First Nations in northern British Columbia. Table 1 outlines contextual information about the First Nations CSFS serves.

Table 1

Collaborator name: Carrier Sekani Family Services

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below MBM? (2016)
Burns Lake Band	49	2	Not available	Not available
Cheslatta Carrier Nation	175	2	Not available	Not available
Nadleh Whut'en	277	2	Not available	Not available
Wet'suwet'en First Nation	90	2	Not available	Not available
Stellat'en First Nation	228	2	Not available	Not available
Saik'uz First Nation	342	2	$26,400	Below
Takla Lake First Nation	232	4	Not available	Not available
Yekooche First Nation	105	2	Not available	Not available
Nee Tahi Buhn Band	50	2	Not available	Not available
Skin Tyee Nation	57	2	Not available	Not available
Lake Babine Nation	1049	2	$36,800	Below

Carrier Sekani Family Services serves 11 First Nations in northern British Columbia with varying populations, most of which have year-round-access to service centers less than 350km away. However, one outlier Nation is not accessible year-round. Employment rates range between 30-60% in the communities, and income levels are below the poverty line in those Nations with available data. Income-based poverty may therefore influence the well-being of children under CSFS care. Notably, all communities report gaps in housing though the range between communities is significant - some communities observe only 30% of dwellings requiring major repairs, while others observe over 45%. Household internet connectivity is also not consistently established across communities, most have universal access to low-speed internet but some communities lack internet entirely.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

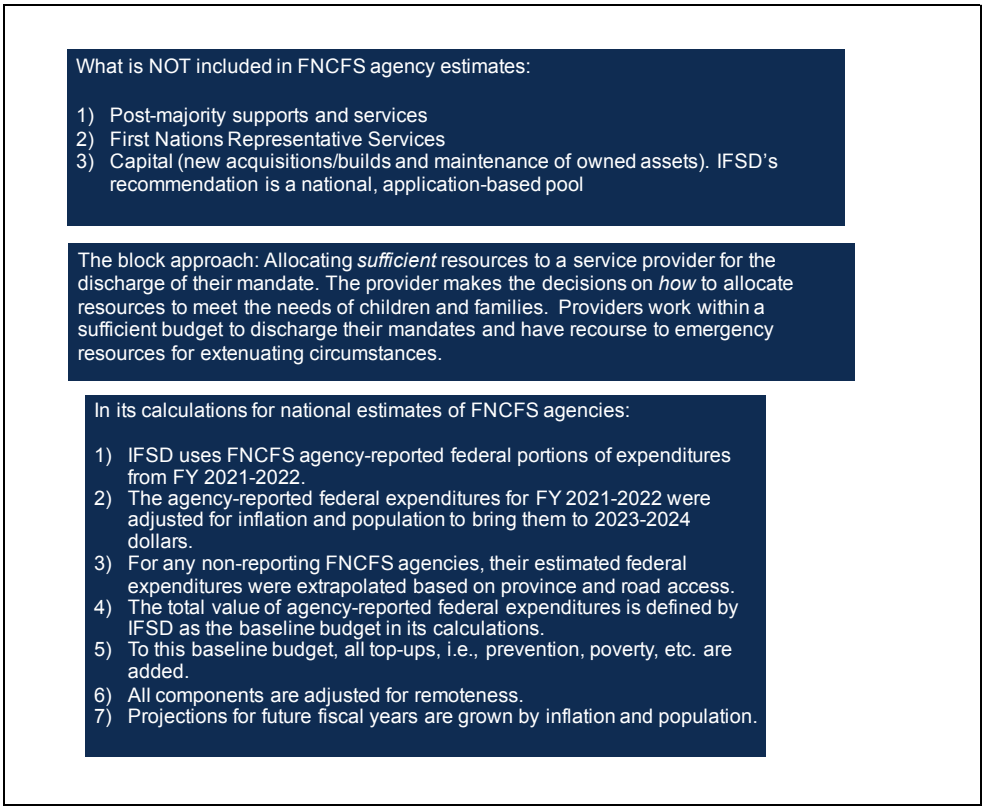


Table 3 outlines three illustrative funding scenarios for CSFS, including adjustments for remoteness's, the Northern MBM, and an increase in baseline funding to deliver protection services.

Table 3

Carrier Sekani Family Services			
Component	Scenario 1: With remoteness calculated using ISC's 15%-scaled down Cost Factor-All agencies	Scenario 2: Scenario 1 adjusted for Northern MBM	Scenario 3: Baseline budget was boosted to support the expansion of protection services
Number of HHs	567	567	567
Poverty Gap	9647112	27951145	9647112
Population IRS 2022	2654	2654	2654
Population Weights	1	1	1
Remoteness Index -2021	0.536054	0.536054	0.536054
Accessibility	1	1	1
Total Revenue (21-22)	44,237,367	44,237,367	44,237,367
Total Expenditure (21-22)	42,241,756	42,241,756	42,241,756
ISC Revenue	18,491,219	18,491,219	18,491,219
Ratio: ISC/Total	0.418	0.418	0.418
ISC Baseline Budget (2021-22)	17,657,053.62	17,657,053.62	17,657,053.62
Inflation_2022 (%)	6.8	6.8	6.8
ISC Baseline Budget 2023-24	19,879,617.73	19,879,617.73	24,378,053.27
Geography Factor_CAF_15%	0.307005	0.307005	0.307005
Geography Adjustment ($)_CAF_15%	6,103,134	6,103,134	7,484,174
Poverty _Low (3%)	378,264.59	1,095,968.22	378,264.59
Poverty_Med (5%)	630,440.99	1,826,613.70	630,440.99
Poverty_High (7%)	882,617.38	2,557,259.18	882,617.38
Maintenance_Low (1%)	259,828	259,828	318,622
Maintenance_Med (2%)	519,655	519,655	637,245
Maintenance_High(3%)	779,483	779,483	955,867
Emergency_Low (0.5%)	129,914	129,914	159,311
Emergency_Med (1%)	259,828	259,828	318,622
Emergency_High (2%)	519,655	519,655	637,245
Results_Low (1%)	259,828	259,828	318,622
Results_Med (3%)	779,483	779,483	955,867
Results_High (5%)	1,299,138	1,299,138	1,593,111
IT Low (5%)	1,299,138	1,299,138	1,593,111
IT Med (5.5%)	1,429,051	1,429,051	1,752,422
IT High (6%)	1,558,965	1,558,965	1,911,734
Prevention (@ $2500/per person)	9,570,392	9,570,392	9,570,392
Budget Projections			
Total 2023-24 Budget_Low	37,880,114	38,597,818	44,200,551
Total 2023-24 Budget_Medium	39,171,601	40,367,773	45,727,216
Total 2023-24 Budget_High	40,593,001	42,267,643	47,413,193
Medium Budget Projection			
2023-24	39,171,601	40,367,773	45,727,216
2024-25	41,235,003	42,494,185	48,135,942
2025-26	43,309,639	44,632,174	50,557,781
2026-27	45,538,004	46,928,586	53,159,078
2027-28	47,779,069	49,238,085	55,775,198

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Summary of Capital Needs Cost Estimate

Overview

1) Table 4 summarizes your capital needs, as understood by IFSD.
2) The capital costing model multiplies the units summarized in Table 4 by a set of unit cost assumptions to produce a capital needs cost estimate. **Your estimated base capital costs are between $94,511,545 and $128,582,920** (see Table 5).
3) Tables 6 through 8 summarize your 10-year capital cost estimate profile, including adjustments for remoteness, contingency, recapitalization and inflation. **Your total estimated capital costs over 10 years are between $165,364,012 and $224,852,737.**

Table 4: Asset Quantities

Category	Item	Unit Type	Units
Clinical	Healing centre	SF	-
	Healing centre - Vanderhoof Foundry	SF	8,500
	Rehabilitation centre	SF	-
	Rehabilitation centre - Mother's Centre	SF	5,106

	Rehabilitation centre - Sara's House	SF	6,936
	Rehabilitation centre - Youth Housing	SF	5,000
	Residential treatment centre	SF	-
	Residential treatment centre	SF	10,000
Residential	Transition homes	SF	-
	2 x Twelve bed post-majority supportive housing	SF	8,846
	2 x 24/7 Family Preservation Homes	SF	16,218
	Clan Houses (transition homes)	SF	78,134
	Second-Stage Recovery Homes (transition homes)	SF	8,500
	Reunification homes	SF	2,198
	Staff housing	SF	16,092
	Emergency shelter/safe houses	SF	-
	Emergency shelter/safe houses - Second-stage homes for safe house clients (single detached)	SF	2,476
Offices	Office Space	SF	-
	Office Space - Prince George Hub	SF	26,716
	Office Space - Burns Lake Hub	SF	30,066
	Office Space - Vanderhoof Hub	SF	23,304
	Office Space - Wellness Centre	SF	15,131
	Office Space - mini-hub #1	SF	6,238
	Office Space - mini-hub #2	SF	5,927
	Office Space - standalone #1	SF	4,258
	Office Space - standalone #2-4	SF	12,273
	4 x Additional standalone offices	SF	16,364
	Office Space - additional meeting space	SF	-
Programming Space	Recreation/events centre	SF	-
	Daycare	SF	-
	Daycare #1	SF	4,137
	Daycare #2	SF	2,500
	Playground	SF	1,620
Storage	Garages/sheds	SF	-
	Garages/sheds	Seacans	-
Fixed Cultural Assets	Land-based Camp	SF	24,960
	Smoke House	Smoke House	1
	Green House	Green House	1
Vehicles	Vehicles	Vehicles	-
	Vehicles	15 pass. Vans	4
	Vehicles	Mini buses	-
Moveable Cultural Assets	Sweat Lodge Canvas	Canvases	-
	Tipis	Tipis	-
	Canoes	Canoes	-
	Kayaks	Kayaks	-

	Fishing Boats	Boats	-
	ATVs	ATVs	-
	Side-by-Side	Side-by-Sides	-
	Snowmobile	Snowmobiles	-
	Utility Trailer	Trailers	-
	Cargo Trailer	Trailers	-

Note: cells highlighted orange reflect asset areas specified by the collaborator.

Table 5: Base Estimate of Capital Need

Fixed/Moveable	Asset Type	Cost - Low	Cost - Medium	Cost - High
Fixed	Clinical	$11,631,592	$14,230,204	$16,828,816
	Residential	$32,941,550	$37,797,878	$42,654,206
	Offices	$43,096,212	$51,356,968	$59,617,725
	Programming Space	$2,508,757	$2,871,949	$3,235,140
	Storage	$0	$0	$0
	Fixed Cultural Assets	$4,070,587	$5,027,387	$5,984,187
Moveable	Vehicles	$262,846	$262,846	$262,846
	Moveable Cultural Assets	$0	$0	$0
	Total:	**$94,511,545**	**$111,547,232**	**$128,582,920**

Note: this estimate does not include a contingency factor, remoteness Cost Adjustment Factor (CAF), recapitalization rate, or inflation. These adjustments are reflected in the 10-year cost estimate profile below.

IFSD IFPD

10-year Cost Estimate Profile:

Table 6: Low-Cost Scenario

Option 1 (Low)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$12,121,190	$12,121,190
	Residential	$34,328,129	$34,328,129
	Offices	$44,910,222	$44,910,222
	Programming Space	$2,614,356	$2,614,356
	Storage	$0	$0
	Fixed Cultural Assets	$4,241,927	$4,241,927
Moveable Assets	Vehicles	$262,846	$553,547
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$98,215,824	$98,215,824
	Subtotal (moveable):	$262,846	$553,547
	Subtotal (both):	$98,478,670	$98,769,371
	25% Contingency:	$24,619,668	$24,692,343
	Recapitalization:	$5,027,450	$18,588,760
	CAF:	$21,028,197	$23,313,537
	Total:	**$149,153,984**	**$165,364,012**

Table 7: Medium-cost scenario

Option 2 (Medium)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$14,829,183	$14,829,183
	Residential	$39,388,870	$39,388,870
	Offices	$53,518,691	$53,518,691
	Programming Space	$2,992,835	$2,992,835
	Storage	$0	$0
	Fixed Cultural Assets	$5,239,000	$5,239,000
Moveable Assets	Vehicles	$262,846	$553,547
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$115,968,580	$115,968,580
	Subtotal (moveable):	$262,846	$553,547
	Subtotal (both):	$116,231,426	$116,522,127
	25% Contingency:	$29,057,856	$29,130,532
	Recapitalization:	$5,936,174	$21,948,725
	CAF:	$24,819,349	$27,506,991
	Total:	**$176,044,805**	**$195,108,375**

Table 8: High-cost scenario

Option 3 (High)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$17,537,176	$17,537,176
	Residential	$44,449,611	$44,449,611
	Offices	$62,127,160	$62,127,160
	Programming Space	$3,371,314	$3,371,314
	Storage	$0	$0
	Fixed Cultural Assets	$6,236,074	$6,236,074
Moveable Assets	Vehicles	$262,846	$553,547
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$133,721,335	$133,721,335
	Subtotal (moveable):	$262,846	$553,547
	Subtotal (both):	$133,984,181	$134,274,882
	25% Contingency:	$33,496,045	$33,568,721
	Recapitalization:	$6,844,898	$25,308,690
	CAF:	$28,610,501	$31,700,445
	Total:	**$202,935,626**	**$224,852,737**

Transitions Case Study: Carrier Sekani Family Services

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Carrier Sekani Family Services (CSFS) is proactively working in collaboration with their Member Nations preparing for jurisdiction by establishing a solid foundation. This includes:
    - Utilizing an organized and structured process for program delivery with each Nation that is responsive to their needs.
    - Ensuring program and service delivery is culturally appropriate and community based.
    - Viewing the process to jurisdiction as a journey and integrating culture into its service delivery model.
    - Investing in both personnel and systems to enhance core functions like data collection and analysis.
    - Recognizing an important aspect of Jurisdiction is the Nation's ability to make the best decisions for each child to reach their full potential.

Summary Assessment

- CSFS is a mature well-organized, well-funded agency in the middle of its transition to a future state.
- It is supporting its communities to navigate exercising jurisdiction and develop capacity and readiness in all dimensions (people, process, strategy, systems).
- CSFS will be working with the Member Nations to co-develop the operational plans and the funding arrangements for the Nation's specific FNCFS and Jordan's Principles CHRT infrastructure projects for holistic child, youth, and family programming.
- CSFS considers trust between itself with its communities as integral to a successful transition. It is currently developing a model to inform how to effectively build trust as a component of the transition process.
- CSFS uses a holistic approach to provide services across the life cycle. Programs collaborate to deliver integrated wraparound supports to the entire family.

Context

Carrier Sekani Family Services (CSFS) is an agency that provides a wide range of services to eleven First Nations, including:

- Prevention
- Delegated Services (Guardianship, Resources)
- Health and Wellness Program (Addictions Recovery, Counselling)
- Employment Services
- Family Preservation
- Early Years Preschool
- Collaborative Practices
- Youth Services

- Community Wellness Committees
- Legal Services
- Housing
- Primary health care
- Substance use and addictions treatment

CSFS's Member Nations are:

- Lake Babine Nation (Child and Family services only)
- Takla Nation
- Nadleh Whut'en
- Stellat'en First Nation
- Saik'uz First Nation
- T'sil Kaz Koh (Burns Lake Band)
- Cheslatta Carrier Nation
- Wet'suwet'en First Nation
- Nee-Tahi-Buhn Band
- Yekooche First Nation
- Skin Tyee First Nation

For over 33 years, CSFS has delivered services both on and off First Nations reserves. The Ministry of Child and Family Development (MCFD) primarily funds child and family services (CFS) delivered off-reserve through a contractual relationship with CSFS.

CSFS did not receive prevention funding prior to the Canadian Human Rights Tribunal (CHRT) ruling. Previously, CSFS leveraged funding through strategic research partnerships, grants, and proposals. Research has enabled CSFS to develop and implement prevention services that are reflective of Carrier and Sekani culture and values. CSFS made a conscious decision to not take on protective service delivery due to inadequate federal and provincial funding for prevention and comprehensive culturally based wrap-around services.

CSFS's mandate includes delivering both health and CFS. This enables the use of funding to compensate for insufficient prevention funding allocated from the FNCFS program and MCFD. For example, Maternal Child Health funding was integrated into the CFS prevention program.

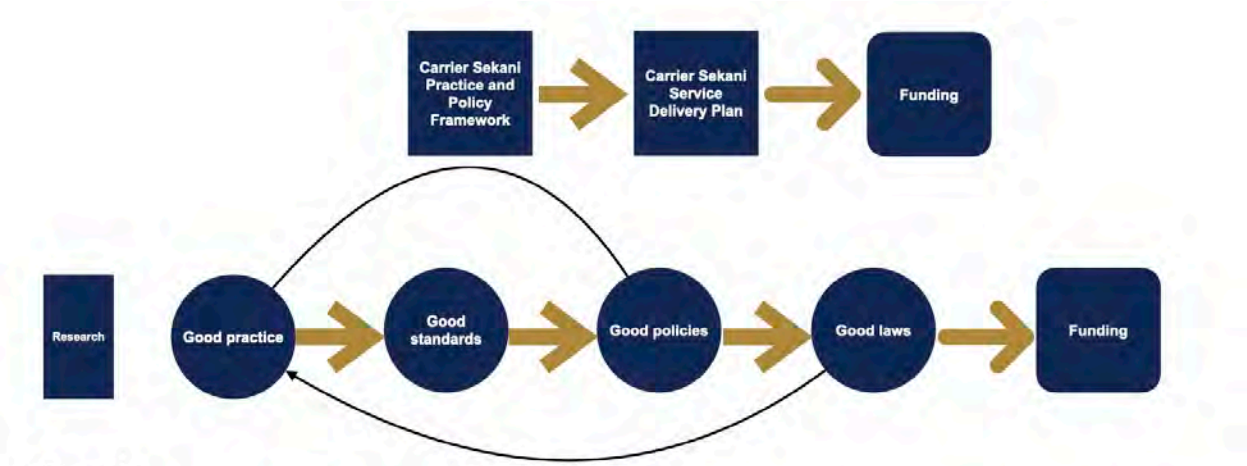
CSFS uses its life cycle approach to implement services that are reflective of holistic and cultural ways of being. Using this approach, CSFS can improve and offer programs to be responsive to its Member Nations needs, through political advocacy and establishing strategic political partnerships. CSFS currently practices under the parameters Aboriginal Operational Practice Standards and Indicators (AOPSI) which was developed in collaboration with BC Indigenous Child & Family Service Agencies (ICFSA) to enhance the quality of social work practice to ensure practice is culturally appropriate. The standards also impacted the funding formula.

CSFS's transition will be significantly influenced by the political trajectories of the communities that it serves. The communities vary by contexts (e.g., population, political environment, organizational maturity, etc.) and their evolutions throughout this transition period will affect CSFS's future state as an organization. CSFS has also ensured their governance structure protects child and family practice decisions.

CSFS is supporting its Member Nations as they navigate the transition to exercising jurisdiction over CFS. CSFS provides a variety of resources in the communities it serves to support the development of capacity and readiness for transition. This is challenging as the communities it serves are at various levels of maturity.

During the transition period, CSFS is developing a practice and policy framework that informs its approach to delivering services and its necessary funding. Good practice (e.g., social workers having strong relationships with communities) informs good standards (e.g., 1:8 caseload ratio), which informs good policies (e.g., minimum number of visits in care). All three (practice, standards, and policies) should be reflected in good laws. Funding is then aligned with law.

Figure 2: CSFS Practice and Policy Framework



The example below highlights the relationships in action for CSFS. Each element builds on the last and is aligned with the next.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 9

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N	Y	
	Does your compensation match the provincial standard?	Y	Y	
	Do you recruit staff from your member community(ies)?	Y	Y	
	Do you have high retention of employees?	Y	Y	
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	
	Are you attracting the same level of credentialed employees as mainstream organizations?	Y	Y	
	Are you able to recruit professional staff, e.g.,	Y	Y	

	social workers, doctors, accountants, lawyers?			
Process	Are your current operating baselines meeting needs?	N	Y	Business plan yet to be fully funded.
	Do you have a clear vision of your future state?	Y	Y	
	Are your post-transition activities defined?	N	Y	
	Is your post-transition workflow defined?	N	Y	
	Is your post-transition management structure established?	Y	Y	
	Have you fully designed your prevention programming?	Y	Y	
	Have you fully designed your protection programming?	N	Y	
Strategy	Is your post-transition mission defined?	Y	Y	
	Is your post-transition strategy defined?	N	Y	
	Are your post-transition goals and organizational priorities defined?	N	Y	
	Are all of your services or programs developed?	N	N	In-progress of developing Child safety department

				and Clan Houses in each Community.
	Are all of your necessary organizational partnerships in place?	Y	Y	
Systems	Is your post-transition governance framework defined?	Y	Y	Framework continues to be developed with Communities to guide the Law.
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	Y	Y	
	Is an adjudication system in place?	N	N	
	Is an adequate data system in place?	N	Y	Developing an integrated and streamlined data management system.
	Is an adequate performance management framework in place?	N	Y	Validating indicators of child, family and community well-being.
	Is an adequate IT system in place?	N	Y	Increasing capacity within each community to support data management.
	Is an adequate financial system in place?	Y	Y	

	Are your post-transition reporting systems in place?	N	Y	As new governance structure and framework is finalized, the reporting systems will update.
	Are you developing new criteria for evaluative purposes?	Y	Y	

Table 10

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Yes	We provide secondary and tertiary services both on and off-reserves. - Secondary services to prevent the onset of child welfare involvement. Services such as: Wrap Around Parent Guidance and Support, Bridging to Employment, Family Preservation, Family Preservation Outreach (Housing), Community Wellness Committee support. - Tertiary services to reduces the impact once child welfare becomes involved. Services such as: Family Preservation safety planning support, financial support to mitigate child protection concerns) Family Preservation Outreach (Housing: rental support, damage deposit), Intensive Family Therapeutic Services (intensive 24/7 in home support to mitigate child protection concerns), Wrap Around Parent Guidance and Support (parenting support once a child has been removed from parent's care).

If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	No	
Is the delivery of prevention and protection services integrated at a case or family service level?	Yes	Yes, Prevention Service work closely with Guardianship and Resources team. New pilot project will allow both teams to work with families who have children in the temporary care of the child protection ministry.

People

Recruitment and retention are key challenges. CSFS has 426 staff (between child and family, health, justice, housing, and administration). Vacancies are higher in rural and small towns (such as Burns Lake). Several factors drive these challenges:

- *High turnover.* Turnover is high among entry level positions. Often people in these positions are leaving to pursue more education.
- *High vacancies.* Vacancies are higher in smaller and remote communities. CSFS also has challenges in hiring and retaining specialized professionals like child psychologists.

Process

CSFS has well-defined processes and a clear vision for the future. Its prevention programming is evidence-based (e.g. Intensive Family Therapeutic Services), to ensure it delivers effective and relevant services to its communities. CSFS processes continuously evolve and adapt with the current climate. It is currently developing:

- *Practice and policy framework.* CSFS is developing a practice and policy framework, and service delivery plan to ensure that good practice relates to standards, policies, laws, to inform funding.
- *Integrated programming.* CSFS uses a wraparound approach to provide holistic and integrated guardianship, resources, and prevention programming.
- *Building trust.* CSFS considers trust between itself and its communities as integral to a successful transition. It aims to be a responsive and trusted support to provide community members with access to the resources they need.

Strategy

CSFS has a clear mission and organizational philosophy. The key strategic challenge is the varying levels of organizational maturity of the communities it serves. Factors influencing strategy include:

- *Community-level organizational maturity.* The communities CSFS serve have varying levels of organizational maturity. To address this, CSFS has developed resources and programs, including a Community Development Program where CSFS has community service planners available in its communities to assist in their prevention services and supports, including activity and financial reporting.
- *Community-level politics.* Timing is critical. Local elections, which occur on a 2–4-year cycle, can impact progress as new leaders are oriented to the strategy.

Systems

CSFS key systems challenge stems directly from political and legal trajectories of the communities it serves. Currently, CSFS governance and legal framework are clear. As communities develop and implement their own law, CSFS systems will need to adapt to new realities. This could include different adjudication methods for conflicts, new reporting mechanisms for different communities, and new indicators or measurement criteria for evaluative purposes.

Misipawistik Cree Nation (MCN)

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Misipawistik Cree Nation (MCN) is located in Manitoba. It is forming an entirely new law and model for prevention services to deliver child and family services based on traditional values and Cree law. Table 1 outlines contextual information about MCN.

Table 1

Collaborator name: Misipawistik Cree Nation

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
1) Misipawistik Cree Nation	1410	2	$39,600.00	Below

Misipawistik Cree Nation currently receives child and family services from Cree Nation Child & Family Caring Agency. Service provision is not localized. The majority of households are below the poverty line, and the employment rate is 27%. Internet connectivity is widely available. 31% of houses require major repairs, and 77% is suitable. The community provides social services, health services, education, and Elder services, as well as gathering spaces (band hall, Powwow grounds, two cultural camp sites, field/skate park). The high school graduation rate amongst youth is 31%.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

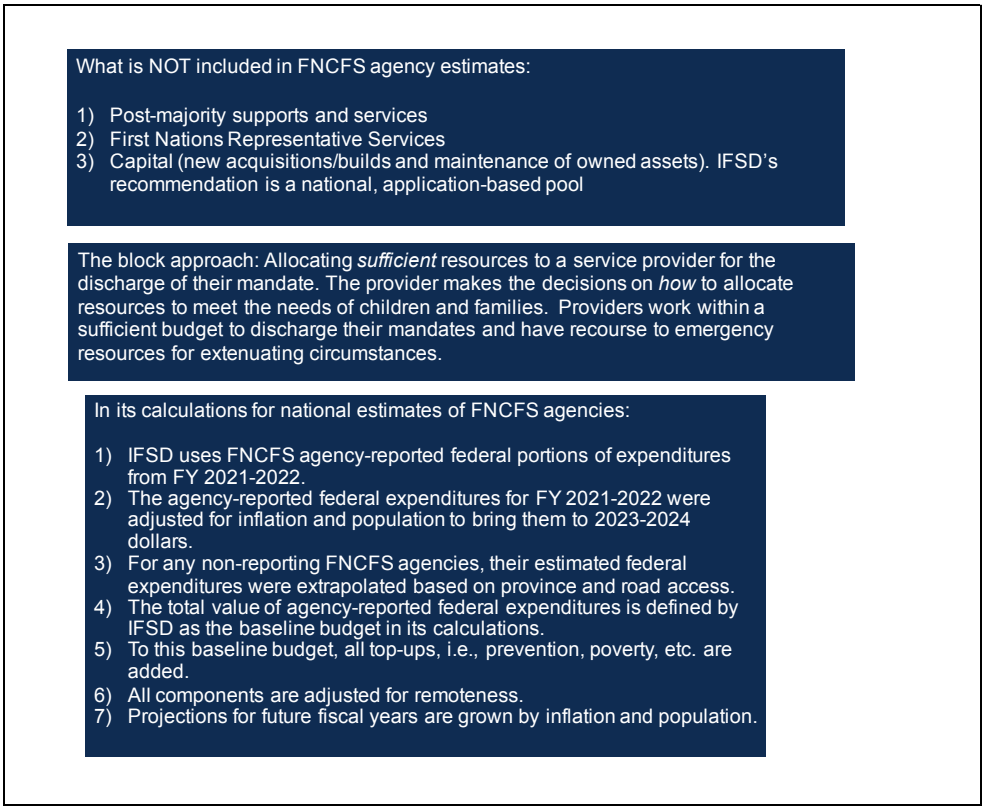


Table 3 outlines four illustrative funding scenarios for MCN, including adjustments for remoteness, increasing prevention amounts, and the Northern MBM.[1]

[1] Note 1: The baseline budget was calculated as the share of the population of MCN multiplied by the budget of the Cree Nation Child and Family Services that provides services to MCN.

Note 2: MCN is pursuing jurisdiction, therefore it is assumed that it will receive the remoteness adjustment poverty top-up, representative services, and prevention top-ups.

Table 3

Misipawistik First Nation				
Component	**Scenario 1: With remoteness calculated using ISC's Full Cost Factor Adjustment Factor model**	**Scenario 2: Scenario 1 with increasing prevention fund by 50%**	**Scenario 3: Scenario 1 with increasing prevention fund by 100%**	**Scenario 4: Scenario 1 with Northern MBM replacing Provincial MBM**
Median after-tax HH Income	39600	39600	39600	39600
MBM- 2022	47324 (Provincial)	47324 (Provincial)	47324 (Provincial)	81150 (Northern)
Number of HHs	225	225	225	225
Poverty Gap	1737900	1737900	1737900	9348750
Population - IRS 2022	1410	1410	1410	1410
Population weights	1	1	1	1
Accessibility	0	0	0	0
Baseline Budget 2022-23	4,190,455	4,190,455	4,190,455	4,190,455
Inflation_2022 (%)	6.8	6.8	6.8	6.8
ISC Baseline Budget 2023-24	4,412,407	4,412,407	4,412,407	4,412,407
Remoteness index	0.20489902	0.204899022	0.204899022	0.204899022
Poverty _Low (.03)	62,820	62,820	62,820	337,929
Poverty_Medium (.05)	104,700	104,700	104,700	563,215
Poverty_High (.07)	146,580	146,580	146,580	788,501
Geography adj._Low($)_CAF	904,098	904,098	904,098	904,098
Geography adj._Med($)_CAF	904,098	904,098	904,098	904,098
Geography adj._High($)_CAF	904,098	904,098	904,098	904,098
Results _Low (1%)	53,165	53,165	53,165	53,165
Results_Medium (3%)	159,495	159,495	159,495	159,495
Results_High (5%)	265,825	265,825	265,825	265,825
FNs represetative service (@ $283/per person)	480,791	480,791	480,791	480,791
Prevention (@ $2500/per person)	4,687,286	7,030,929	9,374,572	4,687,286
Budget Projections				
Total 2023-24 Budget_Low	10,600,567	12,944,210	15,287,853	10,875,676
Total 2023-24 Budget_Medium	10,748,777	13,092,420	15,436,063	11,207,293
Total 2023-24 Budget_High	10,896,987	13,240,630	15,584,273	11,538,909
Medium Budget Projection				
2023-24	10,748,777	13,092,420	15,436,063	11,207,293
2024-25	11,320,033	13,788,231	16,256,429	11,802,916
2025-26	11,915,889	14,514,007	17,112,125	12,424,190
2026-27	12,545,072	15,280,376	18,015,680	13,080,213
2027-28	13,185,290	16,060,186	18,935,082	13,747,741

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Summary of Capital Needs Cost Estimate

Overview

1) Table 4 summarizes your capital needs, as understood by IFSD.
2) The capital costing model multiplies the units summarized in Table 4 by a set of unit cost assumptions to produce a capital needs cost estimate. **Your estimated base capital costs are between $20,729,024 and $28,672,076** (see Table 5).
3) Tables 6 through 8 summarize your 10-year capital cost estimate profile, including adjustments for remoteness, contingency, recapitalization and inflation. **Your total estimated capital costs over 10 years are between $39,641,381 and $54,724,740.**

Table 4: Asset Quantities

Category	Item	Unit type	Units
Clinical	Healing centre	Square Feet (SF)	2,430
	Rehabilitation centre	SF	1,474
	Residential treatment centre	SF	7,500
Residential	Transition homes	SF	4,423
	Reunification homes	SF	2,198
	Staff housing	SF	4,951
	Emergency shelter/safe houses	SF	6,760

Offices	Office Space - based on number of FTEs	SF	12,478
	Office/admin - Jordan's Principle, Headstart, and Daycare	SF	1,043
	Office Space - additional meeting space	SF	153
Programming Space	Recreation/events centre	SF	9,500
	Jordan's Principle Building	SF	1,800
	Daycare	SF	4,176
Storage	Garages/sheds	SF	720
	Garages/sheds	SF	840
	Garages/sheds	SF	824
	Seacans (40')	Seacans	3
Fixed Cultural Assets	Land-based Camp - new washroom	SF	1,248
	Land-based Camp - kitchen renovation	SF	600
	Land-based Camp - kitchen equipment	Kitchens	1
	Land-based Camp - winterize cabins	Cabins	15
Vehicles	Passenger Vehicle	Vehicles	1
	15 pass. Vans	Vans	0
	Mini buses	Mini buses	1
Moveable Cultural Assets	Sweat Lodge Canvases	Canvases	0
	Tipis	Tipis	0
	Canoes	Canoes	0
	Kayaks	Kayaks	0
	Fishing Boats	Boats	0
	ATVs	ATVs	0
	Side-by-Side	Side-by-Sides	0
	Snowmobiles	Snowmobiles	0
	Utility Trailer	Trailers	0
	Cargo Trailer	Trailers	0

Note: cells highlighted orange reflect asset areas specified by the collaborator.

Table 5: Base Estimate of Capital Need

Fixed/Moveable	Asset Type	Cost - Low	Cost - Medium	Cost - High
Fixed	Clinical	$4,227,027	$5,342,636	$6,458,244
	Residential	$4,319,577	$4,996,317	$5,673,057
	Offices	$4,201,005	$5,006,261	$5,811,517
	Programming Space	$6,901,213	$8,165,042	$9,428,871
	Storage	$290,787	$353,040	$415,292
	Fixed Cultural Assets	$579,866	$627,706	$675,546
Moveable	Vehicles	$209,549	$209,549	$209,549
	Moveable Cultural Assets	$0	$0	$0
	Total:	**$20,729,024**	**$24,700,550**	**$28,672,076**

Note: this estimate does not include a contingency factor, remoteness Cost Adjustment Factor (CAF), recapitalization rate, or inflation. These adjustments are reflected in the 10-year cost estimate profile below.

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10-year Cost Estimate Profile:

Table 6: Low-Cost Scenario

Option 1 (Low)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$4,404,952	$4,404,952
	Residential	$4,501,397	$4,501,397
	Offices	$4,377,834	$4,377,834
	Programming Space	$7,191,699	$7,191,699
	Storage	$303,027	$303,027
	Fixed Cultural Assets	$604,274	$604,274
Moveable Assets	Vehicles	$209,549	$441,305
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$21,383,183	$21,383,183
	Subtotal (moveable):	$209,549	$441,305
	Subtotal (both):	$21,592,732	$21,824,488
	25% Contingency:	$5,398,183	$5,456,122
	2% Annual Recapitalization:	$1,368,197	$5,058,844
	CAF:	$6,403,206	$7,301,927
	Total:	**$34,762,317**	**$39,641,381**

Table 7: Medium-cost scenario

Option 2 (Medium)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$5,567,518	$5,567,518
	Residential	$5,206,622	$5,206,622
	Offices	$5,216,985	$5,216,985
	Programming Space	$8,508,725	$8,508,725
	Storage	$367,900	$367,900
	Fixed Cultural Assets	$654,128	$654,128
Moveable Assets	Vehicles	$209,549	$441,305
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$25,521,879	$25,521,879
	Subtotal (moveable):	$209,549	$441,305
	Subtotal (both):	$25,731,428	$25,963,184
	25% Contingency:	$6,432,857	$6,490,796
	2% Annual Recapitalization:	$1,633,010	$6,037,979
	CAF:	$7,631,093	$8,691,102
	Total:	**$41,428,388**	**$47,183,061**

Table 8: High-cost scenario

Option 3 (High)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$6,730,085	$6,730,085
	Residential	$5,911,848	$5,911,848
	Offices	$6,056,136	$6,056,136
	Programming Space	$9,825,752	$9,825,752
	Storage	$432,773	$432,773
	Fixed Cultural Assets	$703,981	$703,981
Moveable Assets	Vehicles	$209,549	$441,305
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$29,660,575	$29,660,575
	Subtotal (moveable):	$209,549	$441,305
	Subtotal (both):	$29,870,124	$30,101,880
	25% Contingency:	$7,467,531	$7,525,470
	2% Annual Recapitalization:	$1,897,824	$7,017,114
	CAF:	$8,858,981	$10,080,276
	Total:	**$48,094,460**	**$54,724,740**

Case Study: Misipawistik Cree Nation (MCN)

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Misipawistik Cree Nation (MCN) is forming an entirely new law and model for prevention services based on traditional values and Cree law. MCN's baseline is zero and they are beginning anew, not transitioning.
- MCN is starting from a unique point of departure; which is to revert to precolonial community practices and traditions.
- It could take upwards of 15 years to design and deliver services aligned with its law.

Summary Assessment

- Misipawistik Cree Nation is forming an entirely new law and model for prevention services based on traditional values and Cree law. MCN's baseline is zero and they are beginning anew, not transitioning.
- While many organizations are contemplating an integration of western practices with First Nations teachings and culture, MCN is starting from a unique point of departure; which is to revert to precolonial community practices and traditions.
- It will take significant time and resources to move from where MCN is now, to a desired steady-state in the future. MCN is in the process of finalizing its law. It could take upwards of 15 years to design and deliver services aligned with its law.
- MCN is at the beginning of its journey towards a future steady-state. MCN is at the first stage of considering the required people, processes, strategies, and systems that may be required to realize its vision. This process is iterative, and may evolve alongside the community.

Context

Misipawistik Cree Nation (MCN) will serve a population of roughly 2,500 people. MCN is currently building a cultural centre that includes space for community meetings and staff offices.

MCN has drafted its new law "Mino Opikiyawasowin." The law follows pre-existing Cree law and emphasizes prevention. Under Mino Opikiyawasowin, there is no removal of children from families except in severe incidences requiring intervention from protection services. It emphasizes "harmonious balance," where there is no single authority, but instead, a consensus authority. Mino Opikiyawasowin is in the final stages of development (it is currently being translated into Cree before it can be ratified by the First Nation). MCN's law will have national jurisdiction. By taking over jurisdiction over CFS, MCN is also taking over the responsibility of the healing of its community.

MCN estimates that it will need 75 staff to fully implement Mino Opikiyawasowin. As articulated by MCN, staff within the existing provincial agency will be invited to transition under the Mino Opikiyawasowin jurisdiction. MCN estimates it will have established operations (i.e., implemented Mino Opikiyawasowin) within 3 years of approval of the law. The law will be gradually implemented throughout the 3 years to transition out colonial interference, construct

the necessary operational infrastructure (including the physical cultural/spiritual, intellectual, and emotional aspects of the law). MCN estimates it will take 10-15 years to get to a steady-state, where the law, service provision, and community understanding are aligned.

A key component of implementing this model is communication. MCN will have to regularly communicate with community members about the law to integrate it into the fabric of society. All community workers will be expected to take responsibility to address child and family issues occurring in MCN. Communicating and providing education to community members about the law and expectations of their role will be integral to empowering them to participate.

Throughout this process, MCN is considering how best to record and collect data under Mino Opikiyawasowin, build an adjudication system, and increase economic opportunities. MCN recognizes there is some risk with this approach but highlights the benefit of being able to build something new.

Analysis

After discussions with collaborators, IFSD prepared a framework to assess readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 9

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N		The goal is to have this established within the three years. Would like to absorb existing agency staff into our organization, but that won't cover all the

				required staff. It will also take time to re-educate on how to implement our law instead of the provincial law.
	Does your compensation match the provincial standard?	N		Yes
	Do you recruit staff from your member community(ies)?	N		Yes
	Do you have high retention of employees?	N		We hope to, considering the work will be more relational and take on a new approach relevant to our nation and traditions
	Do you offer benefits to your employees e.g., health, dental, etc.?	N		Yes
	Do employees receive adequate on-the-job training?	N		They will
	Are you attracting the same level of credentialed employees as mainstream organizations?	N		No, credentials currently do not speak to the traditional value and knowledge of Indigenous people, history and ways of being
	Are you able to recruit professional staff, e.g.,	N		Yes – here certain credentials will be required.

	social workers, doctors, accountants, lawyers?			Lawyers will not be necessary as part of the operation of our law, where needed they will be retained per service
Process	Are your current operating baselines meeting needs?	N		n/a
	Do you have a clear vision of your future state?	N		Yes
	Are your post-transition activities defined?	N		Yes, within the full implementation of the Opikiyawasowin law and model
	Is your post-transition workflow defined?	N		Tbd
	Is your post-transition management structure established?	N		Yes, though not in a recognizable colonial sense
	Have you fully designed your prevention programming?	N		Yes, though “fully defined” holds variable standards
	Have you fully designed your protection programming?	N		
Strategy	Is your post-transition mission defined?	N		To fully implement Mino Opikiyawasowin with recognized jurisdiction across the land

	Is your post-transition strategy defined?	N		Mostly natural
	Are your post-transition goals and organizational priorities defined?	N		Yes, to fully implement with recognized jurisdiction and serve MCN according to traditional law
	Are all of your services or programs developed?	N		Mostly. Remember, this a nation-driven approach to raising our children, some pieces will not require pen and ink (such as “how does a surrogate grandmother love a child”)
	Are all of your necessary organizational partnerships in place?	N		Being developed through service agreements where necessary
Systems	Is your post-transition governance framework defined?	N		Yes
	Do you have an independent board of directors?	N		Elder council will be an advisory group. The onus is within the nation members
	Is your post-transition legal framework defined?	N		Yes
	Is an adjudication system in place?	N		Yes

	Is an adequate data system in place?	N		No
	Is an adequate performance management framework in place?	N		This is the data struggle we have been having
	Is an adequate IT system in place?	N		No
	Is an adequate financial system in place?	N		No
	Are your post-transition reporting systems in place?	N		No.
	Are you developing new criteria for evaluative purposes?	N		Yes

Table 10

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Y	We provide guidance to the existing CFS agency on placements. Our direction is to look for placements within the family or those with cultural familiarity to provide our children with cultural continuity.
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?		
Is the delivery of prevention and protection services integrated at a case or family service level?		Family service level. We also help our families regain custody of their children and return them home.

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Mino - Obigiwasin Services Enfance Famille

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Mino – Obigiwasin Services Enfance Famille (Mino) delivers a variety of services, including protection and prevention services to four First Nations in Quebec. Table 1 outlines contextual information about the First Nations Mino serves.

Table 1

Collaborator name: Mino - Obigiwasin Services Enfance Famille

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income	Difference between after-tax median household income above or below 2022 MBM?
1) Pikogan (Abitibiwinni)	617	1	$47,600.00	Above
2) Communauté anicinape de Kitcisakik	403	2	$32,400.00	Above
3) Nation Anishnabe du Lac Simon	1864	1	$32,800.00	Under
4) Long Point (Winneway)	527	2	Not available	Not available

Mino - Obigiwasin Services Enfance Famille serves four First Nations with varying populations and income levels. They all have year-round road access to a service centre within 350 kilometres. At-home internet connectivity is available in at least three out of the four Nations, as no data are available for Kitcisakik. Three out of the four communities served by Mino - Obigiwasin have median household incomes above the provincial poverty line, while all have housing in need of repair, to varying degrees. Rates of educational attainment, especially high school completion, are very low.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

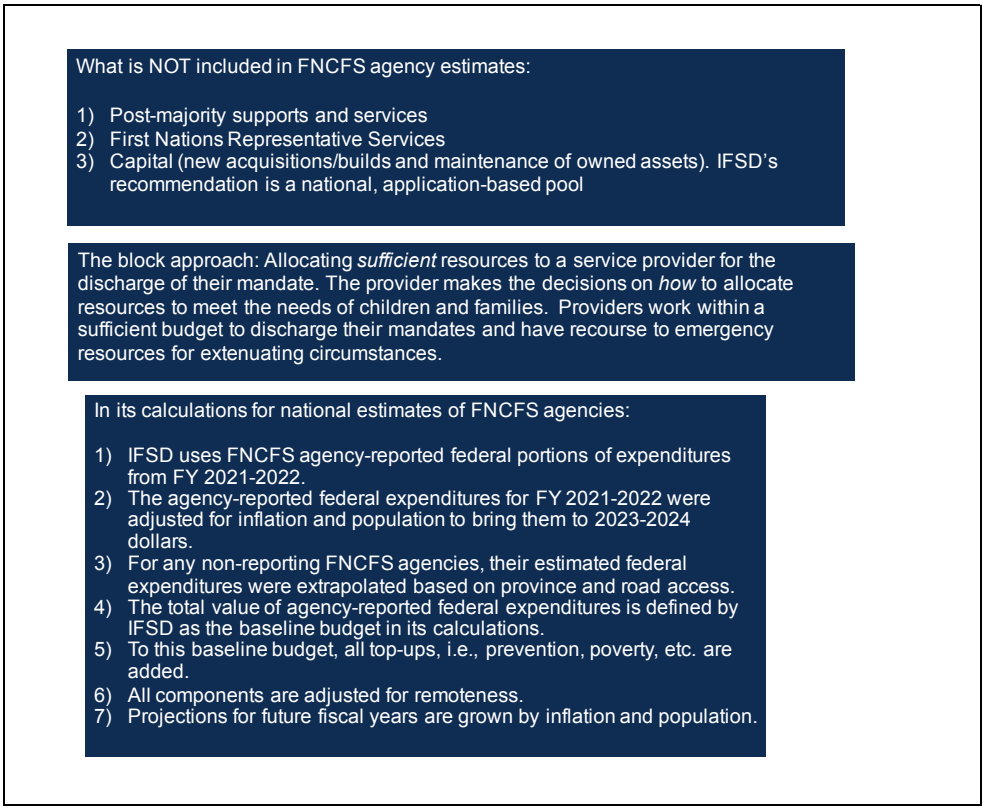

Table 3 outlines six illustrative funding scenarios for Mino, including adjustments for remoteness, the Northern MBM, increased prevention funding, total on- and off-reserve population, increased operating baseline budget, and increased emergency funding.

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Table 3

Mino - Obigiwasin Services Enfance Famille						
Component	Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF model_all agencies	Scenario 2: Scenario 1 adjusted for Northern MBM	Scenario 3: Scenario 1 with 50% of prevention top-up	Scenario 4: Scenario 3 with total population instead of on-reserve population used for estimating 50% prevention top-up	Scenario 5: Scenario 4 with an addition 7% top-up to the baseline budget for retaining staff	Scenario 6: Scenario 5 with additional 5% emergency top-up
Number of HHs	682	682	682	682	682	682
Poverty Gap	4765604	30005100	4765604	4765604	4214010	4214010
Population IRS 2022	3411 (IRS, 2022)	3411 (IRS, 2022)	3411 (IRS, 2022)	4845 (IRS Total, 2022)	4845 (IRS Total, 2022)	4845 (IRS Total, 2022)
Population Weights	1	1	1	1	1	1
Remoteness Index -2021	0.428838	0.428838	0.428838	0.428838	0.428838	0.428838
Band Classification Remoteness Index	0.8	0.8	0.8	0.8	0.8	0.8
Accessibility	0	0	0	0	0	0
Total Revenue (20-21)	12,326,648	12,326,648	12,326,648	12,326,648	12,326,648	12,326,648
Total Expenditure (20-21)	12,767,214	12,767,214	12,767,214	12,767,214	12,767,214	12,767,214
ISC Revenue	11,186,455	11,186,455	11,186,455	11,186,455	11,186,455	11,186,455
Ratio: ISC/Total	0.83	0.83	0.83	0.83	0.83	0.83
ISC Baseline Budget (2020-21)	10,596,788	10,596,788	10,596,788	10,596,788	10,596,788	10,596,788
Inflation_2022 (%)	6.8	6.8	6.8	6.8	6.8	6.8
ISC Baseline Budget 2023-24	11,860,286	11,860,286	11,860,286	11,860,286	12,690,506	12,690,506
Geography Factor_CAF_15%	0.125476	0.125476	0.125476	0.125476	0.125476	0.125476
Geography Adjustment ($)_CAF_15%	1,488,181	1,488,181	1,488,181	1,488,181	1,592,354	1,592,354
Poverty _Low (3%)	160,907	1,013,101	160,907	160,907	142,283	142,283
Poverty_Med (5%)	268,179	1,688,501	268,179	268,179	237,138	237,138
Poverty_High (7%)	375,450	2,363,901	375,450	375,450	331,994	331,994
Maintenance_Low (1%)	133,485	133,485	133,485	133,485	142,829	142,829
Maintenance_Med (2%)	266,969	266,969	266,969	266,969	285,657	285,657
Maintenance_High(3%)	400,454	400,454	400,454	400,454	428,486	428,486
Emergency_Low (0.5%)	66,742	66,742	66,742	66,742	71,414	785,557
Emergency_Med (1%)	133,485	133,485	133,485	133,485	142,829	856,972
Emergency_High (2%)	266,969	266,969	266,969	266,969	285,657	999,800
Results_Low (1%)	133,485	133,485	133,485	133,485	142,829	142,829
Results_Med (3%)	400,454	400,454	400,454	400,454	428,486	428,486
Results_High (5%)	667,423	667,423	667,423	667,423	714,143	714,143
IT Low (5%)	667,423	667,423	667,423	667,423	714,143	714,143
IT Med (5.5%)	734,166	734,166	734,166	734,166	785,557	785,557
IT High (6%)	800,908	800,908	800,908	800,908	856,972	856,972
Prevention (@ $2500/per person)	10,591,797	10,591,797	5,295,899	7,522,319	6,816,164	6,816,164
Budget Projections						
Total 2023-24 Budget_Low	25,102,307	25,954,500	19,806,408	22,032,828	22,312,521	23,026,664
Total 2023-24 Budget_Medium	25,743,517	27,163,839	20,447,618	22,674,038	22,978,691	23,692,834
Total 2023-24 Budget_High	26,451,469	28,439,921	21,155,571	23,381,991	23,716,275	24,430,418
Medium Budget Projection						
2023-24	25,743,517	27,163,839	20,447,618	22,674,038	22,978,691	23,692,834
2024-25	26,925,822	28,411,375	21,386,702	23,715,374	24,034,018	24,780,959
2025-26	28,148,219	29,701,214	22,357,630	24,792,020	25,125,131	25,905,982
2026-27	29,427,635	31,051,217	23,373,847	25,918,887	26,267,139	27,083,482
2027-28	30,758,482	32,455,490	24,430,916	27,091,053	27,455,054	28,308,316

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transition Case Study: Mino - Obigiwasin Services Enfance Famille

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Mino – Obigiwasin Services Enfance Famille (Mino) is an agency that is changing and adapting as it prepares to assume control of child and family services, in accordance with forthcoming legislation.
- Although Mino expects this legislation to be finalized by 2025, the transition toward self-governance will be a gradual one to ensure continuous and uninterrupted service delivery to children and families. To achieve this, the agency is following a plan that engages First Nations served by Mino, its staff, and its Board of Directors. Integrated processes, strategies, and systems will be used to manage the hurdles and successes arising from the new models of service delivery.

Summary Assessment

- Mino's transition is critically impacted by two factors: (1) the anticipated reform of the FNCFS Program; and (2), the decisions on jurisdiction of Mino's communities.
- Mino has well-developed processes, strategies, and systems to deliver on its current mission, but will need to develop a clear understanding of how its mission, vision, and goals will change with transition. This is a necessary precursor to developing or adapting processes and systems.
- Recruitment is a key challenge. Mino will need to consider how its staffing needs may change with transition and plan accordingly. One option could be to hire staff for general roles, now, with the understanding that roles and responsibilities may change as organizational priorities are developed.
- The step-by-step approach used by Mino in the transition process is a considerable asset.

Context

Mino – Obigiwasin Services Enfance Famille (Mino) is an agency that provides a wide range of services to four Anicinape communities. Mino's services include:

- Prevention services;
- Protection services;
- Foster care;
- Specialized services;
- Legal services;
- Post-majority support services;
- Cultural services (in 2025, as stipulated in the legislation)[1]

Mino serves:

- Kitcisakik;

[1] Note that, for each of these services, there is a committee in place for legislative consultations.

- Lac Simon;
- Pikogan (Abitibiwinni); and,
- Long Point (Winneway).

Mino's transition will be influenced by the anticipated reform of the FNCFS Program and the decisions on jurisdiction of Mino's communities. It is preparing for these changes with a committee in charge of the transition and improvement process (including complaint management) and service continuity. This committee, made up of representatives of First Nations and Mino, is responsible for developing a complaint resolution and continuous improvement policy and for providing training.

Transition Analysis

After initial discussions with collaborators, IFSD has prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Collaborator's comments
People	Do you have enough staff to meet your operational needs?	N	N	Jurisdiction and development/implementation of the law will guide staffing decisions. Staff (the majority) want to continue under the new framework (the FN act).
	Does your compensation match	Y	Y	Competitive with the market.

	the provincial standard?			
	Do you recruit staff from your member community(ies)?	Y/N	Y/N	Difficult because of problems in the community (addictions, etc.).
	Do you have high retention of employees?	N	N	Challenging labour market, although retention is currently on the upswing.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	Agency already has a cultural training centre to guide them in their interactions with the community and the services they provide to children and families. Training budget for various departments and teams (assessment, intervention, culture, etc.). Not perfect, but the current director has a background in training/teaching. Director oversees the training plan for employees and manages interactions. In progress. Training needs determined based on employees' qualifications, annual performance reviews, complaints, cultural awareness needs, observations and more.
	Are you attracting the same level of credentialed employees as	Y	Y	

	mainstream organizations?			
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	Y/N	Y/N	Hard to recruit First Nations staff members. Hard to hire permanent employees. Contracts tend to be preferred because of the benefits they offer (housing, wages, etc.). Labour shortage. Mino staff members come from outside the community.
Process	Are your current operating baselines meeting needs?	Y/N	Y/N	Yes, but it's not perfect. Internal operations need to be updated.
	Do you have a clear vision of your future state?	N	Y	
	Are your post-transition activities defined?	N	Y	In progress and subject to ongoing development.
	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	N	Y/N	In progress and subject to ongoing development.
	Have you fully designed your prevention programming?	N	Y/N	In progress and subject to ongoing development.
	Have you fully designed your protection programming?	N	Y/N	In progress and subject to ongoing development.
Strategy	Is your post-transition mission defined?	N	Y	

	Is your post-transition strategy defined?	N	Y	
	Are your post-transition goals and organizational priorities defined?	N	Y/N	In progress and subject to ongoing development.
	Are all of your services or programs developed?	N	Y/N	
	Are all of your necessary organizational partnerships in place?	N	N	
Systems	Is your post-transition governance framework defined?	N	Y	
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	N	Y	
	Is an adjudication system in place?	N	N	In (re)development.
	Is an adequate data system in place?	N	Y	
	Is an adequate performance management framework in place?	N	N	Needs to be revisited and aligned with the law, using an approach that focuses on well-being.
	Is an adequate IT system in place?	N	N	Provincial criteria are more complex than the agency's. IT security measures are costly. A formal approach and resources are needed to meet the criteria.

	Is an adequate financial system in place?	N	N	
	Are your post-transition reporting systems in place?	N	N	
	Are you developing new criteria for evaluative purposes?	Y	Y	

Table 5

Question	Response: Yes (Y) or No (N)	Collaborator's comments
Are you currently delivering secondary and tertiary prevention services?	No, unless we take front-line cases.	Yes, but only for foster care payments. This service will be provided through Mino once C-92 is implemented.
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	The question will be discussed as part of the C-92 process that we are currently drafting.	Yes
Is the delivery of prevention and protection services integrated at a case or family service level?		Yes

People

Mino employs 110 staff and has difficulty recruiting and retaining staff across functions (e.g., social workers, lawyers, accountants). Mino expects to double or triple the size of its staff over the next two to three years. Mino faces several key challenges relating to people:

- *Competitive recruitment environment.* Social workers and supporting staff are in high demand industry-wide.
- *Difficulty recruiting locally.* The impacts of intergenerational trauma are evident in the communities Mino serves. Problems like addictions are severe and lower the number of suitable candidates.
- *Language requirements.* Mino's staff are often trilingual (English, French, and Anicinabe), and many roles require knowledge of the three languages to operate effectively. This reduces the qualified candidate pool significantly.

Process

Mino has well established baselines for its current state, and is in the process of developing new processes that will be implemented with the transition. Key process challenges are:

- *Defining operating procedures for new services.* Mino is adding new services (e.g., family circles, complaints processes, and mediation). These services are still being formalized.
- *Implementing new law.* Adapting services to a new law will require retraining of staff to align with new legal principles. This will take time and may impact current staff's ability to meet established needs.

Strategy

Mino is currently drafting an action plan for next steps and estimates this work will take two or more years to complete. Mino has a clear mission and organizational philosophy for its current state. The key strategic challenge for Mino stems from implementation of a new law. Exercising jurisdiction is extremely complex. Determining organizational priorities under a new legal framework will take significant time.

Systems

Mino's key systems challenges arise directly from the implementation of a new legal framework. Adapting governance and adjudication systems will take significant time and knowledge translation efforts. Further, Mino's data architecture system is currently fractured (i.e., some data is captured through communities while other data is captured through the provincial program). Transitioning this system will require additional resources and time.

IFSD
IFPD

Nogdawindamin Family & Community Services

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Nogdawindamin Family & Community Services (Nogdawindamin) delivers both protection and prevention services to seven First Nations of the North Shore in Ontario. Table 1 outlines contextual information about the First Nations Nogdawindamin serves.

Table 1

Collaborator name: Nogdawindamin Family & Community Services

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
1) Sagamok Anishnawbek	1628	2	$34,800.00	Below
2) Batchewana First Nation	817	1	Not available	Not available
3) Garden River First Nation	1343	1	$40,400.00	Below
4) Mississauga	392	2	$40,400.00	Below
5) Serpent River	394	2	$39,600.00	Below
6) Thessalon	117	2	Not available	Not available
7) Atikameksheng Anishnawbek	443	1	$53,600.00	Above

Nogdawindamin serves the Seven First Nations of the North Shore. All seven communities have year-round road access and are within 350 kilometres of a service centre (Sault Ste. Marie). There is variability among the communities when it comes to indicators for housing quality, connectivity, and employment. Rates of at-home internet connectivity vary from 58% to 99%, while employment rates range from 35% to 51%. The indicators suggest that while housing repairs and suitability affect the communities, the rates do not suggest as severe of an issue as employment issues. The indicators suggest that Nogdawindamin's approach to service delivery could emphasize addressing income-based and employment-based poverty.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

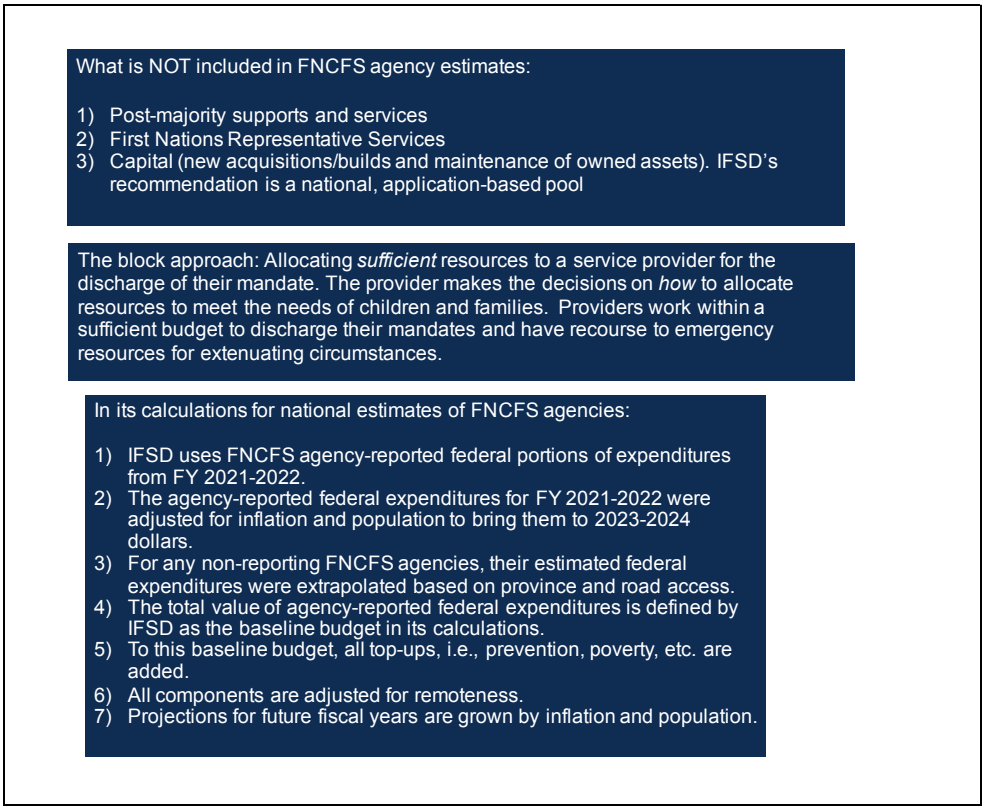

Table 3 outlines five illustrative funding scenarios for Nogdawindamin, including adjustments for remoteness, the Northern MBM, reported population, total on- and off-reserve population, and the exclusion of prevention funding.

Table 3

Nogdawindamin Family & Community Services					
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF model-All agencies**	**Scenario 2: Scenario 1 adjusted for Northern MBM**	**Scenario 3: Reported population was used instead of on-reserve population**	**Scenario 4: Total registered poulation was used instead of on-reserve population.**	**Scenario 5: Prevention funding is excluded**
Number of HHs	1501	1501	1501	1501	1501
Poverty Gap	11495229	61315716	11495229	11495229	11495229
Population	5134 (IRS, 2022)	5134	2405 (Reported)	14814 (IRS Total, 2022)	5134 (IRS, 2022)
Population Weights	1	1	0	0	1
Remoteness Index -2021	0.3475	0.3475	0.3475	0.3475	0.3475
Accessibility	0	0	0	0	0
Total Revenue (21-22)	57,629,278	57,629,278	57,629,278	57,629,278	57,629,278
Total Expenditure (21-22)	57,806,499	57,806,499	57,806,499	57,806,499	57,806,499
ISC Revenue	31,119,810	31,119,810	31,119,810	31,119,810	31,119,810
Ratio: ISC/Total	0.75	0.75	0.75	0.75	0.75
ISC Baseline Budget (2021-22)	43,354,874	43,354,874	43,354,874	43,354,874	43,354,874
Inflation_2022 (%)	6.8	6.8	6.8	6.8	6.8
ISC Baseline Budget 2023-24	48,503,004	48,503,004	48,503,004	48,503,004	48,503,004
Geography Factor_CAF_15%	0.105429131	0.105429131	0.105429131	0.105429131	0.105429131
Geography Adjustment ($)_CAF_15%	5,113,629.56	5,113,629.56	5,113,629.56	5,113,629.56	5,113,629.56
Poverty _Low (3%)	381,215	2,033,405	381,215	381,215	381,215
Poverty_Med (5%)	635,358	3,389,009	635,358	635,358	635,358
Poverty_High (7%)	889,501	4,744,613	889,501	889,501	889,501
Maintenance_Low (1%)	536,166	536,166	536,166	536,166	536,166
Maintenance_Med (2%)	1,072,333	1,072,333	1,072,333	1,072,333	1,072,333
Maintenance_High(3%)	1,608,499	1,608,499	1,608,499	1,608,499	1,608,499
Emergency_Low (0.5%)	268,083	268,083	268,083	268,083	268,083
Emergency_Med (1%)	536,166	536,166	536,166	536,166	536,166
Emergency_High (2%)	1,072,333	1,072,333	1,072,333	1,072,333	1,072,333
Results_Low (1%)	536,166	536,166	536,166	536,166	536,166
Results_Med (3%)	1,608,499	1,608,499	1,608,499	1,608,499	1,608,499
Results_High (5%)	2,680,832	2,680,832	2,680,832	2,680,832	2,680,832
IT Low (5%)	2,680,832	2,680,832	2,680,832	2,680,832	2,680,832
IT Med (5.5%)	2,948,915	2,948,915	2,948,915	2,948,915	2,948,915
IT High (6%)	3,216,998	3,216,998	3,216,998	3,216,998	3,216,998
Prevention (@ $2500/per person)	15,658,079	15,658,079	7,334,959	45,180,907	-
Budget Projections					
Total 2023-24 Budget_Low	73,677,175	75,329,365	65,354,055	103,200,003	58,019,096
Total 2023-24 Budget_Medium	76,075,983	78,829,634	67,752,863	105,598,812	60,417,905
Total 2023-24 Budget_High	78,742,875	82,597,986	70,419,755	108,265,703	63,084,796
Medium Budget Projection					
2023-24	76,075,983	78,829,634	67,752,863	105,598,812	60,417,905
2024-25	79,581,936	82,462,488	70,875,246	110,465,320	63,202,256
2025-26	83,259,433	86,273,097	74,150,406	115,569,945	66,122,845
2026-27	87,101,229	90,253,951	77,571,889	120,902,628	69,173,917
2027-28	91,098,600	94,396,011	81,131,926	126,451,260	72,348,543

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transition Case Study: Nogdawindamin Family & Community Services

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Nogdawindamin Family and Community Services ("Nogdawindamin") is a mature high-functioning organization that actively plans for the communities it serves. This involves:
    - Investing in its employees through training opportunities to increase capacity.
    - Supporting First Nations in their pursuit of jurisdiction based on their unique needs.
    - Leveraging its own data for evidence-based decisions to align programs to desired outcomes.

Summary Assessment

- Nogdawindamin faces significant uncertainty stemming from changes within the communities it serves (i.e., implementing new law, devolution of services).
- Recruitment and retention are key challenges.
- Nogdawindamin could consider focusing on core staff positions to maintain the greater flexibility and adaptability to changing political circumstances. Once key external decisions have been made, Nogdawindamin could expand staffing and program offerings to suit new realities.
- Nogdawindamin does not have full access to prevention dollars due to the funding allocations to First Nations, which means it cannot fully integrate its protection and prevention programming.

Context

Nogdawindamin Family and Community Services ("Nogdawindamin") is a mature agency with well-developed processes, strategies, and systems to deliver on its mission. It provides a wide range of services to the Seven First Nations of the North Shore. Nogdawindamin's services include:

- Prevention services;
- Protection services;
- Neonatal services;
- Family well-being;
- Family treatment;
- Cultural services;
- Children and adult mental health; and,
- Behavioural therapy.

Nogdawindamin serves seven First Nation communities:

- Atikameksheng Anishnawbek;
- Batchewana First Nation;
- Garden River First Nation;

- Mississauga First Nation;
- Sagamok Anishnawbek;
- Serpent River First Nation; and,
- Thessalon First Nation.

Nogdawindamin's transition will be heavily influenced by the political trajectories of the communities that it serves. The communities vary substantively in context (e.g., population, political environment, organizational maturity, etc.) and their evolutions throughout this transition period will necessarily affect Nogdawindamin's future state as an organization.

Atikameksheng Anishnawbek, Batchewana First Nation, Garden River First Nation, Serpent River First Nation, and Thessalon First Nation are contemplating jurisdiction and future devolution. Mississauga First Nation is active within a process of expanding First Nation delivered prevention services. Sagamok Anishnawbek has recently opened a conversation concerning jurisdiction and service devolution.

Nogdawindamin has been mandated by its board to look at devolving prevention services to each of the communities it serves. Nogdawindamin has pursued devolution of services but has not experienced steady uptake from the communities. Each First Nation has a specific approach to devolution, and each carries community specific histories of strengths and barriers (e.g., geographic access to specialized services). A unified roadmap for devolution is not possible, due to varied timelines and needs.

The external factors influencing Nogdawindamin's transition make it difficult to articulate a future state, and, consequently, to provide a gap analysis. Nogdawindamin does have a clear vision for its future, but it does not have control over all the elements needed to get there.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years?	Notes from collaborator

			Response: Yes (Y) or No (N)	
People	Do you have enough staff to meet your operational needs?	N	Y/N	Some areas have a full complement while others are short. At any given time, we are 50 staff short of a full complement.
	Does your compensation match the provincial standard?	Y	Y	
	Do you recruit staff from your member community(ies)?	Y	Y	
	Do you have high retention of employees?	N	N	
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	Extensive.
	Do employees receive adequate on-the-job training?	Y	Y	Efficacy of some training modules requires review. Content of some training requires revision.
	Are you attracting the same level of credentialed employees as mainstream organizations?	Y	Y	Professional designations, see below.
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	More difficulty recruiting some professional staff, e.g., doctors.

Process	Are your current operating baselines meeting needs?	Y	Y	
	Do you have a clear vision of your future state?	Y	Y	Yes, but strategic plan is not aligned with frontline realities. Broadly defined future vision (devolution of services).
	Are your post-transition activities defined?	N	N	
	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	N	N	A transitional manager is in place. Management size will shrink.
	Have you fully designed your prevention programming?	N	N	It could look very different in three years.
	Have you fully designed your protection programming?	Y	Y	
Strategy	Is your post-transition mission defined?	N	N	
	Is your post-transition strategy defined?	N	N	
	Are your post-transition goals and organizational priorities defined?	N	N	
	Are all of your services or programs developed?	N	N	Process is always ongoing and iterative.

	Are all of your necessary organizational partnerships in place?	N	Y	Further work is required with pillars of North Shore Tribal Council (e.g., Health).
Systems	Is your post-transition governance framework defined?	Y	Y	
	Do you have an independent board of directors?	Y	Y	Independent board, appointed by local leadership. Some board positions are application based (elder, youth, etc.)
	Is your post-transition legal framework defined?	N	N	Only one community has formally started. Tribal council is also 3 years into a 5-year plan.
	Is an adjudication system in place?	Y	Y	Yes, but it could be improved to align with mission.
	Is an adequate data system in place?	Y	Y	Work is being completed to review the longevity and stability of existing case management solutions.
	Is an adequate performance management framework in place?	Y	Y	
	Is an adequate IT system in place?	Y	Y	Work continues to displace reporting from production environment.

	Is an adequate financial system in place?	Y	Y	
	Are your post-transition reporting systems in place?	N	N	
	Are you developing new criteria for evaluative purposes?	Y	Y	

Table 5

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Yes	The agency provides Neonatal Caring Services (expecting and new parents up to 18 months) and Family Well-Being (in-home mentoring and practice) as well as a number of group programming interventions.
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	N/A	The agency intends to continue to deliver secondary and tertiary prevention services according to need and purview within service devolution.
Is the delivery of prevention and protection services integrated at a case or family service level?	Yes, family service.	Prevention service and child welfare workers are equal members of the circle of care, sharing responsibility to assist children, caregivers, and families. Prevention service and child welfare case recordings are segregated.

People

Recruitment and retention are key challenges. 65 positions out of a total of 427 are currently vacant and the organization averages 60-65 vacant positions monthly. This creates deficits in program delivery and elevates surpluses in budgets. Several factors drive these challenges:

- *Competitive recruitment environment.* Social workers and supporting staff are in high demand industry wide.
- *Lack of a collective agreement and salary certainty.* Nogdawindamin is not able to provide permanency or salary certainty for many staff. Due to funding uncertainty, staff rates of pay are determined quarterly. Nogdawindamin is unable to provide staff with long-term certainty around pay, despite offering competitive salaries.

- *High turnover.* Nogdawindamin provides new recruits and existing staff with substantial training opportunities. Fully trained staff regularly depart in search of greater stability at mainstream organizations.

As problems of recruitment and retention persist, Nogdawindamin develops a narrative about who they are as an organization. New recruits are wary of joining an organization that cannot promise permanency or stability, despite being competitive on salary, culture, and training.

Process

Legislative constraints are a key process challenge. Nogdawindamin has a vision for the types of activities it would like to implement (i.e., youth treatment, family treatment, and aftercare) but is hemmed in by several factors, including:

- *Training requirements.* Provincial legislation has imposed new and extensive training requirements for staff. Nogdawindamin received no extra funding to bring staff in line with these requirements.
- *Unique community contexts.* Nogdawindamin works with individual communities to deliver programs that meet each unique context. But this can be difficult under provincial legislation. Services that a community asks for may not be fundable under provincial law. Nogdawindamin engages in an exercise of knowledge translation to deliver a program or service that meets provincial criteria and community needs. While this approach narrows the gap between services requested and delivered, Nogdawindamin is not able to operate as it sees best.

Strategy

Nogdawindamin is a mature organization with a clear mission and organizational philosophy. The key strategic challenge for Nogdawindamin stems from working with seven different communities, all with unique contexts, needs, and stages of organizational maturity. Nogdawindamin cannot adjust its strategy until communities provide guidance on how they are moving forward. Factors influencing strategy include:

- *Knowledge translation.* Determining the best way to communicate with communities took significant time and is an ongoing challenge. There is no roadmap for devolving services or translating knowledge to seven unique communities. Nogdawindamin is at the forefront of this challenge and often proceeds using trial and error. Several attempts to engage with communities on devolution have led to little uptake.
- *Community capacity.* With each First Nation on a unique timeline, devolution will represent a patchwork process – unified with service considerations specific to each First Nation, knit together. Different levels and availability of specialized capacity entail individual approaches to devolution. In some cases, professional supports required by youth with complex needs must be grown.
- *Community-level politics.* Timing is critical. Local elections, which occur frequently, can derail months of communication and planning. Even if the leadership are re-elected, the election cycle can cause delays of 4-6 months.

Systems

Nogdawindamin's key systems challenge stems directly from political and legal trajectories of the communities it serves. Currently, Nogdawindamin's governance and legal framework are clear. As communities develop and implement their own law, Nogdawindamin's systems will need to adapt to new realities. This could include different adjudication methods for conflicts,

new reporting mechanisms for different communities, and new indicators or measurement criteria for evaluative purposes.

IFSD
IFPD

Secwépemc Child and Family Services Agency

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Secwépemc Child and Family Services Agency (Secwépemc) delivers a wide range of services, including both protection and prevention services to seven First Nations in British Columbia. Table 1 outlines contextual information about the First Nations Secwépemc serves.

Table 1

Collaborator name: Secwépemc Child and Family Services Agency

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
1) Cstélen (Adams Lake)	430	2	$53,600.00	Above
2) St'uxwtews (Bonaparte)	198	2	Not available	Not available
3) Skeetchestn (Skítsesten)	250	2	$31,200.00	Below
4) Tk'emlúps te Secwépemc	661	1	$67,000.00	Above
5) Sk'atsin (Neskonlith)	321	2	$52,800.00	Above
6) Simpcw First Nation	230	2	Not available	Not available
7) Pellt'iq't (Whispering Pines/Clinton)	47	2	Not available	Not available

Secwépemc serves seven small First Nations in British Columbia, each with year-round access to a service centre within 350 kilometres. Household incomes vary significantly, but most have relatively high rates of employment (ranging from 34% to 56%) and educational attainment (post-secondary completion ranging from 33% to 67%). Communities served by Secwépemc also have relatively high-quality housing infrastructure, with at least 80% of homes considered suitable in all but one of the seven First Nations. The wide range of community-based capacities implies the need for Secwépemc to use diverse approaches to child and family services driven by need.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

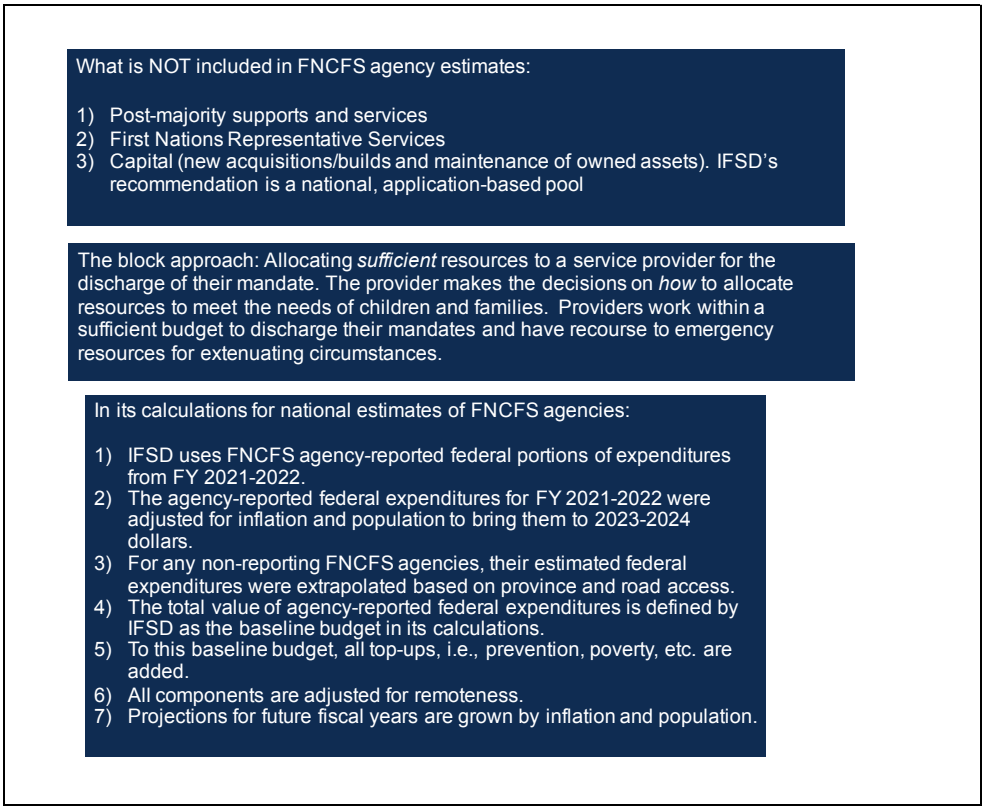

Table 3 outlines two illustrative funding scenarios for Secwépemc, including adjustments for remoteness and the Northern MBM.

Table 3

Secwépemc Child and Family Services Agency		
Component	**Scenario 1: With remoteness calculated using ISC's 15% scaled model for all agencies**	**Scenario 2: Scenario 1 adjusted for Northern MBM**
Number of HHs	671	671
Poverty Gap	2118240	19315688
Population IRS 2022	2137	2137
Population Weights	1	1
Remoteness Index -2021	0.3201	0.3201
Accessibility	0	0
Total Revenue (21-22)	38,041,651	38,041,651
Total Expenditure (21-22)	27,281,537	27,281,537
ISC Revenue	23,205,407	23,205,407
Ratio: ISC/Total	0.61	0.61
ISC Baseline Budget (2021-22)	16,641,737	16,641,737
Inflation_2022 (%)	6.8	6.8
ISC Baseline Budget 2023-24	18,738,374	18,738,374
Geography Factor_CAF_15%	0.0957468	0.0957709
Geography Adjustment ($)_CAF_15%	1,794,139	1,794,591
Poverty _Low (3%)	69,632	634,967
Poverty_Med (5%)	116,053	1,058,278
Poverty_High (7%)	162,474	1,481,590
Maintenance_Low (1%)	205,325	205,330
Maintenance_Med (2%)	410,650	410,659
Maintenance_High(3%)	615,975	615,989
Emergency_Low (0.5%)	102,663	102,665
Emergency_Med (1%)	205,325	205,330
Emergency_High (2%)	410,650	410,659
Results_Low (1%)	205,325	205,330
Results_Med (3%)	615,975	615,989
Results_High (5%)	1,026,626	1,026,648
IT Low (5%)	1,026,626	1,026,648
IT Med (5.5%)	1,129,288	1,129,313
IT High (6%)	1,231,951	1,231,978
Prevention (@ $2500/per person)	6,460,504	6,460,647
Budget Projections		
Total 2023-24 Budget_Low	28,602,588	29,168,551
Total 2023-24 Budget_Medium	29,470,309	30,413,181
Total 2023-24 Budget_High	30,440,694	31,760,476
Medium Budget Projection		
2023-24	29,470,309	30,413,181
2024-25	31,014,297	32,006,567
2025-26	32,583,621	33,626,100
2026-27	34,261,195	35,357,346
2027-28	35,952,412	37,102,672

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Transitions Case Study: Secwépemc Child and Family Services Agency

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Secwépemc Child and Family Services Agency's ("Secwépemc") approach to child and family services is rooted in regular communication to build trust with the seven First Nations it serves. Transition factors remain fluid as First Nations make their decisions on inherent jurisdiction. To support them, Secwépemc:
    - Views the process of jurisdiction as a journey, continually refining its prevention-focused and culturally appropriate service delivery model to better serve member Communities.
    - Builds and fosters positive and long-term relationships with member Communities through open communication, receptive listening, and adaptability to change.
    - Invests in processes and systems, such as a Research and Development Team, to effectively navigate the shifting legislative landscape effectively.

Summary Assessment

- Communication between agency and Communities is key. Secwépemc has had success using open and regular communication to build trust with the seven First Nations Communities it serves.
- Secwépemc has well-developed people, processes, strategies, and systems to deliver on its mission, but faces possible changes in relationship stemming from certain Communities' decisions to engage with inherent jurisdiction.
- Transition for the agency is dependent on how each of the seven Communities decide to engage with inherent jurisdiction.
- Secwépemc integrates culture within design and delivery of its services. In the context of Child and Family Service work, the Story of Porcupine, a Secwépemc story, emphasizes the significance of collaboration and sharing wisdom.

Context

Secwépemc Child and Family Services Agency ("Secwépemc") is an agency that provides a wide range of services to seven First Nations Communities. Prevention programming is embedded in the agency's work. Secwépemc is a fully delegated Agency (C3-Voluntary Services, C4-Guardianship Services, C6- Child Protection Services). Secwépemc's services include:

- Youth Teams
    - Youth Transition
    - Youth Intensive
- Family Preservation
    - Intensive Family Preservation

- Family Empowerment
- Cultural Integration/Resource/Kinship Program
  - Elders
  - Cultural Workers
  - Roots Worker
  - Family Circle Facilitator
  - Kinship Workers
- Wellness
  - Mental Health
  - CYMH
  - Wellness Coordinator
  - Early Years
  - Community Wellness
  - Infant Development
  - Parental Outreach
  - Wellness Family Support
  - Family Enrichment Workers

The seven First Nations Communities Secwépemc serves include:

- Cstélen (Adams Lake)
- Pellt'iq't (Whispering Pines/Clinton)
- Simpcw
- Sk'atsin (Neskonlith)
- Skeetchestn (Skítsesten)
- St'uxwtews (Bonaparte)
- Tk'emlúps te Secwépemc

Secwépemc's transition will be influenced by the legal trajectory of the seven Communities it serves. The Communities are at various stages of discussions about pursuing inherent jurisdiction, which requires that Secwépemc remains responsive in its future planning. Secwépemc continues to work with provincial government partners under the CFCSA and federal government partners under *An Act respecting First Nations, Inuit and Métis children, youth and families,* to deliver its mandate that integrates the Aboriginal Operational Practice Standards and Indicators (AOPSI) and Aboriginal Policy and Practice Framework (APPF). Secwépemc follows the "Signs of Safety" framework to promote its mandate to provide culturally safe and culturally appropriate CFS to the seven First Nations Communities it serves, and a significant number of urban, Away from Home First Nations and Inuit children, youth, and families who live in the Secwépemc territory.

At the core of Secwépemc's service delivery is culture. Promoting cultural continuity is interwoven in both the Agency's mandate and throughout the seven Communities it serves. Secwépemc's design and delivery of its services is embedded in culture and the land. In the context of child and family services work, the Story of Porcupine (see Appendix A), a Secwépemc story emphasizes collaboration and sharing wisdom. Secwépemc has a culture team that promotes culture and organizes a variety of events both for the Agency staff and the children, youth and families it serves. Each week there are drumming circles, Elders on-site,

and a variety of cultural craft opportunities at the main office, in the local urban area, as well as in Community.

A key factor driving success for Secwépemc is open communication, listening to feedback, and being open to change. Secwépemc recognizes the uniqueness of each of the seven Communities it serves and offers support while following their leadership. The Agency has worked hard to build trust with its Communities through communication and relationship building. Communication flows between the seven Communities and Secwépemc through Band Representatives, the Executive Director, and the Agency's Board of Directors that is comprised of members of each of the seven Communities.

Secwépemc has a clear mission, vision, and mandate, with well-developed programs and services. It continues to strategically plan and is prepared to adapt to changes that occur due to the current climate of government decisions and the legislative landscape. If Secwépemc's seven Communities engage with inherent jurisdiction, the Agency envisions maintaining strong continuing relationships and will remain a supportive ally through the changes.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 4

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	Y	Y	
	Does your compensation match	Y	Y	

	the provincial standard?			
	Do you recruit staff from your member community(ies)?	Y	Y	
	Do you have high retention of employees?	N	N	Turnover is similar to mainstream organizations; social workers are challenging to attract.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	Y	Y	Staff on-boarding is available and integrates culture within the training.
	Are you attracting the same level of credentialed employees as mainstream organizations?	Y	Y	
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	Y	Y	Professional staff e.g., doctors, accountants, and lawyers typically contracted and are part of the Agency's practice circle.
Process	Are your current operating baselines meeting needs?	Y	Y	
	Do you have a clear vision of your future state?	Y	Y	The Agency will be refreshing its five-year strategic plan in July 2024 and anticipates there will

				be shifts to its future state visioning.
	Are your post-transition activities defined?	N/A	N/A	The Agency expects that it will continuously evolve and adapt. Transition is an on-going conversation.
	Is your post-transition workflow defined?	N/A	N/A	The Agency expects that it will continuously evolve and adapt. Transition is an on-going conversation.
	Is your post-transition management structure established?	N/A	N/A	The Agency expects that it will continuously evolve and adapt. Transition is an on-going conversation.
	Have you fully designed your prevention programming?	N	Y	A team is working with the seven Communities to develop prevention services for each of the seven Communities.
	Have you fully designed your protection programming?	Y	Y	
Strategy	Is your post-transition mission defined?	N/A	N/A	We are currently in the last year of a five-year strategic plan – the post-transition mission will be revised accordingly as a new Executive Director is expected

				to join the Agency in the coming weeks.
	Is your post-transition strategy defined?	N	N	The legal trajectory of the seven Communities is not clear, planning for the future can present challenges and new opportunities.
	Are your post-transition goals and organizational priorities defined?	N	N	The Agency expects that it will continuously evolve and adapt. Transition is an on-going conversation.
	Are all of your services or programs developed?	N/A	N/A	The Agency provides a variety of services and has teams to deliver wellness, family preservation, kinship, resource team, and foundational sources e.g., finance, administrative support, custodians. The Agency is also embarking on a new service delivery model, which includes becoming a housing provider and so programs and services will have to be developed accordingly.
	Are all of your necessary	N/A	N/A	Partnered with Community Living BC to be able to deliver strengthened

	organizational partnerships in place?			services through the Agency for adults living with a disability. The Agency continues to pursue relationships with universities and other organizations and will continue to build organizational relationships as it expands its service delivery model to include housing.
Systems	Is your post-transition governance framework defined?	N/A	N/A	Depends on the legal trajectory of First Nations and the seven Communities served by the Agency vary in their progress toward inherent Jurisdiction
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	N/A	N/A	
	Is an adjudication system in place?	Y	Y	
	Is an adequate data system in place?	Y	Y	Currently using two systems used by the provincial government to collect data. Best practices are being phased out and new ones introduced.

	Is an adequate performance management framework in place?	Y	Y	
	Is an adequate IT system in place?	Y	Y	
	Is an adequate financial system in place?	Y	Y	
	Are your post-transition reporting systems in place?	N/A	N/A	This will depend greatly on whether current funding models remain the same or not.
	Are you developing new criteria for evaluative purposes?	Y	Y	The Agency currently has mechanisms in place, for example a three-year audit system for delegated work, financial audits, complaint process outlined by the Province, Ombudsperson as well as internal practice 'checks and balances.' Should the funding structure change, as an example, the Agency will accordingly develop criteria for evaluative purposes.

People

Recruitment and retention are key challenges, despite Secwépemc being viewed as a good place to work, with flexibility and creativity. Several factors drive these challenges:

- *Competitive recruitment environment.* Social workers and support staff are in high demand industry-wide.

Process

Secwépemc has clear processes established to meet its current needs. However, Secwépemc is investing in resources (such as a new and forthcoming Research and Development Team) to ensure the Agency is informed and can navigate a changing legislative landscape (e.g., C-92) alongside the seven Communities it serves. It is also working to anticipate how its role may evolve as the urban, Away from Home Indigenous population continues to grow at a high rate. Current process challenges, are:

- *Supporting children, youth, and families to navigate services.* Secwépemc's Communities and urban, Away from Home Indigenous population confront barriers to accessing services and resources e.g., internet, cell service, transportation. Secwépemc aims to support children, youth, and families engaged with CFS to navigate everyday resources, services, and skills.
- *CHRT prevention dollars.* Secwépemc embeds prevention into its service delivery model. It is a challenge for the Agency to maintain its level of prevention services without adequate funding. Through strong partnerships, Secwépemc is working with the seven Communities to help them plan and deliver prevention services.

Strategy

Secwépemc has a clear mission, vision, mandate, and organizational structure. The key strategic challenge for Secwépemc stems from a changing legislative landscape, i.e. which requires navigating complex court settlements, and supporting the seven Communities it serves, all with unique contexts, and diverse needs and challenges. Secwépemc's teams that work within the seven Communities as well as with a significant urban, Away from Home Indigenous population provide a range of voluntary, guardianship and child protection services, and will continue to offer support throughout the changing legislative landscape. This will help strengthen the relationship between the Agency and the Communities. Secwépemc has a strategic plan in place until 2025 and will continue to plan and adapt to changes. Factors influencing strategy include:

- *Unique community contexts.* Secwépemc works with individual Communities to deliver programs that meet each unique context. It can be challenging with diverse community circumstances. Secwépemc's member Communities cover a large geographic region. Secwépemc acknowledges the importance of recognizing the context and unique challenges in each community to ensure they deliver the appropriate services. The Agency meets people where they are, including those urban, Away from Home, to provide access to the services they need, and in consideration of their unique context e.g., internet connectivity, transportation, infrastructure, etc.
- *Drafting a new strategic plan.* Secwépemc will be drafting their next five-year strategic plan in the summer of 2024 that emphasizes a prevention-based, holistic service delivery model to address service gaps like housing. Recognizing the importance of adequate housing to support children and families, Secwépemc is developing a service delivery mandate as a housing service provider. In turn, it is developing two housing projects: one for rapid response housing and another for transitional housing.

Systems

Secwépemc's key systems challenge stems directly from a changing legislative landscape that may influence the political and legal trajectories of the Communities it serves. Currently, Secwépemc has a well-developed adjudication system in place. Throughout the journey towards inherent jurisdiction, Secwépemc will remain committed to support the seven Communities it serves and will adapt its systems throughout the process. The Agency is an ally to the Communities and is committed to work with them to support them on their individual journeys and processes.

Appendix A - Re Sku7pecen re Stseptékwlls (The Story of the Porcupine)

IFSD wishes to recognize those who assisted to translate the Story of the Porcupine from Secwepemctsín to English.

Re Sku7pecen re Stseptékwlls (The Story of Porcupine)

This stseptékwll was told to James Teit by Secwepemc storyteller Sexwélecken in 1900, unfortunately only rendered in English as re-told by Teit in his own prose.
The Skeetchestn elders re-translated the story into Secwepemctsin.

Kukwstsétsemc to Daniel Calhoun, Leona Calhoun, Amy Slater, Christine Simon, Garlene Dodson, Doris Gage, Marianne Ignace, Ron Ignace, Julienne Ignace

Cw7it te qelmúcw tsyem-ekwe ne neḱúl̓ecw te tmicw.
A large number of people lived together in one place, so they say.

Re speqmíc ri7 re kúkwpi7s-ekwe.
Swan was their chief, they say.

Ne kekéw te t̓ecwllúl̓ecw, te neḱwésq̓t-ekwe me7 re scwesét-kt, te tekenu7s re sḱwelkwélt, tsyemes-ekwe te t̓icwell te qelmucw te sts7émet.stem te Tśí7emc.
In another far away place, one day's journey away, beyond the snowy mountains lived another group of people, they were called the Deer People.

Yi7éne te tmescécen lu7 re tśi7, re teniye, re selcwéyecen, re sxwet̓éy, re yigelécken ell re s7i7llcw.
These people included deer, moose, caribou, mountain goat, mountain sheep and some others.

Re tcetś-ekwe lu7 re kúkwpi7s.
They say that their chief was Elk.

Ye-ekwe yirí7 k scmentwécws te tsqwétsten te m-sq̓7es.
For a long time they had been enemies.

Kwemtús re sḱelcmentwécws, t̓ri7 yem wel re kweḱwiyúsem re s7elḱwstsíllens
They were interfering in each other's business all the time, that's why they had a hard time putting away food.

Tect̓icwell re stḱwenm7íple7s, ell re tsutsúwet.s.
They each had a different kind of government and different ways of doing things.

Neḱúsem relralt re sw7ecs, ḱemell neḱusem ta7 t̓ri7 k sle7s, t̓ri7 yem wel kwemtús re skweḱwiyusems.
What one group did well the other group did poorly, that is why all of them they always suffered.

Re spipyuy7e tit̓éýpens re tmescécen ell re tmescécen tit̓éýpens re spipyuy7e t̓ri7 wel qwenqwént re xwexwéytes.
The birds were acting like four-legged animals, and the four-legged animals acted like birds, that is why they were all pitiful.

Re speqmíc qwenmíns es texwentés tkenhé7e re lele7stw7écws, es ta7es cuýtsem re sḱelcmentwécws.
Swan wanted to fix how they could be good to each other, so that they wouldṅt interfere in one anotheŕs affairs any more.

Re speqmíc necwentés es pálpelt.s re tsqwétsten, ṫri7 yem wel w7ec re yewsentwécwes.
The swan believed that the people were stubborn that is why they were troublesome and were being a nuisance to one another.

Neḱu7 te sitq̓t te m-ístkmes, le gaṫtes re swucwt ne skwelḱwélt, m-melḱwilcmens re ḱwséltktens re speqmic.
One day in winter when the snow was deep in the mountains, Swan gathered his people together.

Neri7 m-lexéýect.s stemi re sptínesems, m-yews re sulltimt.s swéti7 me7 nes es tsxlitens re tcetś, swéti7 ṫri7 re sxilems me7 éyentem cw7it te sxíxlem.
And he told them what he had thought, and then asked who would go to invite Elk to come, and whoever would do that would be paid lots of dentalium.

Tsúntem te sḱelép, "Re ntsétswe7 me7 néns-ken." M-yews re sllecwentés re s7ícenst.s te stemstíteṁt.s, tskerniý te silltśu7úẃi, ell xwexwéyt re sxixlems ell re mémles.
Coyote said, "I will go." Then he put on his fancy clothes, his embroidered moccassins, all his dentalia and his necklaces.

Le estḱlucwes m-qwetséts re sḱelép, ḱémell ta7ks qwenens es ḱwétems ne xgaṫt te swucwt. Ṫri7 yem m-tentyénmens re c7istkten wel tskwteḱ re skéḱw7es le xqilltes re ḱwséltktens.
Coyote left at sundown, but he did not want to walk in the deep snow. Thaṫs why he kept circling the underground house until sunrise when his relatives woke up.

M-séwentem te speqmic, "kénem me7e ta7 ke7 sqwetséts ey?"
Swan asked him, "How come you have not left yet?"

M-éytsentem te sḱelép, "m-etsxmimen ṫucw ens cwiwselc, ṫri7 wel ta7 ey ken sqwetséts te sqeltus. E r7ales me7 qwetséts-wen.
Coyote answered, "I was practicing running, thaṫs why I haveṅt left for the mountains yet. I will leave tonight.

M-r7ales tspíqwstem le qwetsétses te ḱwséltktens wel re m-legúp.
In the evening the relatives watched him until he was out of sight.

Ta7 k sq̓7es m-xpqenwéńses k sgaṫt7uys re swucwt, cwelpilc m-tspelq̓ilcwes, m-stsilcwes ne ḱwellḱémts re xnicw ne cḱemqíns re c7istkten .

It was not long until he found the snow too deep, so he turned around and went back, and he lay down under the ladder on the roof of the underground house.

Le xqilltes re qelmucw m-wiktem te xexe7 re s7itcs re sḱelép, m-xúq̓leqses. M-séwentmes te speqmic, "kénem mé7e ta7 ke7 sqwetséts ey?"
When the people woke up they saw that coyote was fast asleep and snoring. Swan asked him, "why didn̓t you leave yet?"

M-tsúntem te sḱelép, "m-etsxmímen ens cwiwselc, t̓ri7 yem wel cetsétsus-ken." E r7áleses me7 qwetséts-wen.
Coyote told him, "I was practicing running, and that̓s why I got tired. I will leave tonight.

Re speqmic m-séwens re ḱwseltkens sweti7 me7 exték es qwetséts.s. Xwexwéyt re stsetsut, yiri7 re sku7pecen tikwemtus re skuḱuwétems ne skwelḱwelt, ne gat̓t te swucwt, t̓ri7 yem me7 exték es qwetséts.s.
Swan asked his relatives who would be the fittest one to go. They all said that the porcupine always walked in the snowy mountains in the deep snow, that̓s why he would be the fittest one.

T̓ri7 yem m-twinél̓esmentem re sku7pecen es qwetséts.
Thus, they depended on Porcupine to go.

t̓qwentés re silltsu7uẃis ne sitest wel re m-cwéńwen, m-yews re syexs te qwets.
He sewed his moccassins

Le-tseḱul̓ecwes re tmicw m-qwetsétses.
He left at the break of dawn.

M-wiktmes te sḱelép m-tulíl̓mentem, tsuntmes, "yumell re ntsétswe7 ta7 ks xenwéẃen ens qwetséts, tkenhé7e me7 xillt.s yi7ene te qwenqwént, te kenkint, te ctsetsscécen te ḱwséltkten-kt es t̓7eks ne gat̓t te swucwt?
When Coyote saw him, he laughed at him and said, "If even I could not make it, how can this pitiful, slow and shortlegged relative of ours make through the deep snow?"

E r7aleses m-kitsc re sku7pecen re tcets̓ re tsitcws, xexé7 re stleĺ̓s, stsmuxmux-ekwe te scúyent ell te swucwt.
In the evening, Porcupine arrived at Elḱs house, he was very exhausted and covered in ice and snow.

Le qw7étses re skú7pecen, m-kectés re tcets̓ te stél̓tsnems re speqmic es tsxlitens re tcets̓ met re ḱwséltkens. M-yews re sulltimcwes te stiteńc ell te t̓éq̓ceń es t̓qwentés re silltsú7uẃis.
After Porcupine had warmed himself, he gave Elk the message from Swan and asked for sinew and an awl to sew his moccasins.

Le-wi7es re steltsneḿs, m-tsuntem te tcetś, "Pexyéwt me7 tégwentp-kucw re ntsétswe7 met ren ḱwseseltkten ne tmicw-emp."
When he was finished delivered, Elk told him, "tomorrow me and my people will visit you in your country.

M-pelq̓ilc re sku7pecen ne tmicws, m-lexéy̓ect.ses re speqmic steḿi lu7 re stél̓tsneḿs re tcetś.
Porcupine returned to his country, and then he told Swan what Elḱs message was.

Le yigapes re tcetś met re ḱwséltktens m-tsecwmintem, m-yews re smetéms.
When Elk and his relatives arrived they were warmly greeted and feasted.

Le wi7es re s7illens m-xit̓elc well re speqmic met re ḱwséltktens ne sxetéqs re tcetś.
After they finished eating, Swan and his relatives knelt before Elk.

Re speqmic m-tslexemcit.s xwexwéyt re stem re stslexméms, ell m-lexéy̓ect.s tkenhe7e m-tsetśeclementwécwes, T́ri7 yem m-kectéses re tcetś xwexwéyt re texpqenwéllens ell re m-tḱwenm7iplemenses.
Swan shared his wisdom with them and told them how they could fix one another.
This is how he gave Elk all his knowledge and his advice.

M-yews re tcetś met re ḱwseltktens m-xit̓elc ne sxetéqs re speqmíc ell re tcetś m-kectés xwexwéyt re sptinesems ell re tḱwenm7ipe7s.
yiri7 re sxepqenwellentwécws ell t̓qwews p̓7ecws re sle7s re sxenwéllens es tsetséts.s es yucwmentwecws.
Then Elk and his relatives knelt before Swan and Elk shared all his thoughts and his advice.
And this is how they learned from one another, and they were able to look after one another.

M-yews re p̓7ecws re sle7s re sw7ecs, m- le7stwécw wel me7 yews, m-ta7es cuy̓tsem re stśniqentwécws.
Then they lived much better, they were good to one another from then on, and they stopped fighting.

Yiri7 re tkwenm7íplemeńtwecwes wel me7 tekwemíte7.
These are the laws they gave to one another.

Re skú7pecen m-kwenwéńses te cwesqlew̓ te sxixlem. M-yews re skucwsentem te sḱelép.
And Porcupine became rich with dentalia and was much envied by Coyote.

Yiri7 re stsecwtéps!
This is the end.

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Piikani Child and Family Services

Purpose of Collaboration

The purpose of this research project is to build-on, and translate previous phases of work into discrete First Nation-based delivery models that transform organizational strategy, people, process, and systems. This work, informed by contributions from twenty collaborators, including a mix of FNCFS agencies and First Nations exercising jurisdiction, is intended to build capacity and an enhanced bottom-up planning framework for agencies and First Nations, while also building confidence among stakeholders. The study is designed to support the long-term reform of the FNCFS system, as well as the on-going negotiations of the historic Agreement-in-Principle that was signed by the Parties to the Canadian Human Rights Tribunal (CHRT) proceedings.

The outcomes of the collaboration with IFSD are outlined as follows:

1) Overview of the FNCFS agency and/or First Nation;
2) Illustrative allocations based on IFSD's funding approach;
3) Child and family services focused capital needs analysis; and
4) Transition case study.

Overview

Piikani Child and Family Services (Piikani) delivers both protection and prevention services to Piikani First Nation in Alberta. Table 1 outlines contextual information about Piikani First Nation.

Table 1

Collaborator name: Piikani Child and Family Services

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
1) Piikani First Nation	2447	1	$38,400.00	Below

Piikani First Nation has an on-reserve population of nearly 2500. Located in Brocket, Alberta, this rural community has year-round road access. Basic household internet connectivity has been established widely within the community which may partially explain the relatively high rate of post-secondary education completion. With that said, high school completion is relatively low. Further, considerable gaps in community housing infrastructure are observed, with only 80% of dwellings considered suitable and 44% of homes requiring major repairs. Income-based poverty may also warrant concern for Piikani, given the median household income, which lies below the provincial poverty line. These unique set of circumstances present distinct community-based priorities that likely impact children and therefore guide Piikani Child and Family Services' approach.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

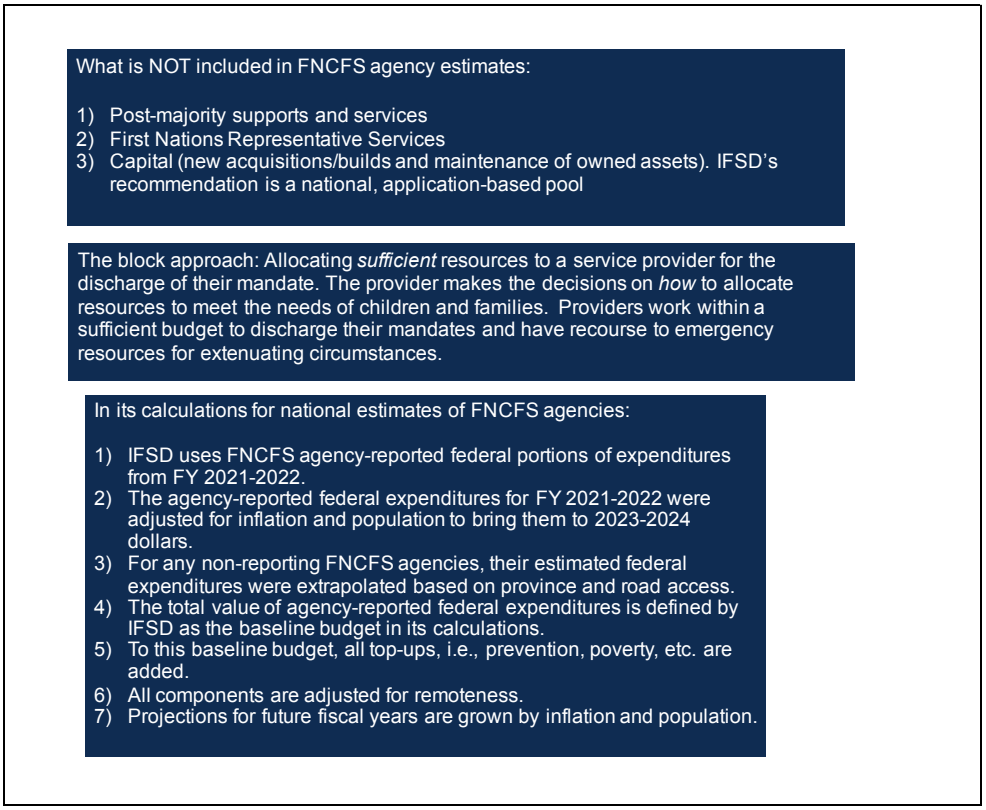

Table 3 outlines two illustrative funding scenarios for Piikani, including adjustments for remoteness and the Northern MBM.

Table 3

Piikani Child and Family Services		
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF-for all agencies**	**Scenario 2: Scenario 1 with Northern MBM replacing the provincial MBM**
Median After-tax HH Income	38400	38400
MBM - 2022	53411	81150
Number of HHs	400	400
Poverty Gap	6004400	17100000
Population IRS 2022	2447	2447
Population Weights	1	1
Remoteness Index -2021	0.2368	0.2368
Accessibility	0	0
Total Revenue (21-22)	6,526,497	6,526,497
Total Expenditure (21-22)	6,923,775	6,923,775
ISC Revenue	5,873,847	5,873,847
Ratio: ISC/Total	0.9	0.9
ISC Baseline Budget (2021-22)	6,231,398	6,231,398
Inflation_2022 (%)	6.8	6.8
ISC Baseline Budget 2023-24	6,975,046	6,975,046
Geography Factor_CAF_15%	0.07718512	0.07718512
Geography Adjustment ($)_CAF_15%	538,370	538,370
Poverty _Low (3%)	194,036	552,596
Poverty_Med (5%)	323,393	920,993
Poverty_High (7%)	452,750	1,289,391
Maintenance_Low (1%)	75,134	75,134
Maintenance_Med (2%)	150,268	150,268
Maintenance_High(3%)	225,402	225,402
Emergency_Low (0.5%)	37,567	37,567
Emergency_Med (1%)	75,134	75,134
Emergency_High (2%)	150,268	150,268
Results_Low (1%)	75,134	75,134
Results_Med (3%)	225,402	225,402
Results_High (5%)	375,671	375,671
IT Low (5%)	375,671	375,671
IT Med (5.5%)	413,238	413,238
IT High (6%)	450,805	450,805
Prevention (@ $2500/per person)	7,272,371	7,272,371
Budget Projections		
Total 2023-24 Budget_Low	15,543,328	15,901,889
Total 2023-24 Budget_Medium	15,973,222	16,570,823
Total 2023-24 Budget_High	16,440,682	17,277,324
Medium Budget Projection		
2023-24	15,973,222	16,570,823
2024-25	16,780,206	17,407,998
2025-26	17,588,770	18,246,813
2026-27	18,430,745	19,120,289
2027-28	19,293,633	20,015,460

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Summary of Capital Needs Cost Estimate

Overview

1) Table 4 summarizes your capital needs, as understood by IFSD.
2) The capital costing model multiplies the units summarized in Table 4 by a set of unit cost assumptions to produce a capital needs cost estimate. **Your estimated base capital costs are between $31,000,111 and $41,688,624** (see Table 5).
3) Tables 6 through 8 summarize your 10-year capital cost estimate profile, including adjustments for remoteness, contingency, recapitalization and inflation. **Your total estimated capital costs over 10 years are between $53,109,826 and $70,902,021.**

Table 4: Asset Quantities

Category	Item	Unit Type	Units
Clinical	Healing centre	Square Feet (SF)	0
	Mental Health Response Team	SF	1,485
	Rehabilitation centre	SF	0
	Residential treatment centre	SF	0
Residential	Transition homes	SF	0
	Transition homes	SF	15,829

	Reunification homes	SF	0
	Reunification homes	SF	24,800
	Staff housing	SF	0
	Staff housing (apartments)	SF	8,215
	Emergency shelter/safe houses	SF	0
Offices[1]	Office Space - based on number of FTEs	SF	0
	Office Space - Administration and Finance (Includes Operations)	SF	2,454
	Office Space - Band Designate	SF	1,378
	Office Space - Protection/ Intervention	SF	9,655
	Office Space - Prevention	SF	14,596
	Office Space - Post Majority Support Service	SF	1,658
	Office Space - Shared Services (Including Elec/ Mech Service Space)[2]	SF	19,297
	Office Space - additional meeting space	SF	0
Programming Space	Recreation/events centre	SF	0
	Daycare	SF	0
	Playground	SF	8,073
Storage	Garages/sheds	SF	0
	Garages/sheds	SF	605
	Garages/sheds	SF	269
	Garages/sheds	SF	5,651
	Seacans (40')	Seacans	0
	Surface parking	SF	18,083
	Surface parking	SF	2,583
	Surface parking	SF	6,442
Fixed Cultural Assets	Horse Shelter	SF	1,938
	Horse Paddocks	SF	4,521
	Land-based Camp	SF	0
	Outdoor garden	SF	1,292
Vehicles	Passenger Vehicle	Vehicles	18 (replace-ment at year 5 only; only reflected in 10-year budget)
	15 pass. Vans	Vans	1 (replace-ment at year 5 only; only

[1] The cost estimate only includes on-reserve capital. Offices in Calgary and Lethbridge are not included in this estimate.
[2] The office space area for Shared Services omits the car wash bay and storage shed, which are costed as garages.

			reflected in 10-year budget)
	Mini buses	Mini buses	0
Moveable Cultural Assets	Sweat Lodge Canvases	Canvases	0
	Tipis	Tipis	0
	Canoes	Canoes	0
	Kayaks	Kayaks	0
	Fishing Boats	Boats	0
	ATVs	ATVs	0
	Side-by-Side	Side-by-Sides	0
	Snowmobiles	Snowmobiles	0
	Utility Trailer	Trailers	0
	Cargo Trailer	Trailers	0

Note: cells highlighted orange reflect asset areas specified by the collaborator.

Table 5: Base Estimate of Capital Need

Fixed/Moveable	Asset Type	Cost - Low	Cost - Medium	Cost - High
Fixed	Clinical	$574,362	$733,220	$892,077
	Residential	$12,835,242	$14,612,638	$16,390,034
	Offices	$15,561,503	$18,544,359	$21,527,215
	Programming Space	$742,188	$742,188	$742,188
	Storage	$1,035,369	$1,380,463	$1,725,556
	Fixed Cultural Assets	$251,446	$331,500	$411,555
Moveable	Vehicles	$0	$0	$0
	Moveable Cultural Assets	$0	$0	$0
	Total:	**$31,000,111**	**$36,344,368**	**$41,688,624**

Note: this estimate does not include a contingency factor, remoteness Cost Adjustment Factor (CAF), recapitalization rate, or inflation. These adjustments are reflected in the 10-year cost estimate profile below.

10-year Cost Estimate Profile:

Table 6: Low-Cost Scenario

Option 1 (Low)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$598,538	$598,538
	Residential	$13,375,504	$13,375,504
	Offices	$16,216,520	$16,216,520
	Programming Space	$773,428	$773,428
	Storage	$1,078,950	$1,078,950
	Fixed Cultural Assets	$262,030	$262,030
Moveable Assets	Vehicles	$0	$1,121,804
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$32,304,971	$32,304,971
	Subtotal (moveable):	$0	$1,121,804
	Subtotal (both):	$32,304,971	$33,426,775
	25% Contingency:	$8,076,243	$8,356,694
	Recapitalization:	$2,067,025	$7,642,727
	CAF:	$3,163,578	$3,683,631
	Total:	**$45,611,816**	**$53,109,826**

Table 7: Medium-cost scenario

Option 2 (Medium)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$764,082	$764,082
	Residential	$15,227,715	$15,227,715
	Offices	$19,324,930	$19,324,930
	Programming Space	$773,428	$773,428
	Storage	$1,438,569	$1,438,569
	Fixed Cultural Assets	$345,454	$345,454
Moveable Assets	Vehicles	$0	$1,121,804
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$37,874,178	$37,874,178
	Subtotal (moveable):	$0	$1,121,804
	Subtotal (both):	$37,874,178	$38,995,982
	25% Contingency:	$9,468,545	$9,748,996
	Recapitalization:	$2,423,369	$8,960,293
	CAF:	$3,708,963	$4,300,653
	Total:	**$53,475,054**	**$62,005,924**

Table 8: High-cost scenario

Option 3 (High)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$929,626	$929,626
	Residential	$17,079,925	$17,079,925
	Offices	$22,433,341	$22,433,341
	Programming Space	$773,428	$773,428
	Storage	$1,798,188	$1,798,188
	Fixed Cultural Assets	$428,878	$428,878
Moveable Assets	Vehicles	$0	$1,121,804
	Moveable Cultural Assets	$0	$0
	Subtotal (fixed):	$43,443,386	$43,443,386
	Subtotal (moveable):	$0	$1,121,804
	Subtotal (both):	$43,443,386	$44,565,190
	25% Contingency:	$10,860,846	$11,141,297
	Recapitalization:	$2,779,713	$10,277,859
	CAF:	$4,254,347	$4,917,675
	Total:	**$61,338,292**	**$70,902,021**

Transition Case Study: Piikani Child and Family Services

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- Piikani Child and Family Services ("Piikani") is strategically planning for jurisdiction by reforming its service delivery model. It is doing this by:
    - Investing in core systems like IT and data, to enable evidence-based decision-making.
    - Implementing a prevention-centred service delivery model by integrating prevention and protection services to reduce children's contact with the protection system.
    - Dedicating resources to enhance training for employees with Piikani values.

Summary Assessment

- Transition is viewed as a long-term, multi-faceted exercise that integrates Western practice with First Nations culture and traditions.
- There is a concerted focus on integrating prevention and protection services at a tactile level to ensure children's contact with protection system is minimized.
- The initial phase of transition focuses on building trust with the community through an in-depth consultation exercise that addresses community needs and root causes of children's contact with the protection system.
- Recruitment and retention are key challenges.
- Piikani is reforming service delivery without waiting for the full implementation of jurisdiction.
- Piikani believes in the use of data gathering and retention as a tool for determining both the preventive and protective needs of the community with a view to determining in a factual manner the protection causative factors and the possible solutions. This led to the development of Piikani's data base that is on-going.

Context

Piikani Child and Family Services ("Piikani") is an agency that provides a wide range of services to one community. Piikani's services include:

- Prevention services;
- Protection services;
- Post Majority Support Services; and
- Band Representative Services.

Piikani serves:

- Piikani First Nation

Piikani's transition will be heavily influenced by the trajectory of Piikani First Nation exercising jurisdiction over child and family services. It is taking the process of developing its child and family services (CFS) law slowly to allow for in-depth consultations, addressing issues of trust between the community and the department, and to allow time to prepare for the transition. Piikani is focused on improving its service delivery by developing its people, process, strategy, and systems in alignment with the development of the law to support the transition to their desired vision.

The external factors influencing Piikani's transition make it difficult to precisely articulate a future state, and consequently, to provide a gap analysis. Piikani has begun defining its vision for the future, but much of it remains undefined as they navigate the landscape of exercising jurisdiction and new funding allocations.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 9

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N	Y	
	Does your compensation match	N	N	

	the provincial standard?			
	Do you recruit staff from your member community(ies)?	Y	Y	
	Do you have high retention of employees?	N	N	High turnover due to the demands of the job.
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	N	Y	Piikani is considering how to augment existing training with Piikani values.
	Are you attracting the same level of credentialed employees as mainstream organizations?	N	N	
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	
Process	Are your current operating baselines meeting needs?	Y	Y	
	Do you have a clear vision of your future state?	N	Y	Piikani's vision continues to adapt and evolve with the changing climate. This will likely become clearer

				with the finalized CFS law.
	Are your post-transition activities defined?	N	N	
	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	N	N	Expanding the management structure and moving away from provincial practices. Separating prevention and protection departments and building mechanisms to support employees to work collectively.
	Have you fully designed your prevention programming?	Y	Y	
	Have you fully designed your protection programming?	Y	Y	
Strategy	Is your post-transition mission defined?	N	Y	Piikani's law is still in development and its strategy continues to evolve with the process.
	Is your post-transition strategy defined?	N	Y	
	Are your post-transition goals and	N	Y	

	organizational priorities defined?			
	Are all of your services or programs developed?	N	Y	
	Are all of your necessary organizational partnerships in place?	Y/N	Y/N	
Systems	Is your post-transition governance framework defined?	N	N	Planning for this is in early stages – will be moving away from provincial policies once law is developed.
	Do you have an independent board of directors?	Y	Y	
	Is your post-transition legal framework defined?	N	Y	In early stages of developing Piikani's own CFS law.
	Is an adjudication system in place?	N	N	Considering options for adjudication while developing the CFS law.
	Is an adequate data system in place?	N	Y	No – but is in development and should be ready this year.
	Is an adequate performance management framework in place?	N	N	

	Is an adequate IT system in place?	N	Y	It is in development and should be ready this year.
	Is an adequate financial system in place?	N	N	
	Are your post-transition reporting systems in place?	N	N	
	Are you developing new criteria for evaluative purposes?	Y	Y	Alongside development of data and IT systems, Piikani is considering what information to track. This is likely to evolve with jurisdiction.

Table 10

Question	Response: Yes (Y) or No (N)	Notes from collaborator
Are you currently delivering secondary and tertiary prevention services?	Y	PCFS have been involved in the provision of primary, secondary and tertiary prevention services. The primary services include after hour and crisis help lines as well as outreach services.
If you are not currently delivering secondary and tertiary prevention services, do you plan to do so?	Y	As stated above, PCFS is currently providing both secondary and tertiary prevention services such Direct Intervention services in the areas of accommodation, home items, family counselling, cultural immersion among others. We plan to have a mental health crisis team that would help in providing both preventive and responsive services. This is expected to kick off from the next fiscal year

Is the delivery of prevention and protection services integrated at a case or family service level?	Y	The integration starts at the point of admission and delivery of services. Prevention funds have been used to support family beyond the threshold of Protection funding provision.

People

Retention and recruitment are key challenges. Piikani employs 33 people, turnover has increased in the past two years. This creates deficits in program delivery. Several factors drive these challenges:

- *High turnover.* Piikani has recently had high turnover due to staff retiring, passing away, or burning out. Piikani First Nation has frequent deaths in the community which can affect an employee's ability to work.
- *Skillset.* Piikani seeks recruits who are not only qualified with the relevant educational background, but individuals who are able to effectively work with families in the community and provide the required supports. This makes it challenging to recruit people who will be successful in the positions.
- *Conflict of interest.* Recruiting members from the community can cause a conflict of interest when they engage with family members. This can put employees in difficult positions.
- *Location and remoteness.* The Piikani community is remote to the concentration of skillful and qualified candidates with relevant educational background. The dearth of livable accommodation for staff within the community is also a contributory factor to employees living far away from office location with employees needing to cover thousands of kilometers in travels and this leads to employees being burnt out.

Process

Piikani's processes regularly evolve, and it is working towards better defining its processes. Factors influencing process include:

- *Pursuing jurisdiction.* Piikani's processes depend on the development of its CFS law. Vision for the future, post transition activities, and post-transition management structure will be developed alongside the law.
- *Expansion of prevention services.* Piikani is moving towards a prevention-centred service delivery approach. It has already developed a prevention department that continues to grow. Building trust and expanding services will be integral to meeting community needs.
- *Meeting of the needs of children who have aged out.* Through the Post Majority Support Services.

Strategy

Piikani has a clear mission and organizational philosophy. The key strategic challenge for Piikani stems from the uncertainty of the future. Factors influencing strategy include:

- *Availability of funding.* Piikani maintains a surplus budget because the future of funding is unclear. There is only a five-year plan which offers no guarantees in the future. This impacts the ability to plan long-term.
- *Expanding services.* As the only agency in Piikani First Nation, Piikani supports other program areas that affect families like health and housing. Piikani would like to expand the resources it provides community members through prevention. Piikani is incorporating a rapid response team into its operational structure for medical emergencies in the area of addiction and mental health while also strategizing for the care of children who have aged out of care in line with the Post Majority Support Services of the Federal Government of Canada.
- *Developing new priorities.* As a growing agency, Piikani recognizes the importance of language and culture in the connection of the Piikani people to their community and these would be embedded into its strategy. There is a high level of death and trauma in the community. Addressing community needs through language and culture is a priority for Piikani.

Systems

Piikani is in the early stages of developing its systems. Its financial system is well-developed while key systems such as data and IT are in development and are expected to be rolled-out this year. Other systems such as a governance framework, legal framework, and adjudication will depend on the development of the CFS law. Piikani expects the legal framework to be drafted within the next 2-3 years.

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Awasis Agency of Northern Manitoba

Purpose of Collaboration

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1) Overview of the FNCFS agency and/or First Nation;
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4) Transition case study.

Overview

Awasis Agency of Northern Manitoba (Awasis) delivers both protection and prevention services to eleven First Nations in Manitoba. Table 1 outlines contextual information about the First Nations Awasis serves.

Table 1

Collaborator name: Awasis Agency of Northern Manitoba

First Nation(s) served:	Total population (on-reserve, IRS 2022)	Geographic zone (1-4)	After-tax total median household income (2016)	Difference between after-tax median household income above or below 2022 MBM?
1) Barren Land First Nation	537	4	$28,400	Below
2) Fox Lake First Nation	223	2	Not available	Not available
3) Manto Sipi Cree Nation	837	4	$32,400	Below
4) Sayisi Dene First Nation	318	4	$26,400	Below
5) Tataskewyak Cree Nation	2474	2	$61,200	Above
6) York Factory Cree Nation	445	4	$41,200	Below
7) Bunibonibee Cree Nation	2724	4	$37,200	Below
8) God's Lake Narrows First Nation	1482	4	$29,600	Below
9) Northlands Denesuline First Nation	1002	4	$34,000	Below
10) Shamattawa First Nation	1448	4	$48,000	Above
11) War Lake First Nation	131	4	Not available	Not available

Awasis serves First Nations with varying populations, geographic zones, income levels, and internet connectivity. There is variability among the First Nations served when it comes to certain indicators, e.g., suitability of homes, internet connectivity. While all First Nations have housing in need of repair, some have needs across more than 50% of the stock, while others are lower. At-home internet connectivity varies considerably with some First Nations with at home access and others with none. Income-based poverty impacts a majority of First Nations. The variability in existing services and access to services suggests that Awasis' approach to service delivery will differ based on the unique contexts of the First Nations served.

Illustrative Allocations based on IFSD's Funding Approach

IFSD prepared illustrative funding allocations based on its funding approach for each collaborator. Refer to Table 2 and Figure 1 for details on the approach, definitions, and additional considerations.

Table 2

Component	Description	Options
Baseline budget	Existing FNCFS agency budget, considered sufficient for protection and related activities.	Federal-only portion of FNCFS agency reported expenditures
Information technology (IT)	Allocation for hardware and software, based on not-for-profit industry standards.	LOW: 5% of the baseline budget
		MED: 5.5% of the baseline budget
		HIGH: 6% of the baseline budget
Results	Allocation to support data collection and analysis.	LOW: 1% of the baseline budget
		MED: 3% of the baseline budget
		HIGH: 5% of the baseline budget
Poverty	Allocation to mitigate some impacts of poverty and its contact with protection services. Not meant to alleviate or solve poverty in a First Nation. Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For each agency, we used the population-weighted average of the after-tax median income of the First Nations for which we have data to extrapolate the missing data.	LOW: 3% of the difference
		MED: 5% of the difference
		HIGH: 7% of the difference
Emergency fund	Support responses to unanticipated circumstances related to CFS that affect demand for core services.	LOW: 0.5% of the baseline budget
		MED: 1% of the baseline budget
		HIGH: 2% of the baseline budget
Maintenance allocation	Support to mitigate the changing costs of child maintenance (over and above inflation).	LOW: 1% of the baseline budget
		MED: 2% of the baseline budget
		HIGH: 3% of the baseline budget
Prevention	Resources to design and deliver programming to reduce child contact with protective services and keep families unified.	Per capita allocation: $2,500
Geography/Remoteness	Resources to recognize the different costs of serving children and families in different geographic environments.	Option 1: 15% CAF for First Nations above a Remoteness Index of 0.4, and weighted based on population to apply to agency funding. Applied to the baseline + top-ups.
		Option 2: 15% CAF applied to all FNCFS agencies' population-weighted remoteness index and road access. Applied to the baseline + top-ups.
Inflation	Pegged to the Consumer Price Index (CPI).	Variable; adjusted for the previous year's average inflation rate.
Population	IRS population data by Band.	IRS 2022

Figure 1

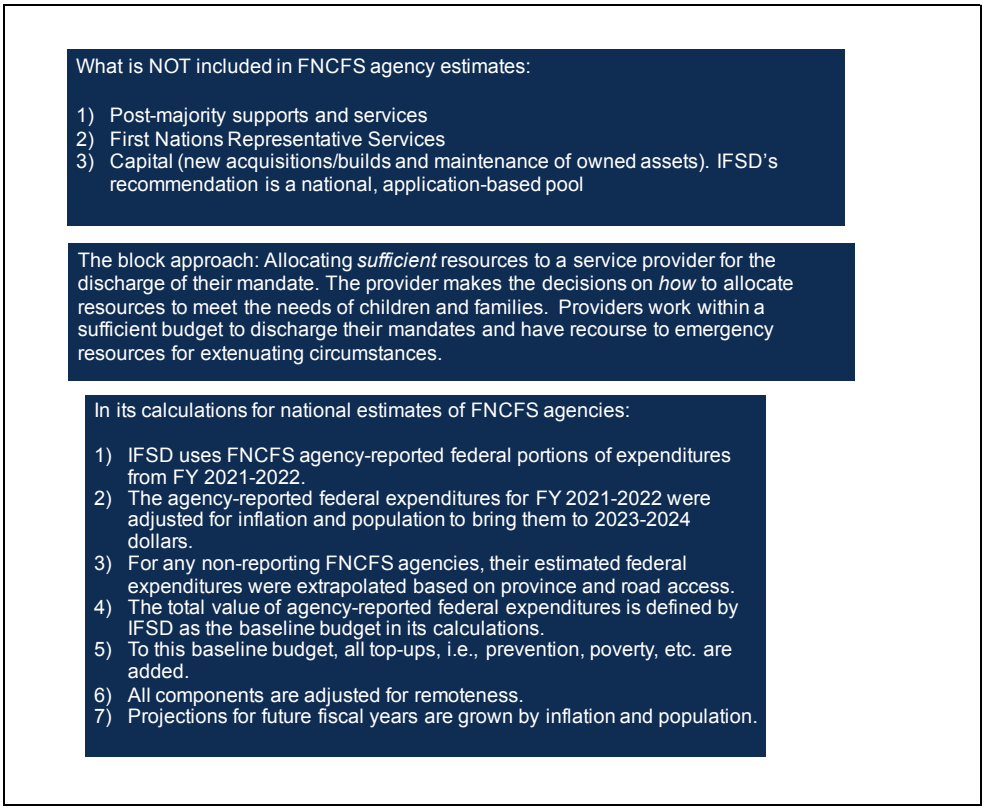

Table 3 outlines two illustrative funding scenarios for Awasis, including adjustments for remoteness and the Northern MBM.

Table 3

Awasis Agency of Northern Manitoba		
Component	**Scenario 1: With remoteness calculated using ISC's 15%-scaled CAF model**	**Scenario 2: Scenario 1 with Northern MBM replacing Provincial MBM**
Number of HHs	1766	1766
Poverty Gap	16955533	71569157
Population IRS 2022	11621	11621
Population Weights	1	1
Remoteness Index -2021	0.712926	0.712926
Accessibility	1	1
Total Revenue (21-22)	54,079,972	54,079,972
Total Expenditure (21-22)	55,025,398	55,025,398
ISC Revenue	32,231,663	32,231,663
Ratio: ISC/Total	0.596	0.596
ISC Baseline Budget (2021-22)	32,795,137	32,795,137
Inflation_2022 (%)	6.8	6.8
ISC Baseline Budget 2023-24	36,887,530	36,887,530
Geography Factor_CAF_15%	0.358757	0.358757
Geography Adjustment ($)_CAF_15%	13,233,649	13,233,649
Poverty _Low (3%)	691,153	2,917,352
Poverty_Med (5%)	1,151,922	4,862,254
Poverty_High (7%)	1,612,691	6,807,155
Maintenance_Low (1%)	501,212	501,212
Maintenance_Med (2%)	1,002,424	1,002,424
Maintenance_High(3%)	1,503,635	1,503,635
Emergency_Low (0.5%)	250,606	250,606
Emergency_Med (1%)	501,212	501,212
Emergency_High (2%)	1,002,424	1,002,424
Results_Low (1%)	501,212	501,212
Results_Med (3%)	1,503,635	1,503,635
Results_High (5%)	2,506,059	2,506,059
IT Low (5%)	2,506,059	2,506,059
IT Med (5.5%)	2,756,665	2,756,665
IT High (6%)	3,007,271	3,007,271
Prevention (@ $2500/per person)	43,564,918	43,564,918
Budget Projections		
Total 2023-24 Budget_Low	98,136,338	100,362,537
Total 2023-24 Budget_Medium	100,601,954	104,312,286
Total 2023-24 Budget_High	103,318,176	108,512,640
Medium Budget Projection		
2023-24	100,601,954	104,312,286
2024-25	105,933,296	109,840,255
2025-26	111,545,775	115,659,728
2026-27	117,390,770	121,720,295
2027-28	123,403,646	127,954,933

Capital Needs Analysis

At IFSD's Phase 3 capstone event, many collaborators indicated that the top-down capital estimate seemed too low when broken down to the level of their First Nation or agency. **In response, IFSD prepared a framework to generate a second estimate for collaborators.**

For the second set of estimates, participating collaborators defined their own capital needs, and IFSD costed them accordingly. These estimates illustrate the differences in the perceived capital needs for delivering CFS in collaborators' respective First Nation(s) relative to both one another and the top-down national model.

Modelling Approach

The bottom-up capital model uses collaborator-provided program requirements (e.g., number of FTEs/clinicians) to provide capital expenditure estimates across eight asset categories:

1) Clinical,
2) Residential,
3) Offices,
4) Programming space,
5) Storage,
6) Fixed cultural assets,
7) Vehicles, and
8) Moveable cultural assets.

The output of the model is a 10-year capital expenditure schedule, tailored to collaborators' articulated needs. The model includes low, medium, and high per SF construction cost assumptions for each building type. As such, each schedule of expenditures includes low, medium, and high-cost scenarios. For the bottom-up capital estimate, refer to Appendix E1, and for the top-down capital estimate, refer to Appendix E2.

Summary of Capital Needs Cost Estimate

Overview

1) Table 4 summarizes your capital needs, as understood by IFSD.
2) The capital costing model multiplies the units summarized in Table 4 by a set of unit cost assumptions to produce a capital needs cost estimate. **Your estimated base capital costs are between $377,087,946 and $557,849,936** (see Table 5).
3) Tables 6 through 8 summarize your 10-year capital cost estimate profile, including adjustments for remoteness, contingency, recapitalization and inflation. **Your total estimated capital costs over 10 years are between $778,382,662 and $1,145,991,584.**

Table 4: Asset Quantities

Category	Item	Unit type	Units
Clinical	Healing centre	Square Feet (SF)	24,030
	Rehabilitation centre	SF	67,083
	Residential treatment centre	SF	618,750
Residential	Transition homes	SF	40,176
	Reunification homes	SF	23,083

	Reunification homes (4+ beds)	SF	24,757
	Staff housing	SF	18,568
	Emergency shelter/safe houses	SF	39,611
Offices	Office Space - based on number of FTEs	SF	20,202
	Office Space - additional meeting space	SF	-
Programming Space	Recreation/events centre	SF	104,500
	Daycare	SF	36,835
Storage	Garages/sheds	SF	7,920
	Seacans (40')	Seacans	0
Fixed Cultural Assets	Land-based Camp	SF	0
Vehicles	Passenger Vehicle	Vehicles	0
	15 pass. Vans	Vans	15
	Mini buses	Mini buses	4
Moveable Cultural Assets	Sweat Lodge Canvases	Canvases	15
	Tipis	Tipis	15
	Canoes	Canoes	334
	Kayaks	Kayaks	334
	Fishing Boats	Boats	55
	ATVs	ATVs	55
	Side-by-Side	Side-by-Sides	0
	Snowmobiles	Snowmobiles	55
	Utility Trailer	Trailers	55
	Cargo Trailer	Trailers	2

Note: cells highlighted orange reflect asset areas specified by the collaborator.

Table 5: Base Estimate of Capital Need

Fixed/Moveable	Asset Type	Cost - Low	Cost - Medium	Cost - High
Fixed	Clinical	$266,169,537	$337,352,365	$408,535,193
	Residential	$30,077,263	$35,558,419	$41,039,575
	Offices	$6,206,413	$7,396,069	$8,585,726
	Programming Space	$65,637,166	$77,957,720	$90,278,274
	Storage	$902,000	$1,108,800	$1,315,600
	Fixed Cultural Assets	$0	$0	$0
Moveable	Vehicles	$1,285,693	$1,285,693	$1,285,693
	Moveable Cultural Assets	$6,809,875	$6,809,875	$6,809,875
	Total:	**$377,087,946**	**$467,468,941**	**$557,849,936**

Note: this estimate does not include a contingency factor, remoteness Cost Adjustment Factor (CAF), recapitalization rate, or inflation. These adjustments are reflected in the 10-year cost estimate profile below.

10-year Cost Estimate Profile:

Table 6: Low-Cost Scenario

Option 1 (Low)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$277,373,171	$277,373,171
	Residential	$31,343,278	$31,343,278
	Offices	$6,467,654	$6,467,654
	Programming Space	$68,399,972	$68,399,972
	Storage	$939,967	$939,967
	Fixed Cultural Assets	$0	$0
Moveable Assets	Vehicles	$1,285,693	$2,707,638
	Moveable Cultural Assets	$6,809,875	$14,341,431
	Subtotal (fixed):	$384,524,042	$384,524,042
	Subtotal (moveable):	$8,095,567	$17,049,069
	Subtotal (both):	$392,619,609	$401,573,111
	25% Contingency:	$98,154,902	$100,393,278
	2% Annual Recapitalization:	$24,603,665	$90,970,897
	CAF:	$161,188,210	$185,445,376
	Total:	**$676,566,387**	**$778,382,662**

Table 7: Medium-cost scenario

Option 2 (Medium)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$351,552,233	$351,552,233
	Residential	$37,055,147	$37,055,147
	Offices	$7,707,385	$7,707,385
	Programming Space	$81,239,124	$81,239,124
	Storage	$1,155,472	$1,155,472
	Fixed Cultural Assets	$0	$0
Moveable Assets	Vehicles	$1,285,693	$2,707,638
	Moveable Cultural Assets	$6,809,875	$14,341,431
	Subtotal (fixed):	$478,709,362	$478,709,362
	Subtotal (moveable):	$8,095,567	$17,049,069
	Subtotal (both):	$486,804,929	$495,758,431
	25% Contingency:	$121,701,232	$123,939,608
	2% Annual Recapitalization:	$30,630,087	$113,253,308
	CAF:	$199,894,432	$229,235,775
	Total:	**$839,030,680**	**$962,187,123**

Table 8: High-cost scenario

Option 3 (High)		5 Year Total	10 Year Total
Fixed Assets	Clinical	$425,731,296	$425,731,296
	Residential	$42,767,017	$42,767,017
	Offices	$8,947,117	$8,947,117
	Programming Space	$94,078,276	$94,078,276
	Storage	$1,370,976	$1,370,976
	Fixed Cultural Assets	$0	$0
Moveable Assets	Vehicles	$1,285,693	$2,707,638
	Moveable Cultural Assets	$6,809,875	$14,341,431
	Subtotal (fixed):	$572,894,682	$572,894,682
	Subtotal (moveable):	$8,095,567	$17,049,069
	Subtotal (both):	$580,990,250	$589,943,752
	25% Contingency:	$145,247,562	$147,485,938
	2% Annual Recapitalization:	$36,656,508	$135,535,720
	CAF:	$238,600,654	$273,026,174
	Total:	**$1,001,494,974**	**$1,145,991,584**

Transitions Case Study: Awasis Agency of Northern Manitoba

Transition is understood as the process of changing from the current state (where are you now?), to a desired future state (where do you want to be?). First Nations and FNCFS agencies have diverse starting points, desired future states, and may be at different stages of the transition process. Transition will look different for every community and agency. Consideration of strategy, systems, processes, and people are useful for analyzing transition.

Key Messages

- As for many existing agencies, Awasis Agency of Northern Manitoba's ("Awasis") transition will be impacted by both the reform of the FNCFS Program and the decisions on jurisdiction of the First Nations served.
- Clarity around its mission, quality of its data gathering and analysis, and its commitment to knowledge sharing with communities will support Awasis in navigating uncertain circumstances.

Summary Assessment

- Like a number of agencies, Awasis may have to operate under multiple legal frameworks simultaneously. This presents additional process challenges (i.e., ensuring services are delivered appropriately), and may present an additional burden on staff. Clarifying the scope of services to be delivered, and under what legal framework, will be critical in assessing transition readiness.
- Transition is critically impacted by two factors: (1) the anticipated reform of the FNCFS program; and (2), the decisions on jurisdiction of Awasis's communities.
- Recruitment and retention are key challenges.
- Careful consideration may have to be made for service delivery organizations that will operate, simultaneously under provincial and multiple First Nations laws. This has significant implications for operation, adjudication, and practice.

Context

Awasis Agency of Northern Manitoba ("Awasis") is an agency that provides a wide range of services to eleven communities. Awasis's services include:

- Prevention services;
- Promotional services; and
- Protection services.

Awasis serves:

- Barrens Land First Nation
- Bunibonibee Cree Nation
- Fox Lake First Nation
- Manto Sipi Cree Nation
- Sayisi Dene First Nation
- Tataskweyak Cree Nation
- York Factory Cree Nation
- God's Lake Narrows First Nation
- Northlands Denesuline First Nation
- Shamattawa First Nation

- War Lake First Nation

Awasis's transition will be significantly influenced by the legal trajectories of the communities that it serves. The communities widely vary in context (e.g., population, political environment, organizational maturity, etc.) and their evolutions throughout this transition period will affect Awasis's future state as an organization.

In the future, Awasis anticipates it will be delivering more than one First Nations child and family services law. It will be a challenge if it has to deliver more than 3 different laws, while protecting its own mandate as agency. While the progress on the development of laws is slow, Awasis remains prepared to make the transition.

The external factors influencing Awasis's transition make it difficult to articulate a future state, and consequently, to provide a gap analysis. Awasis does have a clear mandate, but it does not have control over all of the elements needed to get there.

Transition Analysis

After discussions with collaborators, IFSD prepared a framework to assess transition readiness and associated timelines. This framework is the direct result of conversations with collaborators and the issues they highlighted. The approach segments issues into four categories:

- People (e.g., staffing, recruitment, retention, training);
- Process (e.g., program activities, workflow design, organizational structure);
- Strategy (e.g., mission, priorities, goals, and culture); and,
- Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks).

Table 9

Transition element	Question	Response: Yes (Y) or No (N)	Will you have this established within three years? Response: Yes (Y) or No (N)	Notes from collaborator
People	Do you have enough staff to meet your operational needs?	N	N	
	Does your compensation match the provincial standard?	N	N	
	Do you recruit staff from your member community(ies)?	Y	Y	

	Do you have high retention of employees?	N	N	
	Do you offer benefits to your employees e.g., health, dental, etc.?	Y	Y	
	Do employees receive adequate on-the-job training?	N	N	
	Are you attracting the same level of credentialed employees as mainstream organizations?	N	N	
	Are you able to recruit professional staff, e.g., social workers, doctors, accountants, lawyers?	N	N	
Process	Are your current operating baselines meeting needs?	N	N	
	Do you have a clear vision of your future state?	N	N	
	Are your post-transition activities defined?	N	N	
	Is your post-transition workflow defined?	N	N	
	Is your post-transition management structure established?	N	N	
	Have you fully designed your prevention programming?	N	N	
	Have you fully designed your protection programming?	N	N	
Strategy	Is your post-transition mission defined?	N	N	
	Is your post-transition strategy defined?	N	N	
	Are your post-transition goals and	N	N	

	organizational priorities defined?			
	Are all of your services or programs developed?	N	N	
	Are all of your necessary organizational partnerships in place?	N	N	
Systems	Is your post-transition governance framework defined?	N	N	
	Do you have an independent board of directors?	N	N	
	Is your post-transition legal framework defined?	N	N	
	Is an adjudication system in place?	N	N	
	Is an adequate data system in place?	N	Y	
	Is an adequate performance management framework in place?	N	Y	
	Is an adequate IT system in place?	N	N	
	Is an adequate financial system in place?	N	N	
	Are your post-transition reporting systems in place?	N	N	
	Are you developing new criteria for evaluative purposes?	N	N	

People

Recruitment is a key challenge. Vacant positions contribute to deficits in program delivery. Several factors drive these challenges:

- *Competitive recruitment environment.* Social workers and supporting staff are in high demand industry-wide.
- *Reputation.* Awasis's reputation is poor in the communities it serves, which can impact recruitment of community members.

- *Demanding work.* Awasis serves many remote communities, where housing is not available for employees. In turn, employees have to fly-in to communities and stay overnight in the agency offices.

Process

[NTD: to be discussed with Awasis]

Strategy

Awasis has a clear mission and organizational philosophy. The key strategic challenge for Awasis stems from working with eleven different communities, all with unique contexts, needs, and stages of organizational maturity. Awasis cannot adjust its strategy until communities provide guidance on how they are moving forward. Factors influencing strategy include:

- *Community-level organizational maturity.* Many of the communities Awasis serves could not deliver services on its own. Eight of the eleven communities have signed onto a singular legislation that Awasis will follow to deliver services.
- *Unique communities.* The eleven communities Awasis serves are unique and have different cultures and religions. Awasis has to deliver services differently in each of the communities it serves.

Systems

Awasis's key systems challenge stems directly from the legal trajectories of the communities it serves. Currently, Awasis's governance and legal framework are clear. Of the eleven communities Awasis serves, eight are signed onto the same law, and one dene nation will write their own law. This means Awasis will be delivering services based on different laws. As communities develop and implement their own law, Awasis's systems will need to adapt to new realities. This could include different adjudication methods for conflicts, new reporting mechanisms for different communities, and new indicators or measurement criteria for evaluative purposes.

APPENDIX O
REMOTENESS QUOTIENT ESTIMATES

FNCFS agencies

IFSD re-estimated ISC's Cost Adjustment Factor model (CAF) and used it to estimate remoteness quotients for FNCFS agencies. CAF uses Statistic Canada's remoteness index and considers whether a community has access to roads. To estimate the CAF for the agencies, IFSD first estimated a remoteness index for each agency by population weighting Statistics Canada's remoteness index of the First Nations that are served by that agency, and then used the agency's remoteness index in the CAF model. ISC has recommended that CAF-based quotients be scaled down such that the average quotients be 15 percent. To scale down to 15 percent, the CAF estimate for each agency is multiplied by 0.15 and then divided by the average of the estimated CAF of all the agencies.

FNCFS agency	Agency remoteness index - weighted by IRS population	Agency remoteness quotient - scaled to 15%	Province
Akamihk Child and Family Service Society	0.217998847	0.063785509	ALBERTA
Athabasca Tribal Council Limited	0.560586937	0.314182851	ALBERTA
Bigstone Cree Nation Child & Family Services Society	0.615571732	0.180113596	ALBERTA
Blood Tribe Family & Community Support Services	0.265163442	0.077585663	ALBERTA
Kasohkowew Child and Wellness Society (2012)	0.211004693	0.06173905	ALBERTA
Lesser Slave Lake Indian Regional Council	0.517432136	0.15139838	ALBERTA
Little Red River Cree Nation Mawawi Awasis Society	0.806088244	0.386015459	ALBERTA
Mamowe Opikihawasowin Tribal Chief Child & Family Services West Society	0.49732026	0.145513733	ALBERTA
Mistikaskiy Ohipikihawasowin Mamawintowin Society	0.579306631	0.169502586	ALBERTA
North Peace Tribal Council Child and Family Services	0.607037812	0.177616609	ALBERTA
Pikani Child and Family Services	0.263794502	0.077185117	ALBERTA

Saddle Lake Band	0.285050124	0.08340442	ALBERTA
Siksika Family Services Corporation	0.211306639	0.061827398	ALBERTA
Stoney Nakoda	0.186090000	0.05444912	ALBERTA
Sunchild CFS Society	0.393539443	0.11514792	ALBERTA
Tribal Chief Child & Family Services Agency East	0.421058367	0.123199837	ALBERTA
Tsuu T'ina Nation Child and Family Services Society	0.106117604	0.031049547	ALBERTA
Western Cree Tribal Council - Child, Youth & Family Enhancement Agency	0.417077108	0.122034938	ALBERTA
Whitefish Lake CFS	0.597386882	0.174792789	ALBERTA
Eel River Bar Child & Family Services (Ugpi-ganjig Child and Family Services)	0.414180022	0.121187263	NEW BRUNSWICK
Esgenoopetitj Child and Family Services	0.392646262	0.114886579	NEW BRUNSWICK
Kingsclear Child and Family Services	0.297875157	0.087156968	NEW BRUNSWICK
Mi'gmaq Child and Family Services of New Brunswick Inc.	0.361742547	0.105844287	NEW BRUNSWICK
Mi'kmaq Confederacy of PEI	0.366839160	0.107335534	PRINCE EDWARD ISLAND
Mi'kmaw Family and Childrens Services of Nova Scotia	0.358286117	0.104832951	NOVA SCOTIA
Oetjgoapeniag Elnoei Family Services	0.350090041	0.102434815	NEW BRUNSWICK
Oromocto Child and Family Services	0.298075853	0.087215691	NEW BRUNSWICK
St. Mary's Child and Family Services	0.293147683	0.08577373	NEW BRUNSWICK
Tobique Child & Family Services Inc.	0.435127045	0.12731627	NEW BRUNSWICK
Woodstock Child and Family Services	0.387003736	0.1132356	NEW BRUNSWICK
Ayas Men Men Child and Family Services	0.074674819	0.021849526	BRITISH COLUMBIA
Carrier Sekani Family Services	0.536053849	0.307004576	BRITISH COLUMBIA
Denisiqi Services Society	0.602415646	0.176264183	BRITISH COLUMBIA
Fraser Valley Aboriginal Children and Family Services Society (FVACFSS)	0.168504941	0.049303809	BRITISH COLUMBIA
Gitxsan Child and Family Services Society	0.523500539	0.153173968	BRITISH COLUMBIA
Haida Child and Family Services Society	0.632264645	0.335155434	BRITISH COLUMBIA
Heiltsuk Kaxla Society	0.756247419	0.371432252	BRITISH COLUMBIA
K’wak’walat’si (‘Namgis) Child and Family Services	0.516047101	0.150993125	BRITISH COLUMBIA

Knucwentwecw Society	0.47261564	0.138285269	BRITISH COLUMBIA
Ktunaxa / Kinbasket Child and Family Services Society	0.431852028	0.126358014	BRITISH COLUMBIA
Kwumut Lelum Child and Family Services Society	0.16629287	0.198814131	BRITISH COLUMBIA
Lalum'utul Smun'eem Child and Family Services	0.158184389	0.04628406	BRITISH COLUMBIA
Nezul Be Hunuyeh Child and Family Services Society	0.525000278	0.153612785	BRITISH COLUMBIA
Nil / Tuo Child and Family Services Society	0.148710756	0.043512117	BRITISH COLUMBIA
Nisga'a Child & Family Services	0.537051689	0.30729654	BRITISH COLUMBIA
Niha'7 Kapmx Child and Family Services Society	0.379009058	0.110896393	BRITISH COLUMBIA
Northwest Inter-Nation Family and Community Services Society	0.480951464	0.290881859	BRITISH COLUMBIA
Scw'Exmx Child and Family Services Society	0.325115829	0.095127469	BRITISH COLUMBIA
Secwepemc Child and Family Services Agency	0.327314858	0.095770896	BRITISH COLUMBIA
Usma Nuu-chah-nulth Child and Family Services	0.451797712	0.282351599	BRITISH COLUMBIA
Anishinaabe Child and Family Services	0.651723837	0.190691544	MANITOBA
Awasis Agency of Northern Manitoba	0.712926357	0.358756699	MANITOBA
Cree Nation Child and Family Caring Agency	0.652186198	0.340984394	MANITOBA
Dakota Ojibway Child and Family Services	0.292593026	0.08561144	MANITOBA
Dakota Tiwahe Services Inc.	0.394321922	0.11537687	MANITOBA
Intertribal Child and Family Services	0.559176651	0.163612642	MANITOBA
Island Lake First Nations Family Services	0.59705625	0.324853612	MANITOBA
Kinonje Abinoonjiiag Nigan Inc.	0.718832785	0.210327329	MANITOBA
Kinosao Sipi Minisowin Agency	0.666146168	0.194911455	MANITOBA
Nikan Awasisak Agency	0.533474446	0.15609229	MANITOBA
Nisichawayasihk Cree Nation Family and Community Service	0.594119902	0.173836885	MANITOBA
Opaskwayak Cree Nation Child and Family Services Agency	0.470172871	0.137570526	MANITOBA
Sagkeeng Child and Family Services	0.288510312	0.084416855	MANITOBA
Sandy Bay Child and Family Services	0.308539826	0.090277403	MANITOBA
Southeast Child and Family Services	0.648318591	0.339852749	MANITOBA
West Region Child and Family Services	0.501362133	0.146696367	MANITOBA

Akwesasne Child and Family Services -	0.138017478	0.04038331	ONTARIO
Anishinaabe Abinoojii Family Services	0.494240015	0.294770031	ONTARIO
Dilico Anishinabek Family Care	0.464702162	0.13596982	ONTARIO
Dnaagdawenmag Binnoojiyag Child and Family Services	0.144102247	0.042163687	ONTARIO
Kina Gbezhgomi Child and Family Services	0.417469407	0.122149722	ONTARIO
Kunuwanimano Child and Family Services	0.519639252	0.152044172	ONTARIO
Mnaasged Child and Family Services	0.194707479	0.056970557	ONTARIO
NIIJAANSINAANIK CHILD AND FAMILY SERVICES	0.336773992	0.098538597	ONTARIO
Nogdawindamin Family and Community Services	0.360323673	0.105429131	ONTARIO
Ogwadeni:Deo	0.078200000	0.022880978	ONTARIO
Payukotayno James and Hudson Bay Family Services	0.737582769	0.365971057	ONTARIO
Tikinagan Child and Family Services	0.746085668	0.368458968	ONTARIO
Weechi-It-Te-Win Family Services	0.545020474	0.159470607	ONTARIO
Conseil de la Nation Atikamekw (CNA)	0.515634749	0.150872472	QUEBEC
Conseil de la Première Nation des Innus Essipit	0.362386428	0.106032684	QUEBEC
Conseil des Innus de Pessamit	0.440954123	0.129021248	QUEBEC
Grand Conseil Nation Waban-Aki Inc.	0.14113451	0.04129534	QUEBEC
Innu Takuaikan Uashat Mak Mani Utenam	0.391799305	0.114638763	QUEBEC
Kitigan Zibi Anishinabeg Nation	0.253027208	0.074034654	QUEBEC
Le Regroupement Mamit-Innuat Inc.	0.685474423	0.350724383	QUEBEC
Listuguj Mi'gmaq Government	0.395195231	0.115632396	QUEBEC
Micmacs of Gesgapegiag	0.45160825	0.132138599	QUEBEC
MINO OBIGIWASIN SERVICES ENFANCE & FAMILLE	0.428837637	0.125476017	QUEBEC
Mohawk Council of Kahnawake	0.099227836	0.029033631	QUEBEC
Nation Huronne Wendat	0.142497956	0.041694279	QUEBEC
Nation Innue Matimekush-Lac-John	0.799596381	0.384115968	QUEBEC
Pekuakamiulnuatsh Takuhikan/Conseil des Montagnais du Lac St-Jean	0.351164781	0.102749279	QUEBEC
Agency Chiefs Child and Family Services Corp.	0.444862637	0.130164862	SASKATCHEWAN

Ahtahkakoop Child and Family Services Incorporated	0.356617857	0.104344825	SASKATCHEWAN
Awasisak Nikan	0.454062477	0.132856695	SASKATCHEWAN
Kanaweyimik Child and Family Services, Inc.	0.351309517	0.102791628	SASKATCHEWAN
Keyanow Child and Family Centre Inc.	0.434682597	0.127186227	SASKATCHEWAN
Lac La Ronge Indian Band Child and Family Services Agency Inc.	0.520685904	0.152350418	SASKATCHEWAN
Mistahi Sipiy Child and Family Services	0.364334809	0.106602772	SASKATCHEWAN
MLTC Child and Family Services	0.564681183	0.165223244	SASKATCHEWAN
Montreal Lake Child and Family Agency	0.447011085	0.130793488	SASKATCHEWAN
Nechapanuk Centre Child and Family Services	0.586330429	0.171557719	SASKATCHEWAN
Onion Lake Family Services Inc.	0.414959235	0.121415257	SASKATCHEWAN
Peter Ballantyne Child and Family services	0.597783426	0.174908816	SASKATCHEWAN
QBOW Child and Family Services	0.316347423	0.092561872	SASKATCHEWAN
STC Health & Family Services Inc.	0.345398336	0.101062042	SASKATCHEWAN
Sturgeon Lake Child and Family Services Inc.	0.34928708	0.102199872	SASKATCHEWAN
Touchwood Child and Family Services Inc.	0.366672722	0.107286835	SASKATCHEWAN
Wahkotowin Child and Family Services	0.422855311	0.123725615	SASKATCHEWAN
Yellow ThunderBird Lodge	0.406674093	0.118991061	SASKATCHEWAN
Yuthe Dene Sekwi Chu L A Koe Betsedi Inc. / Athabasca Denesuline Child & Family Services Inc.	0.769517879	0.37531513	SASKATCHEWAN
		Average=15%	

First Nations affiliated to an FNCFS agency

IFSD re-estimated ISC's Cost Adjustment Factor model (CAF) and used it to estimate remoteness quotients for First Nations affiliated to an FNCFS agency. CAF uses Statistic Canada's remoteness index and considers whether a community has access to roads. ISC has recommended that CAF-based quotients be scaled down such that the average quotients be 15 percent. To scale down to 15 percent, the CAF estimate for each First Nation is multiplied by 0.15 and then divided by the average of the estimated CAF of all the First Nations affiliated to an FNCFS agency.

Band number	First Nation	Statistics Canada's 2021 remoteness index	Remoteness quotient (scaled to 15%)	Province
442	Montana First Nation	0.22	0.061719546	ALBERTA
461	Mikisew Cree First Nation	0.75	0.356977263	ALBERTA
463	Athabasca Chipewyan First Nation	0.59	0.312164226	ALBERTA
467	Fort McKay First Nation	0.41	0.115080544	ALBERTA
468	Fort McMurray #468 First Nation	0.39	0.111132544	ALBERTA
470	Chipewyan Prairie First Nation	0.46	0.131145185	ALBERTA
458	Bigstone Cree Nation	0.62	0.174279856	ALBERTA
435	Blood Tribe	0.27	0.075072723	ALBERTA
444	Samson Cree Nation	0.21	0.05973937	ALBERTA
452	Kapawe'no First Nation	0.55	0.15438485	ALBERTA

454	Sawridge First Nation	0.47	0.131847811	ALBERTA
456	Sucker Creek	0.52	0.14829437	ALBERTA
457	Swan River First Nation	0.50	0.142665709	ALBERTA
447	Little Red River Cree Nation	0.81	0.373512716	ALBERTA
460	Beaver Lake Cree Nation	0.45	0.128693957	ALBERTA
469	Heart Lake First Nation	0.58	0.163533756	ALBERTA
445	Beaver First Nation	0.56	0.159482392	ALBERTA
446	Tallcree First Nation	0.62	0.175293828	ALBERTA
448	Dene Tha' First Nation	0.61	0.17373552	ALBERTA
436	Piikani Nation	0.26	0.074685151	ALBERTA
462	Saddle Lake Cree Nation	0.29	0.080703015	ALBERTA
430	Siksika Nation	0.21	0.059824857	ALBERTA
433	Chiniki	0.19	0.052685555	ALBERTA
473	Bearspaw	0.19	0.052685555	ALBERTA
475	Wesley	0.19	0.052685555	ALBERTA
434	Sunchild First Nation	0.39	0.111418367	ALBERTA
465	Frog Lake First Nation	0.43	0.12149337	ALBERTA
466	Kehewin Cree Nation	0.41	0.115409973	ALBERTA
432	Tsuut'ina Nation	0.11	0.030043876	ALBERTA
449	Horse Lake First Nation	0.39	0.111397385	ALBERTA
451	Duncan's First Nation	0.43	0.1227451	ALBERTA
455	Sturgeon Lake Cree Nation	0.42	0.119889895	ALBERTA
459	Whitefish Lake	0.60	0.169131385	ALBERTA
474	Woodland Cree First Nation	0.58	0.164012528	ALBERTA
555	Squamish	0.07	0.021141836	BRITISH COLUMBIA
607	Lake Babine Nation	0.54	0.152325022	BRITISH COLUMBIA
608	Takla Lake First Nation	0.76	0.360551544	BRITISH COLUMBIA
612	Nadleh Whuten	0.46	0.129527525	BRITISH COLUMBIA

613	Stellat'en First Nation	0.46	0.131095476	BRITISH COLUMBIA
615	Saik'uz First Nation	0.44	0.123440973	BRITISH COLUMBIA
619	Ts'il Kaz Koh (Burns Lake)	0.52	0.148198076	BRITISH COLUMBIA
620	Cheslatta Carrier Nation	0.56	0.158811945	BRITISH COLUMBIA
725	Wet'suwet'en	0.52	0.14763471	BRITISH COLUMBIA
726	Nee-Tahi-Buhn	0.57	0.160197988	BRITISH COLUMBIA
728	Yekooche	0.66	0.186864198	BRITISH COLUMBIA
729	Skin Tyee	0.56	0.159706927	BRITISH COLUMBIA
709	?Esdilagh First Nation	0.43	0.122517463	BRITISH COLUMBIA
710	Alexis Creek	0.60	0.170963166	BRITISH COLUMBIA
714	Xeni Gwet'in First Nations Government	0.65	0.18408114	BRITISH COLUMBIA
717	Yunesit'in Government	0.56	0.158434134	BRITISH COLUMBIA
718	Tl'esqox	0.49	0.139481663	BRITISH COLUMBIA
722	Ulkatcho	0.65	0.183438619	BRITISH COLUMBIA
558	Aitchelitz	0.16	0.045230711	BRITISH COLUMBIA
564	Kwantlen First Nation	0.13	0.037855746	BRITISH COLUMBIA
565	Matsqui	0.14	0.038233536	BRITISH COLUMBIA
570	Shxwh·:y Village	0.16	0.045405841	BRITISH COLUMBIA
571	Skowkale	0.16	0.045797006	BRITISH COLUMBIA
572	Soowahlie	0.16	0.045847392	BRITISH COLUMBIA
573	Skwah	0.16	0.046078819	BRITISH COLUMBIA
574	Squiala First Nation	0.16	0.045445563	BRITISH COLUMBIA
575	Tzeachten	0.16	0.046665051	BRITISH COLUMBIA
576	Yakweakwioose	0.16	0.046053736	BRITISH COLUMBIA
578	Sumas First Nation	0.14	0.040930757	BRITISH COLUMBIA
579	Leq'a: mel First Nation	0.16	0.045828566	BRITISH COLUMBIA
582	Skawahlook First Nation	0.20	0.055488751	BRITISH COLUMBIA
583	Chawathil	0.20	0.056603637	BRITISH COLUMBIA

584	Cheam	0.18	0.050495098	BRITISH COLUMBIA
585	#N/A	0.18	0.051147432	BRITISH COLUMBIA
587	Shxw'ow'hamel First Nation	0.19	0.055045778	BRITISH COLUMBIA
589	Yale First Nation	0.21	0.058329765	BRITISH COLUMBIA
532	Kispiox	0.54	0.152194526	BRITISH COLUMBIA
533	Glen Vowell	0.54	0.151520398	BRITISH COLUMBIA
535	Gitsegukla	0.51	0.145513357	BRITISH COLUMBIA
536	Gitwangak	0.51	0.144220332	BRITISH COLUMBIA
537	Gitanyow	0.52	0.147950849	BRITISH COLUMBIA
669	Old Massett Village Council	0.65	0.328081006	BRITISH COLUMBIA
670	Skidegate	0.62	0.319958653	BRITISH COLUMBIA
538	Heiltsuk	0.76	0.359401847	BRITISH COLUMBIA
631	Namgis First Nation	0.53	0.1508143	BRITISH COLUMBIA
713	Canim Lake	0.51	0.145030511	BRITISH COLUMBIA
716	Xat'sull	0.45	0.126978367	BRITISH COLUMBIA
719	Williams Lake	0.43	0.121640605	BRITISH COLUMBIA
723	Stswecem'c Xgat'tem First Nation	0.51	0.145792131	BRITISH COLUMBIA
602	?aq'am	0.39	0.109148552	BRITISH COLUMBIA
603	Tobacco Plains	0.47	0.132635822	BRITISH COLUMBIA
604	?Akisq'nuk First Nation	0.46	0.12973399	BRITISH COLUMBIA
605	Shuswap	0.46	0.130073638	BRITISH COLUMBIA
606	Lower Kootenay	0.43	0.12129503	BRITISH COLUMBIA
641	Stz'uminus First Nation	0.17	0.04835083	BRITISH COLUMBIA
643	Cowichan Lake	0.18	0.05044341	BRITISH COLUMBIA
645	Halalt	0.15	0.043382272	BRITISH COLUMBIA
646	Lyackson	0.18	0.197586923	BRITISH COLUMBIA
647	Malahat First Nation	0.16	0.046702141	BRITISH COLUMBIA
648	Snuneymuxw First Nation	0.16	0.045286965	BRITISH COLUMBIA

649	Nanoose First Nation	0.18	0.049767945	BRITISH COLUMBIA
650	Penelakut Tribe	0.16	0.19127503	BRITISH COLUMBIA
651	Qualicum	0.20	0.057107903	BRITISH COLUMBIA
642	Cowichan Tribes	0.16	0.044784955	BRITISH COLUMBIA
614	Nak'azdli	0.46	0.129572715	BRITISH COLUMBIA
617	Tl'azt'en Nation	0.64	0.180241569	BRITISH COLUMBIA
694	Cook's Ferry	0.39	0.109067348	BRITISH COLUMBIA
696	Nicomen	0.40	0.11247722	BRITISH COLUMBIA
704	Kanaka Bar	0.36	0.102001429	BRITISH COLUMBIA
705	Lytton	0.38	0.108241883	BRITISH COLUMBIA
706	Siska	0.36	0.101970854	BRITISH COLUMBIA
707	Skuppah	0.36	0.102021491	BRITISH COLUMBIA
640	Scia'new	0.17	0.048024966	BRITISH COLUMBIA
652	Pauquachin	0.15	0.0424254	BRITISH COLUMBIA
653	Tsartlip	0.15	0.041669567	BRITISH COLUMBIA
654	Tsawout First Nation	0.14	0.040713899	BRITISH COLUMBIA
655	Tseycum	0.15	0.042034259	BRITISH COLUMBIA
656	Songhees Nation	0.14	0.040601297	BRITISH COLUMBIA
657	T'Sou-ke First Nation	0.18	0.050405904	BRITISH COLUMBIA
671	Gingolx Village Government	0.54	0.297343442	BRITISH COLUMBIA
677	Gitlaxt'aamix Village Government (New Aiyansh)	0.54	0.152049365	BRITISH COLUMBIA
678	Laxgalts'ap Village Government	0.54	0.152049365	BRITISH COLUMBIA
679	Gitwinksihlkw	0.54	0.297343442	BRITISH COLUMBIA
672	Gitxaala Nation	0.54	0.298690703	BRITISH COLUMBIA
673	Metlakatla	0.43	0.267866797	BRITISH COLUMBIA
674	Lax Kw'alaams	0.50	0.286769557	BRITISH COLUMBIA
675	Gitga'at First Nation	0.59	0.311981431	BRITISH COLUMBIA
676	Haisla Nation	0.45	0.128060328	BRITISH COLUMBIA

680	Kitselas	0.42	0.118090421	BRITISH COLUMBIA
681	Kitsumkalum	0.41	0.117061374	BRITISH COLUMBIA
693	Coldwater	0.31	0.08695129	BRITISH COLUMBIA
695	Lower Nicola	0.32	0.090526057	BRITISH COLUMBIA
697	Upper Nicola	0.34	0.096446616	BRITISH COLUMBIA
698	Shackan	0.36	0.10079804	BRITISH COLUMBIA
699	Nooaitch	0.33	0.094663887	BRITISH COLUMBIA
684	Adams Lake	0.32	0.089407271	BRITISH COLUMBIA
686	Bonaparte	0.40	0.112700401	BRITISH COLUMBIA
687	Skeetchestn	0.36	0.10116402	BRITISH COLUMBIA
688	Tk'emlups Te Secwepemc	0.29	0.080733304	BRITISH COLUMBIA
690	Neskonlith	0.32	0.089428743	BRITISH COLUMBIA
691	Simpcw First Nation	0.39	0.11025512	BRITISH COLUMBIA
702	Whispering Pines/Clinton	0.34	0.096866338	BRITISH COLUMBIA
630	Mowachaht/Muchalaht	0.43	0.122070478	BRITISH COLUMBIA
634	Ehattesaht	0.52	0.29148149	BRITISH COLUMBIA
638	Ka:'yu:'k't'h'/Che:k:tles7et'h' First Nations	0.71	0.345476304	BRITISH COLUMBIA
639	Nuchatlaht	0.63	0.323836306	BRITISH COLUMBIA
659	Ahousaht	0.56	0.304820013	BRITISH COLUMBIA
660	Tla-O-Qui-Aht First Nations	0.44	0.269674007	BRITISH COLUMBIA
661	Hesquiaht	0.72	0.350073818	BRITISH COLUMBIA
662	Ditidaht	0.21	0.059974223	BRITISH COLUMBIA
663	Huu-ay-aht First Nations	0.38	0.106788669	BRITISH COLUMBIA
664	Hupacasath First Nation	0.29	0.081053394	BRITISH COLUMBIA
665	Tseshaht	0.29	0.080736222	BRITISH COLUMBIA
666	Toquaht	0.39	0.110027262	BRITISH COLUMBIA
667	Uchucklesaht	0.37	0.250254842	BRITISH COLUMBIA
668	Yuu_u_i__at_ Government (Ucluelet)	0.40	0.114423693	BRITISH COLUMBIA

271	Lake Manitoba First Nation	0.32	0.090208857	MANITOBA
272	Pinaymootang First Nation	0.72	0.203332124	MANITOBA
274	Little Saskatchewan First Nation	0.77	0.216851432	MANITOBA
275	Lake St. Martin First Nation	0.77	0.218321153	MANITOBA
316	Dauphin River First Nation	0.79	0.223822251	MANITOBA
296	God's Lake First Nation	0.79	0.367821949	MANITOBA
301	Bunibonibee Cree Nation	0.70	0.343816895	MANITOBA
302	Manto Sipi Cree Nation	0.76	0.359188679	MANITOBA
303	Sayisi Dene First Nation	0.92	0.404998841	MANITOBA
304	York Factory First Nation	0.60	0.316517053	MANITOBA
305	Fox Lake Cree Nation	0.64	0.18173388	MANITOBA
306	Tataskweyak Cree Nation	0.59	0.166733207	MANITOBA
307	Shamattawa First Nation	0.74	0.353726049	MANITOBA
308	Barren Lands First Nation	0.92	0.404998841	MANITOBA
317	Northlands Denesuline First Nation	0.78	0.364913909	MANITOBA
323	War Lake First Nation	0.62	0.320008541	MANITOBA
309	Chemawawin Cree Nation	0.58	0.16289988	MANITOBA
310	Misipawistik Cree Nation	0.73	0.205511728	MANITOBA
311	Mathias Colomb Cree Nation	0.73	0.35086655	MANITOBA
312	Mosakahiken Cree Nation	0.58	0.16518578	MANITOBA
314	Sapotaweyak Cree Nation	0.59	0.165905477	MANITOBA
324	Wuskwi Sipihk First Nation	0.53	0.150247231	MANITOBA
328	Marcel Colomb First Nation	0.78	0.220433392	MANITOBA
273	Roseau River Anishinabe First Nation Government	0.26	0.07279675	MANITOBA
284	Birdtail Sioux First Nation	0.44	0.124764171	MANITOBA
287	Long Plain First Nation	0.27	0.076583835	MANITOBA
288	Dakota Plains First Nation	0.28	0.07839782	MANITOBA
295	Dakota Tipi	0.26	0.072729626	MANITOBA

289	Canupawakpa Dakota First Nation	0.43	0.12074101	MANITOBA
293	Swan Lake First Nation	0.29	0.082550982	MANITOBA
264	Fisher River First Nation	0.56	0.158313355	MANITOBA
297	Garden Hill First Nations	0.61	0.318361602	MANITOBA
298	St. Theresa Point First Nation	0.61	0.317967597	MANITOBA
299	Wasagamack First Nation	0.58	0.309125522	MANITOBA
300	Red Sucker Lake First Nation	0.53	0.294034217	MANITOBA
278	Norway House Cree Nation	0.67	0.188598423	MANITOBA
276	Cross Lake Band	0.53	0.151036581	MANITOBA
313	Nisichawayasihk Cree Nation	0.52	0.148036627	MANITOBA
318	O-Pipon-Na-Piwin Cree Nation	0.79	0.222536278	MANITOBA
315	Opaskwayak Cree Nation	0.47	0.133114722	MANITOBA
262	Fort Alexander	0.29	0.081682658	MANITOBA
283	Sandy Bay Objibway First Nation	0.31	0.087353388	MANITOBA
260	Black River First Nation	0.30	0.085996226	MANITOBA
261	Brokenhead Ojibway Nation	0.25	0.070653485	MANITOBA
263	Hollow Water First Nation	0.54	0.153915488	MANITOBA
265	Buffalo Point First Nation	0.50	0.14086417	MANITOBA
266	Berens River First Nation	0.96	0.272448441	MANITOBA
267	Bloodvein First Nation	0.79	0.223538994	MANITOBA
270	Little Grand Rapids First Nation	0.41	0.260976369	MANITOBA
277	Poplar River First Nation	0.90	0.39922322	MANITOBA
327	Pauingassi First Nation	0.46	0.275302174	MANITOBA
279	O-Chi-Chak-Ko-Sipi First Nation	0.59	0.165735263	MANITOBA
280	Ebb and Flow First Nation	0.51	0.144861344	MANITOBA
281	Skownan First Nation	0.61	0.172560059	MANITOBA
282	Pine Creek First Nation	0.56	0.159208911	MANITOBA
285	Waywayseecappo First Nation	0.43	0.123084337	MANITOBA

286	Keeseekoowenin Ojibway First Nation	0.42	0.120102091	MANITOBA
291	Rolling River First Nations	0.42	0.118764372	MANITOBA
292	Tootinaowaziibeeng First Nation	0.46	0.131465331	MANITOBA
294	Gambler First Nation	0.42	0.119988205	MANITOBA
268	Kinonjeoshtegon First Nation	0.72	0.203514989	MANITOBA
290	Sioux Valley Dakota Nation	0.39	0.111639902	MANITOBA
3	Elsipogtog First Nation	0.35	0.09911703	NEW BRUNSWICK
5	EsgenoÙpetitj First Nation	0.39	0.111165491	NEW BRUNSWICK
11	Kingsclear First Nation	0.30	0.084334021	NEW BRUNSWICK
4	Buctouche MicMac Band	0.33	0.093562975	NEW BRUNSWICK
7	Eel Ground First Nation	0.36	0.101113501	NEW BRUNSWICK
9	Fort Folly First Nation	0.30	0.086000102	NEW BRUNSWICK
10	Indian Island First Nation	0.35	0.09955882	NEW BRUNSWICK
13	Pabineau First Nation	0.39	0.111719308	NEW BRUNSWICK
14	Metepenagiag Mi'kmaq Nation	0.37	0.10544554	NEW BRUNSWICK
12	Oromocto First Nation	0.30	0.084390842	NEW BRUNSWICK
15	St. Mary's First Nation	0.29	0.082995585	NEW BRUNSWICK
16	Tobique First Nation	0.44	0.123192594	NEW BRUNSWICK
17	Woodstock First Nation	0.39	0.109567987	NEW BRUNSWICK
8	Eel River Bar First Nation	0.41	0.117262101	NEW BRUNSWICK
18	Acadia First Nation	0.37	0.104680741	NOVA SCOTIA
19	Paqtnkek Mi'kmaw Nation	0.40	0.112080358	NOVA SCOTIA
20	Annapolis Valley First Nation	0.30	0.085089167	NOVA SCOTIA
21	Bear River First Nation	0.40	0.114561035	NOVA SCOTIA
22	Potlotek First Nation	0.41	0.116592834	NOVA SCOTIA
23	Eskaoni First Nation	0.38	0.108166244	NOVA SCOTIA
24	Pictou Landing First Nation	0.31	0.088743922	NOVA SCOTIA
25	Sipekne'katik First Nation	0.28	0.07967119	NOVA SCOTIA

26	Membertou	0.33	0.092705777	NOVA SCOTIA
27	Millbrook First Nation	0.27	0.075885614	NOVA SCOTIA
28	Wagmatcook	0.42	0.118140161	NOVA SCOTIA
29	We'koqma'q First Nation	0.42	0.120239315	NOVA SCOTIA
30	Glooscap First Nation	0.29	0.081744238	NOVA SCOTIA
159	Mohawks of Akwesasne	0.14	0.039075326	ONTARIO
147	Ochiichagwe'babigo'ining First Nation	0.44	0.125127609	ONTARIO
148	Eagle Lake First Nation	0.47	0.132898305	ONTARIO
149	Grassy Narrows First Nation	0.56	0.158082626	ONTARIO
151	Northwest Angle No.33 First Nation	0.52	0.293207577	ONTARIO
152	Animakee Wa Zhing 37 First Nation	0.52	0.148233841	ONTARIO
153	Wauzhushk Onigum Nation	0.43	0.120452754	ONTARIO
155	Shoal Lake No.40	0.30	0.231170927	ONTARIO
156	Wabauskang First Nation	0.56	0.158627247	ONTARIO
157	Wabigoon Lake Ojibway Nation	0.51	0.145027631	ONTARIO
158	Naotkamegwanning First Nation	0.53	0.149939944	ONTARIO
235	Obashkaandagaang First Nation	0.4224	0.119596131	ONTARIO
184	Long Lake No.58 First Nation	0.56	0.159133294	ONTARIO
185	Ginoogaming First Nation	0.57	0.160038205	ONTARIO
187	Fort William First Nation	0.30	0.08359775	ONTARIO
188	Gull Bay First Nation	0.47	0.131941644	ONTARIO
190	Whitesand First Nation	0.49	0.137988156	ONTARIO
191	Pays Plat First Nation	0.46	0.130057415	ONTARIO
192	Biigtigong Nishnaabeg	0.54	0.152539912	ONTARIO
193	Red Rock	0.43	0.121938408	ONTARIO
194	Animbiigoo Zaagi'igan Anishinaabek	0.61	0.17256861	ONTARIO
195	Pic Mobert	0.59	0.167876548	ONTARIO
196	Bingwi Neyaashi Anishinaabek	0.46	0.129555658	ONTARIO

197	Biinjitiwaabik Zaaging Anishinaabek	0.46	0.129379072	ONTARIO
225	Michipicoten First Nation	0.56	0.157367449	ONTARIO
134	Wahta Mohawk	0.16	0.043915288	ONTARIO
135	Moose Deer Point First Nation	0.28	0.079482875	ONTARIO
138	Georgina Island First Nation	0.10	0.028591707	ONTARIO
139	Chippewas of Rama First Nation	0.13	0.03649284	ONTARIO
140	Mississauga's of Scugog Island First Nation	0.10	0.027613242	ONTARIO
141	Beausoleil First Nation	0.15	0.043305907	ONTARIO
160	Alderville First Nation	0.14	0.038506909	ONTARIO
162	Hiawatha First Nation	0.14	0.038423984	ONTARIO
173	Zhiibaahaasing First Nation	0.64	0.180441704	ONTARIO
175	Wikwemikong	0.41	0.116786813	ONTARIO
176	Sheguiandah First Nation	0.40	0.114281407	ONTARIO
178	Sheshegwaning First Nation	0.64	0.179953894	ONTARIO
180	Aundeck-Omni-Kaning	0.40	0.1139019	ONTARIO
181	M'Chigeeng First Nation	0.42	0.117689648	ONTARIO
230	Whitefish River First Nation	0.39	0.109617693	ONTARIO
145	Taykwa Tagamou Nation	0.46	0.129929533	ONTARIO
182	Constance Lake First Nation	0.56	0.157163037	ONTARIO
219	Matachewan First Nation	0.46	0.129141109	ONTARIO
221	Chapleau Cree First Nation	0.60	0.170229212	ONTARIO
223	Missanabie Cree	0.31	0.088389652	ONTARIO
226	Mattagami First Nation	0.48	0.134836708	ONTARIO
228	Brunswick House First Nation	0.51	0.144476133	ONTARIO
229	#N/A	0.52	0.147024232	ONTARIO
233	Wahgoshig First Nation	0.44	0.123475353	ONTARIO
165	Caldwell	0.23	0.065683534	ONTARIO
166	Chippewas of the Thames First Nation	0.18	0.050443456	ONTARIO

167	Delaware Nation at Moraviantown	0.21	0.060198837	ONTARIO
168	Munsee-Delaware First Nation	0.18	0.049912617	ONTARIO
169	Oneida Nation of the Thames	0.17	0.047975259	ONTARIO
171	Kettle & Stony Point First Nation	0.22	0.062309281	ONTARIO
172	Aamjiwnaang First Nation	0.23	0.063901015	ONTARIO
179	Sagamok Anishnawbek First Nation	0.39	0.109300708	ONTARIO
198	Batchewana First Nation	0.38	0.108146351	ONTARIO
199	Garden River First Nation	0.32	0.090753742	ONTARIO
200	Mississauga First Nation	0.39	0.109145492	ONTARIO
201	Serpent River First Nation	0.38	0.106374647	ONTARIO
202	Thessalon First Nation	0.43	0.120543602	ONTARIO
224	Atikameksheng Anishnawbek	0.29	0.082984415	ONTARIO
244	Bay of Quinte Mohawk	0.08	0.022139881	ONTARIO
245	Tuscarora	0.08	0.022139881	ONTARIO
246	Oneida	0.08	0.022139881	ONTARIO
247	Onondaga Clear Sky	0.08	0.022139881	ONTARIO
248	Bearfoot Onondaga	0.08	0.022139881	ONTARIO
249	Upper Cayuga	0.08	0.022139881	ONTARIO
250	Lower Cayuga	0.08	0.022139881	ONTARIO
251	Konadaha Seneca	0.08	0.022139881	ONTARIO
252	Niharondasa Seneca	0.08	0.022139881	ONTARIO
253	Delaware	0.08	0.022139881	ONTARIO
254	Lower Mohawk	0.08	0.022139881	ONTARIO
255	Walker Mohawk	0.08	0.022139881	ONTARIO
257	Upper Mohawk	0.08	0.022139881	ONTARIO
142	Fort Albany and Kashechewan First Nation	0.93	0.408898159	ONTARIO
143	Attawapiskat First Nation	0.58	0.310377445	ONTARIO
144	Moose Cree First Nation	0.54	0.297688789	ONTARIO

146	Weenusk First Nation	0.98	0.422175363	ONTARIO
183	Eabametoong First Nation	0.66	0.331709275	ONTARIO
186	Martin Falls First Nation	0.67	0.333689874	ONTARIO
203	Mishkeegogamang Ojibway Nation	0.70	0.199412833	ONTARIO
204	North Caribou Lake First Nation	0.88	0.39400892	ONTARIO
205	Lac Seul First Nation	0.55	0.301722784	ONTARIO
206	Wapekeka First Nation	0.91	0.404312039	ONTARIO
207	Bearskin Lake First Nation	0.89	0.397848706	ONTARIO
208	Pikangikum First Nation	0.83	0.38087713	ONTARIO
210	Kasabonika Lake First Nation	0.61	0.318394698	ONTARIO
211	Sandy Lake First Nation	0.58	0.310190153	ONTARIO
212	Kingfisher Lake First Nation	0.88	0.393884286	ONTARIO
213	Muskrat Dam First Nation	0.82	0.37830075	ONTARIO
214	Sachigo Lake First Nation	0.85	0.385884583	ONTARIO
215	Fort Severn First Nation	0.91	0.404205603	ONTARIO
216	Cat Lake First Nation	0.85	0.387290963	ONTARIO
217	Wunnumin Lake First Nation	0.93	0.408956222	ONTARIO
234	Wawakapewin First Nation	0.68	0.33732867	ONTARIO
236	Poplar Hill First Nation	0.85	0.385929817	ONTARIO
237	Deer Lake First Nation	0.85	0.384576538	ONTARIO
238	North Spirit Lake First Nation	0.93	0.408619637	ONTARIO
239	Neskantaga First Nation	0.63	0.322512401	ONTARIO
240	Webequie First Nation	0.94	0.411654488	ONTARIO
241	Nibinamik First Nation	0.88	0.393081532	ONTARIO
242	Aroland First Nation	0.65	0.184700737	ONTARIO
258	Ojibway Nation of Saugeen	0.66	0.186667834	ONTARIO
259	Slate Falls Nation	0.69	0.339855453	ONTARIO
325	Keewaywin First Nation	0.89	0.396973854	ONTARIO

326	McDowell Lake	0.86	0.387955097	ONTARIO
136	Wasauksing First Nation	0.31	0.08789588	ONTARIO
137	Shawanaga First Nation	0.32	0.090267364	ONTARIO
174	Magnetawan First Nation	0.36	0.101636924	ONTARIO
218	Dokis First Nation	0.38	0.108343656	ONTARIO
220	Nipissing First Nation	0.31	0.086660507	ONTARIO
231	Henvey Inlet First Nation	0.36	0.100699032	ONTARIO
232	Wahnapitae First Nation	0.33	0.092448383	ONTARIO
124	Big Grassy River First Nation	0.62	0.174542333	ONTARIO
125	Anishnaabeg of Naongashiing	0.62	0.176021136	ONTARIO
126	Couchiching First Nation	0.47	0.133217044	ONTARIO
127	Lac La Croix First Nation	0.62	0.174183086	ONTARIO
128	Naicatchewenin First Nations	0.56	0.157805697	ONTARIO
129	Nigigoonsiminikaaning First Nation	0.53	0.149055821	ONTARIO
130	Rainy River First Nations	0.51	0.145441931	ONTARIO
131	Ojibways of Onigaming First Nation	0.54	0.153829444	ONTARIO
132	Seine River First Nation	0.57	0.161773424	ONTARIO
133	Mitaanjigamiing First Nation	0.56	0.157316358	ONTARIO
1	Abegweit First Nation	0.34	0.096134258	PRINCE EDWARD ISLAND
2	Lennox Island First Nation	0.38	0.108114028	PRINCE EDWARD ISLAND
77	Conseil des Atikamekw de Wemotaci	0.63	0.179697925	QUEBEC
78	Les Atikamekw de Manawan	0.44	0.125727643	QUEBEC
86	Innue Essipit	0.36	0.102598367	QUEBEC
85	Bande des Innus de Pessamit	0.44	0.124842349	QUEBEC
76	Montagnais du Lac St.-Jean	0.35	0.099421309	QUEBEC
71	PremiËre Nation des AbÈnakis de WÙlinak	0.15	0.04140489	QUEBEC
72	Odanak	0.14	0.039325353	QUEBEC
80	Innu Takuaikan Uashat Mak Mani-Utenam	0.39	0.110925702	QUEBEC

73	Kitigan Zibi Anishinabeg	0.25	0.071636729	QUEBEC
82	Les Innus de Ekuanitshit	0.53	0.149663101	QUEBEC
84	Montagnais de Unamen Shipu	0.73	0.352614988	QUEBEC
88	Montagnais de Pakua Shipi	0.77	0.362003008	QUEBEC
83	Première Nation des Innus de Nutashkuan	0.70	0.197989274	QUEBEC
51	Listuguj Mi'gmaq Government	0.40	0.111887152	QUEBEC
52	Micmacs of Gesgapegiag	0.45	0.127858731	QUEBEC
70	Mohawks of Kahnaw·:ke	0.10	0.028093254	QUEBEC
50	Nation Huronne Wendat	0.14	0.040343833	QUEBEC
87	La Nation Innu Matimekush-Lac John	0.80	0.371674748	QUEBEC
55	Conseil de la PremiËre Nation Abitibiwinni	0.40	0.112009239	QUEBEC
62	CommunautÈ Anicinape de Kitcisakik	0.46	0.129937559	QUEBEC
63	Nation Anishnabe du Lac Simon	0.41	0.115199402	QUEBEC
67	Winneway	0.52	0.147874617	QUEBEC
404	Big River First Nation	0.36	0.10314999	SASKATCHEWAN
405	Pelican Lake First Nation	0.49	0.138038506	SASKATCHEWAN
372	Whitecap Dakota First Nation	0.26	0.074019698	SASKATCHEWAN
407	Witchekan Lake First Nation	0.46	0.128874846	SASKATCHEWAN
406	Ahtahkakoop Cree Nation	0.36	0.100965177	SASKATCHEWAN
349	Thunderchild First Nation	0.45	0.128553569	SASKATCHEWAN
342	Moosomin First Nation	0.36	0.100718904	SASKATCHEWAN
343	Mosquito, Grizzly Bear's Head, Lean Man First Nation	0.34	0.097268397	SASKATCHEWAN
346	Red Pheasant First Nation	0.35	0.098315983	SASKATCHEWAN
347	Saulteaux First Nation (SK)	0.36	0.102120636	SASKATCHEWAN
348	Sweetgrass First Nation	0.34	0.09742917	SASKATCHEWAN
340	Little Pine First Nation	0.44	0.1240734	SASKATCHEWAN
341	Lucky Man	0.34	0.097555141	SASKATCHEWAN

345	Poundmaker Cree Nation	0.43	0.12261973	SASKATCHEWAN
353	Lac La Ronge Indian Band	0.52	0.147415906	SASKATCHEWAN
394	Canoe Lake Cree First Nation	0.63	0.177974491	SASKATCHEWAN
395	Flying Dust First Nation	0.44	0.124884533	SASKATCHEWAN
396	Makwa Sahgaiehcan First Nation	0.46	0.128928496	SASKATCHEWAN
397	Ministikwan Lake Cree Nation	0.45	0.127634856	SASKATCHEWAN
398	Buffalo River Dene Nation	0.73	0.206513441	SASKATCHEWAN
400	English River First Nation	0.68	0.193514514	SASKATCHEWAN
401	Clearwater River Dene	0.57	0.160558073	SASKATCHEWAN
402	Waterhen Lake First Nation	0.53	0.150816461	SASKATCHEWAN
403	Birch Narrows First Nation	0.67	0.190576244	SASKATCHEWAN
354	Montreal Lake Cree Nation	0.45	0.126557188	SASKATCHEWAN
350	Cumberland House Cree Nation	0.68	0.191432847	SASKATCHEWAN
356	Red Earth First Nation	0.55	0.156111811	SASKATCHEWAN
357	Shoal Lake Cree Nation	0.55	0.155700366	SASKATCHEWAN
344	Onion Lake Cree Nation	0.41	0.117482711	SASKATCHEWAN
355	Peter Ballantyne Cree Nation	0.60	0.169243654	SASKATCHEWAN
358	Wahpeton Dakota Nation	0.33	0.092388804	SASKATCHEWAN
369	Beardy's and Okemasis First Nation	0.32	0.09065379	SASKATCHEWAN
385	Piapot First Nation	0.30	0.085091714	SASKATCHEWAN
386	Standing Buffalo Dakota Nation	0.32	0.091208412	SASKATCHEWAN
388	Wood Mountain First Nation	0.52	0.14715289	SASKATCHEWAN
371	Muskoday First Nation	0.32	0.091586404	SASKATCHEWAN
373	One Arrow First Nation	0.32	0.090420553	SASKATCHEWAN
374	Mistawasis First Nation	0.34	0.097256955	SASKATCHEWAN
375	Muskeg Lake Cree Nation	0.34	0.095357671	SASKATCHEWAN
377	Kinistin Saulteaux Nation	0.45	0.127208751	SASKATCHEWAN
360	Sturgeon Lake First Nation	0.35	0.098889697	SASKATCHEWAN

383	Pasqua First Nation	0.32	0.091165492	SASKATCHEWAN
389	Day Star First Nation	0.38	0.10625145	SASKATCHEWAN
391	George Gordon First Nation	0.35	0.09967045	SASKATCHEWAN
392	Muskowekwan First Nation	0.37	0.104358635	SASKATCHEWAN
393	Kawacatoose First Nation	0.36	0.102842452	SASKATCHEWAN
370	James Smith Cree Nation	0.42	0.119718237	SASKATCHEWAN
381	Muscowpetung First Nation	0.31	0.087596987	SASKATCHEWAN
362	Kahkewistahaw First Nation	0.38	0.106343838	SASKATCHEWAN
363	Ochapowace First Nation	0.38	0.106443699	SASKATCHEWAN
364	Sakimay First Nations	0.37	0.103785492	SASKATCHEWAN
365	White Bear First Nation	0.46	0.130678987	SASKATCHEWAN
366	Cote First Nation	0.46	0.130637524	SASKATCHEWAN
367	Keeseekoose First Nation	0.47	0.132241961	SASKATCHEWAN
368	The Key First Nation	0.47	0.132924652	SASKATCHEWAN
379	Little Black Bear First Nation	0.35	0.100434898	SASKATCHEWAN
380	Nekaneet First Nation	0.43	0.122741156	SASKATCHEWAN
384	Peepeekisis Cree Nation	0.34	0.09724667	SASKATCHEWAN
387	Star Blanket Cree Nation	0.34	0.096305428	SASKATCHEWAN
408	Ocean Man First Nation	0.36	0.102115168	SASKATCHEWAN
409	Pheasant Rump Nakota Nation	0.37	0.10610207	SASKATCHEWAN
351	Fond Du Lac Denesuline First Nation	0.72	0.350342616	SASKATCHEWAN
352	Hatchet Lake Denesuline Nation	0.74	0.356045759	SASKATCHEWAN
359	Black Lake Denesuline First Nation	0.82	0.378475486	SASKATCHEWAN
			average=15%	

First Nations not affiliated to an FNCFS agency

IFSD re-estimated ISC's Cost Adjustment Factor model (CAF) and used it to estimate remoteness quotients for First Nations not affiliated to an FNCFS agency. CAF uses Statistic Canada's remoteness index and considers whether a community has access to roads. ISC has recommended that CAF-based quotients be scaled down such that the average quotients be 15 percent. To scale down to 15 percent, the CAF estimate for each First Nation is multiplied by 0.15 and then divided by the average of the estimated CAF of all the First Nations not affiliated to an FNCFS agency.

Band number	First Nation not affiliated to an FNCFS agency	Statistics Canada's 2021 remoteness index	Remoteness quotient (scaled to 15%)	Province/Territory
431	O'Chiese	0.403827081	0.11886058	ALBERTA
437	Alexis Nakota Sioux Nation	0.22080741	0.064991423	ALBERTA
438	Alexander	0.192833503	0.056757714	ALBERTA
440	Enoch Cree Nation #440	0.146248883	0.043046214	ALBERTA
441	Paul	0.208675308	0.061420517	ALBERTA
443	Ermineskin Tribe	0.208326394	0.061317819	ALBERTA
450	Driftpile Cree Nation	0.5164636	0.152013488	ALBERTA
464	Cold Lake First Nations	0.395228003	0.116329568	ALBERTA
530	Witset First Nation	0.500328801	0.147264446	BRITISH COLUMBIA
531	Gitanmaax	0.518171856	0.152516288	BRITISH COLUMBIA
534	Hagwilget First Nation Government	0.515155366	0.151628428	BRITISH COLUMBIA
539	Nuxalk Nation	0.723267385	0.21288315	BRITISH COLUMBIA
540	Kitasoo	0.63448896	0.337802892	BRITISH COLUMBIA

541	Wuikinuxv Nation	0.845159795	0.399810763	BRITISH COLUMBIA
542	Saulteau First Nations	0.504807192	0.148582595	BRITISH COLUMBIA
543	Fort Nelson First Nation	0.549361912	0.161696624	BRITISH COLUMBIA
544	Prophet River First Nation	0.66858107	0.196787035	BRITISH COLUMBIA
545	West Moberly First Nations	0.510852984	0.150362086	BRITISH COLUMBIA
546	Halfway River First Nation	0.515124627	0.151619381	BRITISH COLUMBIA
547	Blueberry River First Nations	0.501728189	0.147676336	BRITISH COLUMBIA
548	Doig River First Nation	0.477763505	0.140622683	BRITISH COLUMBIA
549	Tsleil-Waututh Nation	0.06260082	0.018425634	BRITISH COLUMBIA
550	Musqueam	0.062548456	0.018410221	BRITISH COLUMBIA
551	Sechelt	0.204315348	0.060137227	BRITISH COLUMBIA
552	Homalco	0.304788473	0.089710018	BRITISH COLUMBIA
553	Klahoose First Nation	0.355099294	0.25556864	BRITISH COLUMBIA
554	Tla'amin Nation	0.330144927	0.097173318	BRITISH COLUMBIA
556	N'Quatqua	0.483843414	0.142412215	BRITISH COLUMBIA
557	Lil'wat Nation	0.224072036	0.065952318	BRITISH COLUMBIA
560	Kwikwetlem First Nation	0.096016292	0.028260988	BRITISH COLUMBIA
561	Douglas	0.22365571	0.216880149	BRITISH COLUMBIA
562	Skatin Nations	0.500962025	0.298501196	BRITISH COLUMBIA
563	Katzie	0.117261111	0.034514089	BRITISH COLUMBIA
566	New Westminster	0.130000000	0.038263594	BRITISH COLUMBIA
567	Samahquam	0.491004211	0.29557026	BRITISH COLUMBIA
568	Sq'éwlets	0.167420475	0.049277762	BRITISH COLUMBIA
569	Semiahmoo	0.119225573	0.035092299	BRITISH COLUMBIA
577	Tsawwassen First Nation	0.098271159	0.028924675	BRITISH COLUMBIA
580	Kwaw-kwaw-Apilt	0.161458138	0.047522836	BRITISH COLUMBIA
581	Seabird Island	0.185855474	0.054703834	BRITISH COLUMBIA
586	Peters First Nation	0.190561000	0.056088836	BRITISH COLUMBIA

588	Union Bar First Nation	0.207500269	0.061074662	BRITISH COLUMBIA
590	Bridge River	0.428610972	0.126155355	BRITISH COLUMBIA
591	Cayoose Creek	0.423949502	0.124783320	BRITISH COLUMBIA
592	Xaxli'p	0.425435113	0.125220588	BRITISH COLUMBIA
593	T'it'q'et	0.424046314	0.124811815	BRITISH COLUMBIA
594	Ts'kw'aylaxw First Nation	0.421360082	0.124021162	BRITISH COLUMBIA
595	Tsal'alh	0.505231374	0.148707447	BRITISH COLUMBIA
596	Osoyoos	0.313691627	0.092330531	BRITISH COLUMBIA
597	Penticton	0.283715425	0.083507475	BRITISH COLUMBIA
598	Lower Similkameen	0.335432293	0.098729577	BRITISH COLUMBIA
599	Upper Similkameen	0.349793023	0.102956448	BRITISH COLUMBIA
601	Westbank First Nation	0.233659246	0.068774173	BRITISH COLUMBIA
609	Tsay Keh Dene	0.747282581	0.37100204	BRITISH COLUMBIA
610	Kwadacha	0.761942467	0.375316963	BRITISH COLUMBIA
611	Lheidli T'enneh	0.352794137	0.103839781	BRITISH COLUMBIA
616	Okanagan	0.266369884	0.078402070	BRITISH COLUMBIA
618	McLeod Lake	0.464315854	0.136664564	BRITISH COLUMBIA
622	Campbell River	0.310711324	0.091453322	BRITISH COLUMBIA
623	Cape Mudge	0.310465676	0.09138102	BRITISH COLUMBIA
624	K'ómoks First Nation	0.286919371	0.08445051	BRITISH COLUMBIA
625	Kwikwasut'inuxw Haxwa'mis	0.848701176	0.400853117	BRITISH COLUMBIA
626	Kwakiutl	0.511395171	0.15052167	BRITISH COLUMBIA
627	Gwawaenuk Tribe	0.778119171	0.380078339	BRITISH COLUMBIA
628	Kwiakah	0.52	0.153054376	BRITISH COLUMBIA
629	Mamalilikulla First Nation	0.52	0.153054376	BRITISH COLUMBIA
632	Tlatlasikwala	0.575516314	0.169394788	BRITISH COLUMBIA
633	Quatsino	0.516046897	0.151890838	BRITISH COLUMBIA
635	Da'naxda'xw First Nation	0.637712777	0.187701406	BRITISH COLUMBIA

636	Dzawada'enuxw First Nation	0.840667537	0.398488533	BRITISH COLUMBIA
644	Esquimalt	0.143437602	0.042218755	BRITISH COLUMBIA
658	Pacheedaht First Nation	0.21061607	0.061991752	BRITISH COLUMBIA
682	Tahltan	0.686180073	0.201967044	BRITISH COLUMBIA
683	Iskut	0.665609486	0.195912393	BRITISH COLUMBIA
685	Ashcroft	0.404724858	0.119124828	BRITISH COLUMBIA
689	Little Shuswap Lake	0.318907233	0.093865668	BRITISH COLUMBIA
692	Oregon Jack Creek	0.4089459	0.120367229	BRITISH COLUMBIA
700	Boothroyd	0.353075901	0.103922715	BRITISH COLUMBIA
701	Boston Bar First Nation	0.347598214	0.102310438	BRITISH COLUMBIA
703	High Bar	0.449983361	0.132446005	BRITISH COLUMBIA
708	Spuzzum	0.221888834	0.065309725	BRITISH COLUMBIA
711	Esk'etemc	0.495993734	0.145988483	BRITISH COLUMBIA
712	Tl'etinqox Government	0.562585717	0.165588857	BRITISH COLUMBIA
715	Lhtako Dene Nation	0.397000598	0.116851305	BRITISH COLUMBIA
720	Nazko First Nation	0.56929942	0.167564937	BRITISH COLUMBIA
721	Lhoosk'uz Dene Nation	0.608781283	0.330236214	BRITISH COLUMBIA
723	Stswecem'c Xgat'tem First Nation	0.514950591	0.151568156	BRITISH COLUMBIA
724	Gwa'Sala-Nakwaxda'xw	0.513922717	0.151265616	BRITISH COLUMBIA
501	Taku River Tlingit	0.5622374	0.165486335	BRITISH COLUMBIA
504	Dease River	0.632523724	0.186174084	BRITISH COLUMBIA
265	Buffalo Point First Nation	0.4975446	0.146444958	MANITOBA
6	Madawaska Maliseet First Nation	0.385143982	0.113361484	NEW BRUNSWICK
32	Mushuau Innu First Nation	0.747292402	0.371004931	NEWFOUNDLAND AND LABRADOR
33	Sheshatshiu Innu First Nation	0.515412502	0.151704113	NEWFOUNDLAND AND LABRADOR
34	Qalipu Mi'kmaq First Nation	0.57	0.167771142	NEWFOUNDLAND AND LABRADOR

47	Miawpukek	0.568042647	0.167195024	NEWFOUNDLAND AND LABRADOR
120	Mississaugas of the Credit	0.09931162	0.029230919	ONTARIO
122	Chippewas of Nawash First Nation	0.313682492	0.092327842	ONTARIO
131	Ojibways of Onigaming First Nation	0.543339083	0.159923892	ONTARIO
154	Iskatewizaagegan #39 Independent First Nation	0.305871261	0.090028721	ONTARIO
161	Curve Lake	0.146250001	0.043046544	ONTARIO
163	Algonquins of Pikwakanagan First Nation	0.253106023	0.074498047	ONTARIO
164	Mohawks of the Bay of Quinte	0.259862076	0.076486592	ONTARIO
170	Walpole Island	0.2457465	0.072331879	ONTARIO
189	Lac Des Mille Lacs	0.454603109	0.133805759	ONTARIO
220	Nipissing First Nation	0.30609251	0.090093842	ONTARIO
222	Temagami First Nation	0.402310917	0.269464689	ONTARIO
227	Flying Post	0.465874244	0.137123253	ONTARIO
258	Ojibway Nation of Saugeen	0.659327158	0.194063282	ONTARIO
53	La Nation Micmac de Gespeg	0.44	0.129507549	QUEBEC
54	Première Nation Wolastoqiyik (Malécite) Wahsipekuk	0.44	0.129507549	QUEBEC
56	Waswanipi	0.593949434	0.174820307	QUEBEC
57	Eastmain	0.781510656	0.230026203	QUEBEC
58	Cree Nation of Chisasibi	0.526168576	0.154870005	QUEBEC
59	Cree Nation of Nemaska	0.766451364	0.225593721	QUEBEC
60	Cree Nation of Wemindji	0.595777889	0.175358486	QUEBEC
61	The Crees of the Waskaganish First Nation	0.573921163	0.319975649	QUEBEC
64	Timiskaming First Nation	0.415832044	0.122394065	QUEBEC
65	Kebaowek First Nation/Eagle Village First Nation-Kipawa	0.425087545	0.125118286	QUEBEC

68	Wolf Lake	0.469939373	0.138319764	QUEBEC
69	Mohawks of Kanesatake	0.123202829	0.036262946	QUEBEC
74	Algonquins of Barriere Lake	0.502674902	0.147954987	QUEBEC
75	Cree Nation of Mistissini	0.508534319	0.14967962	QUEBEC
81	Naskapi Nation of Kawawachikamach	0.799745143	0.386443626	QUEBEC
89	Oujé-Bougoumou Cree Nation	0.541140558	0.159276789	QUEBEC
95	Première nation de Whapmagoostui	0.591305409	0.325092447	QUEBEC
346	Red Pheasant	0.347260674	0.102211088	SASKATCHEWAN
378	Carry The Kettle	0.340195636	0.100131597	SASKATCHEWAN
382	Okanese	0.346095699	0.101868194	SASKATCHEWAN
376	Yellow Quill	0.49149458	0.144664223	SASKATCHEWAN
399	Big Island Lake Cree Nation	0.472579261	0.139096776	SASKATCHEWAN
491	Carcross/Tagish First Nation	0.510156558	0.150157103	YUKON
492	Little Salmon/Carmacks First Nation	0.554700664	0.163268007	YUKON
494	Tr'ondëk Hwëch'in	0.609316412	0.179343352	YUKON
495	First Nation of Nacho Nyak Dun	0.79355221	0.233570458	YUKON
496	Vuntut Gwitchin First Nation	0.82624146	0.394242429	YUKON
497	Ross River	0.614518831	0.180874607	YUKON
498	Selkirk First Nation	0.799701969	0.235380549	YUKON
499	Teslin Tlingit Council	0.551249282	0.162252143	YUKON
500	Kwanlin Dun First Nation	0.55	0.161884436	YUKON
502	Liard First Nation	0.621970699	0.183067956	YUKON
503	Kluane First Nation	0.58656147	0.172645768	YUKON
506	White River First Nation	0.893500905	0.26298889	YUKON
507	Champagne and Aishihik First Nations*	0.543033311	0.159833893	YUKON
508	Ta'an Kwach'an	0.435722996	0.128248675	YUKON
			Average=15%	

APPENDIX P
ADDITIONAL COST CONSIDERATIONS

Consideration	Cost Estimate
Office Space *Costs associated with the purchase, rental, or fit-up of office space.*	$_____
Repairs, Maintenance *Costs associated with the upkeep of capital goods or assets (e.g., the cost of repairing plumbing.*	$_____
Office Supplies *Costs associated with the purchase of administrative supplies, e.g., pens and notebooks.*	$_____
Vehicles *Costs associated with the purchase or rental of transportation equipment, e.g., the purchase of a vehicle for employee travel between communities.*	$_____
Technology, Software *Costs associated with the purchase or development of technology or software, e.g., the purchase of a case management software, the purchase of cloud storage.*	$_____
Website Development *Costs associated with designing, building, and maintaining a public facing website for service delivery.*	$_____
Insurance *Costs associated with the purchase of insurance, e.g., liability insurance for service provision, directors' and officers' insurance, etc.*	$_____
Permitting, Licensing *Costs associated with obtaining relevant licenses or permits for operating facilities or services, e.g., childcare license.*	$_____
Legal Fees *Costs associated with corporate set-up, litigation, etc., e.g., costs associated with incorporation.*	$_____
Accounting *Fees for accounting services, e.g., tax filing, audits, etc.*	$_____
Other Professional Services *Costs for retaining consultants or other professional services, e.g., the cost of contracting an organization for community consultations related to jurisdiction.*	$_____
Training *Costs for developing, delivering, or funding employee training, e.g., Indigenous language training.*	$_____
Salaries, Benefits *Costs associated with compensating employees (e.g., hiring and paying an administrative assistant, social worker, etc. and their related benefits, e.g., health care, fitness club, etc.*	$_____

APPENDIX Q
PREVENTION PROGRAMS

The goal of prevention programs is to prevent an incidence of child maltreatment or other emotional and social harm to a child.[1] There are three types of prevention programs and services:[2]

1) Primary: Directed to the community as a whole, designed to educate and prevent child maltreatment.
2) Secondary: Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc.
3) Tertiary: Used when a child has been identified as at risk of harm of child maltreatment e.g., immediate crisis intervention.

In 2016, Canadian Human Rights Tribunal ordered the federal government to "cease its discriminatory practices and reform the FNCFS Program and *1965 Agreement.*"[3] The funding for prevention programming has evolved since 2016. Most recently, Indigenous Services Canada (ISC) allocated "$2,500 [annually] per registered First Nation person resident on reserves and in the Yukon, based on the total registered population of a First Nation drawn from the Indian Registry System."[4]

There have been a series of CHRT orders regarding funding for prevention programming. These include:

- In 2018, CHRT 4 ordered ISC to pay for prevention programs at actuals.[5]

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[1] Daryl J. Higgins et al., "Core Components of Public Health Approaches to Preventing Child Abuse and Neglect," in *Handbook of Child Maltreatment*, ed. Richard D. Krugman and Jill E. Korbin (Cham: Springer International Publishing, 2022), https://doi.org/10.1007/978-3-030-82479-2_22.

[2] Capacity Building Center for States, *Working Across the Prevention Continuum to Strengthen Families* (Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, 2021), https://capacity.childwelfare.gov/sites/default/files/media_pdf/prevention-continuum-strengthen-families-cp-20119.pdf; Child Abuse & Neglect Prevention Board, *Types of Prevention Approaches* (Government of Wisconsin, n.d.), accessed on June 6, 2024, https://preventionboard.wi.gov/Documents/PreventionApproaches.pdf; Indigenous Services Canada, "FNCFS Transitional Terms and Conditions: Contributions to provide children, youth, young adults, families and communities, with prevention and protection services," *Government of Canada,* last updated April 1, 2022, https://www.sac-isc.gc.ca/eng/1648577221890/1648577242550; FRIENDS National Center for Community-Based Child Abuse Prevention, "What is Prevention of Child Abuse and Neglect," accessed August 21, 2024, https://friendsnrc.org/prevention/what-is-prevention-of-child-abuse-and-neglect/.

[3] *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2, https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/127700/index.do.

[4] Indigenous Services Canada, "Prevention services."

[5] *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2018 CHRT 4, https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/308639/index.do.

- In 2021, the CHRT published a Letter-Decision that orders the Government of Canada to fund capital assets at actuals for the delivery of prevention programs including band representatives.[6]
- In 2022, CHRT 8 amended 2018 CHRT 4, ordering, starting April 2022, prevention services be funded at "$2500 per person resident on reserve and in the Yukon in total prevention funding in advance of the complete reform of the FNCFS Program funding formulas, policies, procedures and agreements."[7]

Table 1 summarizes common prevention programs categorized by level (primary, secondary, tertiary) offered by FNCFS service providers, serving as a prevention program inventory for those exploring options to deliver to the First Nations they serve. This table was compiled by reviewing a total of 188 prevention programs across 30 First Nations and 16 FNCFS agencies, representing all regions, geographic zones, and service delivery provider type (served by an FNCFS agency, exercising jurisdiction, or are not affiliated to an FNCFS agency).

Table 1

Program	Description	Examples
Primary		
Healthy Eating and Life Skills	Services that teach parents how to take care of their children (e.g., cooking classes) and youth life skills (e.g., financial literacy).	1. Nutrition Services (Neqotuk Health Center, Tobique First Nation)[8] 2. Life Skills Program (Xyólheméylh [Fraser Valley Aboriginal Children and Family Services Society])[9] 3. Family Support and Case Aid Program (Mi'kmaw Child and Family Services)[10]

[6] *First Nations Child and Family Caring Society et al. v. Attorney General of Canada*, "Letter-decision with reasons to follow (equivalent of an oral ruling made from the bench)," T1340/7008, August 26, 2021, https://fncaringsociety.com/sites/default/files/chrt_letter_decision_august_26_2021.pdf.
[7] *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (representing the Minister of Indigenous and Northern Affairs Canada)*, 2022 CHRT 8, https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/520915/index.do#_Toc104464860.
[8] Neqotkuk Health Center, "Neqotkuk Health Programs and Services," accessed August 12, 2024, https://neqotkukhealthcenter.ca/services/.
[9] Xyólheméylh, "Life Skills," accessed August 14, 2024, https://www.fvacfss.ca/life-skills/.
[10] Mi'kmaw Family & Children's Services of Nova Scotia, "Programs and Services," accessed August 12, 2024, https://mfcs.ca/programs-and-services/#mens-outreach-program-and-journey-of-the-two-wolves-tapusijik-paqtismk.

Maternal and Infant Health	Nursing services for pregnant people and their babies that strengthen the caregiver-child bond such as breastfeeding support, parenting classes, and home visits.	1. Maternal Child Health Program (Little Red River Cree Nation)[11] 2. Maternal Child Health Program (Abegweit First Nation)[12] 3. Prenatal, Infancy and Early Years Programs (Tikinagan Child and Family Services)[13]
Youth Programming and Recreation	Wellness and healing programs for youth such as sports or cultural activities (e.g. traditional dance), drop-in services, mentorships, substance abuse prevention, services for 2SLGBTQ+ youth, residential treatment facilities etc.	1. Community Sector, Recreation Department (Montagnais de Unamen Shipu)[14] 2. Recreation Department (Beaver Lake Cree Nation)[15]
Land-Based Programming	Outdoor facilities that serve as sites for family, youth, and adult wellness programming.	1. Reclaiming Our Voices (West Region Child and Family Services)[16] 2. Traditional Land Based Program (Peguis Child and Family Services)[17] 3. Land-based and Traditional Training, Youth Programs (Tikinagan Child and Family Services)[18]
Child Health	Pediatric services that also offer parenting classes or other supports for parents.	1. Hwialusmutul' Community Health Team (Cowichan Tribes)[19]

[11] Little Red River Cree Nation, “Maternal Child Health,” accessed August 12, 2024, https://lrrcn.ab.ca/programs-services/health-services/maternal-child-health/.
[12] Abegweit First Nation, “Programs & Services,” accessed August 14, 2024, https://abegweit.ca/programs-services/social-assistance/.
[13] Tikinagan Child and Family Services, “Prevention,” accessed August 12, 2024, https://www.tikinagan.org/our-services/prevention/.
[14] Montagnais de Unamen Shipu, “Secteur Communautaire [Community Sector],” accessed August 12, 2024, https://www.unamenshipu.com/communautaire/.
[15] Beaver Lake Cree Nation, “Recreation,” accessed August 12, 2024, https://beaverlakecreenation.ca/community/recreation/.
[16] West Region Child and Family Services, “Regional Programs,” accessed August 12, 2024, https://wr-cfs.org/services/regional-programs.
[17] Peguis Child & Family Services, “Traditional Land Based Program,” accessed August 15, 2024, https://www.peguiscfs.ca/traditional-land-based-program.
[18] Tikinagan Child and Family Services, “Prevention.”
[19] Cowichan Tribes, “Hwialusmutul' Community Health Team,” accessed August 14, 2024, https://cowichantribes.com/member-services/health/healthy-families.

		2. Child Health Clinics (Abegweit First Nation)[20] 3. Youth Health and Wellness Group (Ktunaxa / Kinbasket Child and Family Services Society)[21]
Family Violence Prevention	Services that support couples at risk of family violence such as counselling, community information sessions, or land-based programing.	1. Family Wellbeing Program (Taykwa Tagamou Nation)[22] 2. Family Violence Prevention Program (Tobique First Nation)[23] 3. Family Violence Prevention Programs (Conseil de la Nation Atikamekw)[24]
Substance Misuse Prevention	Educates adults and youth about substance misuse.	1. Prevention Program (Tobique First Nation)[25]
Cultural and Community Programming	Programs for the community as a whole such as community gatherings, family language classes, community hunts, resource libraries, food banks, and Elder programming.	1. Traditional and Cultural Services (Peguis Child and Family Services)[26] 2. Hlgaagilda Children's Haida Dance Group (Skidegate Band Council)[27]
Early Childhood Development	Services like home visiting, parenting groups, and cultural programming for young children that include parents or extended family.	1. Parent and Family Programs, Prenatal, Infancy (Tikinagan Child and Family Services)[28]

[20] Abegweit First Nation, *2021-2022 Annual Report* (2022), https://abegweit.ca/wp-content/uploads/2024/06/AFN-Annual-Report-2021-2022_FINAL.pdf.
[21] Ktunaxa Kinbasket Child and Family Services, "Youth Health & Wellness Group," accessed August 15, 2024, https://kkcfss.org/program/youth-health-wellness-group/.
[22] Taykwa Tagamou Nation, "Social Services," accessed August 12, 2024, https://www.taykwatagamou.com/social-services.
[23] Neqotkuk Health Center, "Neqotkuk Health Programs and Services."
[24] Atikamekw Sipi, "Family Violence Prevention Programs," accessed August 15, 2024, https://www.atikamekwsipi.com/fr/services/service-sociaux-atikamekw-onikam/programmes/programmes-de-prevention-de-la-violence-familiale.
[25] Neqotkuk Health Center, "Neqotkuk Health Programs and Services."
[26] Peguis Child & Family Services, "Traditional and Cultural Service," accessed August 15, 2024, https://www.peguiscfs.ca/traditional-and-cultural-services.
[27] Skidegate Band Council, "Hlgaagilda Children's Haida Dance Group," accessed August 14, 2024, https://skidegate.ca/hlgaagilda-childrens-haida-dance-group/.
[28] Tikinagan Child and Family Services, "Prevention."

		2. Paq̓mi Nuq̓yuk (Early Years) (Ktunaxa/Kinbasket Child and Family Services Society.[29]
Grandparent Programs	Provides assistance to grandparents to equip them to offer supports to their families.	1. Grandparent Mentorship Program (Peguis First Nation)[30] 2. Grandparents Group (Ktunaxa / Kinbasket Child and Family Services Society)[31]
Gendered Programming	Separate programs for men and women such as traditional parenting roles, healing from trauma, land-based activities, or youth programs.	1. Niigannish Komwadd Ikwewag - Women Leading, Father Traditional Program (Peguis First Nation)[32] 2. LUM-STAM'SH Prevention (Cowichan Tribes)[33]
Secondary		
Family Enhancement	Services and programs that aim to support families confronting challenges and to address existing risk factors to prevent children from entering care. This can be through counselling, sharing circles, or wraparound supports.	1. Family Enhancement Wraparound (West Region Child and Family Services)[34] 2. Family Enhancement (Dakota Ojibway Child and Family Services)[35]
Mental Health and Addictions Treatment	Services for parents or youth struggling with mental illness or addictions such as counselling, in-patient or out-patient services (potentially at a healing center),	1. Addictions Services, Mental Health/Holistic Health Services, Black Lake Denesuline Health Centre/Nursing Station (Black Lake First Nation)[36]

[29] Ktunaxa Kinbasket Child and Family Service Society, “Paq̓mi Nuq̓yuk (Early Years),” accessed August 14, 2024, https://kkcfss.org/what-we-do/paqmi-nuqyuk-early-years/.
[30] Peguis Child & Family Services, “Grandparent Mentors,” accessed August 12, 2024, https://www.peguiscfs.ca/grandparent-mentors.
[31] Ktunaxa Kinbasket Child and Family Service Society, “Grandparents Group,” accessed August 12, 2024, https://kkcfss.org/program/grandparents-group/.
[32] Peguis Child & Family Services, “Niigannish Komwadd Ikwewag,” accessed August 12, 2024, https://www.peguiscfs.ca/niigannish-komwadd-ikwewag; Peguis Child & Family Services, “Father Traditional Program,” accessed August 15, 2024, https://www.peguiscfs.ca/father-traditional-program.
[33] Cowichan Tribes, “Lum-Stam’Sh Prevention,” accessed August 12, 2024, https://cowichantribes.com/member-services/children-and-families/service-delivery-programming/lum-stamsh-prevention-team.
[34] West Region Child and Family Services, “Regional Programs,” accessed August 15, 2024, https://wr-cfs.org/services/regional-programs.
[35] Dakota Ojibway Child and Family Services, “Family Enhancement,” accessed August 15, 2024, https://www.docfs.org/family_enhancement.
[36] Black Lake First Nation, “Black Lake Clinic,” accessed August 12, 2024, https://blacklakefirstnation.ca/comm_services/black-lake-clinic/.

	healing circles, 12-step programs, National Native Drug and Alcohol Program, and cultural programming (e.g. horse therapy).	2. Crystal Clear Program (Yellow Thunderbird Lodge)[37]
Suicide Prevention	Services for at-risk adults or youth such as awareness, land-based programming, healing circles, a safe house, or mental health services (e.g. counselling, psychiatric assessments).	1. Choose Life – Pathfinders (Taykwa Tagamou Nation).[38] 2. Suicide Awareness and Prevention, Youth Programs (Tikinagan Child and Family Services)[39]
Supports for Low-Income Families	Programs for low-income families such as cultural and community events, land-based programming, and referral to other supports.	1. N.C.B.R. (Little Red River Cree Nation)[40]
Inter-generational Trauma Programming	Services for survivors of inter-generational trauma and/or Residential School Survivors to help them understand their trauma, connect to their culture, and ensure their well-being and mental health.	1. Reclaiming Our Voices (West Region Child and Family Services)[41] 2. Indian Residential School Resolution Health Support Program (Tobique First Nation)[42]
Programs for Young Parents	Supports young parents through counselling, parenting groups, pre-natal care, transition support, libraries, community kitchens etc.	1. Brighter Futures (Beaver Lake Cree Nation)[45] 2. Nobody's Perfect (Ktunaxa / Kinbasket Child and Family Services Society)[46] 3. Minor Parents (Dakota Ojibway Child and Family Services)[47]

[37] Yellow Thunderbird Lodge, "Crystal Clear Program," accessed August 14, 2024, https://www.ytlsociety.org/crystal-clear-program/.
[38] Taykwa Tagamou Nation, "Health."
[39] Skidegate Band Council, "Hlgaagilda Children's Haida Dance Group."
[39] Tikinagan Child and Family Services, "Prevention."
[40] Little Red River Cree Nation, "N.C.B.R.," accessed August 12, 2024, https://lrrcn.ab.ca/programs-services/community-services/n-c-b-r/.
[41] West Region Child and Family Services, "Regional Programs."
[42] Neqotkuk Health Center, "Neqotkuk Health Programs and Services."
[45] Beaver Lake Cree Nation, "Health," accessed on August 14, 2024, https://beaverlakecreenation.ca/health/.
[46] Ktunaxa / Kinbasket Child and Family Services Society, "Paq̓mi Nuq̓yuk (Early Years)," accessed August 14, 2024, https://kkcfss.org/what-we-do/paqmi-nuqyuk-early-years/.
[47] Dakota Ojibway Child and Family Services, "Minor Parents," accessed August 15, 2024, https://www.docfs.org/minor_parents.

	(Some First Nations and agencies offer Brighter Futures[43] and Nobody's Perfect[44]).	
Urban Families[48] (Not commonly offered)	Supports for families making the transition from on-reserve to off-reserve, such as service provision and gathering places.	1. Urban Families Team (Cowichan Tribes)[49]
Tertiary		
Intensive Family Preservation	Supports families in a crisis with the intention to keep them together. This can include counselling, crisis intervention, and supports from clinicians.	1. Family Preservation Department (Xyólheméylh [Fraser Valley Aboriginal Children and Family Services Society])[50] 2. Family Preservation (Carrier Sekani Family Services)[51]
Removal of Parents Program	When intervention is required to protect a child, removing parents from the home rather than child, is an alternative placement option.	1. Removal of Parent Program (Nisichawayashik Cree Nation Family and Community Wellness Centre)[52]
Family Violence Treatment	Healing supports to families after a family violence incident such as a safe house, counselling, advocacy/assistance planning for the future and residential treatment.	1. Mi'kmaw Family Healing Program (Mi'kmaw Child and Family Services)[53]

[43] See Public Health Agency of Canada, "Brighter Futures for Children of Young/Single Parents," last modified May 10, 2016, https://capc-pace.phac-aspc.gc.ca/en/project-details?project=543.
[44] Nobody's Perfect, "Nobody's Perfect," accessed on April 11, 2024, https://nobodysperfect.ca/home/.
[48] Cowichan Tribes, "Urban Families Team," accessed on April 11, 2024, https://cowichantribes.com/member-services/children-and-families/delegated-child-welfare-programming/urban-families-team.
[49] Cowichan Tribes, "Urban Families Team."
[50] Xyólheméylh, "What We Do – Family Preservation," accessed August 12, 2024, https://www.fvacfss.ca/family-preservation/.
[51] Carrier Sekani Family Services, "Family Preservation," accessed August 12, 2024, https://www.csfs.org/services/family-preservation.
[52] Nisichawayasihk Cree Nation Family and Community Wellness Centre, "Child and Family Services," accessed August 12, 2024, https://www.ncnwellness.ca/programs-services/child-and-family-services/#removalofparent.
[53] Mi'kmaw Family & Children's Services of Nova Scotia, "Programs and Services," accessed August 12, 2024, https://mfcs.ca/programs-and-services/#mens-outreach-program-and-journey-of-the-two-wolves-tapusijik-paqtismk.

		2. Sexual Abuse Intervention Program (Xyólheméylh [Fraser Valley Aboriginal Children and Family Services Society])[54]

FNCFS service providers use varying names to describe their protection programming but will typically provide services that fulfill each function in the typology (Table 2). The typology was developed using an information set that describes the protection programs of 15 different FNCFS agencies. The 15 reviewed FNCFS agencies include two agencies each from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and New Brunswick; one agency from Nova Scotia; and zero from Newfoundland and Labrador, Prince Edward Island. Program descriptions for each FNCFS agency were extracted from agency websites and/or annual reports. After assembling information on the 15 agencies' protection programming, IFSD developed the typology to help categorize programs by common functions.

Table 2

Program type	Description	Examples
Intake and investigation	During the intake process, service providers review reported abuse/neglect concerns to determine if they meet the threshold for investigation. If the report meets the threshold for investigation, the service provider will perform an investigation to determine if the child is at risk and requires removal or if less intrusive interventions could address the concern.	1. Centralized Intake Services (Dilico Anishinabek Family Care)[55] 2. Child Abuse Investigation Program (Peguis Child & Family Services)[56]

[54] Xyólheméylh, "Sexual Abuse Intervention Program," accessed August 15, 2024, https://www.fvacfss.ca/saips/.
[55] Dilico Anishinabek Family Care, "Protection Services," accessed April 12, 2024, https://www.dilico.com/child-welfare/protection-services/.
[56] Peguis Child & Family Services, "Honesty - Speaking Truth in a Sharing Circle (Investigation Services)," accessed April 12, 2024, https://www.peguiscfs.ca/newpage04a1fd52.

Apprehension	Service providers must remove the at-risk children who cannot remain in their home and take them into care.	1. Intervention (Mino Obigiwasin)[57] 2. Investigations & apprehensions (KTC Child & Family Services)[58]
Family group conferencing	Service providers engage a child's extended family and community in the decision-making process for developing a plan of care. This allows the family to work collaboratively with the service provider to ensure the safety and well-being of the child.	1. Wikimanej Kikmanaq Family Group Conference Program (Mi'kmaw Family & Children's Services)[59] 2. Family Group Conferencing/Immediate Response Conferencing (Mi'gmaq Child and Family Services of New Brunswick)[60]
Placement	Service providers use a variety of placement types for children in care, such as: 1) **Short-term placements:** where service providers place children in out-of-home care for a short period while providing supports to the family with the goal of reunification. 2) **Foster care/alternative care:** where service providers place children in a family environment. 3) **Customary care and kinship care:** where service providers	1. Placement (Usma Nuu-Chah-Nulth Family & Child Services)[61] 2. Temporary Care and Custody program (Mi'kmaw Family & Children's Services)[62]

[57] Mino Obigiwasin, "Intervention," accessed April 12, 2024, https://mino-obigiwasin.ca/en/services/psycho-education.
[58] KTC Child & Family Services, "Services," accessed April 12, 2024, https://www.ktccfs.com/services.
[59] Mi'kmaw Family & Children's Services of Nova Scotia, "Programs and Services," accessed April 12, 2024, https://mfcs.ca/programs-and-services/.
[60] Mi'gmaq Child and Family Services of New Brunswick, "Family Group Conferencing/Immediate Response Conferencing," accessed April 12, 2024, https://www.mcfsnb.ca/en/services/family-group-conferencing-immediate-response-conferencing.
[61] Nuu-Chah-Nulth Tribal Council, "Usma Nuu-Chah-Nulth Family & Child Services," accessed April 12, 2024, https://nuuchahnulth.org/services/usma.
[62] Mi'kmaw Family & Children's Services of Nova Scotia, "Programs and Services."

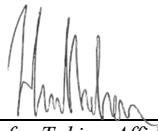
	place children with extended family or community members. 4) **Group homes:** where service providers place children in multi-bed, group-living facilities. These placements sometimes offer specialized or therapeutic supports for children and youth with specific needs.	
Support programming for children in care	Service providers offer a range of programs and services that support children in care. These programs can provide a range of services such as: 1) Workshops and activities; 2) Behavioural interventions; 3) Developing care plans; 4) Providing treatment, assessment, and/or counselling services; 5) Supports in maintaining children's connections with extended family, culture, etc.	1. Child Wellness (Dilico Anishinabek Family Care)[63] 2. Children in Permanent Care and Custody (Mi'kmaw Family & Children's Services)[64]
Youth support services and agreements	Some service providers will enter into service agreements with youth who cannot remain in their current home or are currently in care. These programs can include independent living and start-up cost supports for youth who prefer to live independently.	1. Voluntary Youth Service Agreements (Nogdawindamin Family and Community Services)[65] 2. Continued Care and Voluntary Youth Support (Dilico Anishinabek Family Care)[66]

[63] Dilico Anishinabek Family Care, "Protection Services."
[64] Mi'kmaw Family & Children's Services of Nova Scotia, "Programs and Services."
[65] Nogdawindamin Family and Community Services, *AGM Report 2021-2022*, accessed April 12, 2024, https://www.nog.ca/media/1225/download.
[66] Dilico Anishinabek Family Care, "Protection Services."

Adoption and Guardianship	These programs involve placing children in care into permanent homes via adoption or guardianship.	1. Adoption Program (Mi'kmaw Family & Children's Services)[67] 2. Adoption/Guardianship (Dakota Ojibway Child & Family Services)[68]

[67] Mi'kmaw Family & Children's Services of Nova Scotia, "Programs and Services."
[68] Dakota Ojibway Child & Family Services, "Adoption/Guardianship," accessed April 12, 2024, https://www.docfs.org/adoption_guardianship.

This is Exhibit "37" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

IFSD
IFPD

First Nations Not Affiliated to an FNCFS Agency

Institute of Fiscal Studies and Democracy

HELAINA GASPARD, PH.D.

This report was prepared under the supervision of Kevin Page, President & CEO of the Institute of Fiscal Studies and Democracy (IFSD) at the University of Ottawa.

With contributions by Dr. Mostafa Askari, Sahir Khan, Aimeric Atsin, Vivian Liu, and Eli Dzik. The author wishes to acknowledge the contributions of IFSD's analysts: Tianna Tischbein, Clara Geddes, and Kreg Lonneberg, with administrative support from Kim Paquet.

IFSD is grateful to the 75+ First Nations who shared their time, information, and expertise on child and family services. Their generous and honest contributions during national gatherings, regional workshops, a questionnaire, and in-depth analyses made this work possible.

This report was prepared at the request of the First Nations Child and Family Caring Society (Caring Society).

The views expressed here are those of the author and do not necessarily represent the views of the Caring Society.

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EXECUTIVE SUMMARY

There are 172 First Nations not affiliated to a First Nations child and family services (FNCFS) agency that typically receive protection services from their respective province/territory. Prevention services (primary, secondary, and tertiary) may come from the province/territory or the First Nation. The service landscape is complex with multiple actors and limited information from provinces/territories on the integration of service delivery with First Nations.

Implementing reforms to the FNCFS Program for First Nations not affiliated to an FNCFS agency will require the integration of:

- Provincial/territorial service delivery and funding with First Nations receiving services (protection and/or prevention);
- Federal government funding (to the provinces/territories and to First Nations); and,
- First Nations not affiliated to an FNCFS agency's delivery of prevention services (primary, secondary, tertiary) and their integration with protection services.

To ensure First Nations children can thrive, gaps in the integration of services and funding among these actors must be overcome to define and implement a service delivery approach, funding model, and performance reporting framework. This means working consistently across jurisdictions to define common understandings of service delivery and ensuring that in practice, protection and prevention services (primary, secondary, tertiary) are integrated among multiple actors. This will be a significant undertaking.

In November 2021, at the request of the First Nations Child and Family Caring Society (Caring Society), with the support of the Assembly of First Nations (AFN), IFSD was contracted to undertake a child and family services (CFS) needs assessment regarding First Nations not affiliated to an FNCFS agency. The purpose of this project was to assess needs in First Nations not affiliated to an FNCFS agency for the delivery of prevention and other CFS-related services. The data gathered for this project was intended to define a range of approaches and costs for the delivery of CFS in First Nations not affiliated to an FNCFS agency. First Nations not affiliated to an FNCFS agency were invited to participate through regional and national gatherings, a questionnaire, and in-depth collaboration.

46% national participation in a questionnaire (2022); 9 regional workshops (75 First Nations); 2 national gatherings (65+ First Nations); and 5 in-depth analyses.

IFSD is grateful to the First Nations who shared their time, information, and expertise on CFS. This work would not have been possible without their honest and generous contributions.

IFSD worked with First Nations to build the information analyzed and discussed in this report that considers current funding, needs, and

options for a way forward. First Nations were invited to contribute and collaborate in this work in different ways:

1. National questionnaire;
2. Regional workshops;
3. Case study collaborations; and,
4. National gatherings to review findings.

At its launch, the project was expected to be completed by December 2022. However, it took significantly more time than planned to work with First Nations to gather data and to access data from the Government of Canada. More time was needed to ensure First Nations had a meaningful opportunity to participate given spare capacity in First Nations on CFS is limited, mandates for CFS vary, and starting points are different. Unlike existing FNCFS agencies and provincial/territorial service providers, there is limited history of practice or of peer networks. The regional workshops and national gatherings represented for many First Nations not affiliated to an FNCFS agency, the first time they gathered with other peers.

In addition, agreements on FNCFS between federal and provincial/territorial governments are not publicly accessible. This limits understanding of service requirements and associated resources for the province/territory. For First Nations not affiliated to an FNCFS agency, this means a gap in information that impedes their ability to harmonize protection and prevention (primary, secondary, tertiary) in the best interests of the child, with least disruptive measures, and with a culturally informed approach.

The variability in starting points and service delivery models in First Nations not affiliated to an FNCFS agency meant that no single approach could be defined. This circumstance is distinct from that of FNCFS agencies which have a common set of services and consistency in their delivery. With the commonality of services in FNCFS agencies, a national funding approach could be defined and modelled. Given the heterogeneity in starting points of First Nations not affiliated to an FNCFS agency, differentiation in needs, activities, and services should be expected.

Despite challenges associated with heterogeneity, IFSD defined options for a funding structure, i.e., the way money moves to First Nations and the associated conditions, and funding amounts, i.e., national estimates for prevention (primary, secondary, tertiary) service delivery in First Nations not affiliated to an FNCFS agency.

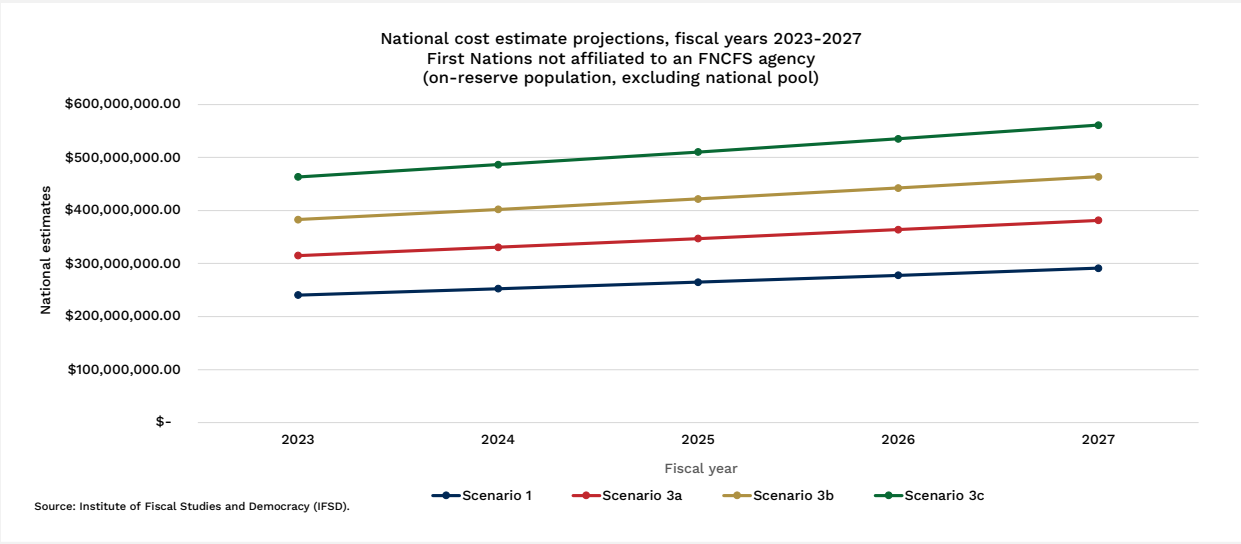
The three structures include status quo, a regional support model, and a needs assessment model (Table A).

TABLE A

OPTION	DESCRIPTION	CHANGE FROM CURRENT STATE
1. Status quo	Fixed contribution approach.	None. Likely revision to terms and conditions.
1 a. Status quo plus	Apply block contribution approach.	First Nations have greater flexibility in how funds are used for CFS in communities. Must work with a fixed amount of funding.
2. Regional support model	Trusted regional organizations would serve as the funding allocator and capacity support provider for First Nations not affiliated to an FNCFS agency.	Variation in regional allocation models. Localized capacity support for CFS.
3. First National needs assessments	Funding held in trust by regional organizations until a First Nation is prepared to accept the funding for use (within approx. 1-5 years), following consultation with community on their own timeline.	Resources accessed based on readiness of First Nation.

To estimate funding amounts, IFSD developed a series of scenarios. There are three scenarios (scenarios 3a, 3b, 3c), in addition to the base scenario (scenario 1), that are reviewed in the integral report (all other scenarios are included in Appendix G). These scenarios use different per capita allocations to define a baseline and include top-ups for service-related activities, e.g., information technology. Over the five-year period, estimates range from $1.3B in scenario 1 to $2.6B in scenario 3c (Figure A).

FIGURE A



The proposed structures and funding amounts represent a starting point. These changes do not represent a reformed approach to CFS delivery in First Nations not affiliated to an FNCFS agency. Without a consistent history of practice and prevention service delivery (primary, secondary, tertiary), it is not possible to define a baseline for operations. This means that any funding decisions implicating prevention service delivery in First Nations not affiliated to an FNCFS agency must recognize the need for time and effort to support the development and growth of consistent operations. This is about getting First Nations not affiliated to an FNCFS agency to a starting point. It will take time to clarify activities and their resource requirements, given the limited history of consistent service delivery.

Based on the report's findings, IFSD makes the following recommendations:

1. Clarify the prevention services (primary, secondary, tertiary) that First Nations are being asked to deliver with FNCFS resources.
    - Define federal reporting requirements for the funding.
    - Define service delivery expectations with their respective provincial/territorial FNCFS service providers, e.g., province/territory.
2. Publish agreements between the federal and provincial/territorial governments on FNCFS.
3. Require provincial/territorial governments to report to the First Nations they serve on the types of protection and prevention services (primary, secondary, tertiary) being offered, and their results.
4. First Nations and provincial/territorial governments should work in partnership to define memoranda of understanding to integrate protection and prevention (primary, secondary, tertiary) in service delivery.
5. On a regional/territorial basis, First Nations should define the funding approach that best suits their needs. This means that First Nations in different places may have different funding structures, e.g., regional organization managing allocation, separate bilateral agreements between First Nations and the federal government.
6. First Nations not affiliated to an FNCFS agency are only beginning to develop their approaches to the delivery of prevention services (primary, secondary, tertiary) with a limited history of practice. It will take time to clarify required activities and their resource requirements. Funding approaches should reflect that reality and should not be considered final until a consistent and stable set of activities are defined.
7. Ensure a review of the five-year approach at year three of funding and structure, relative to actual and desired activities in First Nations not affiliated to an FNCFS agency. Funding structure and resources should be adjusted based on findings.

INTRODUCTION

In 2016, the Canadian Human Rights Tribunal (CHRT) found Canada's funding of First Nations child and family services (FNCFS) and Jordan's Principle to be discriminatory. The Tribunal ordered Canada to end the discrimination and ensure it does not reoccur. Efforts are underway to reform the FNCFS Program and Jordan's Principle. Upholding CHRT rulings in child and family services (CFS) involves various actors and systems.

CFS promotes child safety and well-being through the delivery of protection and prevention services (Table 1). Structural drivers of contact with the protection system include poverty, inadequate housing, the effects of intergenerational trauma, substance misuse, etc. Prevention services exist to stop a child's interaction with protective services by providing supports and services to the child and their family. Prevention services may continue even after the protection concern has ended.

TABLE 1

PROTECTION[1]	Services for child safety to ensure children are free from harm, abuse, and neglect.
PREVENTION[2]	Activities and services to stop or reduce child maltreatment. 3 types of prevention: **Primary:** Directed to the community as a whole, designed to educate and prevent child maltreatment. **Secondary:** Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc. **Tertiary:** Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention.

1 See for instance :

UNICEF Child Protection Section, "Child Protection Strategy 2021-2030" (New York, July 2021), https://www.unicef.org/media/104416/file/Child-Protection-Strategy-2021.pdf.

Nanne Isokuortti et al., "Effectiveness of Child Protection Practice Models: A Systematic Review," Child Abuse & Neglect 108 (2020): 104632, https://doi.org/10.1016/j.chiabu.2020.104632.

The Alliance for Child Protection in Humanitarian Action, Minimum Standards for Child Protection in Humanitarian Action, 2019 Edition, 2019, https://handbook.spherestandards.org/en/cpms/#ch001.

2 See for instance:

Indigenous Services Canada, "FNCFS Transitional Terms and Conditions: Contributions to provide children, youth, young adults, families, and communities, with prevention and protection services," Government of Canada, last modified April 1, 2022, https://www.sac-isc.gc.ca/eng/1648577221890/1648577242550#chp5-3.

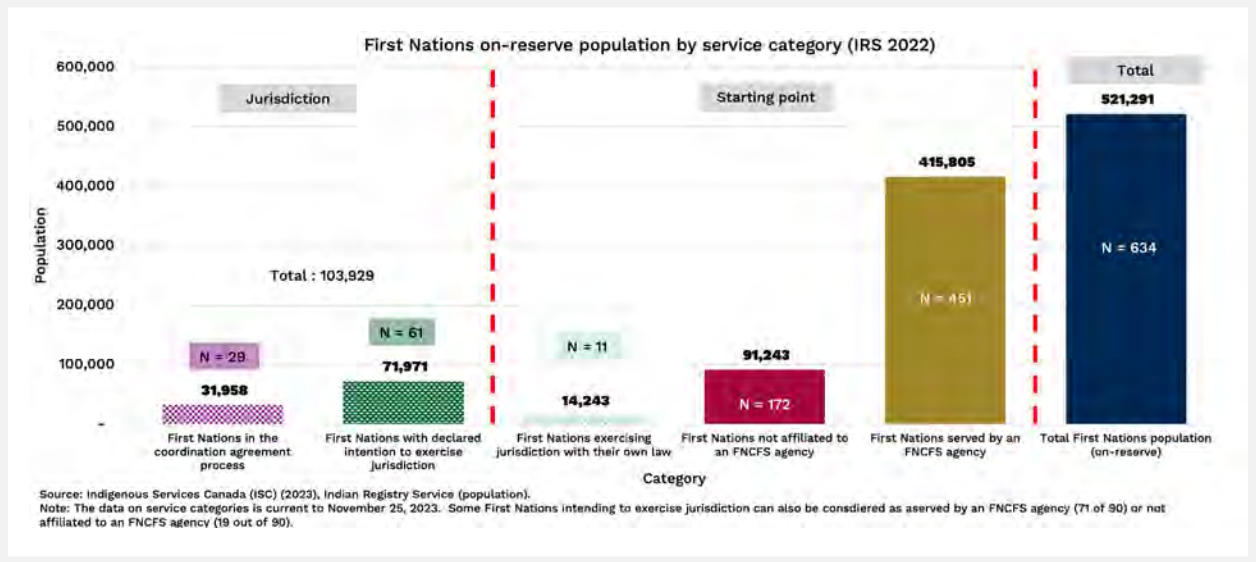
Capacity Building Center for States, Working across the prevention continuum to strengthen families, Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, 2021, https://capacity.childwelfare.gov/sites/default/files/media_pdf/prevention-continuum-strengthen-families-cp-20119.pdf.

FRIENDS National Center for Community-Based Child Abuse Prevention, "What is Prevention of Child Abuse and Neglect," n.d., https://friendsnrc.org/prevention/what-is-prevention-of-child-abuse-and-neglect/.

Child Abuse & Neglect Prevention Board, "Types of Prevention Approaches," Wisconsin.Gov, n.d., https://preventionboard.wi.gov/Documents/PreventionApproaches.pdf.

First Nations in Canada deliver and access CFS in different ways. There are 634[3] First Nations in Canada, among which 451 are served by an FNCFS agency[4], 172 are not affiliated to an FNCFS agency, and 11 have enacted their own laws to exercise jurisdiction (this means that their funding arrangements may have terms and conditions different than those being funded through the FNCFS Program) (Figure 1).[5] Based on total population on-reserve, the vast majority of First Nations are served by an FNCFS agency (80%), with the majority of those remaining not affiliated to an FNCFS agency (17.5%) (even though some from both groups may be in a coordination agreement process or have declared their intent to exercise jurisdiction). Only 3% of the First Nations population is served by a First Nation exercising jurisdiction. Note that the numbers are current to November 25, 2023, with changes to jurisdiction captured by Indigenous Services Canada (ISC) on their website.[6]

FIGURE 1



3 The count of 634 First Nations includes registry groups. Otherwise, there are 620 First Nations.

4 A First Nations Child and Family Service agency (FNCFS agency) operates pursuant to provincial legal delegation and/or in some cases First Nations legal delegation to deliver child welfare services to First Nations children, youth, and families. These agencies are funded by the Federal Government in whole or in part, with most providing a full range of statutory protection and prevention services and others known as partially delegated or partially mandated agencies providing a more limited range typically guardianship of children in care and prevention.

5 The 27 First Nations in the Northwest Territories are not affected by the CHRT orders of CFS.

6 Indigenous Services Canada, "Notices and requests related to An Act respecting First Nations, Inuit and Métis children, youth and families," Government of Canada, accessed November 25, 2023, https://www.sac-isc.gc.ca/eng/1608565826510/1608565862367.

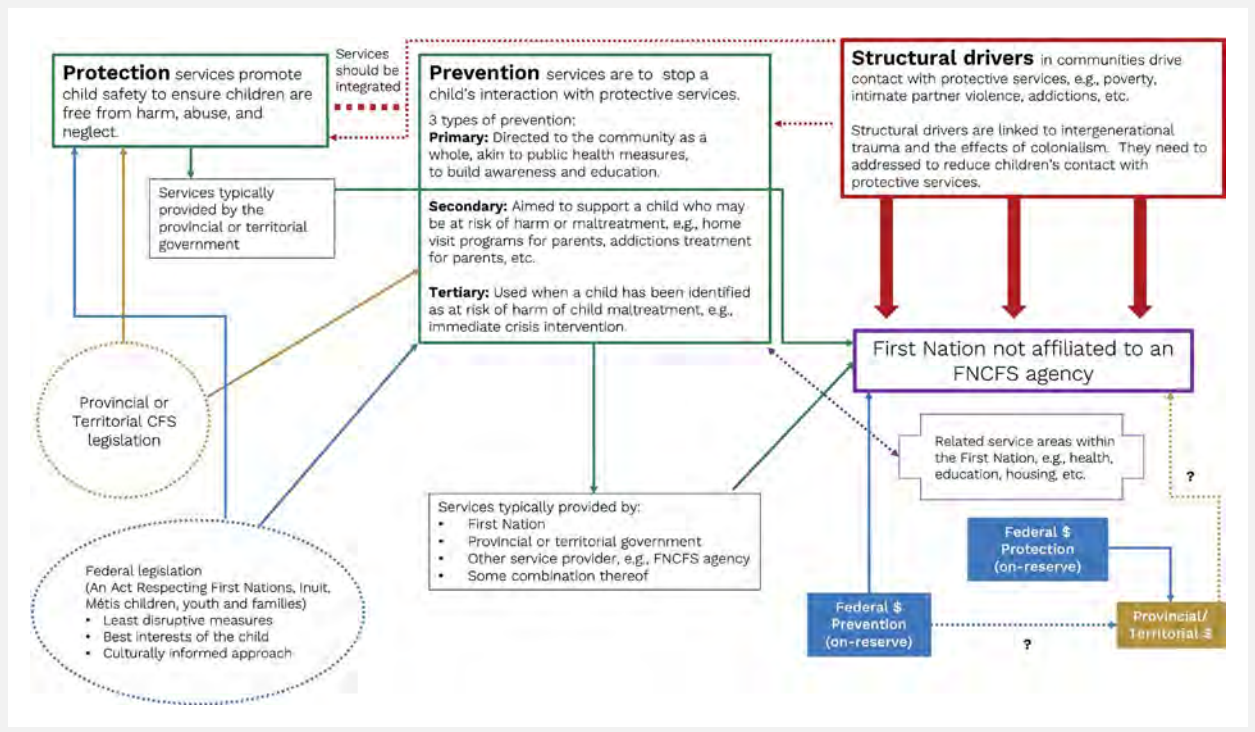
While there has been a great deal of emphasis on the exercise of jurisdiction in CFS and on FNCFS agencies, First Nations not affiliated to an FNCFS agency have been largely left unconsidered in the reform of FNCFS. Service provision in CFS engages several actors and considerations for First Nations not affiliated to an FNCFS agency (Figure 2). Where a First Nation served by an agency may work with their service provider, it is the provider that typically ensures coordination of protection and prevention services. For First Nations not affiliated to an FNCFS agency, the service landscape is more complex.

FIGURE 2: Service Landscape for First Nations Not Affiliated to an FNCFS Agency

The provision of child and family services in First Nations not affiliated to an FNCFS agency includes several actors. Their coordination is necessary to ensure that protection and prevention services are integrated and working in tandem to keep children out of care. Structural drivers are at the root of contact with protective services and need to be addressed.

Possible disconnects:

- Integration of protection and prevention services
- Interaction of and integration between protection and prevention service providers to ensure needs of children and families are being met
- Protocols, agreements, relationships between province and First Nation



Structural drivers that promote contact with protective services exist across communities. Addressing or mitigating the effects of those structural drivers can be done through an integrated combination of protection and prevention. For First Nations not affiliated to an FNCFS agency, protection services are typically provided by the province/territory, with funding from the federal government for services on-reserve. Prevention services may be offered by the province/territory, the First Nation, a nearby delegated agency, or other service providers. Provincial/territorial, and now federal, legislation influences the delivery of protection services, and secondary and tertiary prevention services. Ensuring the coordination of protection and prevention services is essential for keeping children out of care. Such coordination requires protocols, agreements, and working relationships between the First Nation, provincial, and federal governments, as well as with service providers (including those within the First Nation).

There are several questions that arise from this service delivery space. What are the provinces spending in CFS on-reserve? Are they focused on protection or is prevention (with consideration of the bests interests of the child, a culturally informed approach, and least disruptive measures) engaged? Are protection and prevention services aligned? Who is managing that alignment, and how? What federal funding is being allocated to for these activities and to whom? What are the relationships of First Nations with funders and other service providers in CFS? While the answers to these questions will differ by province/territory and First Nation, how the questions are managed merits consideration as they impact how children receive CFS.

In November 2021, at the request of the First Nations Child and Family Caring Society (Caring Society), with the support of the Assembly of First Nations (AFN), IFSD was contracted to undertake a CFS needs assessment regarding First Nations not affiliated to an FNCFS agency. The purpose of this project was to assess needs in First Nations not affiliated to an FNCFS agency for the delivery of prevention and other CFS-related services. The data gathered for this project was intended to define a range of approaches and costs for the delivery of CFS in First Nations not affiliated to an FNCFS agency. First Nations not affiliated to an FNCFS agency were invited to participate through regional and national gatherings, a questionnaire, and in-depth collaboration.

46% national participation in a questionnaire (2022); 9 regional workshops (75 First Nations); 2 national gatherings (65+ First Nations); and 5 in-depth analyses.

At its launch, the project was expected to be completed by December 2022. However, it took significantly more time than planned to work with First Nations to gather data, and to access data from the Government of Canada. More time was needed to ensure First Nations had a meaningful opportunity to participate given

spare capacity in First Nations on CFS is limited, mandates for CFS vary, and starting points are different. The variability in starting points and service delivery models in First Nations not affiliated to an FNCFS agency meant that no single approach could be defined.

IFSD is grateful to the First Nations who shared their time, information, and expertise on CFS. This work would not have been possible without their generous contributions.

This report proceeds by:

1. Reviewing current context of First Nations not affiliated to an FNCFS agency;
2. Discussing the project's data gathering tools and analysis;
3. Reviewing approaches to service delivery in First Nations not affiliated to an FNCFS agency;
4. Defining scenarios and related cost estimates;
5. Concluding with recommendations and considerations for next steps.

COMMON TERMS	DEFINITIONS
First Nations not affiliated to an FNCFS agency	A First Nation that receives protection services from the province/territory or another service provider. They are not associated to an FNCFS agency accountable for delivering protection and/or prevention services.
FNCFS agency	An organization mandated by one or more First Nations to provide protection and/or prevention services, following provincial/territorial law, and *An Act respecting First Nations, Inuit and Métis children, youth and families*.[7]
Protection	Services for child safety to ensure children are free from harm, abuse, and neglect.
Prevention	Activities and services to stop or reduce child maltreatment. 3 types of prevention: **Primary:** Directed to the community as a whole, designed to educate and prevent child maltreatment. **Secondary:** Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc. **Tertiary:** Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention.
Funding approach	A series of principles and rules that determine the amount of resources that flow to a recipient for a defined purpose, how the resources are flowed, when, and with what terms and condition for use and performance.
Fiscal year	The period from April 1 to March 31.
FNCFS Program	The federal program that funds First Nations child and family services (FNCFS) related activities, e.g., FNCFS agencies, prevention funding for First Nations not affiliated to an FNCFS agency, etc.
C-92	House of Commons Government Bill, sponsored by the Minister of Indigenous Services, which received royal assent on June 21, 2019. It is at times used to refer to the Act respecting First Nations, Inuit and Metis children, youth and families (the Act).
the Act	*An Act respecting First Nations, Inuit and Métis children, youth and families* that affirms inherent right to self-government in child and family services and defines principles for the provision of CFS to Indigenous children.
Starting point/point of departure	The current social, economic, and geographic context of a First Nation.

7 See Reference re *An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 (CanLII), at para 67, accessed February 22, 2024, https://canlii.ca/t/k2qhn.

PART I: CURRENT CONTEXT AND FUNDING PRACTICES

The 172 First Nations not affiliated to an FNCFS agency (145 First Nations, when those in the Northwest Territories which are not affected by the CHRT orders of CFS are excluded) are concentrated (by number of communities) in British Columbia with 82 communities (Figure 3).

Total population (on-reserve and off-reserve) is highest in British Columbia, although the largest on-reserve populations among First Nations not affiliated to an FNCFS agency are in Quebec (Figure 4).

FIGURE 3

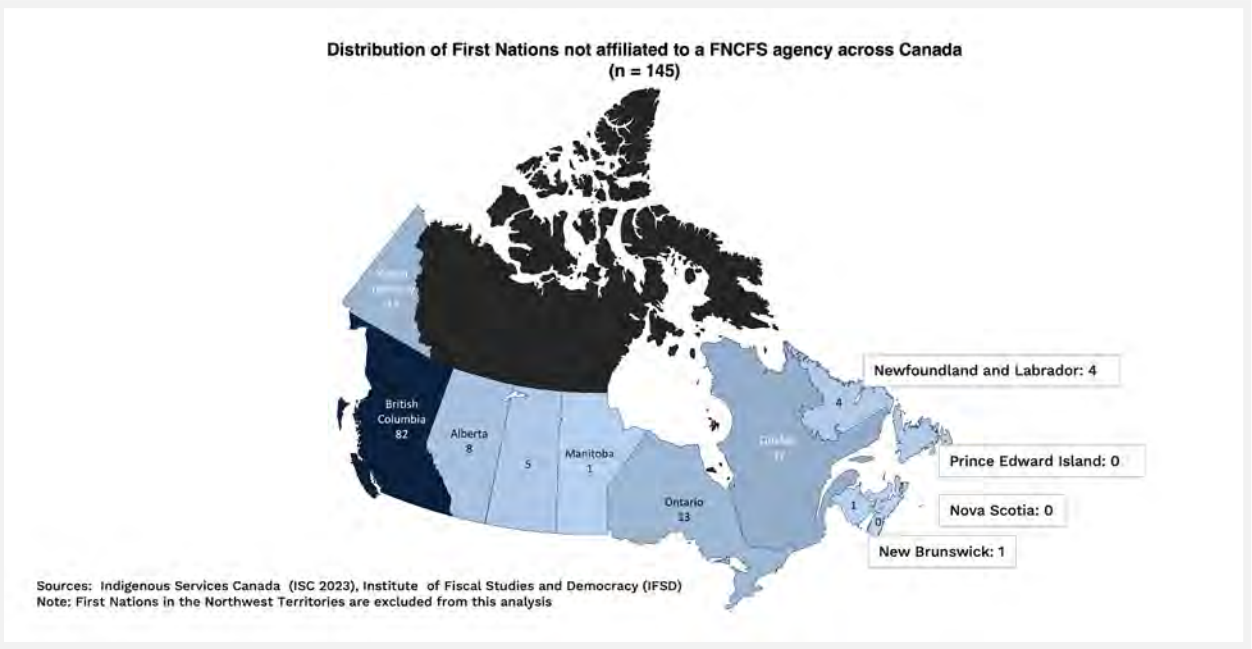
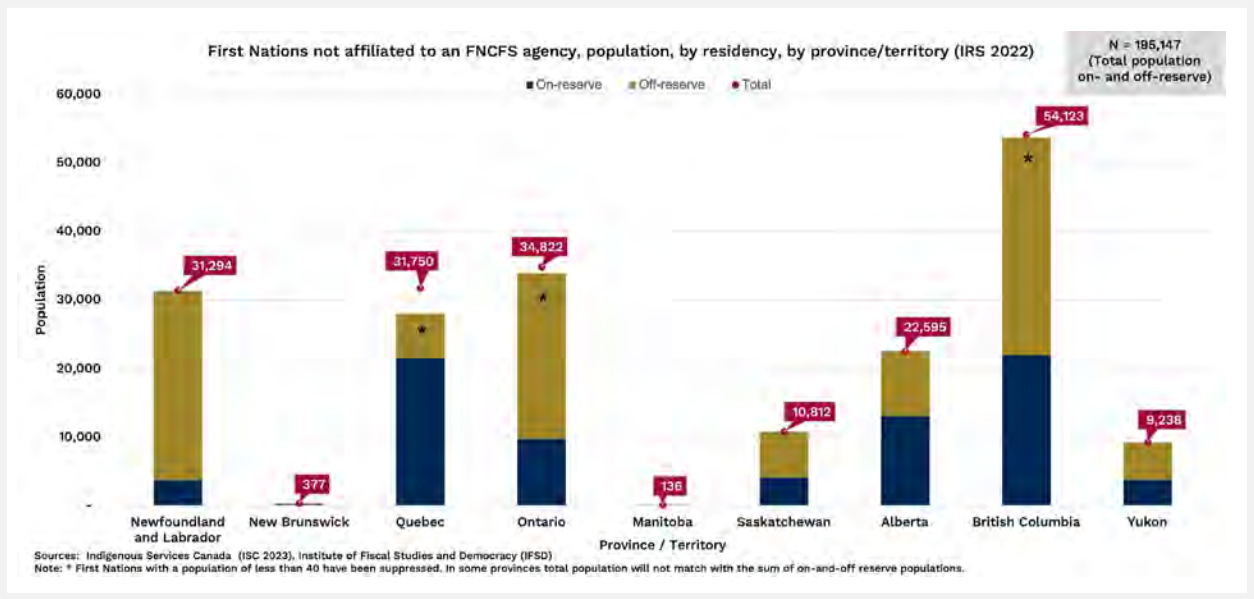


FIGURE 4



Since 2018, funding has increased for First Nations not affiliated to an FNCFS agency for CFS through the FNCFS Program. From a low of $7M in 2017-2018, total federal expenditures increased to $171M in 2021-2022 for these First Nations (Figure 5). Changes in funding were a function of Canadian Human Rights Tribunal (CHRT) orders and the now ended Community Well-being and Jurisdiction Initiative (CWJI).

Most of this federal funding is flowed through the fixed contribution approach and has become increasingly so across fiscal years, i.e., must be used for specific purposes within a specific period (Figure 6) (see contribution approach definitions in Table 10). On a regional basis, as of fiscal year 2018-19, nearly 30% of funding was allocated to British Columbia per fiscal year, with Ontario following closely behind (Figure 7). In fiscal years 2018-2019 to 2020-2021, most funding to First Nations not affiliated to an FNCFS agency was associated to CWJI. In 2021-2022, most funding was for a combination of CWJI and CHRT-mandated retroactive payments (Figure 8).

FIGURE 5

FIGURE 6

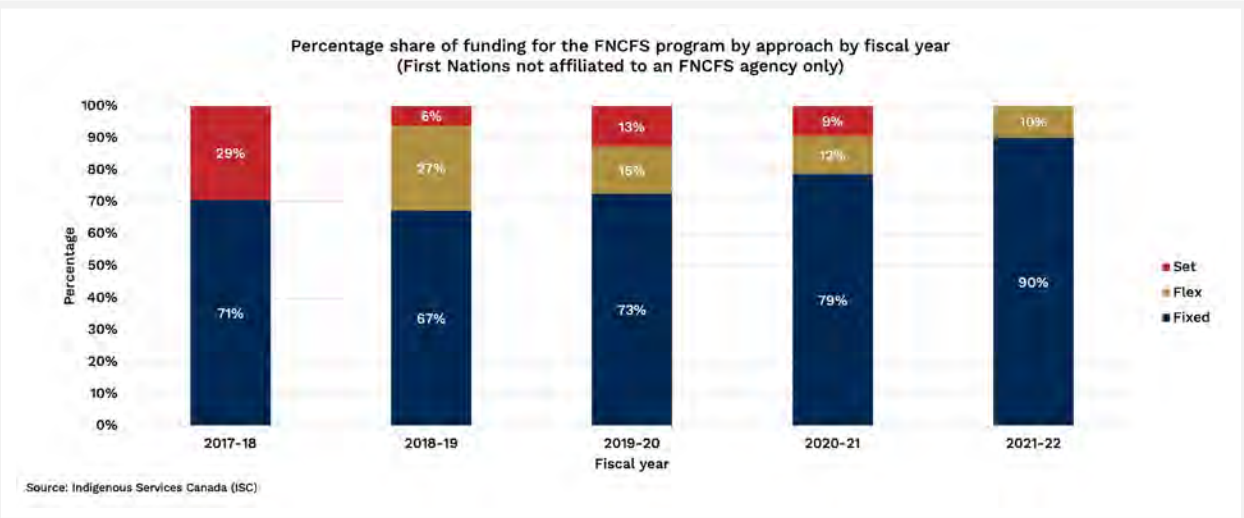


FIGURE 7

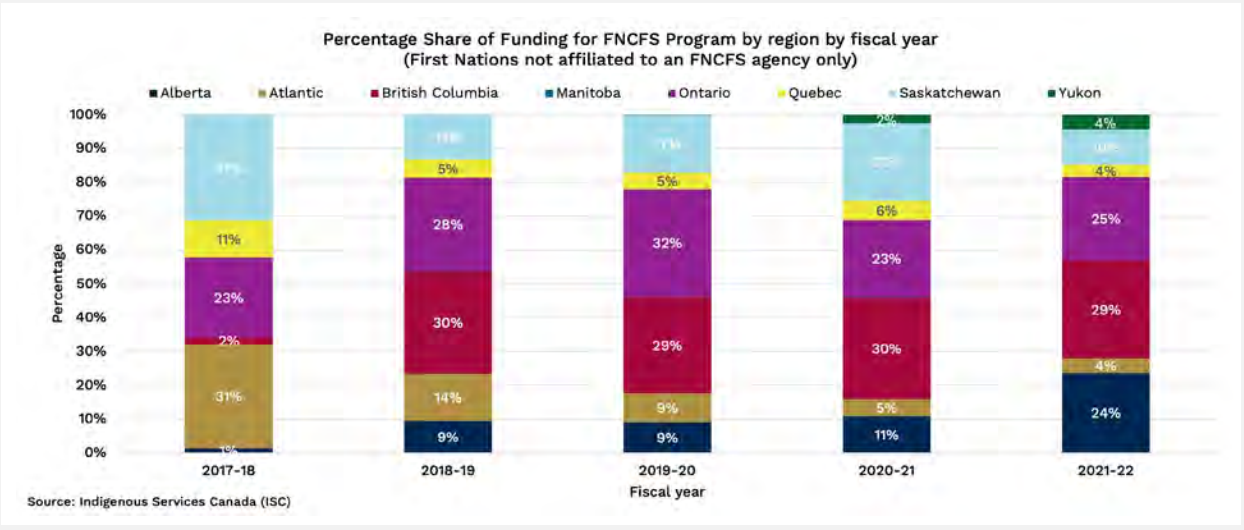
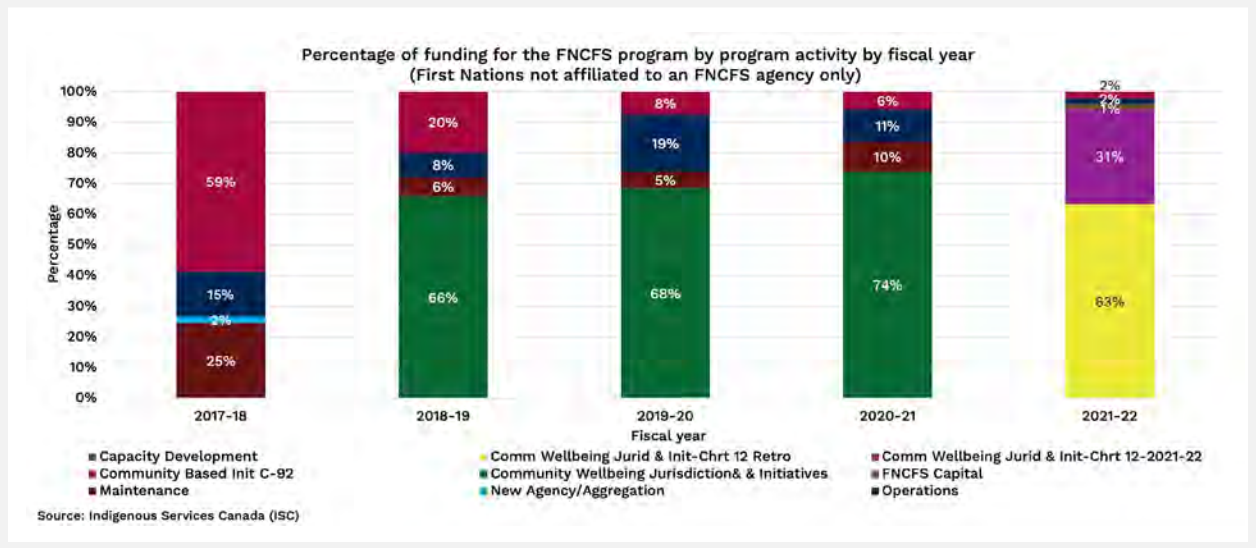


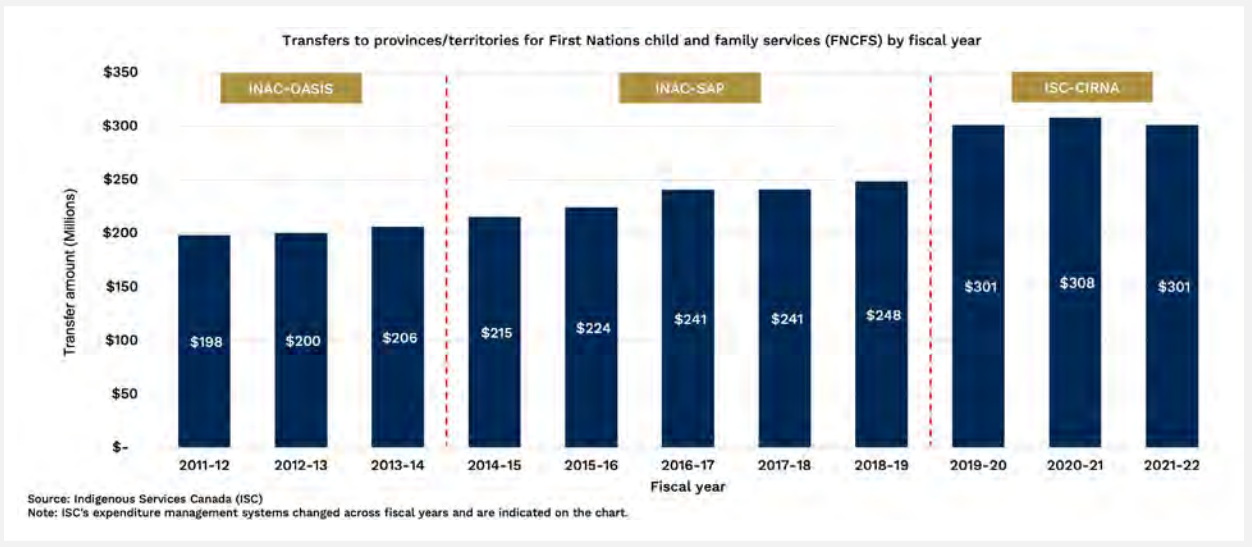
FIGURE 8



Provinces and territories are accountable for delivering protection services to First Nations not affiliated to an FNCFS agency (provincial/territorial legislation and service delivery differs).

For CFS provided on-reserve (an area of federal responsibility), the federal government provides financial resources to the province/territory delivering the services.

FIGURE 9



Federal transfer data indicates an increase in the amount transferred to provinces/territories for FNCFS between 2011-12 and 2021-22, from a total of $198M to $301M (Figure 9). The composition of those resources, e.g., portions for maintenance, prevention, protection, operations, are not identifiable from the transfer data obtained by IFSD.

On a provincial/territorial basis, annual transfers generally increase, although there is variability between fiscal years (Figure 10).

Ontario receives the largest transfer amount, followed distantly by Alberta and British Columbia.

FIGURE 10

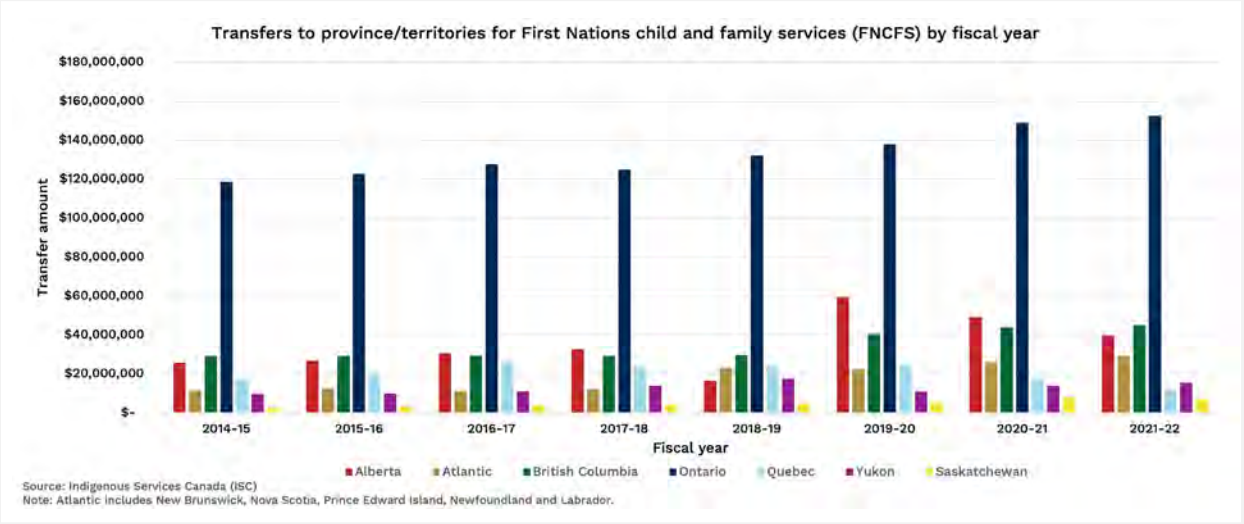


TABLE 2

FIRST NATIONS CHILD AND FAMILY SERVICES TRANSFER ENTITY	PROVINCE / TERRITORY	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Department/ Agency of Provincial/ Territorial Government	Alberta	$ 25,826,851	$ 26,976,918	$ 30,775,341	$ 32,749,248	$ 16,660,394	$ 59,369,484	$ 49,223,086	$ 39,600,001
	Atlantic	$ 11,503,465	$ 12,534,580	$ 11,362,967	$ 12,301,038	$ 23,199,458	$ 22,618,817	$ 26,332,079	$ 29,402,392
	British Columbia	$ —	$ —	$ 29,400,000	$ 29,100,000	$ 29,624,713	$ 40,620,717	$ 43,986,001	$ 45,100,000
	Ontario	$ 118,704,118	$ 122,605,318	$ 127,657,643	$ 124,898,457	$ 132,214,318	$ 137,900,099	$ 148,883,000	$ 152,542,818
	Quebec	$ 17,466,128	$ 19,710,236	$ 26,154,772	$ 23,502,543	$ 23,973,039	$ 24,537,693	$ 17,837,275	$ 11,921,460
Provincial/ Territorial Government	British Columbia	$ 29,100,000	$ 29,100,000	$ —	$ —	$ —	$ —	$ —	$ —
	Yukon	$ 9,919,816	$ 10,000,000	$ 11,136,669	$ 13,913,571	$ 17,803,578	$ 11,102,301	$ 13,822,336	$ 15,594,554
	Saskatchewan	$ 2,652,285	$ 3,191,612	$ 4,044,141	$ 4,440,000	$ 4,750,000	$ 5,000,000	$ 7,995,996	$ 7,000,000

Resources transferred from the federal government to a province/territory for FNCFS are transferred to a specific department (for service delivery) or to the province/territory generally. As indicated in Table 2, transfers to Alberta, the Atlantic provinces (New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador), Ontario, Quebec, and British Columbia (as of fiscal year 2016-17) are made to a specific department or agency of the

provincial government (presumably accountable for delivering FNCFS). Transfers to Saskatchewan and Yukon, as well as British Columbia in fiscal years 2014-15 and 2015-16, are made to the province/territory generally. This means that the resources would flow to their consolidated revenue fund without necessarily being allocated to a department/agency delivering FNCFS.

While resources are transferred from the federal government to provinces and territories for specific activities related to the delivery of FNCFS, there is no guarantee that the precise amount of funding is fully dedicated to the discharge of the obligation. For instance, if a province receives $40M for FNCFS, there is no way of knowing how the amount was determined, tracking how the funds were used and what results were generated, other than through provincial/territorial reporting.

Provinces/territories are not required to report to the federal government on their use of funds transferred for FNCFS. Given the lack of reporting requirements of provinces and territories, it is not clear if current services align with CHRT orders and applicable legislation.

Provinces as funding recipients operate under different policies than First Nations recipients.[8]

8 Various acts of parliament regulate government spending. Foremost among the acts is the Financial Administration Act (FAA) which establishes principles for how government spending is authorized and allocated (Financial Administration Act (R.S.C., 1985, c. F-11), https://laws-lois.justice.gc.ca/eng/acts/f-11/). The FAA establishes the Treasury Board, a Cabinet committee (of which the Minister of Finance is a member) that directs government financial management. The FAA does not exhaustively outline government financial management policy, but rather gives this authority to the Treasury Board. Through a series of control gates for public spending, the FAA is designed to foster increased accountability in spending.

Regulations established by the FAA and other relevant acts (such as the Federal-Provincial Fiscal Arrangements Act (R.S.C., 1985, c. F-8), https://laws-lois.justice.gc.ca/eng/acts/f-8/.) have resulted in a system that facilitates government expenditures to institutions and organizations with a high degree of organizational capacity. The Treasury Board, working under the relevant acts, has established a policy and directive on transfer payments that sets clear requirements the recipient must meet to qualify for government transfers. A transfer payment, according to the Policy on Transfers (Treasury Board of Canada Secretariat, "Policy on Transfer Payments," Government of Canada, last modified April 4, 2022, https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=13525.) is:

> **transfer payment** (*paiement de transfert*)
> A monetary payment, or a transfer of goods, services or assets made, on the basis of an appropriation, to a third party, including a Crown corporation, that does not result in the acquisition by the Government of Canada of any goods, services or assets. Transfer payments are categorized as grants, contributions and other transfer payments. Transfer payments do not include investments, loans or loan guarantees.

The Policy on Transfers notes the reporting requirements related to different types of transfers:

> **contribution** (*contribution*)
>
> A transfer payment subject to performance conditions specified in a funding agreement. A contribution is to be accounted for and is subject to audit.
>
> **grant** (*subvention*)
>
> A transfer payment subject to pre-established eligibility and other entitlement criteria. A grant is not subject to being accounted for by a recipient nor normally subject to audit by the department. The recipient may be required to report on results achieved.

Requirements vary based on the type of recipient. Provincial governments have inherent organizational capacity. Federal requirements for receiving transfer payments (i.e., for accountability, program management, and financial capacity) are readily met by provinces. For example, Ontario has an organizational structure that closely mirrors the federal government. Ontario has a legislature, and Auditor General, and its own Financial Administration Act that sets out its responsibilities vis-à-vis public expenditures. Conversely, First Nations may or may not possess similar capacity (at a scale suitable to their populations) relative to provinces which may influence

Provincial governments have inherent organizational capacity requirements. Federal requirements for receiving transfer payments (i.e., for accountability, program management, and financial capacity) are readily met by provinces. For example, Ontario has an organizational structure that closely mirrors the federal government. Ontario has a legislature, and Auditor General, and its own Financial Administration Act that sets out its responsibilities vis-à-vis public expenditures. Conversely, First Nations may or may not possess similar capacity (at a scale suitable to their populations) relative to provinces which may influence the nature of financial transfers. For this reason, transfers to First Nations are different and defined as contribution approaches (set, fixed, flexible, block) or through grant funding.

Reporting is not typically required for federal transfers to provinces. There is an assumption that the mirroring of financial and legislative controls in the provinces provide sufficient oversight for the use of funds. In some instances, however, there are requirements to uphold certain standards, e.g., those of the Canada Health Act with funding through the Canada Health Transfer. In rarer instances, reporting against indicators is required for federal transfers to provinces. Consider the supplementary health funding announced in February 2023 through bilateral agreements between the provinces and federal government.[9] As a condition of the supplementary transfers, reporting on depersonalized health indicators is required, with consideration of four shared priorities.[10] Provinces agreed to the reporting requirements as a condition of the transfers. There may be incentives for committing to the reporting in exchange for the additional health resources for broad population and political benefits. The same political calculations may not be true for FNCFS.

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the nature of financial transfers. Indigenous Recipients have their own set of funding approaches defined in the Directive on Transfer Payments (Appendix K) (Treasury Board of Canada Secretariat, "Directive on Transfer Payments" last modified April 1, 2022, https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=14208.). Indigenous Recipients have their own set of funding approaches defined in the Directive on Transfer Payments (Appendix K) (Treasury Board of Canada Secretariat, "Policy on Transfer Payments" last modified April 1, 2022, https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=14208.). Indigenous Recipients have three contribution funding agreements: fixed, flexible, and block, as well as the grant approach. Grants have greater latitude on the use of funds with reporting on outcomes. Contribution approaches have performance provisions and specific criteria for eligibility and purpose. Flexible and block contributions are reserved for recipients with "demonstrated capacity to manage transfer payments." Such demonstrated capacity should consider, governance structure, program management organization, financial and administrative experience, accountability mechanisms for transparency, disclosure, responsibility and redress, and financial position.

9 Health Canada, "Working together to improve health care for Canadians," Government of Canada, February 7, 2023, https://www.canada.ca/en/health-canada/news/2023/02/working-together-to-improve-health-care-for-canadians.html.

10 See Health Canada, "Working together to improve health care for Canadians," Government of Canada, February 7, 2023, https://www.canada.ca/en/health-canada/news/2023/02/working-together-to-improve-health-care-for-canadians.html#a2.

Priorities include:

- expanding access to family health services, including in rural and remote areas;
- supporting our health workers and reducing backlogs;
- improving access to quality mental health and substance use services; and
- modernizing the health care system with standardized health data and digital tools.

In its Merit Decision (2016 CHRT 2), the CHRT found the federal FNCFS Program to be discriminatory and underfunded. The agreements between the federal and provincial/territorial governments were identified as part of the problem. The agreements and lack of service coordination led to adverse impacts for children. As explained in 2021 CHRT 12 (at par. 35):[11]

As noted in 2018 CHRT 4 at paragraph 40,

> "[t]he Tribunal made extensive findings in [the Merit Decision] and provided very detailed reasons as to how it arrived at its findings." As noted in the Merit Decision, "[t]hose findings demonstrate that "AANDC's design, management and control of the FNCFS Program, along with its corresponding funding formulas and the other related provincial/territorial agreements have resulted in denials of services and created various adverse impacts for many First Nations children and families living on reserves" (Merit Decision at para. 458, emphasis added). Moreover, "[t]he Tribunal also found that "[t]he failure to coordinate the FNCFS Program and other related provincial/territorial agreements with other federal departments and government programs and services for First Nations on reserve, resulting in service gaps, delays and denials for First Nations children and families" (2016 CHRT 2 at para. 458, emphasis added).

Reforming federal agreements with provincial/territorial governments to align to the CHRT's rulings (to end discrimination and ensure it does not reoccur) would be an important step to ensuring First Nations children are receiving necessary supports and services. Reporting requirements on services and integration with First Nations could be part of the reformed agreements.

Reporting requirements for provinces in FNCFS are most likely to be voluntary unless they were imposed in agreements with the federal government. Some provinces could choose to report on the funds received for FNCFS through federal transfers and on their uses in First Nations. Yukon, for instance, has shared its agreement on FNCFS with First Nations in the territory. Reporting on results, however, is less common. Provinces/territories may report on the number of children in care and even outcomes in their own reporting, but the alignment of expenditure data to specific activities (to ensure resource sufficiency and track results) is lacking. Even in British Columbia where there have been declared commitments to upholding the principles of the United Nations Declaration on Indigenous Peoples (UNDRIP), the province cannot align expenditures to Indigenous children in care or their well-being.[12]

Given the roles of provinces and territories in the provision of FNCFS, they should be report-

11 2021 CHRT 12 at para. 35: https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/495594/index.do?q=chrt+2021+chrt+12.

12 Helaina Gaspard, Resource analysis in the provision of Indigenous and non-Indigenous child and family services in British Columbia, Institute of Fiscal Studies and Democracy (IFSD), November 2021, in Representative for Children and Youth, At a Crossroads: The roadmap from fiscal discrimination to equity in Indigenous child welfare, March 2022, https://rcybc.ca/wp-content/uploads/2022/03/RCY_At-a-Crossroads_Mar2022_FINAL.pdf.

ing to First Nations not affiliated to an FNCFS agency on the allocation of resources, coordination of service delivery, and results of First Nations children in contact with their services. The province/territory as the service provider should coordinate with the First Nation not affiliated to an FNCFS agency to ensure integrated service delivery. These actions, while valuable, would be voluntary on the part of the province/territory.

ALLOCATIONS IN FNCFS TO FIRST NATIONS NOT AFFILIATED TO AN FNCFS AGENCY

The CHRT ordered in 2021 that First Nations not affiliated to an FNCFS agency receive funding for CFS (retroactive to January 2016). The retroactive payments were to cover the period from January 2016 to April 2021, at $947 per capita (see 2021 CHRT 12 at par. 42).

Consultation was ordered to:

> [...] ensure the funding meets the First Nations needs until long-term reform is implemented. Funding would ensure substantive equality, the best interests of the child, and ensure inflation, population growth, remoteness and governance capacity are accounted for. The interim funding model would apply until one of the following occurs: a Nation-to-Nation agreement respecting self-government encompassing child and family services is established; a Nation specific agreement is reached that is more advantageous to the First Nation; program reform is completed in accordance with best practices; or unforeseen circumstances require other adjustments (2018 CHRT 4 at para. 413). There will be a needs assessment to support long-term reform (2021 CHRT 12 at para. 15).[13]

Prior to the order for retroactive payments and other funding, the Community Well-being and Jurisdiction Initiative (CWJI) was announced in 2018. Eligible First Nations, including those recognized as Bands in Yukon, and First Nations with self-government agreements who have not exercised jurisdiction over CFS were eligible for the prevention funding.[14]

The CWJI was intended to provide First Nations (whether or not they were served by an FNCFS agency)[15] with support for prevention (primary, secondary, tertiary) funding for culturally appropriate prevention programs in keeping with the best interests of the child, and supported First Nations capacity in child and family well-being. Among other eligible activities, CWJI enabled projects to support the development and

13 2021 CHRT 12 at par. 15, https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/495594/index.do?q=chrt+2021+chrt+12.

14 This can include, authorities, boards, agencies, or other entities created by the First Nation. Indigenous Services Canada, "Community Well-Being and Jurisdiction Initiatives Program," Government of Canada, last modifiedJuly 12, 2023, https://www.sac-isc.gc.ca/eng/1638565024162/1638566154510.

15 See for example, cross-examination of Nathalie Nepton, January 8, 2021. https://fncaringsociety.com/sites/default/files/transcript_of_cross-examination_of_nathalie_nepton_jan_8_2021.pdf.

implementation of jurisdictional models, e.g., upholding the principles in the Act, research, development, and consultation on jurisdictional models, support for meetings with federal and/or provincial governments, etc.[16] The funding did not include developmental phases (similar to those of Directive 20-1) to ensure First Nations had the capacity to deliver the range of prevention services they chose.

In 2023, CWJI ended as Canada funded prevention (at $2,500 per person registered with the Indian Act resident on reserve) and Band Representative Services ($283 per person). Funding at $2,500 "per person resident on reserve" was ordered by the CHRT in 2022 (see 2022 CHRT 8 at para 172 (7)(8)).[17] The CHRT required flexibility on implementation for First Nations (or FNCFS agencies) that were not ready on the start date, due to exceptional circumstances. This included the provision of a carry-forward for unused funds.

FNCFS transitional terms and conditions (adopted in 2022 and remaining in effect) inform prevention program activities through the FNCFS program. Eligible recipients include First Nations, FNCFS agencies, and non-delegated FNCFS service providers (if authorized by the First Nation).[18] Prevention services in the terms and conditions are categorized as primary, secondary, and tertiary:[19]

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16 Indigenous Services Canada, "Contributions to support Community Well-Being and Jurisdiction Initiatives for children and families," Government of Canada, last modified July 11, 2023, https://www.sac-isc.gc.ca/eng/1635435393871/1635435617423.

17 2022 CHRT 8 (para 172 (7)(8)) https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/520915/index-do?q=chrt+2022+chrt+8:

(7) "Pursuant to paragraph 413(3) of 2018 CHRT 4, adding the following paragraph to the Tribunal's order in 2018 CHRT 4

> [421.1]: In amendment to paragraphs 410, 411, 420 and 421 Canada shall, as of April 1, 2022, fund prevention/least disruptive measures at $2500 per person resident on reserve and in the Yukon in total prevention funding in advance of the complete reform of the FNCFS Program funding formulas, policies, procedures and agreements. Canada shall fund the $2500 on an ongoing basis adjusted annually based on inflation and population until the reformed FNCFS Program is fully implemented. This amount will provide a baseline for the prevention element in the reformed FNCFS Program pursuant to paragraph 1 of the Consent Order. Flexibility will be provided on the implementation for First Nations governments and FNCFS agencies not ready on the start date, which will require more time due to exceptional circumstances that will be further defined with the parties. Funds will be directed to the First Nations and/or First Nations child and family service providers(s) responsible for the delivery of prevention services. These funds shall be eligible to be carried forward by the First Nation and/or First Nations child and family service providers(s)."

(8) "Pursuant to 2021 CHRT 12 at paragraph 42(5), adding the following paragraph to the Tribunal's order in 2021 CHRT 12:

> [42.1] In amendment to paragraph 42(1), Canada shall, as of April 1, 2022, fund prevention/least disruptive measures for non-Agency First Nations (as defined in 2021 CHRT 12) at $2500 per person resident on reserve and in the Yukon, on the same terms as outlined in 2018 CHRT 4 at paragraph 421.1 with respect to FNCFS Agencies."

18 Indigenous Services Canada, "FNCFS Transitional Terms and Conditions: Contributions to provide children, youth, young adults, families, and communities, with prevention and protection services," Government of Canada, last modified April 1, 2022, https://www.sac-isc.gc.ca/eng/1648577221890/1648577242550#chp5-3.

19 Indigenous Services Canada, "FNCFS Transitional Terms and Conditions."

- Primary prevention is directed at the community as a whole e.g., public awareness and education, crisis help line, coordination with other departments, etc.
- Secondary prevention can support a child who may be at risk of harm or maltreatment e.g., home visit programs for parents, family counseling, addictions treatment for parents, etc.
- Tertiary prevention, is used when a child has been identified as at risk of harm of child maltreatment e.g., immediate crisis interventions, domestic violence interventions, mental health or addictions treatment for families or youth, etc.

Eligible expenditures for prevention include: salary and benefits for the delivery of prevention services, court related costs, costs that support governance and administration, and program costs to support families at risk.[20]

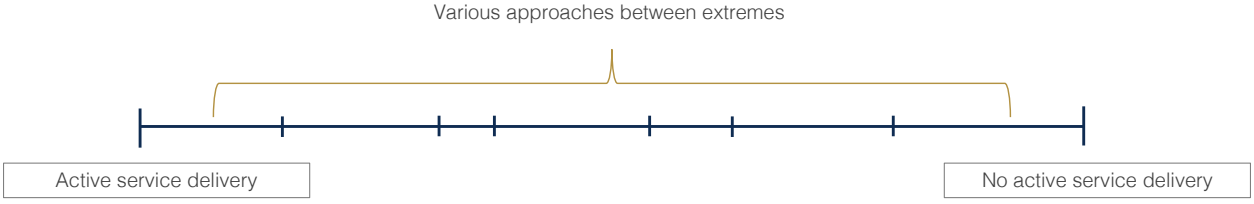
The delivery of prevention services, especially secondary and tertiary prevention may heighten liability risk. Providers of prevention services should consult their insurers and legal counsel for information specific to their circumstances. For general information, IFSD requested a liability opinion for First Nations delivering prevention services (and not under their own law/the exercise of jurisdiction). The full opinion is available in Appendix A.

PART II: APPROACH AND DATA GATHERING TOOLS

There is significant variability among First Nations not affiliated to an FNCFS agency operationally, financially, and organizationally. Unlike delegated agencies, not all First Nations have a designated staff for CFS. There is a spectrum of service delivery: First Nations offering a variety of services in CFS and related areas at one end, and at the other, First Nations without active service delivery.

Most First Nations fall in the middle of the range, offering some services, but not the full complement that would meet their community's needs.

Publicly accessible information on the starting points and needs of First Nations not affiliated to an FNCFS agency from a national perspective is not available. IFSD worked with First Nations to build the information analyzed and discussed in this report that considers current



20 Indigenous Services Canada, "FNCFS Transitional Terms and Conditions."

funding, needs, and options for a way forward. First Nations were invited to contribute and collaborate in this work in different ways:

1. National questionnaire;
2. Regional workshops;
3. Case study collaboration; and,
4. National gatherings to review findings.

It is important to note that the size of the First Nations not affiliated to an FNCFS agency population is variable. The questionnaire analysis was undertaken with a population size of 133 First Nations[21] (or 160 First Nations when the Northwest Territories are included).

In the balance of the report, the population size at November 25, 2023 is used: 145 (and 172 when the Northwest Territories are included). These variances include adjustments for service and funding approaches, and the exercise of jurisdiction. The changes in population do not impact the applicability of the questionnaire findings.

QUESTIONNAIRE

Beginning in April 2022, IFSD reached out to First Nations not affiliated to an FNCFS agency. First Nations were invited to join a regional workshop to complete the questionnaire or to complete it on their own. A call to First Nations to participate in more in-depth collaborations/case studies was made during the initial outreach to explore more specific questions. See Appendix B for the outreach materials, including the questionnaire.

The outreach approach to contact First Nations not affiliated to an FNCFS agency involved both calling and emailing 169 relevant First Nations. Nine First Nations were removed from the sample (totaling 160 when the Northwest Territories are included) because they were not covered by the existing FNCFS Program. Initial calls were made the week of April 4, 2022. If contact was made with the relevant person, an email including the project overview and registration for the workshop were sent.

Following the initial contact, outreach continued by phone and email from April to the end of June 2022. On average, each First Nation was contacted by phone at least three different times, and by email five to seven times.

A follow-up question was shared with First Nations not affiliated to an FNCFS agency that submitted a questionnaire on November 28, 2022, to supplement the limited financial information shared in the questionnaire:

"What is the annual budget for which you are responsible, i.e., the funds you have to work with, for services to children and families?"

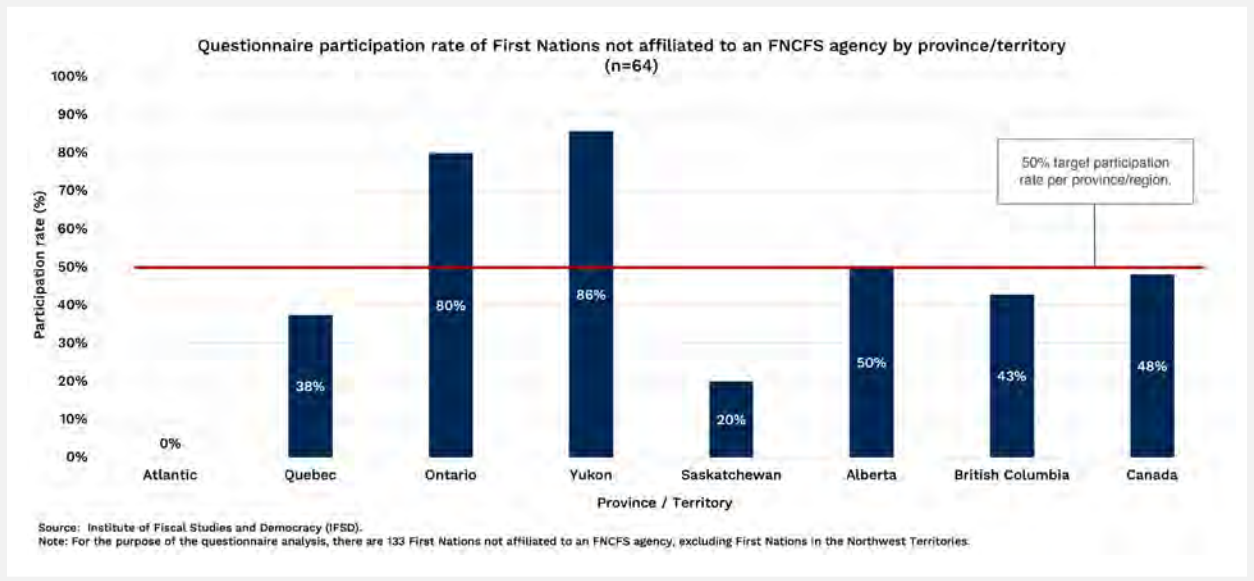
A total of 9 responses were received by December 15, 2022 (a follow-up had been sent on December 5, 2022). After December 15, 2022, no additional responses to the questionnaire were accepted.

21 In January 2022, IFSD requested lists of First Nations by type of service provision in CFS from Indigenous Services Canada. These lists were updated with subsequent analysis from IFSD, resulting in a change in the base population number in 2023.

The outreach process took significantly more time than expected. There were issues identifying the contact or relevant personnel in CFS at several First Nations. Some First Nations were unfamiliar with IFSD which limited engagement. Many First Nations indicated they were extremely busy addressing pressing community needs and did not have the capacity to complete the questionnaire.

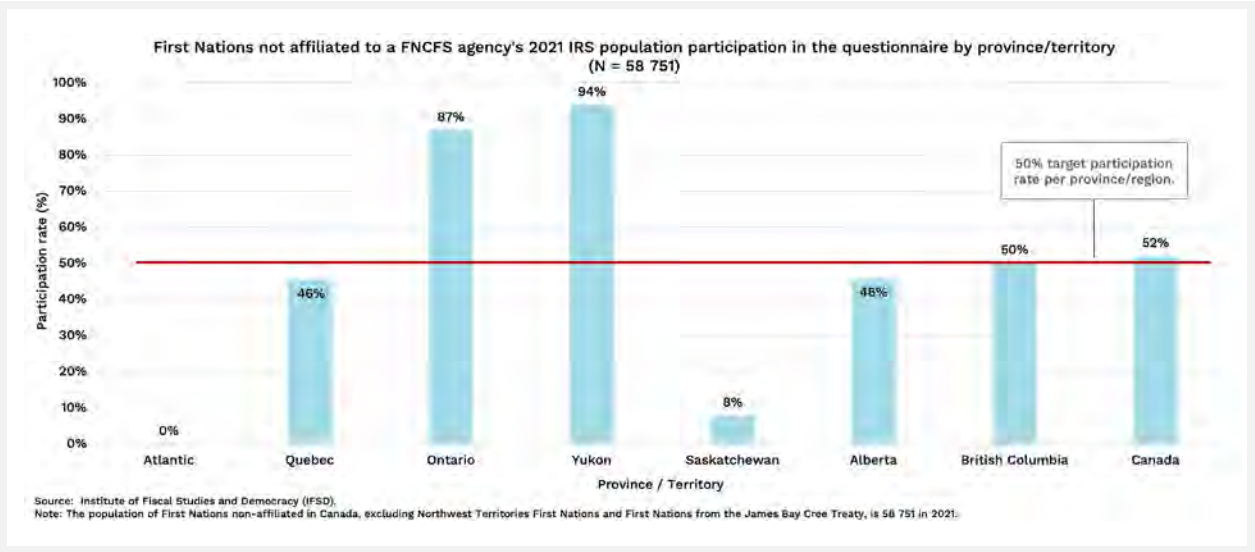
IFSD addressed the results from the initial outreach in different ways. Working with regional groups, IFSD redoubled efforts to connect with First Nations through trusted regional or representative organizations. All First Nations not affiliated to an FNCFS agency that submitted a questionnaire were offered a $300 gift card in recognition and appreciation of their time and efforts.[22]

FIGURE 11



22 Most persons completing a questionnaire for a First Nation self-identified as being either the director of CFS, executive administrator, director of health and social services, or a family centre coordinator.

FIGURE 12



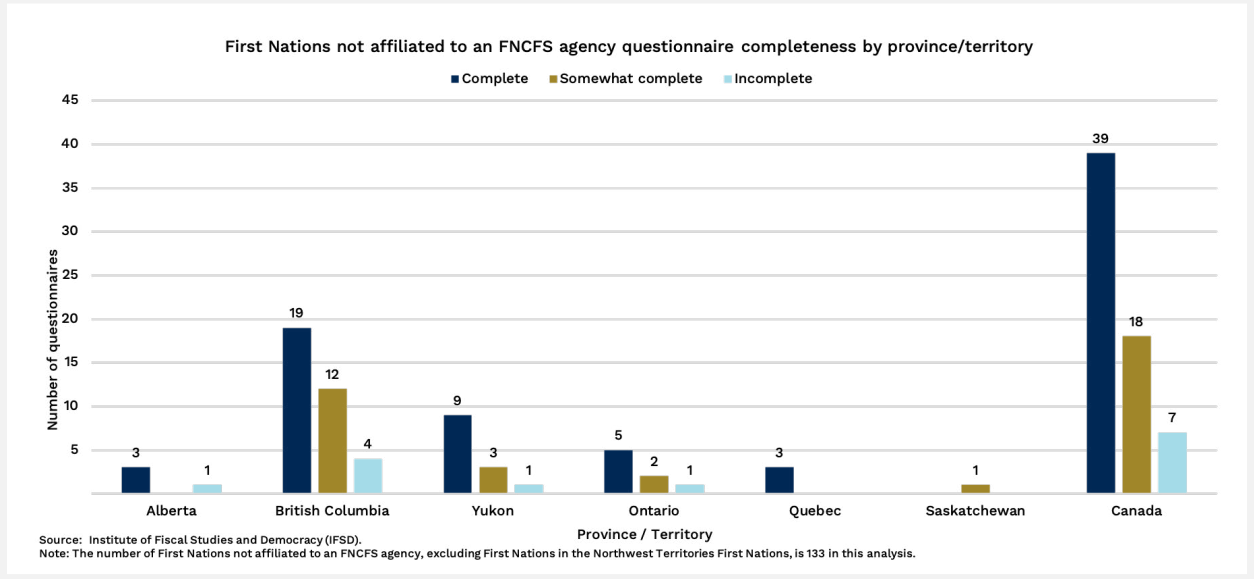
The questionnaire (see Appendix B) was completed by 64 First Nations representing 48% of First Nations not affiliated to an FNCFS agency (64/133) (Figure 11). On the basis of population, nationally, 52% of the First Nations population not affiliated to an FNCFS agency contributed to the questionnaire (Figure 12). Nationally, the response rate for an attempted census of population is reasonable. There was, however, no representation from Atlantic provinces (in which there are four First Nations not affiliated to an FNCFS agency).

The results from the questionnaire illustrated the variability in starting points and the inconsistency in funding among First Nations not affiliated to an FNCFS agency. No relevant correlations or cost-driving relationships were observable from the questionnaire data. Due to significant gaps in budgets and overall financial portraits, IFSD's ability to produce cost analysis from the questionnaire data is limited.

Questionnaire information on expenditures and available financial resources were limited. This may suggest that those delivering services do not control or influence their budgets but rather, may be provided budgets by their First Nation. It is also possible that they did not wish to share the information.

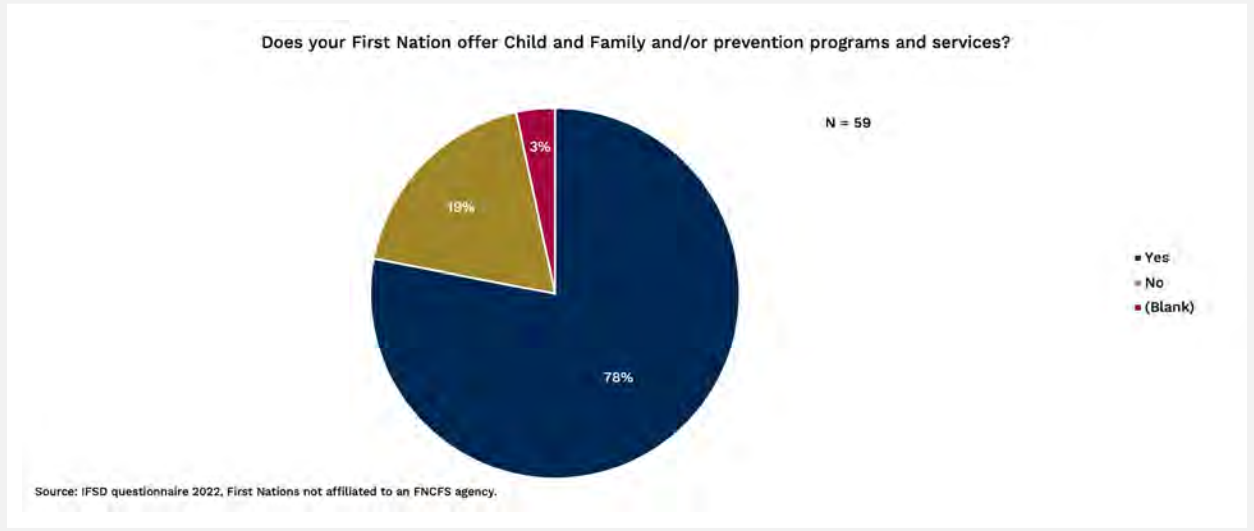
Questionnaire completeness varied. Not all questions were answered, and some responses were incoherent or contradictory. Of submitted questionnaires, nearly 60% were complete, 28% somewhat complete, and 14% were incomplete (Figure 13). In the questionnaire analysis, the n-value (i.e., number of responses included in the analysis) will vary by theme or question. While 37% of First Nations from the Northwest Territories completed a questionnaire, their responses were assessed separately (as they are not affected by the CHRT orders on CFS, and thus, are not included in the national analysis).

FIGURE 13



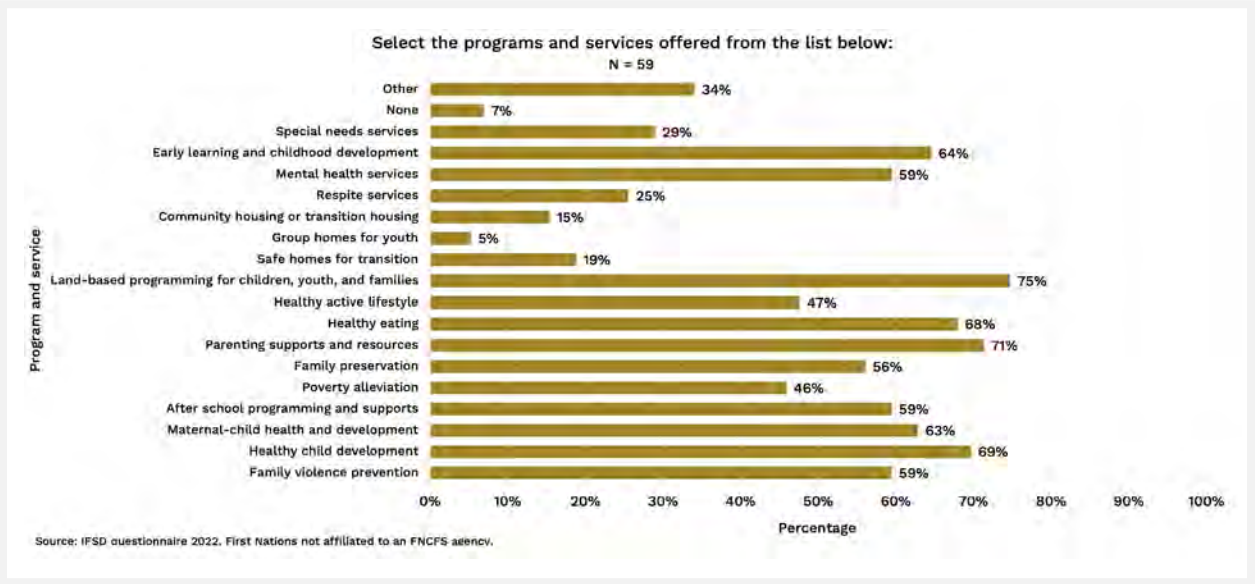
Nearly 80% of respondents reported offering some child and family services and/or prevention programs and services in their communities, while nearly 20% did not (Figure 14).

FIGURE 14



When asked to select the types of CFS and/or prevention programs that were being offered (multiple responses were possible), First Nations reported focusing offerings on land-based programming for children, youth, and families (75%), parenting supports and resources (71%), and healthy child development (69%), among several other activity areas that tend to emphasize physical and mental health (Figure 15). Most reported services/programs appear to be voluntary forms of primary prevention services.

FIGURE 15



Despite the variety of programs and services reported by respondents, 80% of respondents reported not being able to provide the child and family and prevention services their First Nation wants and needs (Figure 16). When asked about factors limiting their ability to deliver the programs and services they wished to offer, respondents most often cited insufficient staff (93%) and programming spaces and tools (86%) (Figure 17).

FIGURE 16

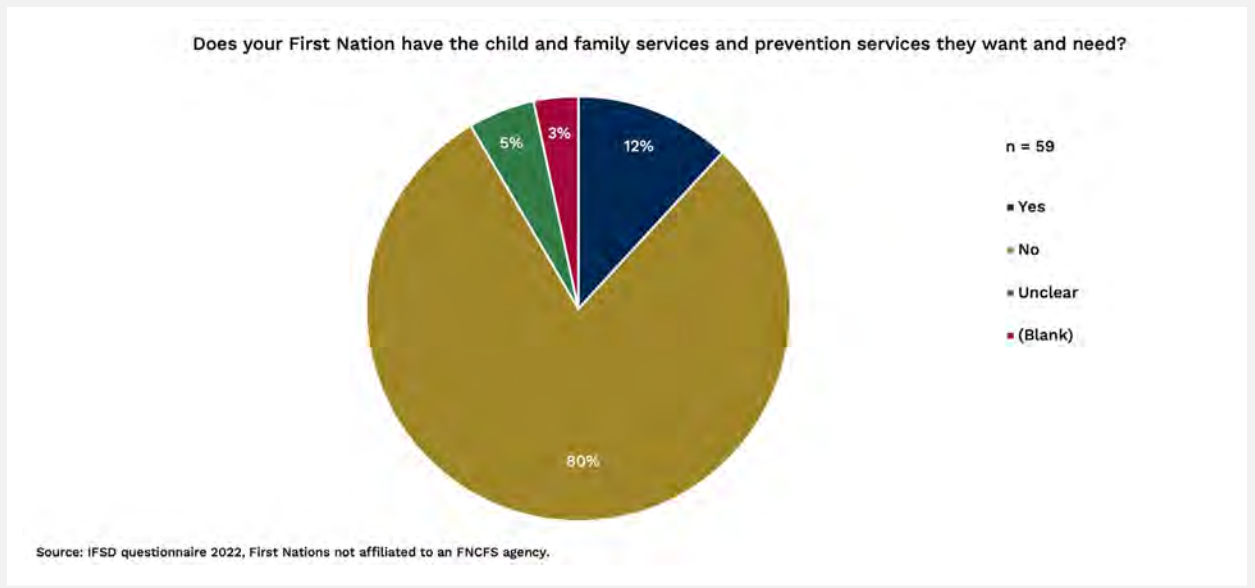
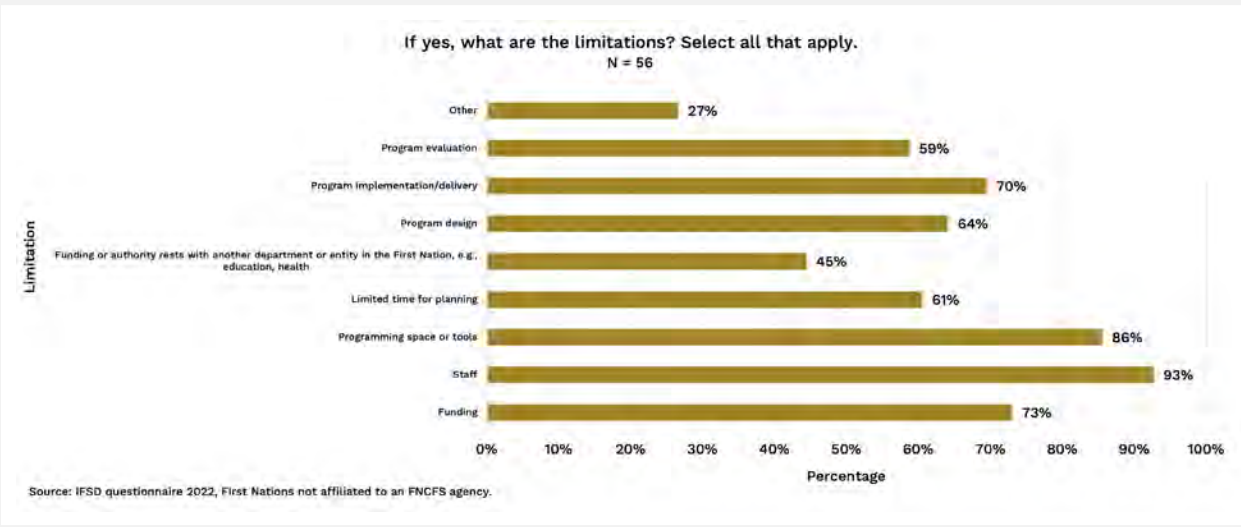


FIGURE 17



While a significant majority of First Nations report having children in care (Figure 18), supports and services related to post-majority and customary care are provided in less than 40% of responding First Nations. Less than 40% of First Nations report offering post-majority supports and services to youth exiting protective services (Figure 19). Similar proportions of First Nations report having policies in place for customary adoption and kinship care (Figure 20).

FIGURE 18

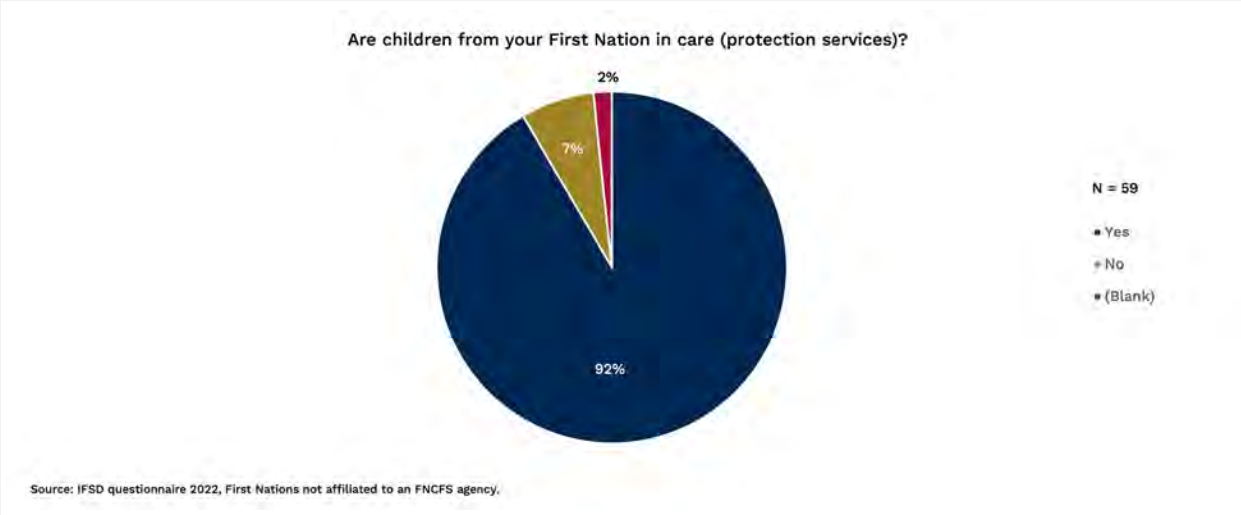


FIGURE 19

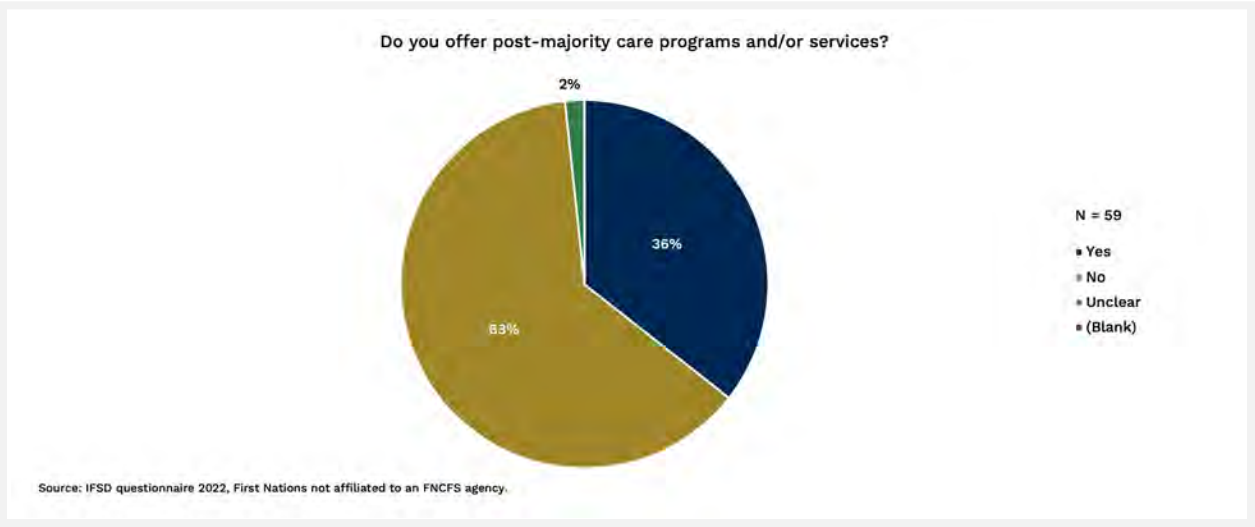
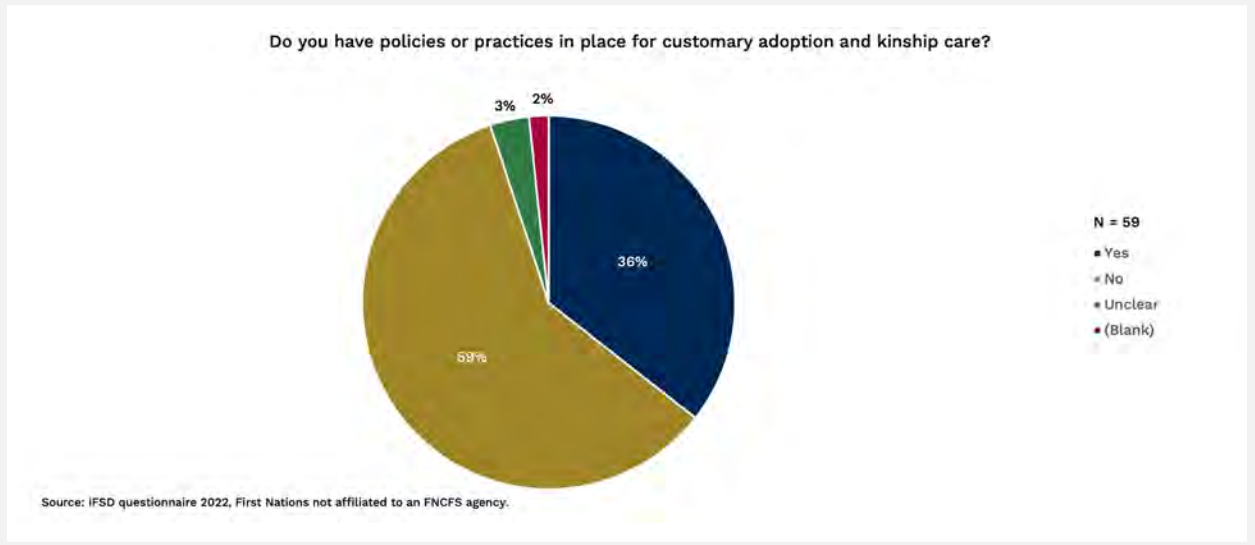
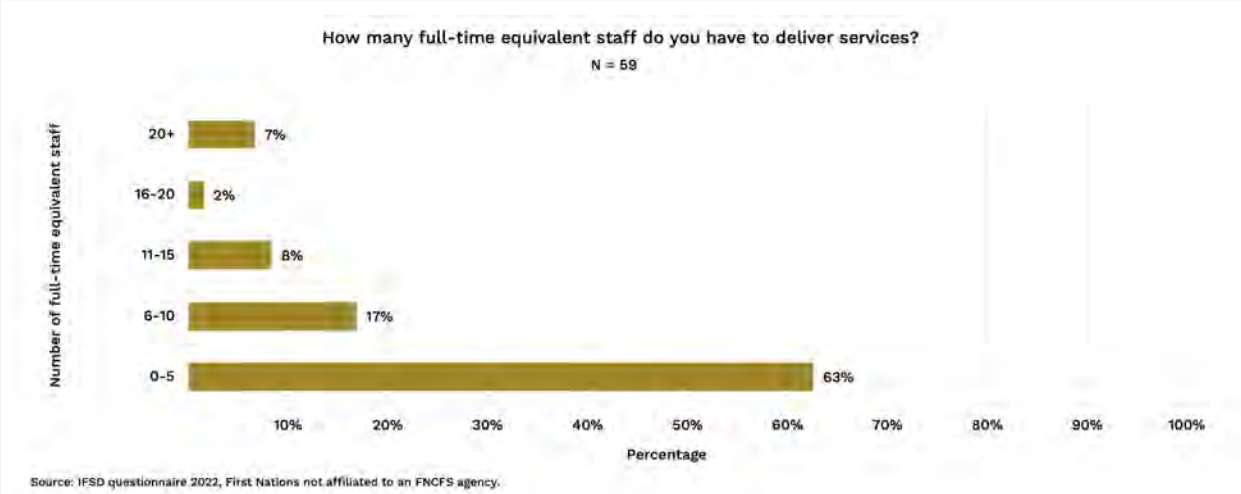


FIGURE 20



Staff teams were reported to be between 0-5 full-time equivalents for 63% of respondents (Figure 21).

FIGURE 21



Challenges attracting qualified staff were reported by nearly 70% of respondents (Figure 22). Retaining staff was also reported to be challenging (Figure 23).

FIGURE 22

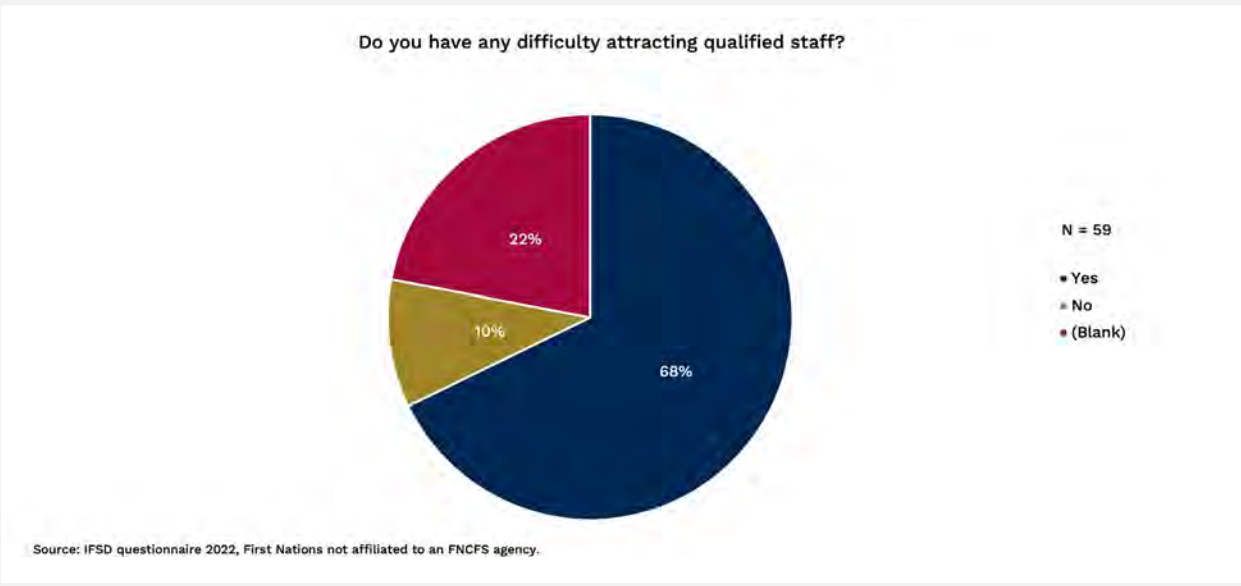
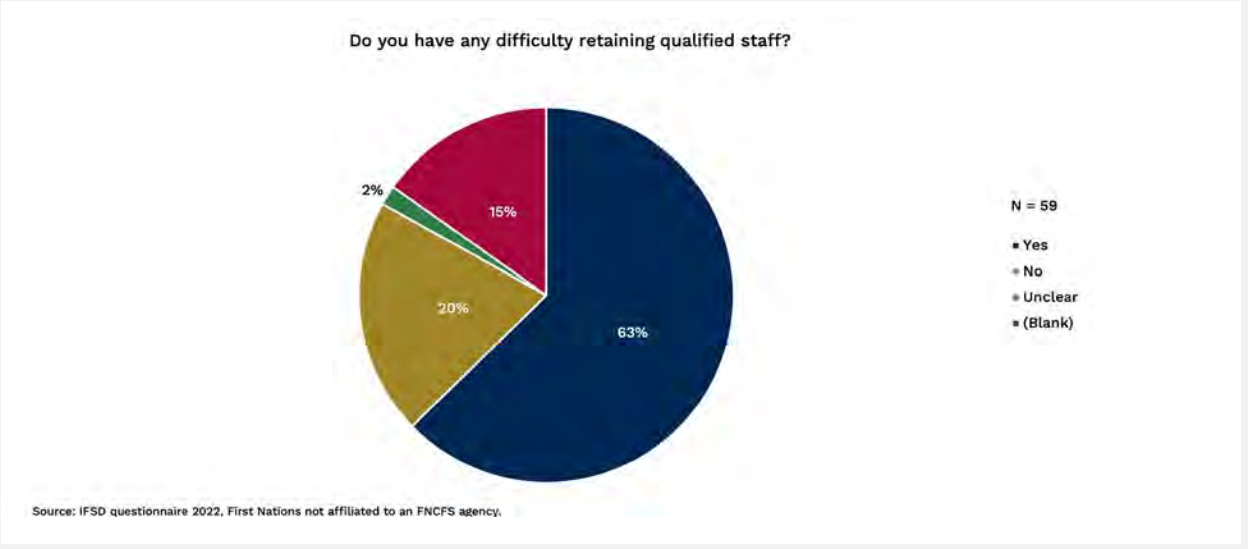


FIGURE 23



Just over 60% of respondents provided expenditure information through the questionnaire. However, 40% of respondents could not or did not provide expenditure information in the questionnaire (Figure 24). When broken down, ranges of expenditures appear relatively low (relative to reported program activities) with 30% of those responding reporting budgets of less than $500,000 (Figure 25).

When asked to estimate the cost of desired services, just over 30% of respondents reported they would require a budget under $1M (Figure 26). Given that several budgets were less than $500,000, it is reasonable that they fall in the estimated range.

FIGURE 24

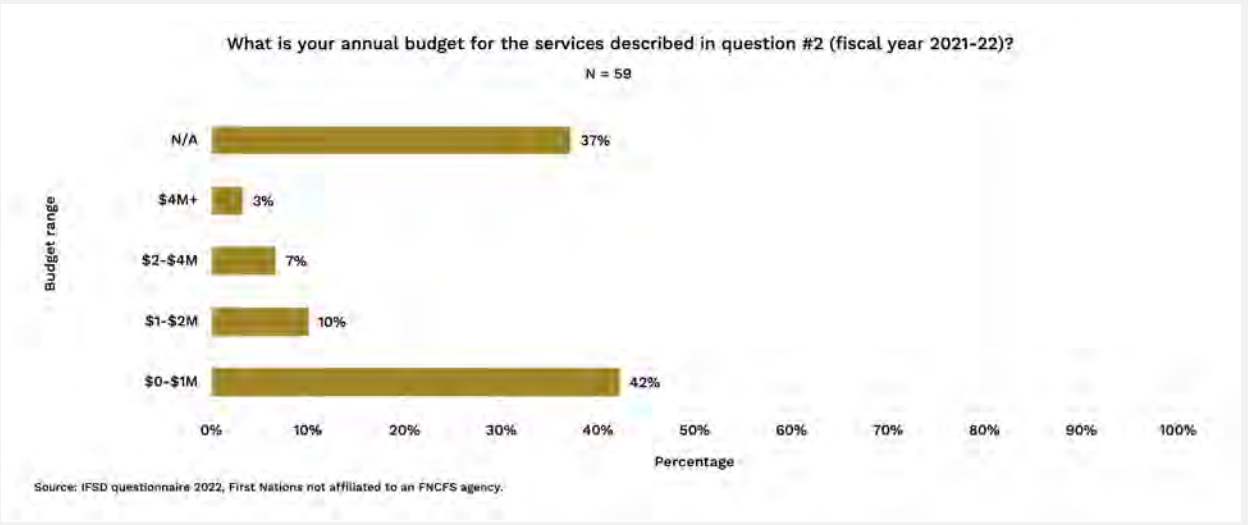


FIGURE 25

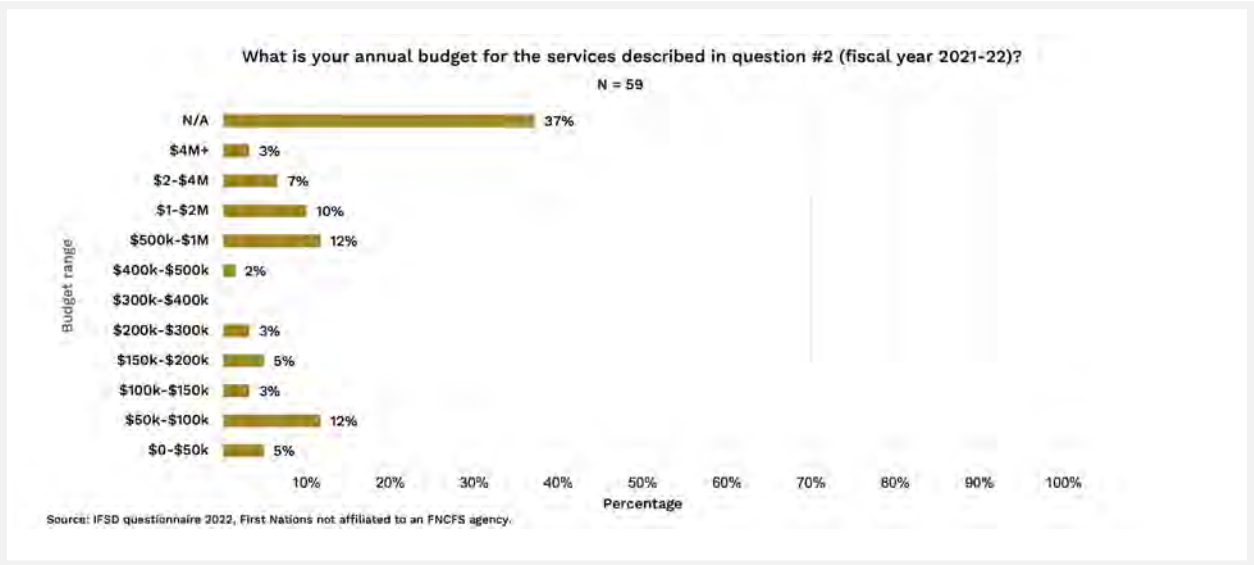
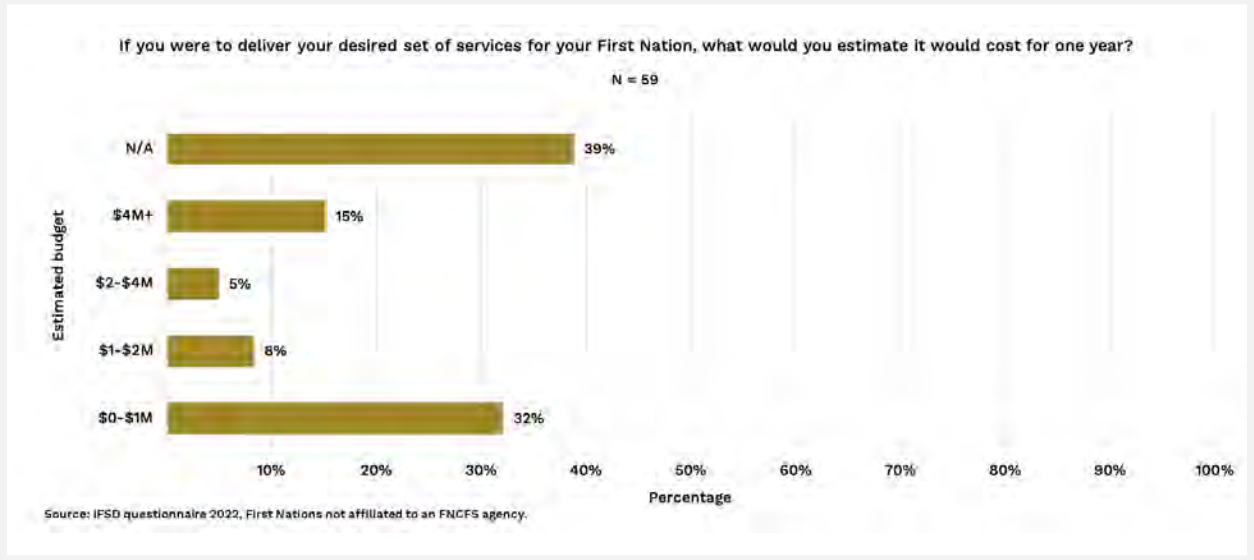


FIGURE 26



Nearly 80% of respondents reported not having the space required to deliver their programming (Figure 27). Just over 70% reported needing more space for their staff (Figure 28). Improvements were needed, according to respondents, for both programming and staff spaces.

FIGURE 27

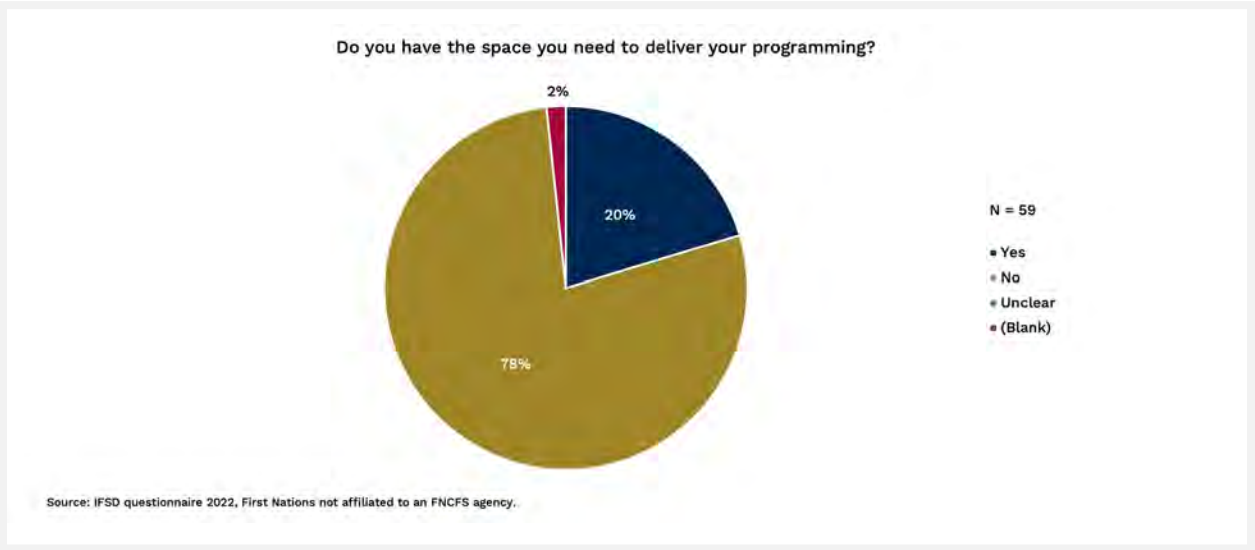
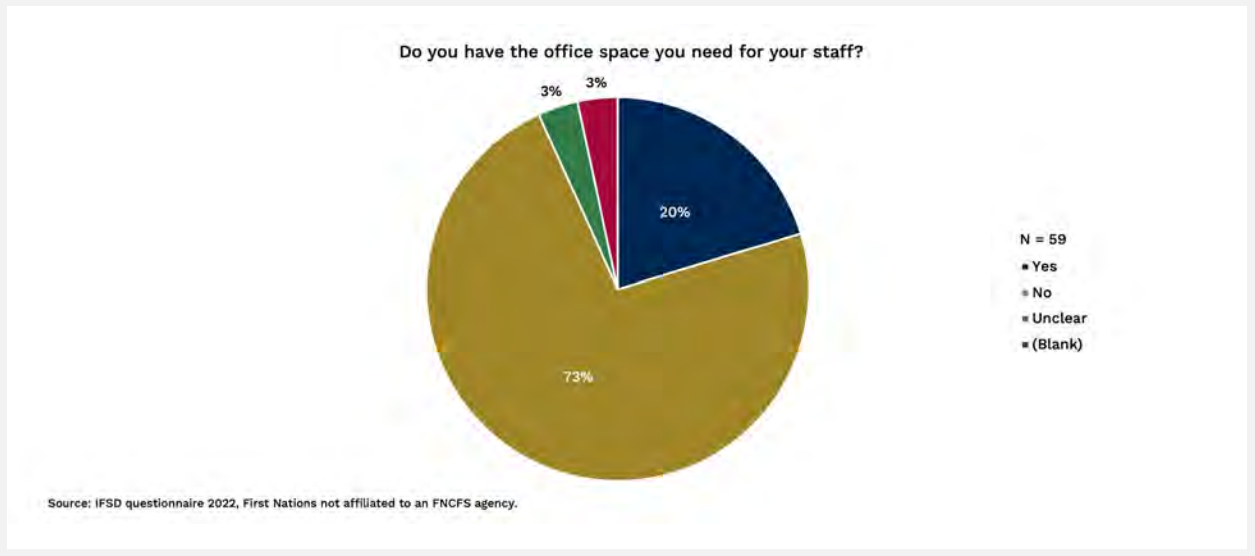


FIGURE 28



Just over half of respondents reported not having the necessary technology to do their work (Figure 29). Respondents reported gaps in tools for data collection and analysis, software, hardware, and internet connectivity, among others (Figure 30). These limitations have implications for service delivery, including access to services outside of the community (requiring internet), monitoring for planning, and needs assessments.

FIGURE 29

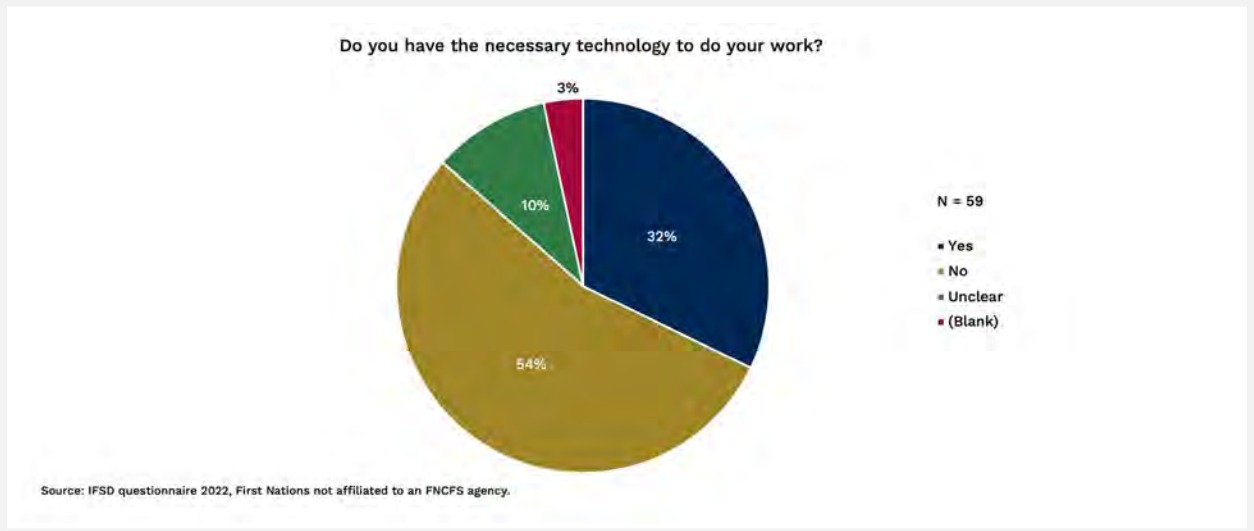
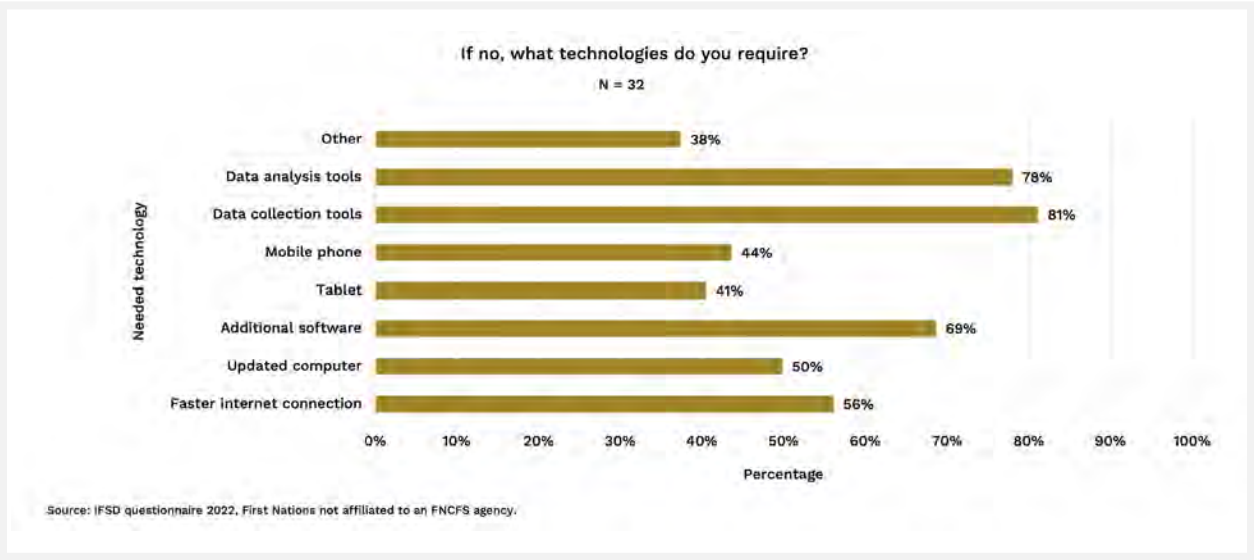


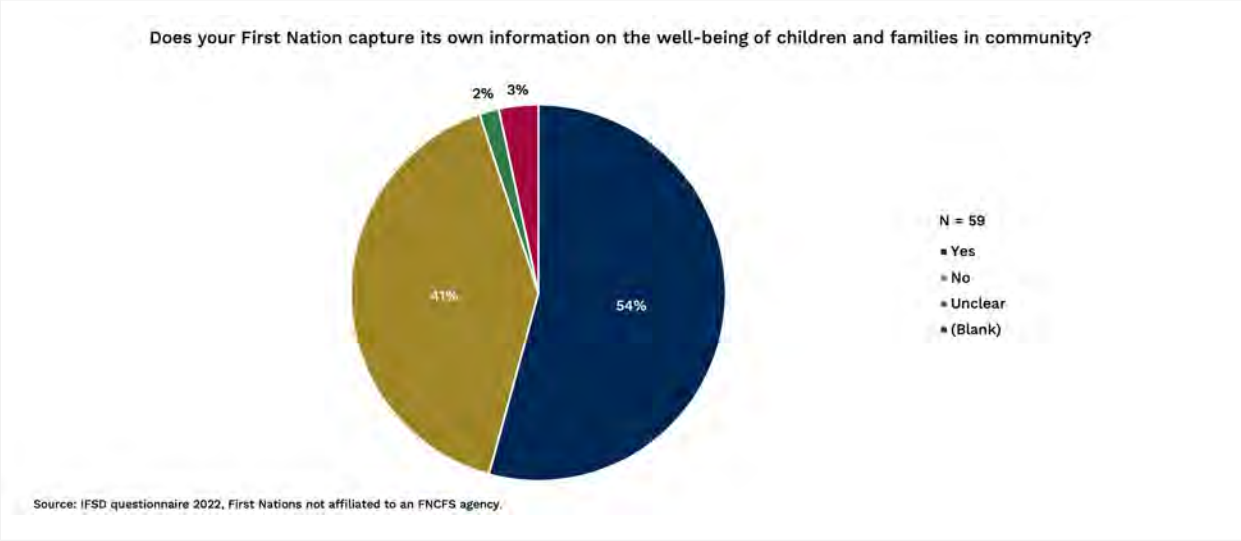
FIGURE 30



Over half of respondents reported gathering information on the well-being of children and families in their communities (Figure 31). However, when asked about the type of data collected (Figure 32), the information was input focused, e.g., number of children in care, number of families accessing services, number of people participating in activities. Outcome related information would include data on the structural drivers of contact with protective services, rates of family reunification, information on child well-being, etc.

The Canadian Incidence Study on Reported Child Abuse and Neglect[23] studies have emphasized consideration of structural factors, e.g., inadequate housing, poverty, the legacy of colonialism, when comparing rates of maltreatment-related investigations between First Nations children and non-Indigenous children. The information is helpful for monitoring, i.e., telling us what is happening, such as an increase or decrease in children in care. Developing a more complete understanding of wellness, pursuant to the Measuring to Thrive[24] framework or similar set of indicators, would require consideration of broader community factors and trends.

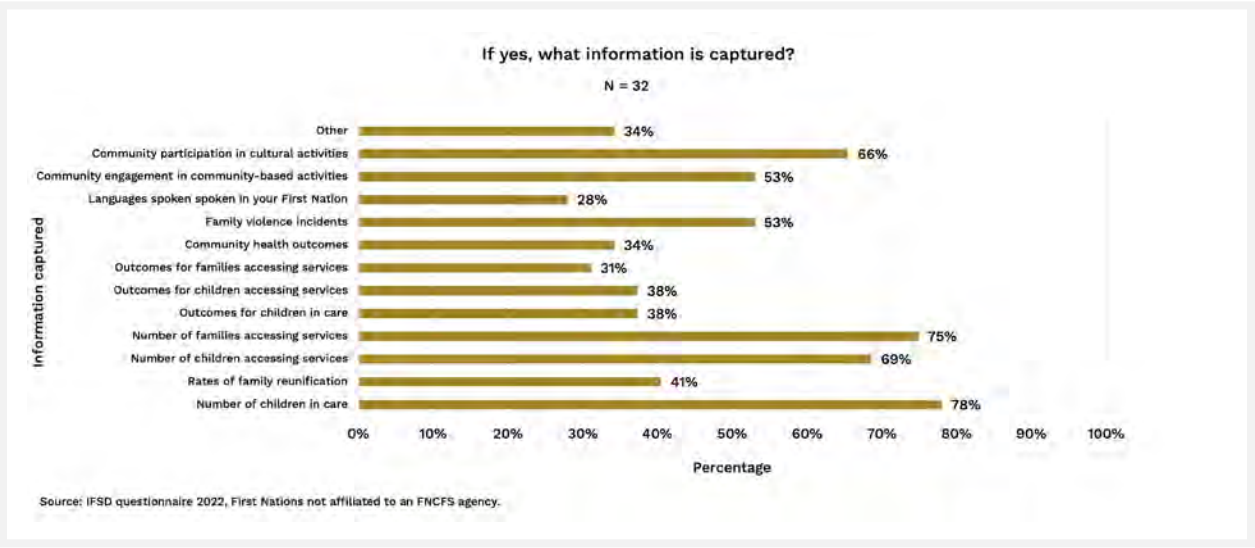
FIGURE 31



23 B. Fallon et al., Denouncing the continued overrepresentation of First Nations children in Canadian child welfare: Findings from the First Nations/Canadian Incidence Study of Reported Child Abuse and Neglect-2019, Ontario: Assembly of First Nations, 2021, https://cwrp.ca/sites/default/files/publications/FNCIS-2019%20-%20Denouncing%20the%20Continued%20Overrepresentation%20of%20First%20Nations%20Children%20in%20Canadian%20Child%20Welfare%20-%20Final_1%20%282%29.pdf.

24 Measuring to Thrive is a set of indicators first developed by FNCFS agency directors intended to measure changes in communities, families, and children. Community-level indicators reflect structural drivers of contact with protective services, e.g., housing, poverty, addictions, etc. *See Helaina Gaspard, Funding First Nations child and family services (FNCFS): A performance budget approach to well-being, Institute of Fiscal Studies and Democracy (IFSD), 2020, p. 39-116.*

FIGURE 32



Questionnaire findings provide an understanding of the current state of First Nations not affiliated to an FNCFS agency. There is commitment to providing needed programming but limitations in staff, technology, and space to deliver on the necessary activities. In addition, expenditure data was limited, reflecting the challenges in accessing consistent and sustainable funding.

REGIONAL WORKSHOPS

Between May and June 2022, IFSD hosted nine regional workshops with over 125 participants from over 70 First Nations (bands/self-governing First Nations). Regional workshops were attended by representatives of First Nations including practitioners and elected leadership, e.g., Chiefs and Members of Council. The in-person workshops were hosted in Vancouver (2), Prince George, Whitehorse, Yellowknife, Edmonton, and Ottawa, with one virtual session also offered.

The workshops were opportunities to gather to share experiences, practices, and considerations for assessing and meeting needs in CFS.

Participants were also invited to complete the questionnaire during the workshops. The main takeaways of each of the workshops were captured in separate discussion summaries (see Appendix C).

There are similar findings from the workshops. There is a common commitment to the well-being of children among First Nations and their service providers.

For those delivering services in First Nations, excitement and hope at the prospect of change have been expressed, along with concern and uncertainty. National-level decision-making has not always reflected local realities. First Nations not affiliated to an FNCFS agency are grappling with various issues including capacity challenges, politics, and serving members on- and off-reserve, with inadequate facilities to offer services. Additional resources are welcome, but their use will not come quickly or easily because of capacity challenges (people, infrastructure, systems, processes). Practitioners,

i.e., those delivering CFS in First Nations, may have considerations that are different than those expressed by leadership.

While it is understood that long-term reform of CFS is being pursued, what that will ultimately look like and how it will be sustained and is still evolving. That lack of certainty in what happens in the next fiscal year makes planning a challenge.

CASE STUDY COLLABORATION

At the outset of the project, IFSD sought the collaboration of 10 First Nations not affiliated to an FNCFS agency to participate in case studies. The intent was to develop in-depth profiles of experiences and practices to share on CFS. Case studies are important sources of detailed information and perspective on how funding, programming, and political actions manifest in communities. Profiles that represent a range of experiences and contexts are essential for perspective on the higher-level national data from the questionnaire.

While there were 11 First Nations that expressed interest, five First Nations from four provinces/territories reflecting different contexts, participated in the case study process. Each of the profiles highlight a lesson and considerations for future policy, funding, and operational considerations in CFS.

PART III: SERVICE DELIVERY IN FIRST NATIONS NOT AFFILIATED TO AN FNCFS AGENCY

The First Nation analyses presented in this section were reviewed and approved by the collaborating First Nations. IFSD wishes to recognize the gifts of knowledge shared by the First Nations. Their honesty in sharing successes and challenges is a tribute to their commitment to improving the lives of children and families.

The analyses present different starting points, approaches to service delivery, and factors that influence the discharge of mandates. Each one highlights a lesson for consideration in planning, developing, and delivering programs and services. First Nation D breaks down funding silos in program and service delivery to meet their community's needs. As a regional hub, the Council of Yukon First Nations (CYFN) shares a lesson in capacity development and programming support for First Nations in urban areas. For First Nation C, the importance of stable and supportive governance is emphasized for program and service delivery, even with experienced staff. First Nation B highlights the importance of building or accessing capacity to support community needs. First Nation A shares the importance of sequencing steps to pursue jurisdiction and the time it takes to journey through them. Chal-

lenges and successes were shared with frankness and honesty. Despite the obstacles,the analyses emphasize the commitment of First Nations to supporting children and families.

IFSD is grateful to the First Nations that shared their expertise, time, and practices to develop these profiles and provide added perspective on their realities.

FIRST NATION D

FLEXIBILITY: THE KEY TO MEETING EVOLVING NEEDS OF COMMUNITY

The integrated approach to health and social services delivery in First Nation D is built on collaboration to meet community needs. First Nation D is dedicated to serving the community by breaking down the artificial silos imposed by government funders.

"We're all there for the people."

The integrated approach includes aligning objectives, vision, and sharing and leveraging resources. This work happens behind the scenes to ensure members seeking services can get the support they need seamlessly.

When it comes to child and family services (CFS), First Nation D is focused exclusively on prevention services with the province delivering protection services. Their activities are dedicated to reducing contact with protective services, and often integrate health and wellness as part of their integrated approach to service delivery. Building trusted relationships with the members of their community is central to their approach. Sometimes, this means inviting them to formal programming, and other times, informal interactions.

First Nation D considers their community's context when designing their wellness services. This means considering demographics, employment, etc., as they make plans for the short-, medium-, and long-terms.

The lesson First Nation D shares is the benefit of breaking down funding silos to meet the evolving needs of their community. **Flexibility is key.**

LEADING AN INTEGRATED APPROACH TO SERVICE DELIVERY

First Nation D has a population of 350 people on-reserve with another 500 members nearby that seek services from their community. With a nearby paper mill, members are employed and have financial resources, which contributes to the community's overall wellness. Changes in employment at the mill impacts community mental health, which can be challenging.

*"If that mill shuts down, we will be living in crisis."*Demographics, however, are changing. Much of the population is in their 40s and birth rates are low (relative to other First Nations). This has required the health and social services team to reconsider their priorities to meet the changing needs of the First Nation.

"I want to say, we have a good model. But I caution that the model is not necessarily copy and paste because their [another First Nation's] needs may be different than ours."

The director of health and social services is well-respected. A member of First Nation D, one of the conditions of his employment was that he be provided independence from political interference to deliver on the mandate. The director's leadership is credited by staff as having created an integrated and collaborative approach to service delivery. There is no micro-managing. Staff are encouraged to work together, share resources, and solve problems to address the needs of the community.

"This is how we do it. You don't work in your own department and stay there. We are all in this together for the benefit of our clients. You help and you support across the board. That's expected."

For instance, a social pediatrics approach (i.e., a focus on early years and supportive programming) has been introduced unofficially with staff working together to improve outcomes for children. Soon, it will be formalized in a framework that defines the roles and functions for education, nutrition, health, etc. The approach is different than the way funding flows to the First Nation. They made a decision to work collaboratively rather than in program driven silos.

PREVENTION IN CFS

First Nation D has no desire at this point to take on protection. A high probability of political interference reinforce the importance of a "strong and mature" governance structure with separation between politics and protection to ensure people have space to do their jobs. In a small First Nation where everyone is related or connected, this is a challenge.

The focus in First Nation D is on building relationships, promoting positive interactions through prevention, and reducing the

need for child and protection. With the full community from elders to children involved in programming, First Nation D can build relationships and trusted spaces where people can be supported to avoid crisis.

Working 'upstream' with a focus on prevention, means serving children and families in a culturally informed way by meeting their needs. Rather than waiting for a crisis, First Nation D can be supportive by addressing the root causes of contact with protection services. Sometimes, the issues are related to deprivation, other times, related to supports for parents and caregivers. When a family is in need, the full complement of health and social services supports can be mobilized to address it together.

There is a shortage of social workers in the area. First Nation D benefits from low staff turnover which is attributed to their positive working environment and near parity with provincial salary levels.

FUNDING MATTERS

Annually, the director of health and social services in First Nation D shares a report. This is used at once to 'satisfy the funders' reporting needs,' and is destined for the community served. The reports discuss the community's context, programming, achievements, and challenges. Resource allocation follows First Nation D's integrated approach to service delivery: solve the problem in a culturally informed way. Often, this means working around existing funding arrangements.

"Don't bog us down with minor details like how many pens we buy. Give us flexibility to adjust and get out of these fixed contribution agreements. Flexibility is about control. We are continuing to pursue better control."

Community control means defining and addressing challenges on your own terms. First Nation D gathers information about its community to support better planning. The health and social services team promote survey and data collection to better understand needs. To achieve this, trusted people are needed to create space to share information. There are two band members to support data collection efforts, supplemented with online options. With the support of a regional body for data management and analysis, First Nation D is exploring longitudinal trends on what health means in the community, what diseases are prevalent, and the medications used by members, etc. The gathering and analysis of the information is integral to First Nation D's approach to planning and service delivery. The evidence supports the team in continuously evolving to meet the needs of their community.

When it comes to health and social services, First Nation D considers themselves to be adequately funded to deliver on their mandate. Jordan's Principle was highlighted as an

especially helpful resource to ensure First Nations children (individuals and groups) are getting support they would have otherwise never received.

Most funding comes from the federal government. There are 10 full-time staff that are dedicated primarily to CFS, and supported by the broader team in health and social services. Including Jordan's Principle funding, First Nation D expended roughly $1.6M in fiscal year 2021-2022 across the total population served. On a per capita basis, this represents nearly $4,600 per person residing on-reserve, or $3,200 per person across the entire membership.

The integrated approach to health and social services delivery in First Nation D is built on collaboration to meet community needs. First Nation D is dedicated to serving the community by breaking down the artificial program specific silos imposed by government funders to promote health and wellness.

COUNCIL OF YUKON FIRST NATIONS (CYFN) FAMILY PRESERVATION SERVICES

LESSONS LEARNED

The ability to design and deliver programs and services for children and families is different across First Nations. Regional organizations can help to support First Nations with capacity development and programming support by leveraging economies of scale and serving as a resource hub. One such example is Family Preservation Services, through the Council of Yukon First Nations (CYFN).

While not all Yukon First Nations are formal members of CYFN, the organization has been working as a de facto provider of child and family services (CFS) for urban Indigenous clients as well as a Jordan's Principle service coordinator.

CYFN's Family Preservation program is an example of a growing and evolving Indigenous led regional organization that can support First Nations in service delivery, both as a provider and as a centre of resources.

The lesson CYFN shares is the need to consider a regional hub for capacity development and programming support for First Nations in CFS in urban areas.

The Council of Yukon First Nations (CYFN) was established in 1973, and acted as a key negotiating body in Yukon First Nations land claims. Today, the organization advocates for First Nations in Yukon and delivers front line services. On CFS, CYFN's Family Preservation program serves principally Yukon First Nations (75%) and other First Nations (25%). *Connection to community and culture are essential to good outcomes for children. The best way to do that is to have our own people raising our children and keeping them in community.*

CYFN's operations are not funded to provide CFS-related supports. Instead, the organization relies on grants and project-based funding to sustain its operations and services. At a time when resources are flowing, the capacity gaps are increasingly visible. Not all First Nations can absorb the prevention funding to deliver programs and services. This is where Family Preservation can provide support. From convening First Nations to offering program models, the organization is trying to build-out its support services to fill a need it perceives in many communities.

"Working for your own people, with your own people in management, and your own people in decision-making makes a difference. I don't know how to quantify that."

All but three of the 28 staff working in CFS at Family Preservation Services are Indigenous. Working with people with different skill and degree backgrounds is important to the organization. From CYFN's perspective, it helps draw people to the organization and gets them to contribute to the design and delivery of culturally appropriate supports and services.

CYFN is funding its Family Preservation programs through a $2.2M Jordan's Principle group request. As a resource, Jordan's Principle is covering CFS-related matters in the territory from housing supports, e.g., rent, to baby items. There are limited administrative fees from this allocation, which leaves the organization to find administrative dollars from other programs to cover staff. In addition to its role as a service coordinator, CYFN receives funding through contracts for service delivery from the territorial government. This includes Cultural Connections, a five-year pilot project which aims to safeguard connection to culture for children and youth in out-of-home care.

Family Preservation receives most of its service referrals from the Yukon Government, since the territory's role is to focus on protection. Others seeking services can walk in or are referred by their First Nation.

"There is no pot of funding for not-for-profit urban Indigenous organizations."

From hosting cultural services, programming (i.e., pre-natal support circles, on-the-land camps), to coordinating housing supports and navigating the child welfare

system, Family Preservation is providing wraparound support services. CYFN wants Yukon First Nations to have a say in what happens to their children. With over 90% of children in care in the territory being First Nations, CYFN wants to continue to provide services in an urban environment while supporting First Nations to deliver their own services.

FIRST NATION C

THE IMPORTANCE OF STABLE AND SUPPORTIVE GOVERNANCE AND PROGRAMMING PRACTICES FOR JURISDICTION

In a tenuous political environment, service design and delivery can be challenging, especially in an area as sensitive as child and family services (CFS). For First Nation C, the combination of political uncertainty with crisis-response style programming has complicated their intent to pursue jurisdiction.

Existing services in First Nation C are delivered by a team of trained social workers and others with decades of experience in mainstream and on-reserve CFS. With their ongoing work, they are developing a vision defining the good life for their First Nation. The structure or approach that will deliver that vision remains a work in-progress. Community support is needed; political support is needed. This work is happening as First Nation C is on its own healing journey.

The lesson First Nation C shares is the importance of stable and supportive governance and programming practices for jurisdiction.

COMPLEXITIES OF CONTEXT

It is a time of healing for First Nation C. Many members are residential school survivors who are struggling, along with their descendants, with the long-time tensions of Christian views and Indigenous beliefs, practices, language, and culture. For instance, there are concerns about submitting invoices for traditional healers to the finance department out of fear of being denied. The tension within the community extends to its leadership.

Elections every two years of Chief and Council and the reorganization and reprioritization that ensues puts strain on various

departments and services, including CFS. Following the latest election, for instance, CFS mandate and efforts on jurisdiction were frozen until a new mandate was confirmed. The constant change, internal disagreement, and administrative manoeuvring within Chief and Council means departments spend time working around the system rather than with it.

The political system in the First Nation is creating challenges for progress.

EXISTING CFS SERVICES

First Nation C is a large community and roughly half of the population reside in the community (on-reserve).

Solutions up to now have been bandages; there are limited resources and opportunities to address the root causes of need, e.g., housing, groceries, infrastructure, etc. This reality is perpetuating a cycle of need and ongoing pressure in families taking care of children in care.

Today, an experienced team with decades of experience in the mainstream and on-reserve CFS system are delivering prevention and protection-related supports in First Nation C.

"We are carrying the weight of our community and the damage the child welfare system has done. We have to focus on our own healing; we have to heal ourselves."

Technically, their mandate is to provide prevention and some limited intervention for children, youth, and families. This should take the form of family support work, traditional customary care work, and Band Representative tasks, e.g., attending for investigations, doing visits with provincial protection workers related to protection concerns, protection case management, etc. The

Healing and wellness of staff

Staff are working in challenging environments. Working with colleagues that are healing from their own trauma means that interactions between managers and staff and between staff can require tact and understanding.

First Nation C has retained Indigenous counsellors to support staff in their healing journeys. This is an ongoing need. When staff are working in their own community, working in CFS can be more triggering.

mandate, however, does not mean much as staff are reacting to problems.

The organization considers itself short staffed: *"people are not even recognizing what they're doing"* and *"this doesn't even include what [provincial protection workers] are asking front-line workers to do, even though it's not their job."* From the perspective of staff, children in care are being "offloaded" to the First Nation by being placed in customary care without the same resources that a provincial foster home would have. This lack of financial support puts a strain on the family and the First Nation who become responsible and liable for services. On the front-line in the First Nation, not all staff have the same credentials or consistent resources as those in the mainstream agency to hire expert staff or to provide ongoing support to families. This reality adds an additional burden for service delivery, liability, and feeling that the First Nations is being set up to fail.

In pursuing jurisdiction, CFS managers have implemented a more structured approach to the delivery of CFS with set protocols and practices. For some staff that are unaccustomed to the compliance-focused approach, the changes are stressful. They are taking leave or considering leaving the First Nation. CFS managers have gone back to basic training to reinforce the importance of workplace culture, data gathering, and protocols. As the First Nation takes on roles in secondary and tertiary prevention, additional training, credentials, and supports are required to manage the complex needs and liability.

In general, there is a shortage of CFS-related staff. With the shortage and pressures in First Nation C, the CFS team sought adjusted salaries for parity with the province. After a great deal of effort with the Band Council (which had fixed all salaries), CFS salaries were adjusted with supplements from Canadian Human Rights Tribunal (CHRT)-related funding. The increase did not reach parity with provincial salaries and created grief and tension with other departments in the First Nation. This is a common challenge expressed by CFS delivery departments and agencies aiming for salary parity with provincial levels. Without adequate salary levels, CFS delivery organization may struggle to attract and retain staff (as they compete with the province). Parity with provincial salary levels, however, may not align with the salaries of the Band Council.

The millions of dollars through prevention funding coming to First Nation C are a challenge to absorb. Due to the internal disruption in administrative support, CFS staff do not have the appropriate time to plan while managing constant crises due to a lack of staff. Complicating matters are pressures from the Band Council wanting to use funds for other purposes that they think best, rather than relying on the technical,

front-line, and evidence-informed expertise of their CFS managers. This makes it a constant struggle to manage the funds for CFS. There have been efforts from CFS to work across the First Nation, e.g., with the school, for language revitalization, etc. to apply funds for the broader purpose of wellness across the community.

FUTURE VISION

Spirit-centred and heart-centred work with language is at the core of the vision for a good life. Efforts are underway to work toward developing their own law. The initial steps are focused on increasing staff and working with the existing provincial organization, as the community is eventually engaged and consulted on the vision.

With all the hope and commitment to change in CFS, there remains a soberness. The CFS team was clear that you "can't ram transition through the community [...] you have to work at the pace of your community and your staff." The team is continuing to work extensively alongside the provincial staff but remains adamant that they do not want an agency.

However the First Nation decides to pursue jurisdiction, it will take several years to envision, define, and implement. With the recognition of First Nation C's complex starting point, there was an underlying suspicion of federal and provincial government intentions with jurisdiction.

"They're setting us up for failure. They know we have a lot of dysfunction. They know we don't have the human capacity or the structure in place...they created this situation and now they want us to fix it [the problems governments created through CFS]. The government will claw back money as soon as the photo-ops are done and no one thinks we can do it anymore."

As the jurisdiction process gets underway, there are still needs that need to be met and work to be done.

FIRST NATION B

SUPPORTING COMMUNITY THROUGH INTERNAL CAPACITY

First Nation B has the advantages of self-government and economic prospects. Those factors alone, however, are insufficient to ensure well-being for children and families in their community. The challenges of intergenerational trauma and a lack of qualified staff for support create an environment in which issues persist and risk becoming engrained.

The lesson First Nation B shares is the importance of building or accessing internal capacity to support community needs.

THE REALITIES OF SMALL FIRST NATIONS

In a small population (approximately 400 people on community territory) there is no separation between politics and family. Connections (and feuds) can run deep and colour politics and decision-making. At times, the lateral violence limits progress for the First Nation.

In a small community, it can be a challenge to share personal matters with another person that you might know. As deeper and more complex issues emerge, support from outside of the First Nation would be helpful. Community members themselves are not all well. There is trauma from residential schools and compounding trauma from grief.

As a new project may bring economic development opportunities to the First Nation, there are concerns about compounding addictions challenges, environmental impacts, and increased risks with more traffic and activity in the area. The First Nation has an excellent working relationship with the adjacent village notably on infrastructure, e.g., sewers, subdivision planning, etc. and good employment prospects, but that is insufficient for wellness.

OPERATIONAL MATTERS

A self-governing First Nation, the community will provide services to their members wherever they reside. In this case, anywhere from one third to one half live in an urban centre over 50km away. The First Nation, however, is not funded to provide such services for any member that does not reside on the settlement territory. This is creating increasing concern as migration between the territory and the urban centre continues.

Protection services are provided by the territorial government. Any CFS related programs, focused on prevention and wellness, are offered through the health and social department. Despite their best efforts, the vision for CFS is not articulated.

There appears to be a lack of understanding in vision, mission, and goals of the department. Staff can clearly express needs, e.g., evening youth worker and programming, but struggle to define basic activities aligned to wellness in CFS.

The expressed need for hybrid practice that links Western and traditional approaches was clear. To paraphrase staff, *you can't make parkas and alleviate trauma; people have deep issues that require complex interventions and support*. To make progress in healing trauma, staff need to meet people where they are. That means using phone, virtual platforms, and ways of accessing services without feeling like they are community spectacles being watched by others.

Economy of scale in service delivery is a challenge for small First Nations. Per capita funding allocations do not meet needs. There are fixed costs of doing business that are greater in rural places and across a small population. The same amount of funding per person in such places does not have the same impact as in other places.

Staff turnover is high which makes planning and execution challenging. First Nation B cannot find the qualified staff they need. Several positions in health and services remain unfilled. There is a perceivednewness or inexperience among staff, with challenges in delivering basic programming for skills development, e.g., cooking classes.

A WAY FORWARD

Getting to a better place will require community-based needs assessments in the First Nation and the urban centre. Having members define their needs and vision for CFS and related services will help to focus the First Nation's efforts and map a plan forward.

FIRST NATION A

SEQUENCING THE STEPS OF JURISDICTION

Jurisdiction in child and family services is about making decisions in the best interests of children and families in their own culture and on their land. From the perspective of First Nation A, this means:

The development of thriving, safe, and happy children that are engaged in the cultural life of their community with supportive and unified families. This will be done by recognizing and leveraging the strengths of families to take action in the best interest of the child and family in a culturally informed way.

To give meaning to their vision of jurisdiction, First Nation A set out to define their resource needs. The exercise highlighted the need to answer crucial questions to guide their next steps. Before any discussion of required resources (e.g., money, people, buildings), the First Nation had to define what they were trying to achieve, how they would achieve it, and how they would monitor their progress. With the support of First Nation A, this case study defines a basic framework that others can use to ground their first steps on the path to jurisdiction.

The lesson First Nation A shares is the value of sequencing the steps to jurisdiction and being mindful of the time it takes to journey through them.

A small First Nation (less than 500 registered members, with fewer than half living on-reserve), has decided to pursue jurisdiction in child and family services (CFS).

Community consultations were undertaken. While the First Nations is

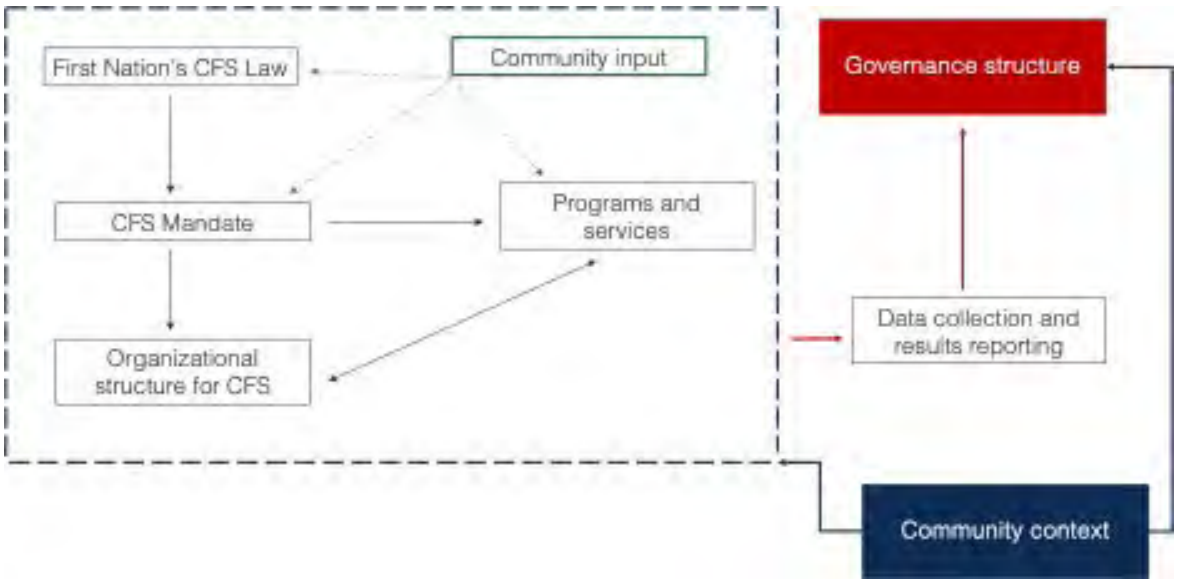
Outstanding questions:

- Who is accountable for overseeing the development of the approach for CFS?
- What is the process for developing options for CFS?
  - Review other legislation and approaches for ideas
  - Structure and governance, e.g., independent organization and board; band council department, etc.
  - Mandate, e.g., goal and purpose
- Who will be accountable for reviewing/adjudicating options for CFS?
- Who will be accountable for making the decision on the final approach for CFS?
- Who will be accountable for implementing the chosen approach to CFS?

supportive of taking on jurisdiction in CFS, there are outstanding questions that should be answered to shape plans, laws, and oversight of the development process. Defining an accountability framework for the design and implementation of jurisdiction is crucial. The support and guidance of the community is essential, but clarity around responsibility is necessary to move the process forward.

The decision to take back jurisdiction can be exciting. Moving forward requires a clear understanding of the starting point (i.e., community context), the goal/purpose of jurisdiction (i.e., mandate), and the legal and governance frameworks for jurisdiction (reflected in an eventual law).Once those decisions are in place and the law established, there are a series of steps for implementation (Figure 33). For instance, programs and services should be designed based on the CFS mandate emanating from the law (and its adjudication structure). An organizational structure need to be defined consistent with the mandate and informed by service delivery. The entire approach will be monitored by a governance and accountability structure. An essential source of information will be the data gathered and results reporting on progress. The evidence generated should help to inform decisions and adjust the approach to meet the goals of the law. These activities are shaped by the community's context. The community's context, e.g., housing needs, water access, capacity, size, etc., must be defined and considered from the start to ensure they are being built into the approach.

FIGURE 33



To explore their path to jurisdiction, the First Nation collaborated to define guiding questions and considerations designed to organize and initial approach and help to identify gaps. The information from the exercise can be used to plan and establish frameworks for laws and resource needs. The guiding questions are designed to organize an initial approach and help to identify gaps. As an example, the First Nation shared their available responses and considerations in (Table 3). These initial questions were expanded with the support of the First Nation to assist others as they explore jurisdiction (Table 4).

TABLE 3

GUIDING QUESTION	RESPONSES/CONSIDERATIONS	
What's the problem you're trying to solve?	The development of thriving, safe, and happy children that are engaged in the cultural life of their community with supportive and unified families. This will be done by recognizing and leveraging the strengths of families to take action in the best interest of the child and family in a culturally informed way.	
What will you do to solve the problem?	• Programs and services for children and families • Capacity building for community members/staff	
What do you need to solve the problem?	Law	• Guiding structure • Essential to align the operating plan to the legal framework
	Structure/ organization	• Accountability mechanism • Mandate and approach to CFS
	People	• Align to mandate and service delivery • Consider training/capacity development
	Money	• Cost estimate approach to CFS; use proxies, e.g., from Band Council or from other sources, e.g., IFSD's work
	Capital	• Needs assessment • Engage with other departments in the First Nations on need
	Time	• 2026 target to begin implementation? What's needed to get there?
	Data	• Approach to data gathering and evidence generation • System, tools, and practices for data collection and applications
	Services (expert services)	• Various, e.g., psychologist, counsellors, etc. • Identify sources, or approaches to sharing resources
	Education (ongoing development)	• Explore training and development approaches to building community skills in CFS, e.g., partnering with colleges and universities

TABLE 4

GUIDING QUESTION	CONSIDERATIONS	
What is your vision?	• What is the vision of a healthy child and family in your community?	
What's the problem you're trying to solve?	• Define the purpose and goals of designing and delivering services	
What will you do the solve the problem?	• Identifying the activities you will take to deliver on goals • What are the root causes/spurces of the problem? • What are options and tools at hand to address the problem?	
What do you need to solve the problem?	• Define the inputs, e.g., tools, resources, services, necessary to take action on your goal. Examples include, people, money capital, and data, etc.	
	Structure/ organization	• Accountability mechanism • Mandate and approach to CFS
	People	• Align to mandate and service delivery • Consider training/capacity development • Human resources, e.g., salaries and benefits, staff wellness supports and services, etc.
	Money	• Cost estimate approach to CFS; use proxies, e.g., expenditure information from Band Council or from other sources, • e.g., IFSD, regional organizations, service providers, etc.
	Time	• When do you plan to begin inplementation? • What's needed to get to the starting line? How will your needs change along the way? • Consider the different phases of planning, implementation, evaluation, etc., while ensuring children and families receive services while the approach is being developed and is ready to be delivered
	Data	• Approach to data gathering and evidence generation to measure change to ensure your program and services have the desired impacts • System, tools, and practices for data collection and applications
	Services (expert services)	• Various, e.g., addictions services (especially, for children and youth), psychologist, counsellors, etc. • Identify sources, or approaches to sharing resources • Coordinated approach for families receiving both protection and prevention services • Coordinated approach for families moving on- and off-reserve (moving between services and systems)
	Capital	• Needs assessment • Engage with other departments in the First Nations. Are there common areas of need? Opportunities to leverage resources?
	Education (ongoing development)	• Explore training and development approaches to building community skills in CFS, e.g., partnering with colleges and universities, engagin with Elders • Opportunities for training for leadership, and otehr internal and external stakeholders, and service providers on the vision and service delivery approach

NATIONAL GATHERING

Before drafting its final report, IFSD gathered with First Nations not affiliated to an FNCFS agency for a one-day gathering on November 2, 2023, in Ottawa.

The gathering was an opportunity to confirm the context and experiences of First Nations not affiliated to an FNCFS agency were captured appropriately; to define the range of options and tools for supporting the design and delivery of CFS; and to capture anticipated challenges moving forward.

The working session was attended by over 65 First Nations who gathered in person or joined virtually via Zoom. The significant participation was representative of different geographies, regions, approaches to service delivery, and populations sizes.

At the conclusion of the workshop, participants defined seven recommendations related to their work in CFS:

1. Access to shared resources in CFS for strategic planning, programming, and staff supports are needed.
2. There must be a respect for the time and space needed to reflect, engage with, and support children and families. This does not happen quickly or easily.
3. Total membership (irrespective of residency) should be modelled in all cost modelling and analysis.
4. Remoteness should be considered in all cost analysis.
5. Funding must be clear, sustainable, and on-going. Block and multi-year approaches to funding should be explored.
6. Account for the different starting points for First Nations not affiliated to an FNCFS agency that will impact their transition to future/desired states.
7. A call for another in-person gathering to spend more time exchanging and sharing ideas over two full days. *(Note: IFSD responded to this call by hosting a second national gathering in Vancouver on February 12, 2024)*.

The discussion among the assembled participants was helpful in confirming challenges and realities in First Nations, as well as approaches for cost estimation modelling. The message in 2023 is consistent with that of spring 2022: change takes time and cannot be done without a plan or capacity for execution. The findings from the workshop are included in Appendix D.

WHAT WE LEARNED TOGETHER

The questionnaire, regional gatherings, case studies, and national gathering sketch the current state for First Nations not affiliated to an FNCFS agency. There are differences in capacity and community realities, and there are common challenges they are confronting from staff shortages to governance matters to communities in crisis. While First Nations have cultural, linguistic, and contextual differences, they share common desires and challenges.

The starting point is different for each First Nation not affiliated to an FNCFS agency. Most,

however, have staff shortages, are seeking supports to enhance their program and planning, and would benefit from consistent and reliable funding to deliver on their mandates. As changes in funding continue to emerge, there should be careful attention paid to calls for increased time to plan for change and absorb resources. Assuming First Nations not affiliated to an FNCFS agency would all be similarly equipped to manage change is attributable only to a lack of understanding and consideration of their varied realities.

The Government of Canada's decision-making on CFS has been disconnected from the realities of First Nations not affiliated to an FNCFS agency. While financial resources have been committed and allocated, there was no consideration of different starting points (i.e., existing child and family service capacity, needs, context, etc.), the needed time and resources for community consultation and planning, or for service delivery, design, and staffing.

Political cycles and sound implementation of decisions may not always align. In this instance, the government's attempt to move quickly yielded a short-sighted goal of releasing prevention funds without ensuring First Nations were set up for success or coordinating these activities with the provinces/Yukon. By not paying attention to the implementation of the prevention funding, Canada lost sight of its obligation to end the discrimination towards First Nations children and families. Yes, financial resources are needed, but how much at each stage of development? To whom? To achieve what objectives? On what timelines? The government is following their timelines with limited consideration of the requirements for service delivery in First Nations or the goal of eliminating the discrimination toward children.

There is hope and excitement in First Nations communities and a clear commitment to provide good quality services. However, this excitement is tempered by the ongoing challenges of dealing with the consequences of residential schools and other colonial harms (from trauma to housing), limited staffing, and politics and governance, as reflected in collaborator case studies. CFS is a work in progress. The initial excitement of new resources is quickly moderated by limited capacity for execution. Paraphrasing a First Nation representative from the November 2023 gathering: ***Money alone does not solve all problems. Without people and plans, you cannot execute no matter how much money you have.***

First Nations not affiliated to an FNCFS agency have expressed feeling like they are in crisis response mode: constantly addressing problems as they emerge. The reality is attributable to a variety of factors including communities in crisis, staff shortages, and complex community needs. As resources are allocated to First Nations not affiliated to an FNCFS agency, some may wish to assess their current state and capacity to manage change. In collaboration with a First Nation, IFSD developed elements of the framework below (sections 2 and 4). With their permission, these components have been expanded and shared in this report (henceforth the 'Framework').

The Framework provides general considerations for First Nations not affiliated to an FNCFS agency for planning and delivering CFS. It is not intended as a complete guide, nor is it necessarily appropriate for all communities and contexts. Rather, the Framework is a tool that First Nations can choose to use as part of their planning approach.

The Framework uses a four-stage approach:

1. *Current State*
   - Articulating the current state (i.e., where are you now?)
2. *Future Vision*
   - Determining and articulating a future-state vision (i.e., where do you want to be?)
3. *Gap Analysis*
   - Identifying differences between the current state and the future state (i.e., what are the gaps?)
4. *Transition Planning*
   - Preparing plans and timelines for addressing the gaps (i.e., how do you get there?)

At each stage, IFSD proposes segmenting issues into four categories:

1. People (e.g., staffing, recruitment, retention, training)
2. Process (e.g., program activities, workflow design, organizational structure)
3. Strategy (e.g., mission, priorities, goals, and culture)
4. Systems (e.g., financial systems, IT systems, data systems, legal and governance frameworks)

SECTION 1 — CURRENT STATE

IFSD has prepared a set of guiding questions to help First Nations define their unique starting points (Table 5). Users may wish to reflect on the prompts below to begin outlining their current state. Consider whether you have the people, processes, strategy, and systems you need.

With these questions and themes, you may wish to consider what responses and actions are within the control of CFS in the First Nation and which it cannot control. The participation and collaboration of other departments, organizations, services, may be required. For instance, where the province/territory is providing protection services to a First Nation, it would be necessary to understand their role, mandate, and how their services intersect or connect with those of the First Nation. What is the role of the province/territory in CFS? What protection (and possibly, prevention) services are being provided? Does the First Nation collaborate with the province/territory? If so, how? If not, why not? Building a full portrait of the current state means defining the starting point for services, environment, and needs, including other service providers, like the province/territory.

TABLE 5

CATEGORY	GUIDING QUESTIONS	CONSIDERATIONS	YES, NO, N/A
People	Do you have requisite staff?	• Consider what staff your community currently has. • Do you already have CFS staff? • Are there staff in adjacent departments (e.g., health) that could provide insight or expertise? • What roles are critical to delivering needed services in your community?	
	Are your staff qualified to meet the specialized needs of the children you serve?		
	Do you offer educational supports, job training and/or skill development?		
	Do you have staff dedicated to CFS? What are their roles?		
	Do you have difficulty attracting staff?		
	Do you have difficulty retaining staff?		
	What salary or compensation scales do you follow?		
Process	Can you describe the CFS needs of the children, youth, and families in your First Nation?	• Consider what your community currently delivers to members. • Who delivers services? • What organizational structures are in place already?	
	How is information on needs used to develop or refine service offerings?		
	How do you define success and CFS? How do you evaluate it?		
	What programs and services do you deliver?		
	Do you gather information from your community to help inform planning?		
	What is your management structure?		
Strategy	Are you delivering the programs and services in CFS that your First Nation wants and needs?	• Consider your goals and priorities. • What are the needs of your community?	
	What is your mandate?		
	What are your goals and organizational priorities?		
Systems	How is CFS governed, ex., department within the Band, independent organization, etc.?	• Consider existing resources in your community. • Are there already systems in place, or will new ones have to be built?	
	Do you have a protocol with the province/territory?		
	Do you have a protocol with the First Nation and other service providers?		
	Do you have regular/reliable revenues and expenditures?		
	Do you have adequate IT systems?		
	Do you have adequate financial systems?		
	Is your legal framework defined?		

SECTION 2 — FUTURE VISION

IFSD has prepared a table of guiding questions and considerations to help First Nations determine their unique future vision (Table 6). Users may wish to reflect on the prompts below to begin outlining their future vision.

TABLE 6

GUIDING QUESTIONS	CONSIDERATIONS
What is your vision?	• What is the vision of a healthy child and family in your community?
What are the current CFS needs of the children and family you serve?	• What are the issues that lead children to be at risk of maltreatment?
What's the problem you're trying to solve?	• Define the purpose and goals of designing and delivering services, with consideration of the existing needs of children and families. • What is the ultimate goal of your service delivery?
What will you do to solve the problem?	• Identify the activities you will take to deliver on goals • What are the root causes/sources of the problem? • What are options and tools at hand to address the problem?

SECTION 3 — GAP ANALYSIS

Users may wish to reflect on their responses to the questions and prompts provided in sections 1 and 2 of the Framework (Current State and Future Vision). Users might consider where their current state does not align with their future vision, i.e., our mission is not yet defined, our governance framework is not in place, our IT system is inadequate (Table 7).

TABLE 7

CATEGORY	CONSIDERATIONS	YES, NO, N/A
People	Do you have enough staff to operationalize your vision?	
	Is your compensation competitive?	
	Do you recruit staff from your First Nation? From other First Nations?	
	Do you have high retention of employees?	
	Do you offer benefits to your employees e.g., health, dental, etc.?	
	Do employees receive adequate on-the-job training?	
	Are you attracting adequately credentialed staff?	
Process	Have needs in CFS been defined?	
	Are your current operating baselines meeting needs?	
	Do you have a clear vision of your future state?	
	Are your activities defined?	
	Is your workflow defined?	
	Is your management structure established?	
Strategy	Is your mission defined?	
	Is your mandate defined?	
	Is your strategy defined?	
	Are your goals and organizational priorities defined?	
	Are all of your services or programs developed?	
Systems	Are all of your necessary organizational partnerships in place?	
	Is your governance framework defined?	
	Is your legal framework defined?	
	Is an adequate data system in place?	
	Is an adequate performance management framework in place?	
	Is an adequate IT system in place?	
	Is an adequate financial system in place?	
	Is an adequate reporting system in place?	

FIGURE 34

Staffing needs analysis

First Nations not affiliated to an FNCFS agency expressed challenges attracting and retaining staff for their program and service delivery. To provide a general assessment of staffing requirements for prevention services (primary and secondary), post-majority supports and services, supervision, and administration, IFSD retained Engage First Management Consultants Inc., at the recommendation of a First Nation that had previously used their services to plan for their CFS staffing needs. The full analysis prepared by the firm is available in Appendix E. The table below is a summary of staffing needs by activity area based on total population. **Note: These estimates are illustrative and are not necessarily reflective of the distinct needs of First Nations.**

FULL TIME EQUIVALENT	SMALL FIRST NATION (FTE)	MEDIUM FIRST NATION	LARGE FIRST NATION
Prevention Caseworker	4.9	7.0	24.6
PMSS Case Worker	1.0	2.3	9.9
Supervision	1.0	1.5	6.0
Admin. Support	1.0	1.5	6.0
Total (FTE)	**7.9**	**12.3**	**46.5**

SECTION 4 — TRANSITION PLANNING

The guiding questions and considerations below are designed to help First Nations assess and address gaps identified in section 3 (Gap Analysis). Users may wish to reflect on the prompts to begin outlining their transition plan (Table 8).

TABLE 8

GUIDING QUESTIONS	CONSIDERATIONS	
What do you need to solve the problem?	• Define the inputs, e.g., tools, resources, services, necessary to take action to deliver on your goal. Examples include, people, money capital, and data, etc.	
	Structure/ organization	• Accountability mechanism • Mandate and approach to CFS
	People	• Align to mandate and service delivery • Consider training/capacity development • Human resources, e.g., salaries and benefits, staff wellness supports and services, etc.
	Money	• Cost estimate approach to CFS; use proxies, e.g., expenditure information from Band Council or from other sources, • e.g., IFSD, regional organizations, service providers, etc.
	Time	• When do you plan to begin implementation? • What's needed to get to the starting line? How will your needs change along the way? • Consider the different phases of planning, implementation, evaluation, etc., while ensuring children and families. receive services while the approach is being developed and is ready to be delivered
	Data	• Approach to data gathering and evidence generation to measure change to ensure your program and services have the desired impacts • System, tools, and practices for data collection and applications
	Services (expert services)	• Various, e.g., addictions services (especially, for children and youth), psychologist, counsellors, etc. • Identify sources, or approaches to sharing resources • Coordinated approach for families receiving both protection and prevention services • Coordinated approach for families moving on- and off-reserve (moving between services and systems)
	Capital	• Needs assessment • Engage with other departments in the First Nations. Are there common areas of need? Opportunities to leverage resources?
	Education (ongoing development)	• Explore training and development approaches to building community skills in CFS, e.g., partnering with colleges and universities, engaging with Elders • Opportunities for training for leadership, and other internal and external stakeholders, and service providers on the vision and service delivery approach

PART IV: COST ESTIMATION ANALYSIS

Past funding for First Nations not affiliated to an FNCFS agency has varied through the CWJI and now, per capita prevention allocations. When self-reported expenditures were assessed in the questionnaire, no cost driving relationships emerged from analysis of the data. With the variability in services and activities, starting points, and limitations in expenditure data, the CFS system cost for First Nations not affiliated to an FNCFS agency could not be defined. To address the limitations in information and differences in practice, IFSD developed cost estimation scenarios using different baselines and top-ups.

During the national gathering of First Nations not affiliated to an FNCFS agency, several of the final recommendations made by participants related to funding. The importance of support and time for planning, sustainable and predictable funding, were included with calls to include remoteness adjustments and full membership in funding allocations. Based on this feedback, questionnaire findings, and collaborations with First Nations, IFSD developed the cost-estimation scenarios for consideration.

Unlike FNCFS agencies that have years, and in many cases decades, of service delivery experience, established operating and programming baselines, as well as existing staff, most First Nations not affiliated to an FNCFS agency do not. The variability in activities meant limited consistency in expenditures and cost driving relationships for modeling. A baseline could not be defined, other than through per capita allocations (either reported through the questionnaire or inferred through ISC's current committed per capita expenditures). Given the different needs and starting points, funding for First Nations not affiliated to an FNCFS agency would ideally align to their needs, current capacities and grow with them. This way, First Nations that are delivering complex programming can continue their trajectory while those that are starting out can access resources on their timelines.

DEFINING A NEW APPROACH FOR PREVENTION FUNDING

The following options on funding amounts and approaches are intended to support First Nations not affiliated to an FNCFS agency in taking care of their children and families. **There is a presumption that there will be no provincial/territorial service disruptions**.

The CHRT found that federal agreements with provincial/territorial governments to have contributed to service disruptions and a lack of service integration for First Nations children on-reserve.[25] These agreements should be revisited in alignment with the CHRT's rulings. In addition, with the Supreme Court of Canada's ruling on *An Act respecting First Nations, Inuit*

25 2021 CHRT 12 at par. 35, https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/495594/index.do?q=chrt+2021+chrt+12.

and Métis children, youth and families, there is clarity on the Act's binding national standards on provincial governments and the work of their public servants.[26] These national standards should be part of federal agreements on FNCFS with the provincial/territorial governments.

The way forward in CFS among First Nations not affiliated to an FNCFS agency with an understanding of different starting points should consider structure, funding, accountability (Figure 35). The approach is intended to resource the design and delivery of prevention services (primary, secondary, and tertiary). While additional financial resources can address discriminatory practices of underfunding, adequate structure and accountability are necessary to monitor and ensure discrimination does not reoccur (Table 9). The three interrelated elements should be revised to align to the intent of supporting the well-being of First Nations children, families, and communities.

FIGURE 35

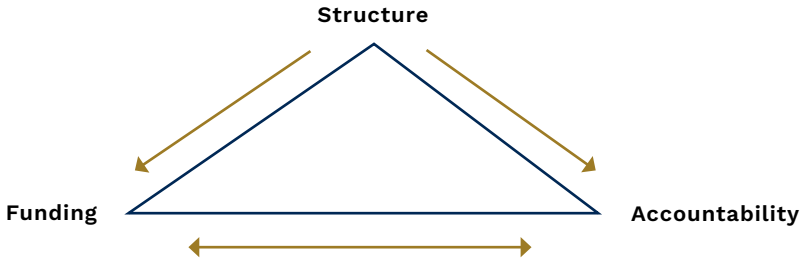


TABLE 9

COMPONENT	DESCRIPTION
Structure	Structure is composed of the objectives and rules that define the purpose and operation of the FNCFS Program. The Program's objectives, the rules associated to the flow of funds (contribution approach), and the terms and conditions associated to the use of funds make-up the structure. These rules are important as they can enable and constrain the decision-making of those in communities working with children and families.
Funding	Funding is the amount of money allocated to the recipient for activities associated to program and service delivery. Consider for instance, planning, program and service delivery, assessment, and evaluation. Funding should be commensurate to mandate and should be based on principles linked to the differentiated contexts of recipients and those they serve.
Accountability	Accountability ensures that the system is delivering its intended objectives for children and families. Gathering relevant data, measuring change, and monitoring outcomes are essential for ensuring accountability to First Nations communities, funders, as well as to support planning and advocacy efforts.

26 Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5 (CanLII), accessed February 22, 2022, https://canlii.ca/t/k2qhn.

At the time of writing, there are discussions to change the funding allocation to First Nations not affiliated to an FNCFS agency for the delivery of CFS. *Changes, i.e., increases, to funding allocations alone will not resolve longstanding challenges in communities, nor will they ensure the sustainable development of services to support children and families*. As expressed by a participant in a collaboration session, "sending out the money is not the victory." Creating sustainable change connected to the different cultures and starting points of First Nations will take time. Sustainable change will also require remediation of the drivers of the overrepresentation of First Nations children in care, i.e., poverty, poor housing, mental health, addictions, and family violence. A national baseline of starting points and needs is but a first step. There will be significant work to be undertaken by First Nations to plan, develop, evaluate, and sustain their initiatives to meet the changing needs of their communities.

"Sending out the money is not the victory."

As the federal program that funds First Nations and FNCFS agencies for services to children, families, and communities (on-reserve), the Program's structure, funding, and accountability mechanisms should align to support the best interests of those being served. Improving outcomes for children and families, requires predictability and sustainability of funding for First Nations to plan services and deliver them over a number of years. For instance, funding announcements close to the start and end of fiscal years limit time for planning and meaningful engagement and risk disrupting service delivery to children and families.

First Nations not affiliated to an FNCFS agency have been clear that their starting points are different, the challenges facing their communities are complex, and that the way forward must include sustainable and clear funding. Those defined priorities are consistent with existing federal funding options and the Act respecting First Nations, Inuit, Métis children and youth. Discussions about FNCFS Program funding for First Nations not affiliated to an FNCFS agency need to move beyond amounts and consider the structure and accountability mechanisms to support well-being.

At the time of writing, negotiations on the long-term reform of the FNCFS Program are ongoing. It will be for First Nations and their leadership to define a way forward and negotiate the relevant structure, funding, and accountability to support it.

Whatever the way forward will be, there need to be clear purpose and objectives for CFS in First Nations, viewed in tandem with services provided by the province/territory, with an emphasis on flexible implementation to achieve the objectives by First Nations based on their cultures and circumstances.

As First Nations not affiliated to an FNCFS agency assess needs, plan, and execute their chosen approach to service provision in CFS, children will still require support and care. It is imperative that as First Nations ramp up their service delivery capacity, that services are available to meet the immediate needs of children. Some First Nations may already offer services, others may be collaborating with the province/territory, and others may purchase services

from other providers, e.g., nearby FNCFS agency. What is most important is that children are provided with integrated protection and prevention services to reduce contact with protective services.

Based on the preceding analysis of data shared by First Nations not affiliated to an FNCFS agency, three possible paths forward have been defined.

TABLE 10

FUNDING[27] APPROACH	DESCRIPTION
	Grant[28]
Regular Grants	• Transfer payment based on agreement. • Must report on results, but not required to account for spending. • Recipient must meet "eligibility and other entitlement" criteria. • Duration is flexible.
10-year Grant	• Subject to more stringent eligibility requirements co-developed with the Assembly of First Nations. • Flexible to design services and allocate and use funds suited to local needs. • Can retain unspent funds. • Annual escalator based on population growth and inflation. • No compliance-based reporting requirement.
	Contribution[29]
Set	• Funds used for a defined purpose and subject to performance conditions. • Any unused funds must be returned at the end of the fiscal year (no carry forward option). • The use of this approach has been limited since April 1, 2018, and is used only as needed, e.g., risk management.
Fixed	• Total expenditure is fixed with annual transfers estimated using a formula. • Carry forwards are possible; cost-overruns are the responsibility of the recipient. • Approach applied to a defined purpose or program and must be (re)issued annually.
Flexible	• Funds are for programs for a minimum of two-year duration. • Requisite capacity and relationship with the department are required. • Funds can be reallocated between cost categories within a program.
Block	• Funds are moveable between a block of programs (so long as objectives are achieved). Unspent funds can be kept and used within the same program block. • Recipient must meet "readiness assessment criteria" for this approach.

27 Reproduced from Kevin Page, 2022, "Expert analysis: Federal funding and First Nations in Canada" (July 2022), online: Institute of Fiscal Studies and Democracy (IFSD), https://ifsd.ca/web/default/files/Reports/2023-01-19_For%20website_Questions%20for%20federal%20funding%20of%20First%20Nations.pdf.

28 Indigenous Services Canada, "10-year grant," Government of Canada, last modified December 21, 2021, https://www.sac-isc.gc.ca/eng/1527080791657/1527080813525. Indigenous Services Canada, "Funding approaches," Government of Canada, last modified April 16, 2018, https://www.sac-isc.gc.ca/eng/1322746046651/1618142957561.

29 Treasury Board of Canada, "Directive on Transfer Payments," Government of Canada, last modified April 1, 2022, Appendix K, https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=14208.

OPTION 1: STATUS QUO

Funding to First Nations not affiliated to an FNCFS agency will continue, likely at higher levels. The structure of the funding will remain the same as the current state. It will largely be flowed under a "fixed" contribution approach, i.e., the uses are predefined (see Table 10). Terms and conditions may be revised, but First Nations will be operating under the same enabling and constraining factors that existed previously, e.g., siloed funding, inconsistent funding, etc. The only difference would be the amount of money available.

For some First Nations, this change in resources will be sufficient. They will leverage the resources to expand existing programs and services, hire more staff, and engage in regular planning. For most First Nations not affiliated to an FNCFS agency, however, the funding change will mean more resources with limited capacity to absorb funding and translate into programming. Increasing available resources without considering community engagement and needs definition, plans to define activity areas, and hiring the staff needed to execute, cannot be expected to alone change outcomes for children.

OPTION 1A: STATUS QUO PLUS

To improve the status quo option, an alternative contribution approach, such as a block approach, could be available to First Nations ready and willing to accept it. For some First Nations with established program and service offerings, the block approach is a mechanism to promote flexibility in the application and use of resources in community. In the block approach, funding is transferred to the recipient for use to achieve a program objective (rather than for specific activity areas). With a block contribution approach, funds can be used for all activities associated to the delivery of CFS interchangeably, without tying them to specific activities, such as operations, prevention, etc. Recipients, however, must work within the predefined allocation of the block.

Relative to the fixed approach, the block has flexibility to solve problems and address the changing needs in communities. With the block, the recipient reports on overall outcomes, rather than the discreet application of resources to specific activities. The block is consistent with the horizontality of challenges confronted by First Nations by enabling a whole of community approach to problem solving, instead of the false silos of other funding mechanisms.

OPTION 2: REGIONAL SUPPORT MODEL

Participants in the November 2023 gathering called for strategic planning, programming, and staff supports. Consistent with this recommendation and principle of First Nations care and control in delivery, a regionally focused model for funding and support could be adopted.[30] In this model, trusted regional organizations (many of which already exist), would serve as the funding

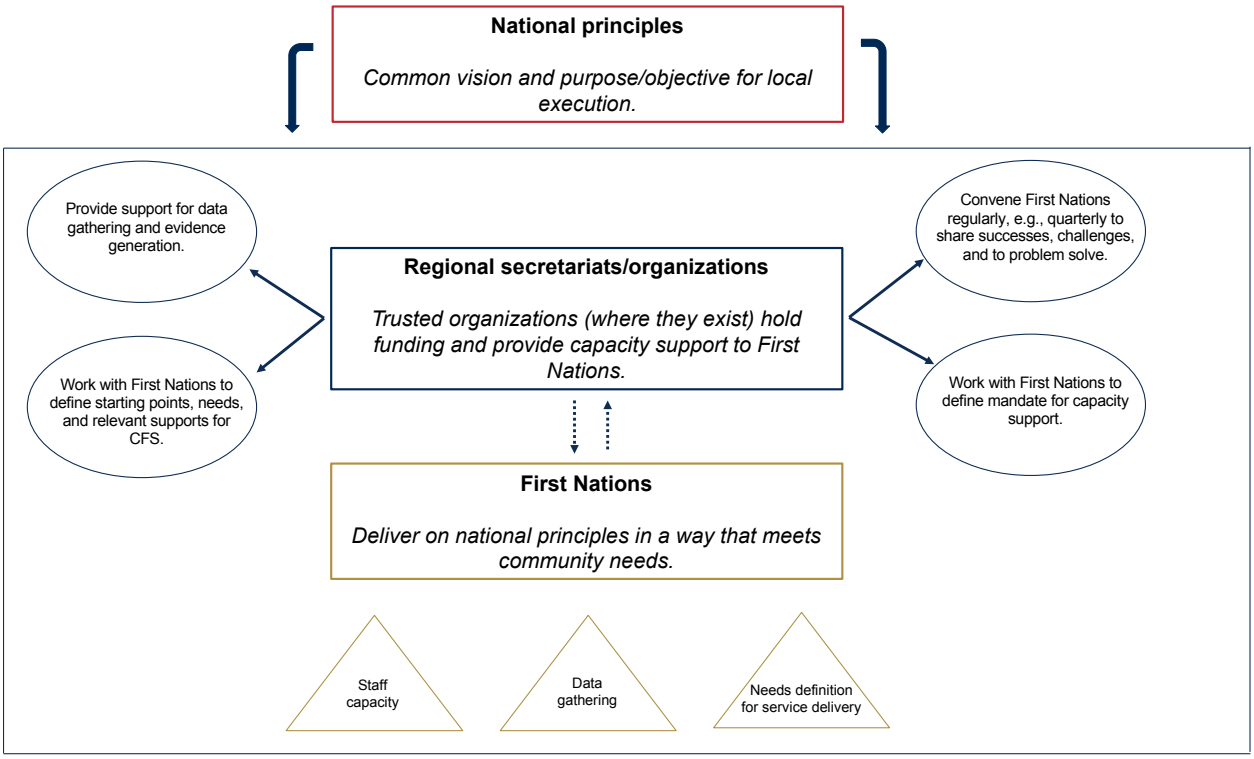
30 With thanks to Dr. Margo Greenwood, see Joint First Nations/Inuit/Federal Child care Working Group, "Considerations and Recommendations for the First Nations/Inuit Child Care Program and Funding Framework," 1995 as cited in Margo Greenwood and Shawna Perry, Appropriateness of Outcome-Based Framework for Aboriginal Child Care, Human Resources Development Canada, May 2002, https://files.eric.ed.gov/fulltext/ED468507.pdf.

allocator and capacity support provider for First Nations not affiliated to an FNCFS agency. Regional organizations would be funded to undertake this work, rather than the federal government. Funding and support would be guided by First Nations for First Nations. An overhead fee of 12% could be applied to support the existing organization's supplementary activities. This rate is consistent with Global Affairs Canada's overhead compensation for contribution agreements in international development.[31]

Most (47%) First Nations not affiliated to an FNCFS agency are in British Columbia, Yukon, Ontario, and Quebec, where regional organizations already exist and could be engaged on this approach. Existing FNCFS agencies (in regions other than Yukon, as they do not exist) could also be sources of technical support.

Guided by national principles and objectives of a reformed FNCFS Program, the regional organizations would work with First Nations on local execution. The regional organizations would

FIGURE 36



31 Global Affairs Canada, "Overhead Compensation Policy for Non-Repayable Contribution Agreements with Canadian Organizations under the International Development Assistance Program," Government of Canada, last modified April 26, 2022, https://www.international.gc.ca/development-developpement/partners-partenaires/bt-oa/overhead-compensation_amendment.aspx?lang=eng.

have three activity areas: 1) funding; 2) convening; 3) capacity building, including technical CFS support (see Figure 36). As funders of FNCFS, regional organizations would work with First Nations not affiliated to an FNCFS agency and their leadership to determine regionally relevant funding allocation models or approaches. Funding allocation by the regional organizations could be through a regional funding approach, an application basis, a per capita allocation, or some combination of thereof.

The organizations would serve as conveners to host quarterly meetings with First Nations not affiliated to an FNCFS agency and practitioners to share successes, challenges, and to problem solve. Best practices and lessons learned by First Nations and FNCFS agencies can be leveraged by others to address similar challenges. The peer-to-peer engagement for operational support and problem solving was a recommendation of First Nations not affiliated to an FNCFS agency during the November 2023 gathering. Participants called for more regular meetings to share practices, challenges, and solutions.

As a capacity building resource, the regional organizations would work with First Nations not affiliated to an FNCFS agency to determine an annual or multi-year workplan. Guided by the needs of First Nations in the region, the regional organization could focus on staff capacity development, program planning resources, data gathering and analysis, and other areas of activity as needs and priorities dictate.

Established regional organizations will likely already have contribution agreements with ISC, which should facilitate the flow of funds for regional allocation. The regional allocation model by non-government bodies already exists, e.g., British Columbia's Aboriginal Child Care Society (BCACCS) for early learning and child care.[32] A regional organization with the consent of First Nations not affiliated to an FNCFS agency to manage the allocation of funds, serve as a convener, and support capacity development, could better meet local needs reducing the space between funding decisions and community execution.

With a regional model, a phased approach to funding allocation could be integrated. A regional body would hold resources for First Nations, moving them from the federal government's balance sheet. This phased approach could be possible with option 1, but would require resources be set aside within ISC in a Special Purpose Allotment (SPA) for a defined period of time to ensure that they are not reallocated to other purposes within the department. The SPA would ensure defined resources for First Nations not affiliated to an FNCFS agency through the FNCFS Program would be available to them as they move through the developmental phases.

As resources are provided from the federal government to the regional body, the regional body could work directly with First Nations to support them in their readiness assessments. While there were noted challenges with the Directive 20-1 that informed the establishment

32 BC Aboriginal Child Care Society, Moving Forward Together The BC Aboriginal Child Care Society (BCACCS) Annual Report for 2021/2022, BC Aboriginal Child Care Society, n.d., https://www.acc-society.bc.ca/wp-content/uploads/2023/12/BCACCS-Annual-Report-2021-to-2022-DRAFT-8-DEC14-2023-1.pdf.

and funding of FNCFS agencies, there was also a helpful step-based approach to resources and organizational development. In section 7 of the Corporate Manual of Directive 20-1[33], three steps are defined:

1. Pre-planning: support for community consultation and engagement to assess needs and prepare a proposal.
2. Planning: development of organizational plans and agreements to prepare for execution.
3. Start-up: execution of the plan with staff hiring, office setup, governance arrangements, etc.

Funding was provided at each stage as recipients worked through prior stages to achieve full operations. Working with a trusted regional body, First Nations may find the readiness assessment and step-based approach useful. Working through these or other steps would provide the time, space, and opportunity to engage with community, and develop internal support and capacity before moving to service delivery.

The step-based approach to funding is considered reasonable in a regional allocation context where a First Nation is working with a trusted First Nations organization to access resources and assess readiness. The step-based approach may not be viable if the federal government is the arbiter of readiness. With the regional model, federal resources are transferred to the regional organization. The regional organization is then accountable for their allocation. The regionally devolved approach means that the resources are insulated from federal political timelines, e.g., change in government, and afford First Nations the opportunity to focus on regional or local priorities with the support of a trusted organization.

Not all First Nations, however, may trust or wish to work with a regional organization. Should a regional model be adopted, there should be a requirement for a region to not unreasonably withhold funding to a First Nation. Some First Nations may wish to receive the funding directly, only seeking out additional support, e.g., for grant writing, from a regional organization. From this perspective, First Nations should continue to receive funding directly from the federal government, with the regional organization serving only as a source of technical support.

Such a regional model with a phased approach to implementation and flexible use of funding is consistent with a proposal presented for other social policy areas, such as early learning and childcare. In an assessment in the mid-1990s, Dr. Margo Greenwood and the Joint First Nations/Inuit/Federal Child Care Working Group proposed an approach with three crucial components for funding early learning and childcare. First, flexibility of funding was deemed essential. Flexibility was needed to promote the local control of resources to solve problems in communities. Second, a phased approach for change was proposed. In the initial phase, federal and First Nation and Inuit groups would collaborate to plan for management and allocation of funding. In the following phase, regions were engaged to prepare to take on the role. The phased approach recognized that priorities

33 Directive 20-1, Corporate Manuals System, Amend./Modf. 23 95-04-01.

and needs in regions differed and that timing for implementation would be impacted. Third, a regional model to allocate funding (where a relevant body exists) to support the differentiated needs. With a regional body responsible for allocating funds, regional priorities and needs could be targeted and funded in a sustained manner (rather than defaulting to a single national approach).[34]

The same three issues of regional support for differentiation, flexible application of funds, and time for implementation were reflected over 25 years later with First Nations not affiliated to an FNCFS agency. The principles and approaches proposed in this report are not new. They have been considered and recommended in different areas of social policy. This question remains why such approaches that promote First Nations control and care in delivery have not been implemented.

OPTION 3: BUILDING TOWARD PREVENTION SERVICE DELIVERY

First Nations not affiliated to an FNCFS agency that are seeking to develop a complete needs assessment should be afforded the necessary time. Rather than working on the current federal timetable with hastened funding announcements that require immediate reactions, those First Nations not affiliated to an FNCFS agency wishing to prepare should be supported in that choice. Leveraging the regional organizational model (defined in option 2), funding could be held in trust by the trusted regional bodies until the First Nation is prepared to accept the funding for use. This would provide ISC with a mechanism to flow the funds to a recipient, i.e., the regional organization, (ensuring resources have been allocated and are moved off the federal government's balance sheet.).

In this model, First Nations not affiliated to an FNCFS agency could take one to five years to engage with their communities, to plan their programs and services, hire and train staff, and prepare for data gathering. The regional organization would play a role in supporting their efforts. Supporting implementation for sustainable program and service delivery requires time to define a baseline, assess needs, and develop a plan. In the status quo approach, First Nations would be absorbing new funding without the time to work with their communities. While financial resources are needed and welcome, they will not solve challenges in communities alone. People and infrastructure are needed to translate dollars into the culturally relevant interventions communities wish to offer.

Making the most of financial resources means being able to apply them to solve problems, meet needs, and deliver results for communities. That requires a combination of people, plans, and execution capacity that may not exist across communities. To make the most of this significant financial allocation, First Nations should be in control of their timetable, rather than responding to the arbitrary one imposed by the federal government.

34 Joint First Nations/Inuit/Federal Child Care Working Group, "Considerations and recommendations for the First Nations/Inuit Child Care Program and Funding Framework," technical report, 1995.

SECOND NATIONAL GATHERING

During the second national gathering of First Nations not affiliated to an FNCFS agency (February 2024, Vancouver, British Columbia), IFSD's proposed funding approaches were reviewed with assembled participants (see Appendix F for the complete summary). There was support for a regionally/territorially focused funding approach where First Nations in their territories define an approach that best suits them. Others preferred continued bilateral agreements between the First Nation and the federal government. A national pool of funds was proposed to ensure First Nations not affiliated to an FNCFS agency could access additional funds for different activities, e.g., community engagement and consultation, during this period. Irrespective of the funding approach, participants indicated that a steady state for service delivery has not yet been defined and that funding levels and approaches were subject to change.

The assembled participants emphasized that any decisions related to funding and structure are a starting point. These changes do not represent a reformed approach to CFS delivery in First Nations not affiliated to an FNCFS agency. It will take time to clarify required activities and their resource requirements.

Principal takeaways and recommendations from the second national gathering of First Nations not affiliated to an FNCFS agency:

1. First Nations view CFS as a sacred duty. No one asked about their readiness for prevention service delivery (primary, secondary, tertiary), but they will do it.
2. First Nations not affiliated to an FNCFS agency have not had the opportunity to consistently plan or design their prevention service delivery approach. This means that activities are in development and will evolve. Funding is only a starting point. Funding needs are expected to change as service provision stabilizes.
3. Funding approach options defined during the gathering included:
    a. Maintaining separate bilateral agreements between First Nations and the federal government (no national approach)
    b. First Nations work together regionally/territorially to define the funding approach that best suits their needs
    c. Maintaining a national pool to access funding for supplemental activities (outside of service provision), e.g., community engagement
4. A call for more gatherings:
    a. Resources for local and regional gatherings to consider approaches
    b. National gatherings to share experiences, practices, and knowledge

It is imperative to clarify required activities in prevention (which includes primary, secondary, and tertiary services). There is limited (if any) information available from the provinces, inconsistency in the starting points of First Nations, and no history of service delivery with sustained funding. First Nations not affiliated to an FNCFS agency are only beginning to develop their approaches to the delivery of prevention services. Funding approaches should reflect that reality.

FUNDING ESTIMATES

First Nations not affiliated to an FNCFS agency have emphasized the importance of considering their total membership (irrespective of residency) in their service population count. To model the impacts of population, IFSD presents all scenarios twice: 1) with only the on-reserve population (IRS 2022) and 2) total membership (IRS 2022).[35]

At November 25, 2023, there were two funding amounts confirmed for First Nations not affiliated to an FNCFS agency (pursuant to the CHRT's rulings):

1. $283/person on-reserve for the First Nations Representative Service;
2. $2,500/person on-reserve for prevention services.

The two funding amounts are for fiscal year 2024-25. Future funding amounts and structures are subject to the ongoing negotiations on FNCFS Program reform. The options presented in this report are intended to support consistent funding to build capacity and sustainability in the delivery of CFS. Funding for service delivery in First Nations not affiliated to an FNCFS agency have been inconsistent in the past. This is an opportunity to leverage resources to assess needs, plan, and execute an approach to service delivery.

These funding options should not be considered final. They are works in progress that will need to be reviewed and reassessed as capacity is developed, mandates are defined, and services provided. As part of a First Nation, the design and delivery of CFS is not happening in a vacuum. There are existing services, people, and resources that should be leveraged to move forward in CFS.

Determining which of the funding scenarios and structures best meets the needs of a First Nation requires consideration of current mandate and capacity for execution. With each funding scenario, there are differences in the principles to generate the allocations and their total amounts. For the different approaches to structure, there are trade-offs in flexibility in the use of funds, the source of funding allocation, and the prioritization of regional v. national approaches. Any decision on approaches and their implementation will be subject to the results of the negotiation.

In its national estimates and projections, IFSD applies the following assumptions to all scenarios for First Nations not affiliated to an FNCFS agency (Table 11):

35 First Nations in the Northwest Territories do not receive prevention or other CFS funding and are excluded from the national estimates.

TABLE 11

COMPONENT	DESCRIPTION
Population	• Base population is from the IRS 2022 (on-reserve and total membership) • Population growth is from projections provided by ISC based on 2020 population data
Inflation	• Consumer Price Index (CPI) is Canada's rate of inflation (based on the previous year's prices) • Inflation is variable and adjusted for the previous year's average inflation rate • The Bank of Canada's five-year inflation target ranges between 1% and 3% (based on the CPI) • IFSD proposes using 3% inflation in the projections, based on the upper end of the Bank of Canada's inflation target (as inflation tends to run higher in many First Nations relative to the general population)
Prevention	• Resources to design and deliver programming to reduce child contact with protective services and keep families unified • $2,500 per capita
First Nations Representative Service	• Support to ensure First Nations represent the best interests of their children and families in a culturally relevant manner • $283 per capita

Remoteness	• The Cost Adjustment Factor (CAF) scaled to an average of 15% across all First Nations not affiliated to an FNCFS agency. The CAF is calculated based on the remoteness index of a First Nation and whether it has access to roads
	  • The allocation can be made to all First Nations based on their remoteness index.
	  • The allocation can be made to First Nations with a remoteness index of 0.4 or higher.
	• Applied to the baseline and top-ups

Poverty	• Allocation to mitigate some impacts of poverty and its triggers associated with contact with protection services. Not meant to alleviate or solve poverty in a First Nation • Difference between Market Basket Measure (MBM) by province/region for populations <30,000 people and after-tax median household income on-reserve (Census 2016 data). Data is not available for household median income and the number of households for all First Nations. For First Nations without data, the average median income of those First Nations with data in the same province and geographic zone was applied • 7% of value of difference
Information technology (IT)	• Allocation for hardware, software, and relevant services, based on not-for-profit industry standards • Applied to the baseline budget • 6% of baseline
Results	• Allocation to support data collection and analysis • Applied to the baseline budget • 5% of baseline
Average per capita expenditure (questionnaire)	• Per capita expenditure as reported in the First Nations not affiliated questionnaire based on total expenditures for CFS from federal sources (fiscal year 2021-2022) • Calculated by dividing total budget by IRS (on-reserve population, 2021) per response. An average per capita allocation was calculated based on all questionnaire contributions.
Average per capita expenditure (integrated service providers)	• Some Quebec First Nations integrate the delivery of their health and social services. This model represents an integrated approach to service delivery. • The per capita allocation for integrated service providers was calculated by dividing the total budget by IRS (on-reserve population, 2021). An average per capita budget was calculated based on contributions from First Nations in Quebec providing integrated services.

IFSD modelled the following scenarios based on feedback from First Nations not affiliated to an FNCFS agency, existing approaches to service delivery, and elements of a funding model developed with FNCFS agencies (as there are some consistent needs across program activity areas).

The funding scenarios reviewed in this section generate amounts of funding for service delivery. Different starting points of First Nations not affiliated to an FNCFS agency should be considered in the mechanism for resource transfer. The mechanism and its terms will impact how a First Nation not affiliated to an FNCFS can access and use the funds based on associated terms and conditions.

It is the funding mechanism through which resources are transferred to recipients, i.e., options 1-3 above, that should be considered in relation to existing service delivery. For instance, First Nations not affiliated to an FNCFS agency that can take on additional resources and expand their program and service delivery may be most comfortable with the status quo option. If, however, a First Nation not affiliated to an FNCFS agency is at the beginning of its service design and delivery, the regional model with phased steps or the application-based model may be preferable.

There are 11 scenarios (Table 12):

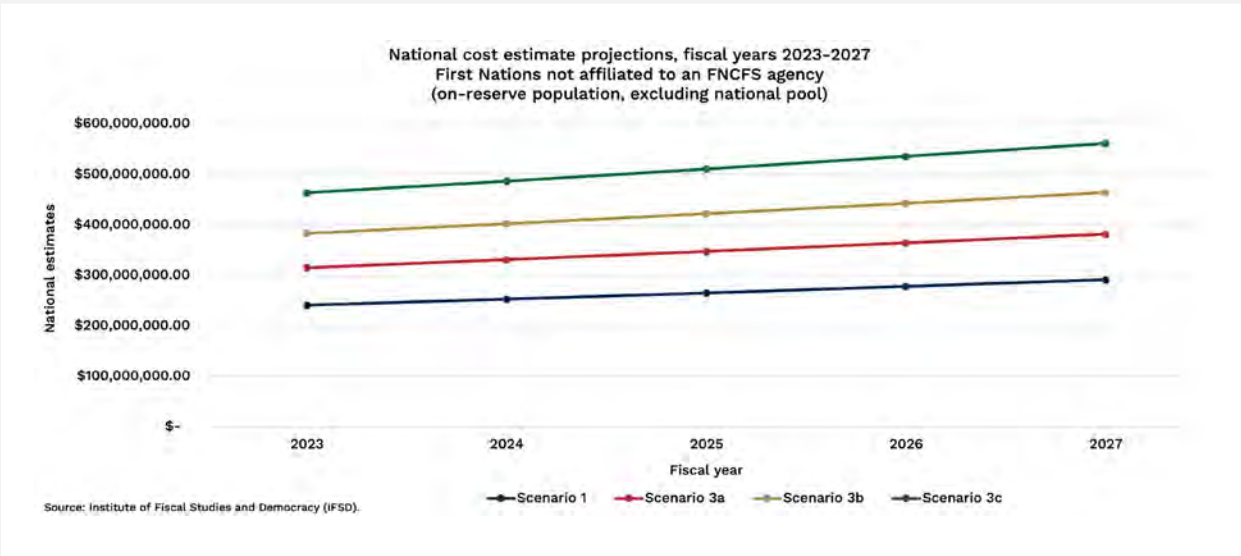
TABLE 12

SCENARIO	DESCRIPTION
1. Base scenario	• Per capita allocations of $2,500 and $283 • Projections grown by population + inflation
2A. Base scenario + remoteness applied to all First Nations	• Per capita allocations of $2,500 and $283 • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Projections grown by population + inflation
2B. Base scenario + remoteness for remoteness index of 0.4 or higher	• Per capita allocations of $2,500 and $283 • Remoteness **(applied to First Nations with a remoteness index of 0.4 or higher)** • Projections grown by population + inflation
3A. Base scenario ($2,500+ $283) + some FNCFS agency funding approach top-ups	• Per capita allocations of $2,500 and $283 • Remoteness (baseline and top-ups) (applied to all First Nations) • Poverty 7% (of difference) • Results 5% (baseline) • IT 6% (baseline) • Projections grown by population + inflation
3B. Base scenario ($3,123 questionnaire) + some FNCFS agency funding approach top-ups	• Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) • Band Representative Service, $283 per capita • Remoteness (baseline and top-ups) (applied to all First Nations) • Poverty 7% (of difference) • Results 5% (baseline) • IT 6% (baseline) • Projections grown by population + inflation

3C. Base scenario ($3,859 integrated provider) + some FNCFS agency funding approach top-ups	• Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data) • Band Representative Service, $283 per capita • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Poverty 7% (of difference) • Results 5% (baseline) • IT 6% (baseline) • Projections grown by population + inflation
4. Per capita expenditure (from questionnaire)	• Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) + $283 • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Projections grown by population + inflation
5. Per capita expenditure of integrated health and social services model (from questionnaire)	• Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data) + $283 • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Projections grown by population + inflation
6. Base scenario + application supplement	• Per capita allocations of $2,500 and $283 • Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) allocated to a fund for application-based access to resources • Projections grown by population + inflation
7. Per capita expenditure (from questionnaire) + base scenario	• Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) • Per capita allocations of $2,500 and $283 • Projections grown by population + inflation
8. Per capita expenditure (from questionnaire) + base scenario + remoteness	• Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) • Per capita allocations of $2,500 and $283 • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Projections grown by population + inflation
9. Per capita expenditure (from questionnaire) + base scenario + some FNCFS agency funding approach top-ups	• Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) • Per capita allocations of $2,500 and $283 • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Poverty 7% (of difference) • Results 5% (baseline) • IT 6% (baseline) • Projections grown by population + inflation
10. Per capita expenditure of integrated health and social services model (from questionnaire) + base scenario + remoteness	• Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data) • Per capita allocations of $2,500 and $283 • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Projections grown by population + inflation
11. Prevention + doubled First Nations Representative Service + remoteness	• Per capita allocations of $2,500 and $566 (i.e., 2 x $283) • Remoteness (baseline and top-ups) **(applied to all First Nations)** • Projections grown by population + inflation

The national estimates for each of the scenarios is reviewed in Appendix G. Scenario 1 produces the lowest national estimate over five years for the population on-reserve ($1.3B) and Scenario 9 produces the highest ($3.45B). The discussion in the integral report will focus on scenarios 3a, b, c. In Figure 37 below, the three scenarios are compared to Scenario 1 (per capita allocations of $2,500 + $283 for the on-reserve population). The three scenarios augment a baseline with one or more top-ups that are linked to different contexts and the costs of service delivery. Scenario 3a is the lowest and 3c provides the highest allocation relative to the selected options, as its per capita allocation is the highest.

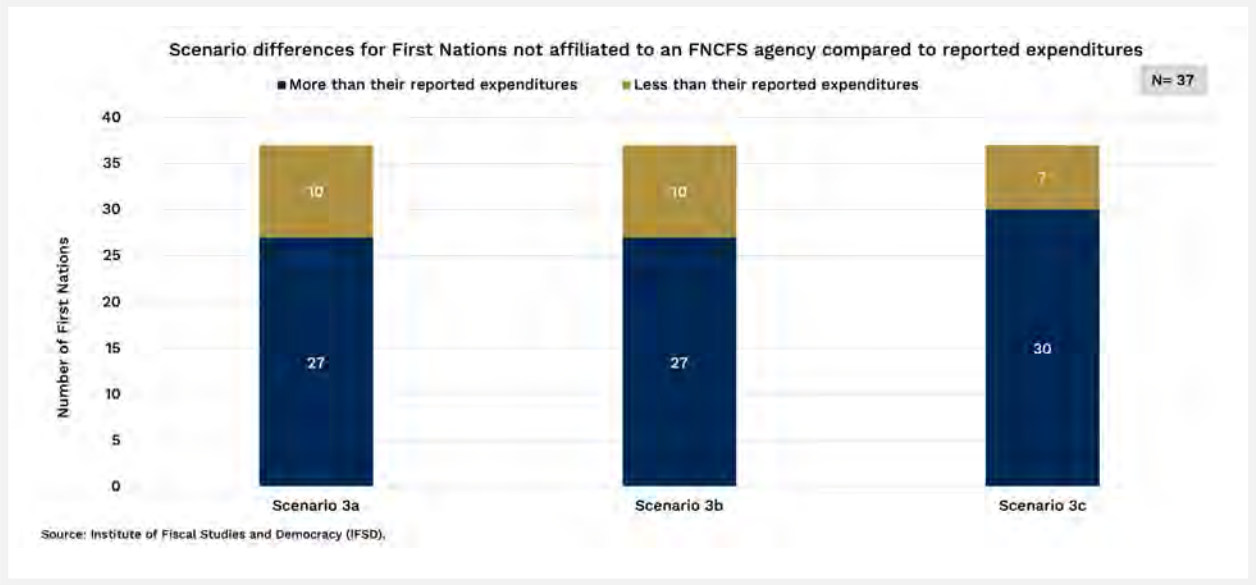
FIGURE 37



The scenarios are presented with population on-reserve and total membership. There are significant increases in the estimates when total membership numbers are applied. The scenarios using total membership were modelled based on feedback from First Nations not affiliated to an FNCFS agency during the national gathering in November 2023. It should be noted that **the existing federal program and mandate for this analysis is for First Nations on-reserve only**.

Relative to responses in the questionnaire, most of the First Nations would be allocated more resources than their current reported expenditures with scenarios 3a, 3b, or 3c. There are, however, some First Nations who would see reduced allocations in each of these scenarios (Figure 38).

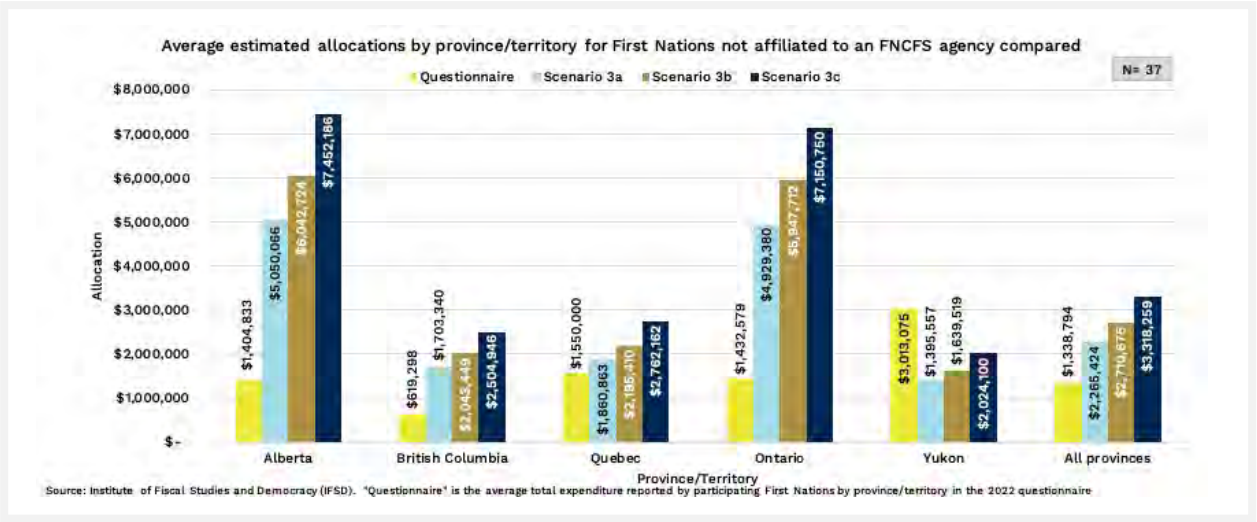
FIGURE 38



At a provincial/territorial level, when compared to the 37 questionnaire responses on total expenditures, only First Nations in the Yukon would see a reduction in territorial allocations with scenarios 3a, 3b, or 3c (Figure 39). All others would gain resources with the three scenarios. There could be various explanations for the divergence due to higher average per capita reported expenditures in Yukon relative to other provinces. In the questionnaire, expenditures beyond FNCFS may have been reported, or expenditures may be greater in Yukon as they are building capacity (not having been previously resourced).[36] The matter should be clarified with First Nations in Yukon prior to confirming a funding approach.

36 Office of the Auditor General, "2014 February Report of the Auditor General of Canada," Government of Canada, 2014, at par. 16, https://www.oag-bvg.gc.ca/internet/English/yuk_201402_e_39081.html.

FIGURE 39



The national pool (next section) would be a resource through which to supplement higher funding requirements. Alternatively, ISC could work with First Nations to develop their distinct budgets. For instance, another option is to use the First Nation's current CFS budget as the baseline and add the top-ups, or use one of the estimated baselines instead, with the top-ups.

NATIONAL POOL

IFSD is recommending a national pool, in addition to the First Nation allocations, be established for those First Nations that require or are transitioning to a model providing higher levels of services. The value of this pool is proposed to be 5% or 10% of the five-year allocation. Applications to the fund would be developed with the input of practitioners, e.g., the National Advisory Committee (NAC), on matters such as workplan, program proposal. For the first three to five years, it may be practical to have ISC manage applications and funding allocations. In the future, should a regional model (with devolution of resources to a trusted regional organization for management) be adopted, it would be preferable to have the application-based national pool (should it continue to exist) managed by a trusted regional organization. This would encourage regional relevance and decision-making.

The main scenarios with the national pool at 5% and 10% are presented with the on-reserve population (Table 13, Figure 40 and Table 15, Figure 42) and total population (Table 14, Figure 41 and Table 16, Figure 43). National estimates for total population with the national pool are much higher than the estimates for the on-reserve population only. For the on-reserve population only, national scenarios (including the 5% national pool) range from approximately $1.4B to $2.7B over five years. Using the total population, that range increases to $3.4B to $6.5B over five years. With a 10% national pool, on-reserve national estimates range from $1.5B to $2.8B, and those with the total population from $3.6B to $6.8B. The national funding pool would be accessible to all First Nations not affiliated to an FNCFS agency. There could be a regional allocation of funding, based on population size.

TABLE 13

5-YEAR ESTIMATE + 5% NATIONAL POOL (ON-RESERVE POPULATION)						
	5-YEAR		NATIONAL POOL (5%)		TOTAL ALLOCATION	
Scenario 1	$	1,327,153,699	$	66,357,685	$	1,393,511,384
Scenario 3a	$	1,738,339,479	$	86,916,974	$	1,825,256,453
Scenario 3b	$	2,113,428,888	$	105,671,444	$	2,219,100,332
Scenario 3c	$	2,556,552,170	$	127,827,608	$	2,684,379,778

FIGURE 40

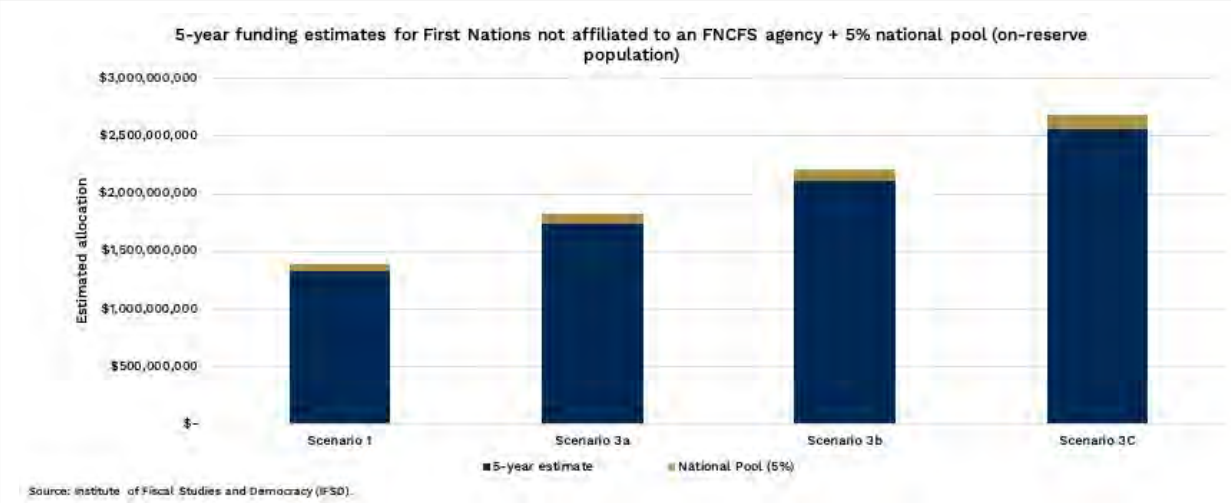


TABLE 14

5-YEAR ESTIMATE + 5% NATIONAL POOL (TOTAL POPULATION)						
	5-YEAR ESTIMATE		NATIONAL POOL (5%)		TOTAL ALLOCATION	
Scenario 1	$	3,269,756,584	$	163,487,829	$	3,433,244,414
Scenario 3a	$	4,178,328,361	$	208,916,418	$	4,387,244,780
Scenario 3b	$	5,099,772,358	$	254,988,618	$	5,354,760,976
Scenario 3c	$	6,188,348,252	$	309,417,413	$	6,497,765,664

FIGURE 41

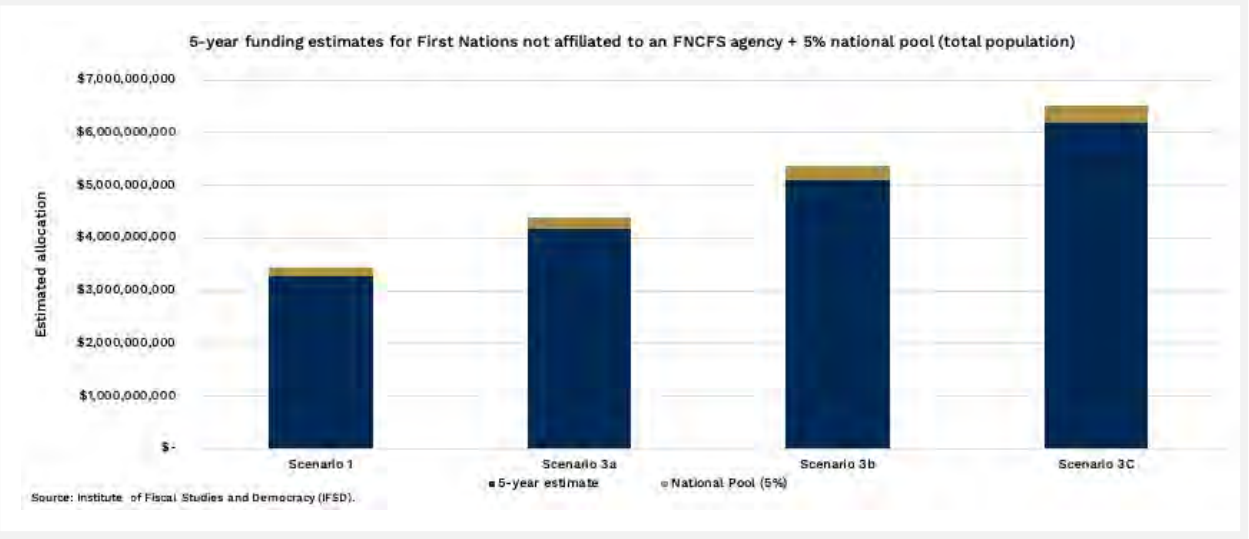


TABLE 15

5-YEAR ESTIMATE + 10% NATIONAL POOL (ON-RESERVE POPULATION)					
	5-YEAR ESTIMATE		NATIONAL POOL (10%)	TOTAL ALLOCATION	
Scenario 1	$	1,327,153,699	$ 132,715,370	$	1,459,869,069
Scenario 3a	$	1,738,339,479	$ 173,833,948	$	1,912,173,427
Scenario 3b	$	2,113,428,888	$ 211,342,889	$	2,324,771,777
Scenario 3c	$	2,556,552,170	$ 255,655,217	$	2,812,207,387

FIGURE 42

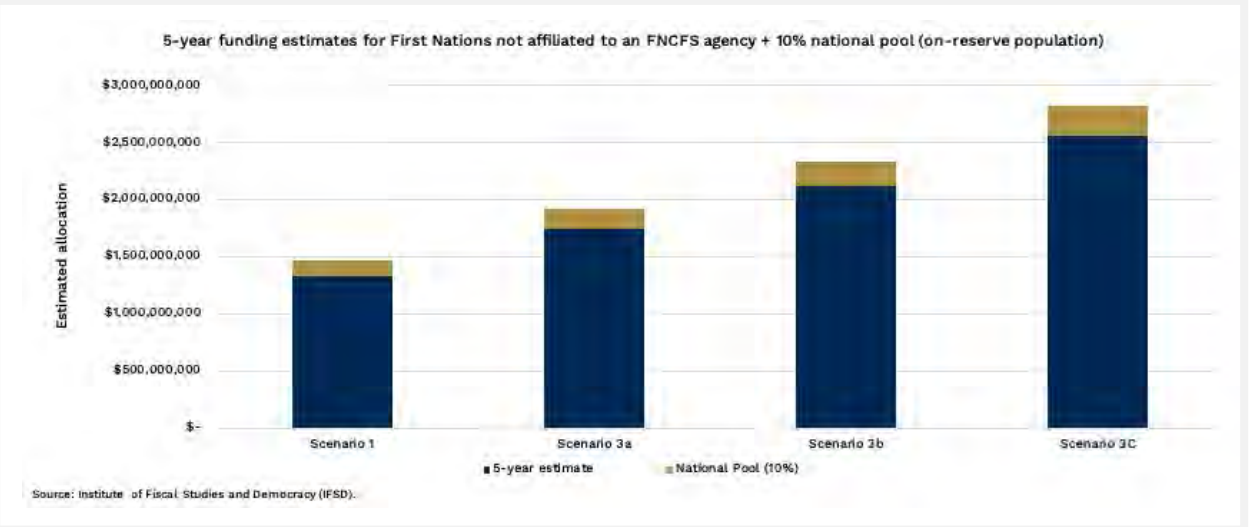
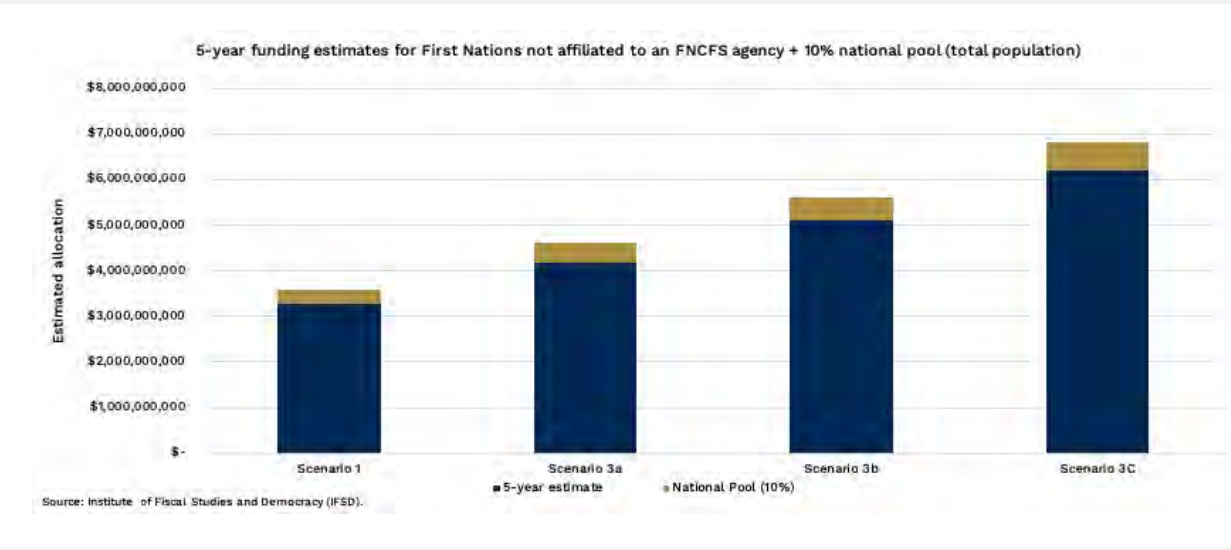


TABLE 16

5-YEAR ESTIMATE + 10% NATIONAL POOL (TOTAL POPULATION)					
	5-YEAR ESTIMATE		NATIONAL POOL (10%)	TOTAL ALLOCATION	
Scenario 1	$	3,269,756,584	$ 326,975,658	$	3,596,732,243
Scenario 3a	$	4,178,328,361	$ 417,832,836	$	4,596,161,198
Scenario 3b	$	5,099,772,358	$ 509,977,236	$	5,609,749,594
Scenario 3c	$	6,188,348,252	$ 618,834,825	$	6,807,183,077

FIGURE 43



NATIONAL COST ESTIMATES

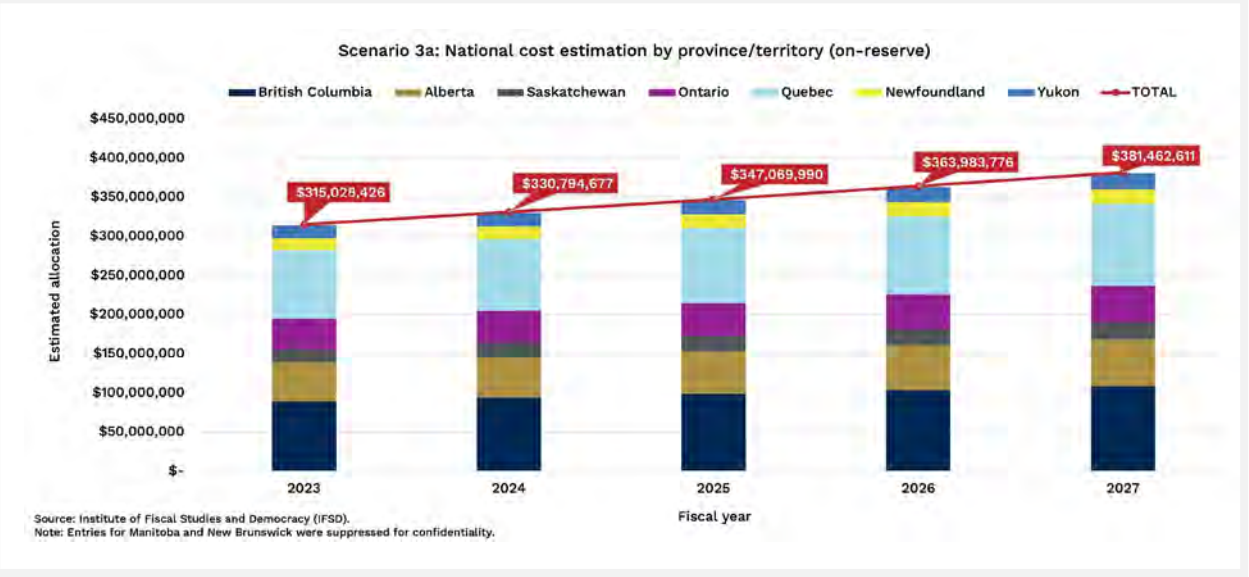
Scenario 3a (on-reserve) (Table 17 and Figure 44)

- Per capita allocations of $2,500 and $283
- Remoteness (baseline and top-ups)
  (applied to all First Nations)
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

TABLE 17

PROVINCE/ TERRITORY	2023	2024	2025	2026	2027	5-YEAR TOTAL
British Columbia	$ 89,127,760	$ 93,784,307	$ 98,568,811	$ 103,592,350	$ 108,681,180	**$ 493,754,408**
Alberta	$ 49,661,840	$ 52,165,765	$ 54,659,137	$ 57,271,607	$ 59,958,978	**$ 273,717,328**
Saskatchewan	$ 16,937,503	$ 17,935,712	$ 18,998,552	$ 20,100,549	$ 21,234,981	**$ 95,207,297**
Manitoba	*	*	*	*	*	*
Ontario	$ 38,904,732	$ 40,709,525	$ 42,603,877	$ 44,558,426	$ 46,600,042	**$ 213,376,602**
Quebec	$ 87,481,568	$ 91,514,011	$ 95,652,236	$ 100,030,321	$ 104,543,330	**$ 479,221,465**
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 15,308,643	$ 16,253,541	$ 17,220,050	$ 18,229,529	$ 19,288,762	**$ 86,300,525**
Yukon	$ 16,780,095	$ 17,558,306	$ 18,440,564	$ 19,222,627	$ 20,123,105	**$ 92,124,696**
TOTAL	**$ 315,028,426**	**$ 330,794,677**	**$ 347,069,990**	**$ 363,983,776**	**$ 381,462,611**	**$ 1,738,339,479**

FIGURE 44

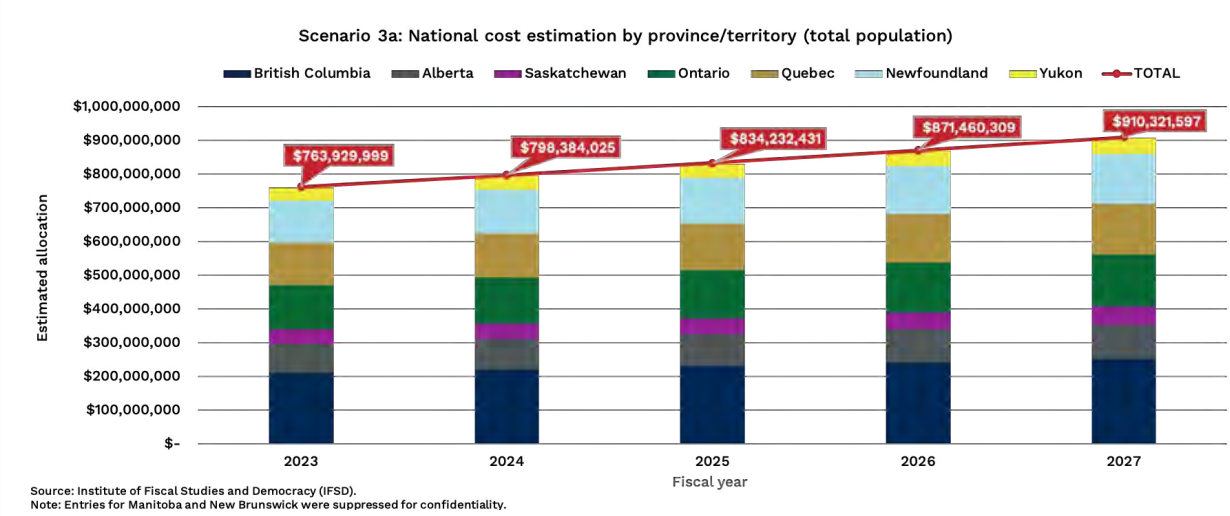


Scenario 3a (total population) (Table 18 and Figure 45)

TABLE 18

PROVINCE/ TERRITORY	2023	2024	2025	2026	2027	5-YEAR TOTAL
British Columbia	$ 213,738,794	$ 223,297,119	$ 233,193,831	$ 243,413,367	$ 254,040,873	**$ 1,167,683,984**
Alberta	$ 84,985,984	$ 89,132,462	$ 93,431,678	$ 97,941,037	$ 102,690,302	**$ 468,181,464**
Saskatchewan	$ 42,352,245	$ 44,659,601	$ 47,095,034	$ 49,636,357	$ 52,296,149	**$ 236,039,387**
Manitoba	*	*	*	*	*	*
Ontario	$ 131,056,080	$ 136,669,192	$ 142,579,310	$ 148,721,448	$ 155,120,497	**$ 714,146,528**
Quebec	$ 125,640,354	$ 131,264,892	$ 137,066,864	$ 143,143,191	$ 149,448,294	**$ 686,563,596**
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 125,288,484	$ 130,928,942	$ 136,811,968	$ 142,889,724	$ 149,268,625	**$ 685,187,742**
Yukon	$ 38,905,559	$ 40,379,947	$ 41,909,026	$ 43,469,769	$ 45,110,756	**$ 209,775,058**
TOTAL	**$ 763,929,999**	**$ 798,384,025**	**$ 834,232,431**	**$ 871,460,309**	**$ 910,321,597**	**$ 4,178,328,361**

FIGURE 45



Source: Institute of Fiscal Studies and Democracy (IFSD).
Note: Entries for Manitoba and New Brunswick were suppressed for confidentiality.

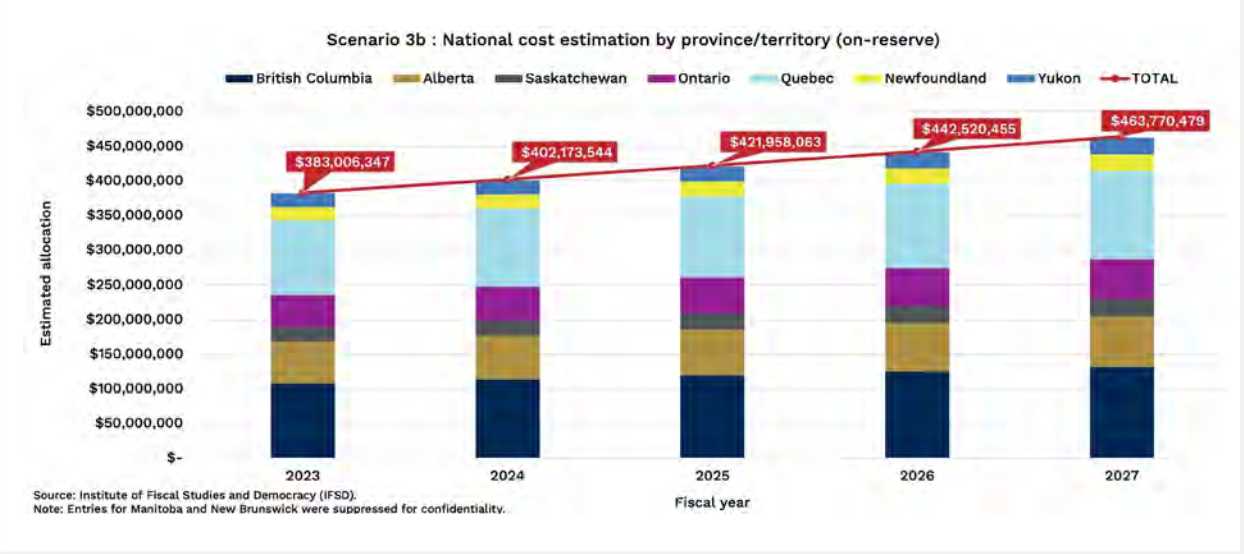
Scenario 3b (on-reserve) (Table 19 and Figure 46)

- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data)
- Band Representative Service, $283 per capita
- Remoteness (baseline and top-ups) (applied to all First Nations)
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

TABLE 19

PROVINCE/ TERRITORY	2023	2024	2025	2026	2027	5-YEAR TOTAL
British Columbia	$ 108,111,387	$ 113,759,624	$ 119,563,032	$ 125,656,046	$ 131,829,737	**$ 598,919,826**
Alberta	$ 60,424,702	$ 63,471,266	$ 66,505,046	$ 69,683,677	$ 72,953,444	**$ 333,038,134**
Saskatchewan	$ 20,474,698	$ 21,681,378	$ 22,966,126	$ 24,298,302	$ 25,669,620	**$ 115,090,124**
Manitoba	*	*	*	*	*	*
Ontario	$ 46,966,753	$ 49,145,489	$ 51,432,400	$ 53,792,005	$ 56,256,760	**$ 257,593,408**
Quebec	$ 107,047,682	$ 111,982,019	$ 117,045,804	$ 122,403,093	$ 127,925,474	**$ 586,404,072**
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 18,735,622	$ 19,892,045	$ 21,074,916	$ 22,310,375	$ 23,606,728	**$ 105,619,686**
Yukon	$ 20,234,247	$ 21,172,670	$ 22,236,512	$ 23,179,575	$ 24,265,407	**$ 111,088,410**
TOTAL	**$ 383,006,347**	**$ 402,173,544**	**$ 421,958,063**	**$ 442,520,455**	**$ 463,770,479**	**$ 2,113,428,888**

FIGURE 46

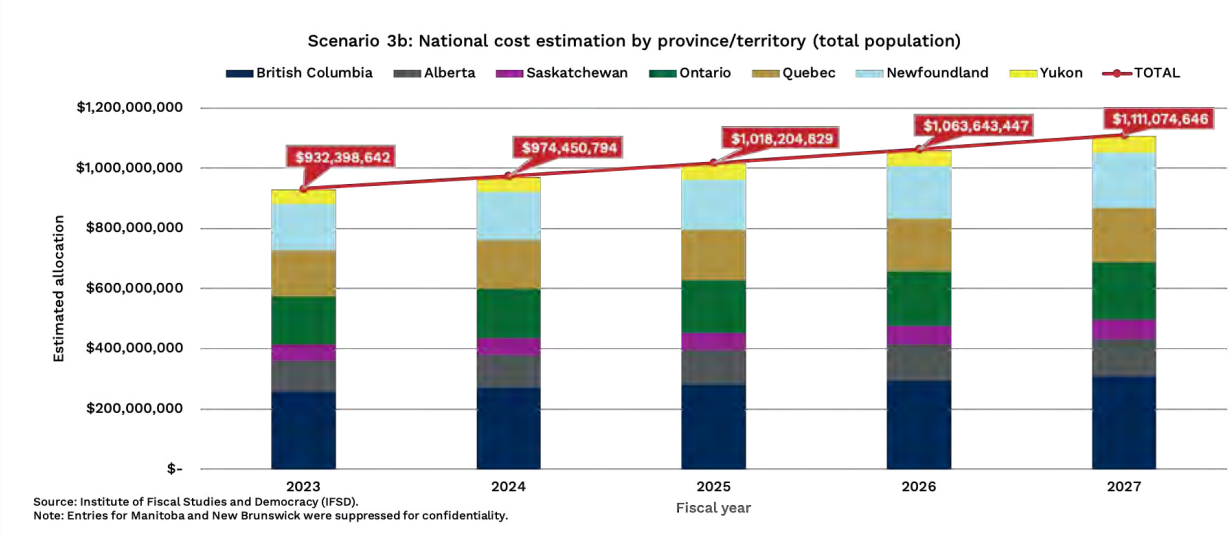


Scenario 3b (total population) (Table 20 and Figure 47)

TABLE 20

PROVINCE/ TERRITORY	2023	2024	2025	2026	2027	5-YEAR TOTAL
British Columbia	$ 260,617,740	$ 272,272,232	$ 284,339,360	$ 296,800,969	$ 309,759,089	**$ 1,423,789,390**
Alberta	$ 103,656,479	$ 108,713,893	$ 113,957,624	$ 119,457,630	$ 125,250,266	**$ 571,035,891**
Saskatchewan	$ 51,578,763	$ 54,388,775	$ 57,354,770	$ 60,449,732	$ 63,688,953	**$ 287,460,993**
Manitoba	*	*	*	*	*	*
Ontario	$ 159,747,023	$ 166,588,924	$ 173,792,943	$ 181,279,702	$ 189,079,573	**$ 870,488,164**
Quebec	$ 153,748,662	$ 160,631,523	$ 167,731,514	$ 175,167,239	$ 182,882,924	**$ 840,161,861**
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 153,335,457	$ 160,238,582	$ 167,438,578	$ 174,876,895	$ 182,683,771	**$ 838,573,284**
Yukon	$ 47,312,698	$ 49,105,666	$ 50,965,205	$ 52,863,209	$ 54,858,774	**$ 255,105,552**
TOTAL	**$ 932,398,642**	**$ 974,450,794**	**$ 1,018,204,829**	**$ 1,063,643,447**	**$ 1,111,074,646**	**$ 5,099,772,358**

FIGURE 47



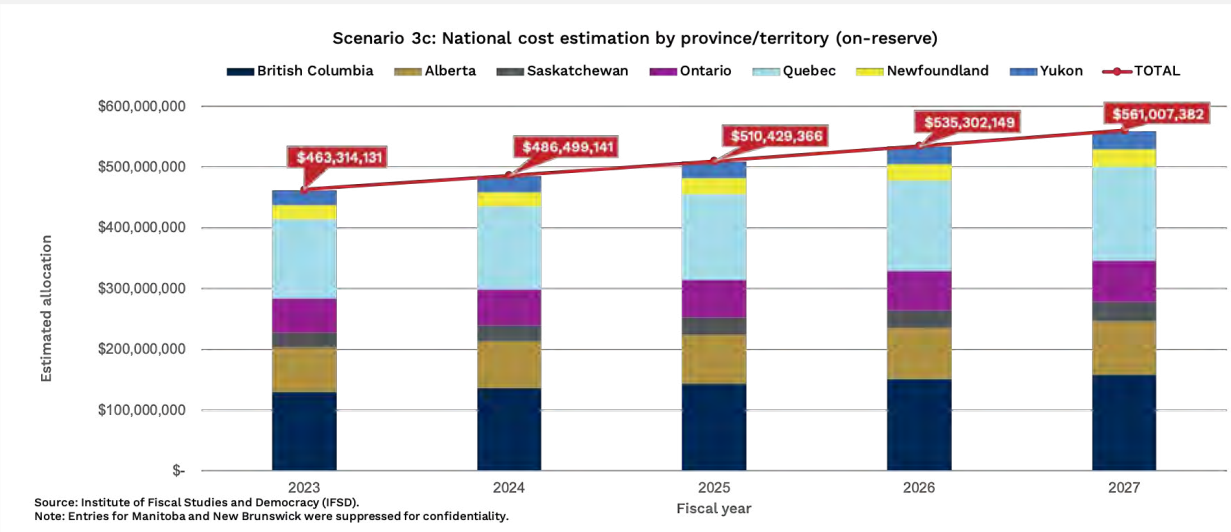
Scenario 3c (on-reserve) (Table 21 and Figure 48)

- Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data)
- Band Representative Service, $283 per capita
- Remoteness (baseline and top-ups) (applied to all First Nations)
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

TABLE 21

PROVINCE/ TERRITORY	2023	2024	2025	2026	2027	5-YEAR TOTAL
British Columbia	$ 130,538,272	$ 137,358,073	$ 144,365,194	$ 151,721,664	$ 159,176,988	**$ 723,160,191**
Alberta	$ 73,139,736	$ 76,827,362	$ 80,499,571	$ 84,347,052	$ 88,304,852	**$ 403,118,573**
Saskatchewan	$ 24,653,472	$ 26,106,435	$ 27,653,339	$ 29,257,444	$ 30,908,616	**$ 138,579,307**
Manitoba	*	*	*	*	*	*
Ontario	$ 56,491,066	$ 59,111,573	$ 61,862,245	$ 64,700,373	$ 67,665,019	**$ 309,830,276**
Quebec	$ 130,162,705	$ 136,162,523	$ 142,319,747	$ 148,833,847	$ 155,548,682	**$ 713,027,504**
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 22,784,189	$ 24,190,502	$ 25,628,979	$ 27,131,408	$ 28,707,888	**$ 128,442,966**
Yukon	$ 24,314,914	$ 25,442,610	$ 26,720,971	$ 27,854,235	$ 29,159,041	**$ 133,491,770**
TOTAL	**$ 463,314,131**	**$ 486,499,141**	**$ 510,429,366**	**$ 535,302,149**	**$ 561,007,382**	**$ 2,556,552,170**

FIGURE 48

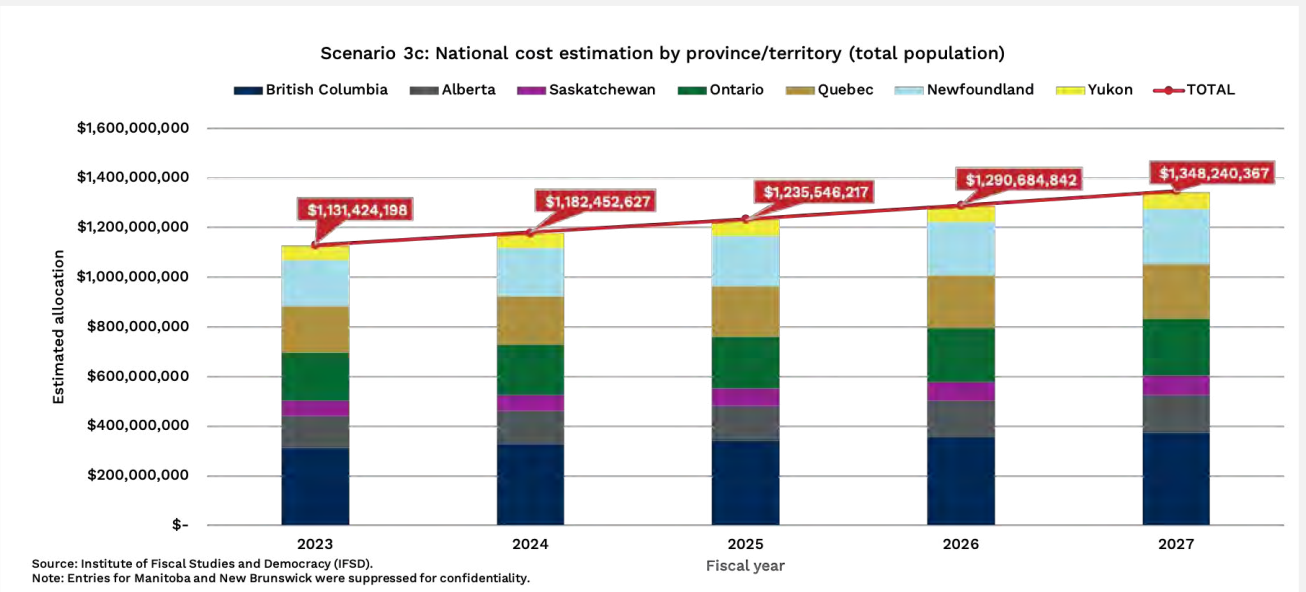


Scenario 3c (total population) (Table 22 and Figure 49)

TABLE 22

PROVINCE/ TERRITORY	2023	2024	2025	2026	2027	5-YEAR TOTAL
British Columbia	$ 315,999,610	$ 330,130,472	$ 344,761,687	$ 359,872,037	$ 375,583,497	**$ 1,726,347,302**
Alberta	$ 125,713,435	$ 131,847,011	$ 138,206,574	$ 144,876,912	$ 151,902,164	**$ 692,546,096**
Saskatchewan	$ 62,478,790	$ 65,882,631	$ 69,475,420	$ 73,224,441	$ 77,148,189	**$ 348,209,470**
Manitoba	*	*	*	*	*	*
Ontario	$ 193,641,941	$ 201,935,509	$ 210,668,117	$ 219,743,384	$ 229,198,161	**$ 1,055,187,112**
Quebec	$ 186,955,265	$ 195,324,685	$ 203,958,131	$ 212,999,822	$ 222,381,940	**$ 1,021,619,843**
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 186,469,601	$ 194,864,418	$ 203,620,255	$ 212,665,913	$ 222,159,771	**$ 1,019,779,959**
Yukon	$ 57,244,727	$ 59,414,059	$ 61,663,998	$ 63,960,435	$ 66,374,892	**$ 308,658,111**
TOTAL	**$ 1,131,424,198**	**$ 1,182,452,627**	**$ 1,235,546,217**	**$ 1,290,684,842**	**$ 1,348,240,367**	**$ 6,188,348,252**

FIGURE 49



It is recommended that this five-year approach be reviewed and revised as required at year three. It is expected that First Nations not affiliated to an FNCFS agency will continue to build capacity through staffing, assessment of community needs, and operational sophistication with consistent funding.

CONCLUSION AND RECOMMENDATIONS

First Nations not affiliated to an FNCFS agency are delivering different services, many of which are primary prevention. Changes to the service delivery model and CFS activities, especially, for the delivery of secondary and tertiary services will require people, resources, and time. It is unrealistic and unfair to assume that First Nations can undertake the community consultation, service design, planning, and operation of services without adequate time and capacity to meet community needs.

There are outstanding issues that should be addressed as First Nations not affiliated to an FNCFS agency continue to assess needs, establish approaches, and deliver services. These issues include:

1. Provincial/territorial prevention services. What services are provinces/territories providing? What are their results?
2. Internal assessment. Are First Nations equipped to define prevention needs for secondary and tertiary services for coordination with other service providers?
3. Provincial coordination. Are provinces coordinating and integrating protection and prevention activities? Are provinces coordinating with First Nations not affiliated to an FNCFS agency on the integration of their services that are being offered or are in development?

This needs assessment leveraged contributions from First Nations not affiliated to an FNCFS agency through a questionnaire, regional and national gatherings, and in-depth analyses. An attempt to define a national baseline, the findings indicate that a diversity of starting points are a reality. Any forward strategy must account for these differences, while recognizing the common commitment to building First Nations-led prevention services for children and families.

IFSD MAKES THE FOLLOWING RECOMMENDATIONS:

1. Clarify the prevention services (primary, secondary, tertiary) that First Nations are being asked to deliver with FNCFS resources.
    - Define federal reporting requirements for the funding.
    - Define service delivery expectations with their respective provincial/territorial FNCFS service providers, e.g., province/territory.
2. Publish agreements between the federal and provincial/territorial governments on FNCFS.
3. Require provincial/territorial governments to report to the First Nations they serve on the types of protection and prevention services (primary, secondary, tertiary) being offered, and their results.

4. First Nations and provincial/territorial governments should work in partnership to define memoranda of understanding to integrate protection and prevention (primary, secondary, tertiary) in service delivery.
5. On a regional/territorial basis, First Nations should define the funding approach that best suits their needs. This means that First Nations in different places may have different funding structures, e.g., regional organization managing allocation, separate bilateral agreements between First Nations and the federal government.
6. First Nations not affiliated to an FNCFS agency are only beginning to develop their approaches to the delivery of prevention services (primary, secondary, tertiary) with a limited history of practice. It will take time to clarify required activities and their resource requirements. Funding approaches should reflect that reality and should not be considered final until a consistent and stable set of activities are defined.
7. Ensure a review of the five-year approach at year three of funding and structure, relative to actual and desired activities in First Nations not affiliated to an FNCFS agency. Funding structure and resources should be adjusted based on findings.

The forward strategies proposed in this report consider different funding approaches and structures to address different needs and starting points. As future paths are defined, financial resources and structures will need to be linked to outcomes for children. The integration of protection and prevention service delivery among all actors will be essential to ensuring First Nations children thrive. Programs and services will need to be adapted to changing circumstances and redefined over time. This is a start. There is more to be done.

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APPENDIX A – LIABILITY OPINION, FIRST NATIONS DELIVERING PREVENTION SERVICES

ALEXANDER HOLBURN

YOUR **PERSPECTIVE** OUR **FOCUS**™

January 20, 2023

VIA E-MAIL

Reply to: Kathryn McGoldrick
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Institute of Fiscal Studies and Democracy (IFSD)
115 Séraphin-Marion Private #107
Ottawa, Ontario
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Attention: Helaina Gaspard, Ph.D., Director, Governance & Institutions

Dear Sirs/Mesdames:

Re: Legal Opinion regarding potential Liability in Tort and Human Rights Law for First Nations providing Prevention Services

We write to provide IFSD with a legal opinion on potential liability concerns in the areas of tort and human rights for First Nations who take on prevention funding directly as part of Canada's reformed funding model for the First Nation Child and Family Service Program ("FNCFS Program"). We also provide further information regarding the applicability to First Nations of immunity in tort law for core policy decisions. Based on your instructions, these issues are considered only in respect of First Nations who have not exercised jurisdiction over child and family services either under *An Act respecting First Nations, Inuit and Métis children, youth and families* (the "Act") or under s. 35 of the *Constitution Act, 1982* ("C-92").

EXECUTIVE SUMMARY

In **Part I**, we provide a summary of our understanding regarding prevention services and the assumptions we have been asked to make regarding the ways in which First Nations may take on prevention funding and provide services within their communities.

In **Part II**, we provide a summary of the law of negligence, with a focus on principles and case law that have applicability to the child and family services context and to the common law duties owed by public authorities. We focus particularly on duty of care, given that in our view there is some uncertainty as to whether First Nations and their employees providing prevention services would owe a common law duty of care, and if such a duty is owed, to whom it would be owed. The other aspects of the negligence analysis (standard of care, causation, and damages) depend more on the facts of particular cases – the specific conduct of the defendant, the role it played in the plaintiff's injury, and we provide only general comments regarding the law on these elements.

We also provide a summary of the law of vicarious liability, and consider the statutory context and potential applicability of statutory immunity provisions in provincial and territorial child and family services legislation to First Nations and their employees.

In **Part III**, we focus on immunity for core policy decisions. While this was a principal subject of our September 2022 opinion, that opinion was aimed at First Nations who have exercised their jurisdiction under C-92 or pursuant to the right to self-government under s. 35. In this opinion, we opine that First Nations not falling in this category would likely still be considered sufficiently governmental in nature to benefit from core policy immunity. We have also included additional case law to provide further examples and guidance to assist First Nations in identifying core policy decisions and to ensure that such decisions meet the requirements set out by the courts in order for immunity to apply. These include that they be based on social, economic, or political factors; be made in good faith; not be irrational; and involve at least some level of consideration/deliberation.

We also consider whether a statutory duty impacts the availability of core policy immunity. The law is somewhat unsettled in this area, but provincial and territorial child and family services legislation likely does not fall within the category of statutes where policy defences may be unavailable. Further, there are in any event very limited duties under child and family services legislation that in our view would apply to First Nations providing prevention services other than under an agreement with the applicable province or territory.

In **Part IV**, we provide our analysis regarding whether a First Nation may owe a common law duty of care, and particularly whether the requirement of proximity is met, in the direct provision of prevention services, as well as with respect to decisions regarding how prevention funding should be used. This is a novel question, as First Nations providing prevention services other than under provincial/territorial legislation do not owe the same statutory duties as agencies and their employees who work under this scheme and have been found to owe a duty to children. However, in our view, a court would likely find sufficient proximity to support a duty of care owed to children in respect of the provision of secondary and tertiary prevention services. As with child protection, the purpose of providing these services to families is to reduce risk to children who are or may be at risk of harm, and secondary and tertiary prevention services are provided on an individual basis involving close interactions with families. However, it is less clear that there would be any positive duty to provide specific services, as opposed to as a duty to provide services in a non-negligent way.

It is unlikely the First Nation would owe a duty of care to parents or other family members, for the same reasons as social workers have been found not to owe a duty to anyone other than the child in the child protection context. While the potential for conflict between the interests of parents and children may be less likely at the prevention stage, courts may find that prevention is not significantly different than protection and that the rationale underlying the existing case law should also apply to prevention.

If the First Nation is providing only primary prevention services, it is difficult to see how a duty of care could be owed, as these services are being provided at the community level, or to particular groups, and not targeted at individuals. It is unlikely that this could place the First Nation into a sufficiently close and direct relationship with individual parents, children, or families to justify imposing a private law duty of care.

We also provide some comments on the standard of care that would apply to First Nations and their employees providing prevention services. If these employees are not trained social workers, the standard of care expected of them would likely be reduced at least somewhat.

In **Part V**, we provide our opinion regarding the potential liability of First Nations in human rights law regarding the direct provision of prevention services and decisions regarding how prevention funding should be used. In our view, a First Nation will be considered to be providing a "service" to the "public" within the meaning of s. 5 of the *Canadian Human Rights Act* ("*CHRA*") where it is directly providing prevention services, and likely also if it is making decisions regarding which prevention services will be provided and/or to whom, even if those services are ultimately being delivered by an agency. However, making very high-level and general decisions – for example, how much funding will be available for each of primary, secondary, and tertiary prevention – is less likely to constitute a "service" offered to the "public".

If a complainant has established *prima facie* discrimination in the provision of prevention services, undue hardship based on cost may be established. However, in our view, it will not be sufficient for the First Nation to simply decline to provide a service because the funding from Canada is too low. The Nation will likely be expected to have considered reasonable alternative services as well as whether funding can be obtained from elsewhere.

I. PREVENTION SERVICES AND FIRST NATIONS' USE OF PREVENTION FUNDING

You have asked us to assume that there are three potential models by which the prevention funding provided by Canada will be taken on and spent: 1) the First Nation spends all of the prevention funding and delivers prevention services itself; 2) the First Nation directs all of the prevention funding to an agency, which delivers the prevention services; and 3) a hybrid model where the First Nation keeps some of the prevention funding and delivers some prevention services, and directs the remainder to an agency who also delivers some prevention services. We understand that under the previous funding model, to the extent prevention was being done at all, it was being done through agencies, not by the First Nations themselves. Some prevention services can be provided by agreement – for example, a parent would be asked to agree to participate in addictions treatment in order for the child to remain in the home.

The three levels of prevention are described by the FNCFS Transitional Terms and Conditions[1] as follows:

(a) Primary prevention

Primary prevention services are aimed at the community as a whole. A community centered approach to prevention programming could include the ongoing promotion, public awareness and education of traditional child caring approaches, healthy families and child development. Activities could include those that enhance protective factors at a community-level, and help to create the network that supports

[1] FNCFS Transitional Terms and Conditions: Contributions to provide children, youth, young adults, families and communities, with prevention and protection services (sac-isc.gc.ca)

family retention and healing, cultural engagement, connection, and a sense of belonging.

(b) Secondary prevention

Secondary prevention services are activated when a child may be at risk of harm or child maltreatment and where intervention could enhance protective factors and remediate the risk.

Secondary prevention programming could include services that establish and build on secure and responsive social relationships between children and caregivers, and support parents in meeting their family's developmental, health, educational, social, cultural, and spiritual needs.

(c) Tertiary prevention

Tertiary prevention services target specific families when a child has been identified as at risk of harm or child maltreatment. Tertiary prevention attempts to mitigate the risks of separating a child from their family and end the crisis. Targeted, least disruptive interventions and measures refer to the most appropriate level of service needed by a family whose child(ren) is/are at risk of harm or maltreatment or where maltreatment has taken place.

Tertiary prevention programming could include services that provide increased support and/or targeted services with the intention that intervention will enhance protective factors and promote positive outcomes.

From the lists of examples provided in this document, it appears there is some overlap between secondary and tertiary prevention. Some key differences appear to be the level of risk identified to the child ("may be at risk of harm or maltreatment" vs "at risk…"), the inclusion of mental health treatment under tertiary prevention, the more targeted nature of tertiary prevention, and the stage at which it is employed (e.g., the point of crisis where violence, addictions, or other serious issues are impacting or could imminently impact children in the home may have already been reached).

We have been asked to provide an opinion regarding the potential liability concerns should First Nations choose to use some or all of the prevention funding to deliver prevention services through employees who have little to no training regarding the delivery of child and family services. We have been asked to address both the liability of the First Nation and the personal liability of its employees.

II. LAW OF NEGLIGENCE

In this section, we provide a summary of the law of negligence, in order to provide a general understanding of the basis for tort claims and to assist in informing the discussion below as to the possible tort liability of First Nations delivering prevention services.

To succeed in a negligence action, a plaintiff must show that: 1) the defendant owed the plaintiff a duty of care; 2) the defendant's behaviour breached the standard of care; 3) the plaintiff sustained damage; and 4) the damage was caused, in fact and law, by the defendant's breach: *Deloitte & Touche v. Livent Inc. (Receiver of)*, 2017 SCC 63 at para. 77 ("*Livent*").

1. Duty of Care

The duty of care analysis is grounded in the "neighbour principle": a person must take reasonable care to avoid acts or omissions which may cause foreseeable injury to their "neighbour". The neighbour principle is reflected, in modern case law, in the concept of "proximity", which is a close and direct relationship between the parties that justifies the imposition of a duty of care on the defendant: *R. v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42 at paras. 40–41 ("*Imperial Tobacco*").

The existence of a duty of care is determined in accordance with the two-stage *Anns/Cooper* test:

1. Is the harm suffered by the plaintiff a foreseeable consequence of the defendant's acts or omissions, and is there a sufficient relationship of proximity between the parties that it is just and fair to impose a duty of care?

2. If step one is met, are there residual policy considerations outside of the relationship between the parties that may negate the imposition of a duty of care?

If the plaintiff's claim falls within a clearly established or analogous category in which a duty of care has been recognized in prior case law (e.g., duty owed by a provincial government to maintain highways, duty owed by child protection worker to children in need of protection), a *prima facie* duty of care will be established and no analysis at the first stage of *Anns/Cooper* is necessary. The inquiry then moves to the second stage to determine if there are policy reasons that ought to negate the duty of care in the specific factual circumstances.

If there is not a sufficiently analogous precedent that definitively establishes the existence of a *prima facie* duty of care in the relevant circumstances, the court must undertake a full *Anns/Cooper* analysis.

(a) First stage of the *Anns/Cooper* test: foreseeability and proximity

The foreseeability inquiry asks whether the risk of the type of damage that occurred was a reasonably foreseeable result of the defendant's negligent conduct to the class of plaintiff that was injured: *Rankin (Rankin's Garage & Sales) v. J.J.*, 2018 SCC 19 at para. 24. It is an objective inquiry – the defendant need not have actually foreseen the risk, but, rather, it must have been foreseeable by a reasonable person in the defendant's circumstances.

The proximity inquiry asks whether the relationship between the plaintiff and defendant is sufficiently close and direct that the defendant should be expected to have the plaintiff in their contemplation as someone who could be injured by their negligent acts or omissions. The relationship is not limited to physical proximity. Factors that allow the court to evaluate the closeness of the relationship include expectations of the parties, representations made by the defendant, reliance by the plaintiff, and the property or other interests involved. However, the factors which may satisfy the requirement of proximity are diverse and depend on the circumstances of the case – there is no single unifying characteristic: *Cooper v. Hobart*, 2001 SCC 79 at paras. 34-35.

(b) Duty of care involving a public authority

There are special considerations in the proximity analysis where the defendant is a public authority. This is because, in the exercise of its functions, a government typically owes *public* duties – special circumstances will be required before it will be found to owe a *private* law duty to an individual or group that can ground a civil action. There are three ways in which sufficient proximity between a plaintiff and a governmental authority can be found: 1) through the applicable statutory scheme; 2) through interactions between the authority and the plaintiff; and 3) through a combination of the statutory scheme and interactions with the plaintiff: *Imperial Tobacco*.

It is difficult to establish a duty of care through a statutory scheme only, as most statutes confer public powers and duties on public authorities, which are often inconsistent with the establishment of a private law duty to individuals. Factors that will be relevant to whether proximity can be established through a statutory scheme include: whether the asserted duty would conflict with other duties owed by the governmental actor (more will be said about this in the next section); whether the purpose of the statute is to protect the interests of an identifiable class of individuals of whom the plaintiff is a member; whether the statutory powers at issue involve the provision of a service as opposed to the reduction of a risk through regulation; the vulnerability of the plaintiff class to the risk of harm that materialized; and whether the defendant had specific knowledge of the plaintiff's vulnerability: Karen Horsman & Gareth Morley, *Government Liability: Law and Practice*, Looseleaf (Toronto: Thompson Reuters, 2022) at § 6:16 ("Horsman & Morley").

Where a relationship of proximity is alleged to arise out of the interaction between a plaintiff and the government body, the question is whether there are factual allegations that distinguish the relationship between the plaintiff and regulator from other members of the public. The case law is not entirely settled as to whether the specific interactions that may ground a duty of care must consist of direct interactions between the plaintiff and the government defendant: Horsman & Morley at § 6:17.

The funding and administration of programs at a high level is very likely insufficient to establish proximity, even if there are interactions between government employees and the plaintiff. In *Mitchell Estate*, 2004 CarswellOnt 3017 (Ont. Sup. Ct. Jus.), the plaintiffs alleged inadequate medical treatment for their infant daughter, which they claimed was due to insufficient funding for hospitals that resulted in overcrowding. The Court found that the legislative framework gave the Minister the power to act in the public interest, and in exercising her powers, she was required to balance a myriad of competing interests. Although the Province provided funding for hospitals, it had no role in their day-to-day supervision. Proximity was not met for these reasons.

In *Wareham v. Ontario*, 2008 CarswellOnt 176 (Ont. Sup. Ct. Jus.), the plaintiffs' claim related to delays in processing their applications for benefits under the Ontario Disability Support Program (ODSP). They argued that the Province was negligent in creating and maintaining a system that failed to provide income to eligible persons in a timely manner – essentially, the system was inefficient and too complex. The Court found that more than systemic allegations regarding the ODSP were required to satisfy the proximity requirement, and that interactions between Crown employees (who were exercising an adjudicative function in their administration of the program) and benefits applicants were not sufficient to constitute proximity.

In *Leroux v. Ontario*, 2021 ONSC 2269, the claim was similar to *Wareham* but involved the provision of specific benefits for developmentally disabled adults. The plaintiffs had received similar benefits as children, but "aged out" when they turned 18. The claim alleged that Ontario acted negligently in administering these programs, which led to wasted money, inadequate targeting of resources, and long waitlists. The Court found that proximity was not met:

> [71] The governmental decision to fund or not to fund a particular program and the governmental decision as to how resources within a program should be allocated are also not the proper subject matter of judicial scrutiny - see *Cirillo v. Ontario*…Put differently, the determination of how a government decides to allocate resources does not establish a duty of care because the relationship lacks proximity.
>
> [Emphasis added.]

Cirillo v. Ontario, 2019 ONSC 3066, related to the bail system in Ontario. The court found that it was in essence a challenge to the government's executive authority to determine the allocation and adequacy of resources devoted to the criminal justice system. It argued that Ontario did not appropriately manage and otherwise resource the bail system to minimize delay caused by volume, staffing, and other funding-related shortages. This included challenging the failure to build new courthouses, the availability of interpreters, and the allocation of court time to bail. The court cited *Mitchell Estate* and *Phaneuf* (a case involving a challenge to government funding for forensic psychiatric hospital beds, discussed further below), noting that "courts have held that funding and resource allocations do not establish a duty of care, as the relationship that they engage lacks sufficient proximity" (at para. 25).

(c) Second stage of the *Anns/Cooper* test: policy considerations

The policy considerations at the second stage of the test are concerned with the effect of recognizing a duty of care on other legal obligations, the legal system, and society more generally: *Cooper v. Hobart*, 2001 SCC 79 at para. 37. They include such considerations as whether the recognition of the duty of care creates indeterminate liability ("the spectre of unlimited liability to an unlimited class": *Livent* at para. 40), and, where the defendant is a public authority, whether the impugned decision is a core policy decision, and whether recognizing a private law duty of care would conflict with a public duty owed by the authority. This latter consideration is discussed in the next section.

(d) Potential for conflict in the child protection context and whether a duty of care could be owed to parents/families

Where an alleged duty of care is found to conflict with an overarching statutory or public duty owed by a public authority, this may constitute a compelling policy reason for refusing to find proximity. Such a conflict exists where the imposition of the proposed duty of care would prevent the defendant from effectively discharging its statutory duties: see, for example, *D.(B.) v. Children's Aid Society of Halton (Region)*, 2007 SCC 38 ("*Syl Apps*"). In *Syl Apps*, the Supreme Court found that, because of the potential for conflict with the duty owed to an apprehended child, no duty of care was owed by a treatment centre and one of its social workers to the family of the child, who was treated at the centre and subsequently decided not to return to her family.

The family had alleged proximity on the basis of expectations and reliance on the defendants, given that the legislation (at that time, the Ontario *Child and Family Service Act*, R.S.O. 1990, c. C-11) included a recognition of the importance of the family and of the integrity of the family unit. The Court considered the sections of the *CFSA* that set out its purpose, noting that the references to parents and family were not stand-alone principles, but fell under the overarching umbrella of the best interests of the child. They could therefore not be relied upon to find a relationship of sufficient proximity with the parents. Justice Abella, for the Court, said:

> [41] The deciding factor for me…is the potential for conflicting duties: imposing a duty of care on the relationship between the family of a child in care and that child's court-ordered service providers, creates a genuine potential for "serious and significant" conflict with the service providers' transcendent statutory duty to promote the best interests, protection and well-being of the children in their care.

She observed that the statutory mandate of child protection workers is to treat the child's interests as “paramount”, and they must be free to execute this mandate to the fullest extent possible.

Some earlier Ontario cases did not interpret *Syl Apps* as foreclosing any duty of care owed by child protection workers and agencies to parents, particularly at the investigation stage before the child was deemed to be in need of protection: for example, *Durakovic v. Guzman*, 2013 ONSC 958 (Sup. Ct. Jus.), and *T.(D.) v. Highland Shores Children’s Aid*, 2016 ONSC 1432 (Sup. Ct. Jus.). In these cases, the judges were of the view that it was “less clear” that the conflict identified in *Syl Apps* “in the context of the medical treatment of a child in care” arose at the investigation stage of a child protection matter, before the child was found to be in need of protection (*T.(D.)* at para. 37).

However, this issue was put to rest by the Ontario Court of Appeal in *J.B. v. Ontario (Child and Youth Services)*, 2020 ONCA 198. The Court rejected a distinction between “the child welfare investigation stage and proceeding stage (i.e., pre- and post-apprehension stage)”, finding that *Syl Apps* was clear that “the duty at all stages is to the child” (at para. 41). It noted that the Ontario *CFSA* required the CAS to investigate allegations that children may be in need of protection, and to protect children where necessary, which also made clear that the duty was to the child.

In BC, this issue is similarly settled. In *Quinn v. British Columbia*, 2018 BCCA 320, the Court of Appeal held that a claim brought under the *Charter*, which it found in substance amounted to a tort claim of negligent investigation by a social worker, should be struck on the basis of insufficient proximity. Justice D. Smith for the Court agreed with the Province that “these types of allegations have no reasonable prospect of success in light of the reasoning in [*Syl Apps*]” (at para. 64).

Whether the lack of a duty of care to anyone other than a child in the child protection context would be determinative of whether a duty of care could by owed to parents in the provision of prevention services is not clear. We discuss this below.

(e) Duty of care where in respect of a positive duty to act

Where the duty alleged is to take positive steps (rather than a duty to avoid the doing of an overt negligent act), there must be a special relationship of proximity between the parties that imposes on the defendant a duty to take positive action – "[d]uties to take positive action in the face of risk or danger are not free-standing": *Childs v. Desormeaux*, 2006 SCC 18 at para. 31. In such cases, the nature of the relationship must be examined to determine where there is a sufficient nexus between the parties. The reason for requiring this special relationship is because "the common law is a jealous guardian of individual autonomy" (at para. 31).

Childs identifies three situations in which a special relationship of proximity has been recognized in respect of a positive common law duty. The first is where the defendant intentionally attracts and invites third parties to an inherent and obvious risk that they have created or control. The second concerns paternalistic relationships of supervision and control, such as parent-child or teacher-student. The third involves defendants who either exercise a public function or engage in a commercial enterprise (such as the owner of a bar) that includes implied responsibilities to the public at large: *Childs* at paras. 35–37. The Court emphasized the common element, and explained how the analysis might apply in each case, as follows:

> [38] Running through all of these situations is the defendant's material implication in the creation of risk or his or her control of a risk to which others have been invited. The operator of a dangerous sporting competition creates or enhances the risk by inviting and enabling people to participate in an inherently risky activity. It follows that the operator must take special steps to protect against the risk materializing. In the example of the parent or teacher who has assumed control of a vulnerable person, the vulnerability of the person and its subjection to the control of the defendant creates a situation where the latter has an enhanced responsibility to safeguard against risk. The public provider of services undertakes a public service, and must do so in a way that appropriately minimizes associated risks to the public.

The Court emphasized that these are not strict legal categories, but, rather, illustrations of the types of factors that may give rise to a positive duty to act.

John Doe (G.E.B. #25) v. The Roman Catholic Episcopal Corporation of St. John's, 2020 NLCA 27, was a claim by former residents of the Mount Cashel orphanage for damages resulting from sexual abuse by several brothers of a lay religious order of teachers. The Newfoundland Court of Appeal upheld the trial judge's finding of vicarious liability on the part of the Archdiocese for the abuse by the brothers, as it had provided them "with the power, environment and tools to carry out their wrongdoing virtually undetected". It also considered whether a duty of care was owed by the school chaplain, who did not himself commit any abuse, but to whom some of the boys reported the abuse. The plaintiffs claimed that the chaplain did nothing in response to the reports of abuse.

The Court of Appeal referenced *Childs*, and specifically the second situation identified as finding a positive duty to act: paternalistic relationships of supervision and control. It rejected the trial judge's finding that the chaplain needed to be in a position of authority over the children, and perhaps the brothers, for any knowledge to have triggered a duty of care.

It found that although he was not involved in the day-to-day governance of Mount Cashel, he did have responsibilities for the boys' overall well-being. Further, the Court found that the specific context of the interactions with the boys and the disclosures of abuse they made to him was significant in the analysis of whether sufficient proximity was created. In all the circumstances, proximity was established.

In contrast, in another case involving an orphanage (*Broome v. Prince Edward Island*, 2010 SCC 11), the Province was found not to owe a duty of care to the children living there in relation to abuse committed against them. The home was privately run, and the Province was not involved in its administration. The Supreme Court reviewed the statutory child welfare scheme at the time, noting that there were two streams – public (run by children's aid societies, and subject to statutory standards and obligations) and private – and that the home in question was part of the latter. The province did provide some funding to the home, but the Court found that this could not establish the requisite proximity, as the funding was given with no restrictions or accountability requirements. It also found the statutory scheme was clearly insufficient to create proximity as the province owed no statutory duty to residents of the home.

2. Standard of Care

To avoid liability, a defendant must "exercise the standard of care expected that would be of an ordinary, reasonable and prudent person in the same circumstances" (*Ryan v. Victoria (City)*, [1999] 1 S.C.R. 201 at para. 28 ("*Ryan*"). Relevant factors include whether the risk of injury was reasonably foreseeable, the likelihood of damage, and the availability and cost of preventative measures. A reasonable person "takes precautions against risks which are reasonably likely to happen": *Nelson (City) v. Marchi*, 2021 SCC 41 ("*Marchi*") at para. 91.

In measuring what is reasonable, the court may also look to external indicators of reasonable conduct, such as industry practice, guidelines, or more formal statutory or regulatory standards: *Ryan* at para. 28. However, external standards of conduct, even those reflected in legislation (such as a statutory duty), are relevant to the standard of care but are not determinative – there is no tort of statutory breach: *Saskatchewan Wheat Pool v. Canada*, [1983] 1 S.C.R. 205 ("*Wheat Pool*"). For example, provincial and territorial child and family services legislation sets out a number of statutory duties owed by different categories of persons. While breach of these may attract a criminal penalty or administrative review by the courts, there is no automatic civil liability. However, breach of a statutory duty will generally serve as evidence of breach of the common law standard of care: *Wheat Pool*.

The standard of care expected of professionals is elevated compared to a member of the public, as members of a profession undertake to carry out their professional duties with a reasonable degree of care and skill. The standard of care expected of a professional is the degree of skill displayed by other reasonably competent members of that profession. The standard of care for a social worker is generally that of a reasonable social worker in similar circumstances. However, when a child is removed from the custody of his or her parent(s), the standard of care is elevated to that of a "careful parent", which imposes a "heightened degree of attentiveness" on social workers. More specifically, "the careful parent test imposes the standard of a prudent parent solicitous for the welfare of his or her child": *J.P. v. British Columbia (Children and Family Development)*, 2017 BCCA 308 ("*J.P.*") at para. 364.

The extent of the discretion exercised by professionals in carrying out their duties is an important consideration in assessing whether the standard of care has been breached. In *Hill v. Hamilton-Wentworth (Regional Municipality) Police Services Board,* 2007 SCC 41, the Supreme Court of Canada stated the following in relation to the standard of care expected of police officers:

> [73]…The standard is not perfection, or even the optimum, judged from the vantage of hindsight. It is that of a reasonable officer, judged in the circumstances prevailing at the time the decision was made – circumstances that may include urgency and deficiencies of information. The law of negligence does not require perfection of professionals; nor does it guarantee desired results. Rather, it accepts that police officers, like other professionals, may make minor errors or errors in judgment which cause unfortunate results, without breaching the standard of care…

These comments were cited in *J.P.* in the child protection context. The Court of Appeal also quoted from one of its prior decisions, *D.(B.) v. British Columbia* (1997), 30 B.C.L.R. (3d) 201 (B.C.C.A.), as follows:

> [40] ...Decisions have to be made about care when the outcome is unpredictable. It is too easy to say when things turn out badly that it was the fault of the person who made the judgment. Social workers should not be so afraid of making a mistake that they cannot do their job properly.

Similarly, in *M.(B.) (Litigation guardian of) v. M.(R.)*, 2009 BCCA 413, the Court referred to the "difficult, sensitive and conflicting task of a social worker" and noted that the degree of professional discretion in a particular case, and the opportunity for genuine disagreement on the wisdom of any particular course of action, will be important in determining the standard of care (at para. 57).

While there will be some leeway given to professionals in the exercise of discretion in the carrying out of their powers and duties, particularly in exigent circumstances, the standard of care expected of a reasonably competent social worker will not be satisfied merely because the social worker acted in good faith. The presence or absence of good faith may, however, be relevant to whether the standard of care has been breached: *J.P.* at para. 365.

In contexts where a non-professional is performing tasks that a professional would or might normally perform, the standard of care may be lower. For example, the courts have found that volunteer firefighters are not subject to the same standard of care as trained, full-time, paid firefighters. In *Killip's Television Service Ltd. v. Stony Plain (Town)*, 2000 ABQB 79, the Alberta Court of Queen's bench found that the standard of care expected of volunteer firefighters was that of a reasonable volunteer fire department in like circumstances with like resources, and that the firefighters need only have "done their best" to put out the fire provided it is not a substantial departure from the basic principles of firefighting. The Court cited a prior decision of the Newfoundland Court of Appeal in *Hammond v. Wabana (Town)*, 1998 CarswellNfld 331, in which it was considered that a volunteer firefighter is unpaid and is acting outside his or her normal area of work, training, or experience, and that volunteer fire departments provide an ongoing source of assurance for residents of the community. The Court said:

> …[O]ne must keep in mind, not just the fact they are volunteers, but also the difference in circumstances, conditions and resources available. The standard of care must be expressed in terms that make it appropriate to volunteer firefighters who have very little training, experience, and [are] obliged to rely on imperfect equipment and a dubious water supply.
>
> …
>
> It is a standard of care that for reasons of "weightier competing policies,"…may tolerate a measure of subjectivity. Policy considerations dictate that the standard of care for volunteer firefighters be that they "do their best to put the fire out," employing as far as possible, the acknowledged principles and techniques of firefighting while trusting their own judgment, reason and common sense, it being accepted that safety will always be a primary consideration. In this case the "competing policy" is the public interest of ensuring the survival and continuation of an intelligent, dedicated and conscientious group of citizens, prepared to accept the often thankless and risky task of volunteer firefighter. The standard of care must not be such that its demands and accountability jeopardize the department's existence.

As will be further discussed below, similar policy considerations may have application in a case where a First Nation employs members of its community to deliver some prevention services, and those employees are not social workers and do not have similar training.

3. Causation

A defendant is not liable in negligence unless their breach of the standard of care caused the loss. The causation analysis involves two aspects: factual and legal causation. Factual causation is generally determined in accordance with the “but for” test; that is, the plaintiff must prove on a balance of probabilities that the harm would not have occurred but for the defendant’s negligent act: *Marchi* at para. 96; *Clements v. Clements*, 2012 SCC 32 at paras. 8 and 13. The defendant’s breach must also be a legal cause of the plaintiff’s loss, in that the loss is not too remote. The remoteness inquiry asks whether the specific injury suffered by the plaintiff was a reasonably foreseeable consequence of the defendant’s breach, such that the defendant may be fairly held responsible for it: *Marchi* at paras. 97–99.

Mustapha v. Culligan of Canada Ltd., 2008 SCC 27, is an example of the distinction between factual and legal causation. The plaintiff saw a fly in a water bottle and subsequently developed a significant psychiatric disorder. There was no question that factual causation was met, as it was accepted that the plaintiff would not have been suffering from the disorder had he not seen the fly. However, the Supreme Court held that it was not foreseeable on an objective analysis that a customer of ordinary fortitude would develop such a disorder from seeing a fly in a bottle. The loss was thus too remote to hold the defendant liable.

4. Damages

The basic principle is that damages must seek to put the plaintiff in the position he or she would have been in but for the tort committed by the defendant: *Blackwater v. Plint*, 2005 SCC 58 (“*Blackwater*”). Even though there may be several tortious and non-tortious causes

of injury, so long as the defendant's act is a cause of the plaintiff's damage, the defendant is fully liable for that damage. The rules of damages then consider what the original position of the plaintiff would have been, as the defendant need not put the plaintiff in a better position than his original position and should not compensate the plaintiff for any damages he would have suffered anyway: *Athey v. Leonati*, [1996] 3 S.C.R. 458.

In *Blackwater*, the Supreme Court upheld the trial judge's reduction in damage to take into consideration that the plaintiff Mr. Barney had experienced significant disadvantage and violence in his home prior to being sexually abused at the Alberni Indian Residential School ("AIRS"). The judge found that these earlier experiences (as well as physical assaults at AIRS which could not be compensated as they were time-barred) had themselves caused psychological injury and limited his vocational opportunities, which Mr. Barney would have suffered even in the absence of the sexual assaults. He was awarded $165,000 in compensation for the sexual assaults. The awards made to the other five claimants ranged between $12,000 and $150,000. With inflation, these awards correspond to approximately $19,000 to $260,000 in present dollars.

Non-pecuniary damages will be significant in cases of serious physical or psychological injury, but are capped at approximately $430,000 in present dollars (this cap increases with inflation). Awards at or near that level are generally reserved for the most severe cases (typically quadriplegia or a severe brain injury). In these types of cases, the award for cost of future care will also be high, as the plaintiff will often need some level of assistance with daily living (and in particularly severe cases, 24-hour care). Future care awards of this nature are in the millions.

If the plaintiff's injuries render them unable to work (or reduce their ability to work and/or limit the types of employment available to them), awards for loss of earning capacity may also be very significant. This depends on the age of the plaintiff (higher awards will be awarded where the plaintiff is younger and has more years of their working life remaining), as well as whether there are other factors which might have been expected to limit the plaintiff's career options and/or earnings even if the injuries had not occurred. For example, in *Blackwater*, the court found the plaintiff Mr. Barney was disabled from work largely for other reasons.

For these reasons, awards associated with serious physical or psychological injury can be very high.

5. Vicarious Liability

Corporations and other organizations act through their employees. Employees may be held personally liable for negligence in relation to their employment, but the employer is usually held vicariously liable for tortious acts or omissions committed by employees in their employment. Vicarious liability refers to situations in which the law holds one person, who themselves has not committed fault, responsible for the fault of another (*Nova Scotia (Attorney General) v. G. (B.M.)*, 2007 CarswellNS 552 (N.S.C.A.), at paragraph 57). For example, a person who drives a vehicle for their employment may be found personally liable for negligent conduct causing an accident, but the employer will usually be vicariously liable and in practice will be the one paying any damages.

Organizations can also be held directly liable to third parties in negligence where, for example, they negligently implement policies (such as inspection systems or practice

guidelines), fail to properly train their employees, have knowledge (or ought to have been aware) that an employee is not qualified to perform the job, etc.

The question of whether vicarious liability will be imposed is approached in three steps:

1. First, the court determines whether the issue has been unambiguously determined by prior cases.

2. If not, a further two-part analysis is used to determine if vicarious liability should be imposed in light of its broader policy rationales. At this stage, the plaintiff must show:

    - that the relationship between the tortfeasor and the person against whom liability is sought is sufficiently close; and

    - that the wrongful act is sufficiently connected to the conduct authorized by the party against whom liability is sought.

The object of the analysis is to determine whether imposition of vicarious liability in a particular case will serve the goals of doing so: imposing liability for risks which the enterprise creates or to which it contributes, encouraging reduction of risk, and providing fair and effective compensation: *Fullowka v. Royal Oak Ventures Inc.*, 2010 SCC 5 at para. 142.

Vicarious liability is generally appropriate where there is a significant connection between the party who creates or contributes to a risk and the wrong that flows from it: *Broome v. Prince Edward Island*, 2010 SCC 11. The Supreme Court in *Broome* noted that legislative authority is "of course" not enough to impose vicarious liability – if it were, a government would be vicariously liable for every act committed within a field within its legislative authority.

Where an employee has been negligent in the course and scope of his or her employment but has acted in good faith, the issue is usually not controversial – the employer will generally be vicariously liable. Where the employee acts outside the scope of their employment, and particularly if they commit intentional acts (such as a teacher sexually assaulting a student), vicarious liability is less likely to be imposed on the employer. The court will consider the relationship between the employee and the employer and whether the employer's enterprise created the risk of harm by the employee. For example, cases have found no vicarious liability on a school board where a teacher has used their position to strike up a relationship with a student that they then pursued off school property, as the teacher's employment with the school board is not sufficiently connected to the wrongful conduct. On the other hand, where the opportunity for abuse has been created by the administrators of a school (as in *John Doe (G.E.B. #25)* discussed above), vicarious liability is much more likely to be imposed.

In the child and family services context in BC, the Crown will generally be vicariously liable for the negligent actions of social workers employed by MCFD: *M.(B.) (Litigation guardian of) v. M. (R.)*, 2009 BCSC 214 at para. 49. Similarly, in Ontario, children's aid societies will generally be vicariously liable for the negligence of their employees. We are not aware of any cases that have considered vicarious liability of the government or an agency in the child and family services context where the conduct of the employee was in bad faith. Given the wide range of conduct that appears to plausibly lead to a finding of bad faith (this will be

discussed further in the next section), it seems unlikely that the line for vicarious liability is drawn between good faith and bad faith. The question would likely require an analysis of the employee's conduct and surrounding circumstances on a case-by-case basis.

6. Immunity for Good Faith Conduct in the Exercise of Powers and Duties under Child and Family Services Legislation

Most provincial and territorial child and family services legislation contains a general immunity provision stating that no proceeding may be brought against, and/or no liability may be imposed on, a person acting in good faith. We will provide a separate memo attached to this opinion that contains each of these provisions along with hyperlinks to the legislation for ease of reference.

The wording of each of these provisions differs somewhat, and it is necessary to review them carefully to determine who they apply to and in what circumstances. Generally, they apply to:

- A "person";
- Acts or omissions that are done in good faith (or with an absence of bad faith – the precise language differs by statute); and
- Exercise of, or intended exercise of, powers under the legislation, and performance or intended performance of duties under the legislation

In some cases, the persons to whom the immunity applies are listed in more detail: e.g., social workers, directors, ministers, a "service provider", or any other person.

Not all provinces have this type of general immunity provision. Manitoba, for example, has provisions dealing with certain more specific conduct by various persons (e.g., giving access to records).

In all provinces and territories except Saskatchewan, the immunity provisions do not include the Crown. Two provinces (Ontario and BC) make the lack of immunity available to the Crown even clearer, by expressly stating that the immunity provision does not absolve the Crown of liability to which it would otherwise be subject – i.e.: vicarious liability at common law.

The BC legislation – the *Child, Family and Community Service Act* ("*CFCSA*") – has recently been amended in response to C-92. This includes amendment to its immunity provision – s. 101 – to include that immunity will not be extended to Indigenous governing bodies:

> Immunity from legal proceedings
>
> 101 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a person because of anything done or omitted
>
> (a)in the exercise or intended exercise of a power under this Act, or
>
> (b)in the performance or intended performance of a duty under this Act.

> (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted in bad faith.
>
> (3) Subsection (1) does not absolve the government or an Indigenous governing body from vicarious liability arising out of anything done or omitted by a person referred to in that subsection for which the government or the Indigenous governing body would be vicariously liable if this section were not in force.
>
> [Emphasis added.]

"Indigenous governing body" is given the same definition as in C-92 – "a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*." This definition does not relate specifically to the exercise of jurisdiction or the provision of services in relation to child and family services.

The following definitions are also relevant:

> "Indigenous authority" means a body or entity, including an Indigenous governing body, that is authorized by an Indigenous governing body to provide Indigenous child and family services under Indigenous law";
>
> "Indigenous child and family services" means services provided by an Indigenous authority to support Indigenous children and families, including prevention services, early intervention services and child protection services;
>
> "Indigenous law" means a law in relation to Indigenous child and family services that is made in respect of Indigenous children and families by an Indigenous governing body in accordance with the law-making authority of the Indigenous governing body;

The reference to "Indigenous law" in the definition of "Indigenous authority" indicates that the latter definition applies to an authority providing child and family services in First Nations where a law made by the First Nation is in place. It does not appear that First Nations who simply take on prevention funding and deliver prevention services other than under a law made by the First Nation will be considered to be "providing Indigenous child and family services under Indigenous law". In that case, they would not be an "Indigenous authority". However, given the more general definition of "Indigenous governing body", these First Nations would likely fall within that definition. This is important because, as discussed, the immunity provision is expressly inapplicable to an "Indigenous governing body".

At this time, only BC has amended its statutory immunity provision to expressly exclude its applicability to Indigenous governing bodies.

(a) When will conduct be found to be in "good faith"?

As set out above in *M.(B.) (Litigation guardian of) v. M.(R.)*, the "difficult, sensitive and conflicting task of a social worker" will be relevant to whether the good faith requirement is met in this context. However, to meet the requirement of good faith (or an absence of bad faith) is not sufficient that a child protection worker have acted without malice, or even that they had an honest belief as to the appropriateness of their actions. In general, courts have

held that the concept of bad faith not only encompasses intentional fault, but should be given a broader meaning that encompasses "serious carelessness or recklessness": *Finney v. Barreau du Quebec*, [2004] 2 S.C.R. 217 at para. 39.

In many cases, the court does not make a determination as to whether a child protection worker acted in bad faith, as the employee is often not named as a defendant and the Crown will likely be vicariously liable for their conduct whether done in good faith or not. However, in *H.(C.) v. British Columbia*, 2004 BCCA 385, a social worker was found to have acted in bad faith by placing a child with her biological father (after having apprehended her from her mother's care) and then withdrawn from the protection proceeding without explanation and without any supervision in place. The child brought a claim for damages suffered from physical and sexual abuse by the father. The Court found that the social worker failed to apprise herself of the information necessary to determine whether it was safe for the Ministry to withdraw, and that there was "ample evidence" that placing the child with her father might be unsuitable. She was aware of several potential problems with the child residing with the father, and did not sufficiently inform herself of the information necessary to make an honest, good faith decision as to the suitability of the placement. In upholding the trial judge's decision, the Court of Appeal noted that "[t]he finding of an absence of good faith was not about [the social worker] being wrong, but about her not properly turning her mind to a question she had a duty to answer" (at para. 49).

Another case in which bad faith was found was *B.(D.) v. Children's Aid Society of Durham (Region)*, 1996 CarswellOnt 2351 (Ont. C.A.), in which the social worker had approached her statutory duties toward the children's father with a biased attitude toward him – she had immediately formed an opinion that he was guilty of sexual abuse, and had closed her mind to any other possibility. She filed a false and misleading affidavit in support of the application for an interim protection order, ensured that the father was not notified of the proceeding, and refrained from properly following up with the policy or the family doctor, among other things. The Court found that the investigation was tainted by bias and lack of good faith culminating in a course of conduct akin to malicious prosecution.

(b) Relevance of powers or duties under child and family services legislation

The immunity provisions in child and family services legislation generally contain language stating that the immunity will apply to good faith conduct done or not done in the performance of the person's duties or in the exercise of their powers and/or functions under the statute, or a specific Part or section(s) of the statute. For example, PEI's statute, the *Child Protection Act*, RSPEI 2000, c. C-5.1 (s. 57), states that the immunity applies to persons "acting under the authority" of the Act, while Yukon's refers to a power, function, or duty "conferred by or under" its Act (the *Child and Family Services Act*, S.Y. 2008, c. 1, s. 181).

In order to benefit from the statutory immunity, then, a person or service provider must be acting in furtherance of a duty, power, or function set out in the legislation – they must be authorized or required by the legislation to do the things they are doing. In the absence of an agreement between the First Nation and the applicable province/territory, employees acting under the direction of a First Nation to deliver prevention services would likely not be exercising powers, duties, or functions under the legislation for the purposes of most of their activities. With the exception of the duty to report a child in need of protection, the BC

CFCSA requires, and authorizes, "the director" (or a person to whom the director delegates their powers, duties, or functions, under s. 92) to do a number of things. Alberta's legislation similarly confers powers and duties on a director and the Minister, Saskatchewan's on the director or an agency, Ontario's on a service provider or an agency (which are defined terms) or the Minister, etc. The legislation does not impose these duties on, or grant these powers or functions to, anyone other than the categories of persons or service providers expressly set out therein.

One exception to this may be conduct in relation to reporting a child in need of protection. The duty to report is, in some provinces, a duty imposed on all persons, not only those who work with children as part of their employment. Persons who report are protected by specific immunities from civil liability for reporting, provided they did not knowingly make a false report (e.g., BC *CFCSA*, s. 14(5)). However, where they do not report and, as a result, a child is harmed, this type of immunity would not apply and they would be left to try to rely on the general immunity provision if found to have been negligent. The general immunity would likely apply to any person, including members of the general public who are not engaging in the delivery of child and family services under the Act, provided the failure to report was in good faith.

However, as noted, the BC immunity expressly excludes vicarious liability of Indigenous governing bodies. If a First Nation directs employees to provide prevention services, and the employees are negligent in failing to report, given the general nature of the definition of Indigenous governing body, they could be vicariously liable for the employees' conduct even though they are not providing child and family services under Indigenous law.

III. CORE POLICY IMMUNITY

As set out in our September 2022 opinion, the Supreme Court has defined "core policy decision" as follows: "decisions as to a course or principle of action that are based on public policy considerations, such as economic, social and political factors, provided they are neither irrational nor taken in bad faith". They set out four factors that inform the analysis of whether a decision qualifies as core policy: 1) the level of responsibility of the decision-maker; 2) the process by which the decision was made; 3) the nature and extent of budgetary considerations; and 4) the extent to which the decision was based on objective criteria. Decisions that fall closer to the core competencies of the legislative or executive branch, where the decision-maker is more closely related to a democratically-accountable official, and where the decision is based on the balancing of public policy considerations including budgetary constraints and the making of value judgments, are more likely to be found to be core policy decisions.

In our September 2022 opinion, we opined that a high-level decision made in respect of how to allocate funds between programs, groups, or similar would almost certainly be considered a "core policy decision" that will confer immunity in negligence claims to Indigenous governing bodies who have assumed jurisdiction over child and family services either under C-92 or under s. 35. There are three parts to our present opinion on this issue. First, we consider whether a First Nation who is not assuming jurisdiction but is simply taking on funding and delivering some or all prevention services would likely receive the benefit of immunity to negligence claims involving core policy decisions. Second, we provide additional comments and case law regarding the distinction between core policy decisions and other types of decisions that will not confer immunity. Third, we consider

whether a core policy defence may be raised where the impugned conduct is the subject of a statutory duty.

1. Extension of Core Policy Immunity to First Nations not Exercising Jurisdiction

Policy immunity is available only to government bodies/public authorities. In our view, it is likely that core policy immunity would be extended to negligence claims against First Nations not exercising their jurisdiction over child and family services under C-92 or s. 35. This opinion is based on some of our comments in our September 2022 opinion: first, the reasoning of the Quebec Court of Appeal in *Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis*, 2022 QCCA 185 ("*QCCA Reference*"); second, the rationale for core policy immunity; and third, the decision of the BC Supreme Court in *Blueberry River First Nation v. Laird*, 2020 BCSC 1615.

(a) Comments of Quebec Court of Appeal in *QCCA Reference*

In the *QCCA Reference*, the Court found that Indigenous peoples have a right of self-governance protected by s. 35. This right of self-governance extended to child and family services, but was clearly broader than this. Thus, whether a First Nation has expressly assumed jurisdiction under C-92 or s. 35, if they are delivering child and family services themselves, or making decisions as to how funding should be allocated to an agency who is delivering the services, they are likely to be considered a governmental entity or public authority for the purposes of a negligence claim.

Further, as discussed, the definition of Indigenous governing body in the BC legislation (which is the definition in C-92) is not limited to a body that is exercising jurisdiction over child and family services – rather, it requires only that the body be representing s. 35 rights-holders and be acting according to the authority of those rights-holders. The use of the term "Indigenous governing body" also suggests an intention on the part of Canada (and BC, which adopted the term and its definition) to recognize that an entity that meets this definition is for all intents and purposes a government.

(b) The Rationale for Core Policy Immunity

In our September 2022 opinion, we referred to the rationale for core policy immunity as set out by the Supreme Court *Marchi*, which is to maintain the separation of powers. The courts should not be second-guessing the decisions of democratically-elected government officials and substituting their own opinions.

We opined that this rationale supported extending core policy immunity to First Nations exercising their jurisdiction over child and family services under C-92 or s. 35. First, the type of broad decisions made in relation to child and family services authorized by C-92 are not the types of decisions on which courts should be weighing in. Second, the same concern regarding the possibility of a chilling effect that is relevant to claims against public authorities would apply if Indigenous governing bodies had to worry about the possibility of negligence claims when making funding and other policy decisions.

In our view, these same concerns apply to a First Nation that is not exercising its jurisdiction but is simply taking on funding to deliver prevention services directly. The Nation will be determining how to distribute the funding, which involves making decisions regarding the

use of funds and how they can best serve the needs of their members, as well as priorities for action within their communities.

(c) Blueberry River First Nation v. Laird

In *Blueberry River First Nation v. Laird*, 2020 BCSC 1615, the court considered a claim for negligent governance brought by several members of a First Nation against former members of its band council relating to the alleged mismanagement of funds. Although the court did not expressly consider whether the management of the funds was a core policy decision, it found no duty of care on other grounds. The judge observed that the defendants were "elected members of a government", and that there could be no duty of care owed as they were members of a governing body exercising public law duties, which were distinct from a private law duty of care relevant to a negligence claim. The court stated that the Council's exercise of balancing priorities and needs was at the core of its public law duty to the Band, as the governing body, and did not give rise to a private law duty of care.

The court also relied on another of the residual policy considerations that can negate a *prima facie* duty of care – indeterminate liability – reasoning that if a private duty of care was recognized as between chief and council and a band generally, band councils across Canada would be subject to potential liability for every decision they make. The judge noted that the remedies for disagreements between band councils and their members "are the same as for any other government in Canada – judicial review of specific decisions is sometimes available, but more often the appropriate remedy is the ballot box" (at para. 286).

This case is an example of a First Nation being treated analogously to any other government in the context of a negligence claim. It is particularly helpful in the context of the current opinion as it does not involve the right to exercise jurisdiction over child and family services under either C-92 or s. 35. Rather, it deals with governance by a First Nation generally.

(d) Conclusion regarding extension of policy immunity to First Nations not exercising jurisdiction over child and family services under Act or s. 35

For the above reasons, it is our opinion that the courts would likely consider a First Nation who has taken on funding from Canada and is providing prevention services directly, or is deciding on how funding should be distributed to an agency who will provide the services, to be sufficiently governmental in nature that core policy immunity would be extended to them in a tort claim.

2. Good Faith and Rationality Requirements and the Need for Consideration/Deliberation in making Policy Decisions

As also indicated in our September 2022 opinion, bad faith and irrationality in the context of policy decisions are not limited only to subjective bad faith on the part of an individual public official. Rather, it has been held to include inaction for no reason, inaction for an improper reason, or where the decision is so irrational or unreasonable that it constitutes an improper exercise of government discretion: *Nielsen v. Kamloops (City)*, [1984] 2 S.C.R. 2 at p. 24, *Brown v. British Columbia (Minister of Transportation and Highways)*, [1994] 1 S.C.R. 420 at para. 23. *Nielsen* is an example of a case where non-action was found not to be in good faith. In that case, the City decided not to enforce a stop-work order on the construction of a

home that was not being built to code, which the Court inferred was likely because the father of the property owner was an alderman. The decision was found to have been for an improper purpose, as it was based on not proper policy considerations but on the relationship of the property owner to the alderman.

Importantly, there must also be some consideration and deliberation by the decision-maker in arriving at the policy decision. Absent this, the good faith and/or rationality requirement may not be met, or, alternatively, the decision may simply not be considered a core policy decision because it does not bear the hallmarks of such a decision – e.g., it does not involve the prioritization and balancing of social, economic, and/or political considerations.

In *Marchi*, there was no allegation of bad faith or irrationality, but the Court found that the policy immunity defence failed on the basis of a lack of consideration. The City of Nelson had a written policy regarding snow removal, under which it had priority routes for plowing and sanding. However, it also prioritized the clearing certain parking spaces in the downtown core. This created a large snowbank, which the City did not remove until after all streets were plowed. The plaintiff stepped into the snowbank and was injured. The evidence was that the City had never really considered the decision to plow the parking spaces and not remove the snowbank right away and whether there might be an alternative, such as clearing a pathway in the snowbank. The court found that there was no suggestion that the "policy" resulted from a deliberative decision involving any balancing of competing objectives and policy goals; rather, it had simply always been done that way.

Factors that a court would likely consider relevant in the context of a First Nation's decision-making as to funding allocation for prevention include: perceived need for specific levels of prevention services (primary vs secondary vs tertiary), and/or specific types of programs/services; expectation of benefit (for example, if there is research that a particular type of prevention program is effective at reducing the number of children in need of protection and/or research that other types of programs have no benefit or may be harmful, or if research is not available, what community leaders/members or agencies have conveyed regarding the types of programs that they feel would make a difference in the community); equity in distribution of services and not favouring certain individuals or groups over others for improper reasons (for example, if one of the Band Council members owns a hockey school, and the decision to provide enrollment in the school for at-risk children in the community is based on creating business for the school, rather than any particular expected benefit to the children); and, clearly, the amount of funding available.

We have also been asked to consider whether, assuming a First Nation decided on an initial funding allocation for prevention programming, there would be any legal obligation on it to re-evaluate this based on outcomes. For example, if the First Nation decided to spend all of its prevention funding on primary prevention, with the result that no secondary or tertiary prevention services were being delivered and more children were being taken into care as a result, or if children were experiencing greater harm in the home because such services were not delivered, would the First Nation lose the benefit of core policy immunity if they failed to reconsider their funding approach?

In such a circumstance, core policy immunity may be found not to apply in the first place because it seems questionable whether the requirement of rationality (and possibly also the good faith and consideration requirements) would have been met. Assuming it was found to apply to the initial decision, we are not aware of any case law where a service provider was

expected to re-evaluate an initial policy and make changes based on outcomes. However, in our view it is possible that it would be considered to be bad faith or irrational to fail to make a policy change in the face of known adverse outcomes associated with the present policy, or the consideration requirement may be found to be lacking.

3. Case Law regarding Core Policy Immunity

In order to assist First Nations in determining whether a particular type of decision will likely be considered a core policy decision, we have provided some additional case examples. These involve a variety of factual circumstances, including several decisions involving challenges to government social programs on the basis that they are inadequately funded or that resources are otherwise insufficient.

(a) General case law

The first decision of the Supreme Court of Canada where the policy/operational distinction was considered in detail was *Just v. British Columbia*, [1989] 2 S.C.R. 1228, in which a rock came loose from the slopes above Highway 99 and hit the plaintiff's car, injuring him and killing his daughter. The plaintiff challenged the province's system of inspection of the rock cuts on the highway, including the frequency or infrequency and how and when the trees above the rock cut in question should have been inspected, and the manner in which cutting and scaling operations should have been carried out. The Court concluded that these were not policy decisions, but, rather, "the product of administrative direction, expert or professional opinion, technical standards or general standards of reasonableness" (at para. 31).

In our view, the application of the law to the facts in *Just* is not particularly helpful as there is little information as to the reasons for the establishment of the particular inspection system used (and particularly the role of any budgetary constraints), or what precisely the plaintiff complained about in relation to the carrying out of the inspection. However, the Court does provide some helpful hypothetical examples of core policy decisions:

> [22] For example, at a high level there may be a policy decision made concerning the inspection of lighthouses. If the policy decision is made that there is such a pressing need to maintain air safety by the construction of additional airport facilities with the result that no funds can be made available for lighthouse inspection, then this would constitute a bona fide exercise of discretion that would be unassailable. Should then a lighthouse beacon be extinguished as a result of the lack of inspection and a shipwreck ensue, no liability can be placed upon the government agency. The result would be the same if a policy decision were made to increase the funds for job retraining and reduce the funds for lighthouse inspection so that a beacon could only be inspected every second year and as a result the light was extinguished. Once again, this would constitute a bona fide exercise of discretion. Thus a decision either not to inspect at all or to reduce the number of inspections may be an unassailable policy decision. This is so provided it constitutes a reasonable exercise of bona fide discretion based, for example, upon the availability of funds.
>
> [24] At a lower level, government aircraft inspectors checking on the quality of manufactured aircraft parts at a factory may make a policy decision to

> make a spot check of manufactured items throughout the day as opposed to checking every item manufactured in the course of one hour of the day. Such a choice as to how the inspection was to be undertaken could well be necessitated by the lack of both trained personnel and funds to provide such inspection personnel. In those circumstances the policy decision that a spot check inspection would be made could not be attacked…

In *Brown v. British Columbia (Minister of Transportation & Highways)*, [1994] 1 S.C.R. 420, the plaintiff lost control of his car on ice on a highway near Gold River, a small village on Vancouver Island, on a Friday morning in November. Three accidents had already occurred that morning on the same stretch of highway, and police had called for a sanding truck. The highway department was still on its summer maintenance schedule, which was an on-call system from Friday to Sunday, and only one shift the other days. The winter schedule, which had three shifts per day, was set to begin the following week. The timing of the winter schedule was for budgetary reasons, and could not be easily implemented earlier than planned because the collective agreement between the department and its employees required that the winter schedule would be posted two weeks in advance so that employees would have the opportunity to bid on shifts. The on-call employee went out with a sanding truck, but reached the location of the plaintiff's accident after it had already occurred.

The Supreme Court found that the decision to maintain a summer schedule was a policy decision involving classic policy considerations of financial resources, personnel, and union negotiations. It concluded that it "was truly a governmental decision involving social, political and economic factors". It also found that the Gold River detachment was not required to operate in the same manner as the nearby Campbell River detachment, which served a larger region and had a worker in the office every day rather than an on-call system.

In *Swinamer v. Nova Scotia (Attorney General)*, [1994] 1 S.C.R. 445, the plaintiff was seriously injured when a dead tree at the side of the road fell on his vehicle. The tree appeared to be in good health. However, the department had received other complaints about dead trees along the sides of roads. The divisional engineer did not have funds in his maintenance budget to remove them – to do so would have required cuts to other highway maintenance activities. Instead, he assigned a foreman (who had some experience with trees but was not a forestry expert) and a survey technician to identify and count the trees that were dead and an obvious hazard. They counted over 200 trees. On the basis of their report, the divisional engineer made a funding request for the removal of the trees. Funding was approved approximately three months later to remove only 66 of the trees. Further funding was requested and approved in subsequent years.

The court found that the choice of a limited policy to identify obviously dead and dangerous trees in order to apply for funds to remove them was a classic example of a policy decision, as the divisional engineer was setting priorities for the allocation of available funds. The Court rejected the trial judge's finding that money could have been found or that the needed inspection could be made at little cost, noting that the fact that budgetary considerations were questions of policy "is not changed by the fact that the cost of the measures sought may be small".

George v. Newfoundland, 2016 NLCA 24, involved a class action on behalf of persons either injured or killed in motor vehicle accidents involving collisions with moose. Moose-vehicle collisions (MVCs) were a significant problem in Newfoundland due to the "hyper-

abundant" moose population. After conducting research as to possible solutions, the province invested approximately $5 million in a series of initiatives, including pilot projects involving fencing in specific areas, detection systems, increasing the number of moose-hunting licenses along the Trans-Canada Highway, the enhancement of ongoing brush clearing, and public awareness efforts. Among these, the "philosophy" was that moose awareness was the best method for mitigating. The research had also shown that fencing to prevent the movement of moose was ineffective.

The plaintiff argued that the province ought to have done more to mitigate against MVCs, and in particular ought to have installed a significant amount of additional fencing. To do would have cost well in excess of $75 million. At the time, the Province's financial situation was "dire", running budget deficits in the range of $600-$900 million, and it was "focused on playing catch-up to maintain the safety and integrity of bridges, crossing structures…and other general road conditions". In concluding that the province's decisions as to how to attempt to minimize MVCs were core policy decisions, the majority stated, "[t]o those who would have this Court direct government to expend more money on moose fencing, it should be noted that the money spent on further risk mitigation will be money not available for health care, education and other areas of governmental responsibility" (at para. 107).

(b) Case law challenging government funding of social programs

The first four cases in this section were discussed above in the section on proximity. In *Mitchell Estate*, the plaintiffs claimed that their infant daughter did not receive proper treatment quickly enough, due to reductions in hospital funding and restructuring decisions implemented by a prior provincial government. Even if proximity had been met, the Court also concluded that the decisions were core policy decisions. The court noted that Ontario did not make decisions with respect to the operation of hospitals, and that, rather, in matters concerning health care funding and hospital restructuring, the Minister and government must make complex and difficult policy decisions based on a variety of considerations.

In *Wareham*, the Court found that even if proximity were established, the duty of care would be negatived as what was challenged were core policy decisions. It noted that decisions with respect to the design of the ODSP, and the resources that were to be allocated to its operation were matters of policy. It was not the role of the court to adjudicate on the wisdom or adequacy of governmental measures that reflect complex and difficult policy decisions based on a variety of considerations. This was particularly the case where the details of the ODSP were contained in legislation.

In *Leroux*, the majority of the Court found that the choice to provide different benefits programs aimed at children and adults, and the allocation of scarce resources among competing eligible developmentally disabled adults, were policy choices: "devising, implementing and administering a benefits program is a core policy decision of government". It found that the government owed no private law duty of competent public administration to individual benefits claimants; rather, its responsibility was to voters.

Cirillo involved a challenge to the adequacy and allocation of resources in respect of Ontario's bail system. The Court held that the government's decisions in this regard were "wide-ranging" policy decisions that were non-justiciable.

Phaneuf v. Ontario, 2009 CarswellOnt 9308 (Div. Ct.), involved a claim that individuals were unlawfully held in detention centres pending psychiatric assessments ordered under the

Criminal Code. The plaintiff claimed that a bed in one of the 11 hospitals in the province that performed these assessments was required to be immediately made available once the assessment was ordered by the court. Essentially, the claim was that the number of such forensic beds was insufficient. The court found that the provision of forensic beds was a policy decision, noting that the decision on how to generally best provide mental health services is complex and involves prioritization and the weighing of many factors.

Bowman v. Ontario, 2022 ONCA 477, involved a challenge to the Ontario government's decision to terminate a three-year basic or minimum income pilot program prior to the end of the three years. The decision to cancel the program was found to be a core policy decision. It was made by democratically-accountable persons with a high level of authority (the provincial cabinet) concerned budgetary allotments for government departments, and involved fundamental, value-judgment-infused public policy choices about the means by which to provide social assistance benefits to a large group of persons, which were hallmarks of a core policy decision. The Court noted that immunity from liability in respect of core policy decisions made by public authorities recognizes that such decisions may cause harm to private parties, but that the principle of protecting the legislative and executive branch's core institutional roles and competencies meant the remedies for these decisions must be through the ballot box instead of the courts.

An example of a case where the decisions at issue were found not to be core policy decisions was *Francis v. Ontario*, in which the plaintiffs challenged the system of administrative segregation in Ontario's correctional institutions. The Court noted that the decision to permit administrative segregation was a policy decision, but that the way it had been implemented by prison superintendents, including its use for mentally ill inmates and for long periods of time, involved operational decisions.

Another example of a case involving an operational decision, in the context of child and family services, was *Yelle v. Children's Aid Society of Ottawa-Carleton*, 2002 CarswellOnt 2848 (Sup. Ct. Jus.), in which the neighbour of a foster parent claimed against the CAS and the foster parent for damages resulting from arson committed by a minor residing in the foster parent's home. The claim alleged that the CAS was negligent in placing the minor in the foster home with no psychiatric treatment available to him despite having previously made significant gains in a residential treatment setting, and a history of significant behavioural problems, including "pyromaniac tendencies", in several foster homes after being discharged from the treatment centre. The new foster parent was a new applicant for foster parenting who had not taken the basic courses provided by the Society, and she had not been told anything about his prior behavioural problems. The CAS also knew that he required a supervised and structured environment. The Court said the following in finding that the Society's impugned decisions were operational, rather than policy:

> [74]…There is no suggestion in this case that the Society's decision to place Martin in the foster home of the defendant Della Robillard and to provide absolutely no psychiatric or psychological counseling or treatment to Martin for a full year prior to the subject occurrence, had anything to do with "financial, economic, social or political factors or constraints"… The decision to place Martin in the Robillard home and the failure to provide him with professional counseling and treatment was…"action or inaction that is merely the product of administrative direction, expert or professional opinion, technical standards or general standards of care"…[T]hey were not decisions

> that could be designated as policy decisions rather they were manifestations of the implementation of the functions assigned to the Society by the Act.

As can be seen from these cases, where the decision relates to funding at a high level, it will be considered a core policy decision provided it is not irrational or made in bad faith, and it is arrived at through some level of consideration and deliberation. In some of these cases, the court also found that there was insufficient proximity to satisfy the first stage of the duty of care analysis, particularly where the government was making decisions with respect to the funding of health and social programs.

One difference between many of these cases and the FNCFS context is that in the latter, the highest-level funding decision is being made not by the First Nations, but by Canada. The decisions made by First Nations will be limited to how the funding provided should be allocated as between aspects of the FNCFS program. However, these decisions still involve balancing of interests, prioritization, and the consideration of social and economic factors, and in our view are not unlike a government department making decisions as to how the funds in its budget should be best used. Consequently, provided they meet the criteria of good faith, rationality, and consideration (and, of course, that the funding dedicated to the FNCFS program is being used for child and family services and not for other purposes), they will almost certainly be considered policy decisions.

In contrast, if the First Nation itself is doing more than making funding allocation decisions, and is directly providing the services, or directing/supervising an agency's provision of the services, the decisions it makes as to how the services are being provided are less likely to be considered core policy decisions. It will depend on the specific decision and to what degree the indicia set out by the Supreme Court in *Marchi* are present.

4. Is Core Policy Immunity Available where a Statutory Duty is Owed?

Horsman & Morley state that "[a]lthough the law is somewhat unsettled in this respect, some courts have suggested that a policy defence is not available in the face of a positive statutory duty."

The leading case on this issue, at least in Ontario, is the decision of the Ontario Court of Appeal in *Kennedy v. Waterloo County Board of Education* (1999), 174 D.L.R. (4th) 106, in which a high school student was seriously injured when he lost control of his motorcycle and hit his head on a bollard on school property. The school had erected 22 bollards as a barrier to stop vehicles from driving on the school track and other property. They had been joined with chains, but the chains were removed when a student was injured on one of them.

The claim was brought on under the Ontario *Occupiers' Liability Act*. The Court found that a core policy defence was not available where the relevant statute imposed both a statutory duty and civil liability for breach of that duty. It distinguished this from a statute that provides either a criminal penalty or no specific consequence for breach of the statutory duty in question, where a policy defence would remain available. This is because where the statute does not provide for civil liability, there is, as discussed above, no tort of statutory breach; rather, the breach will be treated as evidence of negligence.

The Court found that the *Occupiers' Liability Act* imposed both a duty and civil liability for breach of that duty. Section 2 stated that an occupier "owes a duty to take such care as in

all the circumstances of the case is reasonable" to ensure that persons are reasonably safe while on the premises, while s. 3 provided that the Act "applies in place of the rules of the common law that determine the care that the occupier of premises at common law is required to show for the purpose of determining the occupier's liability in law". The Court thus found that the School Board could not have made a policy decision which would either oblige or allow it to avoid compliance with its statutory obligation to take reasonable care for the safety of persons on its premises. The Court did not consider the failure to remove the bollards to have been a policy decision in any event, but that even if it was, it could not immunize the Board against liability.

Kennedy has been cited in other Ontario cases, most of which are also brought under the *Occupiers' Liability Act*. It has been distinguished and, to some degree, questioned, by a series of BC decisions. One of these, *Josephson v. Merritt (City)*, 2003 BCSC 1505, distinguished between statutes that impose specific positive duties on the entities they govern, and statute which embody and may extend common law principles, suggesting that the reason in *Kennedy* should not apply in the latter circumstance. In the Court's view, the BC *Occupiers Liability Act* was an example of the latter type of statute. However, it is not clear that the defendant in that case claimed core policy immunity, and the judge appears to have decided the case on the basis that the defendant met the requisite standard of care.

Fox v. Vancouver (City), 2003 BCSC 1492, distinguished *Kennedy* on the basis that there was evidence before the Court on which it could be concluded that the decision at issue was a policy decision; that is, there was evidence that it was a *bona fide* exercise of discretion based upon social, political, and economic factors. In our view, this is a questionable basis on which to distinguish *Kennedy*. However, at least one BC judge in a subsequent case (*Knodell v. New Westminster*, 2005 BCSC 1316) felt bound to follow *Fox*, due to the principle of horizontal *stare decisis*.

In contrast, the Yukon Territory Supreme Court followed *Kennedy* in *Fuller v. Schaff*, 2009 YKSC 22, with the judge expressly disagreeing with the BC decisions that there was any basis to distinguish it.

In *Marchi*, the Supreme Court stated that the City had suggested in argument that its duty of care was grounded in the BC *Occupiers Liability Act*, and no submissions were made as to whether the plaintiff's fall had occurred on a public road or public highway, which were exempted from the application of that legislation. The Court noted that the trial judge had noted that it made no practical difference whether the legislation applied, and for the purposes of its reasons, assumed it did not. It stated that "[b]oth parties agreed that core policy immunity must be addressed in any event". Consequently, while the Supreme Court did not consider the issue and did not cite *Kennedy*, it is arguable that its comments could be viewed as accepting that policy immunity was presumptively available even where occupiers' liability legislation applied.

Consequently, the law is somewhat unsettled with respect to whether a policy defence will not be available in the case of a statutory duty where the statute also provides for civil liability for breach of the duty. However, in our view, this does not apply to provincial/territorial child and family services legislation. In some cases, these statutes provide for criminal penalties. However, they do not include provisions imposing civil liability for a breach of duties thereunder. In contrast, most of the statutes contain immunity provisions preventing proceedings from being brought, or liability being found, against a

person who in good faith exercises a power or performs a duty under the act. While certain statutes expressly state that the immunity provisions do not absolve the Crown (or in BC, the "government or an Indigenous governing body") of liability (or in BC, "vicarious liability") they would have in the absence of the statutory immunity, in our view this would not be considered to be a provision for civil liability. In contrast, it simply indicates that the statute does not provide immunity against liability which may be found under the common law.

Consequently, in our view, if a First Nation has not exercised jurisdiction over child and family services under s. 35 or C-92 and provincial legislation continues to apply, the core policy defence will presumptively be available to it. This being said, as discussed above, there are very limited statutory duties that would apply to a First Nation providing prevention services outside of an agreement with a province or territory, so this issue would likely have limited application.

IV. APPLICATION OF NEGLIGENCE ANALYSIS TO THE PROVISION OF PREVENTION SERVICES BY FIRST NATIONS

In this section, we provide an analysis of whether a First Nation is likely to owe a duty of care in the direct provision of prevention services, as well as in respect of funding decisions for prevention services. We also provide a brief discussion of standard of care and ways in which First Nations can minimize the liability risk if they decide to provide prevention services directly.

1. Direct provision of Prevention Services

In considering whether a duty of care would likely be owed by First Nations and their employees in providing prevention services, it is important to consider the types of potential claims that could be brought and who would bring them. We anticipate the claims could be brought on behalf of children, as well as by parents, and that they could be in two general areas: the provision of prevention services (either that services were provided negligently, were not provided at all when they should have been), or that in their role in providing prevention services, the employee breached their statutory duty to report a child in need of protection. For example, a parent might claim that if they had been provided with an alcohol treatment program, their child would likely not have been apprehended. The child could bring a similar claim. Or one parent might bring a claim on their own behalf and/or on behalf of the child that concerns regarding the behaviour of the other parent should have been reported, and if they had been, the child would have avoided injury or other maltreatment caused by the parent.

As discussed, social workers providing child and family services pursuant to provincial or territorial legislative schemes owe a duty of care to children who are or may be in need of protection. This is well-established in the case law and so it is not necessary to conduct an *Anns/Cooper* analysis. If it was necessary to conduct such an analysis, proximity would likely be found to be based on some combination of the statutory duties of these workers and agencies, as well as their interactions with children and families. The statutory scheme would likely be of predominant importance, as the duty of care clearly arises before any interactions have actually occurred, once a social worker receives a report about a child possibly in need of protection. Importantly, there is no conflict between social workers' statutory duties and recognizing a common law duty of care to children – rather, they are entirely consistent with each other.

The matter of First Nations and their employees owing a duty of care (and to whom it is owed) is less clear, given that, in the absence of an agreement with a province or territory, they would not be exercising powers or performing duties under the legislation (other than the duty to report). This being said, at least some of the services being provided, particularly tertiary (and possibly to a lesser extent, secondary) prevention services, are essentially the same services that are provided by social workers employed by an agency or the province, or, at least, could be provided under the legislation. For example, under the Ontario *Child, Youth and Family Service Act, 2017*, S.O. 2017, c. 14, "service" is defined as including "a service for a child or the child's family that is in the nature of support or prevention and that is provided in the community". Under the BC *CFCSA*, s. 93 gives the director the power to provide preventive and support services for families to promote the purposes of the Act. The main difference between these prevention services provided under the legislation and similar services provided by a First Nation would appear to be that they are being provided on a voluntary basis (both from the perspective of the family and the First Nation), rather than pursuant to an agreement made with the family under the legislation. To the extent a First Nation attempted to enter into such an agreement with a family, it would likely be found to be without authority.

Even without the statutory scheme being directly applicable to the actions of First Nations providing prevention services, some of the factors relevant to the finding of a duty of care through a statutory scheme may be relevant here. As set out above, these include: whether the purpose of the statute is to protect the interests of an identifiable class of individuals of whom the plaintiff is a member; whether the statutory powers at issue involve the provision of a service as opposed to the reduction of a risk through regulation; the vulnerability of the plaintiff class to the risk of harm that materialized; and whether the defendant had specific knowledge of the plaintiff's vulnerability. The statutory scheme, which includes prevention services, clearly has a purpose of protecting children, who are a vulnerable group. Provision of a service is also more likely to ground a private law duty of care in the context of a governmental authority, as compared to an alleged failure to regulate.

In our view, a court would likely find sufficient proximity to support a duty of care owed to children in respect of the provision of secondary and tertiary prevention services. The purpose of providing these services to families is to reduce risk to children who are or may be at risk of harm, and hopefully allow them to remain in the home, recognizing the rationale for the requirement for services provided under the legislation to employ least disruptive measures and the goal of keeping children with their families if it can be done safely. Our understanding of secondary and tertiary prevention services is that they are provided through one-on-one interaction with the family – the employee would obtain information about the family's circumstances and attempt to tailor prevention services to those circumstances. Further, we understand that the line between tertiary prevention services and child protection is not always clear. For these reasons, this is a relationship that may well be found by a court to be sufficiently close and direct as to constitute the type of proximity necessary to ground a duty of care.

On the issue of whether there may also be a duty of care owed to parents, the appellate authorities are settled that the reasoning in *Syl Apps* applies at both the investigation stage and proceeding stage. The Court in *J.B.* emphasized that the statutory duties of a CAS are to investigate allegations that children may be in need of protection, and to protect children where necessary. These duties would not be owed by First Nations providing prevention

services outside provincial and territorial legislation or Indigenous law. Further, if the purpose of providing targeted prevention services is to assist the parents with challenges that could eventually lead to child protection concerns, it could perhaps be said that there is no conflict between the interests of parents and the interests of children at that stage. However, the better view may be that the ultimate purpose of prevention services is to keep the family together because that is what is best for the child, not to satisfy the wishes of the parents, and that, as a result, no duty should be owed to parents even before any child protection concerns arise.

Once child protection concerns arise, in our view there is little doubt that a duty would not be owed to parents, as the reporting duty is incompatible with such a duty. However, as indicated, the failure to report could potentially result in a claim by a child.

It is also not clear whether a First Nation and their employees providing prevention services would owe a duty of care in respect of both acts (providing a prevention service in a negligent manner) and omissions (failing to provide a prevention service). As discussed, it is more difficult to establish a positive duty to act. A plaintiff might bring a claim alleging that a First Nation is liable for failing to provide a service where the family or child would or might benefit from it in the sense that the child's risk of needing protection is reduced, and thus their ability to remain with their family is increased. The circumstances could potentially fall under either of the second or third categories identified by the Supreme Court in *Childs* – a paternalistic relationship of supervision or control, or exercising a public function that includes implied responsibilities to the public at large. However, these categories, particularly the third, are not well-developed in the case law.

The rationale underlying the finding of a positive duty is also arguably not present in this case, as the First Nation and its employees providing prevention services do not create or control the risk to the plaintiff. Rather, they are trying to remedy risk caused by external factors. On the other hand, if a First Nation decides to use the prevention funding to provide services directly rather than direct it to an agency, they may arguably be found to have undertaken to provide such services at least to some degree, which could create reasonable expectations on recipients that services will be provided and thus support a duty of care.

As this is a novel context, it is unfortunately not possible to provide a more definitive opinion on this issue. However, we would rely most heavily on the well-established duty of care owed by child protection workers to children as being at least somewhat analogous to the provision of secondary and tertiary prevention services, as this could be found to be a sufficiently analogous category such that an *Anns/Cooper* analysis of foreseeability and proximity would not be required. First Nations should be aware of the risk that by providing these services they may owe a duty of care to children and potentially also to their parents/families, depending on the circumstances and the precise nature of the claim.

If the First Nation is providing only primary prevention services, it is difficult to see how a duty of care could be owed, as these services are being provided at the community level, or to particular groups, and not targeted at individuals. It is unlikely that providing programs such as parenting information sessions or activities for children could place the First Nation or its employees into a sufficiently close and direct relationship with individual parents, children, or families to justify imposing a private law duty of care.

2. Funding Decisions regarding Prevention Services

If the First Nation's only role with respect to prevention services is directing the funding provided by Canada to an agency who provides the services, or deciding how much money should be used to fund different types or levels of prevention, it is very unlikely it would owe a private law duty of care. There is almost certainly insufficient proximity, and it would also be found to be a core policy decision, provided the requirements for such a decision are met (based on social, economic, or political factors; made in good faith; not irrational; appropriate factors were considered in deciding on amounts to be spent and services to be provided – e.g., perceived need, expected benefit, etc).

For example, a decision to fund only primary prevention may be considered irrational, particularly if there were a documented need for other forms of prevention and there were some evidence these would be effective at reducing the number of children in need of care. Similarly, a policy to train or direct employees providing prevention services not to report child protection concerns in order to avoid children being taken into care would also be irrational and in bad faith, as it is contrary to the statutory duty to report and does not prioritize the best interests of the child which is the overarching goal of providing child and family services. On the other hand, core policy immunity would likely apply to a decision not to provide a specific high-cost prevention service such as residential alcohol or drug treatment programs due to insufficient funding, a need to prioritize other programs, etc.

Even if the law were clear that a policy defence is not available in the case of a statutory duty, for the reasons discussed above, any duties owed by First Nations who have not entered into agreements with a province or territory under child and family services legislation would be those owed by any member of the public (or person working with children, depending on the province), which are limited – namely, reporting a child in need of protection. It is difficult to conceive of a rational, good faith policy defence to a failure to report.

3. Standard of Care

As discussed above, where a First Nation employs members of its community to deliver prevention services, and those employees are not trained social workers, in devising a standard of care the court may take this into consideration. Relevant factors would likely include whether the First Nation was unable to find trained social workers to do the work, that the work would or may not be done if not by the First Nation itself, the availability of training and other resources for the employees, and the benefit of the community of the services provided. They would likely not apply the standard of care expected of a trained social worker.

This being said, there will be some expectations placed on prevention services workers in the carrying out of their role. At a minimum, they would be expected to be able to identify at least obvious child protection concerns, as this is a duty placed on the general public in some provinces, or, at least, those who work with children – one is not required to be a social worker. We also expect they would be required to understand the importance of identifying these concerns and acting on them to ensure children's safety. Without experience in the provision of child and family services, it is difficult for us to opine on what other training they might be expected to have, or other key expectations that would constitute reasonable care in this context. However, a court would likely expect that the

employees would have received training that the First Nation could reasonably deliver in the circumstances, keeping in mind factors such as employees' aptitude and the resources (human and otherwise) available to the First Nation.

Further, given that the line between tertiary prevention services and child protection is not always clear, there may be an expectation for First Nations providing prevention services to work collaboratively with an agency providing child protection services in the community. For example, there might be a policy setting out specific circumstances where the First Nations employee would be expected to involve a social worker.

As discussed above, the First Nation will be vicariously liable for an employee's negligence where the employee's conduct was either authorized by, or sufficiently connected to conduct authorized by, the First Nation. The First Nation could also be found directly negligent for conduct such as failing to properly train its employees or implementing inappropriate policies.

Employees themselves will have immunity under most provincial and territorial child and family services statutes where they are performing a duty or function, or exercising a power, conferred by the statute and act in good faith. However, as discussed, the statutory immunity provisions would provided limited benefits to First Nations voluntarily providing prevention services. Further, the immunity may not apply to First Nations in BC at all, given the express exclusion of Indigenous governing bodies.

V. POTENTIAL LIABILITY OF FIRST NATIONS IN HUMAN RIGHTS LAW

You have requested an opinion regarding the potential liability of First Nations under human rights law, as core policy immunity does not apply in this context. You would like to us to address in particular the possibility of liability where the First Nation is not able to provide a particular service because of insufficient funding from Canada, and whether the First Nation would be considered the service provider and be liable for the failure to provide the service.

1. Test for Discrimination in the Provision of a Service

Section 5 of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 ("*CHRA*"), provides:

> 5. It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public
>
> (a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or
>
> (b) to differentiate adversely in relation to any individual,
>
> on a prohibited ground of discrimination.

The complainant must demonstrate that 1) they have one or more characteristics protected from discrimination listed in s. 3 of the *CHRA*; 2) they are denied services, or adversely impacted by the provision of services by the service provider; and 3) the protected characteristic(s) are a factor in the adverse impact or denial (*Moore v. British Columbia (Education)*, 2012 SCC 61 at para. 33; *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 ("*Caring Society 2016*") at para. 22).

If the complainant meets this burden of establishing *prima facie* discrimination, the burden shifts to the respondent to establish that there is a *bona fide* justification for the denial or differentiation: *CHRA* s. 15(1)(g). To be a *bona fide* justification, the respondent must establish that it could not have accommodated the complainant in the provision of the service without undue hardship, considering specifically health, safety, and cost: s. 15(2).

2. <u>Is the provision of Prevention Services, and/or the Allocation of Funding in relation to Prevention Services, by First Nations a "Service" held out to the "Public"?</u>

(a) "Service"

The Tribunal must first determine whether it is dealing with a "service" within the meaning of the *CHRA* – it must define and analyze the very substance of the act, action, or activity being challenged. A "service" is something advantageous or of benefit that is offered or made available to the public: *Canada (Attorney General) v. Watkin*, 2008 FCA 170 at paras. 31 and 33; *Dominique (on behalf of the members of the Pekuakamiulnuatsh First Nation) v. Public Safety Canada*, 2022 CHRT 4 at paras. 196-197 ("*Pekuakamiulnuatsh*").

In *Caring Society 2016* and in *Pekuakamiulnuatsh*, the Tribunal considered whether the funding of programs by Canada on First Nations reserves (child and family services and policing) could constitute a "service". In both cases, the Tribunal found the answer was yes.

In *Caring Society 2016*, the Tribunal found that Canada's involvement in the provision of child and family services on First Nations reserves was "something more than funding" – the benefit or assistance provided through the FNCFS Program and related provincial/territorial agreements was "to "ensure", "arrange", "support" and/or "make available" child and family services to First Nations children" (at para. 59). The "essential nature" of the FNCFS Program was to "ensure" First Nations families on reserve and in the Yukon received culturally appropriate child and family services that were reasonably comparable to the services provided to other provincial residents in similar circumstances (at para. 60). It also found that AANDC provided policy oversight, working as a partner with the FNCFS Agencies and provinces/territory to deliver child and family services. It was not a "passive player" whereby it only provided funding.

However, the Tribunal rejected the argument that even if its involvement had been limited to funding, it was not sufficient to constitute a "service". It cited two prior cases in support of this proposition: *Bitonti et al. v. College of Physicians & Surgeons of British Columbia et al.*, (1999) 36 CHRR D/263 (BCHRT), and *Kelso v. The Queen*, [1981] 1 S.C.R. 199. In *Bitonti*, the BC Human Rights Tribunal rejected the argument that government funding decisions are immune from review for compliance with human rights legislation. Similarly, in *Kelso*, the Supreme Court concluded that the government's right to allocate resources cannot override a statute such as the *CHRA*.

The Tribunal in *Caring Society 2016* reasoned as follows in rejecting Canada's argument that funding could not constitute a "service":

> [44] …[T]here is no indication in the *CHRA* or otherwise that Parliament intended to exclude funding from scrutiny under the Act, subject of course to the funding being determined to be a service. In line with *Kelso*, where the Government of Canada is

> involved in the provision of a service, including where the service involves the allocation of funding, that service and the way resources are allocated pursuant to that service must respect human rights principles.
>
> [Emphasis added.]

In *Pekuakamiulnuatsh*, a First Nation alleged discrimination by Public Safety Canada resulting from the implementation of the First Nations Policing Program ("FNPP"). It argued that the program was inadequately funded and, as a result, the level of police services that it could offer to the community was subpar. Like the FNCFS Program, funding was provided to the First Nation as part of a tripartite arrangement with the provinces/territories. The evidence was that the Pekuakamiulnuatsh First Nation had for years attempted to provide quality police services, but consistently ran operating deficits and was forced to top up the government contributions in order to be able to hire enough officers. It had attempted to negotiate additional funding, but had been told there was simply no more government money.

In considering whether the FNPP was a "service", the Tribunal found that Public Safety Canada's role "consists largely of funding or the provision of financial contributions", but also included other actions taken by it, such as reporting, negotiating, and providing related assistance. While it was not directly providing police services, all of this together constituted the offering of advantages or benefits to the First Nations who were part of the program. Like in *Caring Society 2016*, it found the funding was "intrinsically linked" to the level of police services the First Nation could provide (at para. 238), and that the funding was based on what was in the funding envelope rather than the real needs of Indigenous communities. If it wanted its own Indigenous police force that provided a service adapted to the needs, customs, and traditions of the community, the Pekuakamiulnuatsh was forced to accept low funding from Canada under the FNPP, which was not a choice that had to be made by the non-Indigenous public. The Tribunal concluded that the FNPP and its implementation perpetuated systemic discrimination against the Pekuakamiulnuatsh and other First Nations.

An obvious difference between *Caring Society 2016* and *Pekuakamiulnuatsh* and other cases is that Canada was the ultimate holder of the purse strings. It determined how much funding should be provided to First Nations for the FNCFS Program and FNPP, and, by extension, the quality of the services that could be provided using the funding. In the case of prevention services, if the First Nation is not providing the services directly through its employees, its role could be administrative in the sense of deciding what services should be provided and how much funding there is available in what it receives from Canada to provide different types of services. Alternatively, there could be some sort of application system where the First Nation considers requests for services on a case-by-case basis to determine whether the requested services will be funded. Or, it may simply be acting as an intermediary for the funds to flow through – simply funneling them to agencies, with the agencies deciding what types of services should be provided and then providing those services. In all of these scenarios, however, they are working with what Canada gives them. Given this, can they be found to be a service provider?

In *MacNutt v. Shubencadie Indian Band* (1995), 29 C.H.R.R. D/114 (C.H.R.T.) and *Polhill v. Keeseekoowenin First Nation*, 2019 CHRT 42, First Nations were found to be providing a

service within the meaning of s. 5 by administering a federal program to residents of reserves. In *MacNutt*, the complainants were non-Indigenous spouses of Band members living on reserve. They argued they were subject to discrimination on the basis of either race or marital status because they were denied federal social assistance benefits. One of the complainants sought such benefits through the Band, which denied them because she was non-Indigenous. The other two complainants had previously been paid such benefits but after some time they were no longer approved by the Band. The Band argued that the "supplier" of the "service" was DIAND, not the Band, as it funded the program. The Tribunal disagreed, noting that the social assistance program on reserve was not statutorily-based but flowed from the terms of an agreement entered into between DIAND and the Band. Under this agreement, responsibility for funding, delivery, and administration of the program was divided or apportioned between the two parties. The supplier was the Band, not DIAND. The Tribunal also found that the limited discretion the Band could exercise in the administration or delivery of the social assistance program did not take away from its characterization as a service customarily available to the public.

Polhill was similarly a claim of discrimination in the provision of social assistance benefits. The Tribunal followed *MacNutt* in finding that the First Nation offered a service within the meaning of s. 5 in administering the on-reserve federal income assistance program.

In our view, it is clear that a First Nation would be a service provider for the purposes of s. 5 of the *CHRA* if it is directly providing any level of prevention services to children and families: primary, secondary, or tertiary. What does providing services mean in this context? In our view, it would include offering the services themselves (for example, having employees of the First Nation run parenting workshops), acting in a facilitation role where they refer children and families for services provided by others or otherwise arrange for the services to be provided, and making decisions on whether to grant requests from families for specific services. In such circumstances, there is little doubt that the First Nation is offering or providing "assistance" or a "benefit" to the general public or a subset thereof.

Whether making decisions solely with respect to funding of prevention services (e.g., how funds will be divided between primary, secondary, and tertiary prevention, how much will or can be spent on specific types of services) constitutes the provision of a service is a more difficult question. The more specific the decisions, the more likely they would be to constitute a "service". If they are very general and high-level in nature, they may not be – for example, if the only decision made by the First Nation were how much of the prevention budget would be spent on each of primary, secondary, and tertiary prevention, and all the decisions as to what services are provided and to whom are made by an agency, it is more difficult to see how this could be considered a "service".

An argument might be made that the First Nation's role in that situation is analogous to Canada's in the Caring Society complaint, in that its decisions as to how much should be allocated even at a high level will affect what services can be provided under each level of prevention. This could also potentially be viewed analogously to the First Nations' administration of Canada's social assistance program on reserve in *MacNutt* and *Polhill*. However, these decisions are highly constrained by the amount of funding provided by Canada, and are at a very high level rather than at a level where it is decided which individuals or groups get certain benefits. We would not rule out entirely a finding that the First Nation could be a service provider in this context, but in our view it is unlikely. Further,

even if it were, it is also difficult to see how a complainant could establish a connection between a decision at such a high level of generality and a protected ground.

If the First Nation is simply acting as an intermediary for the prevention funds and transferring them to agencies without making *any* decisions as to how they are to be used, this is unlikely to constitute provision of a service. Its role would not be analogous to Canada's in *Caring Society 2016* because as noted, Canada was the ultimate holder of the purse strings and determined how much funding should be provided for the FNCFS Program.

(b) "Public"

The service must be one that is customarily available to the "public". The Tribunal must therefore determine whether the service creates a public relationship between the service provider and the service user. The "public" to whom the service is being offered does not need to be the entire public – clients of a particular service could be a very large or small segment of the public: *Caring Society 2016* at para. 31. In our view, there is no question that the direct provision of prevention services by a First Nation, or the making of decisions in respect of those services, would be considered a service that is provided to the "public".

As above, if the only decisions being made were very general decisions as to how the funding should be split as between levels of prevention, there would be less likely to be a public relationship between the First Nation and its members for the provision of prevention services.

3. Test for *Prima Facie* Discrimination

(a) Protected characteristic

The prohibited grounds of discrimination set out in s. 3 of the *CHRA* include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, and disability. It is easy to see how prevention services could be provided in a manner that denies a service or differentiates adversely on a number of these grounds – for example, if parenting courses were only offered to women or were not offered to same-sex couples, respite was only offered to parents of children with physical disabilities and not mental health conditions, treatment for alcohol, but not drug, addiction was provided, or certain families were given preferential services over others because they had a family member on the Band council.

In addition to prohibited grounds that could differ between members of the First Nation such as family status or disability, complaints might also be brought in relation to race or national or ethnic origin – for example, if there were evidence that a particular prevention service was provided off-reserve but not on-reserve, or in a neighbouring First Nation, this could potentially form the basis of a complaint. This would likely be quite difficult to establish, however, given that the particular First Nation would not be providing services off-reserve or to neighbouring Nations – this would more likely be grounds for a claim against Canada that funding continues to be insufficient in at least some Nations to provide services based on need.

A complaint could also be brought simply for adverse impact against an individual on the basis of their status as an Indigenous person, without any evidence of differential treatment

as compared to another Indigenous person or group, or a non-Indigenous person or group. This is because the law is clear that a comparator group need no longer be established by a complainant in a human rights claim. In *R.R. v. Vancouver Aboriginal Child and Family Services Society (No. 6)*, 2022 BCHRT 116 ("*R.R.*"), an afro-Indigenous mother residing in an urban centre brought a complaint against a First Nations child and family services agency that she had been subject to adverse treatment through separation from her children who had been taken into care, and restrictions in her access to them. She claimed that her protected characteristics of race, colour, ancestry, and mental disability were a factor in this adverse impact, in two ways: directly, by the operation of anti-Indigenous stereotype and prejudice, and indirectly, by failing to account for her needs as an Indigenous parent interacting with the child welfare system.

The Tribunal rejected the agency's argument that there was no evidence of any differential treatment towards the complainant compared to any other parent whose child was in care with the society. It stated that "evidence of differential treatment is not necessary because "equality is not about sameness'", citing *Withler v. Canada (Attorney General)*, 2011 SCC 12 at para. 31. In *Withler*, the Supreme Court noted that "[a] formal equality analysis based on mirror comparator groups can be detrimental to the analysis" (at para. 2).

The Federal Court (2012 FC 445 – "*Caring Society FC*") and Federal Court of Appeal (2013 FCA 75) also rejected the need for a comparator group on judicial review of the Tribunal's initial decision striking the Caring Society's complaint on the basis that they could not point to a similarly-situated group, such as another group receiving the same assistance programs from Canada. In *Caring Society 2016*, the Tribunal noted that while comparative evidence may be useful in analyzing a claim of discrimination, "it is not determinative of the issue", and that, as the Court noted in *Withler*, "finding a mirror group may be impossible, as the essence of an individual's or group's equality claim may be that, in light of their distinct needs and circumstances, no one is like them for the purposes of comparison" (at para. 59 of *Withler*, para. 325 of *Caring Society 2016*).

This was echoed in *Pekuakamiulnuatsh*, in which the Tribunal said that it found it "difficult, if not impossible in practice, to compare First Nations with each other or with other groups in Canada because of their unique position in Canada". It noted that the Court in *Caring Society FC* had "recognized this exceptional and incomparable status of First Nations" (at para. 318). In *Caring Society FC*, the Court accepted "the *sui generis* status of First Nations" and recognized "that different approaches to assessing claims may be necessary depending on the social context of the claim" (at para. 340).

(b) Adverse or differential treatment

The complainant must establish that they have been denied services or adversely impacted in the provision of the service at issue: *Caring Society 2016* at para. 24. For the reasons discussed, it is not necessary to point to a comparator group in order to establish that s. 5(1)(b) of the *CHRA* has been satisfied. This element of the test is usually not particularly difficult for a complainant to meet, as the harm or impact will usually be clear. The more difficult question is whether the protected characteristic is a factor in the adverse or differential treatment.

(c) Protected characteristic a factor in the adverse or differential treatment

The complainant is not required to adduce direct evidence of discrimination or prove that the service provider intentionally discriminated against them, because "human rights law rests on an 'effects-based model which critically examines systems, structures, and their impact on disadvantaged groups'" (*R.R.* at para. 299; *Caring Society 2016* at para. 26).

The complainant is also not required to prove that the protected characteristic was the only factor, or even the main factor. It must simply be one factor in the adverse impact suffered: *R.R.* at para. 298.

In *Moore*, discussed in detail below, the complainant's learning disability was clearly a factor in the adverse treatment he experienced, as his school district failed to provide him with the intensive remediation he required to be able to have equal access to the public education system. In *Caring Society 2016* and *Pekuakamiulnuatsh*, the complainants' status as Indigenous persons living on reserve was the reason for the poorer quality of child and family services and policing they experienced due to insufficient funding by Canada for these programs. In *MacNutt*, non-Indigenous spouses of Indigenous persons living on reserve were denied social assistance benefits because of their race and/or ethnic origin.

In *R.R.*, the Tribunal found that the requisite connection was met on the basis that the agency assumed the complainant was not fit to parent because of her trauma, child welfare history, and conflict with social workers, which assumption was based on stereotype and prejudice connected to her mental health and Indigeneity. It is easy to see how this type of assumption could and likely frequently does creep into the interactions between child protection workers and Indigenous parents suffering similar disadvantage and past trauma, even where the service provider is an Indigenous agency with predominantly Indigenous employees, as was the case in *R.R.* The Tribunal indeed concluded that the discrimination faced by R.R. was "the effect of a wider web of laws, policies, and practices which interact to create a system stacked against Indigenous families, especially single mothers living in poverty, with disabilities, and with children with disabilities" (at para. 307).

It rejected the agency's argument that R.R.'s protected characteristics themselves impaired her ability to safely care for the children, finding that the children were not in need of protection. If this were to be established in a different case, however, the Tribunal noted that "a child protection agency acting in good faith to protect a child may justify adverse impacts on the parent so long as it takes all reasonable and practical steps to accommodate their *Code*-related needs" (at para. 302).

In cases where the service provider demonstrates that the conduct leading to the adverse impact was for other reasons entirely unrelated to the protected characteristic, or there is simply no evidence (even a "subtle scent") that the protected characteristic was a factor in the adverse impact, *prima facie* discrimination will not be substantiated.

For example, in *Hasek v. BC Ministry of Health (No. 2)*, 2018 BCHRT 187, the complainant claimed that older age was a factor in the refusal of the Ministry of Health to fund a vaccine for shingles, where it funded a vaccine for chicken pox (which is caused by the same virus) for children. The Tribunal noted that, having decided to provide a publicly-funded immunization program, the Ministry was under an obligation to do so in a non-discriminatory manner. However, it found that age was not a factor in declining to fund the shingles vaccine. Rather, the Ministry considered the issue in detail according to its analytical

framework for assessment of new vaccines, and had decided to fund other vaccines in priority. The reasons for this were that 1) the other vaccines were more effective at preventing the relevant health condition; 2) the health conditions they prevented caused more severe symptoms than shingles, including death; and 3) the conditions they prevented were communicable, whereas shingles was not. The Tribunal also rejected the allegation that there was a disproportionate effect on older people because of the decision to fund the chicken pox vaccine and not the shingles vaccine, as the chicken pox vaccine provides benefits at all ages even though it is received in childhood.

Similarly, in *Hoffman v. British Columbia (Ministry of Social Development)*, 2012 BCHRT 187, the respondent Community Living British Columbia established that differences in supports and services provided to the complainant as compared to others with similar disabilities were due to the fact that the latter group had become eligible for services at an earlier date and had entered into individual support agreements with CLBC, prior to the implementation of a guide regarding resource allocation that had impacted the manner in which persons were assessed for services.

4. ***Bona Fide* Justification/Undue Hardship**

In *Moore*, the Supreme Court noted that at the justification stage, it must be shown that alternative approaches were investigated, and the prima facie discriminatory conduct must also be "reasonably necessary in order to accomplish a broader goal". In other words, an employer or service provider must show "that it could not have done anything else reasonable or practical to avoid the negative impact on the individual" (*Moore* at para. 49; *VIA Rail Canada Inc. v. Canadian Transportation Agenc*y, 2007 SCC 15 at para. 130).

VIA Rail dealt with a complaint that VIA had not appropriately modified used train cars it had purchased. Specifically, they did not accommodate passengers' own wheelchairs. The Supreme Court noted that the concept of undue hardship "implies that there may necessarily be some hardship in accommodating someone's disability" – it is only where it rises to the level of an undue burden, where only unreasonable or impracticable options for accommodation remain, that accommodation will not be required (at paras. 122 and 130). "Undue" was defined as meaning "disproportionate, improper, inordinate, excessive or oppressive, and expresses a notion of seriousness or significance" (at para. 140).

It is clear that as a general proposition, cost will not lightly be found to justify conduct that has been found to be *prima facie* discriminatory. While the majority in *VIA Rail* noted that cost is a legitimate factor to consider, it cautioned that tribunals "must be wary of putting too low a value on accommodating the disabled", and that "it will always seem demonstrably cheaper to maintain the status quo and not eliminate a discriminatory barrier" (at paras. 128 and 225). The majority provided the following guidance for determining when cost may be sufficient to constitute undue hardship:

> [131]…[A]ssessing whether the estimated cost of remedying a discriminatory physical barrier will cause undue hardship falls to be determined on the facts of each case and the guiding principles that emerge from the jurisprudence. A service provider's refusal to spend a small proportion of the total funds available to it in order to remedy a barrier to access will tend to undermine a claim of undue hardship (*Eldridge*, at para. 87). The size of a service provider's enterprise and the economic conditions confronting it are relevant

> (*Chambly*, at p. 546). Substantial interference with a service provider's business enterprise may constitute undue hardship, but some interference is an acceptable price to be paid for the realization of human rights (*Central Okanagan School District No. 23*, at p. 984). A service provider's capacity to shift and recover costs throughout its operation will lessen the likelihood that undue hardship will be established: *Howard v. University of British Columbia* (1993), 18 C.H.R.R. D/353 (B.C. Human Rights Council).
>
> [132] Other relevant factors include the impact and availability of external funding, including tax deductions (*Brock (Litigation Guardian of) v. Tarrant Film Factory Ltd.* (2000), 37 C.H.R.R. D/305 (Ont. Bd. of Inquiry)); the likelihood that bearing the net cost would threaten the survival of the enterprise or alter its essential character (*Quesnel v. London Educational Health Centre* (1995), 28 C.H.R.R. D/474 (Ont. Bd. of Inquiry)); and whether new barriers were erected when affordable, accessibility-enhancing alternatives were available…

On the facts, the Court upheld the finding of the Canadian Transportation Agency that, based on a proper estimate of the cost to modify the cars (which were being substantially refurbished in any event), it was a relatively insignificant sum when viewed in the context of VIA's entire capital expenditure, the fact that it had a substantial contingency fund for unforeseen events, and the fact that it was in the midst of favourable economic conditions. The cost could be shifted throughout VIA's operations, and the impact on its business could also be lessened by planning for the modifications to occur over time.

Moore involved a challenge by the parents of an elementary school student, Jeffrey Moore, who was unable to be accommodated in his local public school due to a severe learning disability. The only way he could receive the intensive remediation he needed was through the District Diagnostic Centre, a program which provided such assistance to students with severe learning disabilities, but which was being closed for cost reasons. As a result, his parents enrolled him in private school.

The District received funding from the Province, under a block funding approach. The Province capped funding for certain categories of disabilities in order to control the increasing number of students qualifying for supplementary funding. As a result, if the number of students requiring the funding was above the cap, a district would be forced to draw on the general provincial allocation to fund the services for these students.

The BC HRT held that the failure of the public school system to give Jeffrey the support he needed to have meaningful access to the educational opportunities offered by the Board amounted to discrimination, which was upheld by the Supreme Court. The Court agreed there was no doubt the District was facing "serious financial constraints" at the relevant time, and that this was a relevant consideration. It stated, "[i]t is undoubtedly difficult for administrators to implement education policy in the face of severe fiscal limitations, but accommodation is not a question of 'mere efficiency'" (at para. 50). However, the Tribunal found that cuts were disproportionately made to special needs programs. For example, the District retained some discretionary programs, such as an "Outdoor School", which had roughly the same operating cost as the Diagnostic Centre. The Court endorsed the view of Justice Rowles in dissent at the Court of Appeal that specialized, discretionary initiatives

"cannot be compared with the accommodations necessary in order to make the core curriculum accessible to severely learning disabled students".

More significant, however, was the fact that the District undertook no assessment, financial or otherwise, of what alternatives could be reasonably available to accommodate special need students if the Diagnostic Centre were closed. The failure to consider financial alternatives "completely undermine[d]" the District's argument that it was justified in providing no meaningful access to an education for Jeffrey because it had no economic choice: "[i]n order to decide that it had no other choice, it had at least to consider what those other choices were" (at para. 52).

The Province, which provided funding to the District, had also been found liable by the Tribunal. The Supreme Court set this finding aside, noting that although the District's budgetary crisis had been created, at least in part, by the Province's funding shortfalls, it was the District which failed to properly consider the consequences of closing the Diagnostic Centre or how to accommodate affected students.

Howard v. University of British Columbia (1993), 18 C.H.R.R. D/353 (B.C. Human Rights Commission), was another case where cost was found to be insufficient to constitute undue hardship. The complainant was a Deaf student who alleged that the University had failed to accommodate him in declining to providing an ASL interpreter. The Commission accepted that to do so was a considerable cost - $40,000 per year (in 1993) for the complainant alone, and there might be other students who would require interpretive services. However, it noted that the University's annual budget was approximately $700,000,000, and that there was no evidence that its operations would be seriously affected if it provided the complainant with an interpreter – there was in fact "no evidence at all about the potential economic impact of the requested accommodation" (at para. 50).

Dunkley v. UBC, 2015 BCHRT 100, was similarly a complaint involving a request for ASL interpretation, this time by a Deaf physician in a dermatology residency program. The University and her employer ("PHC") argued the cost to provide this service over the course of her residency would have been between $2.5 and $3 million, which it claimed was undue hardship. However, the Tribunal found two major problems with the respondents' argument. First, the estimate was unreasonably high as it represented a "worst case scenario" approach (based on a "freelance" rate for interpreters); the respondents had not considered other alternatives such as salaried interpreters. Second, there was no evidence that between UBC and PHC they could not have accommodated the cost. As in *Howard*, UBC had adduced no evidence of the effect on its operations. While PHC had adduced evidence of its budget, neither respondent explored the possibility of cost-sharing between them or with other entities, such as the Ministry of Health (which funded residency positions) and Vancouver Coastal Health, under which PHC operated and which had an annual budget of over $3 billion.

Clearly, not all respondents will have a similar level of resources as universities and health authorities. In *Egurney v. British Columbia Housing Management Commission*, 2006 BCHRT 561, undue hardship was established in a case of a request for ASL interpretation. The respondent was a garden club, which was made up of volunteers. The complainants argued that they were not able to communicate during club meetings due lack of interpretation. The Tribunal found that, with only $220 in the club's bank account, interpretive services were "clearly well outside its budgetary capabilities" (at para. 49).

An example of a case where alternative funding sources were considered was *Ledoux v. Gambler First Nation*, 2018 CHRT 26. Gordon Ledoux used a wheelchair and required a ramp to access his home. His brother, David Ledoux, who was the Chief of the Gambler First Nation, initially built him a makeshift skidoo ramp, but this was not sufficiently functional. He made a request for a proper ramp, but funds were not immediately available as Gambler was in a deficit and new funding would only be available after March 31 when the new fiscal year began. The Tribunal stated:

> It is easy to look at Gambler's financial statements in hindsight and say that there was money available in its budget during the relevant period to fund building the wheelchair ramp. But at the time of the request, building a wheelchair ramp at Gordon's house was unfunded and money needed to be found…

David attempted to secure another funding source, first contacting a CMHC program and ultimately finding some money earmarked for a wheelchair ramp at the band office that he used to construct a ramp at Gordon's home instead. Despite this, Gordon brought a complaint alleging discrimination on the basis that there had been a delay in its construction. The Tribunal found there was a *bona fide* justification for the delay in finding funds, as to have gone into deficit to pay for it earlier would have been undue hardship.

It is obvious from these decisions that a service provider will be expected to incur some hardship in respect of accommodating protected characteristics, including with respect to cost, and that there is an expectation that reasonable alternatives will be considered both in terms of the service itself, as well as methods to pay for it. *Moore* is particularly instructive, as the District administered and managed its programs based on government funding. Although it was experiencing severe financial constraints resulting in part from the level of government funding, its position on undue hardship ultimately failed because it had failed to *consider* any alternative to shutting down the Diagnostic Centre, such as cutting discretionary programs, offering an alternative program for severely learning disabled students, or attempting to find funding elsewhere.

There is a line, however, where the cost to accommodate becomes undue. Where that line lies will be obvious in some cases, but less so in others. Considerations for First Nations providing prevention services will be discussed in the next section.

5. Human Rights Considerations for First Nations providing Prevention Services

(a) Cost

Based on the case law, if a First Nation were to rely on financial hardship as a reason to deny a particular prevention service, the types of things it would likely need to establish include:

- That it had considered whether there was a cheaper alternative to the specific service requested, or whether the service could at least be partially provided;
- There was insufficient prevention funding to fund the service, in light of other priorities for the use of that funding;
- There was insufficient funding elsewhere in the FNCFS program, in light of other priorities for the use of that funding;

- There was insufficient funding elsewhere in its budget, having regard to other community priorities and important public services for its members; and
- It had explored other funding sources, such as the FNCFS Program emergency fund, or, alternatively, other government programs or funding that might be available to it.

If the First Nation sufficiently considered alternative services and funding, and made reasonable efforts to find money to pay for the service but was not successful, the failure to provide it due to legitimate budgetary constraints would likely be considered a *bona fide* justification. It would not be sufficient, in our view, for the First Nation to simply conclude that the funding from Canada was insufficient to pay for the service, without exploring any alternatives.

(b) Other considerations

Depending on the type of complaint, cost may not be the reason for the failure to provide the service (or provide it differentially) and would therefore not be a possible justification. For example, in *R.R.*, the complaint related not to the absence of services, but the manner in which the agency and its social workers treated the complainant in their dealings with her, and their decision to remove her children and restrict her access to them as a result of assumptions based on stereotypes and prejudice. This type of complaint demonstrates the importance for service providers of making decisions in an objective manner based on families' needs and circumstances, and not based on personal characteristics that are not relevant to the parent's ability to care for the child.

The cases also demonstrate the importance of consideration and documentation in making decisions as to whether to provide a service. If a First Nation decides not to provide a certain prevention service, or provide a service to some parents/families but not others, the reasons for this should be objective and based on clear criteria. In addition to cost, these criteria could include things like need, expected effectiveness/benefit of the service, and urgency.

6. Remedies

The remedies available to the CHRT are broad, and include the following:

- cease the discriminatory practice and take measures to prevent the practice from occurring in the future;
- make available to the victim the rights, opportunities or privileges that were denied;
- compensate the victim for any lost wages as a result of the discrimination;
- compensate the victim for the additional costs of obtaining alternative goods, services, facilities or accommodation as a result of the discrimination;
- compensate the victim up to $20,000 for any pain and suffering that the victim experienced as a result of the discrimination;

- compensate the victim up to an additional $20,000 if the discrimination was wilful or reckless; and,

- award interest on an order to pay financial compensation.

These amounts of financial compensation are lower than the usual range of damages in a negligence claim. However, where there are multiple complainants, the total award could be significant.

SUMMARY

Whether First Nations providing prevention services outside of an agreement with provinces/territories owe a duty of care to the recipients of those services is a novel question. They do not owe the same statutory duties as agencies and their employees who are providing services under provincial/territorial legislation, other than the duty to report children in need of protection. However, in our view, a court would likely find sufficient proximity to support a duty of care owed to children, but likely not to parents or other family members, in respect of the provision of secondary and tertiary prevention services. As with child protection, the purpose of providing these services to families is to reduce risk to children who are or may be at risk of harm, and secondary and tertiary prevention services are provided on an individual basis involving close interactions with families. However, it is less clear that there would be a positive duty to provide specific services, as opposed to as a duty to provide services in a non-negligent way.

If the First Nation is providing only primary prevention services, it is difficult to see how a duty of care could be owed, as these services are being provided at the community level, or to particular groups, and not targeted at individuals. It seems unlikely that this could place the First Nation into a sufficiently close and direct relationship with individual parents, children, or families to justify imposing a private law duty of care.

First Nations who have not exercised their jurisdiction over child and family services under C-92 or under s. 35 would likely still be considered sufficiently governmental in nature to benefit from core policy immunity as a defence to a finding of a *prima facie* duty of care. For core policy immunity to apply, the decision must be a considered one that is based on social, economic, or political factors; is made in good faith; and is not irrational.

The standard of care applicable to First Nations employees, without social work training, in the provision of prevention services would likely be lower than that expected of trained social workers in the child protection context. However, if a duty of care has been found and the employee has breached this standard of care, the First Nation will likely be vicariously liable. The employee also likely would not have immunity against personal liability (except potentially with respect to the duty to report) as the statutory immunity applies to the exercise of powers and duties under the legislation.

In respect of a First Nation's liability in human rights law, the Nation will almost certainly be considered to be providing a "service" to the "public" where it is directly providing prevention services, and likely also if it is making decisions regarding which prevention services will be provided and/or to whom, even if those services are ultimately being delivered by an agency. However, making very high-level and general decisions – for example, how much funding will be available for each of primary, secondary, and tertiary prevention – is less likely to constitute a "service" offered to the "public".

If a complainant has established *prima facie* discrimination in the provision of prevention services, undue hardship based on cost may be established. However, the First Nation will likely be expected to have considered reasonable alternative services as well as whether funding can be obtained from elsewhere to pay for the service. To avoid discrimination claims, First Nations should also ensure they are providing prevention services based on objective factors and criteria such as need, urgency, and the expected benefit of the service, rather than in a manner that could be considered arbitrary, based on irrelevant personal characteristics, or based on stereotypes or prejudice.

Thank you for the opportunity to provide this opinion. We look forward to discussing any questions you may have at your convenience.

Yours truly,

ALEXANDER HOLBURN BEAUDIN + LANG LLP

Per:

Kathryn McGoldrick
/KAM

APPENDIX B – OUTREACH MATERIALS AND QUESTIONNAIRE

Information for First Nations not served by a FNCFS agency

The Institute of Fiscal Studies and Democracy (IFSD) is pleased to continue working with the Assembly of First Nations (AFN), the Caring Society (Dr. Cindy Blackstock), and the National Advisory Committee (NAC) to support the long-term reform for First Nations child and family services (FNCFS).

IFSD is grateful and humbled by the commitment, trust, and generosity shown to us by FNCFS agencies and First Nations over the past four years. Together, we proposed a well-being focused vision of child and family services.

In January 2022, the parties to the Canadian Human Rights Tribunal (CHRT) proceedings on FNCFS announced an agreement in principle, which included compensation for past harms of the FNCFS system, and a commitment to long-term reform. *This commitment to long-term reform presents an opportunity to reset the FNCS system with a focus on well-being and the needs of First Nations.*

First Nations take care of their children and families in different ways. First Nations not served by a FNCFS agency will have different resource needs (funding, personnel, capital, etc.) to deliver services to support the well-being of children and families.

First Nations not served by a FNCFS agency have an opportunity to share their vision and needs for service delivery in their communities through this needs-assessment.

Our ask to you
We need First Nations to share their needs, experiences, and visions in child and family services in **one of two ways**:

1) **Complete a questionnaire:**
    a. Complete the questionnaire transmitted with this email.
    b. Return it to helaina.gaspard@ifsd.ca by **June 30, 2022**.
    c. Upon completion, receive one $300 gift certificate to a selected vendor for your First Nation (Amazon, Tim Hortons, Walmart, or Shoppers Drug Mart).

OR

2) **Serve as 1 of 10 First Nations collaborators:**
    a. Invite IFSD to visit your First Nation for 1 to 2 days.
    b. Share time, experiences and more detailed financial data and programming plans, as well as capital needs.
    c. Research collaborators will serve as models in this work and will have profiles developed (for their review and approval) to share their wise practices.

d. If you are interested in serving as a collaborator, contact helaina.gaspard@ifsd.ca | (613) 983-8461.

Why participate?

- This work is about First Nations control and care of delivery.
- Real data and experiences make this work relevant.
- IFSD needs your perspective to cost approaches and identify resource gaps.
- You can share your vision and propose a new approach for supporting child and family services activities in First Nations.

Sharing findings

As is its usual practice, IFSD will update stakeholders monthly on the project's progress. Updates will be released via email and posted to the project website (www.ifsd.ca/fncfs).

IFSD welcomes your ongoing feedback and suggestions (helaina.gaspard@ifsd.ca).

How will shared data be used?

Any data shared will only be used for the purposes of this project. Participants can withdraw at any time and any data they shared will be destroyed.

Any information that is disseminated publicly will be aggregated and/or anonymized to protect the privacy of research collaborators.

All data from questionnaires will be aggregated, and no individual participants will be identifiable in any publicly shared reports, updates, or briefings to stakeholders.

First Nations serving as research collaborators will be asked to review and approve any anonymized profiles built based on their work and experience prior to public dissemination.

How will my data and privacy be respected and protected?

Hosted at the University of Ottawa, IFSD is guided by ethical research guidelines respecting Indigenous Peoples. IFSD requested that FNIGC provide a technical review of its tools and materials.

All data shared by First Nations will be held on password protected cloud-storage system (OneDrive). All servers associated to IFSD's cloud-storage system are resident in Canada. Data shared will be accessible only to IFSD staff directly engaged in the project.

Any locally held data will be stored on IFSD research laptops only. Any physical copies of data or data shared on USB keys will be kept in a locked cabinet in a locked office at IFSD's office.

Research collaborators can withdraw at any time. Any data shared with IFSD will be destroyed.

The research protocols of individual First Nations will be followed.

About IFSD

IFSD is a research institute that uses money as a tool to analyze and solve public policy challenges. It is gratefully located on the traditional territory of the Algonquin People. Led by Canada's first Parliamentary Budget Officer, Kevin Page, IFSD works in Canada and abroad to lend decision-support to governments, the broader public and private sectors. Since 2018, IFSD has been collaborating with First Nations and First Nations child and family services agencies on the costing, design and delivery of child and family services. IFSD is pleased to continue its work in this area, collaborating with and learning from those serving children and families.

Case study overview for research collaborators:
First Nations not served by a FNCFS agency

First Nation research collaborators will be asked to share their needs in child and family services, as well as their existing approaches to service delivery, perceived successes, challenges, and data on programming/services, and related expenditures.

As contributors and partners in this work, First Nations collaborators will be asked to share their insight on the delivery of child and family services, resource allocations, and considerations for the future, including capital needs.

The information shared by First Nations research collaborators will be used to define a baseline of existing services and to capture and cost needs to deliver child and family services in First Nations not served by a First Nations child and family services (FNCFS) agency.

IFSD's standard practice is to anonymize all information shared by research collaborators, unless they wish to be identified by name and provide written permission to do so.

IFSD recognizes the importance of your work and the demands on your time and is committed to working with your availability. ***IFSD depends on your insight and contributions to ensure representation and validity of its work.***

IFSD will work with you to schedule an in-person visit in your community, in accordance with public health guidelines. If a virtual meeting is necessary, IFSD will schedule a session via MS Teams, Zoom, by phone, or using your preferred platform.

Guiding questions and themes for the exchange include:

1) Context:
    a. Tell us about your community and the people you serve.
    b. Tell us about your community's geography/location/remoteness considerations.
    c. Tell us about what child and family services focused services and programming work well and which work less well.
    d. Are there children in your community in care?
    e. What do you think your community needs to be better meet the needs of children and families?
2) Band Council overview:
    a. Tell us about your governance structure.
    b. Are there one or more organizations involved with children and families?
    c. How do organizations work together?

   d. Could coordination between service providers be improved to support holistic care for children and families?
3) Programming overview:
   a. Tell us about the programs and services provided by your community.
   b. Tell us about the child and family services and/or prevention services provided by your community.
   c. How do you align resources (human, financial, infrastructure) to your programming priorities?
   d. Are there program gaps or future directions/considerations for programs and services?
4) Tell us about legal costs associated to child and family services. Do you have sufficient funding to cover them? What are your sources of funding?
5) Tell us about travel expenses. Do you have the resources required for travel expenses? What are the sources?
6) Do you have existing sources for programming design and delivery, data analysis, and operational supports?
   a. Please describe those sources of support, e.g., regional organizations, communities of practice, etc. Can they be improved to better support your needs?
7) Are there functions a First Nations-led child and family services secretariat could fulfill to support you, e.g., programming design and delivery, data analysis, operational supports, etc.?
8) Resources and allocation:
   a. Do you have the resources (human, financial, infrastructure) necessary to provide programming for child and family services?
      i. Tell us about any challenges in attracting or retaining staff, e.g., housing, salary, etc.
   b. Do you have the relevant technology to design and deliver programming, e.g., hardware, software, broadband, etc.?
   c. What is your annual budget for child and family services and/or prevention programming?
      i. What are your budget sources, e.g., federal, provincial, own-source revenues, other?
   d. Has your community requested CHRT-mandated funding for prevention or other programming?
      i. If yes, was it received?
      ii. If not, why?
9) Do you have First Nation or Indigenous social workers or other staff to design and deliver your prevention programming? Do you have wise practices to share on providing culturally-informed training to your staff?
10) Capital needs assessment:
   a. What prevention services do you want/plan to provide in the next 5 years, 10 years, 15 years, and 20 years that you are not providing now?

b. What types of assets will you need to deliver on those services, e.g., building, vehicle, culture supports, etc.?
    i. If applicable, specify any set-up or functional requirements that go above and beyond standard office and meeting space.
c. What assets do you have?
d. What assets are missing/needed?
e. How will the needed assets be used? For how long?

Capital asset attributes
Condition: The actual physical and technical state of the asset.
Capacity: The ability of the asset to accommodate the First Nations children, families, and communities served for protection and/or prevention purposes.
Function: The ability of the asset to meet the needs of protection and/ prevention services.
Cultural: The ability of the asset to respect and meet cultural norms and traditions of First Nations served.

11) Data and performance:
    a. How does your community make programming decisions?
    b. How does your community determine what programming works?
    c. Does your First Nation capture its own information on the well-being of children and families in community, e.g., health, languages spoken, community engagement, and participation in cultural activities, etc.?
12) Other considerations:
    a. Challenges/obstacles faced or overcome by your community.
    b. Wise practices, programs, services to share.

IFSD
IFPD

QUESTIONNAIRE FOR FIRST NATIONS NOT SERVED BY A FNCFS AGENCY

You are invited to complete this questionnaire on behalf of your First Nation. The information and practices you share will help to identify needs and estimate the costs to support the design and delivery of child and family services in First Nations not served by a First Nations child and family services (FNCFS) agency.

Your participation in this questionnaire is voluntary. If at any time you wish to withdraw your participation, contact **helaina.gaspard@ifsd.ca** and your data will be destroyed.

Definitions

Child and family services: programs, resources, tools or supports that support the healthy social development of children and families, with a focus on building resiliency.

Prevention services: programs, resources, tools, or supports that aim to limit exposure or re-exposure to the child protection system.

Protection services: services to promote child safety, often by removing the child and placing them in care.

Child in care: a child of the First Nation that is in protective services, whether they are in care in the First Nation or outside of the community.

Fiscal year 2021–22: the period from April 1, 2021 to March 31, 2022.

First Nations-led secretariat: proposed national organization with regional connections to support data analysis and programming for First Nations by First Nations.

Post-majority supports: programs and services for youth ageing out of the care system.

Customary care and kinship adoptions: placement and/or adoption of children in care with family members.

Full-time equivalent (FTE): the number of employees that work a full-time work schedule.

Part-time equivalent (PTE): the number of employees that work less than a full-time work schedule.

First Nation: Province or territory:

Total population (include all persons residing on First Nation territory):

Geographic zone:

Contact name:

E-mail: Phone:

Existing programs and services provided by your First Nation

1. Does your First Nation offer child and family and/or prevention programs and services?

   ☐ Yes ◯ No

   a. If **yes**, select all that apply:

   ☐ Child and family services

   ☐ Prevention services

   ☐ Other (please specify):

2. Select the programs and services offered from the list below.

   ☐ Family violence prevention

   ☐ Healthy child development

   ☐ Maternal-child health and development

   ☐ After school programming and supports

   ☐ Poverty alleviation

   ☐ Family preservation

   ☐ Parenting supports and resources

   ☐ Healthy eating

   ☐ Healthy active lifestyle

   ☐ Land-based programming for children, youth, and families

   ☐ Safe homes for transition

   ☐ Group homes for youth

   ☐ Community housing or transition housing

   ☐ Respite services

   ☐ Mental health services

   ☐ Early learning and childhood development

   ☐ Special needs services

   ☐ None

   ☐ Other (please describe):

3. Do you offer post-majority care programs and/or services?

   ☐ Yes ☐ No

   a. If **yes**, tell us about your programs and/or services.

   b. Are there any changes or additions you would like to make to this program/service area?

4. Do you have policies or practices in place for customary adoption and kinship care?

   ☐ Yes ☐ No

   a. If **yes**, tell us about your policies or practices.

   b. Are there any changes or additions you would like to make to this program/service area?

5. Would you like to share examples of initiatives, programs, or tools developed or used in your First Nation to support children and families?

6. Are children from your First Nation in care (protection services)?

   ☐ Yes ☐ No

   a. If **yes**, how many children are in care?

Administration and staffing

7. Who is responsible for coordinating your programs and/or services? Select all that apply.

   ☐ Prevention services office or coordinator

   ☐ Child and family services office or coordinator

   ☐ Health services office or coordinator

   ☐ Elementary school administration

   ☐ Other (please specify):

8. How many full-time equivalent staff do you have to deliver services?

   a. What are their titles?

9. How many part-time equivalent staff do you have to deliver services?

   a. What are their titles?

10. Do you have any difficulty attracting qualified staff?

    ☐ Yes ◯ No

    a. If **yes**, what are some reasons why?

11. Do you have any difficulty retaining qualified staff?

    ◯ Yes ◯ No

    a. If **yes**, what are some reasons why?

12. Do you collaborate with other offices or services in the First Nation to deliver programs and services?

    ◯ Yes ◯ No

    a. If **yes**, select all that apply:

    ☐ Prevention services office or coordinator

    ☐ Child and family services office or coordinator

    ☐ Health services office or coordinator

    ☐ Elementary school administration

    ☐ Other (please specify):

Financial information

13. Do you have existing resources for programming design and delivery, data analysis, and operational supports?

- [ ] Yes
- [ ] No

a. If **yes**, please describe those sources of support, e.g., regional organization, community of practice, etc.

14. How could a national First Nations-led secretariat for First Nations child and family services support your First Nation? Select all that apply.

- [ ] Program design and delivery
- [ ] Data collection
- [ ] Data analysis
- [ ] Operational supports
- [ ] Other (please specify):

15. What is your annual budget for the services described in question #2 (fiscal year 2021-22)?

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16. What is/are the sources of your budget? Select all that apply.

- [ ] Band
- [ ] Treaty First Nation
- [ ] Federal government
- [ ] Provincial government
- [ ] Other (please describe):

Own source revenue

17. What is the source of most of your funding? Select one.

- [ ] Band
- [ ] Federal government
- [ ] Provincial government
- [ ] Own-source revenues
- [ ] Other (please describe):

Capital assets and technology

18. Where do you host your programming? Select all that apply.

- [ ] First Nation's community centre
- [ ] First Nation's gymnasium
- [ ] First Nation's school
- [ ] First Nation's health centre
- [ ] First Nation's social services centre
- [ ] Other (please describe):

19. Do you have the space you need to deliver your programming?

- [ ] Yes
- [ ] No

a. If **no**, what programming space is needed?

20. Do your programming spaces meet applicable building codes (e.g., technical specifications or regulations that help to ensure building safety and accessibility)?

- [ ] Yes
- [ ] No

21. Could your programming space be improved?

- [ ] Yes
- [ ] No

a. If **yes**, how could the programming space be improved?

22. Do you have the office space you need for your staff?

- [ ] Yes
- [ ] No

a. If **no**, what office space is needed?

23. Does your office space meet applicable building codes (e.g., technical specifications or regulations that help to ensure building safety and accessibility)?

- [ ] Yes
- [ ] No

24. Could your office space be improved?

- [ ] Yes
- [ ] No

a. If **yes**, how could your office space be improved?

25. Do you have the necessary technology to do your work?

- [ ] Yes
- [ ] No

a. If **no**, what technologies do you require?

- [ ] Faster internet connection
- [ ] Updated computer
- [ ] Additional software
- [ ] Tablet
- [ ] Mobile phone
- [ ] Data collection tools
- [ ] Data analysis tools
- [ ] Other (please specify):

26. Do you have assets (other than technology)? (An item is considered an asset when it is intended for use on a continued basis and is typically repaired, not replaced when damaged, and typically, has a useful life of more than one year).

- [ ] Yes
- [ ] No

a. If **no**, what assets do you need? Select all that apply.

- [ ] Vehicles
- [ ] Cultural and language programming tools
- [ ] Canoes, kayaks, paddle boards
- [ ] Other (please specify):

Desired services

27. Does your First Nation have the child and family services and prevention services they want and need?

☐ Yes ☐ No

a. If **no**, what is missing or what would you like to see included? Please specify.

28. Are there programs or services you would like to offer but cannot?

☐ Yes ☐ No

a. If **yes**, what are the limitations? Select all that apply.

☐ Funding

☐ Staff

☐ Programming space or tools

☐ Limited time for planning

☐ Funding or authority rests with another department or entity in the First Nation, e.g., education, health

☐ Program design

☐ Program implementation/delivery

☐ Program evaluation

☐ Other (please describe):

29. If you were to deliver your desired set of services for your First Nation, what would you estimate it would cost for one year? Consider for instance, the costs of personnel (salaries and benefits), program development, capital expenditures, etc. You can think of this as an estimated total budget for one fiscal year.

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Community well-being

30. How would you express your First Nation's vision of holistic well-being?

31. Does your First Nation capture its own information on the well-being of children and families in community?

- [ ] Yes
- [ ] No

a. If **yes**, what information is captured?

- [ ] Number of children in care
- [ ] Rates of family reunification
- [ ] Number of children accessing services
- [ ] Number of families accessing services
- [ ] Outcomes for children in care
- [ ] Outcomes for children accessing services
- [ ] Outcomes for families accessing services
- [ ] Community health outcomes
- [ ] Family violence incidents
- [ ] Languages spoken spoken in your First Nation
- [ ] Community engagement in community-based activities
- [ ] Community participation in cultural activities
- [ ] Other (please specify):

32. What data would be required to help advance your mandate?

33. Do you have the capacity to collect data necessary for:

Program design:	○ Yes	○ No
Budgeting:	○ Yes	○ No
Assessing well-being:	○ Yes	○ No
Long-term planning:	○ Yes	☐ No

a. If you answered **no**, what are your capacity challenges or needs?

- ☐ Funding
- ☐ Technical expertise to analyze data
- ☐ Data governance policy
- ☐ OCAP policies
- ☐ Other (please specify):

34. Are there other considerations about child and family services and/or prevention that you wish to share with IFSD?

35. May IFSD contact you to follow-up on this questionnaire?

○ Yes ○ No

Thank you for your participation

Completed questionnaires can be sent to **helaina.gaspard@ifsd.ca**

APPENDIX C – REGIONAL WORKSHOP SUMMARIES

May 19, 2023

Dear collaborators,

We write to you humbly to share the findings from our collaborative efforts.

IFSD recognizes the contributions of over 75 First Nations not affiliated to a First Nations child and family services (FNCFS) agency that shared their experiences and defined needs in child and family services from May 2022 to November 2022. National participation in the questionnaire (with the population adjustment for Quebec) was 46% (n=160).

We recognize that the data analysis process took significantly longer than initially planned. The varied nature of the data made analysis a much slower process than usual. We are pleased to be able to share our findings with you now.

First Nations not affiliated to a FNCFS agency have significantly different starting points and needs that should be reflected in future funding approaches. The table below summarizes IFSD's mandate and responses from engagement with First Nations and their representatives in this work (this includes both questionnaires and workshop engagement).

IFSD's Mandate and Responses to Questions

Mandate	Responses
Assess needs in First Nations not served by a First Nations child and family services (FNCFS) agency for the delivery of prevention and other child and family related services.	• Diverse and inconsistent starting points among First Nations • A clearly defined starting point and plan are critical to mapping a way forward • There is no baseline understanding of the resources, capacities, and needs of First Nations not affiliated to a FNCFS agency
Quantify a structure and a range of costed approaches for the delivery of child and family services focused activities on-reserve.	• Questionnaire data and collaborative efforts with First Nations yielded highly varied data • Defining one approach to cost analysis was not possible given the range of starting points, e.g., current services offered, no services offered, remote, rural, etc. • Lack of clarity around current budgets may suggest that those delivering services do not control regular funding (it is also possible that participants did not want to share the information)
Consider capital, programming, and operational	• Gaps reported in technology (e.g., hardware and internet connectivity)

requirements (e.g., staff, IT, etc.) in the analysis	• Significant gaps reported for staff and programming spaces • Challenges attracting and retaining staff • Capacity gaps for data collection and evidence generation

IFSD has prepared a national summary of findings, as well as regional portraits. These summaries are appended to the transmittal email.

IFSD's Next Steps

1) Build examples of funding models (with consideration of different starting points) based on findings;
2) Request regional review meetings of the models to ensure they capture different needs;
3) Prepare a final report for December 2023 with a summary of findings.

Should a presentation and discussion of findings be desired, kindly contact Tianna Tischbein – tianna.tischbein@ifsd.ca – by June 9, 2023, to organize a date/time for a regional session.

We are grateful for your time and effort spent collaborating with us to understand the opportunities and challenges before us. We look forward continuing this important work with you.

Sincerely,

Helaina Gaspard, Ph.D.
Director, Governance & Institutions

Funding approach considerations
First Nations not affiliated to a FNCFS agency

DRAFT – FOR DISCUSSION ONLY

May 2023

IFSD's mandate

- Assess needs in First Nations not served by a First Nations child and family services (FNCFS) agency for the delivery of prevention and other child and family related services.
- Quantify a structure and a range of costed approaches for the delivery of child and family services focused activities on-reserve.
- Consider capital, programming, and operational requirements (e.g., staff, IT, etc.) in the analysis.

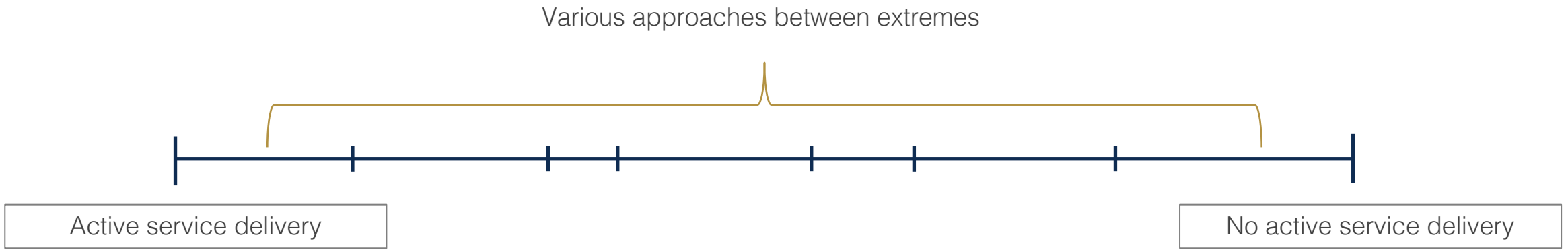
Considerations for a path forward

- There are gaps in cost data and variability in starting points that will require a nuanced approach to building funding models for First Nations not affiliated to a FNCFS agency
  - Questionnaire was released but cost data was limited;
  - 9 workshops hosted with helpful contributions but no consistency in mandate, activities, or starting point
  - 11 collaborator agreements released, only 5 returned, with limited engagement on case study development

- To build funding approaches, the following should be considered:
  - Define four typologies of funding models based on starting point and program/service delivery
    - Develop guiding questions to build differentiated budgets
  - Through regional organizations, engage in outreach to review/revise the approach for regional applicability

Typology analysis

- There is significant variability operationally, financially, and organizationally when it comes to how First Nations are delivering child and family and related services.
- Most First Nations are offering some services, but not the services they would like to offer to meet their communities' needs.
- There are two extremes: there are First Nations offering a variety of services in CFS and related areas at one end, and at the other, First Nations without active service delivery (or, where service delivery is desired).



Funding approach considerations

No single funding approach will be practical for First Nations not affiliated to a FNCFS agency.

- It is anticipated that the result of the analysis will be an approach with five components that can be applied based on context:

  1) Funding principles
  2) Baseline
  3) Program activities
  4) Performance framework
  5) Treasury Board Policy on Transfers

- These are components of a funding approach that First Nations not affiliated to a FNCFS agency can leverage to provide a diagnostic or basic needs assessment to substantiate or support planning.

Component	Definition	Costing considerations
Funding principles	Spirit and intent of funding guiding the structure of the allocation, e.g., consistency, carry-forwards, block or other mechanism.	The dollar amount associated to program design and delivery is the last step of the process. The principles that provide structure and guidance to the approach should be defined and aligned to the goal of the initiative.
Baseline	Starting point of services with consideration of First Nations' context.	Define the starting point, including existing services, staff, funding, capital, that will support future service delivery. If no baseline exists, proxies from other sources, e.g., First Nations, organizations with similar mandates for services delivery, etc.
Program activities	Various activities and services to be provided, e.g., early childhood education, mental wellness supports, etc.	Use data from existing models and programs to build cost estimates of desired programs and services. Sources include, Band Council, other programs, e.g., MFI, existing cost analysis, e.g., IFSD, industry standards, etc.
Performance framework	Vision of child child and family services indicators to track changes in the well-being of children, families, and the community.	The indicators should collect data for evidence generation. Care and control of delivery requires information for First Nations for planning, decision-making, and advocacy. Ensure the funding approach and framework are linked.
Treasury Board Policy on Transfers	Government of Canada requirements for receiving funds and reporting on activities/results.	The terms and conditions for the funding should be consistent with funding principles.

Readiness assessment

- A clearly defined starting point and plan are critical to mapping a way forward.
- There are key questions that a First Nation may wish to consider to plan their path forward on the delivery of child and family services.
- A framework to clarify the starting point is a useful tool before embarking on subsequent activities.

Guiding questions	Considerations	
What is your vision?	- What is the vision of a healthy child and family in your community?	
What's the problem you're trying to solve?	- Define the purpose and goals of designing and delivering services	
What will you do to solve the problem?	- Identify the activities you will take to deliver on goals - What are the root causes/sources of the problem? - What are options and tools at hand to address the problem?	
What do you need to solve the problem?	- Define the inputs, e.g., tools, resources, services, necessary to take action to deliver on your goal. Examples include, people, money capital, and data, etc.	
	Structure/organization	- Accountability mechanism - Mandate and approach to CFS
	People	- Align to mandate and service delivery - Consider training/capacity development - Human resources, e.g., salaries and benefits, staff wellness supports and services, etc.
	Money	- Cost estimate approach to CFS; use proxies, e.g., expenditure information from Band Council or from other sources, - e.g., IFSD, regional organizations, service providers, etc.
	Time	- When do you plan to begin implementation? - What's needed to get to the starting line? How will your needs change along the way? - Consider the different phases of planning, implementation, evaluation, etc., while ensuring children and families. receive services while the approach is being developed and is ready to be delivered
	Data	- Approach to data gathering and evidence generation to measure change to ensure your program and services have the desired impacts - System, tools, and practices for data collection and applications
	Services (expert services)	- Various, e.g., addictions services (especially, for children and youth), psychologist, counsellors, etc. - Identify sources, or approaches to sharing resources - Coordinated approach for families receiving both protection and prevention services - Coordinated approach for families moving on- and off-reserve (moving between services and systems)
	Capital	- Needs assessment - Engage with other departments in the First Nations. Are there common areas of need? Opportunities to leverage resources?
	Education (ongoing development)	- Explore training and development approaches to building community skills in CFS, e.g., partnering with colleges and universities, engaging with Elders - Opportunities for training for leadership, and other internal and external stakeholders, and service providers on the vision and service delivery approach

Questionnaire analysis

Principal takeaways

- First Nations not served by a FNCFS agency encompass a range of typologies, and have a variety of characteristics, e.g., geography, current capacity, program delivery, funding, etc. Their points of departure vary significantly, with some offering child and family services programming, and others unsure of their budgets.

- It will take time to recruit staff, build capacity, design programs, and in certain places, build structures appropriate to desired programs. These are essential considerations for any long-term and sustainable reform, setting up those supporting children and families for success.

- There are significant gaps in budgets and overall financial portraits. This will limit IFSD's ability for bottom-up cost analysis using data from the questionnaire.
  - IFSD is reviewing publicly-accessible financial statements from participating First Nations to try to understand if there are broader financial challenges in defining expenditures in child and family services.

- There are no relevant correlations or cost-driving patterns observable in the questionnaire data. This suggests diverse and inconsistent starting points, e.g., programs, services, staff, etc.

Principal takeaways from questionnaire analysis

- Budgets:
  - Lack of clarity around resources may suggest that those delivering services do not control/shape their budgets, but are rather provided budgets by their First Nation. Another possible explanation is that they did not want to share the information.

- Technology
  - Gaps in hardware and internet connectivity were reported.
  - This has implications for service delivery (incl. access to services outside of the community) and data collection/analysis.

- Building infrastructure
  - Significant gaps in staff and programming spaces were highlighted.
  - Capital needs assessment (national) will be undertaken with collaborators as part of this project.

Principal takeaways from questionnaire analysis

- Staff/capacity
  - Challenges attracting and retaining staff have been expressed nationally.

- Data collection and evidence generation
  - Capacity gaps.
  - Emphasis on input data, with limitations on well-being focused information.

Approach overview

- There is no baseline understanding of the resources, capacities, and needs of First Nations not affiliated to a First Nations child and family services (FNCFS) agency.

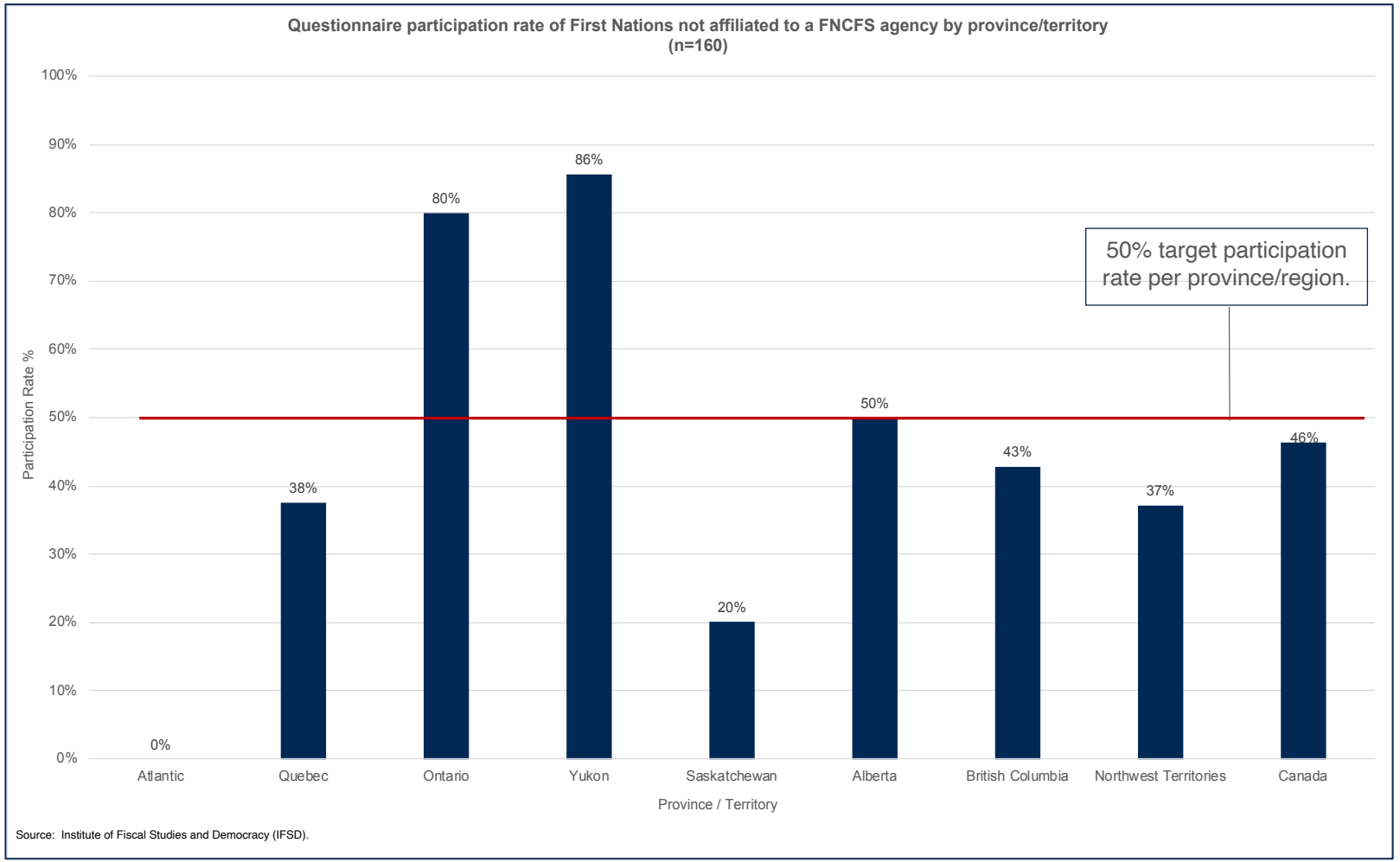
- To develop a baseline, IFSD reached out to First Nations not affiliated to a FNCFS agency requesting participation through:
  - A questionnaire (46% participation rate)
  - In-depth collaboration (5/10 collaborators confirmed; 11 collaboration agreements released)

Workshops across Canada

- In May and June 2022, IFSD hosted **9 workshops** with First Nations not affiliated to a FNCFS agency.
- IFSD heard from representatives (principally, technicians or those managing services, as well as some Band Council representatives) from over **70 First Nations Bands and over 125 participants**.
- Participants were invited to complete a questionnaire during the session and engage in discussion on current state and future needs.
- The different needs and starting points of First Nations not affiliated to a FNCFS agency should inform a future approach.

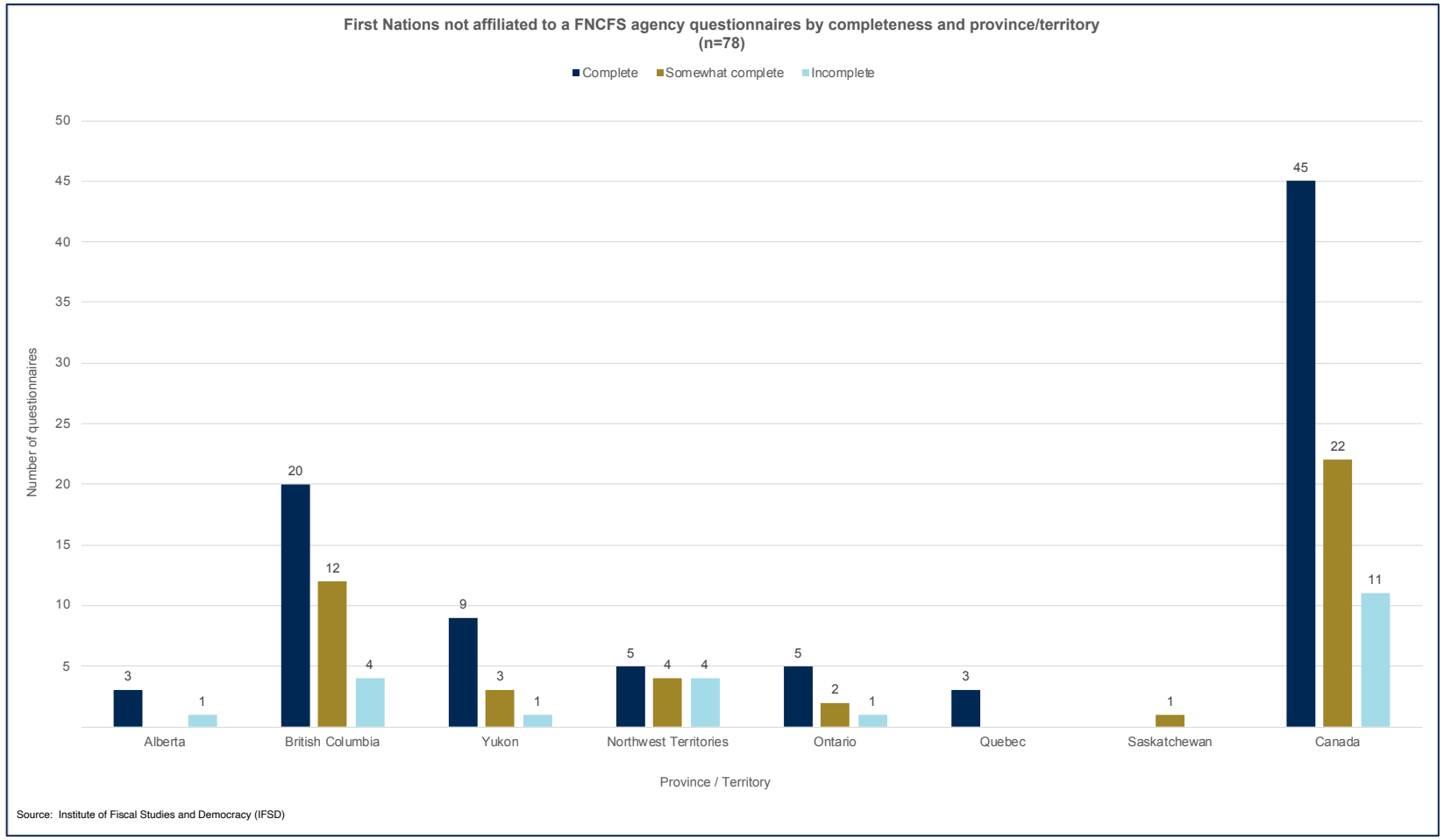
National questionnaire participation

- National participation in the questionnaire (with the population adjustment for Quebec) was 46% (n=160).



Note: Questionnaire completeness

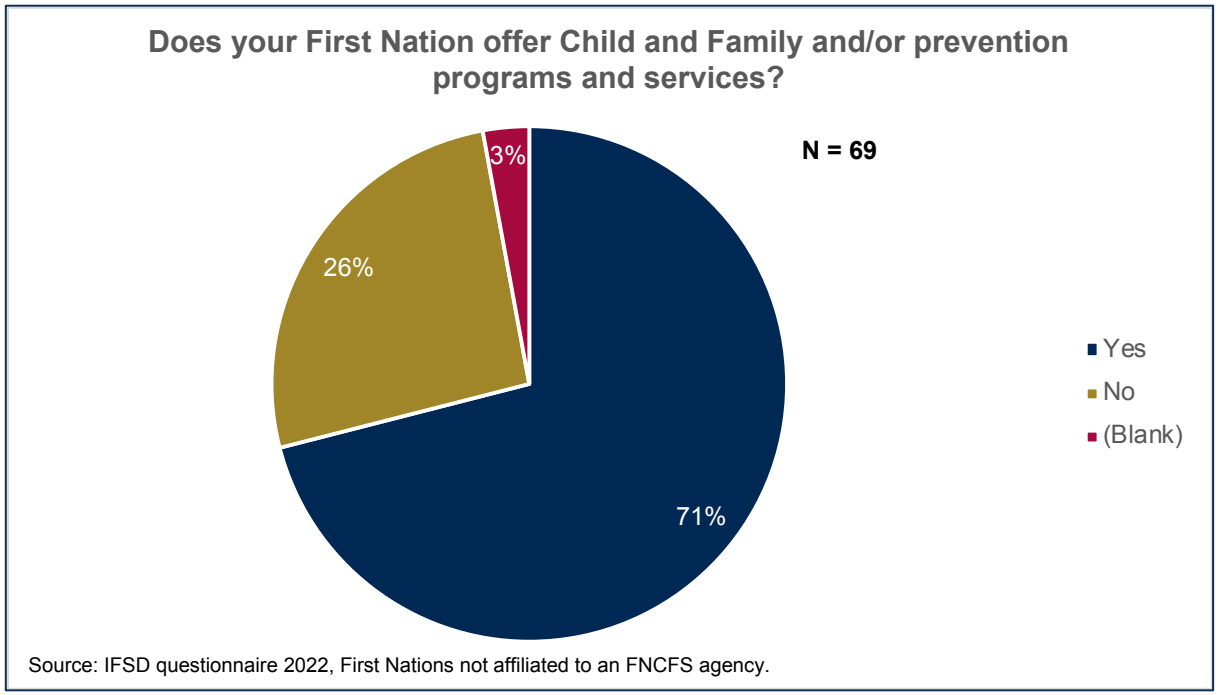
- Questionnaire completeness is variable.
- Not all questions were answered; some responses were incoherent or contradictory.
- Nearly 60% of submitted questionnaires were complete, 28% somewhat complete, and 14% incomplete/unusable.
- The Northwest Territories proportionally had the most incomplete questionnaires.



Source: Institute of Fiscal Studies and Democracy (IFSD)

Service provision

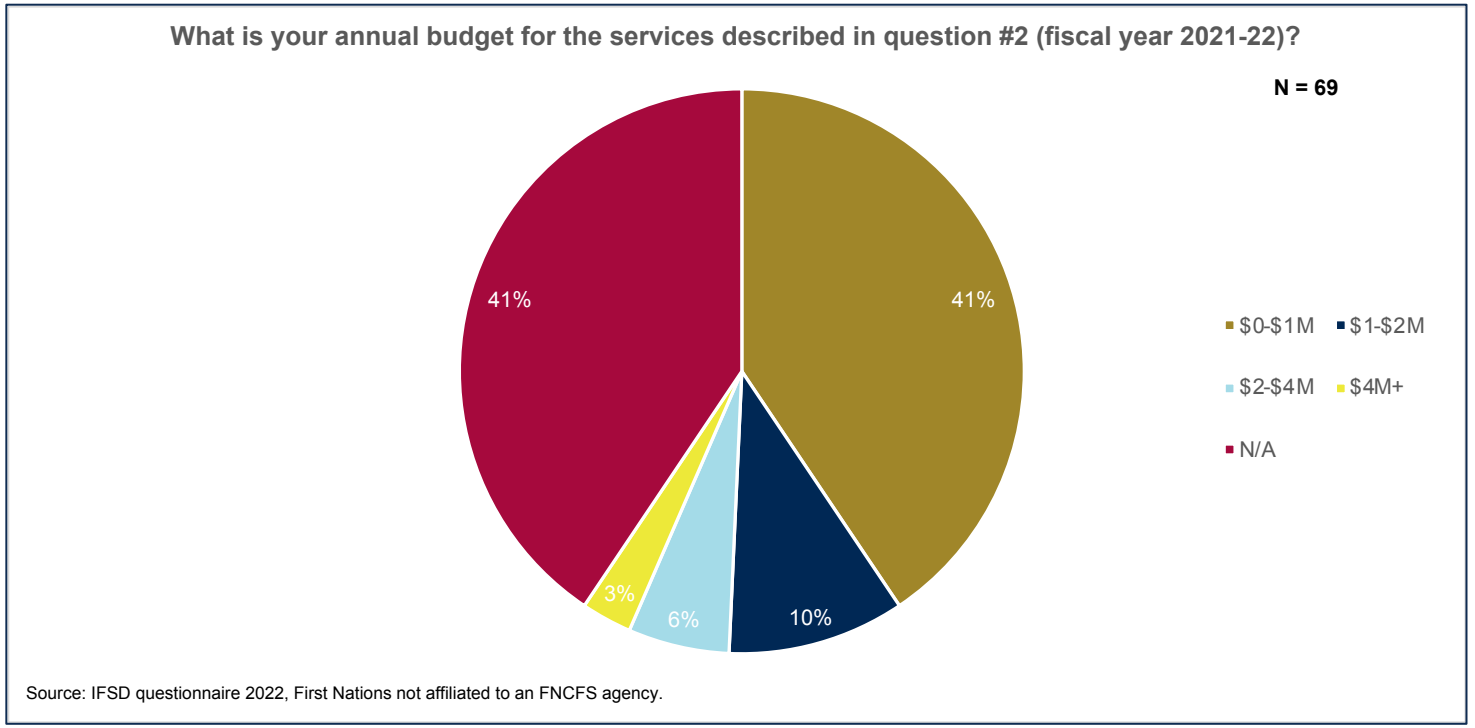
- Most First Nations reported delivering child and family services and/or prevention programs and services.
- Over a quarter of respondents reported not delivering such services (or did not respond).



Source: IFSD questionnaire 2022, First Nations not affiliated to an FNCFS agency.

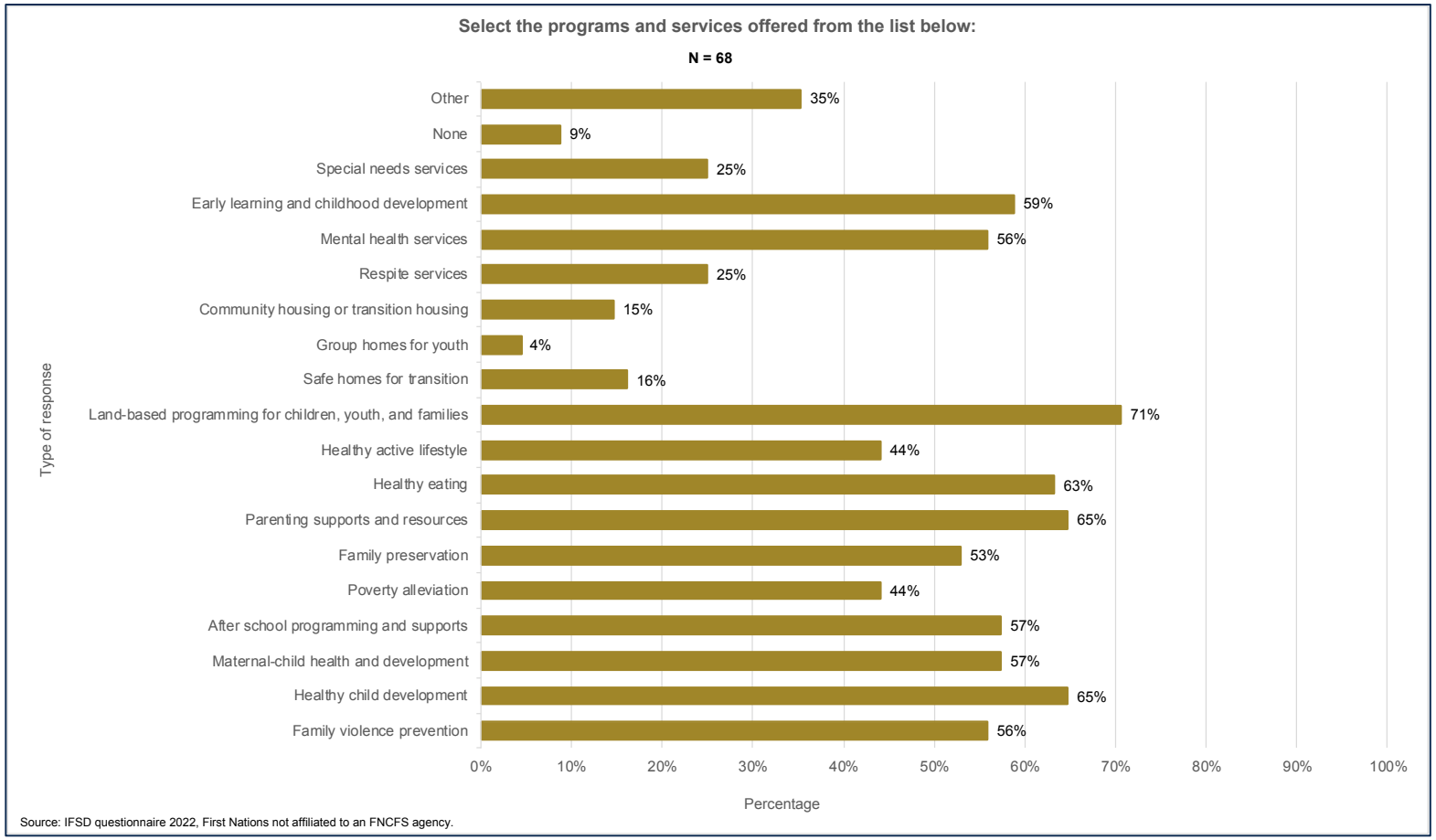
Expenditure information

- Limited expenditure data was provided by participating First Nations.
- Approximately 40% of respondents did not report a budget.
- Approximately 40% of respondents reported under $1M annual budget.



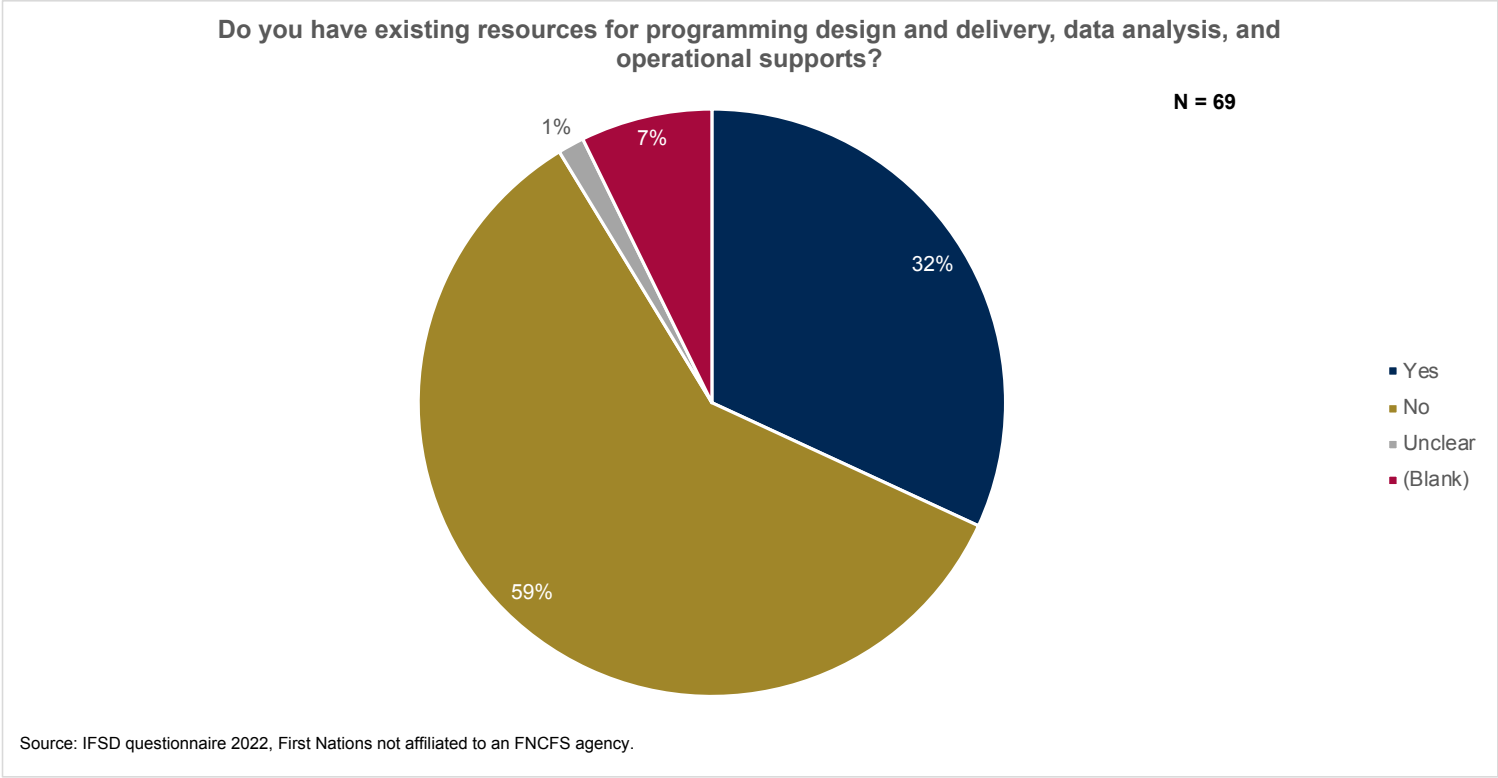
Current programs and services

- Outside of land-based programs, many programs offered by First Nations emphasize physical and mental health.



Resources for program and service delivery

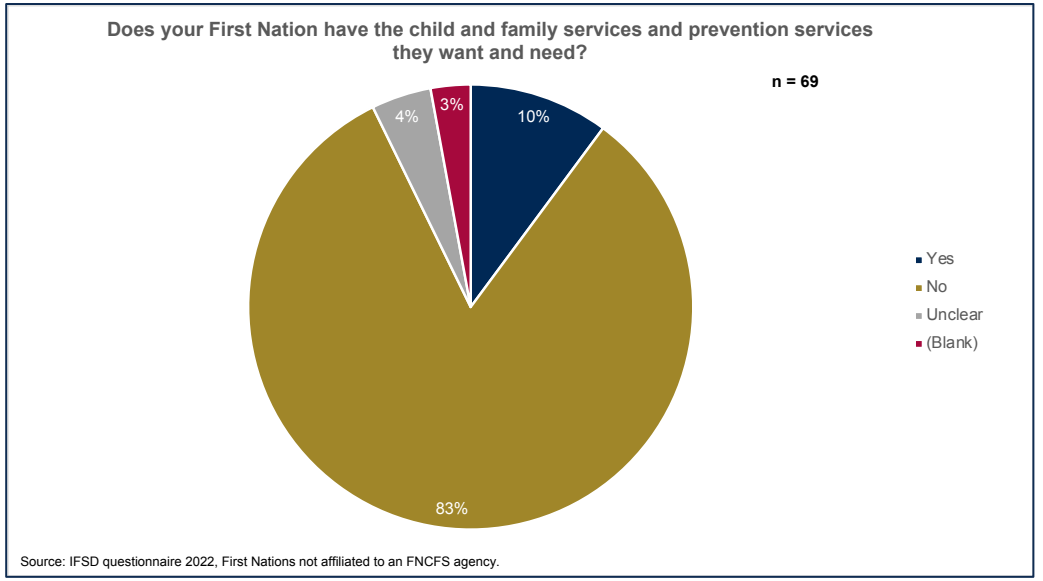
- Most First Nations do not have the resources and supports required for program and service delivery.



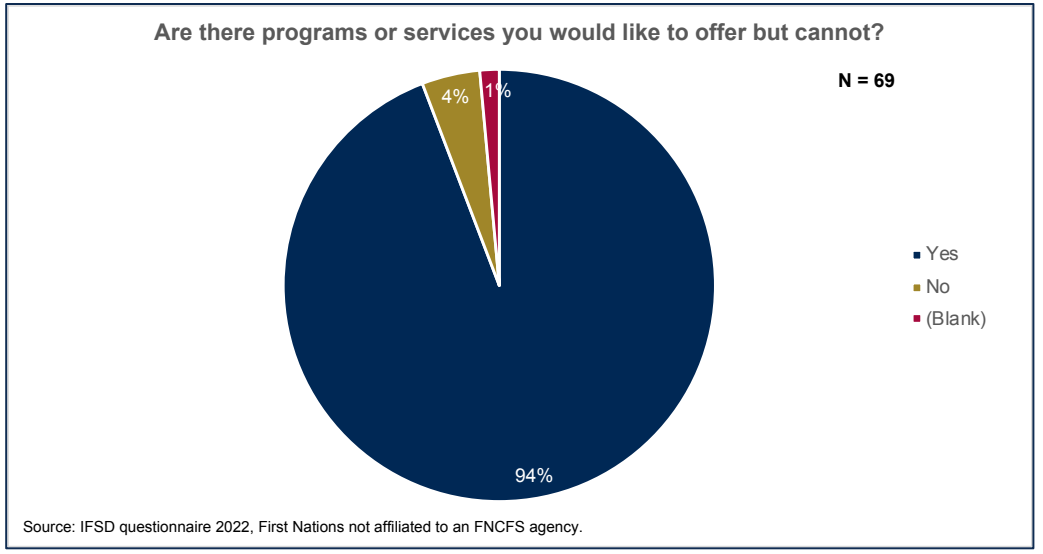
Source: IFSD questionnaire 2022, First Nations not affiliated to an FNCFS agency.

Capacity for program and service delivery

- Approximately 80% of respondents report that their First Nations are not offering the child and family services they want and need.

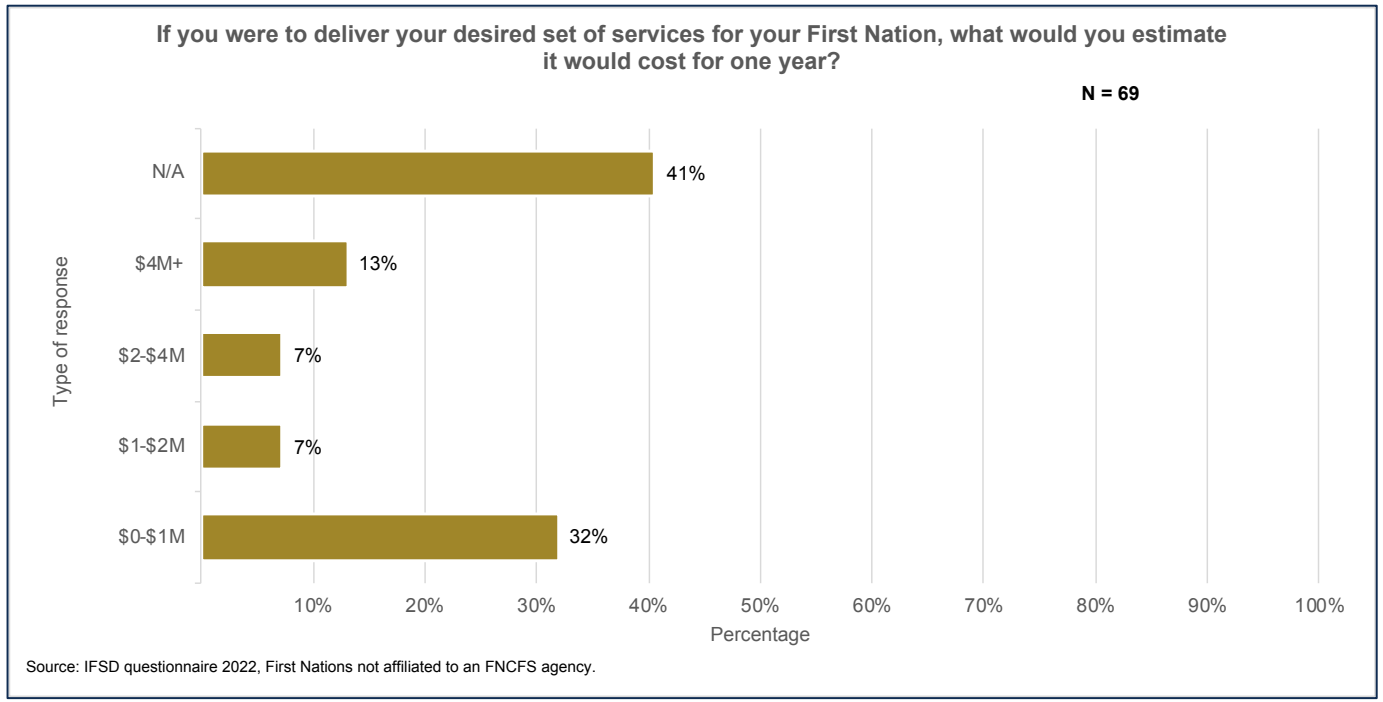


- Over 90% of respondents report not being able to offer the programs and services they would like.



Delivering desired services

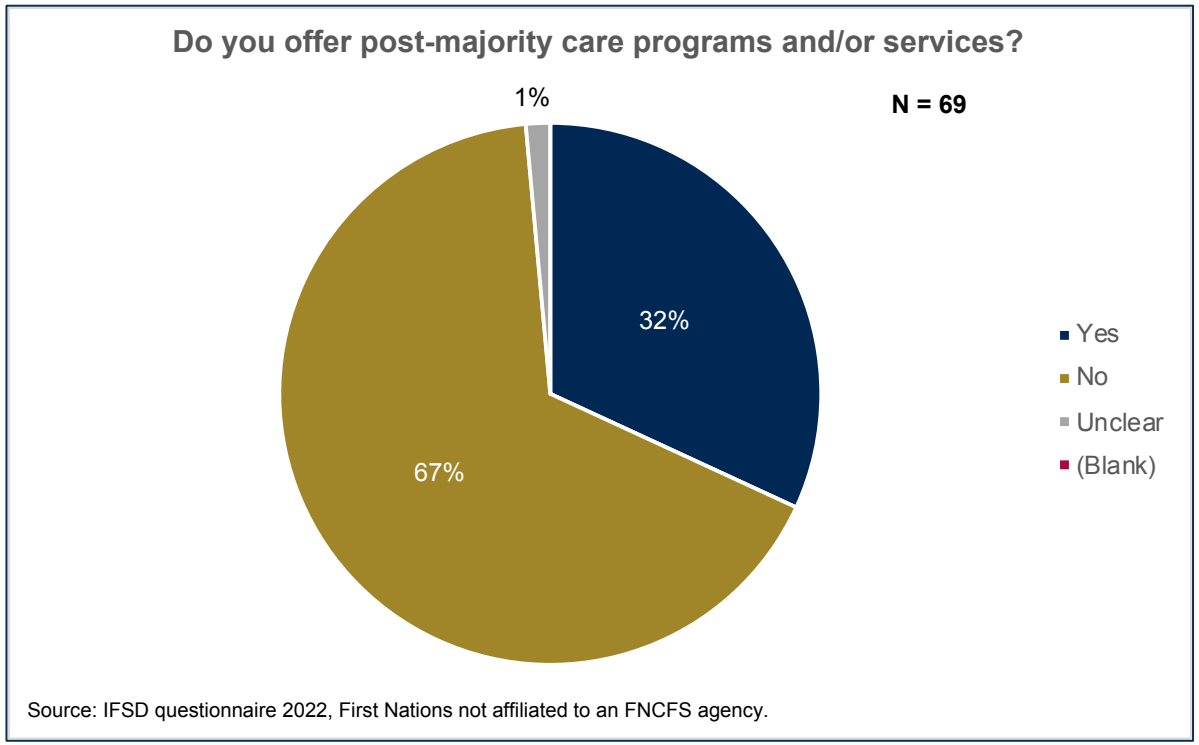
- When asked to estimate the cost of delivering desired services, 59% could provide an answer.
- Most of those responding, suggested that desired services would be under $1M (the same as the most frequently reported annual budget in the questionnaire).
- This could suggest a lack of planning opportunity or limited engagement with budget, i.e., it is provided by the First Nation rather than developed with service coordinators/providers.



Source: IFSD questionnaire 2022, First Nations not affiliated to an FNCFS agency.

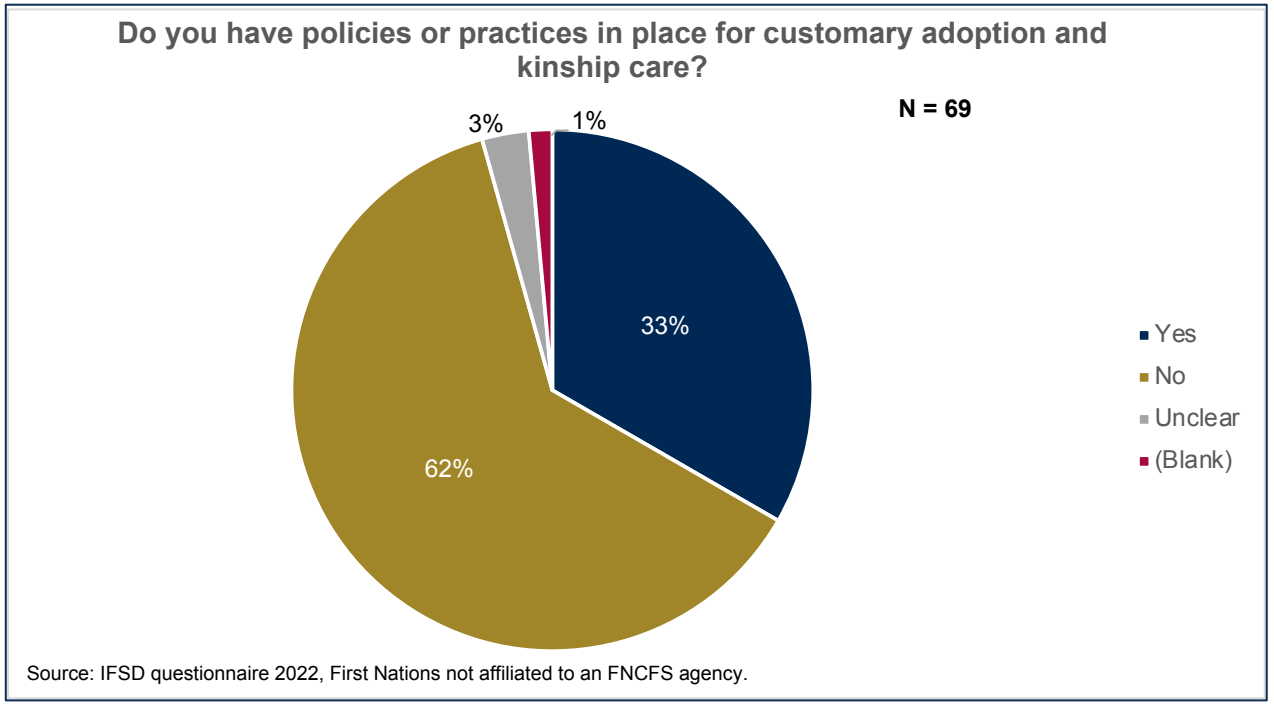
Post-care supports and services

- Most respondents do not offer post-care supports and services.



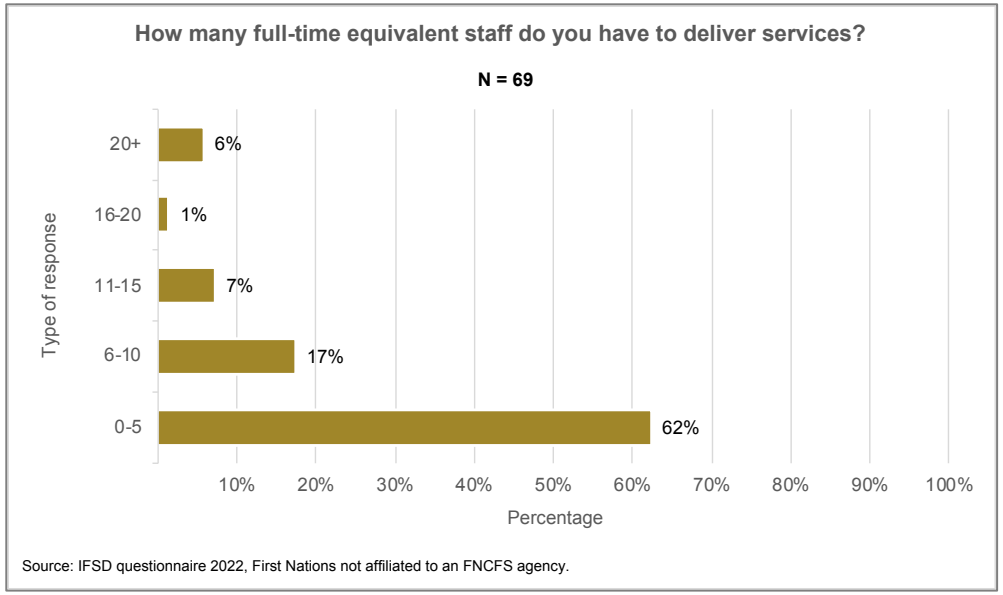
Customary adoption and kinship care

- Most respondents **do not have practices** for customary adoption and kinship care.

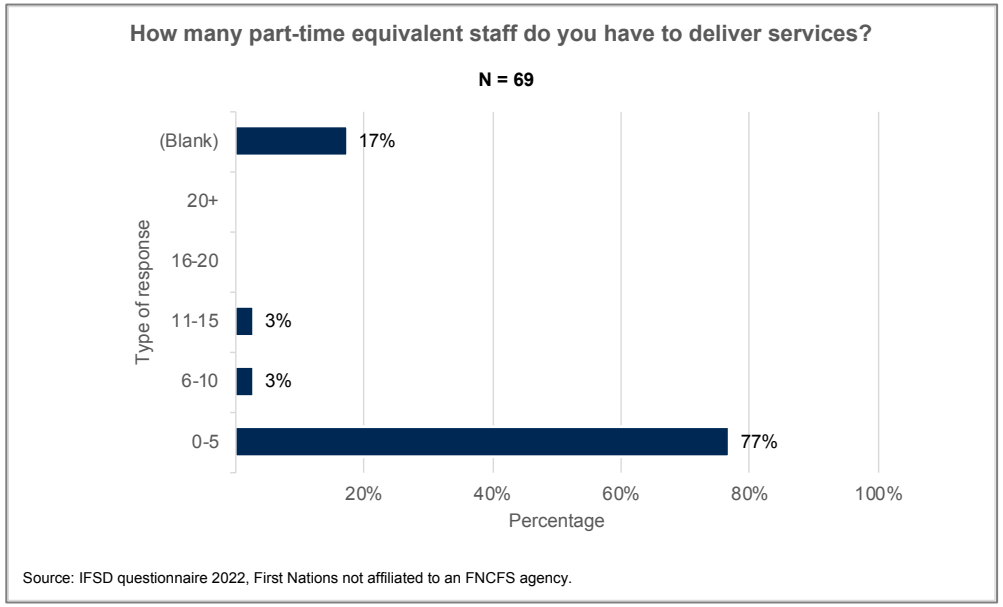


Staffing

- Most respondents report full-time and part-time staffing levels between 0-5 persons.



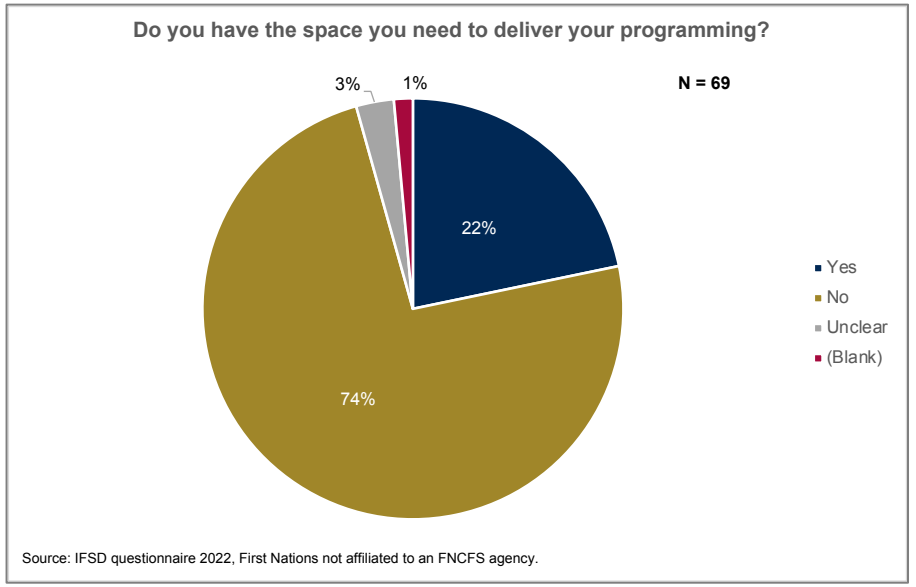
Source: IFSD questionnaire 2022, First Nations not affiliated to an FNCFS agency.



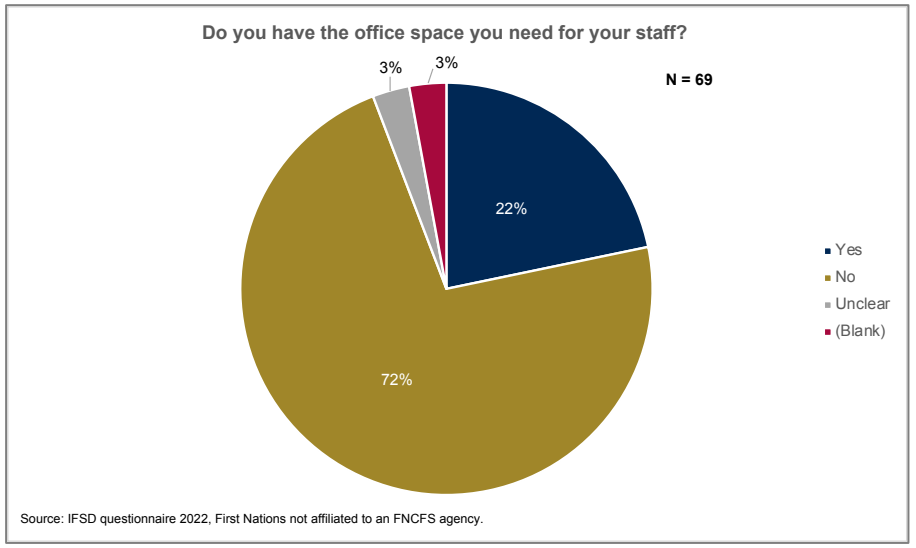
Source: IFSD questionnaire 2022, First Nations not affiliated to an FNCFS agency.

Capital

- Nearly 3/4 of First Nations do not have the necessary space for program delivery.

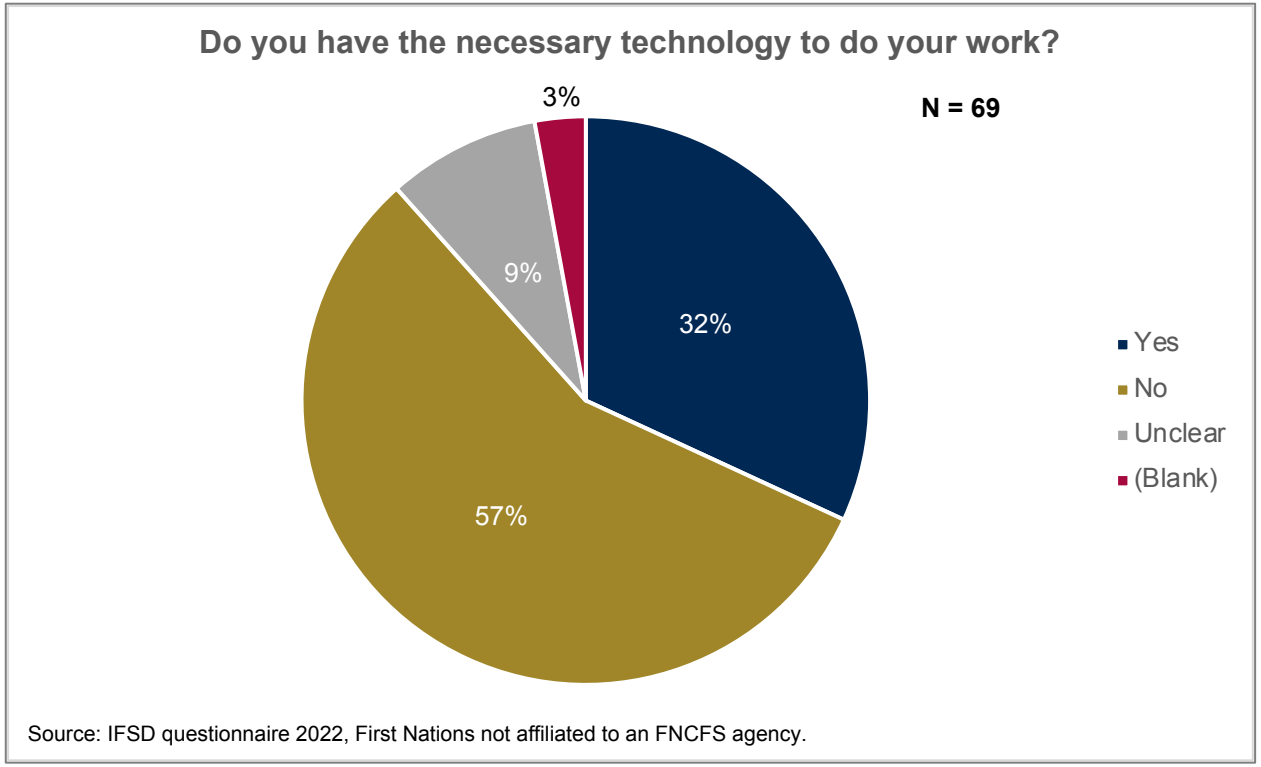


- Similar to programming space, staff office space is reported as needed by nearly 3/4 of First Nations.



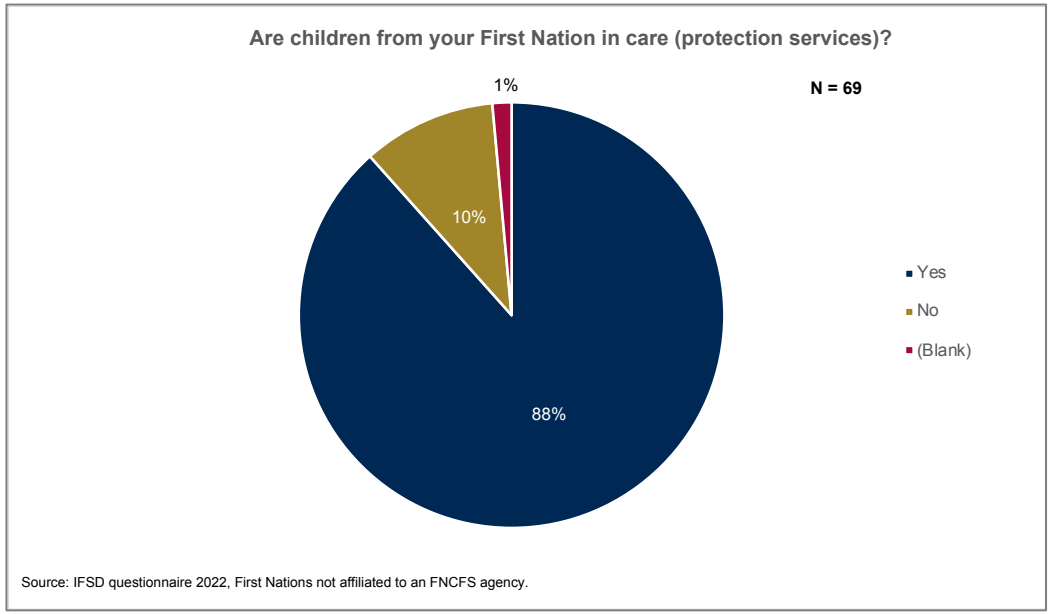
Technology

- Over half of respondents indicate they do not have the technology required to do their work.

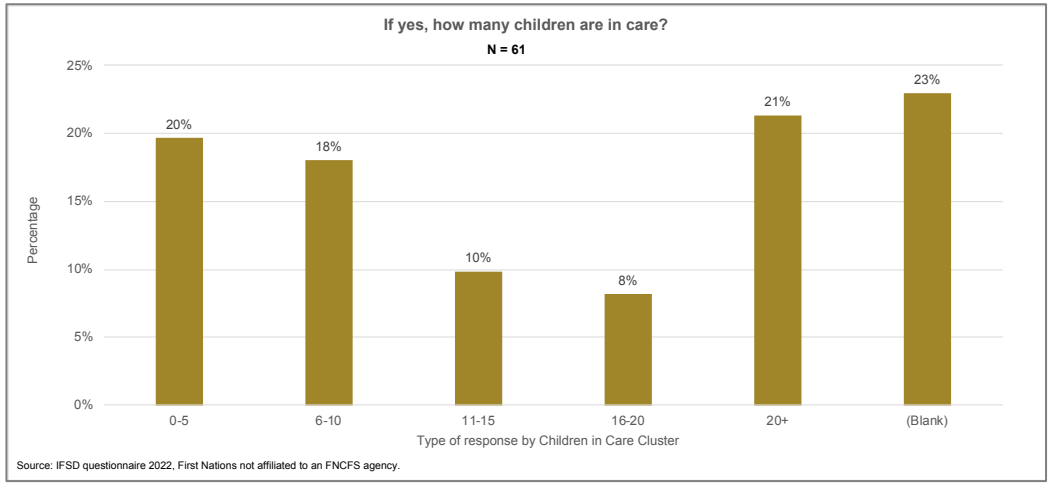


Children in care

- Nearly 90% of respondents report children in care.



- Of those reporting children in care, over 1/3 have between 0-10 children in care, and nearly 1/4 do not report the number of children in care.



Considerations and next steps

- There is a need and desire to increase supports and services to First Nations children
- First Nations have various starting points that should be considered in assessing resource needs
- A range of models should be anticipated for increasing supports and services to First Nations children

Get in touch

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Workshop Summary – First Nations not-affiliated with a FNCFS agency

Date: May 9, 2022
Location: Vancouver, British Columbia
Participants: 15 participants representing 10 First Nations

On May 9, 2022, IFSD hosted a workshop with First Nations not affiliated to a First Nations child and Family Services (FNCFS) agency in Vancouver, British Columbia.

During the one-day session, IFSD heard concerns that regional forums were not being adequately consulted on reform, especially, given the short timelines then planned to implement the changes. Participants voiced concerns about the speed of change, and the time needed to develop capacity within their communities to manage changes. In addition, questions, and concerns about the alignment of funding to reform were raised.

There were three principal themes that emerged from the discussion that followed the Chatham House Rule:

- different starting points and contexts among communities;
- service delivery and funding; and,
- approaches to defining and acting to foster well-being.

Different starting points and contexts among communities

The points of departure among First Nations vary, and there are important differences in scale, capacity, and operational sophistication among them. Participants highlighted aspects of a community that should be considered when planning for delivery of child and family services:

- location of the services (e.g., in-community or off-reserve; rural/urban),
- size of the community;
- remoteness; and,
- stakeholders involved.

Remote communities, in particular, face unique challenges. Accessing outside supports, services or funding for service delivery can be difficult, especially if the community is also small. Minimal infrastructure and a lack of housing can present added barriers to development in the community.

While additional resources are welcome, increased funding will not immediately address capacity issues. Participants highlighted an issue with distributing funding based on population size. Smaller nations still require funds to deliver services, but their funding is limited by population and is not connected to need. There is a fixed cost to delivering programs and services and not all First Nations have that foundation.

Service delivery and funding issues

Participants highlighted a disconnect between existing funding levels and needs within the community. This problem is compounded by communication issues between community-based social workers and MCFD staff. Participants highlighted that MCFD can overstep, and take over the work of social workers in First Nations communities. MCFD staff do not use culturally appropriate language and do not consider the diversity of traumas that may have been experienced by the families they are interacting with. Participants discussed their desire to transition to culturally-based programs that employ community members who understand local culture, trauma, traditions, and needs.

Participants identified several measures that could enhance child and family services:

- increased training for employees;
- building internal (First Nation) capacity;
- increased flexibility for spending decisions;
- associating with a delegated agency; and,
- partnering with the Ministry (for larger communities)

Participants also highlighted issues with children living off-reserve and their lack of connection to the community. There is a dichotomy between what can be done for children on-reserve versus off-reserve.

Participants discussed the importance of prevention services which can limit the need for intervention later. Isolated communities reported that they “fall through the cracks” and do not receive the resources required to deliver prevention.

Participants suggested adopting a holistic, lifestyle approach could be helpful for prevention. This would involve the entire community, not just one child or family.

Participants discussed challenges with shifting the approach of all services and programs to align with the goal of prevention. Staff have to be creative when providing services as they must follow many rules. After funding is received, flexibility in spending is minimal. For instance, respite homes have been helpful in delivering prevention services and avoiding the unnecessary re-location of children.

Approaches to well-being

Participants highlighted various visions of well-being, including:

- managing their own child and family matters;
- looking inward rather than outward to re-build communities;
- greater collaboration within First Nation agencies and departments;
- housing is adequate and allows community members a place to thrive;
- to be united, proud, and confident in our culture and taking care of our land and resources; and,
- being healthy, self-reliant, and prospering.

Participants emphasized the importance of a holistic, community-based approach to well-being. Participants discussed the idea of “wrapping our ways around the child.” This could involve a circle of a care team working with multiple parties to create a cultural plan for the child. It could also involve collaborating with other organizations and First Nations.

Child and family services should be understood horizontally. Participants discussed addressing the root causes of issues in the community such as housing, water, and food insecurity. Approaches to addressing these issues will vary based on the community’s unique context.

Participants also emphasized decolonization and healing from intergenerational trauma.

Participants suggested several elements as critical to this process:

- reconnecting youth with culture through elders, language, and laws;
- building partnerships with chief and council;
- hiring community workers;
- increasing training for staff; and,
- building unity within the nation.

Workshop Summary – First Nations not-affiliated with a FNCFS agency

Date: May 10, 2022
Location: Vancouver, British Columbia
Participants: 18 participants representing 12 First Nations

On May 10, 2022, IFSD hosted a workshop with First Nations not affiliated to a First Nations child and Family Services (FNCFS) agency in Vancouver, British Columbia.

During the one-day session, that followed the Chatham House Rule, participants focused their discussion on four themes:

- Service types offered to children and families and the approach to service delivery;
- Issues or challenges in delivering these services;
- Defining well-being in different communities; and,
- Requirements/needs to meet the vision of well-being.

Participants shared their uncertainty about reform. They were clear that consideration should be given to existing models and how they have failed First Nations. For reform to have meaning, it must recognize and meet the diverse needs of First Nations.

Reform will take time, especially to recruit needed staff. Increased funding will be helpful, but is not an immediate solution. It is unclear how new funding and new laws will change the current system. Participants suggested the need for more study (including support from lawyers, communications experts, and policy analysts), and a working group to evaluate the process on an ongoing basis.

Developing capacity, and implementing reform, will take time. **Change is happening quickly, but this is just the beginning of a long journey.** Participants suggested that first Nations should meet to provide technical support and advice to each other.

Service delivery

Developing and delivering services tailored to the unique needs of a community is a critical and time-intensive exercise. A community that can design and deliver its own services looks after itself, without the involvement of outsiders. Participants highlighted that holistic, wrap-around services work well for their communities. This approach to service delivery considers the person and their relations to their family, community, and environment. Working from a prevention mindset is important to supporting communities in their healing journeys.

Issues affecting service delivery

Challenges in communities are horizontal and interconnected. Participants discussed how a problem in one area can have negative effects on another, because people and communities are not siloed. Their existence, just like their well-being, is holistic.

When it comes to the design and delivery of child and family services, participants highlighted several issues that affect service delivery:

- Housing – lack of adequate housing is common in communities
- Infrastructure – there is a need for more programming and operations space
- Addictions – greater space and funding is needed to treat addictions
- Colonization – the inter-generational impacts of colonization influence service delivery approaches
- Trauma – communities have unique traumas that cannot be treated uniformly
- Capacity – recruitment and retainment of staff is challenging

Well-being

There was general agreement that well-being should be understood holistically, and that its details would differ among First Nations. During the discussion, the following components of an understanding of well-being were identified:

- Well-being should be understood holistically
- Families should be treated together, instead of separating children and parents
- Indigenous languages and values should be prioritized
- Healing needs to occur for reform to be a reality, especially for those who attended residential schools
- Healing means going back to the land, culture, and learning things like ancestors did
- Services should be culturally appropriate
- Urban centres are culturally integrated with communities

What is needed

Participants suggested several approaches and needed steps to move toward their visions of well-being:

- Implementing a specific department for child well-being/child and family services
- Increasing collaboration between departments within First Nations
- Integrating levels of governance (i.e., including elders, chief and council, and community)
- Increasing transparency in decision-making
- Exercising right to develop policies unique to the community
- Increasing access to cultural activities
- Providing adequate housing
- Prevention is prioritized over intervention

Workshop Summary – First Nations not-affiliated with a FNCFS agency

Date: May 12, 2022
Location: Prince George, BC
Participants: 9 Participants representing 6 First Nations

On May 12, 2022, IFSD participated in a meeting of First Nations not-affiliated with a FNCFS agency. Participant discussion centred on four areas:

- what and how services are offered for children and families;
- issues affecting service delivery; and,
- moving forward with reform.

Service delivery

Embracing cultural practices has been a success. Implementing culturally appropriate programs like a women's group and a parenting program, has been helpful. Some participants provide ceremonies for each child at birth, which helps support the child's identity and provide a link to their family.

The MCFD approach is not culturally sensitive and has been harmful. Children are not receiving culturally appropriate care with MCFD staff. First Nations staff are forced to manage MCFD workers to ensure children are receiving appropriate care.

Issues affecting service delivery

Challenges in the community are horizontal and linked, and participants discussed how a problem in one area can have negative effects on another. Participants highlighted several issues that affect service delivery:

- Loss of culture – children are disconnected from their traditions and culture
- Intergenerational trauma – government practices (e.g., residential schools, sixties scoop) have been extremely harmful. Transparency of trauma has been helpful for community members to reflect and share experiences
- Lack of support for family systems – re-establishing the matriarchal system of support will take time. Teaching parents traditional skills has been helpful, especially through women's groups
- Addictions – support services are needed. Community members want help, but don't know how to access supports. MCFD is not supporting the process of breaking cycles
- Lack of services for children aging out of care – individuals cannot access services or housing on-reserve
- Lack of funding for cultural activities – some funding is accessible through grants, but more is needed to sustain these services over a longer time-period, especially given staffing issues
- Capacity – recruiting and retaining qualified staff is an ongoing issue

Reform

Cycles of trauma need to be broken to avoid perpetuating the colonial system. Bringing back customs and traditions, especially through teaching children the languages, about territories, and beliefs is important. Indigenous customs, beliefs, and laws should supersede any colonial system of policies, laws, and procedures. This is a challenge as residential schools destroyed many cultural traditions and customs. One participant stated, “now we are reversing assimilation, colonization, and intergenerational trauma from residential schools.”

New legislation has been helpful, but there are still problems. MCFD is now forced to follow protocols, although some of the ministry workers are still harmful. Cultural practices can help break this cycle, but collaboration among stakeholders is needed to make this happen. Departments should work together as people are navigating multiple systems with similar issues. Community members should be involved in developing the approach service delivery, so that it reflects the needs of the community.

High turnover at MCFD needs to be addressed. The turnover creates more work for First Nations staff to teach them appropriate protocols. It would be helpful to have a committee of elders and other community members to sit on an advisory board for service delivery. Gradually service delivery should be run completely through the First Nation. To get to this stage, communities need greater resources, capacity, and support.

Workshop Summary – First Nations not-affiliated with a FNCFS agency

Date: May 16, 2022
Location: Whitehorse, YT
Participants: 19 participants representing 11 First Nations

Child welfare challenges do not stem from a single issue, but multiple issues that transcend generations, e.g., poverty, unemployment, access to health and mental health services, parenting skills, food security, housing shortages, etc. Addressing the root causes of challenges is necessary for long-term change. A culturally informed whole of community approach – children, families, elders, youth – is required to support grieving and healing.

"The legacy of systemic issues is being transferred throughout generations."

Changing the approach to CFS will take time and resources. CFS crosses generations with root causes in poverty, housing, food security, trauma, violence, etc. Prevention supports and programming should address these core issues.

To date, CFS has been a government-led activity. This means that everything from front-line supports, services, and staff, to 'back office' functions in finance and governance will need to be built, transitioned, and improved over time. Attempting to design and plan in an uncertain environment is a challenge. The opportunity for change is encouraging and positive but requires clarity to maximize benefit for First Nations.

On May 16, 2022, IFSD participated in a meeting of First Nations not-affiliated with a First Nations child and family services (FNCFS) agency.

Four themes emerged from the discussion that followed the Chatham House Rule:

- service delivery in a changing environment;
- issues in delivering these services, notably, differences between Whitehorse and communities;
- expressing and developing well-being in communities.

Service delivery

CHRT money has helped build capacity through hiring support workers, service workers, and addiction counsellors. Prevention services are now being considered, as well as AIS for data collection, and a peace management system.

Service delivery needs to be culturally appropriate. To build capacity, it has been helpful to have new staff have community engagements with Elders to support training and self-care. Training is important, especially capturing the culture and language, and building a way to transfer knowledge from Elders to community members.

Building an approach to prevention is important, but it is difficult given staff capacity issues. There's pressure from the community, and from leadership, to deliver prevention services, but staff do not have the time or resources. Crisis response continues to take precedence over planning prevention services.

Funding mandated by the Canadian Human Rights Tribunal (CHRT) rulings at actuals has been a source of change. It has supported internal capacity building, the hiring of staff, and program delivery. The challenge, however, is what happens beyond year 5, i.e., after the prevention funding is set to end. Sustainability and consistency of funding is unclear and as one participating expressed, it's like trying to work "with imaginary numbers."

Issues affecting service delivery

There is a significant gap in the availability and accessibility of services in Whitehorse and other places outside of the city. This includes accessing health and mental health services, post-care supports, transition support for youth, etc. Transportation to even access Whitehorse can be limited, compounding these challenges.

In communities, issues are horizontal and interconnected. Participants discussed how a problem in one area can negatively impact another. There were several issues that were raised as issues affecting service delivery:

- Staff are overwhelmed, overworked, and burnt out
- There is a lack of infrastructure for community events, daycare, and cultural activities
- It is difficult to recruit and retain staff given low wages and housing issues. Participants want to hire more local community members
- Income-based and employment-based poverty are issues. Social assistance for families does not match inflation
- Data collection is an issue. Communities operate on different systems, some of which are inefficient
- Transportation can be a challenge, especially outside of Whitehorse
- Police involvement after-hours can be harmful
- Planning operations through Jordan's Principle can be contentious and may only alleviate short term issues.

Expressing and developing well-being

When it comes to expressing and executing a vision of well-being, participants expressed a mix of operational and capital requirements to support changes in their communities:

- a bigger centre that includes domestic violence support, playrooms for kids, crafts, and rooms for families
- programs that teach parenting skills

- moving out of crisis mode
- community events like meals at the longhouse to connect
- space for holistic health and wellness
- a casual space for multiple generations to interact

There are different points of departure, with variability in the capacity, program/service delivery, and infrastructure of the participating First Nations.

Infrastructure for program delivery is limited. There are needs for space and tools for programs/services, as well as for staff offices/work areas. Reliable Internet connectivity (with adequate speed) is a challenge for many First Nations.

Capacity for service delivery can be limited. There are shortages of qualitied staff and training community members takes time and resources. Attracting and retaining staff in communities can be difficult with housing shortages and low wages. Those working in child and family services often burn-out, being overwhelmed and overworked.

There was an openness expressed for data collection, but available resources and capacity among participants varied. Some were actively collecting and using their own data, while others were dependent on paper records.

Workshop Summary

First Nations not-affiliated with a First Nations child and family services (FNCFS) agency

Date: May 18, 2022
Location: Edmonton, Alberta
Participants: 19 participants representing 5 First Nations

On May 18, 2022, IFSD participated in a meeting of Alberta First Nations not-affiliated to a FNCFS agency.

During the discussion, participants discussed reform in child and family services. Reform was happening quickly, from the perspective of participants, with limited clarity on what shape changes would take. With the many moving parts, there were concerns about 'missing out' on new funding opportunities, as well as the sustainability of funding after the five-year commitment.

As participants shared their First Nations' contexts, they emphasized the need for a baseline understanding of different starting points. Data collected by First Nations for First Nations would be support control of their own information and narrative. Analysis of the information could support funding requests and track changes in First Nations over time.

Reactions to reform through jurisdiction were mixed. When it comes to the *Act respecting First Nations, Inuit and Métis children, youth and families*, some participants expressed that a government cannot give another nation the right to make their own law, e.g., "Why is Canada trying to give us permission to watch our own kids when we already have our own laws?" There were concerns about undermining First Nations sovereignty and autonomy with the law. Additional challenges come from the province's lack of recognition of sovereignty and action on reconciliation, even though it must follow the federal Act.

Four themes emerged in the discussion that followed the Chatham House Rule:

- what and how services are offered to children and families;
- issues/challenges in delivering these services;
- what well-being means to various communities and what is needed to achieve it.

Service delivery

The province can do a better job of collaborating with First Nations and acting in a way consistent with the principles of substantive equality and the best interests of the child. For instance, some participants suggested that a band designate should be the first point of contact for any protection-related concern of a First Nations child.

Children who are placed in foster homes off-reserve are not receiving culturally appropriate care. These children are not exposed adequately to their language, culture, and heritage. This can add significant downstream costs. When children are not taken care of, they are more likely to experience homelessness, addiction, and a lack of education.

Participants emphasized that prevention is just as important as intervention.

Issues affecting service delivery

Challenges in communities are horizontally linked, and participants discussed how a problem in one area can have negative effects on another.

Participants highlighted several issues that affect service delivery:

- Data gaps - there is minimal data availability and interpretation
- Parental supports - parents do not know what their rights are
- Aging out of care – lack of transitional supports
- Housing – often overcrowded or inadequate
- Kinship placements are not permitted
- Addictions – treatment and supports are needed
- Frontline workers are not included at the table to share their experiences

The service delivery challenges highlighted intersect with the province, especially, as they relate to the handling of protection concerns. As noted earlier, matters of data are issues of care and control for First Nations that merit closer attention in the context of child and family services.

Well-being

Participants emphasized several aspects of well-being during the discussions:

- Supports for addictions, mental health issues, parenting
- Providing wraparound services
- Support for social programs, infrastructure, and housing
- Support for expectant mothers
- Support to deal with intergenerational trauma
- Improved communication services
- Improved broadband services
- Widely available cultural activities
- Wellness centre for children

The emphasis on a whole-of-community approach was crucial to providing prevention services and rebuilding resiliency in First Nations. The different needs and starting

points of First Nations must be recognized, because they will each have their own approach to caring for children and families.

Participants highlighted the need for collaboration between stakeholders, including the creation of a working group. The working group would support the creation of a data system for service delivery and serve as a way to gather ideas and people on child and family services.

Workshop Summary – First Nations not-affiliated with a FNCFS agency

Date: June 1, 2022
Location: Ottawa, ON
Participants: 13 participants representing 9 First Nations

On May June 1, 2022, IFSD hosted a meeting of First Nations not-affiliated to a First Nations child and family services (FNCFS) agency. Participants shared personal challenges and experiences with the child and family services system. The discussion that followed the Chatham House Rule focused on three themes:

- the need for a holistic approach to well-being;
- realities and challenges of service delivery;
- needs for improving service delivery.

Well-being

A holistic approach to well-being should be implemented, from the perspective of participants. The current funding approach is not conducive to holistic service delivery or analysis of outcomes. A holistic approach should include spiritual, cultural, mental, and physical aspects to well-being. It includes families that are healthy, strong, and culturally connected. Land-based healing and community care should be prioritized.

A holistic approach should promote unity among the regions and focus on what various communities have in common. Needs and starting points are diverse, but communities can still work together.

There needs to be action that follows discussions and roundtables.

Service delivery

Participants highlighted several issues that affect service delivery:

- Staff capacity – there is high turnover. Recruitment and retainment are issues;
- Increased training is needed, including cultural training;
- Funding is often too low and lacks flexibility;
- Decision-making through chief and council can be inefficient;
- Remoteness and isolation make it difficult to deliver services;
- Servicing families who live off-reserve is challenging, as funding is based on on-reserve population;
- Basic housing needs are not met;
- Food insecurity is common

There are a variety of interconnected issues impacting the design and delivery of child and family services. Often, existing services are not sufficient to meet needs. If First Nations leave their communities for support, they are often not culturally appropriate.

Canadian Human Rights Tribunal (CHRT) mandated funding has helped, but capacity needs to be built. Through CHRT funding, some programs and services have been expanded (e.g., a community house for emergencies, salary increases). However, there need to be people in

positions to leverage resources and delivery programs and services for children and families. Staff capacity needs to increase before being in a position to apply increased funding.

The current lack of staff capacity means that communities are falling behind on jurisdictional issues. It would be helpful to have access to resources to prepare for the development and application of new laws.

What is needed

Participants suggested several approaches and needed steps to move toward their visions of well-being:

- Increased collaboration and communication between the community and mainstream service providers
- Front-line workers need to be at the forefront of reform
- Qualitative outputs could better demonstrate what is happening – a mixed methods approach could be better when collecting and presenting data
- Increased collaboration between communities to learn from each other
- Increased cultural activities, including elders providing traditional teachings
- Increased support for addictions
- Building of a wellbeing centre with space for training and community involvement

Workshop Summary

First Nations not-affiliated to a First Nations Child and Family Services (FNCFS) agency

Date: June 2, 2022
Location: Ottawa, ON
Participants: 10 participants representing 6 First Nations

On June 2, 2022, IFSD hosted a meeting of First Nations not-affiliated to a FNCFS agency. The discussion centred on matters of practice and service delivery.

The discussion, that followed the Chatham House Rule, had three themes:

- realities of service delivery;
- issues impacting service delivery;
- considerations for a way forward.

Service delivery

There is often a tension between communities and provincial child welfare works. Participants noted that services from the provincial ministry are not culturally appropriate. Parents are often bullied by child welfare workers from outside the community. The ministry does not investigate issues when reported by the community, perpetuating the cycles and challenges of children in care.

With the service delivery challenges, some participants noted areas of success. A youth council was established in a First Nation to support the development of young people. It has a positive impact as youth take part in the council, have their voices heard and learn to be effective leaders.

Other participants expressed success with a rehabilitation program and a respite home for emergency services. In both instances, the First Nation stepped in to fill a gap in a service area. Supporting community members in their rehabilitation journey and in times of crisis were highlighted to demonstrate the positive impact of programing for First Nations by First Nations.

Issues impacting service delivery

First Nations are different. Their realities, opportunities, and challenges are reflective of their unique histories and contexts. When discussing challenges, participants highlighted their interconnectedness of issues in communities and the overall structure of service delivery (including funding):

- Capacity
    - Recruitment and retainment of staff are challenging due to low salaries
    - There is high turnover among staff

    - New staff are not well-equipped and require training
- Communication
    - Government and First Nations are misaligned on goals, priorities, and approaches
    - Services are described and defined differently
- Ageing out
    - There is a lack of transitional supports for education, housing, and health
    - Financial assistance varies
- Funding
    - Is often inflexible and inadequate
    - Block funding would be preferable
- Community faces numerous other issues
    - Mental health, addictions, human trafficking, child abuse

Considerations for a way forward

Participants suggested several approaches and needed steps to move toward their visions of well-being:

- Using least-disruptive measures (e.g., prevention) to support families
- Recognizing intergenerational trauma
- Breaking the cycle of poverty and addictions
    - Women and families should be empowered to make decisions
- Staff should work on cases they are related to
    - “We have a vested interest, not a conflict of interest.”
- Participants expressed concern about reform. New laws are not followed by the ministry, and investigations rarely occur

Participants emphasized several aspects of well-being in the discussions that extend beyond child and family services:

- Adequate housing
- Language instruction
- Teaching of cultural heritage
- Front-line workers are taking care of themselves
- People are connected to the land and water
- Wellness plans are developed and implemented for children
- Community healing from intergenerational trauma through elders and tradition

Reform is happening quickly, but communities need time to build capacity and approaches. Communities need to be engaged to ensure that their voices are being heard.

Workshop Summary

First Nations not-affiliated to a First Nations child and family services (FNCFS) agency

Date: June 13, 2022
Location: Virtual (Quebec)
Participants: 11 participants representing 8 First Nations

On June 13, 2022, IFSD participated in a meeting of First Nations not-affiliated to a First Nations child and family services (FNCFS) agency. Participant discussion centred on four areas:

- accessing services;
- building a culturally-informed vision of well-being;
- applying resources to solve problems

Accessing services

First Nations in Quebec use a variety of Indigenous languages, as well as French and English. Participants explained that many communities want access to services in Ontario because services in Quebec are less culturally sound, and often only available in French. Being able to access needed services in a language that you understand is important in an area as sensitive as child and family services.

Beyond language of service, there are challenges in communities that influence the design and delivery of child and family services. These challenges are often horizontal in nature, impacting communities across service areas. Mental health, addictions, chronic disease, and housing, were highlighted as core issues that not only influence child and family services but communities more generally.

Well-being

Participants emphasized that revitalization of culture and languages are critical to well-being.

Participants suggested several approaches and needed steps to move toward their visions of well-being:

- Increased training and capacity building in communities
- Offering of land-based cultural activities
- Increased investment in infrastructure (i.e., there is a need for more community spaces)
- Increased availability of treatment options for addictions and mental health
- Increased investment in housing

The discussion highlighted that children and families must be understood within the context of their communities. This means addressing root causes of challenges, e.g., housing, access to services, etc., in order to support the well-being of children and families.

Leading with community-based capacity, culture, and approaches to fostering resiliency, participants defined considerations for well-being.

Applying resources to solve problems

Participants indicated that funding increases are welcome but remain uncertain about how long it will last and how funding amounts will be defined. Often, funding is limited or specific. For example, a community cannot allocate its funding for a community event space (e.g., skate park, basketball court) because this counts as infrastructure. This type of spending is needed as it gives youth something to do. Fixed funding limits the ability of the community to address needs as they arise.

It is unclear how new funding and reform will work over the long-term. Capacity will take time to develop, even with increased funding. Better communication among First Nations and with the federal government can help increase the availability of information and build capacity.

APPENDIX D – SUMMARY OF THE NOVEMBER 2023 NATIONAL GATHERING

First Nations not affiliated to a First Nations child and family services (FNCFS) agency *Workshop Summary: Setting next steps together*

The Institute of Fiscal Studies and Democracy (IFSD) is pleased to provide you with an update for the months of November and December on its research to support reform of child and family services in First Nations (FNCFS).

Context

The Institute of Fiscal Studies and Democracy (IFSD) is continuing its work with the Assembly of First Nations (AFN), the Caring Society (Dr. Cindy Blackstock), and the National Advisory Committee (NAC) to support the long-term reform of the FNCFS program.

Of the First Nations population on-reserve 17% is not affiliated to an FNCFS agency, 3% of the population on-reserve has passed their own law and is exercising jurisdiction, and 80% are served by an FNCFS agency.[1]

In the last five years, there has been significant focus on FNCFS agencies and more recently, First Nations exercising or contemplating jurisdiction. There is, however, limited understanding of CFS-related needs and activities in First Nations not affiliated to an FNCFS agency.

To help to fill this gap, IFSD was mandated to deliver a needs assessment and cost analysis of a range of approaches to designing and delivering CFS among First Nations not affiliated to an FNCFS agency.

This work has been undertaken with the invaluable contributions of First Nations. IFSD extends its gratitude to First Nations which, in the last year and a half, through a questionnaire (48% national participation), 9 regional gatherings (with 70 First Nations represented by 125 participants), and several case study collaborators, have helped to define different starting points, identify successes, challenges, and needs.

> What we learned, working together through the questionnaire, case studies, and regional gatherings:
>
> There is significant operational, financial, and organizational variability in how First Nations not affiliated to an FNCFS agency deliver CFS and related programming. While most First Nations currently offer some child and family and/or related services, the current mix of services offered does not meet the needs of these communities. There exist multiple paths forward in terms of approaches to funding and approaches to service delivery.

[1] Note: There is a population of 103,929 First Nations on-reserve currently served by an FNCFS agency and not affiliated to an FNCFS agency that have declared their intent to exercise jurisdiction or that are engaged in the coordination agreement process.

Before drafting its final report, IFSD gathered with First Nations not affiliated to an FNCFS agency on November 2, 2023, in Ottawa.

The gathering was an opportunity to confirm the context and experiences of First Nations not affiliated to an FNCFS agency were captured appropriately; to define the range of options and tools for supporting the design and delivery of CFS; and to capture anticipated challenges moving forward.

The working session was attended by over 65 First Nations (50% of First Nations excluding Northwest Territories[2], those without land bases/populations on landbases, and ten First Nations in Quebec (under modern treaty, most of which are served by the Cree Board of Health and Social Services)), who gathered in person or joined virtually via Zoom. The significant participation rate was representative of different geographies, regions, approaches to service delivery and populations sizes.

Dr. Cindy Blackstock delivered the keynote address before participants engaged and deliberated in groups on various themes and questions.

Learnings from Dr. Blackstock's address:

Among many important messages, there were three principal takeaways:

1) Supporting children and families means addressing the key drivers of child maltreatment, e.g., poverty, poor housing, addictions, etc.
2) Prevention and protection services are linked and should be coordinated to meet the needs of families.
3) Prevention activities in child and family services can be primary, secondary, or tertiary in nature. Secondary and tertiary prevention services are technical and intensive to support children and families in crisis or at high-risk. These services are different than primary prevention services which have lower barriers for access and can be passive in nature and accessed voluntarily (akin to public health campaigns). Given the complexity and human impact associated to providing these services, First Nations should consult their lawyers and insurers on liability for the provision of different types of prevention services.

Participants shared back their main takeaways from their discussions in plenary. The session followed the Chatham House Rule. A summary of the discussion is included below.

[2] First Nations in the Northwest Territories are not covered by CHRT rulings on child and family services. First Nations in the territory have a different starting point than those in the provinces and Yukon.

IFSD is grateful to those who shared their time, knowledge, and dedication during the gathering. Your contributions, captured below, will inform cost analysis and recommendations for next steps.

Summary of proceedings
First Nations not affiliated to an FNCFS agency comprise a diverse group that represents a variety of different contexts, starting points, and approaches to delivering CFS. The following summary captures takeaways from the plenary sharing session, organized thematically by questions proposed to participants.

The work of CFS is sacred. The importance of working from the spirit guided by empathy and kindness was echoed throughout the discussion.

To facilitate discussion, IFSD proposed five questions to participants:

1) Defining community context. What is impacting CFS?
2) What is our starting point for CFS, (i.e., staff currently employed, open positions), programming (i.e., current activities and services), structures (i.e., department, agency, etc.), etc.?
3) What tools do you have to fulfil your mandate? What tools do you need? Consider, for instance, program development, planning, assessing community needs, data gathering approaches and analysis, etc.
4) What are some challenges/considerations as you move forward?
5) What type of funding-related matters, e.g., amount, terms and conditions, etc., best support your First Nation's vision of CFS?

At the close of the discussion, **seven recommendations** were confirmed with the group:

1) Access to shared resources in CFS for strategic planning, programming, and staff supports are needed.
2) There must be a respect for the time and space needed to reflect, engage with, and support children and families. This does not happen quickly or easily.
3) Total membership (irrespective of residency) should be modelled in all cost analysis.
4) Remoteness should be considered in all cost analysis.
5) Funding must be clear, sustainable, and on-going. Block and multi-year approaches to funding should be explored.
6) Consider the different starting points for First Nations not affiliated to an FNCFS agency that will impact their transition to future/desired states.
7) A **call for another in-person** gathering to spend more time exchanging and sharing ideas over two full days.

The summary below is organized by question theme.

> NOTE: One virtual participant raised their displeasure at the coordination of the November 2, 2023 gathering, and indicated that the questions asked to participants were irrelevant to their context. The participant indicated that their region was different and is not represented by the consensus of the majority in this summary.

Context impacting CFS

There is motivation and hope with a drive to do more for children and families. While approaches and starting points differ across First Nations, there are three broad themes and issues that emerged that impact the design and delivery of CFS.

Contextual factors are influencing starting points, needs, and shaping how CFS is designed and delivered. The most commonly mentioned issues impacting CFS included housing and related infrastructure, poverty/deprivation, addictions, and intergenerational trauma and healing. Compounding these issues are limited, inadequate, or unavailable services near communities.

Staffing challenges, i.e., attracting and retaining staff was universally defined as an operating challenge. Finding staff takes time (especially challenging in rural and remote places), keeping them means competing with salaries and work environments that are often more competitive with the province. There is a desire to invest in community members who will live and work and contribute to their community. Training them, however, can be a multi-year exercise, especially for technical positions. Different types of skills and positions are needed to support CFS. There is a difference between support roles for which staff can be developed with basic training, and other more technical positions, e.g., for prevention services that require more technical training.

Trust and governance were highlighted as considerations that actively or tacitly influence efforts. In some First Nations, there are negative perceptions of CFS and trust has to be built. Other First Nations struggle with tensions between political leadership and CFS practitioners who may see needs and responses differently. There is also the overlay of provincial jurisdiction and for some, the exercise (or contemplation) of jurisdiction. These matters influence CFS operations and staff.

Starting point for CFS

For many assembled, work in CFS is being undertaken in crisis management response mode. Staff are limited and often overworked. In some First Nations, trust is limited in CFS, in the province or related agencies and needs time to be developed. There are limited opportunities for planning because information about the First Nation's own children is limited and resources for access are constrained. An approach to data gathering, secure maintenance, and evidence generation are needed. Several participants emphasized the importance and need for genealogical supports and tools to connect children with their roots and history.

A whole of community approach that includes culture, language, and members throughout the life cycle (children, youth, elders, etc.), is desired by many to support planning and service delivery. *Money alone does not solve all problems. Without people and plans, you cannot execute no matter how much money you have.*

Tools available/needed

There were ideas and promising practices to share among those assembled. When asked to define needed tools, participants agreed that supports and resources for programming, job profiles, and crucially, strategic planning, should be made accessible through a central repository. Some regions, e.g., British Columbia, Quebec, have active support organizations while others are seeking them out.

It was noted that the Kids Help Phone offers training for volunteers with expert supports. In addition, the Mi'kmaq Maliseet Bachelor of Social Work program at St. Thomas University was highlighted as a community-developed opportunity for training for social workers. For those seeking models to develop their own training, they may wish to review it.

> Participants highlighted their First Nation as a source of inspiration, direction, and potential pool of talent. Building skills and capacity as many First Nations continue on their healing journeys will take time.

Concerns were raised by some about access to resources for capital (despite CHRT orders) and related processes, although some successes were noted too. Office and programming spaces remain in short supply in many First Nations.

Challenges/considerations moving forward

"It's like we're being setup to fail."

"We're moving too quickly."

Participants shared the pressure and concerns of the current environment. They are being told to move quickly before money disappears. Creating constructive or sustainable change cannot happen without capacity, staff, and clear medium- or long-term plans.

This is a major concern. Resources have been allocated to end to discrimination and ensure it does reoccur. How are First Nations not affiliated to an FNCFS agency expected to execute in short time frames without the benefits of planning, time, people, and an existing baseline?

There is a clear call for a whole of community approach. This means recognizing and working to address existing gaps in First Nations, e.g., housing, deprivation, and in CFS, e.g., training their own social workers, developing support homes, etc.

Planning and development need to be built by the First Nation for the First Nation. Not all First Nations are starting from the same place, with the same capacities, or are seeking to deliver CFS in the same way. Sovereignty is about building evidence from the community's stories and experiences and charting a way forward together.

Funding matters

Clear, consistent and reliable funding is necessary to meaningfully plan and support community, retain staff, and function normally as a service provider. The crisis mode management is in part attributable to "never knowing what next year will bring." Funding questions and concerns abound, e.g., what happens in year 6?

Funding inconsistency and unreliability contribute to staff turnover and an inability to plan. Resources for CFS are available now but do not cover root causes of need, e.g., deprivation.

A whole of community approach to CFS means considering the full membership of the First Nation, and ending a false differentiation between membership based on residency for service access.

IFSD extends its gratitude for the invaluable contributions made to this work by First Nations not affiliated to an FNCFS agency. Their willingness to share their time, knowledge, and experiences makes this work possible. Should you have any questions or comments, please do not hesitate to get in touch at info@ifsd.ca.

In its next steps, IFSD will:

1) Produce national cost estimates, (i.e., estimates of total cost), based on the different funding approaches discussed;
2) Prepare case studies of First Nation-level models of service delivery (with consent from First Nations collaborators); and
3) Share considerations for the different funding approaches and cost estimates for consideration in December 2023.

IFSD is writing to share its monthly update on our research to support FNCFS reform (updates will continue monthly). Feel free to share this update with colleagues or invite them to join our mailing list (info@ifsd.ca).

APPENDIX E – INDEPENDENT STAFFING NEEDS ANALYSIS, ENGAGE FIRST MANAGEMENT CONSULTANTS INC.

FIRST NATIONS
CHILD AND FAMILY SERVICES

Workload Assessment And
Estimate of Resource Requirement

Final Report

December 10, 2023

EngageFirst
Management Consultants

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EngageFirst
Management Consultants

Disclaimer

This report has been produced independently by EngageFirst Management Consultants for the Institute of Fiscal Studies and Democracy (IFSD), Ottawa. This report contains projections for future operations. We relied on data from publicly available sources to reflect the realities of First Nations Child and Family Services (FNCFS) programs and operations. While care has been taken to confirm the reasonableness of the assumptions and information that lead to the findings and conclusions, we did not perform any independent audit or verification. This report or any part thereof may not be reproduced without the express permission of IFSD.

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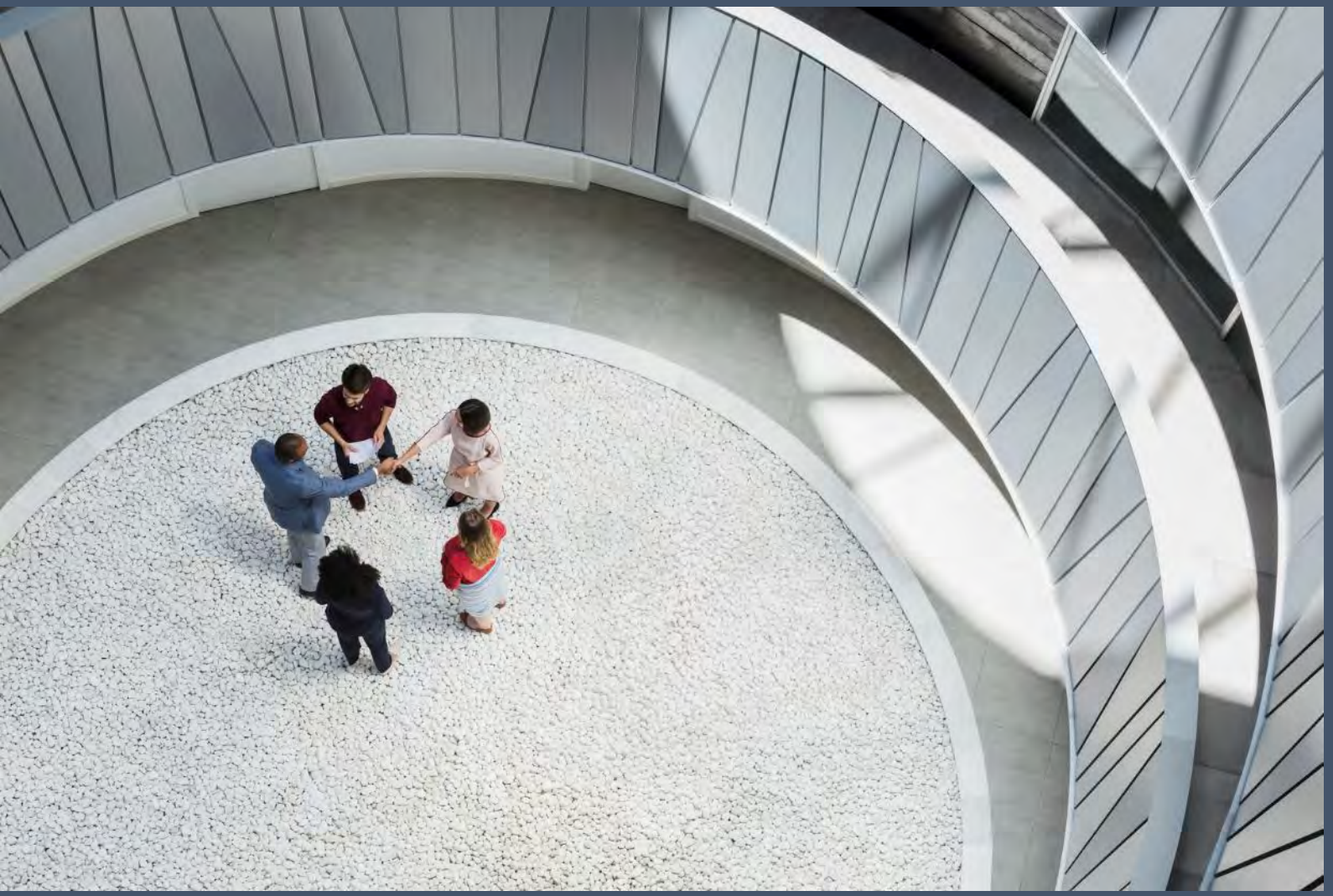


Introduction

EngageFirst
Management Consultants

Background

- Some First Nations (FN) in Canada are set to acquire full jurisdiction over their child and family services (CFS).
- EngageFirst Management Consultants was appointed by IFSD to conduct an independent estimation of the workload and staffing needs for providing Prevention and Post Majority Support Services (PMSS) in a representative group of FN communities.
- This report contains our findings based on an objective analysis of the available information and statistical modeling.
- The work leverages lessons from assessments undertaken for similar programs including a First Nation exercising jurisdiction.
- No direct data gathering was conducted for this analysis. Effort has been made to reflect reality, however the analysis and findings are for illustrative purposes.

Objectives and Scope

- The objective of this engagement is to conduct an assessment of the workload and estimate the staffing needed to deliver CFS within three representative FN communities with no existing services.

- The following CFS programs were in scope:
  - Prevention and Family Enhancement (Prevention)
  - Post Majority Support Services (PMSS)

- Resources needed in the following roles are in scope:
  - Case Worker
  - Supervisor
  - Administrative Support

Our Approach - Work Assessment Model©

- We applied a shortened version of our Work Assessment Methodology (WAM©) to assess the workload and to estimate the human resource requirements for three representative FN CFS operations.
- WAM© is a robust and reliable approach that applies statistical methods to estimate the total work and related human resource requirements (Full Time Equivalent positions) to achieve desirable outcomes for children and families.
- The model has been designed to reflect the realities of delivering CFS programs and services by and for FN communities with band affiliated children and families living on and off reserve.
- The models are for three population sizes representing small (~500), medium (~1200) and large (~5000) FN communities.
- The Prevention and PMSS programs are designed to provide wrap-around services, not including child protection, to band members who live on-reserve and off-reserve.
- The practice models for Prevention and PMSS programs were derived by studying similar programs in a provincial jurisdiction, consultation with an FNCFS organization, and by reviewing frameworks, guidelines and toolkits published by Indigenous Services Canada (ISC).
- The modeling assumptions and parameters are reflective of a specific CFS policy and practice model, human resource policies, and expectations of program success. The input parameters are representative, no direct data gathering was conducted with an FNCFS.

Our Approach…

- The assumptions and parameters driving the resource estimates were designed to allow the FNCFS sufficient resources to deliver the desired level of services, while facilitating access to services for their community members.
- The estimates of staffing requirement support best practice execution of casework, implying sufficient time for performing casework as required by policy, including client facing work, record keeping, completing administrative duties, training, and meeting all other job expectations.
- The WAM© model uses estimates of time for casework, based on survey data for similar activities in a provincial CFS program and verified by an FNCFS organization. Where comparable data was not available we applied reasonable assumptions for the data.
- The final estimates of workload and human resource needs are based on a consensus among different approaches and through Monte Carlo simulation.
- The estimates of staffing are for front-line service delivery roles in the program, and are calculated as a range of estimates (low-med-high) for full time equivalent (FTE) positions.
- The estimates do not include staffing needs for management positions, outsourced services, or for the crisis line to support Prevention and PMSS.
- The estimates do not include the staffing needs for activities such as program design, training, certification, and other such activities that would be regarded as capacity building towards establishing a new program.

FN Community Profile (illustrative)

	Small Community	Medium Community	Large Community
Current Population	500	1200	5500
Services to Band Members Off-Reserve	Yes	Yes	Yes
% Pop. Under 24 yrs. age	30%	55%	50%
Area (sq.km)	2	60	80

Assumptions

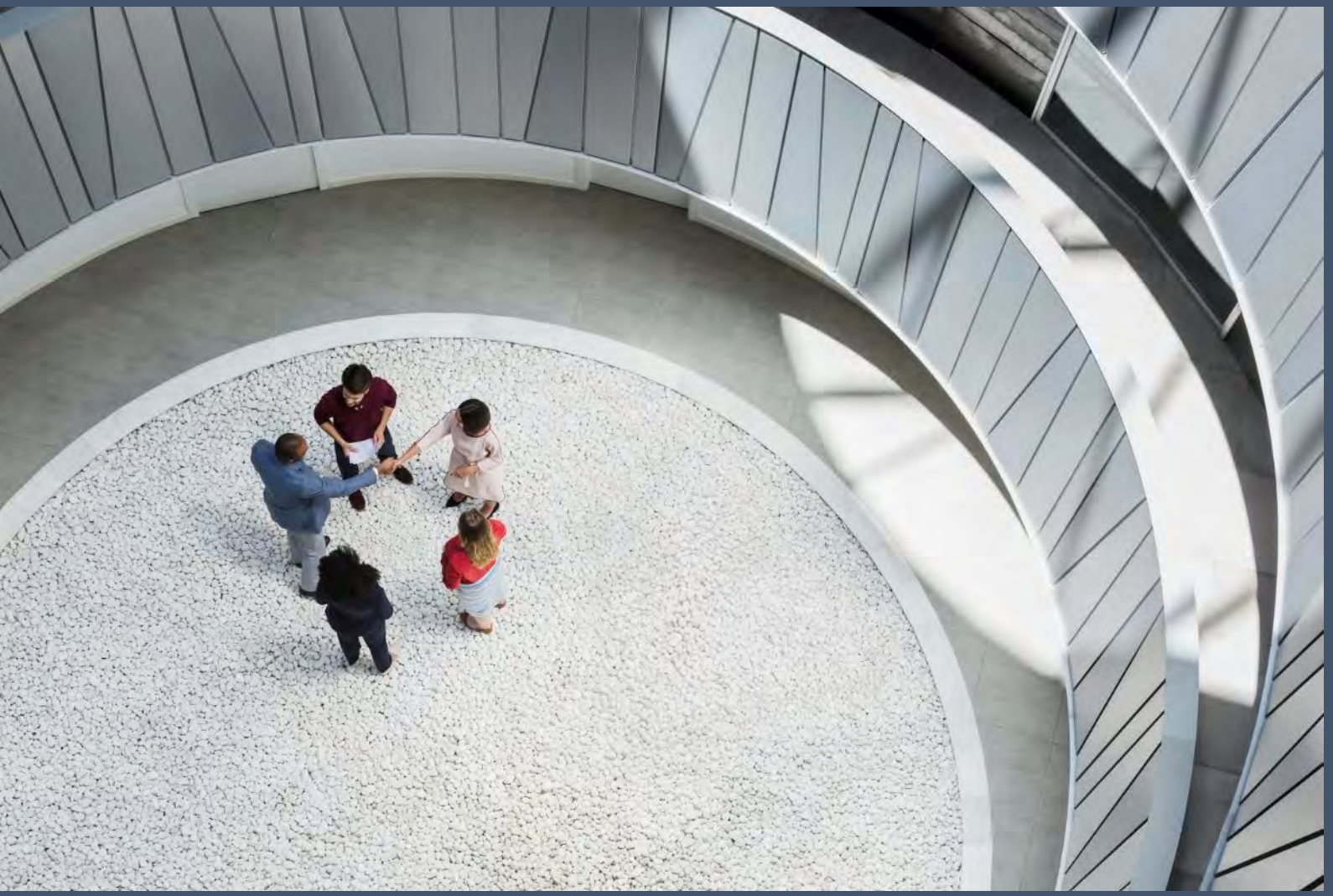
- FN policies will facilitate children and families to access the services they need, when and where they need it.
- The need for services reflects the impact of removing barriers to access, and increased awareness among band members about the services available within their community.
- The CFS program will use a Generalist model for frontline roles, meaning the caseworker will perform all duties related to casework from intake to the final closure of the file, as well as work required with the community as a whole.
- We applied a case mix (low-medium-high complexity) weighted towards high complexity due to the higher occurrence of drug abuse, addiction, mental health and inter-generational trauma among Indigenous populations.
- A family receiving secondary or tertiary prevention services, as defined later in this report, or a youth/young adult receiving post majority services is expected to stay on a caseworkers caseload (that is, the file remains open and is being actively managed by caseworker) for the majority of a full year.
- Supervisors and administrative support staff will not carry caseload.

Assumptions…

- The estimates are based on accepted practice in supervision ratio for child protection services similar to Alberta but adapted to reflect realities of prevention services, varying between 1:5 and 1:8. In practice the ratio depends on the nature of the program and specific expectations of the supervisor role.
- The estimates are based on generally accepted practice in administrative support ratio varying between 1:6 and 1:10 depending on the nature of the program and specific expectations of the role.
- Allowance has been made for time spent by every caseworker in non-casework activities such as general administration (email, meetings, supervision, data tracking), training, travel and other miscellaneous activities.
- Allowance has been made for statutory holidays, vacation entitlement, and contracted working hours.
- FNCFS will employ staff with varying degrees of competency and seniority, resulting in a range of employment related entitlements. The staffing estimates are based on the typical staff entitled to 15 days of statutory holidays, 16 days of earned vacation, and 10 days of sick leave.
- The normal working day comprises of net 7 working hours after allowance for lunch and two coffee breaks.
- The base case model (Scenario-1) compensates the staffing estimate for an annual vacancy rate of 5%. An alternate (Scenario-2) compensates for a higher vacancy rate as well as for lost efficiency due to any structural factors.

Assumptions…

- Ongoing training and competency development of program delivery staff will be outsourced and are not included in the staffing estimate.
- Professional services for children, youth/young adults and families in need (e.g. addiction, family violence, psychological counselling, employment counselling) will be outsourced. CFS caseworkers have a service coordination role.



Findings and Analysis

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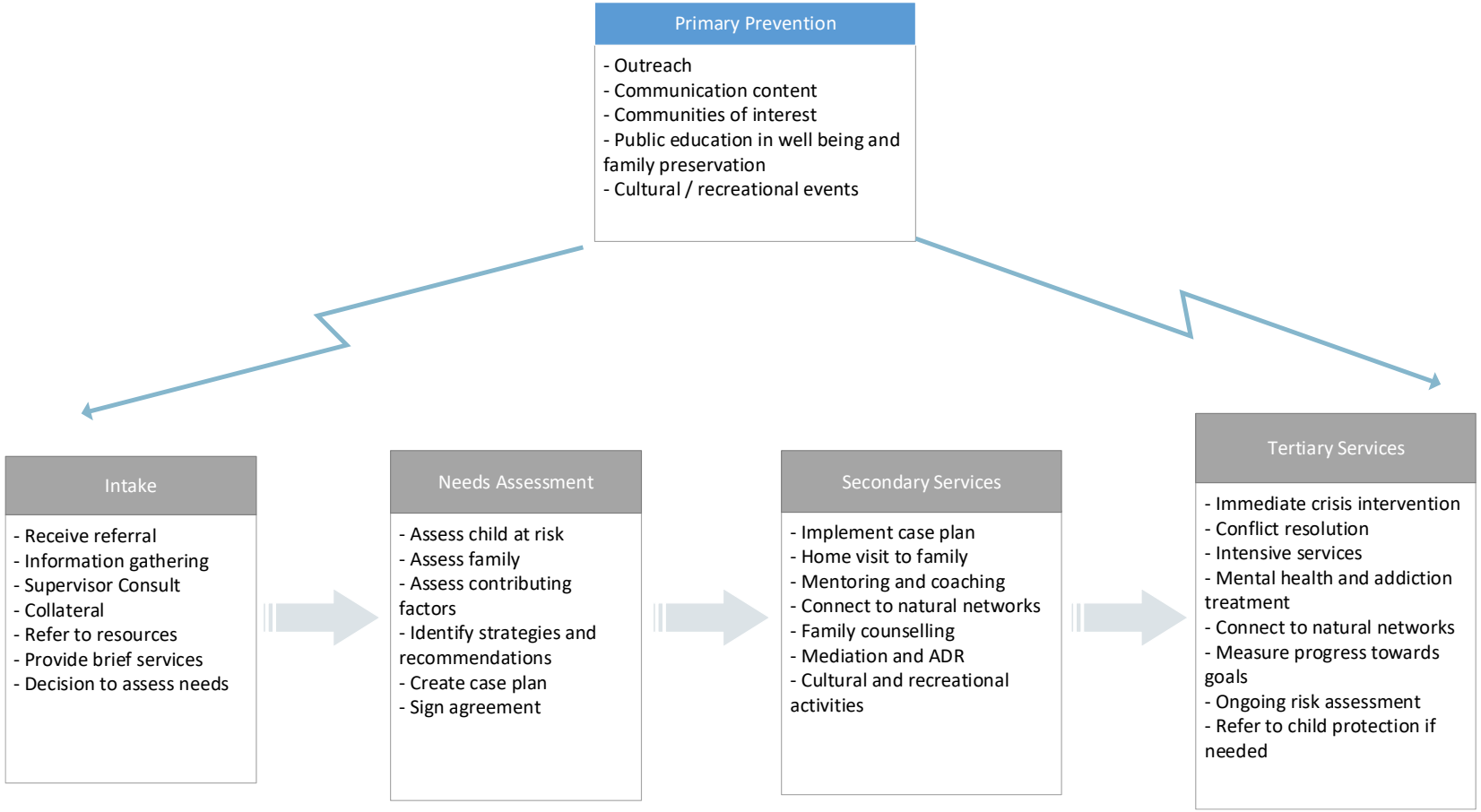
Prevention and Family Enhancement - Practice Model



Prevention and Family Enhancement

Program Metrics	Small	Medium	Large
Total number of FN families	185	353	1486
% of families at Intake[1]	75%	60%	50%
% of families receiving Secondary Services[1]	55%	45%	38%
% of families receiving Tertiary Services[1]	20%	15%	12%
% of families achieving desired outcome[1]	37%	30%	25%

Note 1: As percentage of total FN families. Based on subjective assumption of potential service delivery targets.

Prevention and Family Enhancement – FTE Scenario-1

- Prevention and Family Enhancement includes services for strengthening family relations, parenting capacity, and preventing them from requiring any form of intervention.
- The estimate does not include staffing for a crisis line.
- The casework required under this program are:
  - Primary Prevention Services (community oriented)
  - Intake for Secondary and Tertiary services
  - Prevention Needs Assessment
  - Case Management for Secondary Services
  - Case Management for Tertiary services (intense)
- Supervision and Administrative Support are based on the average staffing estimate for the caseworker role.
- A caseload is a family receiving secondary or tertiary services. The benchmark is the recommended caseload (±10%) for a Generalist caseworker while also performing intake, assessment and primary prevention work as required.

Full Time Equivalent	Small FN Community	Medium FN Community	Large FN Community
Case Worker[1]	4.7–4.9–5.1	6.8–7.0 –7.4	23.6–24.6–25.7
Supervision	1.0	1.0	4.0
Admin. Support	1.0	1.0	4.0
Total (FTE)	**6.9**	**9.0**	**32.6**
Caseload per FTE	**21**	**22**	**23**

Note 1: The estimate shows a range from low to high forecast of Full Time Equivalent (FTE). The middle number is the most likely estimate of FTEs required for delivering the service.

Prevention and Family Enhancement – FTE Scenario-1 by Type of Prevention

- This table shows the allocation of staffing to Primary, Secondary and Tertiary prevention services for the most likely estimate.
- Primary Prevention Services is community oriented work, for example public education and awareness raising through workshops and outreach, hosting cultural and recreational events.
- Secondary services is prevention and support services at the family level, including direct contact, referrals to supports and professionals, community and cultural connections, natural supports, respite and dispute resolution.
- Tertiary services include secondary prevention and support services of higher intensity for families having more acute needs.

Full Time Equivalent	Small FN Community	Medium FN Community	Large FN Community
Primary	0.5	0.7	1.1
Secondary	3.0	4.3	16.0
Tertiary	1.4	2.0	7.5
Total	**4.9**	**7.0**	**24.6**
Supervision	1.0	1.0	4.0
Admin. Support	1.0	1.0	4.0
Total (FTE)	**6.9**	**9.0**	**32.6**

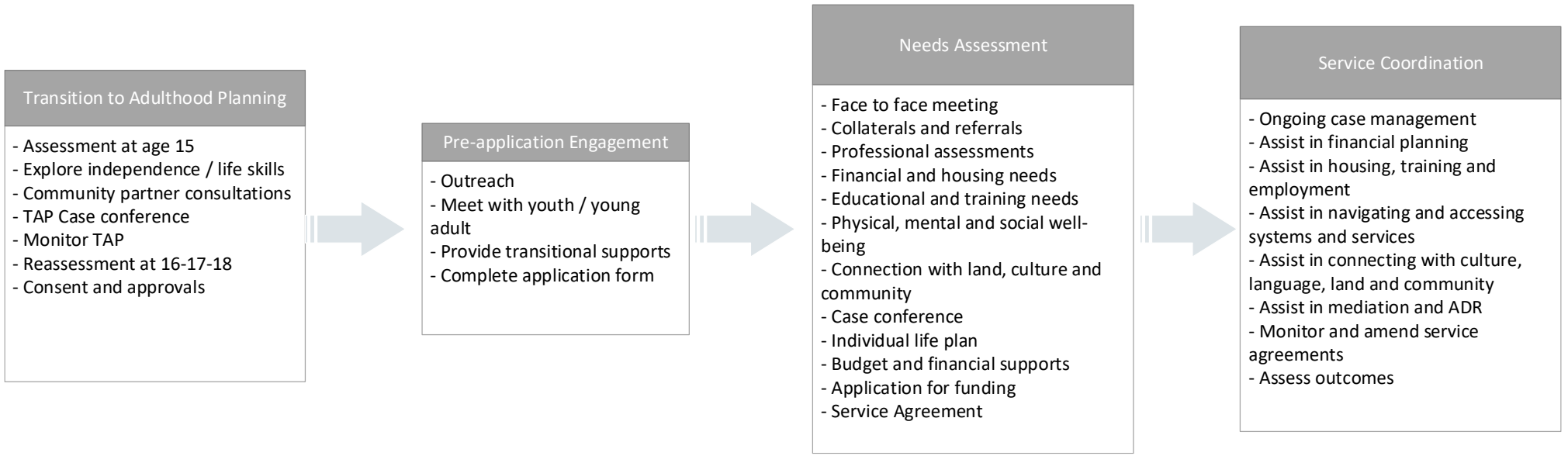
Prevention and Family Enhancement – FTE Scenario-2

- The estimate of FTE in this scenario is based on a presumed vacancy level of 10% and an adjustment for lost efficiency due to structural factors.
- All other assumptions and scope of services remain the same as in Scenario-1.
- The estimates show a small increase in the FTE requirement and a corresponding decrease in the caseload per FTE.
- A caseload is a family receiving secondary or tertiary services. The benchmark is the recommended caseload (±10%) for a Generalist caseworker while also performing intake, assessment and primary prevention work as required.

Full Time Equivalent	Small FN Community	Medium FN Community	Large FN Community
Case Worker[1]	5.0-5.2-5.4	7.3-7.6-7.9	25.3-26.3-27.4
Supervision	1.0	1.0	4.0
Admin. Support	1.0	1.0	4.0
Total (FTE)	**7.2**	**9.6**	**34.7**
Caseload per FTE	**20**	**22**	**22**

Note 1: The estimate shows a range from low to high forecast of Full Time Equivalent (FTE). The middle number is the most likely estimate of FTEs required for delivering the service.

Post Majority Supports – Practice Model



Post Majority Supports

Program Metrics	Small	Medium	Large
Total FN Population	500	1200	5500
Number of transitions to post majority age	6	14	61
Number of applications and eligibility review	25	60	260
Number of applications for funding	12	28	124
Number of youth/young adults receiving services	25	60	260

Note: Metrics are based on subjective assumption of potential service delivery targets.

Post Majority Supports – FTE Scenario-1

- Post Majority Support Services are available to youth who will be leaving care, or young adults who have already left care to support their successful transition into adulthood.
- The casework required under this program are:
  - Transition to Adulthood Planning
  - Pre-Application Engagement
  - Initial Application Review
  - Needs Assessment
  - Application for Funding
  - Service Delivery Coordination
  - Outreach Services
- Supervision and Administrative Support are based on the average staffing estimate for the caseworker role.
- A caseload is a youth/young adult receiving post majority services. The benchmark is the recommended caseload (±10%) for a Generalist caseworker while also performing intake, application processing, and outreach work as required.

Full Time Equivalent	Small FN Community	Medium FN Community	Large FN Community
Case Worker[1]	0.9–1.0–1.1	2.2–2.3 –2.4	9.5–9.9–10.3
Supervision	0.25	0.5	2.0
Admin. Support	0	0.5	2.0
Total (FTE)	**1.25**	**3.3**	**13.9**
Caseload per FTE	**25**	**26**	**26**

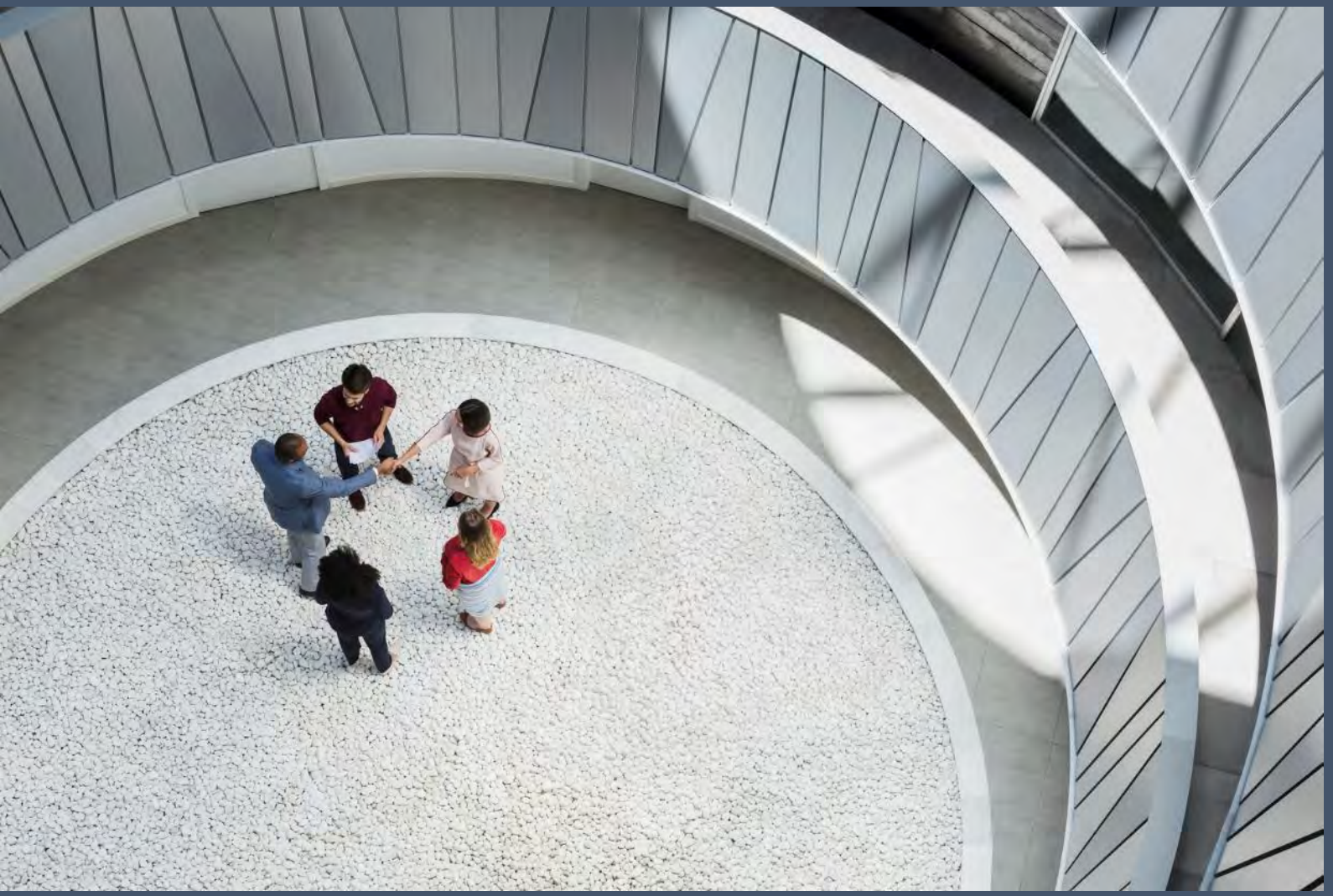
Note 1: The estimate shows a range from low to high forecast of Full Time Equivalent (FTE). The middle number is the most likely estimate of FTEs required for delivering the service.

Post Majority Supports – FTE Scenario-2

- The estimate of FTE in this scenario is based on a presumed vacancy level of 10% and an adjustment for lost efficiency due to structural factors.
- All other assumptions and scope of services remain the same as in Scenario-1.
- The estimates show a small increase in the FTE requirement and a corresponding decrease in the caseload per FTE.
- A caseload is a youth/young adult receiving post majority services. The benchmark is the recommended caseload (±10%) for a Generalist caseworker while also performing intake, application processing, and outreach work as required.

Full Time Equivalent	Small FN Community	Medium FN Community	Large FN Community
Case Worker[1]	0.93-1.0-1.1	2.4-2.5-2.6	10.1-10.5-10.9
Supervision	0.25	0.5	2.0
Admin. Support	0	0.5	2.0
Total (FTE)	**1.25**	**3.5**	**14.5**
Caseload per FTE	**25**	**24**	**25**

Note 1: The estimate shows a range from low to high forecast of Full Time Equivalent (FTE). The middle number is the most likely estimate of FTEs required for delivering the service.



Summary

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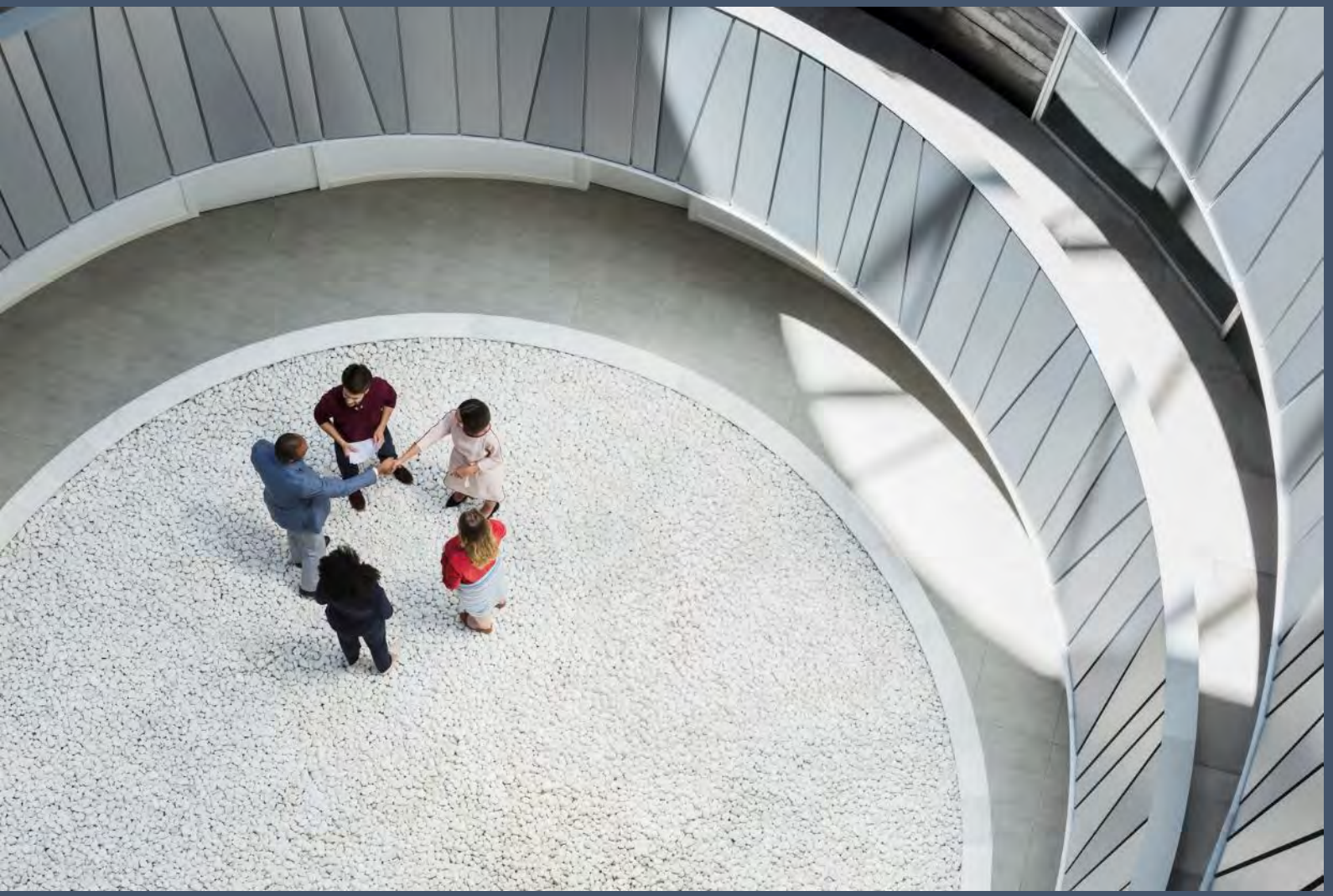
Summary and Conclusion

- Managing the workload on frontline staff who deliver services to children and families is extremely important. Research indicates a correlation between workload and quality of outcomes.
- Having the right number of staff (caseworkers, supervisors and support) is important for the success of any organization delivering services to children and families.
- In developing the resource estimates we applied our WAM© methodology with assumptions and parameters reflective of a specific CFS policy and practice model, human resource policies and expectations of program success. These assumptions and design parameters may not apply across the country.
- No direct data gathering was conducted for this analysis. Effort has been made to reflect reality, however the analysis and findings are for illustrative purposes.
- FN communities across Canada differ from each other in their demographics, service capacity, program expectations and in their unique needs for services. FNs interested in estimating their resource needs should exercise judgement.
- The estimates indicate that depending on the population served, a CFS organization offering Prevention and PMSS based on the modeled policies and practices would require 7.9 FTE for small, 12.3 FTE for medium, and 46.5 FTEs for large communities in casework, supervision and administrative roles.
- Communities much smaller than 500 population may face challenges to operate as a standalone CFS organization. Strategies for sharing services with a neighboring large community, or clustering with other small communities to create a sustainable size should be explored.

CFS Program - FTE

- This table summarizes the estimate of FTEs required for each service by role for the base case (Scenario-1).
- Supervisor and Administrative support FTEs have been adjusted to reflect a joint Prevention and PMSS operation.

Full Time Equivalent	Small FN Community	Medium FN Community	Large FN Community
Prevention Caseworker	4.9	7.0	24.6
PMSS Case Worker	1.0	2.3	9.9
Supervision	1.0	1.5	6.0
Admin. Support	1.0	1.5	6.0
Total (FTE)	**7.9**	**12.3**	**46.5**



Appendix

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Workload Benchmarking with WAM©

Achieving better balance between work and resource capacity is a system goal.

Workload Assessment Model©

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WAM© Applications

- **Human Resource Estimation**
- **Workload Benchmarking**
- **Organizational Alignment**
- **Policy-Practice Alignment**
- **Productivity Improvement**
- **Program Costing**

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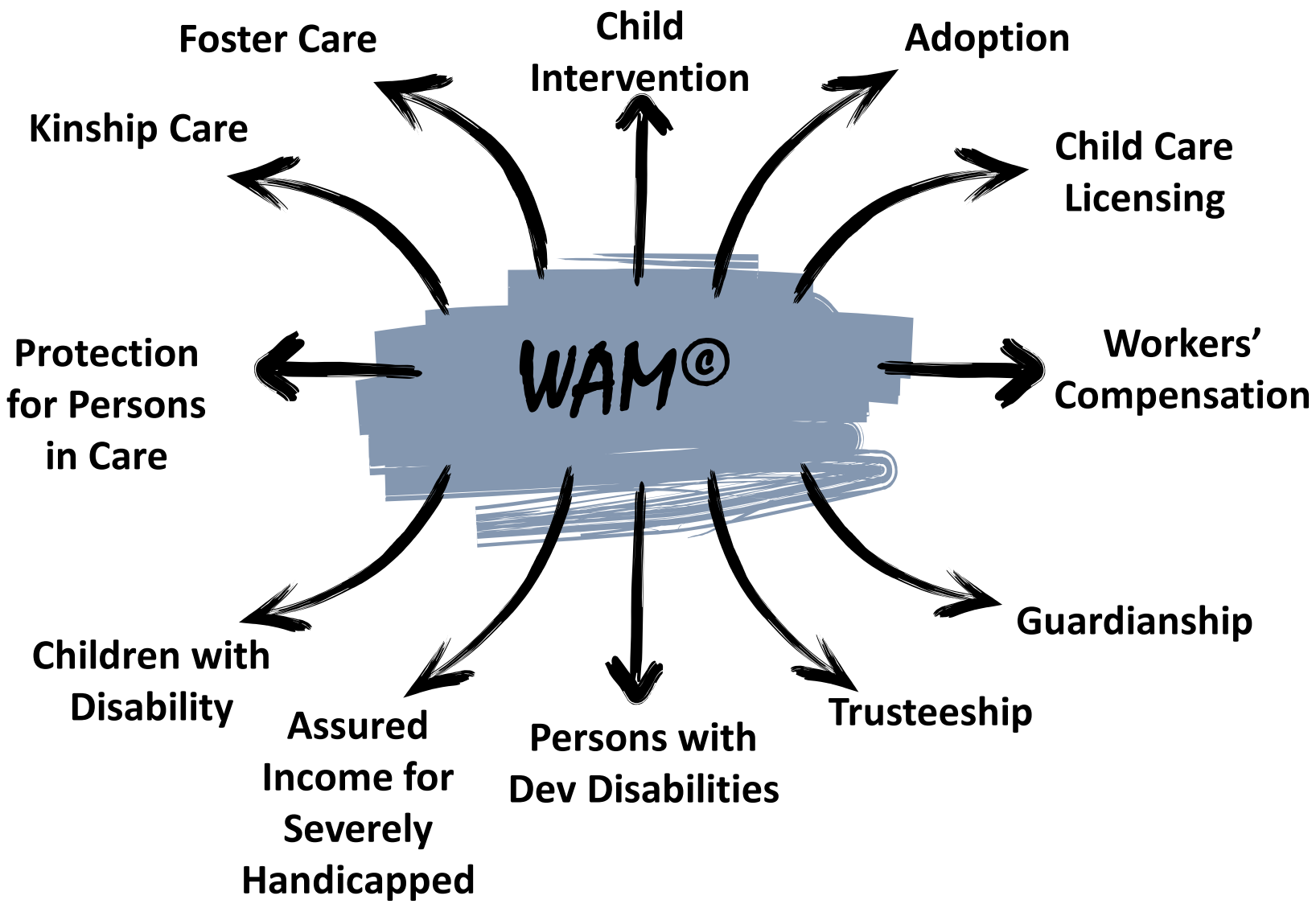
Government Programs using WAM©



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- EngageFirst is a professional management consulting firm specializing in Child and Family Services (CFS), Health and Human Services.
- Our team consists of practitioners and experts with a combined experience of more than 60 years in CFS program delivery, policy and legislation; including direct experience with Indigenous communities.
- Our Work Assessment Model (WAM©) is the leading methodology for designing, assessing and benchmarking casework practices in CFS, Health and Human Services.
- We have unique qualifications and experience in program design, program review, performance management, and business transformation in the public sector.
- We are also a leading provider of expertise in data science and advanced analytics for applications in CFS, Health and Human Services.
- We put our clients first and are committed to your success in every engagement.

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APPENDIX F – SUMMARY OF THE FEBRUARY 2024 NATIONAL GATHERING

First Nations not affiliated to a First Nations child and family services (FNCFS) agency: Setting next steps together

Second national gathering, February 12, 2024

During a meeting of First Nations not affiliated to a First Nations child and family services (FNCFS) agency held in Ottawa on November 2, 2023, delegates asked for a second meeting to hear findings and share reflections to inform the final report. IFSD convened the second gathering on February 12, 2024, in Vancouver, attended (in-person and virtually) by 47 individuals, representing 30 First Nations.

IFSD extends its gratitude for the invaluable contributions made to this work by First Nations not affiliated to an FNCFS agency. Their contributions through a national questionnaire, regional and national gatherings, and in-depth analyses, have been vital for this work. The generosity in sharing time and knowledge, and the honesty of their contributions, have helped to define the complexity of their different starting points.

IFSD's mandate is to deliver a needs assessment and cost analysis of a range of approaches to designing and delivering child and family services (CFS) among First Nations not affiliated to an FNCFS agency. This work is being undertaken pursuant to a Canadian Human Rights Tribunal (CHRT) order (2022 CHRT 8) and at the request of the Caring Society (Dr. Cindy Blackstock), the Assembly of First Nations (AFN), and the National Advisory Committee (NAC) to support the long-term reform of the FNCFS program.

Principal takeaways from the gathering (which followed the Chatham House Rule) are captured in the summary below.

Complex service environments

First Nations not affiliated to an FNCFS agency were never asked if they wanted to design and deliver all forms of prevention services (primary, secondary, tertiary). For the assembled participants, however, taking care of their children and families is a sacred duty. While their capacity to deliver prevention services varies considerably, everyone wants to ensure their children, youth and families can access the prevention services they need in a culturally appropriate manner. This is particularly important when provincial/territorial services can be inadequate and discriminatory.

As the service agreements between the federal and provincial/territorial governments on FNCFS are opaque and undisclosed (other than with Yukon), there is no way of assessing what services Canada is funding, nor the completeness of provincial/territorial service delivery.

First Nations are often left advocating to the province/territory to ensure their children receive the supports and services they require. Challenges with service delivery are constant, making advocacy a constant task. Drawing the line between

provincial/territorial service delivery and First Nation service delivery is challenging. It's a fine line, often blurred by a lack of coordination and integration in service delivery with the province.

Regional dynamics differ between First Nations not affiliated to an FNCFS agency and their provincial/territorial service providers. Some First Nations have memorandums of understanding (MOUs) with their province for service delivery, while others have tense relationships leaving First Nations unable to obtain basic information about their children and services.

First Nations not affiliated to an FNCFS agency have not had sustainable funding to build a consistent program offering in CFS. This has contributed to the variances in current levels of service delivery.

Clarity on the expectations for service delivery is required, as are the desired services in First Nations. There are questions that need to be answered:

1) What are the service needs of the First Nation? What does the First Nation want to deliver? What are they able to deliver now?
2) What prevention services (primary, secondary, and tertiary) are being offered in the First Nation? By whom? To what standard?
3) Is service integration between the provincial/territorial government and the First Nation ensured? How?

There must be specificity around service obligations between the First Nation and provincial/territorial government. Precisely what is required by whom and with what funding is essential to ensure needed services are being provided consistently and in alignment to *An Act respecting First Nations, Inuit and Métis children, youth and families*.

Support and capacity

There were several calls for continued engagement and gatherings to share knowledge and experiences with regional and national roundtables. These gatherings are opportunities for resource sharing, local engagement with First Nations, and peer support. Space and time are needed to plan, define needs, and develop approaches that align to community needs.

Needs in communities are significant and are impacted by structural drivers that contribute to the over-representation of First Nations children in protective services. Structural drivers such as addictions, housing, poverty, etc., will not be addressed by CFS alone. The drivers, however, shape service delivery. Often, needs are complex stemming from intergenerational trauma.

Specialized services are needed in First Nations but staffing these positions and retaining personnel is challenging. Compounding staffing needs are service providers

within a First Nation competing for the same staff. Coordinating and integrating service delivery within the First Nation can help to ensure a continuum of needs are met.

Steps to reform

The CHRT ordered Canada to end discrimination and ensure it does not reoccur. To uphold the rulings, CFS needs must be addressed for all impacted by the FNCFS Program. This includes First Nations not affiliated to an FNCFS agency and the provincial and Yukon governments. Given the complexity of service provision for First Nations not affiliated to an FNCFS agency with the integration and coordination (often lacking) with the provincial/territorial governments, who is best placed to ensure discrimination against children ends and does not reoccur through service delivery must be established.

Based on the knowledge and information shared by First Nations not affiliated to an FNCFS agency, IFSD proposed funding approaches (i.e., mechanisms to transfer funding) and produced funding estimates (Table 1, see Appendix A for a summary of the draft final report). There was support for a regionally/territorially focused funding approach where First Nations in their territories define an approach that best suits them. Others preferred continued bilateral agreements between the First Nation and the federal government. A national pool of funds was proposed to ensure First Nations not affiliated to an FNCFS agency could access additional funds for different activities, e.g., community engagement and consultation, during this period. Irrespective of the funding approach, participants indicated that **a steady state for service delivery has not yet been defined and that funding levels and approaches were subject to change**.

Table 1

Option	Description	Change from current state
1) Status quo	Fixed contribution approach.	None. Likely revision to terms and conditions.
1a) Status quo plus	Apply block contribution approach.	First Nations have greater flexibility in how funds are used for CFS in communities. Must work with a fixed amount of funding.
2) Regional support model	Trusted regional organizations would serve as the funding allocator and capacity support provider for First Nations not affiliated to an FNCFS agency.	Variation in regional allocation models. Localized capacity support for CFS.
3) First Nations needs assessments	Funding held in trust by regional organizations until First Nation is prepared to accept the funding for use (within approx. 1-5 years), following consultation with community on their own timeline.	Resources accessed based on readiness of First Nation.

The assembled participants emphasized that any decisions related to funding and structure are a starting point. These changes do not represent a reformed approach to CFS delivery in First Nations not affiliated to an FNCFS agency. **It will take time to**

clarify required activities and their resource requirements. It will also take time to build capacity to deliver desired services.

It is imperative to clarify required activities in prevention (which includes primary, secondary, and tertiary services). There is limited (if any) information available from the provinces, inconsistency in the starting points of First Nations, and no history of service delivery with sustained funding. First Nations not affiliated to an FNCFS agency are only beginning to develop their approaches to the delivery of prevention services.

Principal takeaways and recommendations

1) First Nations view CFS as a sacred duty. No one asked about their readiness for prevention service delivery (primary, secondary, tertiary), but they will do it.
2) First Nations not affiliated to an FNCFS agency have not had the opportunity to consistently plan or design their prevention service delivery approach. This means that activities are in development and will evolve. Funding is only a starting point. Funding needs are expected to change as service provision stabilizes.
3) Funding approach options defined during the gathering included:
    a. Maintaining separate bilateral agreements between First Nations and the federal government (no national approach)
    b. First Nations work together regionally/territorially to define the funding approach that best suits their needs
    c. Maintaining a national pool to access funding for supplemental activities (outside of service provision), e.g., community engagement
4) A call for more gatherings:
    a. Resources for local and regional gatherings to consider approaches
    b. National gatherings to share experiences, practices, and knowledge

IFSD is grateful to First Nations not affiliated to an FNCFS agency for the time, knowledge, and experiences that they have shared. Their contributions have made this work possible. IFSD anticipates its final report to be published in mid-March 2024.

Appendix A - First Nations not affiliated to an FNCFS agency final report findings (DRAFT - For discussion only)

First Nations not affiliated to an FNCFS agency
Final report findings

Second national gathering

DRAFT – FOR DISCUSSION ONLY

February 12, 2024

Today's goals

1) Confirm your context and experiences are captured appropriately.

2) Define the range of options and tools for supporting the design and delivery of child and family services.

3) Capture anticipated challenges moving forward.

Discussion questions for breakout sessions

- How can the amount, terms and conditions of federal funding best support your First Nation to deliver child and family services?

- Are there other service providers with which service delivery should be coordinated?

- What types of supports (e.g., capacity-building, capital, technical assistance) would assist my First Nation with designing, planning, and executing service delivery?

Draft final report summary

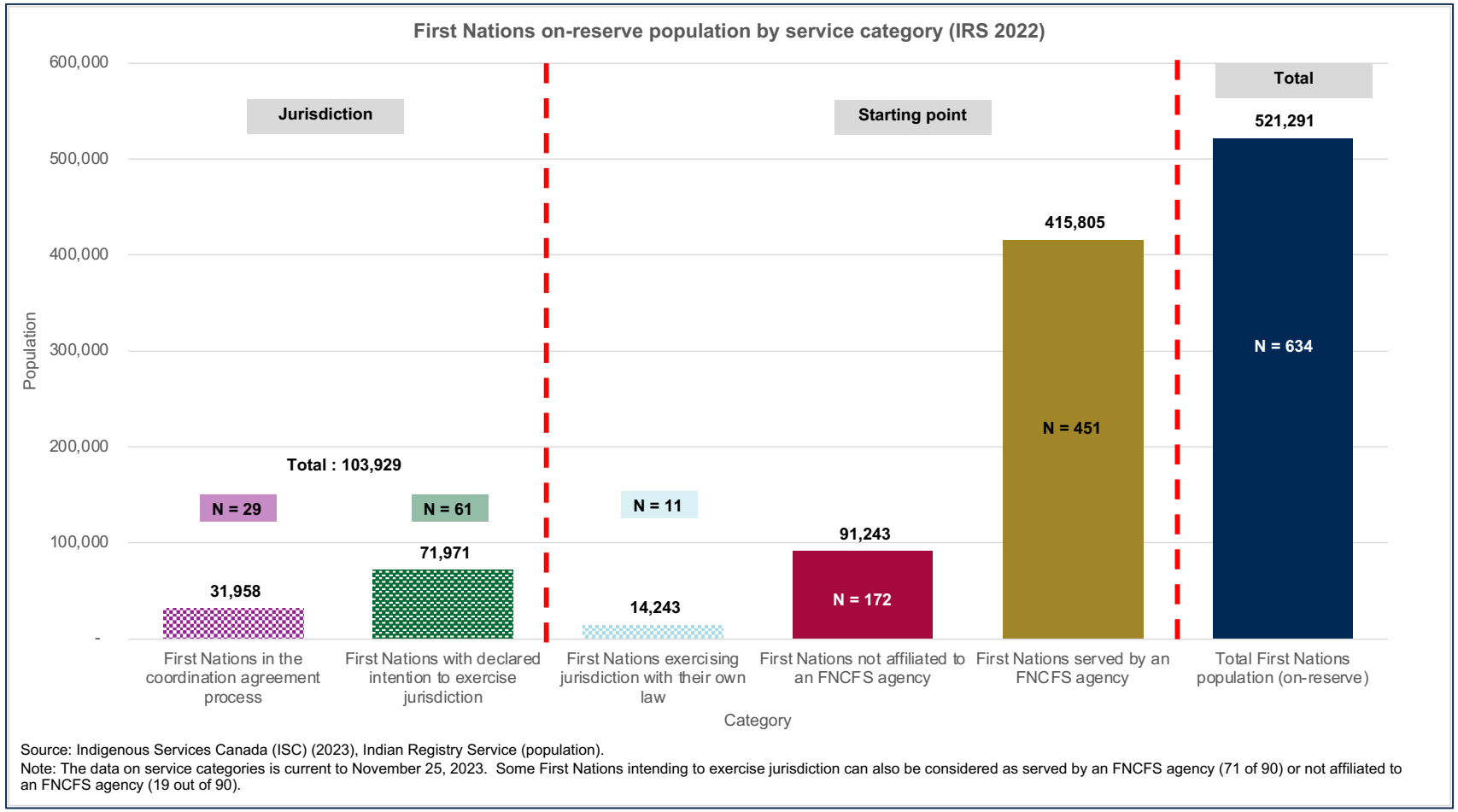
IFSD's mandate

1) Undertake a child and family services (CFS) needs assessment regarding First Nations not affiliated to an FNCFS agency.

2) Produce a cost analysis of approaches for designing and delivering CFS among First Nations not affiliated to an FNCFS agency.

Context: Population by service provider

- A significant majority of First Nations are served by an FNCFS agency.
- First Nations not affiliated to an FNCFS agency represent a significant group, but one left largely unconsidered for long-term reform.



Source: Indigenous Services Canada (ISC) (2023), Indian Registry Service (population).
Note: The data on service categories is current to November 25, 2023. Some First Nations intending to exercise jurisdiction can also be considered as served by an FNCFS agency (71 of 90) or not affiliated to an FNCFS agency (19 out of 90).

The FNCFS Program

- The description of the FNCFS Program through InfoBase (the Government of Canada's public facing reporting on its programs) includes *supporting safety and well-being for First Nations children ordinarily resident on-reserve*.

- Funds through the program are allocated to FNCFS agencies, provinces delivering services, First Nations Bands, and Tribal Councils. This means that the FNCFS Program is funding FNCFS agencies, First Nations, transfers to provinces, and jurisdiction.

- The contributions of FNCFS agencies to this work have helped to define a starting point, resource requirements, and implementation considerations in child and family services.

Child and family services in First Nations not affiliated to an FNCFS agency

- Ways First Nations not affiliated to an FNCFS agency receive CFS:
  - Protection and guardianship services are requirements in provincial/territorial law. These services are delivered by the province/territory and paid by Canada on-reserve and in the Yukon.
  - Secondary and tertiary prevention services should be delivered. It is unclear who is delivering these services, e.g., the province/territory and/or First Nations, other providers.

- Service providers should be operating consistent with *An Act Respecting First Nations, Inuit and Métis children, youth and families,* with consideration of the best interests of the child, a culturally-informed approach, and least disruptive measures.

- To end discrimination and ensure discrimination does not reoccur, the different parts of the system, i.e., protection, prevention, service providers, must work together.

Complex operating environments

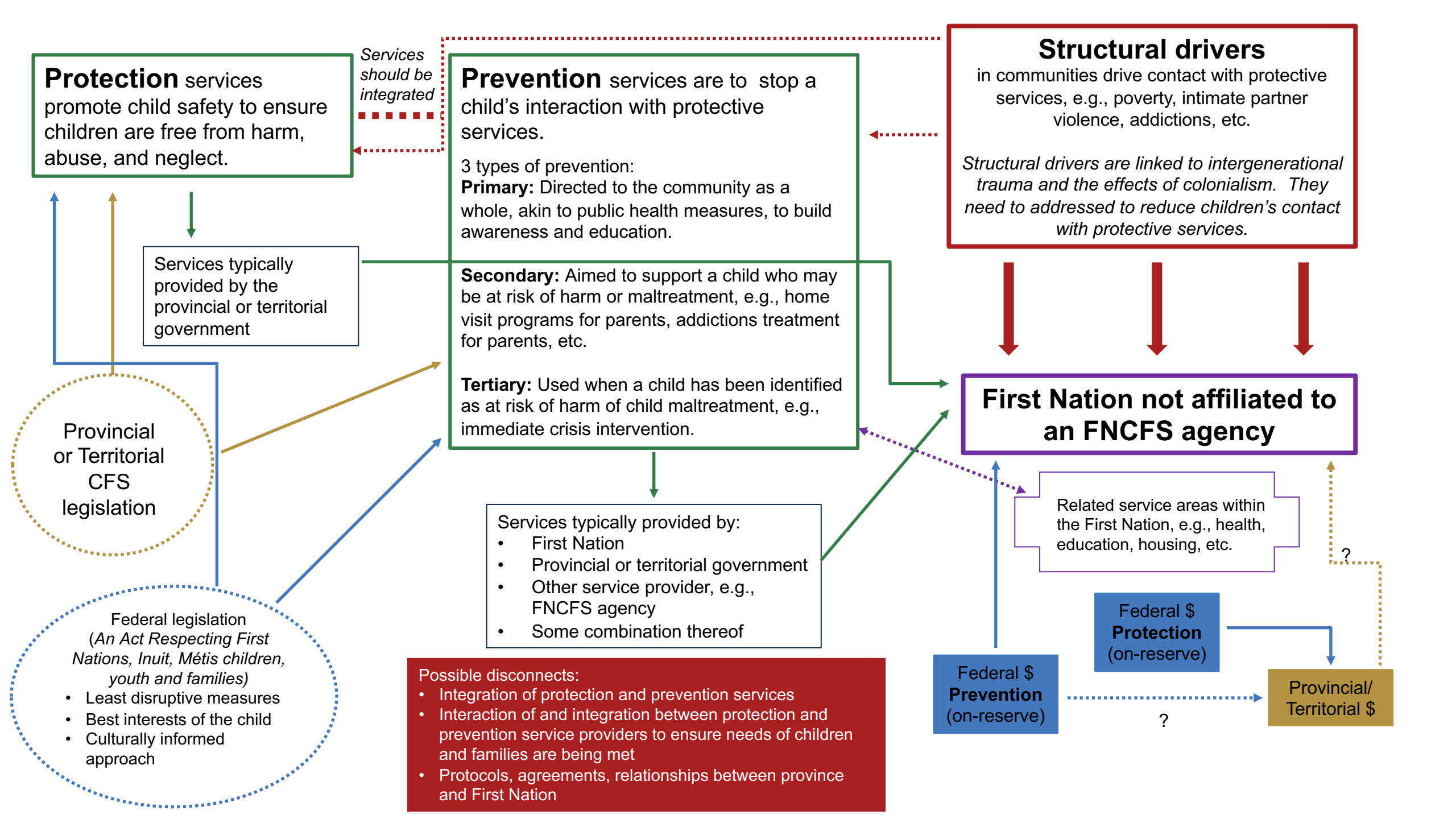
- Structural drivers that promote contact with protective services exist across communities. Addressing or mitigating the effects of those structural drivers can be done through a combination of protection and prevention services that should be integrated.

- Protection services: typically provided by the province/territory, with funding from the federal government for services on-reserve.

- Prevention services: may be offered by the province/territory, the First Nation, a nearby delegated agency, or other service providers.

- Ensuring the coordination of protection and prevention services is essential for keeping children out of care. Such coordination requires protocols, agreements, and working relationships between the First Nation, provincial, and federal governments, as well as with service providers (including those within the First Nation).

Where a First Nation served by an agency may work with their service provider, it is the provider that typically ensures coordination of protection and prevention services. For First Nations not affiliated to an FNCFS agency, the service landscape is more complex.


Protection services promote child safety to ensure children are free from harm, abuse, and neglect.
Services should be integrated
Prevention services are to stop a child's interaction with protective services.
3 types of prevention:
Primary: Directed to the community as a whole, akin to public health measures, to build awareness and education.
Secondary: Aimed to support a child who may be at risk of harm or maltreatment, e.g., home visit programs for parents, addictions treatment for parents, etc.
Tertiary: Used when a child has been identified as at risk of harm of child maltreatment, e.g., immediate crisis intervention.
Structural drivers
in communities drive contact with protective services, e.g., poverty, intimate partner violence, addictions, etc.
Structural drivers are linked to intergenerational trauma and the effects of colonialism. They need to addressed to reduce children's contact with protective services.
Services typically provided by the provincial or territorial government
Provincial or Territorial CFS legislation
Federal legislation (*An Act Respecting First Nations, Inuit, Métis children, youth and families*)
• Least disruptive measures
• Best interests of the child
• Culturally informed approach
Services typically provided by:
• First Nation
• Provincial or territorial government
• Other service provider, e.g., FNCFS agency
• Some combination thereof
First Nation not affiliated to an FNCFS agency
Related service areas within the First Nation, e.g., health, education, housing, etc.
Federal $ **Protection** (on-reserve)
Federal $ **Prevention** (on-reserve)
Provincial/ Territorial $
?
?
Possible disconnects:
• Integration of protection and prevention services
• Interaction of and integration between protection and prevention service providers to ensure needs of children and families are being met
• Protocols, agreements, relationships between province and First Nation

Different starting points

- 46% national participation in a questionnaire (2022); 9 regional workshops (75 participating First Nations); 2 national gatherings (November 2023 and February 2024); 5 in-depth analyses.
- Consider the different starting points for First Nations not affiliated to an FNCFS agency that will impact their transition to future/desired states.
- Time and space needed to reflect, engage with, and support children and families. This does not happen quickly or easily.
- Funding must be clear, sustainable, and on-going.

Funding

- At November 25, 2023, there were two funding amounts confirmed for First Nations not affiliated to an FNCFS agency (pursuant to the CHRT's rulings):

    1) $283/person on-reserve for the First Nations Representative Service;
    2) $2,500/person on-reserve for prevention services.

- The two funding amounts are for fiscal year 2024-25. Future funding amounts and structures are subject to the ongoing negotiations on FNCFS Program reform.

Funding foundations

- These funding options should not be considered final. They are works in progress that will need to be reviewed and reassessed as capacity is developed, mandates are defined, and services provided.

- As part of a First Nation, the design and delivery of CFS is not happening in a vacuum. There are existing services, people, and resources that should be leveraged to move forward in CFS.

- With each funding scenario, there are differences in the principles to generate the allocations and their total amounts.
  - **Estimates in this presentation are for on-reserve population only.** Total population models are included in the final report.

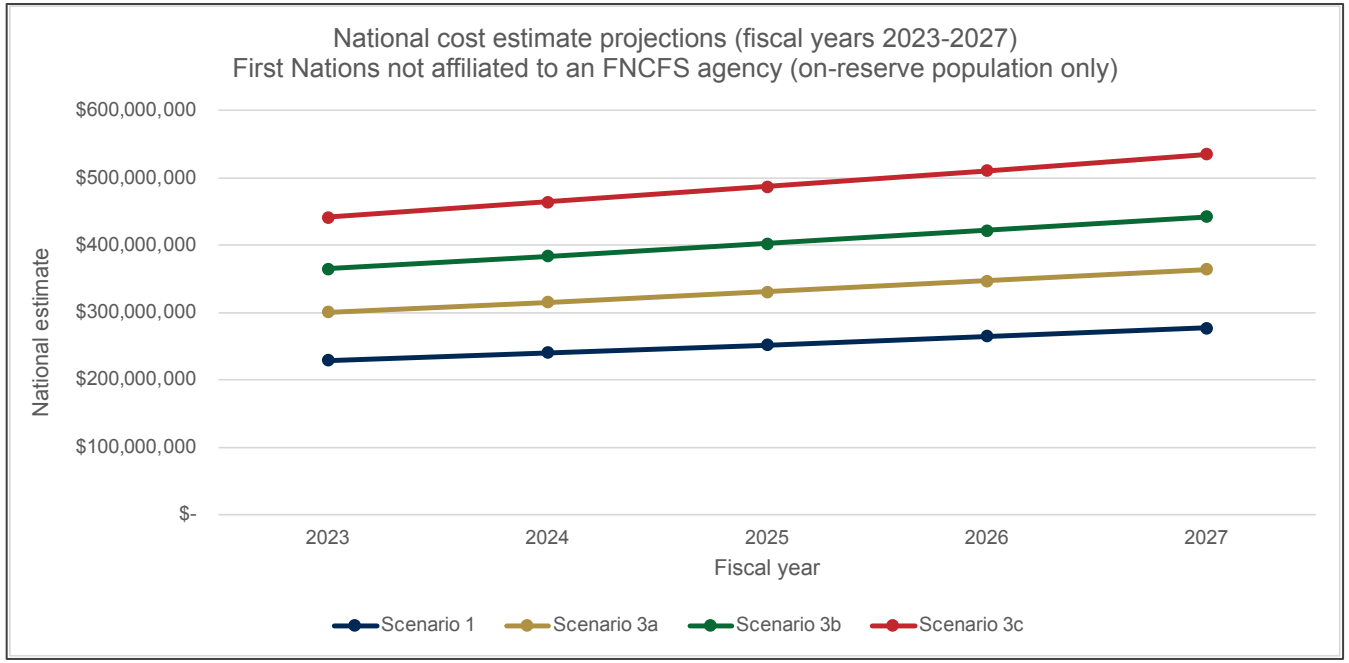
- For the different approaches to structure, there are trade-offs in flexibility in the use of funds, the source of funding allocation, and the prioritization of regional v. national approaches.

Cost estimation scenarios

Scenario	Description
1) Base scenario	- Per capita allocations of $2,500 and $283 - Projections grown by population + inflation
3a) Base scenario ($2,500+ $283) + some FNCFS agency funding approach top-ups	- Per capita allocations of $2,500 and $283 - Remoteness (baseline and top-ups) (applied to all First Nations) - Poverty 7% (of difference) - Results 5% (baseline) - IT 6% (baseline) - Projections grown by population + inflation
3b) Base scenario ($3,123 questionnaire) + some FNCFS agency funding approach top-ups	- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) - Band Representative Service, $283 per capita - Remoteness (baseline and top-ups) (applied to all First Nations) - Poverty 7% (of difference) - Results 5% (baseline) - IT 6% (baseline) - Projections grown by population + inflation
3c) Base scenario ($3,859 integrated provider) + some FNCFS agency funding approach top-ups	- Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data) - Band Representative Service, $283 per capita - Remoteness (baseline and top-ups) (applied to all First Nations) - Poverty 7% (of difference) - Results 5% (baseline) - IT 6% (baseline) - Projections grown by population + inflation

Scenarios compared

- Scenario 1 produces the lowest national estimate over five years for the population on-reserve ($1.63B).
- The three scenarios augment a baseline with one or more top-ups that are linked to different contexts and the costs of service delivery.
- Scenario 3a is the lowest and 3c provides the highest allocation relative to the selected options, as its per capita allocation is **the highest**.



Scenario 3a – Regional breakdown

Scenario 3a						
Province/Territory	**2023**	**2024**	**2025**	**2026**	**2027**	**5-year total**
British Columbia	$ 85,326,022	$ 89,783,768	$ 94,364,114	$ 99,173,141	$ 104,045,191	$ 472,692,235
Alberta	$ 47,250,593	$ 49,632,947	$ 52,005,248	$ 54,490,879	$ 57,047,774	$ 260,427,441
Saskatchewan	$ 16,330,725	$ 17,293,170	$ 18,317,943	$ 19,380,454	$ 20,474,252	$ 91,796,544
Manitoba	*	*	*	*	*	*
Ontario	$ 37,063,125	$ 38,782,349	$ 40,587,035	$ 42,449,072	$ 44,394,066	$ 203,275,646
Quebec	$ 83,063,524	$ 86,892,340	$ 90,821,597	$ 94,978,434	$ 99,263,554	$ 455,019,448
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 14,725,629	$ 15,634,474	$ 16,564,230	$ 17,535,188	$ 18,554,141	$ 83,013,662
Yukon	$ 15,922,589	$ 16,661,012	$ 17,498,194	$ 18,240,280	$ 19,094,732	$ 87,416,807
TOTAL	$ 300,474,295	$ 315,517,447	$ 331,046,790	$ 347,185,377	$ 363,863,309	$ 1,658,087,217

* Estimates for provinces with only one First Nation not affiliated to an FNCFS agency were suppressed for privacy.

Scenario 3b – Regional breakdown

Scenario 3b						
Province/Territory	**2023**	**2024**	**2025**	**2026**	**2027**	**5-year total**
British Columbia	$ 103,458,595	$ 108,863,528	$ 114,417,076	$ 120,247,556	$ 126,155,939	$ 573,142,693
Alberta	$ 57,473,675	$ 60,371,453	$ 63,257,060	$ 66,280,456	$ 69,390,540	$ 316,773,184
Saskatchewan	$ 19,732,087	$ 20,894,997	$ 22,133,156	$ 23,417,007	$ 24,738,595	$ 110,915,843
Manitoba	*	*	*	*	*	*
Ontario	$ 44,712,885	$ 46,786,897	$ 48,964,069	$ 51,210,452	$ 53,556,956	$ 245,231,261
Quebec	$ 101,640,618	$ 106,325,744	$ 111,133,782	$ 116,220,295	$ 121,463,773	$ 556,784,212
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 18,022,095	$ 19,134,394	$ 20,272,284	$ 21,460,601	$ 22,707,655	$ 101,597,030
Yukon	$ 19,184,780	$ 20,074,509	$ 21,083,184	$ 21,977,321	$ 23,006,823	$ 105,326,617
TOTAL	$ 365,194,140	$ 383,476,367	$ 402,347,924	$ 421,961,580	$ 442,231,412	$ 2,015,211,423

* Estimates for provinces with only one First Nation not affiliated to an FNCFS agency were suppressed for privacy.

Scenario 3c – Regional breakdown

Scenario 3c						
Province/Territory	**2023**	**2024**	**2025**	**2026**	**2027**	**5-year total**
British Columbia	$ 124,880,061	$ 131,403,983	$ 138,107,252	$ 145,144,458	$ 152,277,143	$ 691,812,897
Alberta	$ 69,551,024	$ 73,057,713	$ 76,549,730	$ 80,208,433	$ 83,972,043	$ 383,338,942
Saskatchewan	$ 23,750,390	$ 25,150,125	$ 26,640,374	$ 28,185,712	$ 29,776,407	$ 133,503,007
Manitoba	*	*	*	*	*	*
Ontario	$ 53,750,162	$ 56,243,314	$ 58,860,534	$ 61,560,975	$ 64,381,816	$ 294,796,802
Quebec	$ 123,587,233	$ 129,283,988	$ 135,130,201	$ 141,315,013	$ 147,690,676	$ 677,007,110
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 21,916,477	$ 23,269,131	$ 24,652,907	$ 26,098,006	$ 27,614,535	$ 123,551,056
Yukon	$ 23,038,668	$ 24,107,148	$ 25,318,421	$ 26,392,187	$ 27,628,492	$ 126,484,915
TOTAL	$ 441,652,898	$ 463,761,704	$ 486,581,687	$ 510,300,723	$ 534,813,954	$ 2,437,110,966

* Estimates for provinces with only one First Nation not affiliated to an FNCFS agency were suppressed for privacy.

Structure: Approaches to allocation

Option	Description	Change from current state
1) Status quo	Fixed contribution approach.	None. Likely revision to terms and conditions.
1a) Status quo plus	Apply block contribution approach.	First Nations have greater flexibility in how funds are used for CFS in communities. Must work with a fixed amount of funding.
2) Regional support model	Trusted regional organizations would serve as the funding allocator and capacity support provider for First Nations not affiliated to an FNCFS agency.	Variation in regional allocation models. Localized capacity support for CFS.
3) First Nations needs assessments	Funding held in trust by regional organizations until First Nation is prepared to accept the funding for use (within approx. 1-5 years), following consultation with community on their own timeline.	Resources accessed based on readiness of First Nation.

Next steps

- Second national gathering, February 12, 2024 (Vancouver).

- Update final report:
  - ISC expenditure data
  - Feedback from First Nations not affiliated to an FNCFS agency

Get in touch

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APPENDIX G
NATIONAL COST ESTIMATES FOR THE 11 SCENARIOS

National cost estimate scenarios

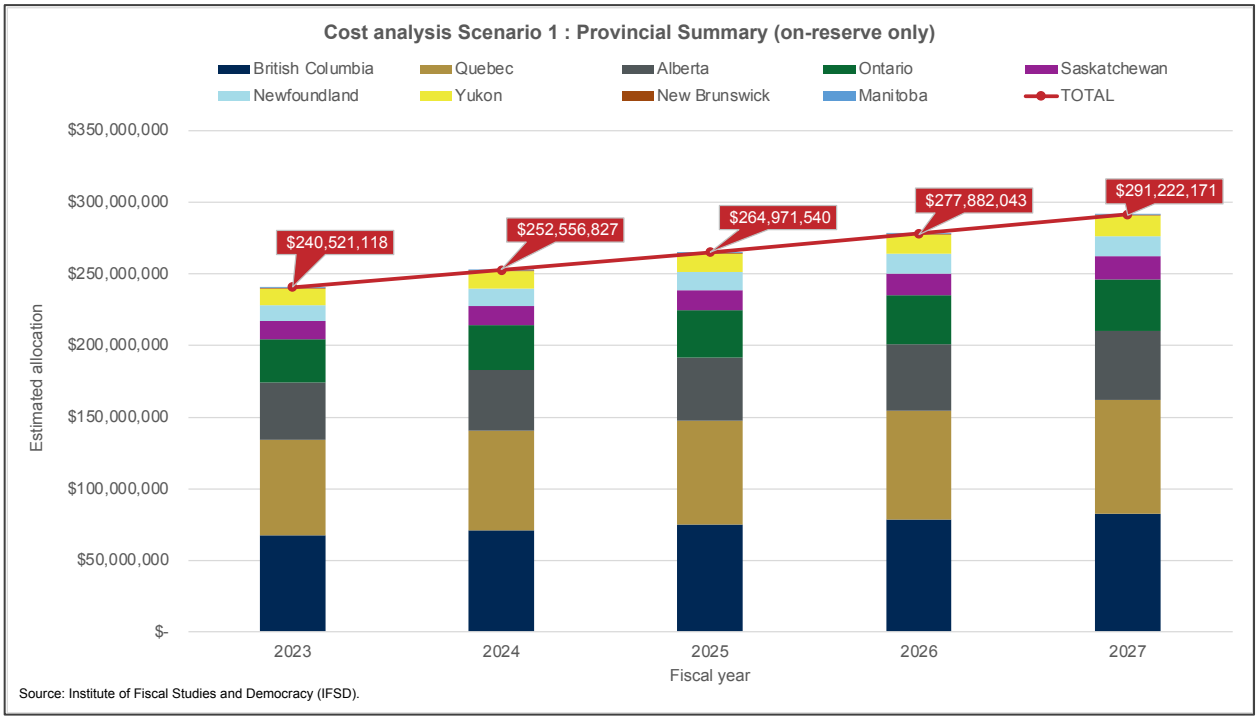
Scenario 1 (on-reserve)

- Per capita allocations of $2,500 and $283
- Projections grown by population + inflation

Table 1

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 67,651,939	$ 71,186,806	$ 74,818,348	$ 78,629,278	$ 82,494,714	$ 374,781,085
Alberta	$ 40,255,776	$ 42,285,333	$ 44,306,807	$ 46,424,335	$ 48,602,443	$ 221,874,693
Saskatchewan	$ 12,696,832	$ 13,445,114	$ 14,241,793	$ 15,067,940	$ 15,918,292	$ 71,369,971
Manitoba	*	*	*	*	*	*
Ontario	$ 30,000,642	$ 31,391,408	$ 32,852,117	$ 34,359,865	$ 35,934,601	$ 164,538,632
Quebec	$ 66,303,630	$ 69,359,717	$ 72,495,796	$ 75,814,240	$ 79,234,870	$ 363,208,253
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 11,302,453	$ 12,000,093	$ 12,713,453	$ 13,459,087	$ 14,241,083	$ 63,716,169
Yukon	$ 11,646,441	$ 12,186,985	$ 12,799,110	$ 13,341,695	$ 13,967,257	$ 63,941,488
TOTAL	$ 240,521,118	$ 252,556,827	$ 264,971,540	$ 277,882,043	$ 291,222,171	$ 1,327,153,699

Figure 1

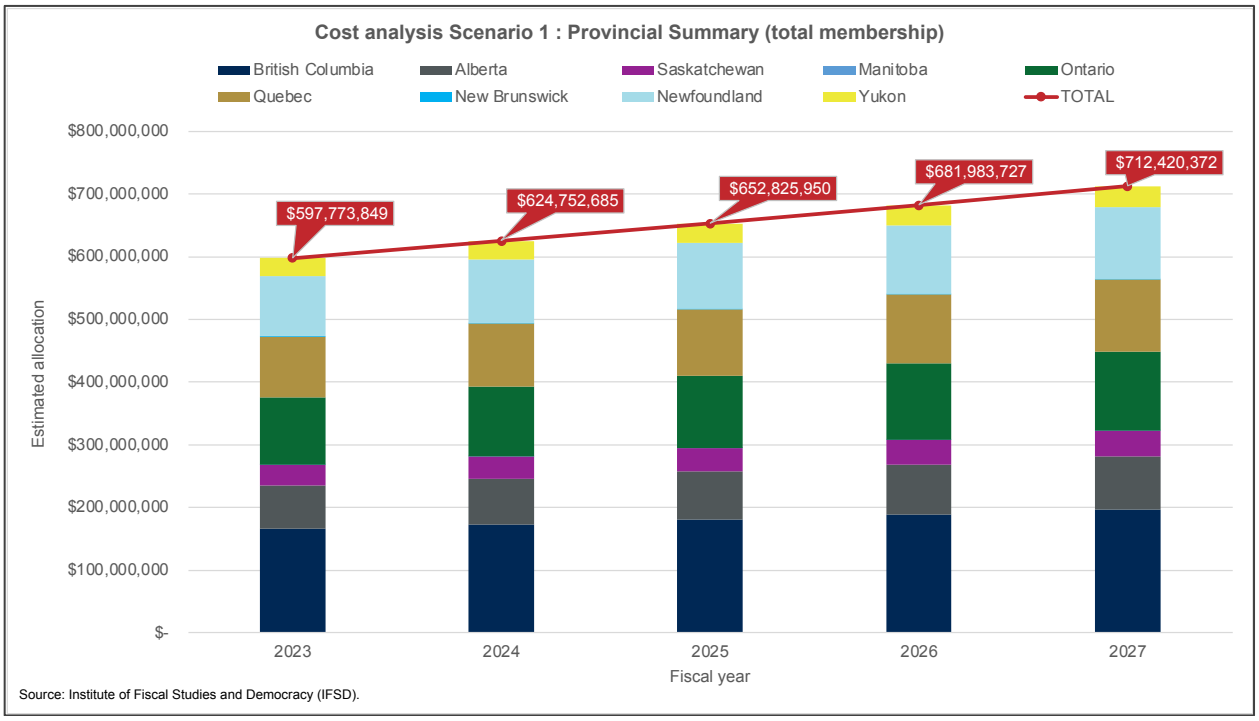


Scenario 1 (total membership)

Table 2

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 165,728,362	$ 173,140,358	$ 180,813,773	$ 188,739,214	$ 196,980,220	$ 905,401,927
Alberta	$ 69,396,448	$ 72,782,360	$ 76,293,203	$ 79,975,248	$ 83,853,510	$ 382,300,769
Saskatchewan	$ 33,207,099	$ 35,016,247	$ 36,925,810	$ 38,918,322	$ 41,003,861	$ 185,071,339
Manitoba	*	*	*	*	*	*
Ontario	$ 106,700,686	$ 111,270,652	$ 116,082,554	$ 121,082,893	$ 126,292,949	$ 581,429,734
Quebec	$ 96,678,973	$ 101,006,616	$ 105,471,623	$ 110,147,130	$ 114,998,399	$ 528,302,740
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 96,113,851	$ 100,440,616	$ 104,953,570	$ 109,616,328	$ 114,509,762	$ 525,634,127
Yukon	$ 28,372,843	$ 29,448,578	$ 30,563,605	$ 31,701,998	$ 32,898,332	$ 152,985,356
TOTAL	$ 597,773,849	$ 624,752,685	$ 652,825,950	$ 681,983,727	$ 712,420,372	$ 3,269,756,584

Figure 2



Source: Institute of Fiscal Studies and Democracy (IFSD).

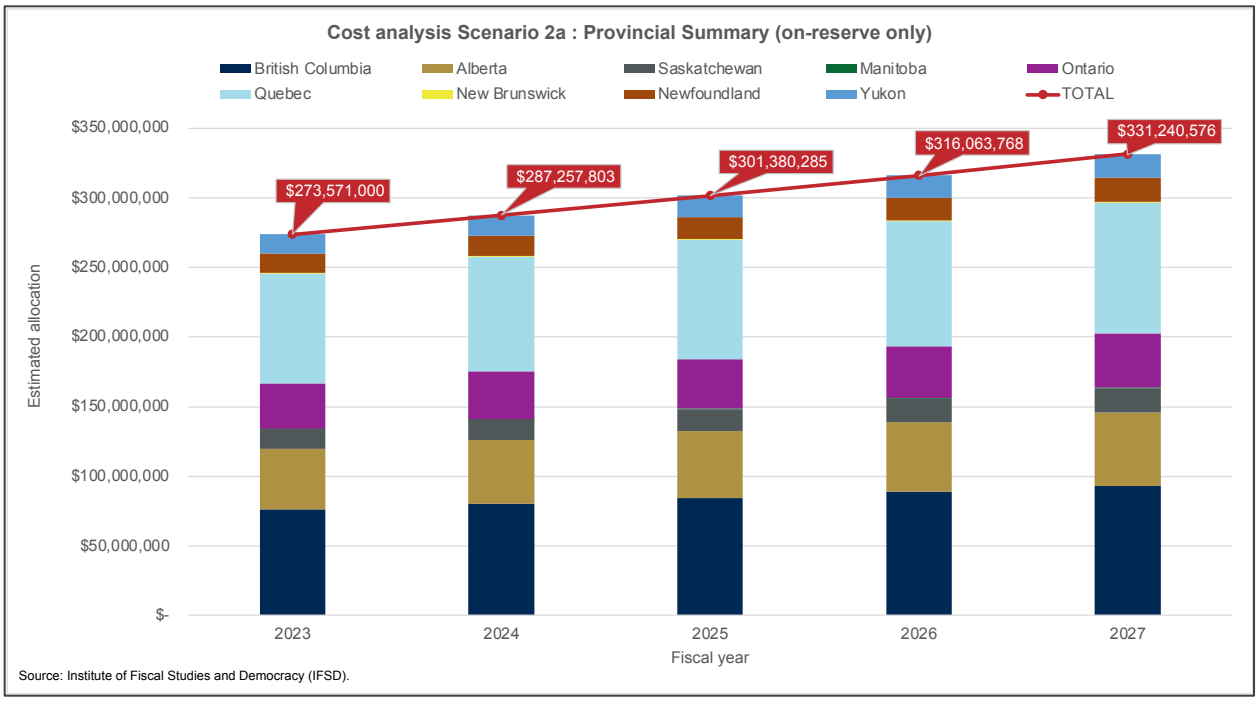
Scenario 2a (on-reserve)

- Per capita allocations of $2,500 and $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Projections grown by population + inflation

Table 3

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 76,397,891	$ 80,388,860	$ 84,489,347	$ 88,793,350	$ 93,159,275	$ 423,228,722
Alberta	$ 43,314,164	$ 45,497,964	$ 47,672,790	$ 49,951,251	$ 52,295,054	$ 238,731,223
Saskatchewan	$ 14,235,122	$ 15,074,094	$ 15,967,141	$ 16,893,477	$ 17,846,806	$ 80,016,640
Manitoba	*	*	*	*	*	*
Ontario	$ 32,444,874	$ 33,949,777	$ 35,529,595	$ 37,159,702	$ 38,862,591	$ 177,946,539
Quebec	$ 78,742,057	$ 82,371,649	$ 86,096,482	$ 90,037,199	$ 94,099,327	$ 431,346,714
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 13,791,570	$ 14,642,830	$ 15,513,559	$ 16,422,999	$ 17,377,263	$ 77,748,220
Yukon	$ 13,900,921	$ 14,545,683	$ 15,276,450	$ 15,924,379	$ 16,670,320	$ 76,317,753
TOTAL	$ 273,571,000	$ 287,257,803	$ 301,380,285	$ 316,063,768	$ 331,240,576	$ 1,509,513,432

Figure 3

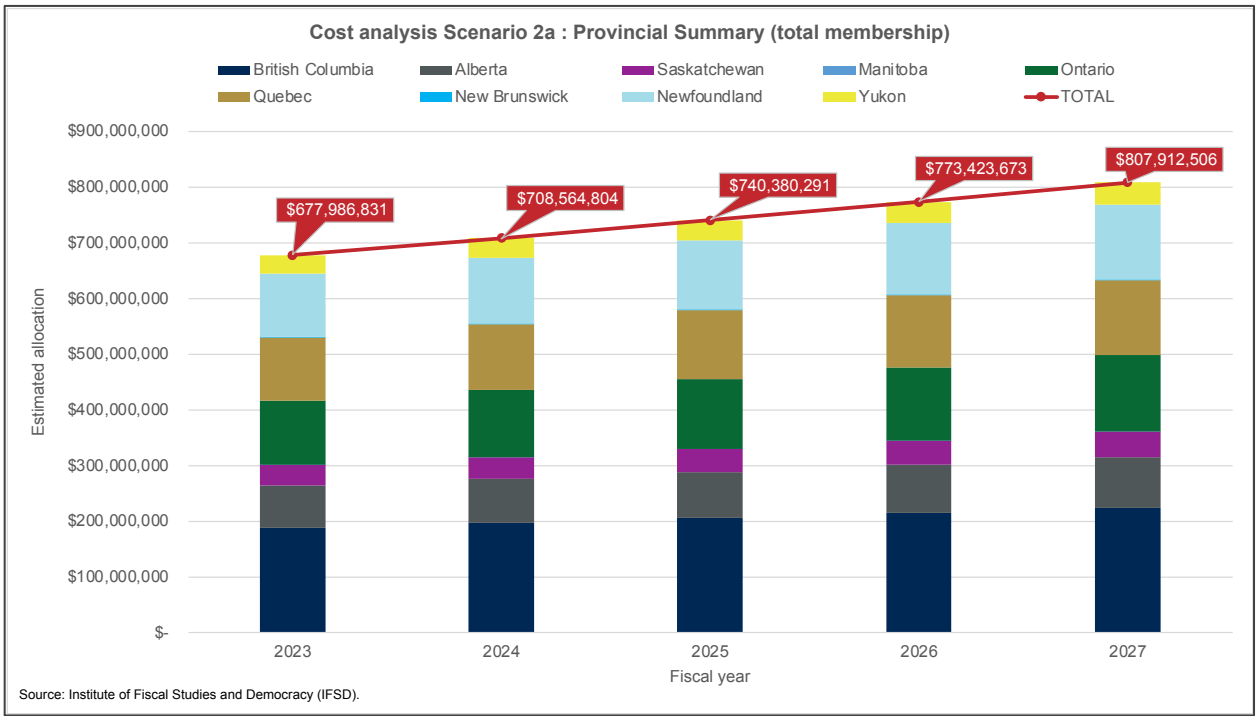


Scenario 2a (total membership)

Table 4

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 188,660,084	$ 197,095,918	$ 205,830,562	$ 214,853,580	$ 224,232,923	$ 1,030,673,067
Alberta	$ 75,137,717	$ 78,803,698	$ 82,604,814	$ 86,591,584	$ 90,790,533	$ 413,928,346
Saskatchewan	$ 37,131,286	$ 39,154,182	$ 41,289,378	$ 43,517,449	$ 45,849,311	$ 206,941,605
Manitoba	*	*	*	*	*	*
Ontario	$ 115,464,106	$ 120,409,257	$ 125,616,444	$ 131,027,747	$ 136,665,233	$ 629,182,788
Quebec	$ 113,119,342	$ 118,183,351	$ 123,407,114	$ 128,877,886	$ 134,554,645	$ 618,142,339
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 112,872,508	$ 117,954,001	$ 123,254,025	$ 128,729,481	$ 134,476,238	$ 617,286,254
Yukon	$ 33,833,771	$ 35,115,866	$ 36,445,774	$ 37,803,051	$ 39,230,019	$ 182,428,481
TOTAL	$ 677,986,831	$ 708,564,804	$ 740,380,291	$ 773,423,673	$ 807,912,506	$ 3,708,268,106

Figure 4



Source: Institute of Fiscal Studies and Democracy (IFSD).

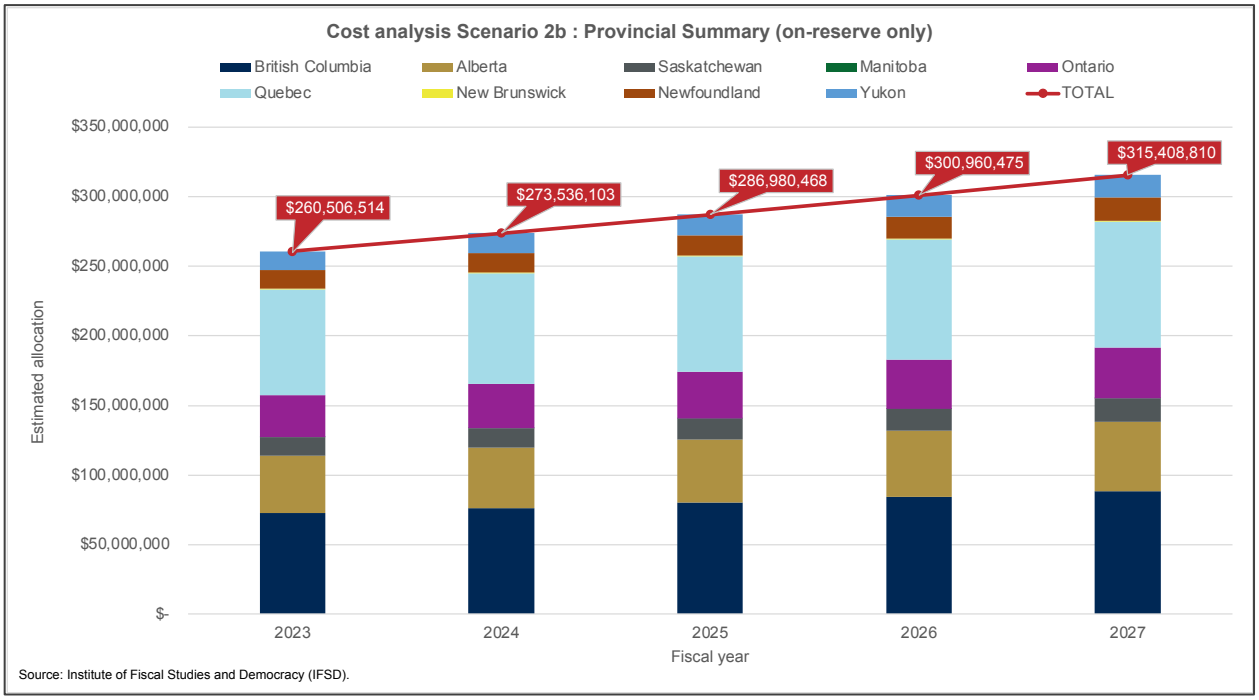
Scenario 2b (on-reserve)

- Per capita allocations of $2,500 and $283
- Remoteness **(applied to First Nations with a remoteness index of 0.4 or higher)**
- Projections grown by population + inflation

Table 5

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 72,646,378	$ 76,440,590	$ 80,339,483	$ 84,433,083	$ 88,583,978	$ 402,443,512
Alberta	$ 40,916,974	$ 42,979,971	$ 45,034,346	$ 47,186,794	$ 49,400,873	$ 225,518,957
Saskatchewan	$ 13,383,202	$ 14,172,008	$ 15,011,342	$ 15,882,393	$ 16,778,604	$ 75,227,549
Manitoba	*	*	*	*	*	*
Ontario	$ 30,407,235	$ 31,817,871	$ 33,298,431	$ 34,826,220	$ 36,421,942	$ 166,771,699
Quebec	$ 75,838,611	$ 79,334,329	$ 82,921,738	$ 86,717,213	$ 90,629,556	$ 415,441,447
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 13,234,472	$ 14,051,350	$ 14,886,857	$ 15,759,635	$ 16,675,343	$ 74,607,657
Yukon	$ 13,396,338	$ 14,017,775	$ 14,721,988	$ 15,346,339	$ 16,065,338	$ 73,547,777
TOTAL	$ 260,506,514	$ 273,536,103	$ 286,980,468	$ 300,960,475	$ 315,408,810	$ 1,437,392,369

Figure 5



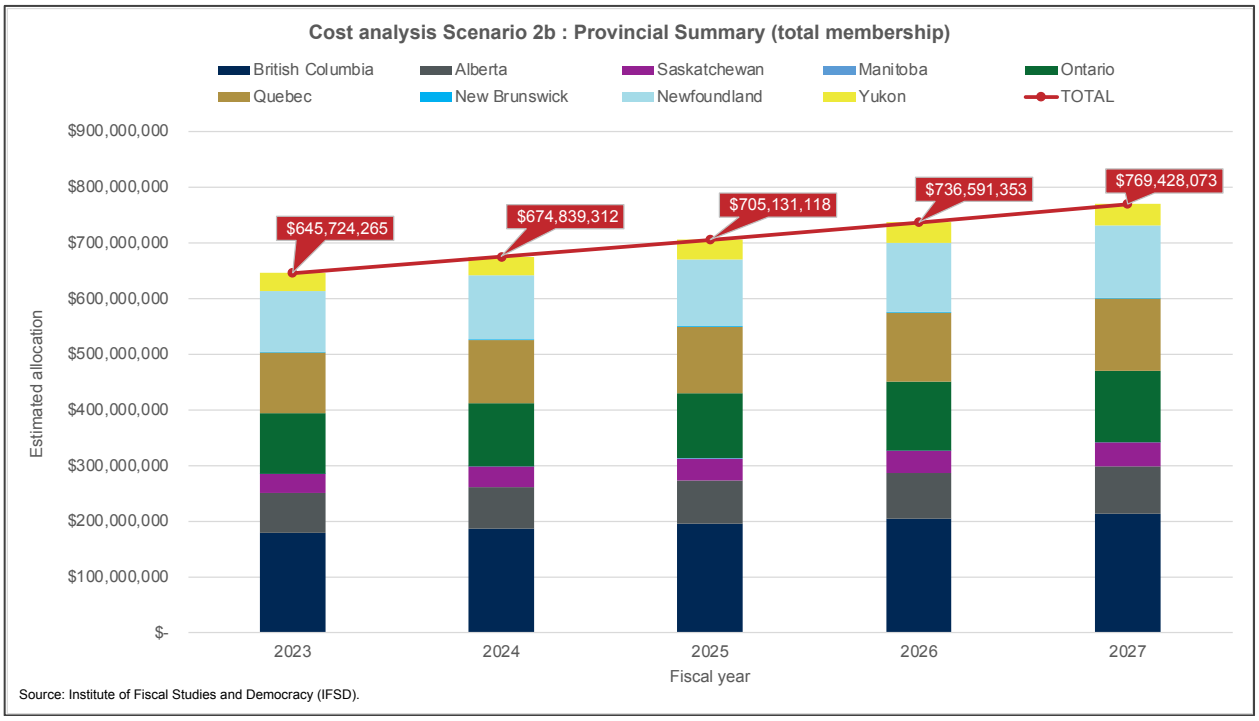
Source: Institute of Fiscal Studies and Democracy (IFSD).

Scenario 2b (total membership)

Table 6

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 179,432,897	$ 187,455,706	$ 195,762,738	$ 204,344,199	$ 213,265,155	$ 980,260,695
Alberta	$ 70,959,236	$ 74,421,355	$ 78,011,190	$ 81,776,181	$ 85,741,629	$ 390,909,591
Saskatchewan	$ 34,703,468	$ 36,594,030	$ 38,589,576	$ 40,672,148	$ 42,851,304	$ 193,410,527
Manitoba	*	*	*	*	*	*
Ontario	$ 108,083,642	$ 112,712,628	$ 117,587,235	$ 122,652,527	$ 127,929,580	$ 588,965,613
Quebec	$ 109,188,720	$ 114,076,670	$ 119,119,009	$ 124,399,628	$ 129,879,087	$ 596,663,114
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 109,121,694	$ 114,034,269	$ 119,158,135	$ 124,451,698	$ 130,007,470	$ 596,773,266
Yukon	$ 32,611,541	$ 33,847,450	$ 35,129,265	$ 36,437,552	$ 37,812,901	$ 175,838,711
TOTAL	$ 645,724,265	$ 674,839,312	$ 705,131,118	$ 736,591,353	$ 769,428,073	$ 3,531,714,121

Figure 6



Source: Institute of Fiscal Studies and Democracy (IFSD).

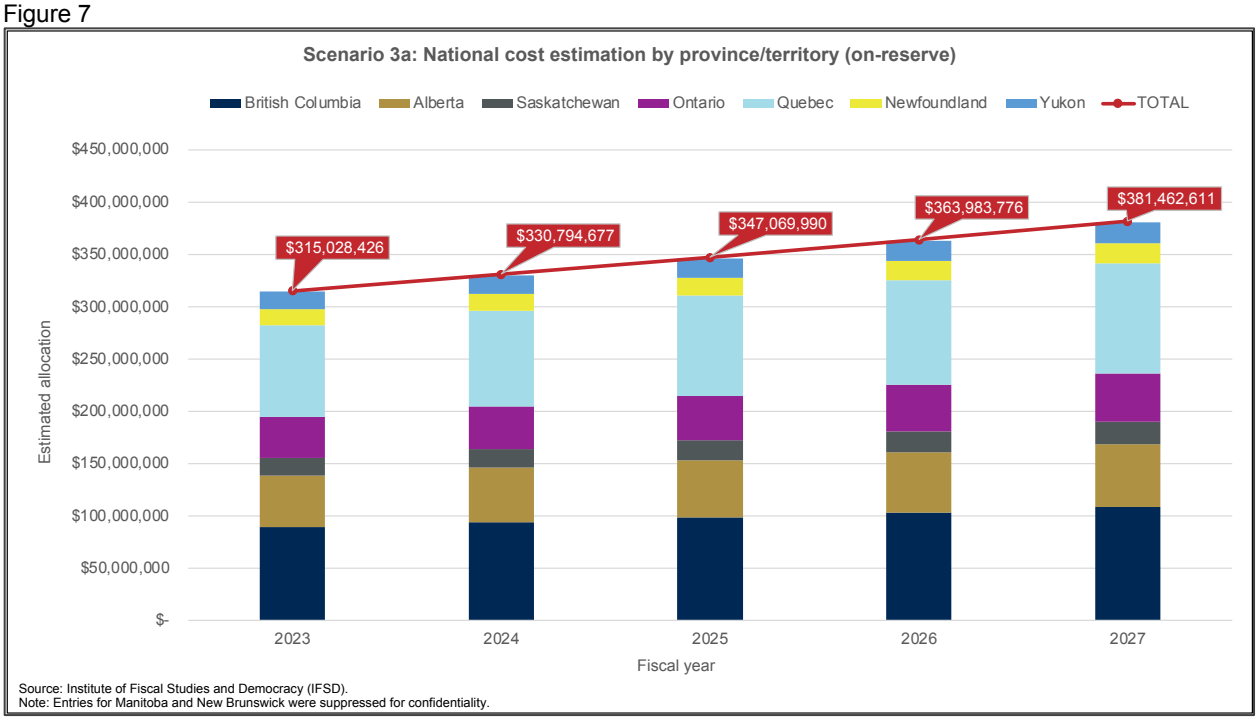
Scenario 3a (on-reserve)

- Per capita allocations of $2,500 and $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 89,127,760	$ 93,784,307	$ 98,568,811	$ 103,592,350	$ 108,681,180	$ 493,754,408
Alberta	$ 49,661,840	$ 52,165,765	$ 54,659,137	$ 57,271,607	$ 59,958,978	$ 273,717,328
Saskatchewan	$ 16,937,503	$ 17,935,712	$ 18,998,552	$ 20,100,549	$ 21,234,981	$ 95,207,297
Manitoba	*	*	*	*	*	*
Ontario	$ 38,904,732	$ 40,709,525	$ 42,603,877	$ 44,558,426	$ 46,600,042	$ 213,376,602
Quebec	$ 87,481,568	$ 91,514,011	$ 95,652,236	$ 100,030,321	$ 104,543,330	$ 479,221,465
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 15,308,643	$ 16,253,541	$ 17,220,050	$ 18,229,529	$ 19,288,762	$ 86,300,525
Yukon	$ 16,780,095	$ 17,558,306	$ 18,440,564	$ 19,222,627	$ 20,123,105	$ 92,124,696
TOTAL	$ 315,028,426	$ 330,794,677	$ 347,069,990	$ 363,983,776	$ 381,462,611	$ 1,738,339,479

Table 7

Figure 7



Scenario 3a (total membership)

Table 8

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 213,738,794	$ 223,297,119	$ 233,193,831	$ 243,413,367	$ 254,040,873	$ 1,167,683,984
Alberta	$ 84,985,984	$ 89,132,462	$ 93,431,678	$ 97,941,037	$ 102,690,302	$ 468,181,464
Saskatchewan	$ 42,352,245	$ 44,659,601	$ 47,095,034	$ 49,636,357	$ 52,296,149	$ 236,039,387
Manitoba	*	*	*	*	*	*
Ontario	$ 131,056,080	$ 136,669,192	$ 142,579,310	$ 148,721,448	$ 155,120,497	$ 714,146,528
Quebec	$ 125,640,354	$ 131,264,892	$ 137,066,864	$ 143,143,191	$ 149,448,294	$ 686,563,596
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 125,288,484	$ 130,928,942	$ 136,811,968	$ 142,889,724	$ 149,268,625	$ 685,187,742
Yukon	$ 38,905,559	$ 40,379,947	$ 41,909,026	$ 43,469,769	$ 45,110,756	$ 209,775,058
TOTAL	$ 763,929,999	$ 798,384,025	$ 834,232,431	$ 871,460,309	$ 910,321,597	$ 4,178,328,361

Figure 8

Source: Institute of Fiscal Studies and Democracy (IFSD).
Note: Entries for Manitoba and New Brunswick were suppressed for confidentiality.

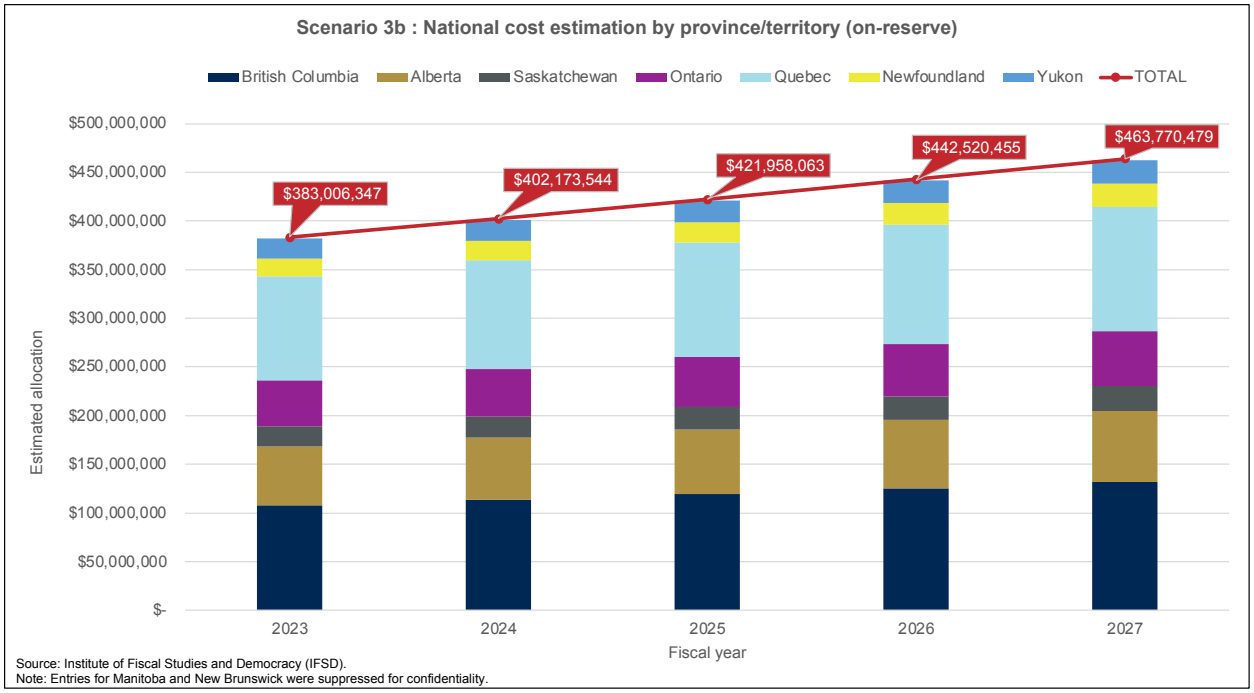
Scenario 3b (on-reserve)

- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data)
- Band Representative Service, $283 per capita
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

Table 9

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 108,111,387	$ 113,759,624	$ 119,563,032	$ 125,656,046	$ 131,829,737	$ 598,919,826
Alberta	$ 60,424,702	$ 63,471,266	$ 66,505,046	$ 69,683,677	$ 72,953,444	$ 333,038,134
Saskatchewan	$ 20,474,698	$ 21,681,378	$ 22,966,126	$ 24,298,302	$ 25,669,620	$ 115,090,124
Manitoba	*	*	*	*	*	*
Ontario	$ 46,966,753	$ 49,145,489	$ 51,432,400	$ 53,792,005	$ 56,256,760	$ 257,593,408
Quebec	$ 107,047,682	$ 111,982,019	$ 117,045,804	$ 122,403,093	$ 127,925,474	$ 586,404,072
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 18,735,622	$ 19,892,045	$ 21,074,916	$ 22,310,375	$ 23,606,728	$ 105,619,686
Yukon	$ 20,234,247	$ 21,172,670	$ 22,236,512	$ 23,179,575	$ 24,265,407	$ 111,088,410
TOTAL	$ 383,006,347	$ 402,173,544	$ 421,958,063	$ 442,520,455	$ 463,770,479	$ 2,113,428,888

Figure 9



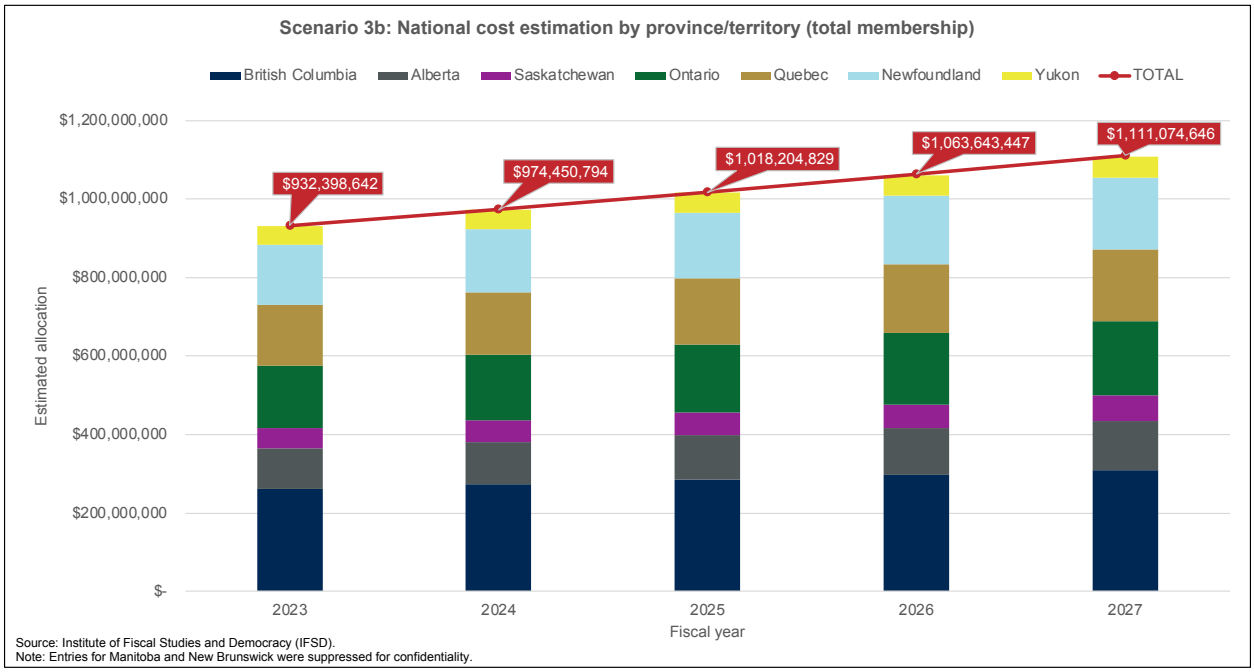
Source: Institute of Fiscal Studies and Democracy (IFSD).
Note: Entries for Manitoba and New Brunswick were suppressed for confidentiality.

Scenario 3b (total membership)

Table 10

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 260,617,740	$ 272,272,232	$ 284,339,360	$ 296,800,969	$ 309,759,089	$ 1,423,789,390
Alberta	$ 103,656,479	$ 108,713,893	$ 113,957,624	$ 119,457,630	$ 125,250,266	$ 571,035,891
Saskatchewan	$ 51,578,763	$ 54,388,775	$ 57,354,770	$ 60,449,732	$ 63,688,953	$ 287,460,993
Manitoba	*	*	*	*	*	*
Ontario	$ 159,747,023	$ 166,588,924	$ 173,792,943	$ 181,279,702	$ 189,079,573	$ 870,488,164
Quebec	$ 153,748,662	$ 160,631,523	$ 167,731,514	$ 175,167,239	$ 182,882,924	$ 840,161,861
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 153,335,457	$ 160,238,582	$ 167,438,578	$ 174,876,895	$ 182,683,771	$ 838,573,284
Yukon	$ 47,312,698	$ 49,105,666	$ 50,965,205	$ 52,863,209	$ 54,858,774	$ 255,105,552
TOTAL	$ 932,398,642	$ 974,450,794	$ 1,018,204,829	$ 1,063,643,447	$ 1,111,074,646	$ 5,099,772,358

Figure 10



Source: Institute of Fiscal Studies and Democracy (IFSD).
Note: Entries for Manitoba and New Brunswick were suppressed for confidentiality.

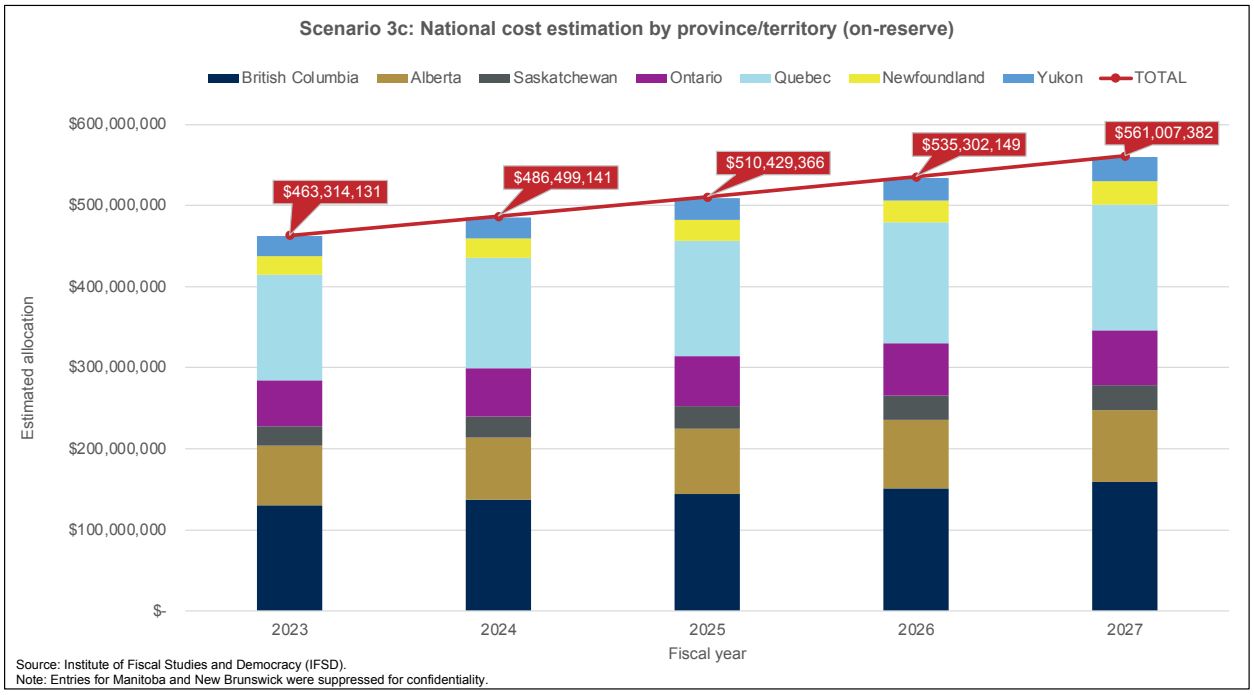
Scenario 3c (on-reserve)

- Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data)
- Band Representative Service, $283 per capita
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

Table 11

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 130,538,272	$ 137,358,073	$ 144,365,194	$ 151,721,664	$ 159,176,988	$ 723,160,191
Alberta	$ 73,139,736	$ 76,827,362	$ 80,499,571	$ 84,347,052	$ 88,304,852	$ 403,118,573
Saskatchewan	$ 24,653,472	$ 26,106,435	$ 27,653,339	$ 29,257,444	$ 30,908,616	$ 138,579,307
Manitoba	*	*	*	*	*	*
Ontario	$ 56,491,066	$ 59,111,573	$ 61,862,245	$ 64,700,373	$ 67,665,019	$ 309,830,276
Quebec	$ 130,162,705	$ 136,162,523	$ 142,319,747	$ 148,833,847	$ 155,548,682	$ 713,027,504
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 22,784,189	$ 24,190,502	$ 25,628,979	$ 27,131,408	$ 28,707,888	$ 128,442,966
Yukon	$ 24,314,914	$ 25,442,610	$ 26,720,971	$ 27,854,235	$ 29,159,041	$ 133,491,770
TOTAL	$ 463,314,131	$ 486,499,141	$ 510,429,366	$ 535,302,149	$ 561,007,382	$ 2,556,552,170

Figure 11



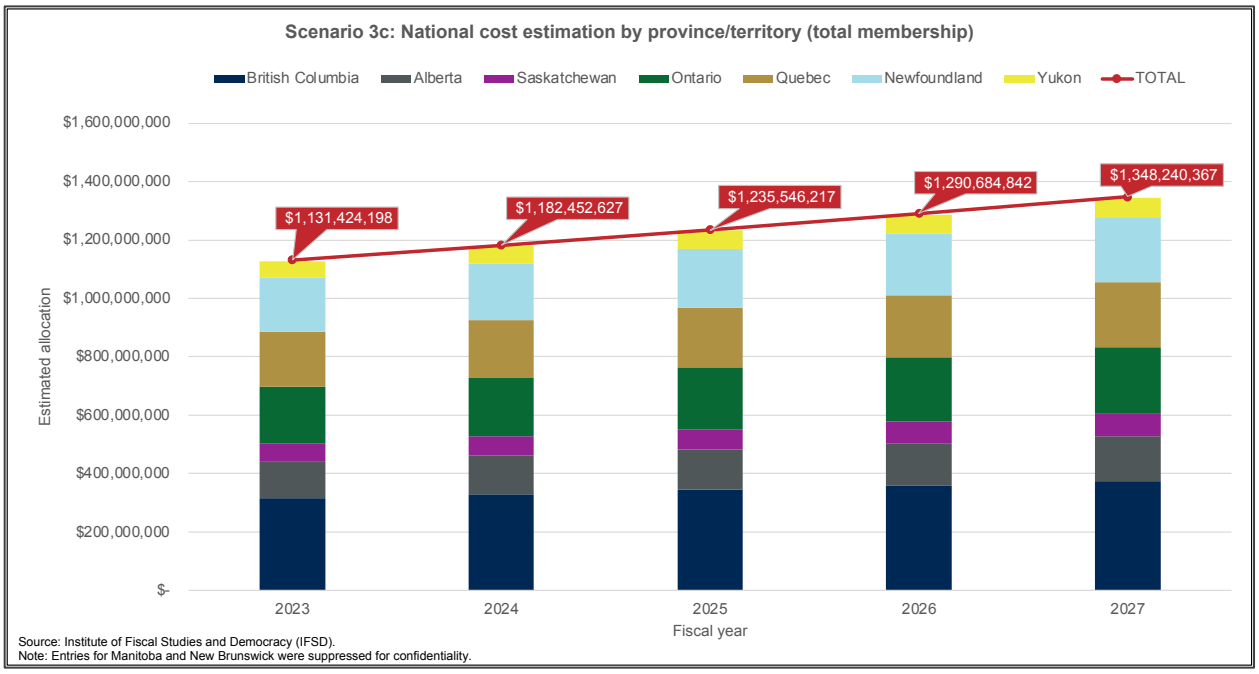
Source: Institute of Fiscal Studies and Democracy (IFSD).
Note: Entries for Manitoba and New Brunswick were suppressed for confidentiality.

Scenario 3c (total membership)

Table 12

Province/Territory	2023	2024	2025	2026	2027	5-year total
British Columbia	$ 315,999,610	$ 330,130,472	$ 344,761,687	$ 359,872,037	$ 375,583,497	$ 1,726,347,302
Alberta	$ 125,713,435	$ 131,847,011	$ 138,206,574	$ 144,876,912	$ 151,902,164	$ 692,546,096
Saskatchewan	$ 62,478,790	$ 65,882,631	$ 69,475,420	$ 73,224,441	$ 77,148,189	$ 348,209,470
Manitoba	*	*	*	*	*	*
Ontario	$ 193,641,941	$ 201,935,509	$ 210,668,117	$ 219,743,384	$ 229,198,161	$ 1,055,187,112
Quebec	$ 186,955,265	$ 195,324,685	$ 203,958,131	$ 212,999,822	$ 222,381,940	$ 1,021,619,843
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 186,469,601	$ 194,864,418	$ 203,620,255	$ 212,665,913	$ 222,159,771	$ 1,019,779,959
Yukon	$ 57,244,727	$ 59,414,059	$ 61,663,998	$ 63,960,435	$ 66,374,892	$ 308,658,111
TOTAL	$ 1,131,424,198	$ 1,182,452,627	$ 1,235,546,217	$ 1,290,684,842	$ 1,348,240,367	$ 6,188,348,252

Figure 12



Source: Institute of Fiscal Studies and Democracy (IFSD).
Note: Entries for Manitoba and New Brunswick were suppressed for confidentiality.

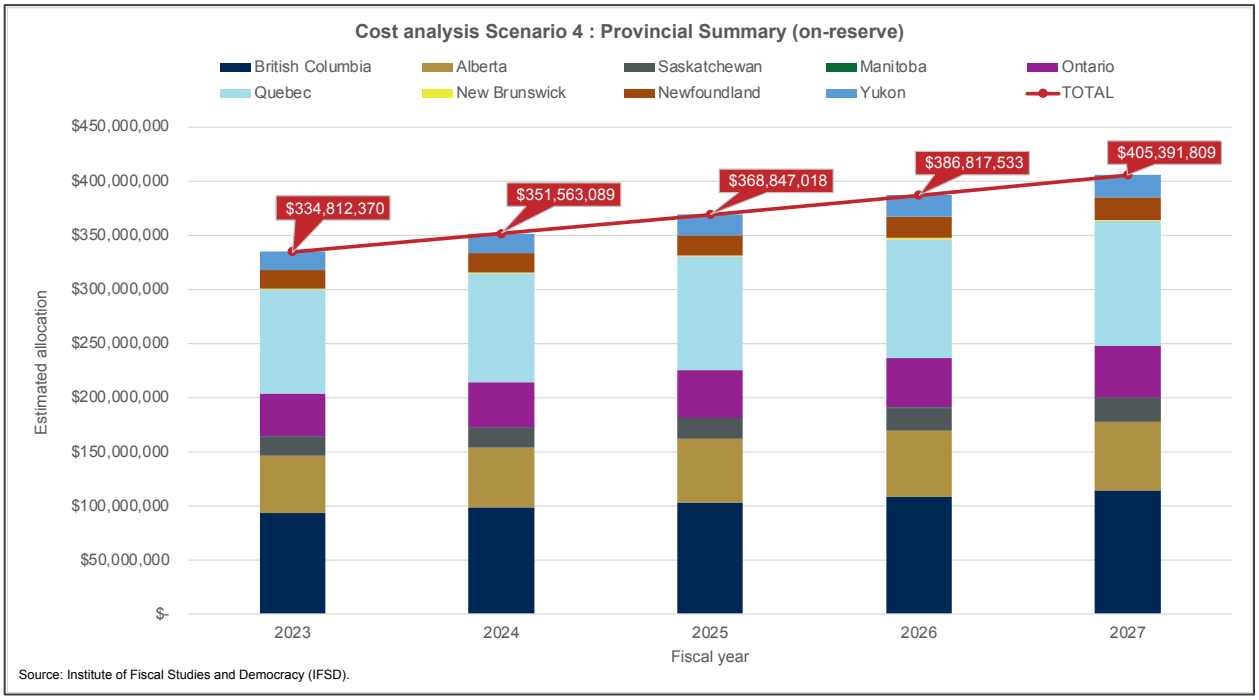
Scenario 4 (on-reserve)

- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) + $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Projections grown by population + inflation

Table 13

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 93,500,257	$ 98,384,641	$ 103,403,060	$ 108,670,554	$ 114,013,830	$ 517,972,342
Alberta	$ 53,010,436	$ 55,683,099	$ 58,344,780	$ 61,133,296	$ 64,001,780	$ 292,173,391
Saskatchewan	$ 17,421,785	$ 18,448,568	$ 19,541,531	$ 20,675,236	$ 21,841,976	$ 97,929,097
Manitoba	*	*	*	*	*	*
Ontario	$ 39,707,956	$ 41,549,745	$ 43,483,219	$ 45,478,241	$ 47,562,338	$ 217,781,499
Quebec	$ 96,369,186	$ 100,811,296	$ 105,369,967	$ 110,192,849	$ 115,164,322	$ 527,907,621
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 16,878,939	$ 17,920,761	$ 18,986,411	$ 20,099,437	$ 21,267,322	$ 95,152,871
Yukon	$ 17,012,769	$ 17,801,867	$ 18,696,223	$ 19,489,196	$ 20,402,124	$ 93,402,180
TOTAL	$ 334,812,370	$ 351,563,089	$ 368,847,018	$ 386,817,533	$ 405,391,809	$ 1,847,431,818

Figure 13



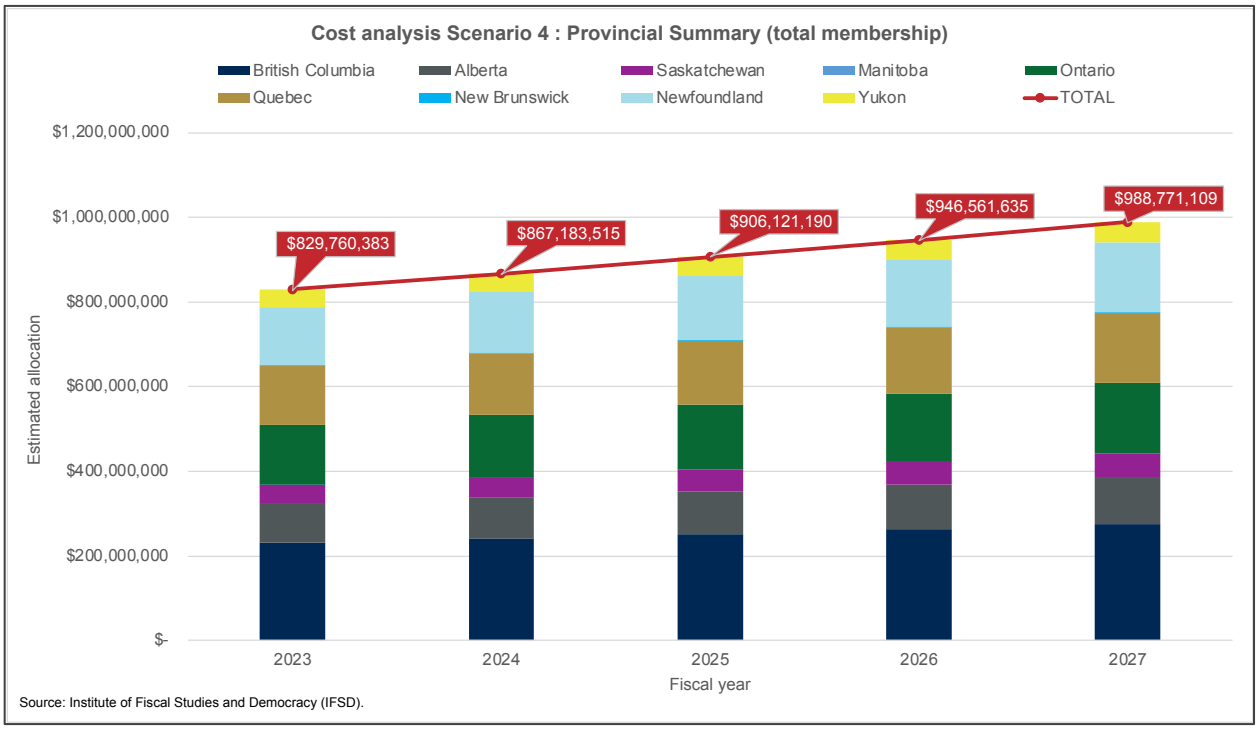
Source: Institute of Fiscal Studies and Democracy (IFSD).

Scenario 4 (total membership)

Table 14

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 230,893,369	$ 241,217,642	$ 251,907,616	$ 262,950,518	$ 274,429,513	$ 1,261,398,658
Alberta	$ 91,957,982	$ 96,444,626	$ 101,096,657	$ 105,975,902	$ 111,114,824	$ 506,589,991
Saskatchewan	$ 45,443,464	$ 47,919,203	$ 50,532,383	$ 53,259,228	$ 56,113,098	$ 253,267,376
Manitoba	*	*	*	*	*	*
Ontario	$ 141,311,803	$ 147,363,970	$ 153,736,833	$ 160,359,507	$ 167,258,995	$ 770,031,108
Quebec	$ 138,442,141	$ 144,639,775	$ 151,032,925	$ 157,728,380	$ 164,675,933	$ 756,519,154
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 138,140,051	$ 144,359,083	$ 150,845,566	$ 157,546,752	$ 164,579,974	$ 755,471,427
Yukon	$ 41,407,770	$ 42,976,874	$ 44,604,494	$ 46,265,609	$ 48,012,017	$ 223,266,764
TOTAL	$ 829,760,383	$ 867,183,515	$ 906,121,190	$ 946,561,635	$ 988,771,109	$ 4,538,397,832

Figure 14



Source: Institute of Fiscal Studies and Democracy (IFSD).

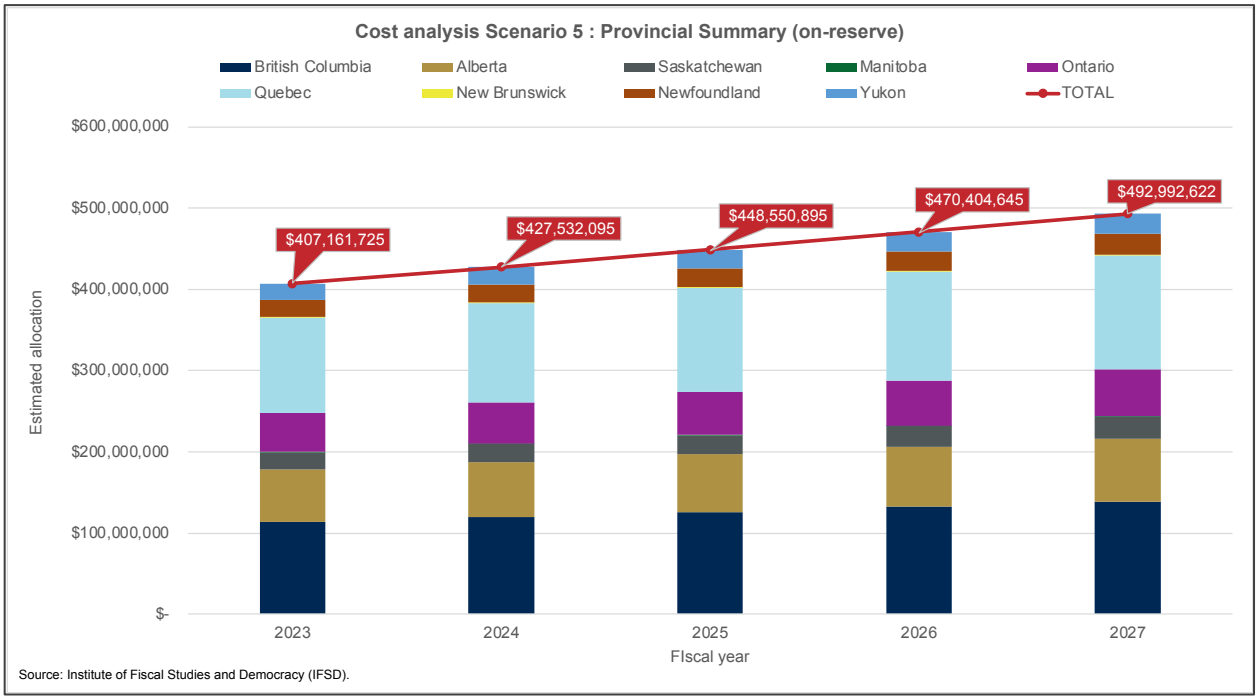
Scenario 5 (on-reserve)

- Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data) + $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Projections grown by population + inflation

Table 15

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 113,704,658	$ 119,644,505	$ 125,747,350	$ 132,153,093	$ 138,650,994	$ 629,900,599
Alberta	$ 64,465,421	$ 67,715,619	$ 70,952,461	$ 74,343,544	$ 77,831,877	$ 355,308,921
Saskatchewan	$ 21,186,445	$ 22,435,106	$ 23,764,246	$ 25,142,932	$ 26,561,793	$ 119,090,522
Manitoba	*	*	*	*	*	*
Ontario	$ 48,288,418	$ 50,528,199	$ 52,879,476	$ 55,305,600	$ 57,840,048	$ 264,841,741
Quebec	$ 117,193,532	$ 122,595,534	$ 128,139,285	$ 134,004,340	$ 140,050,095	$ 641,982,785
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 20,526,296	$ 21,793,245	$ 23,089,170	$ 24,442,710	$ 25,862,962	$ 115,714,383
Yukon	$ 20,689,045	$ 21,648,659	$ 22,736,276	$ 23,700,602	$ 24,810,804	$ 113,585,387
TOTAL	$ 407,161,725	$ 427,532,095	$ 448,550,895	$ 470,404,645	$ 492,992,622	$ 2,246,641,981

Figure 15

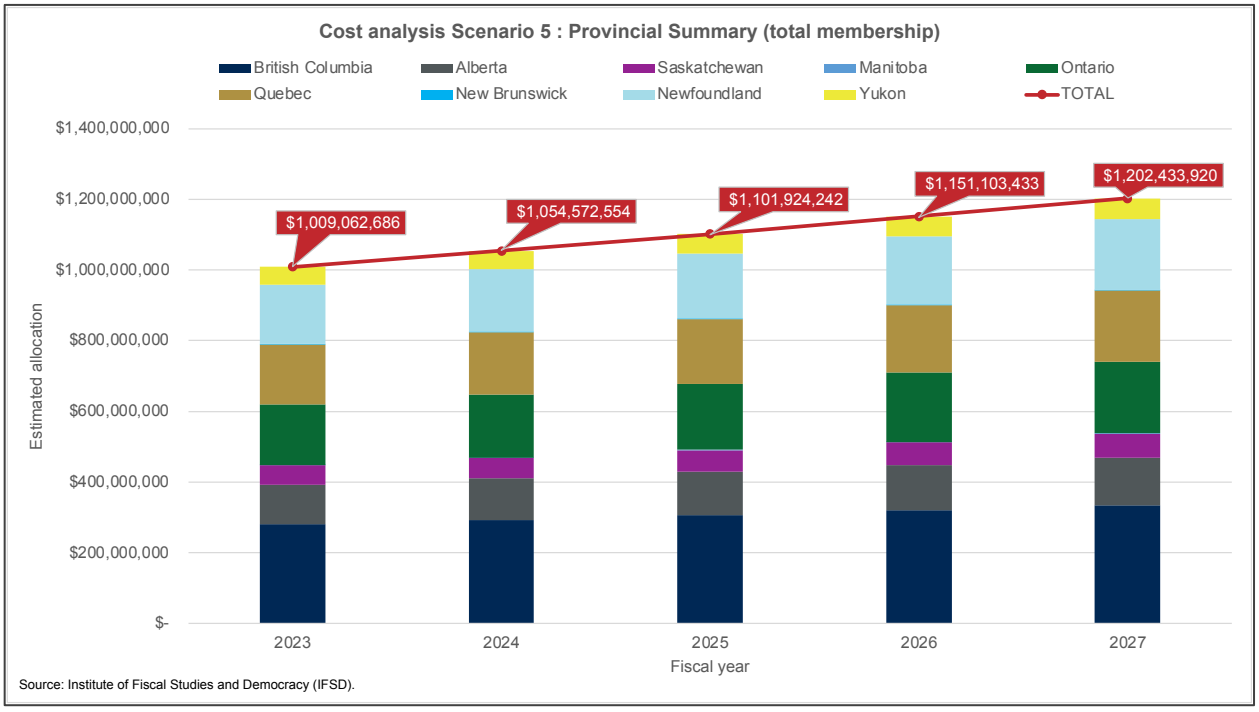


Scenario 5 (total membership)

Table 16

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 280,786,945	$ 293,342,182	$ 306,342,145	$ 319,771,300	$ 333,730,782	$ 1,533,973,353
Alberta	$ 111,829,114	$ 117,285,274	$ 122,942,558	$ 128,876,155	$ 135,125,543	$ 616,058,645
Saskatchewan	$ 55,263,308	$ 58,274,028	$ 61,451,888	$ 64,767,974	$ 68,238,536	$ 307,995,734
Manitoba	*	*	*	*	*	*
Ontario	$ 171,847,765	$ 179,207,741	$ 186,957,711	$ 195,011,473	$ 203,401,867	$ 936,426,556
Quebec	$ 168,358,000	$ 175,894,876	$ 183,669,517	$ 191,811,787	$ 200,260,633	$ 919,994,814
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 167,990,632	$ 175,553,530	$ 183,441,671	$ 191,590,913	$ 200,143,938	$ 918,720,684
Yukon	$ 50,355,544	$ 52,263,714	$ 54,243,046	$ 56,263,110	$ 58,386,898	$ 271,512,313
TOTAL	$ 1,009,062,686	$ 1,054,572,554	$ 1,101,924,242	$ 1,151,103,433	$ 1,202,433,920	$ 5,519,096,836

Figure 16



Source: Institute of Fiscal Studies and Democracy (IFSD).

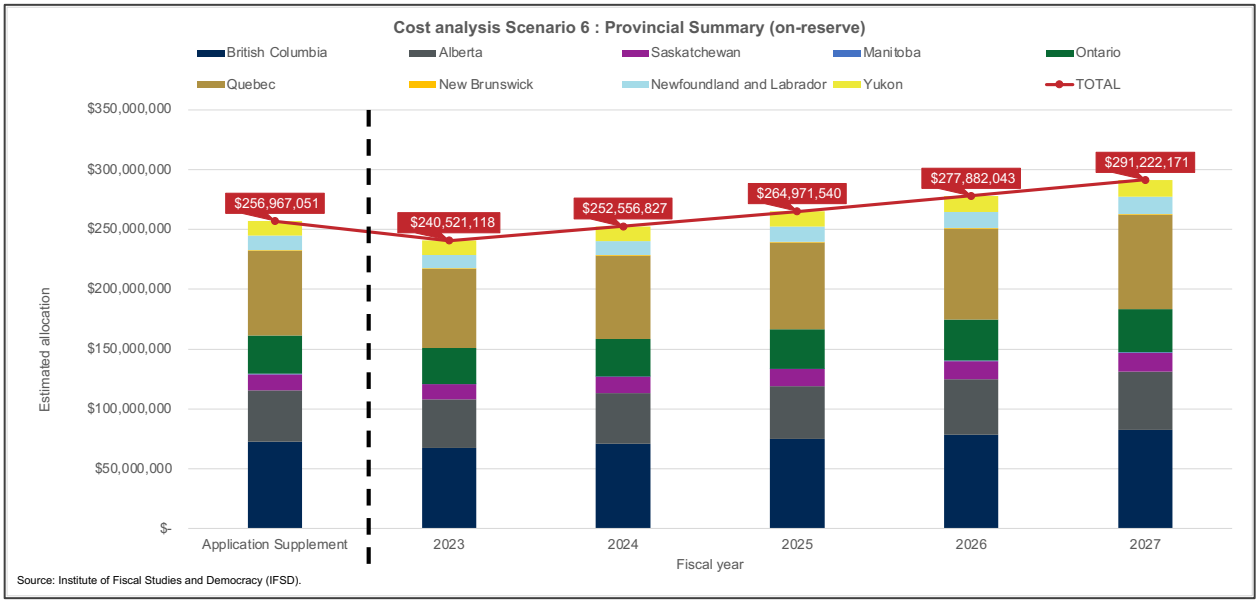
Scenario 6 (on-reserve)

- Per capita allocations of $2,500 and $283
- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data) allocated to a fund for application-based access to resources
- Projections grown by population + inflation

Table 17

Province/Territory	Application Supplement	2023	2024	2025	2026	2027	Total
British Columbia	$ 72,514,054	$ 67,651,939	$ 71,186,806	$ 74,818,348	$ 78,629,278	$ 82,494,714	$ 374,781,085
Alberta	$ 42,908,137	$ 40,255,776	$ 42,285,333	$ 44,306,807	$ 46,424,335	$ 48,602,443	$ 221,874,693
Saskatchewan	$ 13,700,844	$ 12,696,832	$ 13,445,114	$ 14,241,793	$ 15,067,940	$ 15,918,292	$ 71,369,971
Manitoba	*	*	*	*	*	*	*
Ontario	$ 31,944,857	$ 30,000,642	$ 31,391,408	$ 32,852,117	$ 34,359,865	$ 35,934,601	$ 164,538,632
Quebec	$ 70,642,945	$ 66,303,630	$ 69,359,717	$ 72,495,796	$ 75,814,240	$ 79,234,870	$ 363,208,253
New Brunswick	*	*	*	*	*	*	*
Newfoundland and	$ 12,200,206	$ 11,302,453	$ 12,000,093	$ 12,713,453	$ 13,459,087	$ 14,241,083	$ 63,716,169
Yukon	$ 12,342,310	$ 11,646,441	$ 12,186,985	$ 12,799,110	$ 13,341,695	$ 13,967,257	$ 63,941,488
TOTAL	$ 256,967,051	$ 240,521,118	$ 252,556,827	$ 264,971,540	$ 277,882,043	$ 291,222,171	$ 1,327,153,699

Figure 17

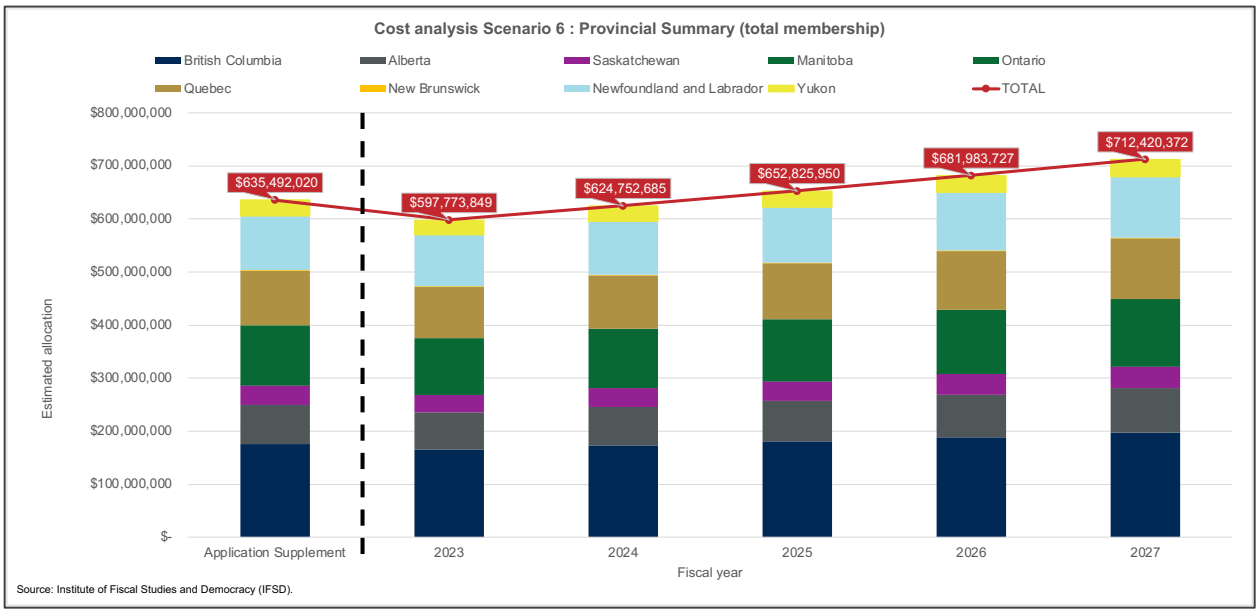


Scenario 6 (total membership)

Table 18

Province/Territory	Application Supplement	2023	2024	2025	2026	2027	Total
British Columbia	$ 176,125,076	$ 165,728,362	$ 173,140,358	$ 180,813,773	$ 188,739,214	$ 196,980,220	$ 905,401,927
Alberta	$ 73,976,363	$ 69,396,448	$ 72,782,360	$ 76,293,203	$ 79,975,248	$ 83,853,510	$ 382,300,769
Saskatchewan	$ 35,612,685	$ 33,207,099	$ 35,016,247	$ 36,925,810	$ 38,918,322	$ 41,003,861	$ 185,071,339
Manitoba	*	*	*	*	*	*	*
Ontario	$ 113,245,870	$ 106,700,686	$ 111,270,652	$ 116,082,554	$ 121,082,893	$ 126,292,949	$ 581,429,734
Quebec	$ 102,755,944	$ 96,678,973	$ 101,006,616	$ 105,471,623	$ 110,147,130	$ 114,998,399	$ 528,302,740
New Brunswick	*	*	*	*	*	*	*
Newfoundland and	$ 102,125,483	$ 96,113,851	$ 100,440,616	$ 104,953,570	$ 109,616,328	$ 114,509,762	$ 525,634,127
Yukon	$ 29,972,028	$ 28,372,843	$ 29,448,578	$ 30,563,605	$ 31,701,998	$ 32,898,332	$ 152,985,356
TOTAL	$ 635,492,020	$ 597,773,849	$ 624,752,685	$ 652,825,950	$ 681,983,727	$ 712,420,372	$ 3,269,756,584

Figure 18



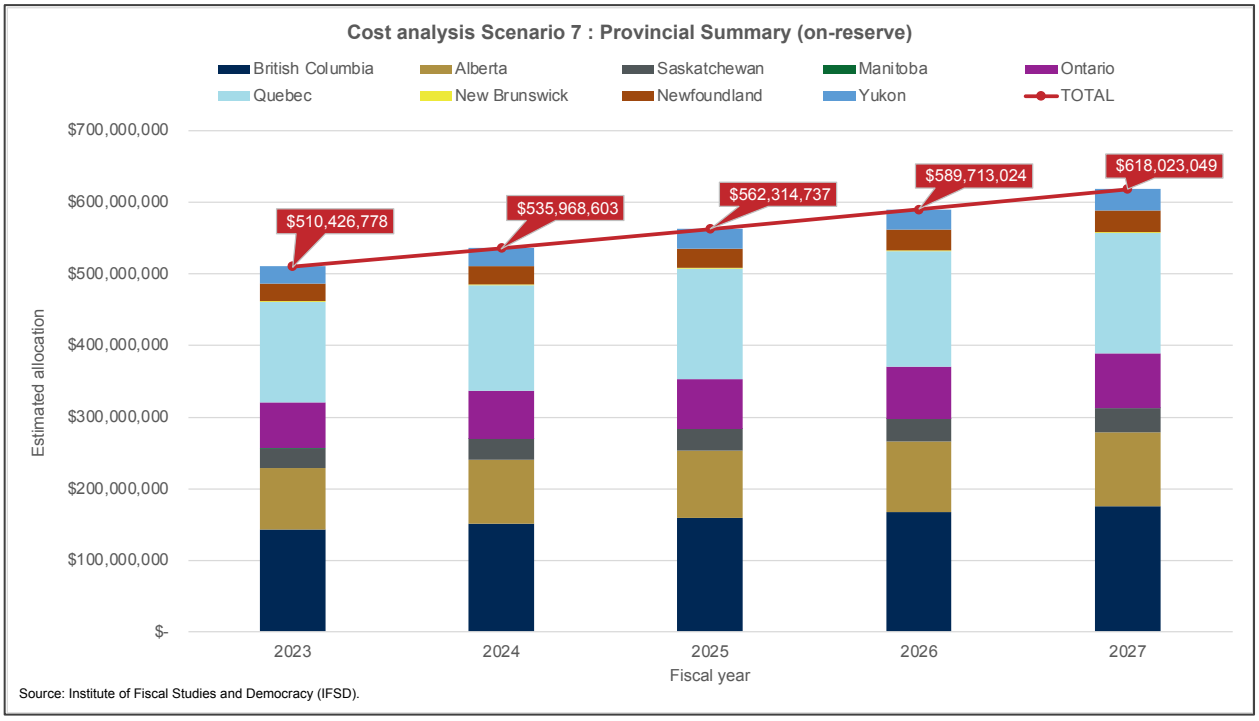
Scenario 7 (on-reserve)

- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data)
- Per capita allocations of $2,500 and $283
- Projections grown by population + inflation

Table 19

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 143,568,937	$ 151,070,526	$ 158,777,278	$ 166,864,719	$ 175,067,833	$ 795,349,294
Alberta	$ 85,429,612	$ 89,736,678	$ 94,026,590	$ 98,520,346	$ 103,142,661	$ 470,855,888
Saskatchewan	$ 26,944,840	$ 28,532,822	$ 30,223,511	$ 31,976,735	$ 33,781,327	$ 151,459,235
Manitoba	*	*	*	*	*	*
Ontario	$ 63,666,472	$ 66,617,914	$ 69,717,787	$ 72,917,485	$ 76,259,344	$ 349,179,002
Quebec	$ 140,707,596	$ 147,193,132	$ 153,848,427	$ 160,890,731	$ 168,149,889	$ 770,789,775
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 23,985,731	$ 25,466,241	$ 26,980,113	$ 28,562,474	$ 30,222,004	$ 135,216,563
Yukon	$ 24,715,731	$ 25,862,858	$ 27,161,892	$ 28,313,349	$ 29,640,898	$ 135,694,729
TOTAL	$ 510,426,778	$ 535,968,603	$ 562,314,737	$ 589,713,024	$ 618,023,049	$ 2,816,446,190

Figure 19

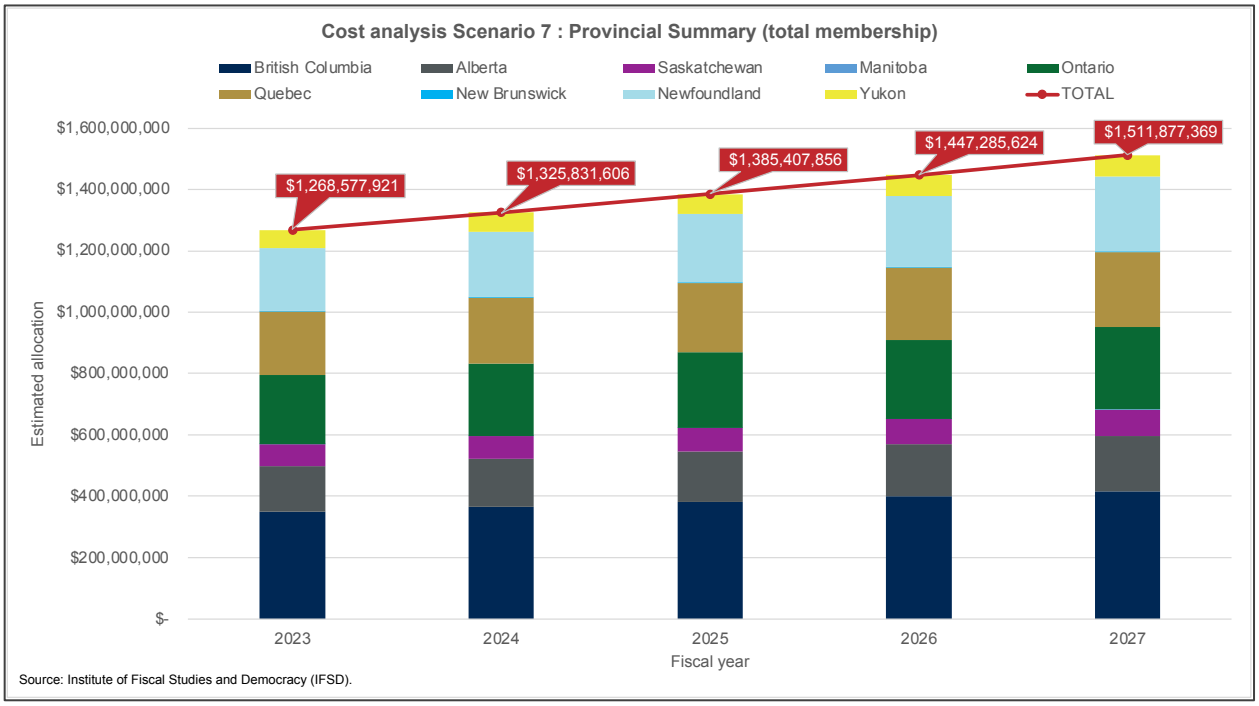


Scenario 7 (total membership)

Table 20

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 351,703,812	$ 367,433,329	$ 383,717,623	$ 400,536,758	$ 418,025,576	$ 1,921,417,098
Alberta	$ 147,271,083	$ 154,456,563	$ 161,907,172	$ 169,721,098	$ 177,951,430	$ 811,307,346
Saskatchewan	$ 70,471,120	$ 74,310,440	$ 78,362,858	$ 82,591,309	$ 87,017,177	$ 392,752,903
Manitoba	*	*	*	*	*	*
Ontario	$ 226,437,030	$ 236,135,276	$ 246,346,950	$ 256,958,521	$ 268,015,148	$ 1,233,892,924
Quebec	$ 205,169,247	$ 214,353,242	$ 223,828,747	$ 233,750,970	$ 244,046,188	$ 1,121,148,395
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 203,969,961	$ 213,152,094	$ 222,729,352	$ 232,624,518	$ 243,009,218	$ 1,115,485,143
Yukon	$ 60,212,005	$ 62,494,898	$ 64,861,175	$ 67,277,039	$ 69,815,865	$ 324,660,982
TOTAL	$ 1,268,577,921	$ 1,325,831,606	$ 1,385,407,856	$ 1,447,285,624	$ 1,511,877,369	$ 6,938,980,376

Figure 20



Source: Institute of Fiscal Studies and Democracy (IFSD).

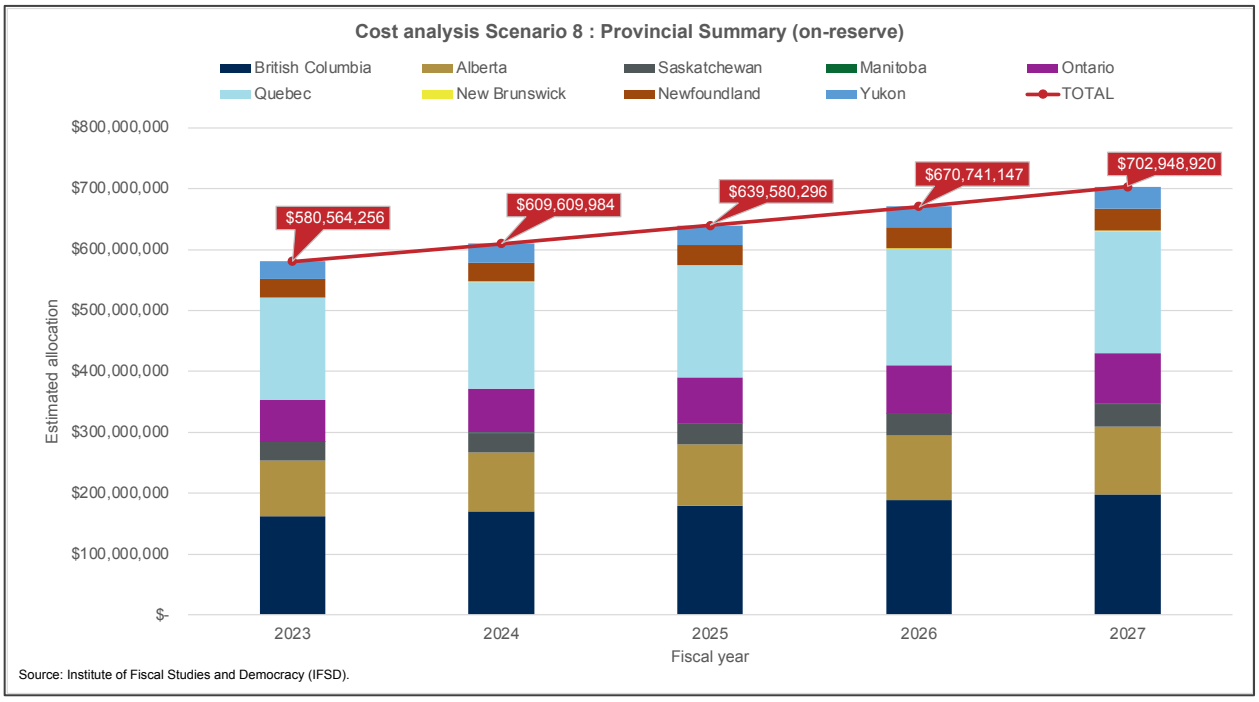
Scenario 8 (on-reserve)

- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data)
- Per capita allocations of $2,500 and $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Projections grown by population + inflation

Table 21

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 162,129,337	$ 170,598,852	$ 179,300,784	$ 188,434,613	$ 197,699,848	$ 898,163,432
Alberta	$ 91,920,033	$ 96,554,429	$ 101,169,781	$ 106,005,063	$ 110,979,011	$ 506,628,317
Saskatchewan	$ 30,209,354	$ 31,989,796	$ 33,884,992	$ 35,850,835	$ 37,873,961	$ 169,808,939
Manitoba	*	*	*	*	*	*
Ontario	$ 68,853,548	$ 72,047,210	$ 75,399,851	$ 78,859,216	$ 82,473,038	$ 377,632,863
Quebec	$ 167,104,056	$ 174,806,669	$ 182,711,400	$ 191,074,271	$ 199,694,799	$ 915,391,195
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 29,268,060	$ 31,074,579	$ 32,922,414	$ 34,852,401	$ 36,877,512	$ 164,994,966
Yukon	$ 29,500,121	$ 30,868,417	$ 32,419,229	$ 33,794,244	$ 35,377,259	$ 161,959,270
TOTAL	$ 580,564,256	$ 609,609,984	$ 639,580,296	$ 670,741,147	$ 702,948,920	$ 3,203,444,602

Figure 21



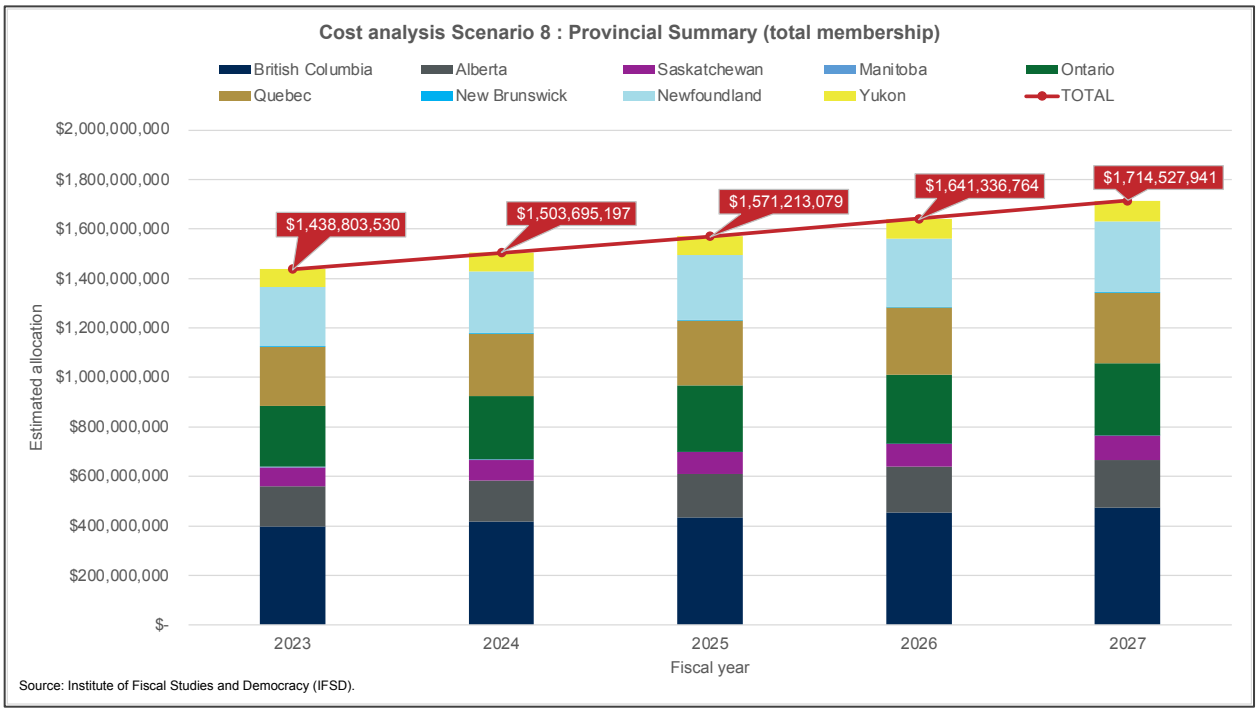
Source: Institute of Fiscal Studies and Democracy (IFSD).

Scenario 8 (total membership)

Table 22

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 400,368,831	$ 418,271,107	$ 436,807,510	$ 455,955,890	$ 475,860,453	$ 2,187,263,791
Alberta	$ 159,455,033	$ 167,234,869	$ 175,301,485	$ 183,762,089	$ 192,672,974	$ 878,426,450
Saskatchewan	$ 78,798,913	$ 83,091,842	$ 87,623,093	$ 92,351,438	$ 97,300,046	$ 439,165,332
Manitoba	*	*	*	*	*	*
Ontario	$ 245,034,500	$ 255,528,951	$ 266,579,488	$ 278,063,197	$ 290,026,902	$ 1,335,233,038
Quebec	$ 240,058,510	$ 250,805,200	$ 261,890,914	$ 273,500,825	$ 285,547,875	$ 1,311,803,324
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 239,534,687	$ 250,318,481	$ 261,566,034	$ 273,185,884	$ 285,381,482	$ 1,309,986,567
Yukon	$ 71,801,025	$ 74,521,848	$ 77,344,140	$ 80,224,512	$ 83,252,781	$ 387,144,307
TOTAL	$ 1,438,803,530	$ 1,503,695,197	$ 1,571,213,079	$ 1,641,336,764	$ 1,714,527,941	$ 7,869,576,512

Figure 22



Source: Institute of Fiscal Studies and Democracy (IFSD).

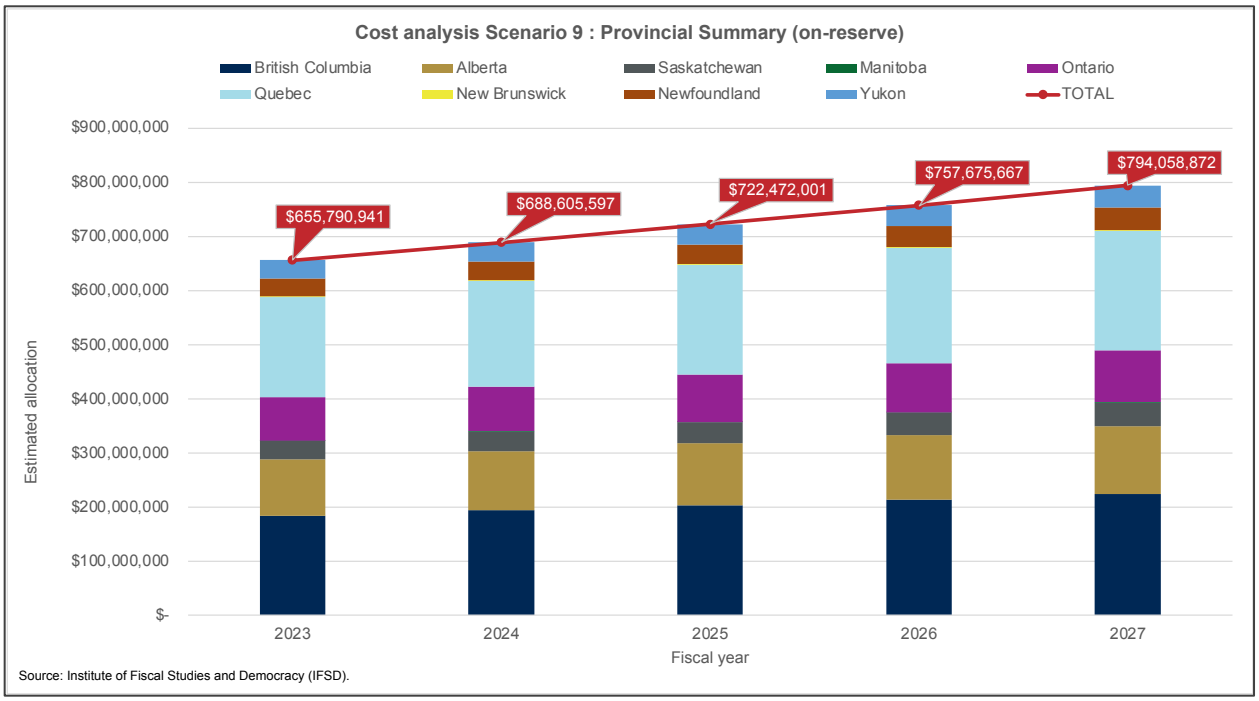
Scenario 9 (on-reserve)

- Per capita allocations of $3,123 (average per capita expenditure from questionnaire data)
- Per capita allocations of $2,500 and $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Poverty 7% (of difference)
- Results 5% (baseline)
- IT 6% (baseline)
- Projections grown by population + inflation

Table 23

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 184,289,664	$ 193,917,399	$ 203,809,506	$ 214,194,151	$ 224,721,216	$ 1,020,931,936
Alberta	$ 103,614,355	$ 108,838,441	$ 114,040,796	$ 119,491,338	$ 125,098,171	$ 571,083,102
Saskatchewan	$ 34,668,901	$ 36,712,141	$ 38,887,367	$ 41,143,216	$ 43,465,124	$ 194,876,749
Manitoba	*	*	*	*	*	*
Ontario	$ 79,318,361	$ 82,997,675	$ 86,859,862	$ 90,844,887	$ 95,007,637	$ 435,028,422
Quebec	$ 185,563,387	$ 194,116,883	$ 202,894,794	$ 212,181,471	$ 221,754,304	$ 1,016,510,839
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 32,487,547	$ 34,492,783	$ 36,543,880	$ 38,686,165	$ 40,934,038	$ 183,144,412
Yukon	$ 34,095,208	$ 35,676,540	$ 37,469,049	$ 39,058,177	$ 40,887,807	$ 187,186,780
TOTAL	$ 655,790,941	$ 688,605,597	$ 722,472,001	$ 757,675,667	$ 794,058,872	$ 3,618,603,079

Figure 23



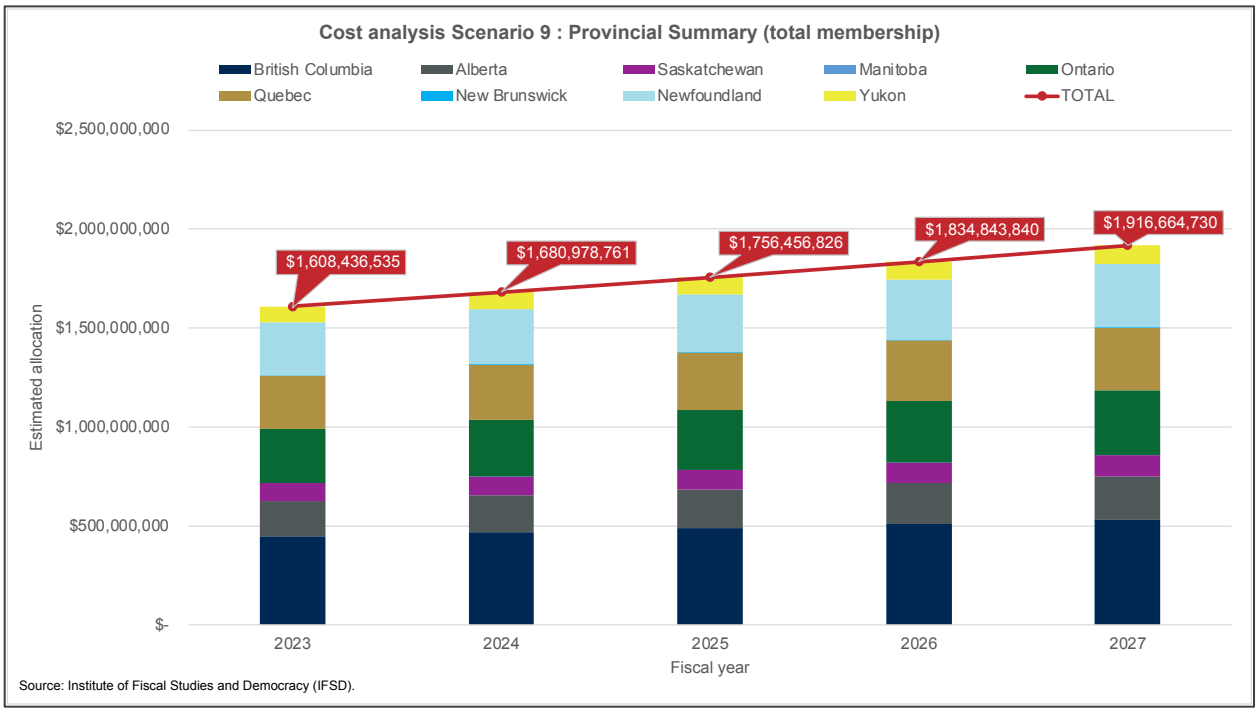
Source: Institute of Fiscal Studies and Democracy (IFSD).

Scenario 9 (total membership)

Table 24

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 448,735,503	$ 468,801,579	$ 489,578,243	$ 511,036,932	$ 533,347,432	$ 2,451,499,689
Alberta	$ 178,578,205	$ 187,291,062	$ 196,324,982	$ 205,800,298	$ 215,779,812	$ 983,774,360
Saskatchewan	$ 88,603,311	$ 93,430,404	$ 98,525,457	$ 103,842,086	$ 109,406,466	$ 493,807,724
Manitoba	*	*	*	*	*	*
Ontario	$ 274,879,217	$ 286,652,053	$ 299,048,290	$ 311,930,797	$ 325,351,949	$ 1,497,862,306
Quebec	$ 266,542,831	$ 278,475,145	$ 290,783,883	$ 303,674,653	$ 317,050,779	$ 1,456,527,290
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 265,883,502	$ 277,853,514	$ 290,338,297	$ 303,236,331	$ 316,773,445	$ 1,454,085,089
Yukon	$ 81,049,211	$ 84,120,588	$ 87,306,213	$ 90,557,591	$ 93,976,022	$ 437,009,625
TOTAL	$ 1,608,436,535	$ 1,680,978,761	$ 1,756,456,826	$ 1,834,843,840	$ 1,916,664,730	$ 8,797,380,692

Figure 24



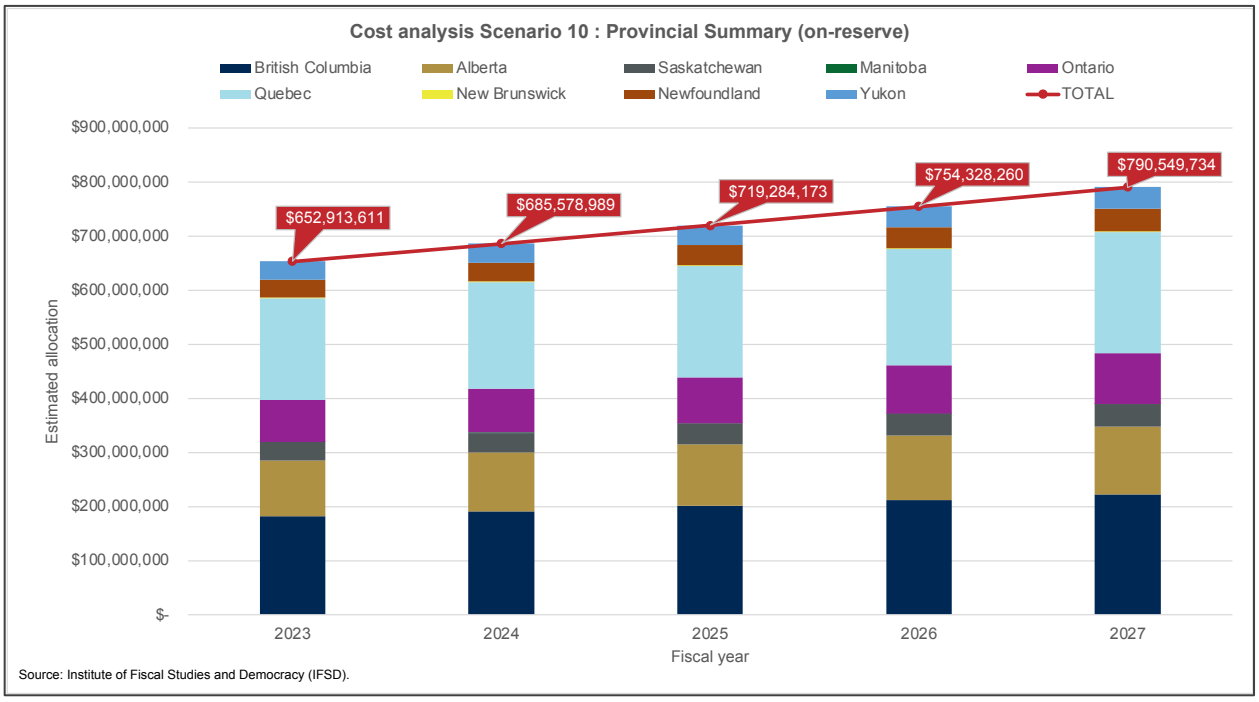
Scenario 10 (on-reserve)

- Per capita allocations of $3,859 (average per capita expenditure of integrated service providers in Quebec from questionnaire data)
- Per capita allocations of $2,500 and $283
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Projections grown by population + inflation

Table 25

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 182,333,737	$ 191,858,715	$ 201,645,074	$ 211,917,151	$ 222,337,011	$ 1,010,091,690
Alberta	$ 103,375,019	$ 108,586,948	$ 113,777,461	$ 119,215,311	$ 124,809,108	$ 569,763,847
Saskatchewan	$ 33,974,015	$ 35,976,333	$ 38,107,707	$ 40,318,531	$ 42,593,778	$ 190,970,364
Manitoba	*	*	*	*	*	*
Ontario	$ 77,434,011	$ 81,025,663	$ 84,796,108	$ 88,686,575	$ 92,750,748	$ 424,693,105
Quebec	$ 187,928,401	$ 196,590,907	$ 205,480,717	$ 214,885,761	$ 224,580,572	$ 1,029,466,359
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 32,915,418	$ 34,947,063	$ 37,025,174	$ 39,195,673	$ 41,473,151	$ 185,556,479
Yukon	$ 33,176,398	$ 34,715,209	$ 36,459,282	$ 38,005,650	$ 39,785,939	$ 182,142,477
TOTAL	$ 652,913,611	$ 685,578,989	$ 719,284,173	$ 754,328,260	$ 790,549,734	$ 3,602,654,766

Figure 25



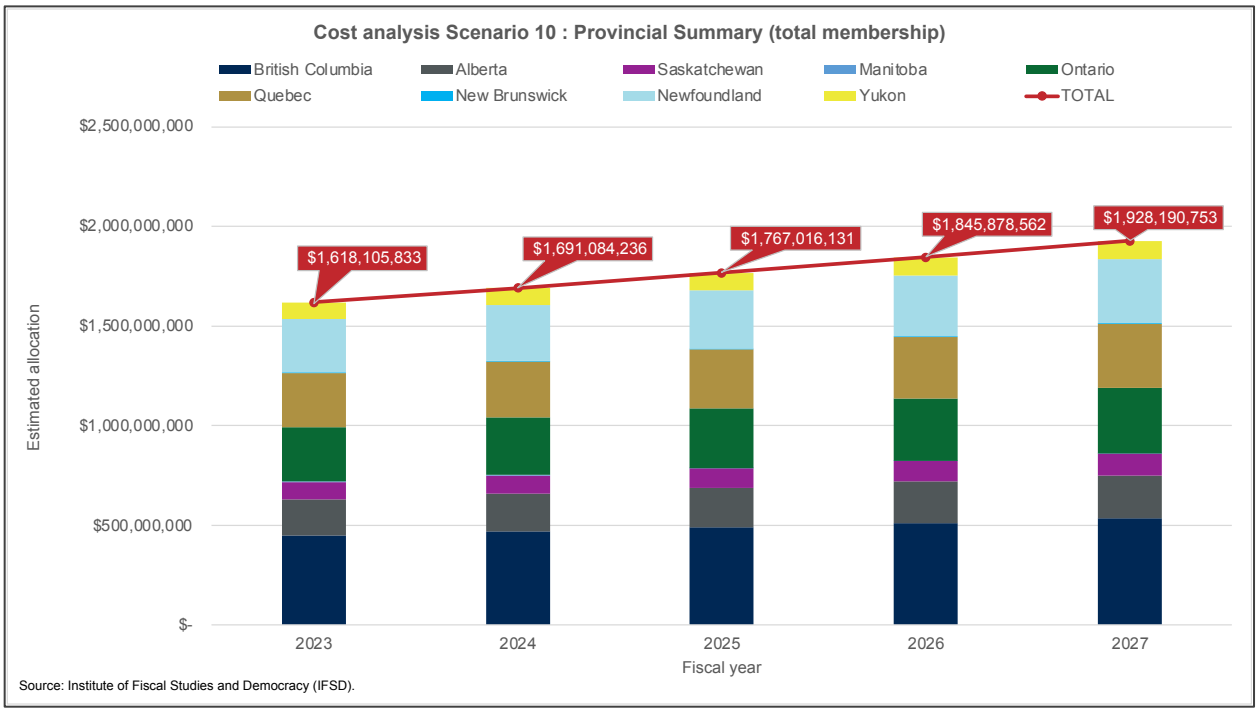
Source: Institute of Fiscal Studies and Democracy (IFSD).

Scenario 10 (total membership)

Table 26

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 450,262,407	$ 470,395,648	$ 491,242,039	$ 512,776,672	$ 535,161,722	$ 2,459,838,487
Alberta	$ 179,326,165	$ 188,075,516	$ 197,147,386	$ 206,662,343	$ 216,683,693	$ 987,895,103
Saskatchewan	$ 88,618,758	$ 93,446,667	$ 98,542,597	$ 103,860,185	$ 109,425,484	$ 493,893,691
Manitoba	*	*	*	*	*	*
Ontario	$ 275,570,462	$ 287,372,722	$ 299,800,366	$ 312,715,163	$ 326,169,773	$ 1,501,628,486
Quebec	$ 269,974,369	$ 282,060,302	$ 294,527,507	$ 307,584,233	$ 321,132,574	$ 1,475,278,984
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 269,385,267	$ 281,512,928	$ 294,162,139	$ 307,230,044	$ 320,945,446	$ 1,473,235,824
Yukon	$ 80,748,799	$ 83,808,689	$ 86,982,692	$ 90,222,013	$ 93,627,662	$ 435,389,856
TOTAL	$ 1,618,105,833	$ 1,691,084,236	$ 1,767,016,131	$ 1,845,878,562	$ 1,928,190,753	$ 8,850,275,515

Figure 26



Source: Institute of Fiscal Studies and Democracy (IFSD).

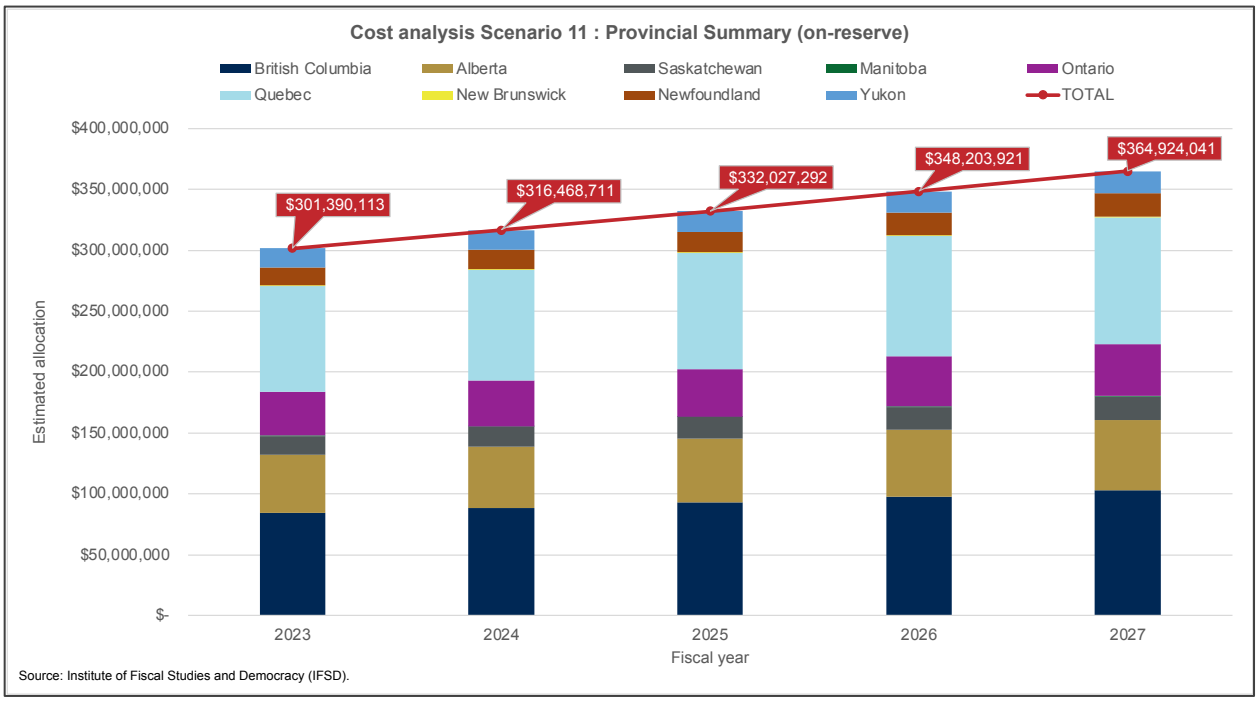
Scenario 11 (on-reserve)

- Per capita allocations of $2,500 and $566 (i.e., 2 x $283)
- Remoteness (baseline and top-ups) **(applied to all First Nations)**
- Projections grown by population + inflation

Table 27

Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 84,166,703	$ 88,563,508	$ 93,080,969	$ 97,822,642	$ 102,632,532	$ 466,266,354
Alberta	$ 47,718,730	$ 50,124,599	$ 52,520,580	$ 55,030,735	$ 57,612,876	$ 263,007,521
Saskatchewan	$ 15,682,675	$ 16,606,961	$ 17,590,820	$ 18,611,355	$ 19,661,626	$ 88,153,438
Manitoba	*	*	*	*	*	*
Ontario	$ 35,744,155	$ 37,402,090	$ 39,142,557	$ 40,938,428	$ 42,814,483	$ 196,041,713
Quebec	$ 86,749,244	$ 90,747,925	$ 94,851,533	$ 99,192,976	$ 103,668,177	$ 475,209,855
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 15,194,018	$ 16,131,842	$ 17,091,114	$ 18,093,034	$ 19,144,336	$ 85,654,346
Yukon	$ 15,314,489	$ 16,024,816	$ 16,829,894	$ 17,543,710	$ 18,365,506	$ 84,078,415
TOTAL	$ 301,390,113	$ 316,468,711	$ 332,027,292	$ 348,203,921	$ 364,924,041	$ 1,663,014,079

Figure 27

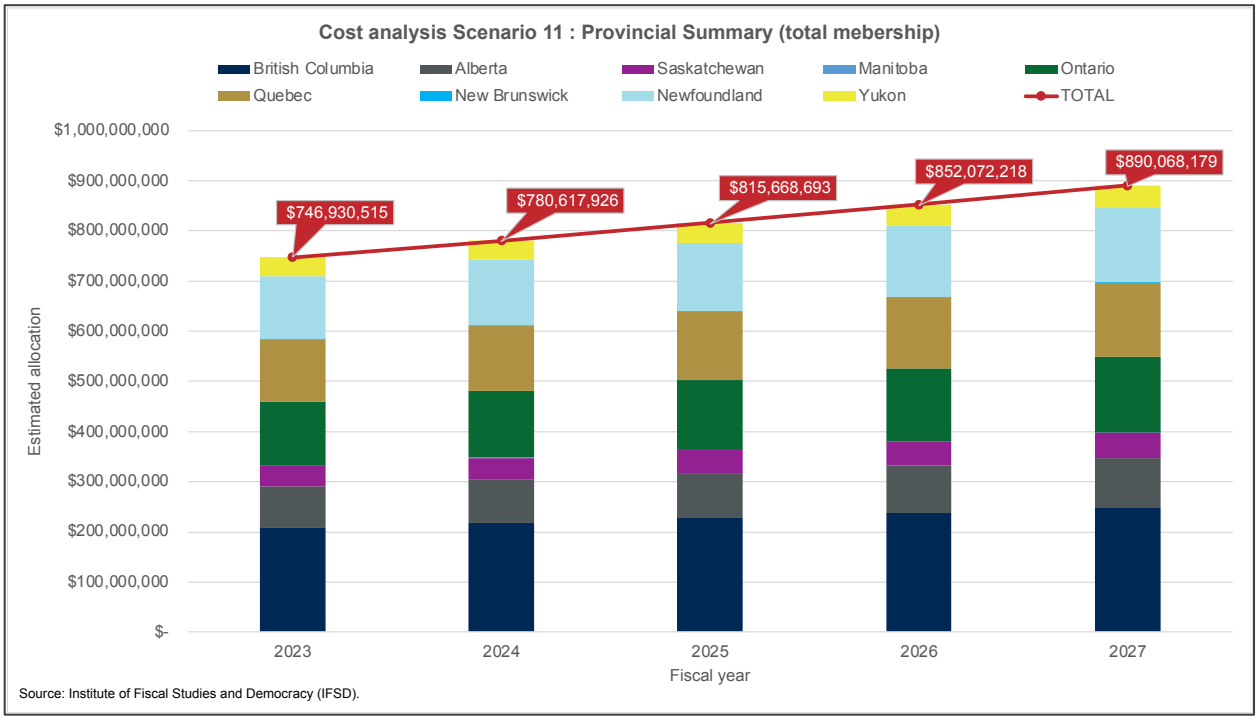


Scenario 11 (total membership)

Table 28

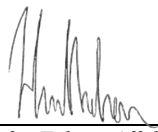
Province/Territory	2023	2024	2025	2026	2027	Total
British Columbia	$ 207,844,706	$ 217,138,370	$ 226,761,230	$ 236,701,788	$ 247,034,905	$ 1,135,481,000
Alberta	$ 82,778,383	$ 86,817,153	$ 91,004,801	$ 95,396,980	$ 100,022,915	$ 456,020,233
Saskatchewan	$ 40,907,123	$ 43,135,724	$ 45,488,046	$ 47,942,687	$ 50,511,673	$ 227,985,254
Manitoba	*	*	*	*	*	*
Ontario	$ 127,205,516	$ 132,653,533	$ 138,390,232	$ 144,351,805	$ 150,562,560	$ 693,163,646
Quebec	$ 124,622,315	$ 130,201,277	$ 135,956,238	$ 141,983,327	$ 148,237,349	$ 681,000,507
New Brunswick	*	*	*	*	*	*
Newfoundland	$ 124,350,381	$ 129,948,605	$ 135,787,582	$ 141,819,831	$ 148,150,969	$ 680,057,368
Yukon	$ 37,274,288	$ 38,686,757	$ 40,151,902	$ 41,647,198	$ 43,219,273	$ 200,979,418
TOTAL	$ 746,930,515	$ 780,617,926	$ 815,668,693	$ 852,072,218	$ 890,068,179	$ 4,085,357,532

Figure 28



Source: Institute of Fiscal Studies and Democracy (IFSD).

This is Exhibit "38" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

IASC Inter-Agency Standing Committee

Guidelines

WITH US & FOR US: WORKING WITH AND FOR YOUNG PEOPLE IN HUMANITARIAN AND PROTRACTED CRISES

Developed by UNICEF & NRC under the auspices of the Compact for Young People in Humanitarian Action, in consultation with IASC Results Group 2 on Accountability & Inclusion

November 2020

Endorsed by IASC Operational Policy and Advocacy Group (OPAG)

These IASC guidelines were created in response to *Action 1: Services* in the Compact for Young People in Humanitarian Action (CYPHA). Launched at the World Humanitarian Summit in May 2016, the CYPHA made a long-term commitment to young people through five key actions that relate to services, participation, capacity, resources and data. UNICEF and the Norwegian Refugee Council (NRC) led the development of the guidelines, co-chairing a task force that includes: ActionAid; CARE; Inter-Agency Working Group on Reproductive Health in Crises (IAWG); International Federation of Red Cross and Red Crescent Societies (IFRC); Mercy Corps; United Nations Office of the Secretary General's Envoy on Youth (OSGEY); Plan International; RET International; United Nations Population Fund (UNFPA); United Nations High Commissioner for Refugees (UNHCR); and the Major Group for Children and Youth (MGCY).

The aim of these guidelines is to serve as the 'go-to' guide for working with and for young people in humanitarian settings and protracted crises.

Suggested citation: IASC, *With us & for us: Working with and for Young People in Humanitarian and Protracted Crises*, UNICEF and NRC for the Compact for Young People in Humanitarian Action, 2020.

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Compact for Young People in Humanitarian Action

IASC Inter-Agency Standing Committee

WITH US & FOR US

IASC Guidelines on Working with and for Young People in Humanitarian and Protracted Crises

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Acronyms and abbreviations

AAP	Accountability to Affected Populations
CaLP	Cash Learning Partnership
CCA	climate change adaptation
CCCM	camp coordination and camp management
CRC	Convention on the Rights of the Child
CRM	complaints and response mechanism
CSO	civil society organizations
CVA	cash and voucher assistance
CYPHA	The Compact for Young People in Humanitarian Action
DRR	disaster risk reduction
ERW	explosive remnants of war
FAO	Food and Agriculture Organization of the United Nations
GBV	gender-based violence
HLP	housing, land and property
HPC	humanitarian programme cycle
IASC	Inter-Agency Standing Committee
IAWG	Inter-Agency Working Group on Reproductive Health in Crises
ICRC	International Committee of the Red Cross
ICT	information and communication technologies
IDP	internally displaced person
IED	improvised explosive device
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization (of the United Nations)
INEE	Inter-agency Network for Education in Emergencies
IOM	International Organization for Migration
IPCC	Intergovernmental Panel on Climate Change
LGBTQIA+	lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexuality, +
M&E	monitoring and evaluation
MENA	Middle East and North Africa
MHM	menstrual hygiene management
MHPSS	mental health and psychosocial support
NEET	not in education, employment or training
NGO	non-governmental organization
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	United Nations Office of the High Commissioner for Human Rights
OMC	operational management cycle
OSGEY	United Nations Office of the Secretary General's Envoy on Youth
PSEA	Protection from Sexual Exploitation and Abuse
RCM	refugee coordination model
SALW	small arms/light weapons
SEA	sexual exploitation and abuse
SRH	sexual and reproductive health
SRHR	sexual and reproductive health and rights
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
MGCY	Major Group for Children and Youth
WASH	water, sanitation and hygiene
YPS	youth, peace and security

Glossary/definitions of selected terms used in this report

Age groups: Children (ages 0–17), youth (ages 15–24), adolescents (ages 10–19), young people (ages 10–24), young adolescents (ages 10–14), older adolescents (ages 15–19), older youth (ages 20–24), young adults (ages 18–24) (see also **FIGURE 2** ▶ and **BOX 4** ▶).

Clusters/working group: Please refer to explanation in **BOX 2** ▶.

Durable solutions: International protection is a temporary substitute for the normal safeguards of national protection in one's country of origin. The three durable solutions are: voluntary repatriation, local integration and resettlement. Often a combination of solutions will be necessary for a refugee population, as each refugee's sex, race, age, time of flight, community of origin and reasons for flight have implications for the suitability of each of the three durable solutions for that person[1].

Duty bearers are entities "that have obligations to respect, protect and fulfil the rights of people" in the context of a rights-based approach to development; the principal duty bearer is the state (government), but non-state moral duty bearers can include parents, teachers, employers, police and non-governmental organizations and institutions at all levels[2].

Internally displaced persons: Internal displacement describes the situation of people who have been forced to leave their homes but have not left their country[3].

Refugees are all persons who are outside their country of origin for reasons of a well-founded fear of persecution on one of the grounds listed in the 1951 Convention, or because a conflict, generalized violence, or other circumstances, have seriously disturbed public order, and who, as a result, require international protection[4]. In this report, we will use the term 'refugee' to include asylum-seekers who have not yet been finally granted or refused refugee status.

Returnees: Former refugees who have returned to their country of origin spontaneously or in an organized fashion but have not yet been fully reintegrated[5].

Separated child: A child who is separated from both parents or from his/her previous legal or customary primary caregiver, but not necessarily from other relatives. Separated children may therefore include children accompanied by other adult family members[6].

Stateless: Not considered as a national by any state under the operation of its law[7].

Unaccompanied child (unaccompanied minor): A child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so[8].

References for glossary

1 Adapted from: Core Group on Durable Solutions, *Framework for Durable Solutions for Refugees and Persons of Concern*, UNHCR, Geneva, 2003, www.unhcr.org/partners/partners/3f1408764/framework-durable-solutions-refugees-persons-concern.html, accessed 3 April 2020.

2 United Nations Children's Fund, Institute for Sustainable Communities, and People's Advocacy, 'Rights Holders and Duty Bearers', Advocate for Children Toolkit, UNICEF, 2009, www.advocate-for-children.org/advocacy/rights_based_approach/rights_holders_duty_bearers, accessed 15 January 2020.

3 United Nations Office of the High Commissioner for Human Rights, 'Questions and Answers about IDPs', OHCHR, 2020, www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx, accessed 3 April 2020.

4 United Nations General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, A/RES/428(V), New York, 14 December 1950, www.refworld.org/docid/3ae6b3628.html, accessed 6 February 2020.

5 United Nations High Commissioner for Refugees, 'UNHCR's mandate for refugees, stateless persons and IDPs', Emergency Handbook [website], UNHCR, 2015, https://emergency.unhcr.org/entry/55600/unhcrs-mandate-for-refugees-stateless-persons-and-idps, accessed 6 February 2020.

6 Inter-Agency Working Group on Unaccompanied and Separated Children (IAWG UASC), *Toolkit on Unaccompanied and Separated Children*, Alliance for Child Protection in Humanitarian Action, 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/tools-web-2017-0322.pdf, accessed 15 October 2020.

7 United Nations General Assembly, Convention Relating to the Status of Stateless Persons, United Nations, Treaty Series, vol. 360, 28 September 1954, p. 117, www.refworld.org/docid/3ae6b3840.html, accessed 6 February 2020.

8 IAWG UASC, *Toolkit on Unaccompanied and Separated Children*, 2017.

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These IASC guidelines have been prepared by **UNICEF** and the **Norwegian Refugee Council (NRC)**, as the two agency co-chairs of Task Team 1 under the **Compact for Young People in Humanitarian Action**.

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In addition, this document was extensively reviewed by members of the Inter-Agency Standing Committee, UNHCR, cluster/working group partners, members of the Compact for Young People in Humanitarian Action, and many field practitioners working with and for young people in humanitarian and protracted crises.

Much appreciation is also extended to the Compact Task Team 1 agencies who provided extensive contributions to improve the guidelines and ensure young people's active shaping of the content: **ActionAid** (Kirsten Hjørnholm), **CARE** (Anushka Kalyanpur), **IAWG** (Katherine Meyer), **IFRC** (Marcel Stefanik), **Mercy Corps** (Matt Streng), **NRC** (Emma Bonar, Sophia Kousiakis and Mai Nasrallah), **OSGEY** (Mette Lybye Poulsen), **Plan International** (Lotte Claessens and Anita Queirazza), **RET International** (Marina Lopez-Anselme and Dima Haydar), **World Organisation of the Scout Movement** (Brunel Etienne), **UNFPA** (Danielle Engel, Purba Tyagi), **UNHCR** (German Robles Osuna, Janis Ridsel and Nick Sore), **UNICEF** (Jumana Haj-Ahmad, Priya Marwah and Erika Yague,), **MGCY** (Mridul Upadhyay).

These guidelines were edited by Jane Patten of Green Ink, United Kingdom, and designed by LS graphic design.

This project was made possible through funding from UNICEF and UNFPA.

500 young people consulted

across

more than

20 countries

Foreword

Historically we've had a tendency to approach adolescents as a problem to be solved, and youth as a period of risk. If we want humanitarian action to be more effective and inclusive, we need to think of youth instead as a period of promise, for a population full of potential.

Young people make up 41 per cent of the global population. In many humanitarian settings, adolescents, youth and children constitute more than 50 per cent of the population in need*. In a world where one quarter of the global youth population live amid violence or armed conflict and young people are increasingly affected by natural disasters – made more intense and frequent because of climate change – we have no choice but to act. During a conflict or disaster, a young person's education, health and development may be interrupted. Social networks maybe ruptured and young people may be exposed to new risks. They may find themselves taking on adult roles too early. The support young people receive in humanitarian crises will have a lasting impact not only on their own recovery process, but also on the future of humanity. There is an urgent need to safeguard the rights of young people and engage them in humanitarian response efforts.

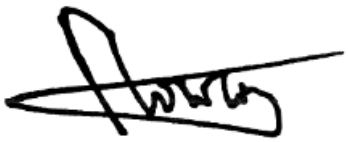
As humanitarian actors make decisions about how to respond, they must start with young people themselves. Young people are excellent judges of their own needs, and they must be engaged to inform decisions that will affect their lives. Malala Yousafzai has said "I raise up my voice – not so I can shout but so that those without a voice can be heard... we cannot succeed when half of us are held back." We must all be advocates for bringing the voices of young people to the front lines of humanitarian action.

We must involve young people in humanitarian responses and peacebuilding efforts, from design through to implementation and monitoring. These inter-agency guidelines are part of the effort to address that.

The development of these IASC guidelines involved a cross-section of hundreds of young people and humanitarian practitioners from Afghanistan, Bangladesh, Ecuador, Iraq, Jordan, Kenya, Nigeria, the Bolivarian Republic of Venezuela, and beyond, and several major recent global consultations with thousands of crisis-affected young people.

There is no universal prescription for young people's needs in humanitarian settings. They are a diverse group, and context is everything. This guidance will help practitioners and young people design and implement approaches that address their needs and that engage them as change agents in their context.

Signed,



Mark Lowcock

Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, United Nations

*Based on figures for children in need under UNICEF Humanitarian Action for Children appeals 2021.

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Introduction

A

Background

The World Humanitarian Summit, held on 23–24 May 2016 in Istanbul, emphasized the urgent need to safeguard the rights of young people (defined as those aged 10–24 years) and engage them in humanitarian response efforts. The Compact for Young People in Humanitarian Action (CYPHA) was launched at the summit, under the leadership of the International Federation of Red Cross and Red Crescent Societies (IFRC) and the United Nations Population Fund (UNFPA), as a deliberate step by the humanitarian community to work with and for young people.[1] The CYPHA builds on processes led by and for young people – including the Global Refugee Youth Consultations in 2015–2016,[2] the 2015 Doha Youth Declaration on Reshaping the Humanitarian Agenda,[3] and the 2015 United Nations Security Council Resolution 2250 on youth, peace and security[4] – all of which emphasize the need for and importance of meaningful engagement of young people at subnational, national, regional and global levels.

Starting in October 2017, UNICEF and the Norwegian Refugee Council (NRC) led a two-year consultative process (completed in December 2019) to develop these Inter-Agency Standing Committee (IASC) guidelines in response to Action 1 of the CYPHA (see BOX 1 ▶).

Box 1: Five key actions of the Compact for Young People in Humanitarian Action

Action 1: SERVICES: Promote and increase age-and gender-responsive and inclusive programmes that contribute to the protection, health and development of young women, young men, girls and boys within humanitarian settings

Action 2: PARTICIPATION: Support systematic inclusion of engagement and partnership with youth, in all phases of humanitarian action through sharing of information and involvement in decision-making processes at all levels, including budget allocations

Action 3: CAPACITY: Recognize and strengthen young people's capacities and capabilities to be effective humanitarian actors in prevention, preparedness, response and recovery, and empower and support local youth-led initiatives and organizations in humanitarian response, such as those targeting affected youth, including young refugees and internally displaced persons living in informal urban settlements and slums

Action 4: RESOURCES: Increase resources intended to address the needs and priorities of adolescents and youth affected by humanitarian crises, including disasters, conflict and displacement, and identify ways to more accurately track and report on the resources allocated to young people in humanitarian contexts

Action 5: DATA: Ensure the generation and use of age-and sex-disaggregated data pertaining to adolescents and youth in humanitarian settings

Source

The Compact for Young People in Humanitarian Action (2016).[5]

Visit the website for more info: https://www.youthcompact.org

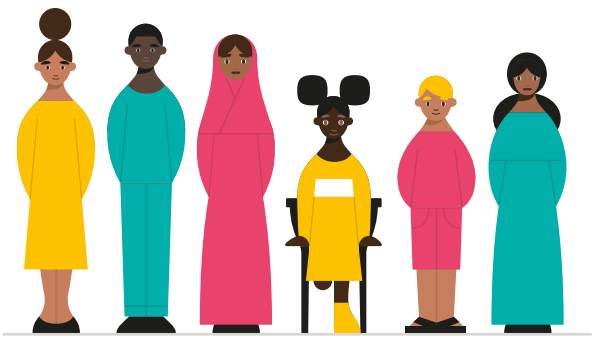
For definitions of key terms, see **GLOSSARY ▶**. For an explanation of humanitarian clusters/working groups, see **BOX 2 ▶**. For information on age groups and definitions, see **FIGURE 2 ▶** and **BOX 4 ▶**.

WHY young people?

Adolescents and youth are a vital positive force in emergency preparedness and response. They have wide-ranging capacities and unique needs, but they often get lost between programming for children and programming for adults. These IASC guidelines are not just about 'mainstreaming' the needs of young people, but about recognizing the contributions they make towards improving humanitarian response and programming. These guidelines address a gap in humanitarian tools, which tend to overlook young people – a specific but broad demographic with interlinked needs across multiple clusters/working groups (see **BOX 2 ▶**).[6]

WHO is the target audience of this guidance?

These guidelines are for all humanitarian aid staff at the country level, including staff of civil society organizations (CSOs; including disabled persons organizations), local and national non-governmental organizations (NGOs), government agencies, international NGOs, Red Cross and Red Crescent Societies, and United Nations agencies. These actors should consult and work closely with young people and with youth-led organizations and networks to apply the guidelines. Other stakeholders, such as private sector firms and aid donors, will also find this guidance useful as they support the work of these implementers.



WHAT is this document?

These IASC guidelines provide a framework for working with and for young people throughout the humanitarian programme cycle (HPC), complete with tips, examples and case studies. In addition, humanitarian actors can use this guidance as a reference to design programmes that respond to their context.

WHEN should this guidance be used?

It can and should be applied in all phases of humanitarian action (to inform disaster risk reduction, preparedness, response, transition and recovery), in the context of both rapid-onset and slow-onset emergencies, for natural hazards, conflicts, protracted crises, and during refugee and internal displacement situations, as well as in peacebuilding contexts.

HOW should organizations use this guidance?

A core set of principles is presented, which should be applied to humanitarian programmes for young people across differing humanitarian contexts, keeping in mind that the approach should always first be adapted to the local context, to ensure practical and cultural appropriateness.

These guidelines can be applied to lay the groundwork when developing good humanitarian programmes for adolescents and youth that will do no harm. For instance, there is information on the importance of training staff on functional referral pathways before they engage with young people.

SECTION E ▶ ***Implementation of adolescent and youth responsive programming*** was developed to inform organizations' ongoing humanitarian programming involving adolescents and youth, within particular clusters/working groups. Relevant resources and tools are mentioned with links for easy access, and case studies are also presented, which may further inform good programme approaches in a specific sector or during a particular phase of the HPC.

Box 2: Clusters and working groups in humanitarian response

Clusters are groups of humanitarian organizations, both United Nations and others, in each of the main areas of humanitarian action (listed below). They are designated by the **Inter-Agency Standing Committee (IASC)** and have clear responsibilities for coordination.

The IASC is the primary mechanism for inter-agency coordination of humanitarian assistance, involving the key United Nations and other humanitarian partners. The IASC operates under the leadership of the **Emergency Relief Coordinator** at the United Nations Office for the **Coordination of Humanitarian Affairs (OCHA)**.

In the context of refugee responses, the term 'cluster' is not used. Instead, the refugee coordination model (RCM; see **BOX 14 ▶** in Section D) follows a coordination structure known as refugee protection working groups.

The thematic areas of the humanitarian clusters/working groups are (in alphabetical order):

- Camp Coordination and Camp Management (CCCM)
- Cash
- Early Recovery (not included in these guidelines)
- Education
- Emergency Telecommunications
- Food Security
- Health
- Information Management
- Logistics (not included in these guidelines)
- Nutrition
- Protection (including the following Areas of Responsibility, which are all covered in these guidelines: Child Protection; Gender-Based Violence [GBV], Housing, Land, Property [HLP], Mine Action)
- Shelter
- Water, Sanitation and Hygiene (WASH)

Note: The Early Recovery and Logistics clusters/working groups are not featured in these guidelines, as noted, but there is instead an additional focus on Livelihoods, Sustaining Peace, Disaster Risk Reduction (DRR) and Climate Change Adaptation (CCA).

Source

Adapted from Humanitarian Response, Clusters, OCHA (2020).[7]

How did the voices of young people inform these guidelines?

The voices of young people affected by conflicts and natural hazards are a cornerstone of these guidelines.

A series of gender-balanced field consultations (in person and online) were held during 2018 and 2019 with a combined total of more than 500 crisis-affected youth (including from youth networks), and workshops (in person) were subsequently held with around 200 practitioners working in humanitarian and adolescent/youth programmes, including United Nations agencies and NGOs. The youth participants were from more than 20 countries across the globe: Afghanistan, Brazil, Chad, Ecuador, Egypt, El Salvador, Ethiopia, the Gambia, Indonesia, Iraq, Jordan, Kenya, Malaysia, Mexico, Nepal, Nigeria, Peru, the Syrian Arab Republic (online consultation), Turkey, United States, and Venezuela, among others. The participants were given a draft of these guidelines as a basis for discussion and feedback, and a youth-friendly consultation toolkit was used for the youth consultations.

Many targeted requests for individual feedback were also sent via email to focal points across clusters/working groups and specialists in adolescent and youth programming. In total, the responses of approximately 500 youth and 300 practitioners were recorded, consolidated and incorporated into this guidance. The **Major Group for Children and Youth** were major contributors to ensuring young people's recommendations were consolidated into these final guidelines.

Mercy Corps and the **Capstone student team** from Columbia University, New York,[8] were the first to validate the IASC draft guidelines in the field. Workshops and interviews were conducted in Nepal with young people and humanitarian workers, reflecting on the engagement of young people during the 2015 earthquake response.[9] Key findings and recommendations were incorporated into these guidelines.

gender-balanced field consultations in 2018-2019 with

500 in **20**

crisis-affected youth **countries**

&

300

practitioners

working in humanitarian and adolescent/youth programmes

FIGURE 1.
Geographical scope of the 2018–2019 youth consultations conducted for these IASC guidelines

In addition, during three earlier major global consultations, thousands of crisis-affected adolescents and youth also expressed their priorities for improving humanitarian action. These three global consultations were:

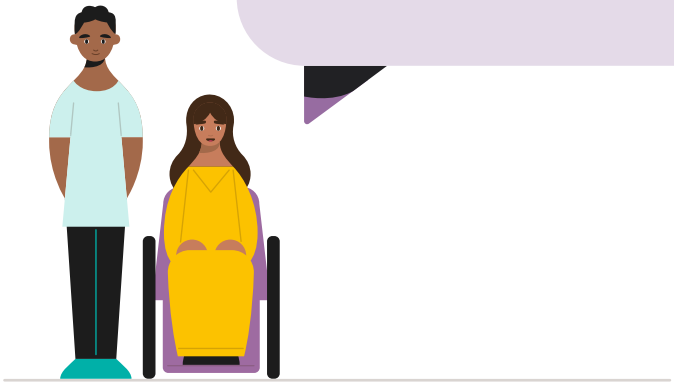
- **The 2015 *World Humanitarian Summit Global Youth Consultation*:** Approximately 300 young people from 89 countries participated, including crisis-affected youth, youth experts, and representatives of youth-led organizations. The event in Doha, Qatar, was co-chaired by the World Humanitarian Summit Secretariat, Reach Out to Asia (ROTA) and the United Nations Major Group Children and Youth (MGCY).[10]

- **The 2016 *Global Refugee Youth Consultations*:** 1,267 young people participated in more than 50 national and subnational consultations held in 22 countries, bringing together refugee and host country youth. This initiative was undertaken by the United Nations High Commissioner for Refugees (UNHCR) and the Women's Refugee Commission (WRC).[11]

- **The 2018 *Independent Progress Study on Youth, Peace and Security*:** The Missing Peace: This study was mandated by United Nations Security Council Resolution 2250, in 2015. The development of the study was supported by the UNFPA and the United Nations Peacebuilding Support Office (PBSO). More than 4,000 young people from across the globe participated in regional, subregional and national consultations, focus group discussions, and online consultations.[12]

For links to the reports on these consultations, as well as other key resources, refer to the list of **RESOURCES ▶** at the end of Section A. **BOX 3 ▶** summarizes the priorities for action as expressed collectively by the young people involved in all three of these consultation efforts.

"Young people felt they have had similar conversations like this before, but no action was taken. They asked if this will actually make a difference to them having more opportunities to get experience and to work. They emphasized that what they needed was action - opportunities to get involved, opportunities to work and volunteer. And that this should be the focus of the guidelines."



NRC consultations with young women & men, Jalalabad, Eastern Afghanistan

Box 3: Calls to action from young people

From all of the global consultations described, **from 2015 to 2019**, clear calls to action emerged for the following:

- → Empower and invest in young people through meaningful engagement.
- → Acknowledge, utilize and develop their capacities and skills.
- → Ensure youth-focused protection.
- → Support physical and emotional well-being.
- → Facilitate networking and information sharing.
- → Promote and support young people as connectors and peace builders.
- → Generate data and evidence on young people to promote duty. bearers' accountability to young people.
- → Apply an age-sensitive, youth-centred approach in all phases of emergency response.
- → Systematically consult with young people's organizations on conflict dynamics, causes of violence, and priorities for peace.
- → Involve young people in the design, implementation, monitoring and evaluation of programmes.
- → Harness social media platforms to disseminate information and give young people a voice.

Defining terms: Adolescents, youth and young people

The definition of a child, as formalized by the United Nations Convention on the Rights of the Child (CRC), is every human being under the age of 18.[13] The definitions of adolescents and youth vary across countries, cultures and organizations.

The United Nations defines 'youth' as being aged 15–24 years, while UNICEF and partner agencies WHO and UNFPA concur with that definition of youth but also define 'adolescents' as being aged 10–19 years and young people as 10–24.[14]

These two age brackets overlap with each other, and definitions of youth have changed over time,[15] which complicates the collection and reporting of standardized or comparable quantitative data – this can be seen in the 'Demographics' subsection below, where the statistics on young people globally (children, adolescents, youth) are reported on differently depending on the region or data source.

In many cultures, **adulthood** and **childhood** are defined not by age, but by achieving a certain status in society – often linked to milestones like **marriage**, **having children**, or becoming a **property owner**. Because of these social definitions, while an unmarried 35-year-old may still be considered a 'young person', a child soldier, child labourer, teenage wife/mother, or orphan can take on an adult role at an age as young as 10.[16]

Especially in humanitarian settings, where displacement or conflict have prolonged the period of transition to adulthood (e.g., by delaying education, employment or marriage), **young people**'s lives are put on hold. Youth, therefore, is sometimes defined as 'waithood', a prolonged period of suspension between childhood and adulthood, when young people are no longer children, but are not yet regarded as adults.

These IASC guidelines use the term 'young people' to include adolescents and youth (ages 10–24 years, inclusive). All of these terms are mapped to ages in FIGURE 2 ▶, including the distinction between younger adolescents (age 10–14) and older adolescents (age 15–19) (see also BOX 4 ▶).

"Thinking this way about youth is good because it increases the positive energy and bravery within them."

UNFPA consultations with Syrian refugee adolescents & youth in Ankara, Turkey

Box 4: Suggested age groups for data disaggregation for young people in humanitarian action

Age groups/brackets

Use the following recommended age groups/brackets as far as possible when analysing and reporting results for comparability and streamlining:

Children (0–17), adolescents (10–19; younger adolescents, 10–14; older adolescents, 15–19), youth (15–24), young people (10–24). See **FIGURE 2** ▶.

Data collection to support optimal age disaggregation

Data collected using 1-year age increments allows for slicing and analysing the data in all different ways, which is ideal.

Where this is not possible the suggested minimum disaggregation at the time of data collection is: 10–11, 12–14, 15–17, 18–19, 20–24.

This level of disaggregation supports broad analysis of children, adolescents, young adults (18–24 years) and young people, using the age groups/definitions above and in **FIGURE 2** ▶. But it also supports more detailed analysis, which is necessary to reflect developmental stages and to recognize different needs within the broader age categories.

Further considerations

- → It is particularly important to differentiate between the different stages of adolescence for programming purposes related to sexual and reproductive health, and education (including alignment with pre-school, primary and secondary school ages).
- → The internationally recognized distinction between children (0–17 years) and adults (18+) is crucial to take into consideration, given the differences in treatment under the law between children and adults.
- → Refer to the Task Force 5 brief for further details on sectoral considerations.

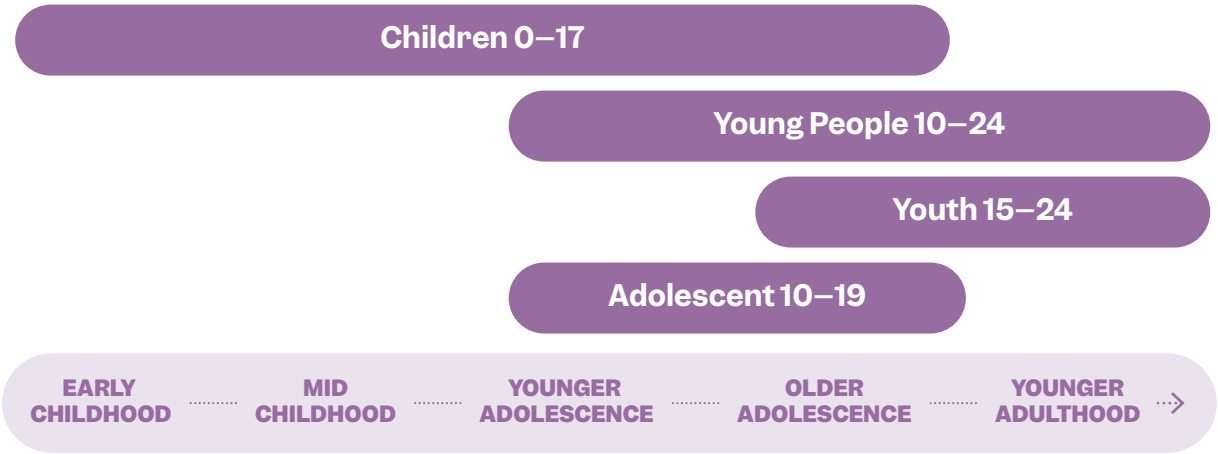
Source

Adapted from Task Force 5 (2019).[17]

FIGURE 2.

Illustration of terms and definitions of children, adolescents, youth and young people

Source: Adapted from UNICEF (2018).[18]



→
The UN Secretary General's Envoy on Youth visits an adolescent club in Kutupalong Refugee Camp, Cox's Bazar, August 2018.

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Making the case: Key advocacy messages on working with and for young people in humanitarian action

In every humanitarian emergency, even without anyone asking them, young people step up and apply their many powerful assets to the response: skills, motivation, energy, creativity, a strong sense of justice and equality, an aptitude for technology, and a capacity for peer mobilization. In recognition of the emergency responses that young people initiate themselves, duty-bearers are increasingly tapping into their enormous potential for improving humanitarian action as well as 'building back better' in the recovery and reconstruction phase.

Demographics

In 2017, 1.8 billion people – a quarter of the world's population – were young people (ages 10–24), and this group comprises more than half the total population in the 48 least developed countries.[19] Children and young people (ages 0–24) in the Middle East and North Africa account for nearly half of the region's population and have the potential to become agents of change.[20] Africa's youth population accounts for 20 per cent of the entire world's youth population (aged 15–24), and this proportion is expected to rise to 35 per cent in 2050.[21] South Asia is home to more adolescents (aged 10–19) – nearly 350 million – than any other region, followed by East Asia and the Pacific with over 300 million.[22]

The potential dividend

Investing in adolescents and youth contributes to breaking cycles of poverty, violence and discrimination that pass from one generation to the next. Coordinated investments in young people's health, well-being and education provide high economic and social returns. Expanding education and skills and providing livelihood opportunities to young people and their families can break the intergenerational cycle of poverty. Benefits for young people are enjoyed in the present, into adulthood and also by the next generation – their children.[23] In particular, it is worth noting that early adolescence, specifically ages 9–14, represents a 'second window of opportunity' for nurturing rapid learning and brain development (the first window being during infancy and up to 3 years old).[24] If governments provide supportive macro-economic policies, and targeted investments in health, education and skills, and promote gender equality, this enormous population of young people can contribute towards a 'demographic dividend'.

Increased vulnerabilities and needs of young people affected by emergencies

During a conflict or disaster, a young person's educational, social and emotional development may be interrupted. Emergencies can cause health problems and lead to new impairments, rupture families and social networks, expose young people to new risks, and restrict access to vital goods and services. They may find themselves taking on adult roles too early. They are often targeted by parties to conflict. They suffer trauma and loss and may face major long-term challenges in recovery. Women and girls are affected disproportionately, facing multiple sexual and reproductive health challenges as well as multiple forms of gender-based violence (GBV).[25] Young persons with disabilities, and girls and young women in particular, are more likely to be abandoned by their families, isolated in their homes, at risk of GBV, and missing out on access to information and services that would strengthen their protection and resilience.[26] **BOX 5** ▶ provides selected summary statistics on young people in emergencies.

1.8

billion young people in 2017

Africa's youth population accounts for

20%

of entire world's youth population

↓

expected to rise to

35%

in 2050

South Asia is home to

350

million adolescents

Highest number per region globally

Whether forcibly displaced or emigrating in search of a better life, millions of young people have become migrants in recent years, either within their own countries through inter-urban or rural-to-urban migration, or across borders. Regardless of the reasons they move, or the label applied to them (migrant, refugee, asylum-seeker, undocumented, internally displaced person [IDP], etc.), many report severe deprivations while on the move,[27] and often face detention, violence, abuse and insecurity.[28]

This is especially true of those who travel without their families.

Even in peacetime, young people are often perceived as a threat or stereotyped in society. In displacement situations, racism, xenophobia and discrimination can be barriers to accessing services. In a conflict setting, they may also face persecution, threats to their life, or stigmatization due to association (or previous association) with armed forces or armed groups.

Box 5: Young people in emergencies: Numbers at a glance

These data highlight how young people's needs, vulnerabilities and risks are exacerbated in humanitarian and protracted crises.

- Today some **408 million** youth aged 15–29, or **23 per cent** of the global youth population, are affected by violence or armed conflict.[29]
- There were **9.7 million** young people aged 15–24 living in internal displacement because of conflicts, violence or disasters at the end of 2019. Of those, **3.1 million** were under the age of 18.[30]
- Approximately **175 million** children every year will be affected by natural hazards attributed to climate change.[31]
- **70.8 million** people around the world have been forced from their homes, among them nearly **25.4 million** refugees, over half of whom are under the age of 18.[32]
- Internal migration peaks among those in their 20s, who often migrate to learn new skills or make the most of those already acquired.[33]
- **225 million** youth in the developing world (20 per cent) are not in education, employment or training (NEET).[34]
- Nearly **3 in 10** youth (aged 15–24) in countries affected by conflict or disaster are illiterate.[35]
- Enrolment in secondary level education has risen among refugees from **23 to 24 per cent** in 2020. There has been an increase in the number of refugees accessing higher education – a rise to 3 per cent after several years stuck at 1 per cent. However, this is still far below the global enrolment rate of 37 per cent.[36]

In a globalized world shaped by concerns about terrorism, transnational crime and extremist violence, stereotypes often frame young people as a problem to be solved and a threat to be contained. These assumptions have fuelled 'policy panic', particularly as it relates to the 'youth bulge', youth migration and violent extremism. This policy environment skews youth, peace and security responses towards hard security approaches and away from prevention and care, ignoring the fact that most young people are not involved in violence.[37]

How young people are supported to transition through humanitarian crises – across gender, ethnicity, nationality, disability, education, etc. – will have a lasting impact not only on the disaster recovery process, but also on the future of humanity. Even in emergency contexts, investments are needed to build institutional capacity for working with young people, to strengthen their human capital, improve their employment prospects, and promote youth-inclusive governance and human rights.

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Young people's fundamental rights

General Comment No. 20 (2016) by the Committee on the Rights of the Child states that "the potential of adolescents is widely compromised because States parties do not recognize or invest in the measures needed for them to enjoy their rights".[38] Beyond the CRC, there is no similar international convention focusing on the needs, concerns and aspirations of young people. They are automatically considered 'adults' when they reach 18 years old. Other normative frameworks that guide work with young people include the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, the **Convention on the Rights of Persons with Disabilities (CRPD)**, the **Sendai Framework for Disaster Risk Reduction 2015–2030 (the Sendai Framework)**,[39] and the **2019 United Nations Human Rights Council Resolution on the Right to Education**.[40]

The **Global Compact on Refugees** also refers to youth and highlights the importance of their meaningful participation.[41] International humanitarian law and refugee law enshrine the right to access to life-saving services for sexual and reproductive health (including access to safe abortion services and post-abortion care) and the right to access to prevention and response services for GBV.

Often overlooked, seldom acknowledged

A sense of exclusion is widespread among young women and young men across the globe.[42] This may be especially true of those in humanitarian disaster settings, where their vulnerabilities are heightened, their concerns are rarely heard, and their needs rarely prioritized. Humanitarian actors have often, perhaps unwittingly, contributed to the exclusion of young people by failing to involve them in decision-making and processes that affect their lives.

During crises and periods of displacement, education and training play a key role in creating an environment where all young people can develop a sense of purpose, identity and belonging, gain livelihood skills and life skills, and become positive agents of change. Yet, all too often, even where education is available in humanitarian settings, most programmes prioritize younger, primary-aged children. Thus, as youth enter the world of work, often their only livelihood options are in the informal economy, where income is erratic and they are vulnerable to exploitation.

Differentiated needs

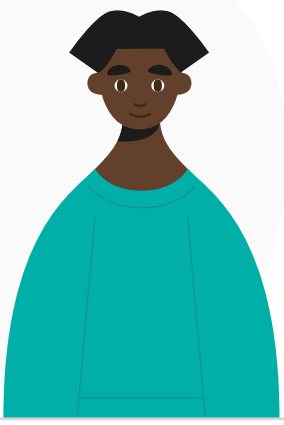
Young people and their needs vary across language, traditional and religious groups, disability, sex and other characteristics related to diversity and context. The risks of child marriage, sexual exploitation and abuse (SEA) and unwanted pregnancy are higher for girls and young women, while the risks of association with armed groups, being radicalized or being targeted for harassment by police may be higher for boys and young men. Refugee adolescents and youth may have problems with legal recognition, lack of documentation, lack of freedom of movement, language barriers, discrimination, racism and xenophobia. Most refugees and IDPs live in urban areas (58 per cent of refugees, as of 2017), and not in camps.[43] Urban displaced young people can be less visible, often unreached with services, and isolated in ways that those in camp settings are not. They may be hiding due to their ethnic identity, nationality or undocumented status. They may be stuck at home due to the threats of petty crime and violence, armed gangs and police harassment. In many cities, tens of thousands of refugee and IDP girls and young women are employed as domestic workers, where they say their rights are routinely trampled.[44]

Adolescent girls and young women

Even outside the context of a humanitarian crisis, the 'starting point' for girls and young women is far behind that of their male peers. Gender inequality is pervasive in all societies, where girls and women are usually the most disadvantaged, excluded from opportunities, and left dependent on boys and men, leading to inequitable economic, political, social and health outcomes. This inequality is exacerbated in times of crisis. Already bearing a greater share of the burden of domestic labour than boys and men, in a crisis setting, a girl is more likely to be called upon to care for younger siblings while a parent leaves for work. Already less likely to be enrolled in school, in a crisis setting, the family may keep their daughters at home for their own protection or force them to get married earlier. While all forms of GBV are much more likely to affect girls and women than boys and men, in a humanitarian crisis, the incidence climbs sharply and often remains elevated for years afterward.

Progress has been made in reducing gender inequalities in areas of humanitarian practice such as education and nutrition, but many gendered barriers to services and participation in programmes remain. Duty-bearers must be deliberate in their efforts to overcome these, in all sectors.

"It's not only participation that's expected from us, but we also need to have our own programmes run by young people."



UNHCR consultation with young people in Jijiga, Ethiopia (Awbarre, Sheder and Kebribayah refugee camps)

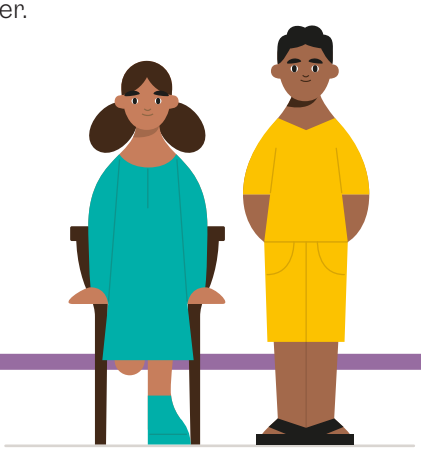
Box 6: Vulnerable categories of crisis-affected young people

These guidelines make many references to the need for initiatives at all stages of a humanitarian crisis to reach all categories of adolescents and youth (see **BOX 4** ▶ for explanations of age groups and definitions). This is especially crucial for those living in vulnerable situations, who are not inherently weak or incapable, but due to inequitable and discriminatory sociocultural norms and local institutions, are often harder to reach.

Vulnerable categories of crisis-affected young people include, but are not limited to (in no particular order):

- → **Orphans**
- → **Very young adolescent girls (age 10–14)**
- → **Child brides**
- → **Unaccompanied and separated adolescents**
- → **Adolescent mothers**
- → **Adolescent heads of households**
- → **Married adolescents**
- → **Widowed adolescents**
- → **Adolescents in urban settings**
- → **Survivors of gender-based violence (GBV)**
- → **Girls and women who bear children of rape in conflict**
- → **Young people born of rape in conflict**
- → **Young survivors of sexual violence, trafficking, and other forms of GBV**
- → **Young people engaged in transactional sex**
- → **Young people living with HIV and other chronic illnesses**
- → **Young people with disabilities**
- → **Young people caring for persons with disabilities**
- → **Young people formerly associated with fighting forces**
- → **Young people impacted by gang violence**
- → **Young people in contact with the law, including those in detention**
- → **Young people experiencing homelessness or in temporary housing**
- → **Young people engaged in (the worst forms of) child labour or forced labour**
- → **Young people from minority linguistic, religious and ethnic groups, including indigenous young people**
- → **LGBTQIA+ young people**
- → **Undocumented young people**
- → **Refugee and internally displaced young people**
- → **Stateless young people**
- → **Returnee young people**

These categories often overlap, meaning that some individuals find themselves facing multiple vulnerabilities at once. For example, humanitarian actors should be prepared to engage and support a 15-year-old widowed girl from a minority ethnic group who fled civil war with her newborn baby and younger sister.



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B

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Key principles

B

1

Young people as positive assets and rights-holders

Acknowledging young people as 'assets' and 'rights-holders' rather than 'problems' or 'threats' allows emergency responders to harness young people's innovation, creativity and energy. In pursuit of the localization agenda,[45] and to build upon what already exists, young people must be engaged in relief, recovery and efforts to sustain the peace. YouthPower's 'Positive Youth Development Framework' provides more information on this approach.[46]

2

Meaningful participation

Working with and for young people is not just about serving an underserved population. Young people participate in planning, implementation, monitoring and evaluation not only to make the programme more sustainable and relevant, but because participation is a basic right in itself, including for children, as mentioned in the **Convention on the Rights of the Child**.[47] Participation must never be tokenistic or manipulative, and ethical and safety standards must be followed. Meaningful participation is discussed in much greater detail in **SECTION C ▶**.

↓

Female students in NRC's youth centre cheer for a photograph after a life skills class. NRC in partnership with the Norwegian Ministry of Foreign Affairs is providing basic numeracy and literacy courses to 80 female learners in Gordhim, Aweil East State in South Sudan. These courses are complemented by vocational training courses in baking, carpentry, masonry, and agriculture.

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3

Giving away power

Adolescents and youth are partners, not simply beneficiaries. Duty-bearers take the role of facilitators, acting as catalysts, helping young people to realize their rights and achieve their goals. This requires a shift in thinking and ceding a significant amount of control to young people themselves. This principle is often forgotten by humanitarian practitioners but is crucial to creating effective partnerships with young people.

4

Commitment

Meaningful engagement with young people must be built into all phases of the humanitarian programme cycle (HPC). At a minimum, organizations should commit to collecting sex- and age-disaggregated data based on the age bracket recommendations in these guidelines (see **BOX 4/FIGURE 2 ▶**), and to ensuring representation in the humanitarian cluster/working group system and refugee coordination, by requiring that each cluster/working group include a focal point on adolescent and youth issues,[48] preferably a young person themself, with adequate support.

5

Equity, non-discrimination and inclusion

Within the broad age range of adolescents and youth (i.e., young people, aged 10–24) lies a rich variety of needs and interests by age, sex, gender identity, sexual orientation, disability, socioeconomic status and many other characteristics and demographic variables. Effective programmes break down barriers to participation based on these diversity factors. Inclusive programmes account for young people's age, work and family commitments, disabilities and competing priorities.

6

Accountability

The views and contributions of young people affected by crises should be incorporated into all phases of the HPC through commitments related to leadership/governance, transparency, feedback and complaints, participation, design, monitoring and evaluation. For further information, see **BOX 11 ▶** ***Accountability to affected young people***, in Section C.

→
Women and Girls Centre, GBV response.

© UNFPA/ Yenny Gammin/ Myanmar

7

Do no harm

Young people need a physically, socially and emotionally safe and supportive environment. Duty-bearers should be sensitive to divisions and inequities among and between young people and their communities, to avoid making them worse. Participation should not put young people, especially girls, at risk of backlash from the family or community, or from other young people. Many may have suffered trauma; facilitators must be equipped to refer them to specialized services, and must pay particular attention to the potential for harm among those living in vulnerable situations.

8

Safeguarding

Safeguarding is defined as all actions taken by organizations to protect their personnel from harm and from harming others.[49] Young people – particularly vulnerable groups including adolescent girls, young people with disabilities or ethnic minorities – are often exploited and abused by those with the responsibility to protect them. Humanitarian agencies should have a safeguarding policy in place, such as the one at **RET International** (see list of **RESOURCES ▸** below). All staff, volunteers (including young people) and partners (local or international, public or private entities) must sign a code of conduct demonstrating their understanding and adherence to critical guidelines that safeguard beneficiaries and must be trained in **Protection from Sexual Exploitation and Abuse (PSEA)**. Additionally, humanitarian actors must have systems in place to hold perpetrators to account for abuse, including focal points, reporting and investigative mechanisms (with trained staff), and referral pathways. Young people should be informed where and how to report safely in case of a safeguarding concern. For further information, also refer to 'Feedback mechanisms', in **BOX 11 ▸** ***Accountability to affected young people***, in Section C.

Box 7: UNICEF Core Commitments for Children in Humanitarian Action

UNICEF has a long history of working in emergencies and humanitarian contexts, both natural and man-made. The '**Core Commitments for Children in Humanitarian Action**' – the CCCs – constitute UNICEF's central policy in upholding the rights of children affected by humanitarian crises, including adolescents. The CCCs are aligned to international standards and guided by humanitarian principles. This framework serves as a guiding principle for UNICEF and partners in fulfilling their commitments to children's rights across all sectors – Health; Nutrition; Water, Sanitation and Hygiene (WASH); Child Protection; and Education – as part of any humanitarian action.

The CCCs were initially developed in 1998. The 2020 version brings UNICEF's humanitarian policy in line with evolving humanitarian contexts, including humanitarian reform and the cluster approach (see BOX 2 ▶ in Section A), informed by field-based evidence and practice. It highlights the protection and engagement of children, young people and women, and ensures the rigorous application of international standards covering their rights. The revised CCCs recognize the crucial role of young people in humanitarian action, particularly in partnering with adolescent/youth-led organizations, networks and groups to build their capacities and to deliver humanitarian services and programmes. With these important revisions, it remains to promote predictable, effective and timely collective humanitarian action, and to clearly outline the areas
in which UNICEF can best contribute to results.

Source
UNICEF (2020).[50]

"There needs to be a stronger emphasis on technology - we haven't had any experience using technology – and when thinking about programmes for young people, learning these skills are very important."

NRC consultations with young people, Jalalabad, Eastern Afghanistan

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Meaningful participation

Meaningful participation of young people, in accordance with ethical considerations, enables them to acquire knowledge and skills, build competencies, dream bigger, and gain confidence. It enhances and promotes young people's capacities for civic engagement, collective organization, tolerance and respect for others.

In the context of humanitarian and protracted crises, agencies should place specific focus on the engagement of young people in preparedness, response and recovery.

Their participation helps to ensure more age-appropriate approaches, whether they are helping to plan a sector-specific response, ensuring inclusion of marginalized groups, influencing national disaster risk reduction (DRR) and climate change adaptation (CCA) strategies, educating peers on protection risks and referral mechanisms, or organizing recreational activities. This kind of participation does not happen on its own; for young people to become engaged members of their communities, they need to be acknowledged and treated as part of the humanitarian architecture, and the barriers to their participation must be removed.

Box 8: Global Consensus on Meaningful Adolescent and Youth Engagement: Partnership for Maternal, Newborn and Child Health (PMNCH)

Meaningful engagement of young people is central to the common vision of achieving the outcomes and targets of the **Sustainable Development Goals** (SDGs),[51] **Family Planning 2020** (FP2020)[52] and the **Global Strategy for Women's, Children's and Adolescents' Health**.[53]

The **Global Consensus** seeks to bring together local and global health and development communities around a common understanding of young people's engagement and participation in the development and implementation of policies, programmes and processes that affect them. It commits partners to see adolescent and youth engagement as an inclusive, intentional, mutually respectful partnership between adolescents, youth and adults whereby power is shared, respective contributions are valued, and young people's ideas, perspectives, skills and strengths are integrated into the design and delivery of programmes, strategies, policies, funding mechanisms and organizations that affect their lives and their communities, countries and world.

The Global Consensus was initiated by PMNCH, the International Youth Alliance for Family Planning, and FP2020. The Global Consensus statement is available in English and French.

Resources

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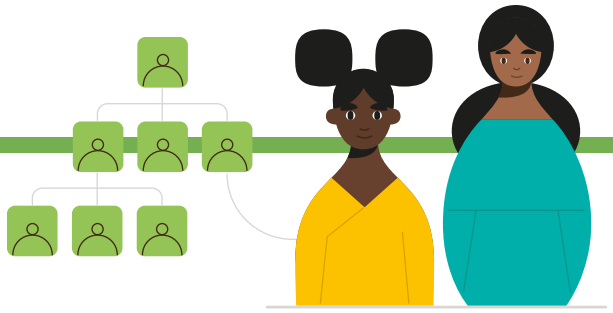

Box 9: Overcoming barriers to female participation

Crisis-affected young women and especially adolescent girls confront many gendered barriers to meaningful participation in humanitarian action: limited mobility, restricted access to public space, domestic responsibilities that compete for their time, hunger, and the threat of violence or harassment, among others. To overcome these barriers, programme staff need to work safely with girls and young women to find ways to engage with their more vulnerable peers in the community, who may otherwise be 'invisible' to humanitarian actors.

The approach might include some combination of the following:

- → Seek parents', caregivers' and community buy-in for girls' meaningful participation through home visits, open days, etc., including by providing reassurance on security concerns about their participation.
- → Ask the community about girls who are particularly at risk of violence or abuse (e.g., married girls, young mothers, girls with disabilities) and invite them to participate and share their views.
- → Conduct door-to-door outreach at different stages of the humanitarian programme cycle (HPC).
- → Engage girls themselves in developing key messages.
- → Build the capacity of staff, girls and young women to undertake gender analysis, to shed light on the barriers to participation in activities.
- → Where applicable, adapt mobile/online platforms to engage and support girls and young women who may be unable to access services, committees, safe spaces, etc.
- → Strategize with young people to find ways of shifting community attitudes towards young women volunteering and engaging in relief efforts.
- → Ensure that language on protection is understood by girls and young women and framed around their well-being.
- → Support local women-led organizations, including organizations of women with disabilities, to participate in community mobilization, outreach and advocacy.
- → Address the mental health and psychosocial support (MHPSS) and livelihood needs of young men, which if unaddressed can result in further restrictions on family members, increased gender-based violence (GBV), and negative impacts on future well-being of males themselves.

Many concrete steps to maximize the inclusion of girls and young women are also included in the 'proposed actions' under each sector in **SECTION E ▶** ***Implementation of adolescent and youth-responsive programming***, as well as in **ANNEX 5 ▶** ***Recommendations for supporting young women's leadership***.

Involving girls, women and other at-risk groups in all aspects of programming is essential to fulfilling the principles and approaches in this guidance. However, such involvement – especially as leaders or managers – can be risky in some settings. Therefore, the recommendations may need to be adapted to the context. Due caution must be exercised where inclusion of girls or young women poses a potential security risk or increases their need for protection. A risk assessment tool to support safe participation is included (see **ANNEX 1 ▶**).

Resources

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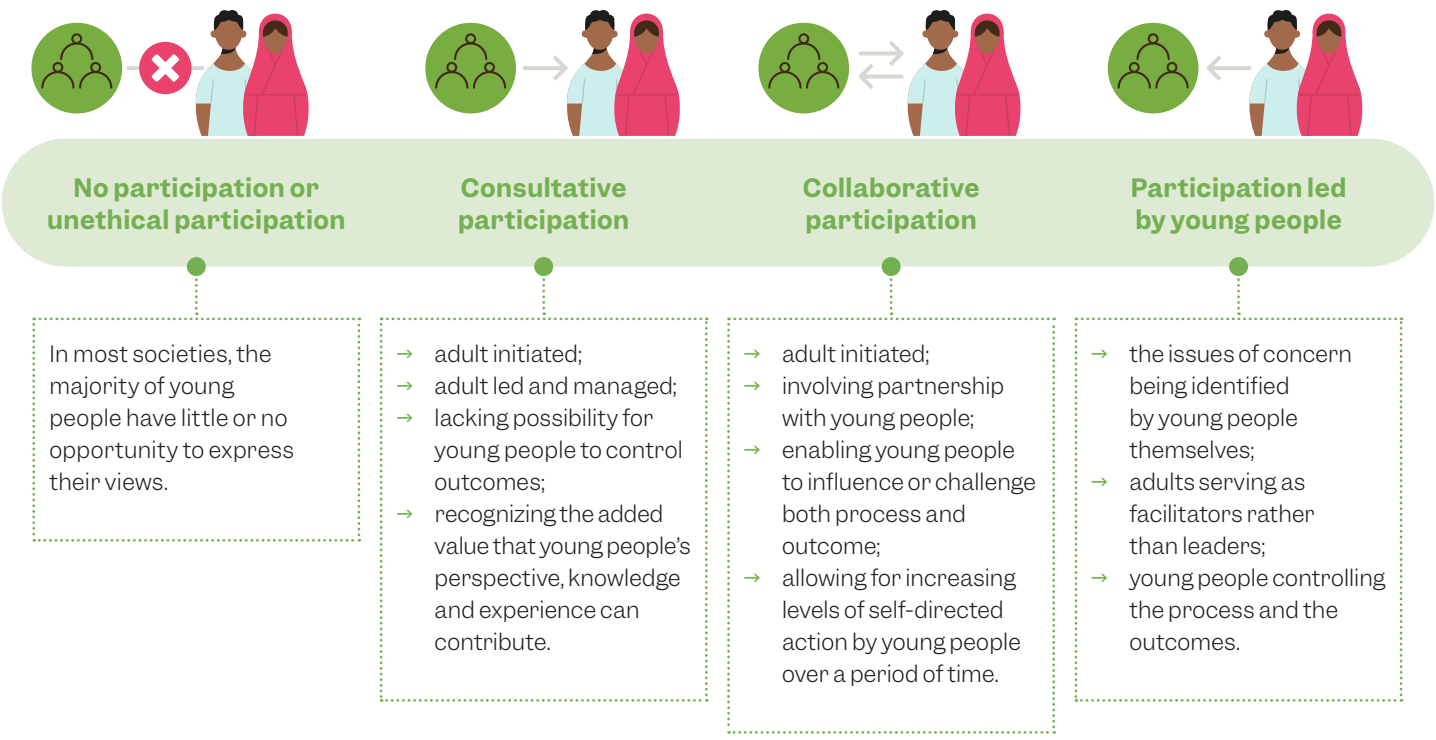
Modes of participation

There are three main modes of participation: consultative, collaborative and young people-led participation (see **FIGURE 3** ▶).[54] One is not necessarily preferred over the others. All three are legitimate and appropriate, but they may not always be possible to apply during a humanitarian response without having first invested in youth-led preparedness. Participation can range from consultation, where young people's voices are influencing decisions, to collaboration, where they are involved in co-designing programmes with adults, to young people fully leading their own initiatives. A thorough understanding of the local context, risks and existing referral mechanisms is required to inform decision-making about what mode of participation is appropriate, especially in the case of engaging younger adolescents (aged 10–14).

FIGURE 3.
Main modes of participation for young people

Source: Adapted from UNICEF (2018).[55]



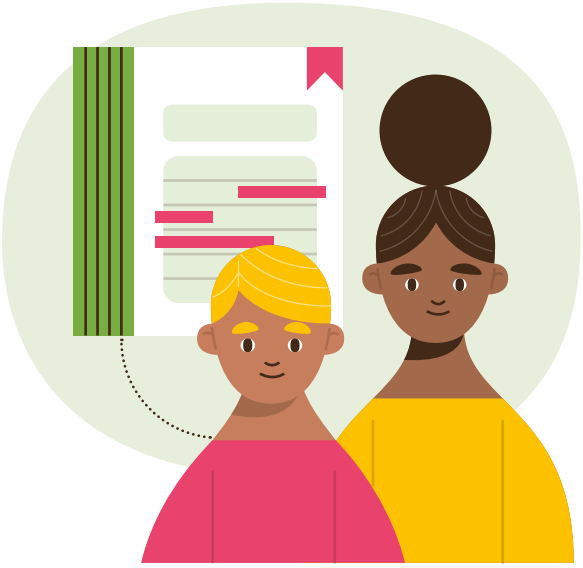
Strategic areas for meaningful participation

In order for young people to engage in a meaningful way, they need to be able to voice their views, and to have access to safe spaces and responsive audiences. This requires investment in addressing harmful social norms, implementing laws and policies that create an enabling environment, building skills and capacities of both young people and adults, and creating sustainable mechanisms and opportunities for participation. Four strategic areas for meaningful participation are discussed here in turn: (1) Influencing law and policy; (2) Building skills and capacities; (3) Addressing social norms; (4) Supporting mechanisms and opportunities for participation.

↓
Nelson (24 years old) engaged in discussions in the NRC Youth centre. Nelson came to Kakuma in 2004 from South Sudan, separated from his family. "Most of us have been idling in the community, just taking drugs and alcohol," said Nelson. "But now we can join carpentry, electricity and computer classes at the youth training centre. But more education opportunities are needed because of the high number of youth in the camp."

© NRC/Christian Jepsen/Kenya

Strategic area 1: Influencing law and policy



Laws and policies rarely recognize the specific needs and rights of young people, budget allocations remain inadequate to provide the services they require, and the socioeconomic and political context may exclude them. Development and humanitarian actors need to advocate with governments for law and policy reform and budget allocations that are responsive to the needs of young people and rooted in their participation. Findings from global consultations (see SECTION A ▶), as well as information from the **Compact for Young People in Humanitarian Action and Youth2030: The United Nations Youth Strategy**[56] can be used to inform legislation and policy at all levels.

Adolescent- and youth-led advocacy

Young people are powerful advocates for their own rights and needs, particularly when provided with relevant channels through which to contribute. Humanitarian actors should work to ensure that young people and decision makers are 'at the table' together. Young people can also be supported into positions of leadership, through various dedicated and self-organized youth engagement platforms, such as youth advisory mechanisms, youth co-decision boards, youth parliaments and formal youth constituencies.

Participation in advocacy increases young people's visibility, which can also bring them into conflict with entrenched interests, including local authorities. Young people, and particularly girls and young women, should be supported to discuss and understand any potential negative repercussions that may arise as a result of their participation in advocacy and in influencing legislation and policies. Families and local leaders should be engaged to understand and support the goals of any programme for young people. Working with youth coalitions, rather than with individuals, may help young people feel more protected. A risk assessment tool to support safe participation is provided in ANNEX 1 ▶.

Other channels for young people to engage in advocacy and leadership can be found in SECTION E ▶, in the tip sheets on '***Camp Coordination and Camp Management (CCCM)***' and '***Sustaining Peace***'.

CASE STUDY 1

Adolescent-led advocacy in the Central African Republic: War Child UK

In the Central African Republic, in the context of conflict between rebel groups, foreign mercenaries and government forces, War Child UK enables young people through its VoiceMore programme to design and run their own local advocacy projects to address issues that children and young people are facing. Training helped them to understand their role as spokespersons, build their skills in persuasive speaking and learn how to run an advocacy project.

The young participants identified sexual abuse and coercion from teaching staff as the problem they first wanted to address. The group designed their own research project and collected data from adolescents (aged 12–18) in 10 schools in the capital city, Bangui.

They presented their results to the Ministry of Education and the Education cluster (country level), demanding enforcement of staff codes of conduct and reporting mechanisms in schools. The Ministry responded by sending circulars to all schools emphasizing their responsibilities to prevent abuse. The group also presented their concerns to the Global Education Cluster and have presented their report at two United Nations events, in 2017 and 2019. The group developed a poster campaign and radio programmes to help build awareness of the issue. Participatory risk assessments helped mitigate any dangers participation might bring.

Central to the VoiceMore model is the constant reaffirmation of the participants as the drivers of the initiative. Regular reflection helps them evaluate their own personal development and plan the next steps for advocacy.

Source

War Child UK (2019), provided for these guidelines.

→

Young participants at a VoiceMore training session in Bangui, Central African Republic, learning how to effectively identify and research local issues, and how to articulate and communicate them, to drive positive change in their communities.

© War Child UK/Karel Prinsloo/CAR

Strategic area 2: Building skills and capacities

The ability to express one's opinion, critically analyse information and make decisions is not innate – it must be learned through practice. In humanitarian situations, where young people's needs are often overlooked, humanitarian actors need to make investments to help young people to realize their rights and gain the skills to design, implement and monitor the response through an adolescent and youth 'lens'.

A key input to the **World Humanitarian Summit** was the **Doha Youth Declaration on Reshaping the Humanitarian Agenda**, where specific recommendations on building young people's capacity for participation were made (and are reflected across the sector-specific 'key actions' tip sheets in SECTION E ▶), such as the following:[57]

- → Nurture and strengthen the capacity of youth through training programmes and an enabling and sustainable economic environment.
- → Enhance disaster risk reduction (DRR) education and training that is gender and age sensitive.
- → Enable young people to communicate about prevention, preparedness, response and recovery within their communities.
- → Mainstream gender equality and empowerment of young women in all training and planning, to ensure inclusive policies.
- → Train refugees and affected populations as facilitators and project managers.
- → Equip youth with the skills to be effective peacebuilders and agents of reconciliation.

"You must remember that we haven't been allowed to talk as children, so we have very little experience talking in public or voicing our opinion. We're not used to it."

NRC consultations with young people, Jalalabad, Eastern Afghanistan

← **Staff and youth at NRC youth centre in Zaatari.**

© NRC/Christian Jepsen/Jordan

Human resources considerations when working with and for young people

In addition to building the skills and capacities of young people, participating agencies and coordination structures must build their own capacities to help young people realize their rights and achieve their goals.

- Before the start of any programme for young people, colleagues or partner agency staff who are experts in child protection should be brought in to train staff in 'do no harm' principles and guidelines in order that they can engage sensitively with crisis-affected young people who may have experienced trauma.
- When hiring for relevant programmes or projects, employ working-age young people and, crucially, adults who demonstrate youth-friendliness and a passion for the needs of young people, in addition to technical experts. Discuss any barriers to hiring youthful or youth-friendly staff, and how can these be overcome.
- In addition to staff, establish roles for young people within project activities as volunteers, interns, mentors to younger children, etc.
- Through a collaborative process, identify individuals in each humanitarian cluster/working group (see **BOX 2** ▶) to be appointed as dedicated adolescent and youth focal points who will work together as a youth task force.
- Prepare staff to facilitate young people's engagement, as it is likely that most staff will not have a background in working with adolescents and youth. Managers should also address older staff members' fears and expectations around bringing in younger staff and volunteers.
- Ask younger staff how they want to be supported to show leadership and implement ideas.
- All partners should include background checks when recruiting staff who will be working with young people.
- Induction training by all partners hiring staff should include the topic of Protection from Sexual Exploitation and Abuse (PSEA) and the signing of a code of conduct following the training.

↑
Adolescent girls and boys participate in field testing of the IRC's SAFE programme in North-East Nigeria, 2018.

© IRC/Barka Asindaya/North-East Nigeria

Box 10: SAFE – Supporting Adolescents and their Families in Emergencies

SAFE is a protection and psychosocial support programme model to strengthen the capacity of front-line actors so that adolescent girls and boys (ages 10–19) are safer, more supported, and equipped with positive coping strategies in acute emergencies. To achieve its goal, the **SAFE programme model** is designed around two pillars:

1. Working directly with adolescent girls and boys to provide them with essential health and safety information, encourage participation and develop social and emotional skills, strengthen relationships, and connect them with available support services; and

2. Contributing to a safe and supportive environment for adolescent girls and boys through working with female and male caregivers to develop their knowledge of how to protect and support adolescents, and collaborating with the community, other sectors and service providers to increase awareness of the needs and interests of adolescents.

The **SAFE Resource Package** is publicly available and includes practical, field-friendly implementation guidance, detailed facilitator training manuals, and three tailored curricula – for adolescent girls, for adolescent boys and for caregivers. The SAFE resource package and the UNICEF Adolescent Kit for Expression and Innovation[58] (see also **CASE STUDY 20 ▶**) can be complementary to one another and used by countries to strengthen programmes with adolescents.

Resource
International Rescue Committee, **Supporting Adolescents and their Families in Emergencies (SAFE): SAFE program model and resource package**, 2019, www.rescue.org/resource/supporting-adolescents-and-their-families-emergencies-safe

↑
MYCHA participant assembling a tent as part of a simulation of building a shelter.

© ROTA/Blessing Solomon

CASE STUDY 2

Preparing young people for humanitarian action in the Middle East and North Africa (MENA) region: Education Above All Foundation/Reach Out to Asia (ROTA)

Under MENA Youth Capacity-Building in Humanitarian Action (MYCHA), an initiative of the Education Above All Foundation and ROTA, over 30 local NGOs from 15 countries have supported youth with technical advice, in-kind support and grants for youth-led projects. Agencies nominate participants already active in emergency preparedness and response in their local contexts, and assist them through the application process. Young people receive training in humanitarian practice and plan their own action initiatives to be carried out at the local level with the support of the nominating NGO. This approach has shown NGOs the value of engaging young people in their work, and that young people can develop their own innovative solutions to local challenges. MYCHA contributes directly to **key action 3 of the Compact for Young People in Humanitarian Action**, which relates to capacity (see **BOX 1** ▶).

Source

Education Above All Foundation/ROTA (2019),[59] provided for these guidelines.

CASE STUDY 3

Inclusive approaches to address the needs of young people with disabilities in Panama: RET International

In Panama, the needs of vulnerable young people with disabilities were often overlooked in disaster risk reduction (DRR) and management policies, responses and projects. Driven by the fact that inclusion should actively seek the participation of persons with disabilities and acknowledge their specific capabilities and not only their special needs, RET International developed different measures to mainstream inclusive approaches in DRR within the education sector in Panama. As part of these efforts and in cooperation with the Panamanian Institute for Special Adaptation, a Spanish sign language vocabulary on DRR was developed to facilitate the participation of adolescents and youth with hearing impairments in capacity-building activities. These activities were done at schools and other community-based locations to prevent and mitigate risks of natural hazards. For visually impaired young people, material was developed in Braille. This has increased the safety of concerned young people and the establishment of inclusive safe learning spaces and communities in Panama. Over 4,000 children, adolescents and youth with special needs have already been reached through this approach. RET International was granted the Zero Project Award 2020 for 'Innovative Practice' for including children, adolescents and youth with disabilities in DRR and management practices.

Source

RET International (2020), provided for these guidelines.

→

Together with children, adolescents and youth, RET International works to understand the different disabilities and specific needs in emergency contexts.

© RET International/Panama

↑
Fundación Casa Lama calls for integration and protective spaces for young refugees and migrants from Venezuela through art and culture in Medellín, Colombia.

© UNHCR/Catalina Betancur/Colombia

Strategic area 3: Addressing social norms

Even when positive policies and legislation are in place, young people often come up against social norms that hinder their ability to participate. Entrenched social and workplace hierarchies; traditional gender roles; expectations of discipline and respect for elders; assumptions of a lack of capacity, especially among younger adolescents and youth – all of these serve to exclude young people from having a say in decisions and becoming engaged. Efforts to address social norms around issues such as child marriage, access to education (especially for girls), and communal violence are vital to foster enabling environments, but they may also risk backlash and retribution, especially in conflict-affected settings. Humanitarian actors should engage with older adults (caregivers, community leaders) in order for young people to safely participate in humanitarian response.

CASE STUDY 4

Addressing negative adult perceptions in Kenya: RET International

In the Dadaab refugee camps in Kenya, youth face historical barriers that exclude them from the camp communities and particularly from the decision-making processes. This is often due to the negative perceptions that many adult community members have towards them. RET International sought to address this issue by empowering young people and youth-led associations through training, coaching and so-called 'youth–adult partnership' initiatives.

In these partnerships, youths and adults explore concepts like respect and tolerance, conflict resolution and peacebuilding, to enable them to identify, prioritize and lead concrete social change initiatives together. Adults who participate, such as camp leaders, have become significantly more positive towards young people, seeing them as capable and socially engaged members of the community; this facilitates their inclusion in community decision-making processes at camp level.

Source

RET International (2017), provided for these guidelines.

↓

Reaching youth through football to communicate messages on peaceful conflict resolution.

© RET International/Kenya

← **Empowering women and girls through Scouting.**

© World Organization of the Scout Movement/ Kenya

CASE STUDY 5

Scouting programme for Somalian refugees in Kenya: World Organization of the Scout Movement

Somalia has the fourth highest Gender Inequality Index (0.776). The Somalian refugees living in Kenya brought with them the clan-based tradition of strict male hierarchy and authority. The limited roles and status of Somalian women and girls, based on religious and cultural norms, are further exacerbated by the conditions of the refugee camps. The participation of women in decision-making is extremely limited, perpetuating inequalities. The World Organization of the Scout Movement initiated a Scouting programme reaching out to over 1,000 young Somalian refugees.

The programme actively recruits young girls and empowers them to engage in the same activities as the boys. The community of Somalian refugees came to accept the idea of strong female youth leaders after seeing this in action in the Scouts' decision-making structures, where girls may give directions to groups of boys and lead activities such as sanitation, tree planting and peacebuilding. Girls are also more aware of their rights and how to protect themselves, easily engaging with others in awareness activities around sexual and reproductive health.

Source

World Organization of the Scout Movement, provided for these guidelines.

Resources

Scouts, **Scouting and Humanitarian Action**, 2020, https://services.scout.org/service/8

Scouts, **World Scouting's COVID-19 Support Centre**, 2020, www.scout.org/covid19

Scouting brings hope and sense of belonging to young people in Dadaab Refugee Camp: https://www.scout.org/scouting-for-refugees-dadaab-kenya

CASE STUDY 6

A participatory post-disaster communication campaign in Nepal: UNICEF

Following the 2015 twin earthquakes in Nepal, UNICEF supported direct outreach to communities through a variety of social and behaviour change communication strategies. To reach affected populations in remote areas, UNICEF partnered with a youth-led organization that already had strong district-based networks. Hundreds of young volunteers went door to door in villages and camps to exchange information, distribute leaflets and demonstrate the use of essential supplies. Involving young people from local communities in outreach activities not only ensured appropriateness and acceptance of messages, but also created a sense of ownership. Capacity-building for adolescents, youth civil society organizations (CSOs) and community radio staff was central to building resilience and strengthening emergency preparedness during the recovery phase.

UNICEF has also developed 'Minimum quality standards and indicators in community engagement' to provide globally established guidance on the importance of community engagement, including adolescent and youth engagement. These standards include 16 core minimum standards (**FIGURE 4 ▶**), as well as suggested indicators for use by governments and implementing agencies (NGOs and CSOs), and tools (checklists and matrices) to support the localized development of additional indicators. More information is available in the documents referenced for this case study.

Source

Nepal earthquake 2015 case study: UNICEF (2018). [60]

FIGURE 4.
Summary of minimum standards for community engagement

Source summary table: UNICEF (2020). [61]

PART A
Core Community Engagement Standards

1. Participation
2. Empowerment and Ownership
3. Inclusion
4. Two-way Communication
5. Adaptability and Localization
6. Building on Local Capacity

PART B
Standards Supporting Implementation

7. Informed Design
8. Planning and Preparation
9. Managing Activities
10. Monitoring, Evaluation, and Learning

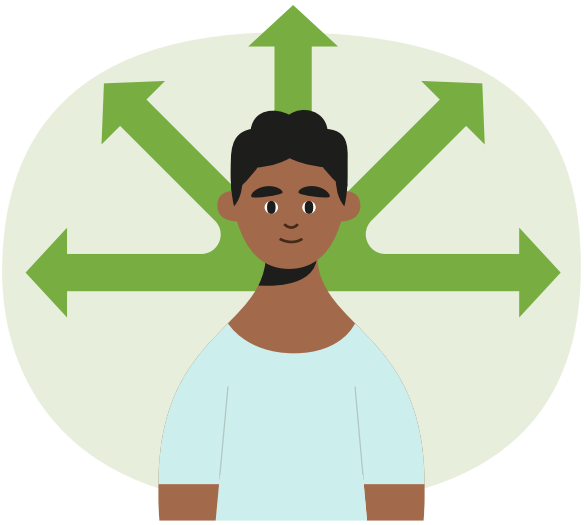
PART C
Standards Supporting Coordination and Integration

11. Government Leadership
12. Partner Coordination
13. Integration

PART D
Standards Supporting Resource Mobilization

14. Human Resources and Organizational Structures
15. Data Management
16. Resource Mobilization and Budgeting

Strategic area 4: Supporting mechanisms and opportunities for participation

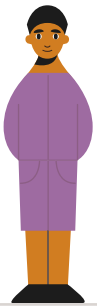


The most effective way for young people to acquire skills and values of active citizenship and civic engagement is through participation itself. Humanitarian actors should work with young people to identify opportunities for engagement in decision-making and community life, including development and implementation of projects, as well as feedback/evaluation.

Specific opportunities could include:

- Accountability and feedback mechanisms (see **BOX 11 ▶** and **CASE STUDY 7 ▶** ***Children's feedback through complaints and response mechanisms in Dadaab Refugee Camp in Kenya***)
- Participatory action research (PAR) (see **CASE STUDY 8 ▶** ***PAR with young people in Jordan, Lebanon and the Syrian Arab Republic***)
- Media production (see **CASE STUDY 9 ▶** ***Peacebuilding, education and advocacy in Uganda***)
- Youth-friendly spaces and services (see **BOX 12 ▶** and **CASE STUDY 10 ▶** ***Adolescents improving sexual and reproductive health (SRH) services in the Democratic Republic of the Congo***)
- Advocacy or awareness-raising campaigns (see '***Adolescent and youth-led advocacy***', in Strategic area 1, above).

"It's important to see us as leaders in our communities and not only as beneficiaries of humanitarian aid."



MGCY & Youth to Lead y Desarrollo de Nuevas Generaciones consultations with young people, El Salvador

Box 11: Accountability to affected young people

A crucial opportunity for meaningful participation is found in accountability mechanisms. Originally, the Inter-Agency Standing Committee (IASC) endorsed five commitments on **Accountability to Affected Populations (AAP)** in December 2011,[62] and these were revised in 2017 to reflect essential development, resulting in four commitments, combined for AAP and **Protection from Sexual Exploitation and Abuse (PSEA)**: (1) Leadership; (2) Participation and partnership; (3) Information, feedback and action; and (4) Results.[63]

The views and contributions of young people affected by crises should be incorporated into all phases of the humanitarian programme cycle (HPC) and can be embedded in the humanitarian response monitoring framework in a variety of ways.[64] In the preparatory stage, clusters/working groups can ensure: that youth groups and young women and young men participate in discussions on indicators and targets; harmonization of monitoring methods; mechanisms for affected people to provide ongoing feedback safely; reporting frequencies and formats; and the use and dissemination of findings.

Clusters/working groups and inter-agency working groups (see **BOX 12 ▶**) should select outcome indicators that capture the perspectives of affected young people and their diversity, as well as their satisfaction with humanitarian assistance, including the appropriateness and quality of goods, services and participation. When gathering monitoring data, agencies should, to the extent possible, involve young people in any field data collection exercises.

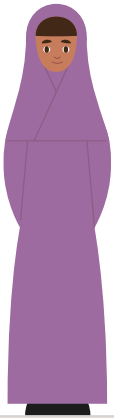
Agencies should devise a coordinated plan for disseminating information from the monitoring exercises in adolescent and youth-friendly language to affected people, including through young people's participation in dissemination.[65]

Feedback mechanisms

Young people's anonymous feedback is also a key component of safeguarding, crucial for the prevention of sexual exploitation and abuse (SEA). Feedback can be collected by various means: installing locked complaint boxes; distributing post-session feedback forms; including a feedback field on the electronic tablets used for sign-in; offering a website to visit or a toll-free number to call or text, etc.

Not all feedback mechanisms work for all age groups, and more than one may be needed at the same time. A diverse range of young people should be consulted periodically to ensure the feedback mechanisms are fit for purpose. The process of engagement will help to increase their confidence in using the channels and their understanding of the feedback and complaint process.[66]

Feedback mechanisms are not only for reporting abuse, but also for accountability, to build trust, to promote empowerment of affected communities, and to inform programmes. They can also provide agencies with early warning signs of various risks.



"There needs to be more focus on feedback to young people after assessments. Young people that shared they felt let down and don't trust aid workers, because they come and speak to them about their views, but then young people don't hear from them again and they don't get the support the asked for."

NRC consultations with young women, Jalalabad, Eastern Afghanistan

CASE STUDY 7

Children's feedback through complaints and response mechanisms in Dadaab Refugee Camp in Kenya: Save the Children

In humanitarian practice in recent years there has been increased emphasis on the importance of accountability to beneficiaries and applying Humanitarian Accountability Partnership standards to establish complaints and response mechanisms (CRMs). Children's access to CRMs has been piloted by Save the Children in Dadaab Refugee Camp in Kenya. To design the CRM, Save the Children organized focus group discussions where children described their preferred CRM as one that: provides face-to-face reporting; is situated in child-friendly locations; is child-targeted in terms of set-up and information/messaging; and promotes participation and inclusivity – so is flexible and includes younger and non-school going children.

Setting up the CRM was piloted in one camp and then rolled out to two other camps and host communities. The information or feedback desks were set up in all Child Friendly Spaces (CFS) in the camp and in the host community at the new arrival registration point and in the Save the Children camp offices. In addition to the information desks, other measures to proactively solicit and give feedback to adult and child beneficiaries were also introduced, including the establishment of 'Beneficiary Reference Groups' among adults, and using group discussions with girls and boys in CFSs, through children's club meetings, feedback boards and drawing competitions. The use of child-to-child approaches proved to be effective in awareness creation on the CRM – as a result of children telling their friends and families, more children and adults visited the information and feedback desks. Allowing for anonymous complaints was also encouraged. Children may often complain on behalf of a friend, or on behalf of a child of the same age or gender.

Source

Save the Children (2011).[67]

Resources

Plan International, **Child-Friendly Feedback Mechanisms: Guide and toolkit**, 2018, https://plan-international.org/publications/child-friendly-feedback-mechanisms-guide-and-toolkit

Save the Children, **How to set up a complaints and feedback mechanism in ten steps, in: Programme Accountability Guidance Pack**, 2013, https://resourcecentre.savethechildren.net/library/programme-accountability-guidance-pack-save-children-resource [available in English and Spanish]

Wood, Anna, **Interagency Study on Child-Friendly Feedback and Complaint Mechanisms within NGO Programmes: Phase One Report: Survey findings – Children's access to feedback and complaint mechanisms**, Educo, Plan International, Save the Children UK, War Child UK and World Vision International, 2015, https://resourcecentre.savethechildren.net/library/interagency-study-child-friendly-feedback-and-complaint-mechanisms-within-ngo-programmes

Box 12: Coordination of young people and working groups for gender-based violence (GBV)

Consider how adolescents and youth can support cluster/working group coordination mechanisms (e.g., cluster/working group meetings) when these groups are developing: (1) service mapping; (2) referral pathways; and (3) standard operating procedures (SOPs). These are all critical coordination documents that guide the quality of and facilitate access to response services for child and adolescent survivors of GBV (such as sexual abuse and sexual violence). Consider how you can work with young people and their families to inform strategies to increase accessibility and availability of these services.

When working groups are developing and updating these three types of coordination documents, this process should include input and feedback from young people (and, if they are under 18, their caregivers). They should also be included in the process of making others aware about the referral pathway. There may be ways you can work with actors who are already engaged (i.e., local or international, private or public entities) or mechanisms that already exist. For example:

- → Child protection or camp management actors often have links to existing community-based groups.
- → Child protection actors often work with education actors who are actively working in schools, with links to student networks or youth groups.
- → Child protection and education actors often have young people-friendly spaces.
- → There may be existing youth organizations and networks, including youth-led groups.

Source

Child Survivor Initiative (2019), provided for these guidelines.

"Some key issues that young people wanted to see included in the guidelines were around personal and mental well-being: a sense of belonging, purpose, hope, a future. Young people were concerned with being socially and psychologically safe, the environment, stability, education and employment."

UNFPA consultations with Syrian refugee adolescents & youth in Ankara, Turkey

Working with existing networks and structures

In the interests of future sustainability, the initial approach – prior to programme assessment or planning – should start by engaging with any existing networks to elicit participation from their young members, such as **Y-PEER** (see **BOX 13 ▶**), **National Scout Organizations** (including Girl Guides and Girl Scouts, where they are separate from boys), and the **National Red Cross** and **Red Crescent Societies**.

Box 13: Y-PEER

Y-PEER
Youth Peer Education Network

Y-PEER is a network of young people and organizations that takes an inclusive and interactive peer-education approach and has been in operation since 2000. It works on topics such as sexual and reproductive health and rights (SRHR), gender equality, gender-based violence, meaningful youth participation, civic engagement and global peacebuilding. This network operates in 46 countries throughout Eastern Europe, Central Asia, the Middle East, North Africa and the Asia-Pacific region and supports young people to have meaningful participation in decision-making processes related to healthy lifestyles and civic engagement, with a view to securing equal access to information and services. The network aims to ensure that:

1. Adolescents and youth have access to SRHR-related knowledge and skills
2. Adolescents and youth living in humanitarian settings are aware of and implementing the 2015 United Nations Security Council Resolution 2250 on youth, peace and security
3. Y-PEER members are recognized as meaningful partners in decision-making processes at various levels
4. The Y-PEER network is a leading actor in promoting the core principles of the Sustainable Development Goals (SDGs) at regional and national levels.

Learn more about Y-PEER online at: www.speakactchange.org

Source

UNFPA (2019), provided for these guidelines.

↑
Peer-education training workshop convened by the Y-PEER Syria network in Damascus, Syria, attended by 25 young women and men from across Syria.

© Y-PEER/ Jafar Almerei/Syria

Safeguarding

Engagement must be carefully managed, especially for younger adolescents aged 10–14, who may be early in the process of developing the relevant skills for meaningful participation and civic engagement. It should also be noted that in conflict and post-conflict settings, youth groups may be threatened, excluded, or targeted for manipulation by political parties. Therefore, due caution must be exercised where working with youth groups may pose a potential security or protection risk. A risk assessment tool to support safe participation is included in **ANNEX 1 ▶**.

Diversity and inclusion

While working with established youth structures is essential, where they exist, this approach on its own is unlikely to reach a wide range of young people, and its reach may be limited. Youth leaders are sometimes educated elites who have little in common with the marginalized majority, and most young people do not belong to established youth groups.

Agencies should also engage young people in remote areas and marginalized communities, and those with disabilities, etc., who are less likely to be affiliated with youth groups.

In addition, meaningful participation of a diverse cross-section of young people is impossible unless information is transmitted in relevant languages and formats, through accessible channels and at an appropriate level of understanding for all, including those with disabilities, younger adolescents, uneducated youth, etc. Wherever feasible, alternative formats such as Braille, sign language or easy-to-read formats can help ensure that young people with disabilities are able to participate in decision-making and access services. Agencies may consider partnering with disabled persons' organizations when designing programmes, and where possible, include budget lines for adolescent- and youth-friendly and accessible communications in grant proposals.

↑
Participatory action researcher Shorouq Al-Naimat, 23, from Jordan, presents findings on issues concerning young people in the MENA region, at the Evidence Symposium on Adolescents and Youth in Beirut.

© UNICEF MENA (Middle East and North Africa)/Lebanon

CASE STUDY 8

Participatory action research (PAR) with young people in Jordan, Lebanon and the Syrian Arab Republic: UNICEF

Through PAR, refugees, internally displaced persons and young people in the host communities are researching the problems affecting them and their communities. This UNICEF programme also builds the capacity of United Nations and NGO partners to support, guide and mentor young researchers. Young people and coordinators learn how to conduct interviews and focus group discussions, then they draft and implement a research plan and collect data in the field from groups of 10–20 or their peers. They transfer the data to UNICEF via tablets, and UNICEF supports the young researchers in data cleaning and analysis. They use problem tree analysis to reflect on solutions to the problems identified. The young researchers also receive basic communication and advocacy training, enabling them to begin to implement advocacy plans related to the identified problems and the proposed solutions. Follow-up workshops offer them the opportunity to directly interact with key stakeholders, share their findings and present recommendations. Programming can then be designed based on reliable and accurate data collected by young people themselves.

Source

UNICEF (2019).[68]

CASE STUDY 9

Peacebuilding, education and advocacy in Uganda: UNICEF

This programme was launched by UNICEF in 14 countries (including Uganda) in 2012. It aims to address conflict drivers related to education and contribute to peace and social cohesion. In Uganda, in partnership with the Straight Talk Foundation, the programme takes a Communication for Development (C4D) approach to implement dialogue activities using media and based in schools and communities. Programmes serving young people have involved the creation of audio and video clips, photographs, print media, websites and social media posts. These may be for the purposes of advocacy, as part of accountability efforts (monitoring and evaluation) for affected populations, or as a means of sharing messages with the public relating to health, education or peacebuilding initiatives. Media production is an excellent platform for meaningful participation and practical skill-building for young people, including use of the latest technology.

Source

UNICEF (2016).[69]

↓

Pupils of Buhundu Primary School, located in Bukonzo sub-county Bundibugyo District, read messages about peace on the International Day of Peace observed annually on 21 September. UNICEF Uganda visited the school on the day, to celebrate and raise teachers' awareness on peacebuilding as well as encourage them to utilize elements of the curriculum to promote peace in the classroom.

© UNICEF/Wandera/Uganda

←
Young leaders from CARE's Vijana Juu project pose in front of the youth-friendly space in Himbi in Goma, North Kivu, Democratic Republic of Congo.

© CARE/April Houston/DRC

CASE STUDY 10

Adolescents improving sexual and reproductive health (SRH) services in the Democratic Republic of the Congo: CARE's Vijana Juu project

Reproductive health outcomes in the Democratic Republic of the Congo are among the poorest in the world, especially in crisis-affected parts of the country. Social and family structures and support systems are disrupted, exposing young people to risks and barriers to accessing SRH services and information. Adolescent girls face cultural norms and stigma that limit their ability to seek health services, and they may be denied care because of their age. CARE designed Vijana Juu (Swahili for 'Up with Youth') in collaboration with adolescents and youth. This project utilized CARE's Community Score Card© (CSC), a citizen-driven accountability approach for assessment, planning, monitoring and evaluation of service delivery. CARE invited young people to contribute their thoughts on how local clinics could better serve their SRH needs, and then invited health-care providers to consider the feedback. Both groups developed a joint strategy for improvement, and adolescents were engaged to monitor youth-friendliness. Young people noted improvements in services, better attitudes among service providers, and a reduction in clinic waiting times. This process also helped to identify adolescents living in vulnerable situations whose SRH needs were not being served.

Source

CARE (2018).[70]

Resources

Strategic area 1: Influencing law and policy

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MENA Adolescent and Youth Hub, 2020, www.menayouthhub.org

No Lost Generation, **Adolescent and Youth Engagement: Middle East and North Africa and United Nations (MENA–UN): NGO Adolescent and Youth Group Toolkit**, 2018, https://resourcecentre.savethechildren.net/library/adolescent-and-youth-engagement-mena-un-ngo-adolescent-and-youth-group-toolkit [available in Arabic and English]

UNICEF, **Youth Advocacy Toolkit**, 2019, www.unicef.org.uk/working-with-young-people/youth-advocacy-toolkit

Strategic area 2: Building skills and capacities

Inter-agency Network for Education in Emergencies (INEE), **Engaging Youth-Led and Youth-Serving Organizations in Disaster Relief Efforts: A guide for international agencies involved in emergency response and recovery**, 2013, https://inee.org/system/files/resources/201212_INEEGuidanceDocEngagingYouthOrganizationsinDisasterReliefEfforts_1.pdf

INEE, **Minimum Standards Domain 1: Foundational Standards, Community Participation Standards 1 (Participation) & 2 (Resources)**, 2019, https://inee.org/standards/domain-1-foundational-standards

International Rescue Committee, **Supporting Adolescents and their Families in Emergencies (SAFE): SAFE program model and resource package**, 2019, www.rescue.org/resource/supporting-adolescents-and-their-families-emergencies-safe [available in Arabic, English, French] (see **BOX 10** ▶ for further information on this key resource)

Save the Children, Module 6: Community engagement, in **Strengthening Community-based Child Protection Referral Pathways: A resource manual**, 2018, https://resourcecentre.savethechildren.net/library/strengthening-community-based-child-protection-referral-pathways-resource-manual (see pp. 80–93)

Strategic area 3: Addressing social norms

UN Women, **Inter-agency Assessment: Gender-based violence and child protection among Syrian refugees in Jordan, with a focus on early marriage**, 2013, www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2013/7/report-web%20pdf.pdf

Strategic area 4: Supporting mechanisms and opportunities for participation

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D

© UNFPA/Lubna Baqi/Nepal

Young people across the humanitarian programme cycle

D

This section provides guidance structured around the humanitarian programme cycle (HPC) or, for refugee emergencies, the operational management cycle (OMC). Both the HPC and the OMC refer to a series of actions to help prepare for, manage and deliver humanitarian response. They provide entry-points for working with and for young people at every stage and across all clusters/working groups (see **BOX 2** ▶ in Section A). This guidance refers mostly to the HPC, but the two cycles are similar.

For information on the distinctions between internal displacement vs. refugee response coordination arrangements, see **BOX 14** ▶.

As shown in **FIGURE 5** ▶, the HPC consists of five interrelated elements and three key enablers: coordination and information management (in the centre), and preparedness (around the outer ring). In this section, we first discuss the five elements (see the next page) and then the three key enablers.

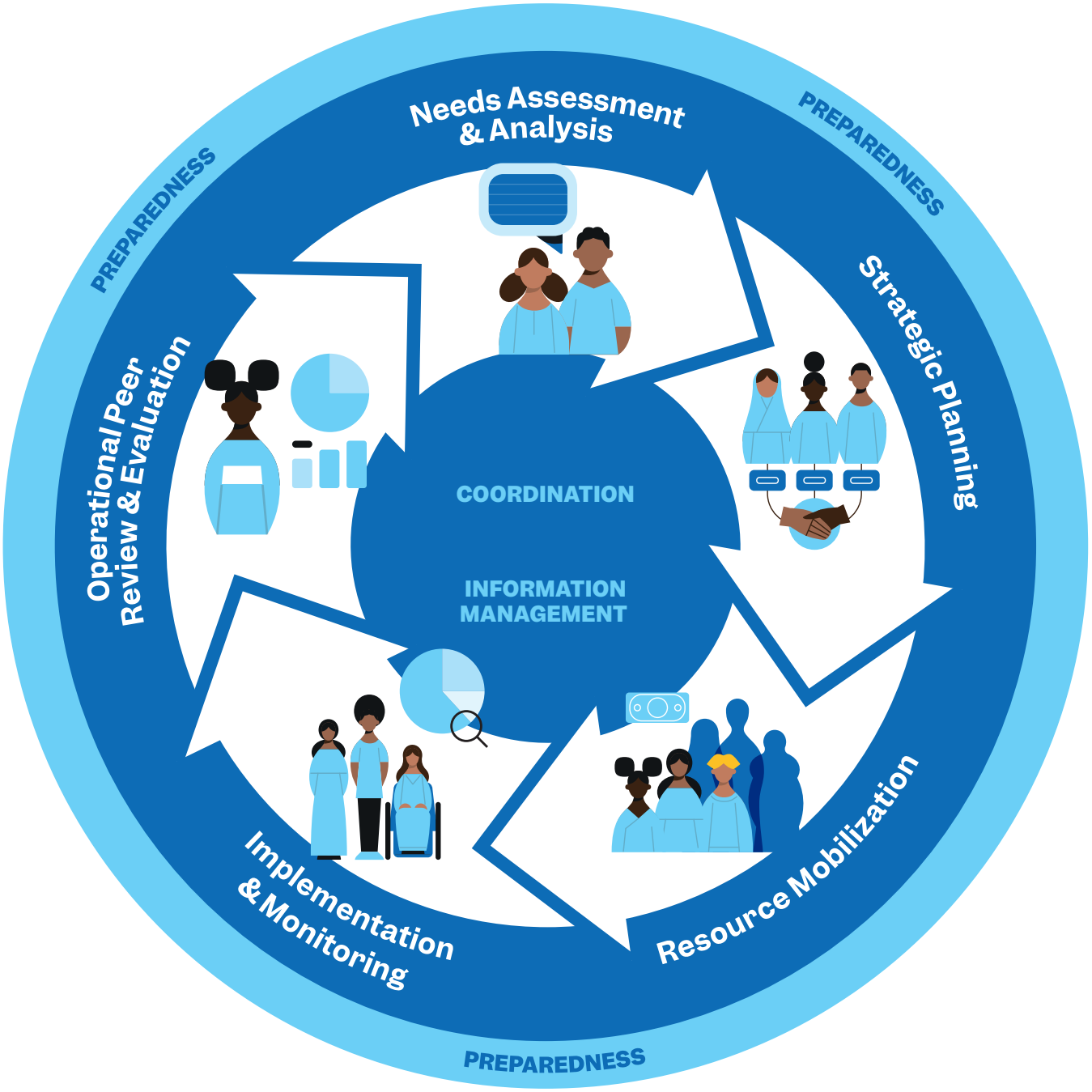
"Have you made sure there's a system where youth are informed of any changes that may take place in your programme strategy or in your implementation plans?"

NRC, UNICEF and UNFPA consultations with Syrian refugee and Jordanian young people in Jordan

© NRC/Hassan Hijazi/Jordan

FIGURE 5.
The humanitarian programme cycle (HPC)

Source: OCHA (2020).[71]



Box 14: Internal displacement vs. refugee response coordination arrangements

In situations of internal displacement, Inter-Agency Standing Committee (IASC) clusters (see BOX 2 ▶ in Section A) are activated when existing coordination mechanisms are overwhelmed or constrained in their ability to respond in line with humanitarian principles. A formally activated cluster has specific characteristics and accountabilities. It is accountable to the **Humanitarian Coordinator through the cluster lead agency (CLA)** as well as to national authorities and to people affected by the crisis. IASC clusters are a temporary coordination solution and efforts are made as soon as appropriate and possible to hand over coordination to the relevant authorities.

In refugee settings, **UNHCR** is responsible as the provider of last resort within the refugee coordination model (RCM),[72] which follows the sector and refugee protection working group approach (not clusters; see BOX 2 ▶). UNHCR ensures that the coordination mechanisms prescribed by the RCM inform internal UNHCR processes and follow the key steps of the operational management cycle (OMC).

For situations with both internally displaced persons (IDPs) and refugees (i.e., mix of two different target groups), UNHCR and the **Office for the Coordination of Humanitarian Affairs (OCHA)** have a mixed coordination agreement.

COORDINATION MECHANISMS	REFUGEE SYSTEM	CLUSTER SYSTEM	DEVELOPMENT SYSTEM
ACCOUNTABILITY LINES	Reports to the High Commissioner for Refugees, who reports to the General Assembly	Reports to the Emergency Relief Coordinator, who reports to the General Assembly	Reports through the Chair of the UN Sustainable Development Group*, (Deputy Secretary General) to the Secretary General
LEADERSHIP	UNHCR Representative	Humanitarian Coordinator	Resident Coordinator
INTER-AGENCY STRATEGIC PLANNING JOINT UN WORKPLAN	Refugee Response Plan/ Inter-Agency Country Operations Plan	Humanitarian Response Plan (HRP)	Un Country Team UN Development Action Framework (UNDAF)
INTER-AGENCY COORDINATION	Multi-Sector Coordination Sectors & Refugee Protection Working Group	Inter-Cluster Coordination Clusters	Programme Management Team Thematic Working Groups
RESOURCE MOBILIZATION	Bilateral Funds, UNHCR Fund, CERF UNDAF funds and other joint programme funds	Central Emergency Fund Country-based Pooled Funds	Bilateral Development Funds UNDAF funds and other joint programme funds

*the UN Development System is under reform

Source

Adapted from IASC (2015),[73] United Nations OCHA (2020)[74] and UNHCR.[75]

Five elements of the humanitarian programme cycle

ELEMENT 1.

Young people in needs assessment and analysis

The rights and interests of all young people, including those in vulnerable situations (see BOX 6 ▶ in Section A), must be taken into account in needs assessments. In the acute phase of an emergency, duty-bearers should advocate for and support the inclusion of young people's needs and interests in any coordinated assessments undertaken, such as the **Multi-sector Initial Rapid Assessment (MIRA)**,[76] the government-led **Post Disaster Needs Assessment (PDNA)**,[77] the **Needs Assessment for Refugee Emergencies (NARE)**[78] or any other sector-specific needs assessments. In slow-onset or protracted emergencies, humanitarian agencies undertake **Multi-Stakeholder Needs Assessments (MSNAs)**.[79]

All sector-specific or multisectoral assessments should aspire to meaningfully engage young people as respondents as well as partners in design, data collection and analysis. Addressing the needs of youth in assessments requires collecting data on sex, age and disability so that data analysis can be disaggregated by those key variables. Humanitarian actors and enumerators must be trained in child safeguarding and confidentiality and informed consent and assent procedures (see BOX 15 ▶). Ideally, multiple sectors can jointly support affected communities to include young people when they develop and conduct an analysis of community needs. Tailored risk analysis should be conducted with and for adolescent girls and young women, so that programme design responds to the risks they face, as identified through the analysis. Active identification of GBV survivors is never recommended, and consultations should not be designed in a way that specifically targets or isolates them.

Specific questions for evaluation of young people's capacities and needs, and of available services, are included within the various sectors in SECTION E ▶. In many cases, existing information from multisectoral or sector-specific assessments, as well as existing (pre-crisis) national statistics (for example demographic and employment data), can be used to provide all the information needed for programme design with and for youth. However, if you decide to undertake a specific assessment, be sure to first go through ANNEX 3 ▶.

Box 15: Informed consent and assent

Following correct procedures for informed consent is fundamental to conducting ethical research, including collecting data from individuals. Working with adolescents or youth who are not capable of giving consent (e.g., due to being a minor, or having a disability) requires the *consent* of the parent or legal guardian, as well as the assent of the subject. In accordance with human rights laws, children – including adolescents under the age of 18 – have the right to express their views freely in all matters affecting them, and their views must be given due weight in accordance with the child's age and level of maturity when considering what is in their best interest.

Informed consent: The process of obtaining permission from a person prior to that person's participation in a research study/activity/intervention. Informed consent involves:

- Disclosure: provision of information to the subject about the research/activity/intervention, including potential risks and benefits
- Understanding: comprehension by the subject of the disclosed information and the request for consent, which may require additional facilitation if the individual has limited or no prior education, literacy, or capacity to understand, due to age or physical or mental illness
- Voluntariness: understanding by all parties of the fact that the subject's involvement in the research/activity/intervention is voluntary and should be free from coercion
- Capacity: the person providing informed consent must possess the decision-making ability and legal right/authority to give permission for the subject's participation (whether that is themself, or someone for whom they are the parent/legal guardian) in the research/activity/intervention.

Assent: The willingness to participate in research or an activity/intervention expressed by persons who are, by legal definition according to local law, too young to give informed consent, but who are old enough to understand the proposed research/activity/intervention in general, the potential risks and benefits, and the activities expected of them as subjects.

Agencies should ensure that field staff engaged in data collection are soliciting informed consent from caregivers of adolescents under the age of 18, as well as assent from the children themselves. For youth aged 18 and over, informed consent should be solicited as for older adults.

Resources

Adolescents 360, **Informed Consent: Adults**, 2019, http://a360learninghub.org/open-source/inquiry/consent-adults

UNICEF, **UNICEF Guidance Note: Adolescent participation in UNICEF programme monitoring and evaluation**, 2018, www.unicef.org/evaldatabase/files/UNICEF_ADAP_GuidanceNote.pdf

UNICEF, **UNICEF Procedure for Ethical Standards in Research, Evaluation, Data Collection and Analysis**, 2015, www.unicef.org/media/54796/file

↑
Young people creating story map designs in Nakivale refugee settlement in Uganda.

© University of Dundee/Lorraine van Blerk/Uganda

CASE STUDY 11

Youth-led assessment in Uganda and Jordan: Youth transitions in protracted crises

More than 80 per cent of refugee crises last for 10 years or more, and two out of five crises now last 20 years or more,[80] meaning that some people will spend their entire young lives in displacement. Using a participatory, youth-led approach, the Youth Transitions in Protracted Crises research project engaged young refugees affected by protracted crises in Uganda and Jordan as both researchers and respondents and mapped their transitions to adulthood. These young people undertook data collection among their peers, and contributed to analysis and knowledge exchange with government, donors and agencies through workshops. A multimedia 'story map' approach was showcased in individual storylines of 14 young refugees. The project identified barriers to and facilitators of young people's ability to build stable and successful adult lives in the context of prolonged displacement and/or refugee situations, across five domains: education, work, discrimination, marriage, and identity and belonging.

Source

University of Dundee, Uganda Youth Development Link, and the Information and Research Centre King Hussein Foundation in Jordan (2017).[81]

↑
Young people from Syria travelling from Greece to Germany.

© Mercy Corps/Sumaya Agha/Greece

CASE STUDY 12

Making assessments more engaging for young people in Greece: Mercy Corps and the Norwegian Refugee Council (NRC)

Since 2015, over 1 million people have made the dangerous journey across the Mediterranean fleeing war, poverty and natural hazards in the Middle East, South Asia, and East and West Africa in the hope of finding a dignified life in Europe. Tens of thousands are still stranded in Greece, over 30 per cent of them youth aged 15–25, enduring harsh and unsafe living conditions (not only in camps). The Skills and Knowledge for Youth Leaders (SKYLS) methodology developed by Mercy Corps uses imagery to facilitate discussions that reveal underlying causes of issues affecting young peoples' lives and identifies the skills and actors (people/organizations) that can address them. Mercy Corps and NRC chose this methodology due to the prevailing sense of 'assessment fatigue' among displaced populations in Greece. The activity was adapted to ensure appropriateness for older youth in particular (aged 20–25). The participatory/interactive card 'game' facilitates interactions among youth to generate information, rather than using a more traditional researcher-led discussion model. The SKYLS methodology enables youth to reflect on their strengths and capacities, rather than solely on vulnerabilities, challenges and needs.

Source

Mercy Corps and NRC (2016).[82]

CASE STUDY 13

Youth-led assessment to design youth-inclusive programming: The Norwegian Refugee Council (NRC)

In Rakhine, Mon and Kayin States in Myanmar, where there have been decades of armed conflict, and ethnic cleansing perpetrated by the Myanmar Government in 2017 has forced millions of Rohingya to flee their villages, youths live in a state of instability and insecurity with no end in sight. In this context, young people are redefining their roles in society and in the community, and seeking new opportunities for the future. In these three states, a youth-led assessment was initiated as a means of identifying youth needs and relevant barriers and opportunities from a youth perspective, and to create youth-inclusive programming. This assessment was done in partnership with young people; termed a 'youth inclusive process', this means that youth were engaged in relevant aspects of the assessment with the aim of ensuring that their voices and perspectives were reflected. This assessment ensured youth participation and input into the design of tools and training, while the field work was led entirely by young people, with ongoing staff support. The goal was not only to capture youth voices and experiences, but also to build youth skills and knowledge. Youth facilitators learned new technical skills such as data collection, leadership and communication, while increasing their understanding of the labour market and future development opportunities.

Source

NRC (2020), provided for these guidelines.

Resource

NRC, **Myanmar Youth-led Assessment Overview**, 2020, www.nrc.no/resources/reports/myanmar-youth-led-assessment-overview

→

Myanmar, North Rakhine – Maungdaw Township, Daw Aung Ba Village: volunteer young women are leading a focus group discussion with their parents from Rohingya, Hindu and Rakhine communities.

© NRC/Myanmar

ELEMENT 2.

Young people in strategic planning

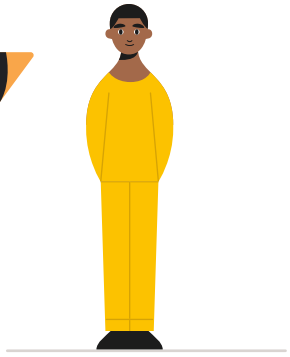
Within agencies, strategic planning is the phase where programmes are designed. Strategic planning should identify and respond to the needs of different age groups of people. A diverse cross-section of young people, including different age groups, should be involved in strategic planning, ideally starting with the theory of change, which outlines the objectives and intermediate outcomes of a strategy or programme.[83]

Based on joint assessment findings, strategic planning involves humanitarian actors developing a joint strategic plan, mobilizing resources and monitoring the situation. Humanitarian actors should seek entry-points for reaching out to young people, identifying those who are left behind, and supporting their meaningful engagement (see **STRATEGIC AREA 4** ▶ in Section C: ***Meaningful participation***).

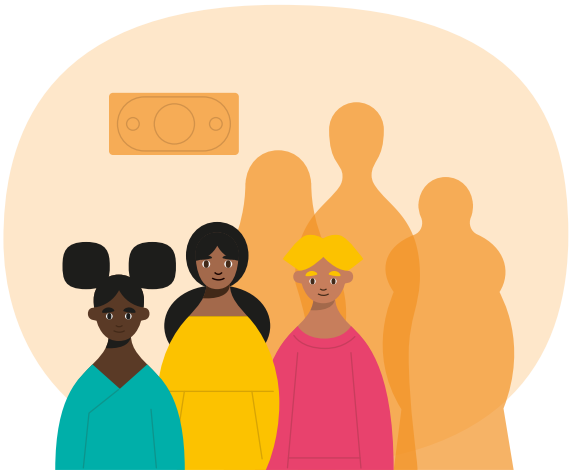
At the early phase of an emergency, when implementation plans and budgets are being developed, young people's participation should be included as an indicator.[84]

Young people's rights and needs – as defined by young people themselves – and disaggregated data for this demographic group should be reflected in the humanitarian country strategy and the response plans of clusters/working groups (see **BOX 2** ▶ for a description of clusters/working groups), which specify what each will do to contribute to overall strategic objectives. There should be age-specific results and indicators on young people for each sector. Agencies should include at least one objective in the cluster/working group strategy or response plan on accountability, and indicators should include young people's satisfaction with the humanitarian response.

"When asking for young peoples' input it is important to consider that it should be from the very beginning."



NRC consultations, young man, Jalalabad, Eastern Afghanistan



ELEMENT 3.

Young people and resource mobilization

Donors and partners require accurate assessment of needs, informed strategies, and collective responses among humanitarian actors. By addressing the needs of young people in humanitarian response plans, inter-agency appeals and other strategic documents can thereby mobilize resources for humanitarian programming for this group. Engaging with donors before and during a humanitarian response and advocating for inclusion of the needs of young people within their priorities and budget allocations is critical.

Humanitarian actors should help identify funding opportunities for programming with and for young people through partnerships and calls for proposals. In particular, flexible funding is required for the specific needs of youth organizations, initiatives and movements. Resource mobilization efforts should ensure the inclusion of adolescent- and youth-specific programme interventions within sector-specific response plans and projects, such as **United Nations Peacebuilding Fund (PBF)** funding opportunities for Gender and Youth,[85] the **Central Emergency Response Fund (CERF)**[86] and other funding mechanisms.

Agencies should work with their communications and media teams to highlight the needs of young people and share good practices and stories on engaging adolescents and youth and addressing their needs in emergencies. This can support advocacy and resource mobilization.

Within their own project proposals, agencies should consider including budget lines for:

- Additional young people as staff (working age) and community volunteers (e.g., to provide training, support, mentoring for their peers)
- Needs assessments that address young people's priorities
- Training for staff on inclusion and meaningful participation of young people
- Accessibility and disability-related accommodations (3–5 per cent of total programme budget)[87]
- Communications, consultation with young people and feedback mechanisms
- Sub-grants directly to young people and/or youth-led organizations, for their own projects.

CASE STUDY 14

Participatory grant making to grassroots youth groups in crisis settings: FRIDA

Participatory grant making enables youth groups who apply for grants to decide together who will receive funding. Pioneered by the women's fund FRIDA, this model is designed to catalyse emerging leadership, respond to on-the-ground realities of affected communities, ensure transparency, and shift the traditional power dynamics between donor and grantee partners. Applicants are not required to be registered entities, as registration with the government can be prohibitively costly for grassroots groups, and may subject them to safety risks, especially in conflict settings. After applicants submit their proposals, a clear set of priorities guides the eligibility screening process. Once proposals have been deemed eligible, they move into the voting stage led by applicants themselves, with applicants unable to vote for their own proposals. Applicants anonymously vote on other applications in their region, in their language, and collectively decide where funding goes. The votes and results are tallied and checked by staff. The final selection of grantees is announced, and grants are paid to groups. Grantees report that they value the ease and uniqueness of the model. FRIDA has made grants to feminist activist youth in several humanitarian settings, including the Democratic Republic of the Congo, Haiti and Libya.

Source

Adapted from FRIDA (2015).[88]

← © NRC/ Christian Jepsen/Kenya

Box 16: Developing key messages for advocacy and proposal development

When creating proposals or approaching donors, the messages in '***Making the case***' in SECTION A ▶ may be useful. The following resources may also be useful when developing key messages:

- **Doha Youth Declaration on Transforming Humanitarian Aid**: This document represents the opinions of global youth representatives on improving humanitarian action (https://reliefweb.int/report/world/outcome-world-humanitarian-summit-global-youth-consultation-doha-youth-declaration).
- **New Way of Working**: This can be described as working over multiple years, based on the comparative advantage of a diverse range of actors, including those outside the United Nations system — and including young people — towards collective outcomes (https://agendaforhumanity.org/initiatives/5358).
- **The 2030 Agenda for Sustainable Development**: The Agenda is a plan of action for people, planet and prosperity, and reflects the needs of young people, including a commitment to strive to provide youth a nurturing environment for the realization of their rights and capabilities, helping countries to reap the 'demographic dividend' (https://sustainabledevelopment.un.org/post2015/transformingourworld) [available in Arabic, Chinese, English, French, Russian, Spanish].
- **The Compact for Young People in Humanitarian Action**: The Compact for Young People is a collective commitment of 50+ humanitarian actors working to ensure that the priorities of young people are addressed and informed, consulted, and meaningfully engaged throughout all stages of humanitarian action (www.youthcompact.org/about).
- **The Missing Peace**: Progress study on youth, peace and security: this study, requested by the Secretary General of the United Nations in response to Resolution 2250, presents findings on the positive contributions of youth to peace processes and conflict resolution, and recommendations for effective responses to support the agency, leadership and ownership by young people and their networks and organizations, and facilitate their equal and full participation in decision-making at local, national, regional and international levels (www.youth4peace.info/system/files/2018-10/youth-web-english.pdf).
- **United Nations Security Council Resolution 2250**: A ground-breaking resolution on youth, peace and security, which urges member states to give youth a greater voice in decision-making at local, national, regional and international levels and to consider setting up mechanisms that would enable young people to participate meaningfully in peace processes (http://unscr.com/en/resolutions/doc/2250; www.youth4peace.info/UNSCR2250/Introduction).
- **Youth2030**: The United Nations Youth Strategy: the Strategy aims to facilitate expanded global, regional and country-level action to address the needs, build the agency and advance the rights of young people worldwide, and to ensure their engagement and participation in the 2030 Agenda for Sustainable Development and other relevant global frameworks (www.un.org/youthenvoy/youth-un) [available in Arabic, Chinese, English, French, Russian, Spanish].

ELEMENT 4.

Young people and implementation and monitoring

During implementation of the humanitarian response, agencies may deliver programmes targeting young people, and they may also engage them as implementers of activities. Monitoring tracks the inputs and outputs resulting from interventions for affected populations, charts the outcomes of cluster/working group activities, and measures progress towards the strategic objectives of the humanitarian response plan.[89] Agencies working with and for young people should advocate so that the coordinated response considers the diversity of young people in the affected population, disaggregated by age and other diversity factors, and includes their perspectives in the response plan. Clusters/working groups should jointly monitor young people's satisfaction with the response, to identify and resolve issues affecting coordination.

Agencies should take a participatory approach to monitoring, and opportunities for young people's reflection on programme progress should be built in. All young people – but especially those who are female and those in vulnerable categories (see BOX 6 ▶ in Section A) – must be engaged as stakeholders in monitoring. Participatory monitoring activities have many benefits, including:

- → More relevant, effective and sustainable programmes and policies
- → Improved conditions for young people, informed by their viewpoints and lived experiences
- → Improved intergenerational communication and empathy
- → A feeling of empowerment at personal and community levels.

Indicators should include outcomes specific to adolescents and youth, including some developed by young people themselves.

CASE STUDY 15

Engagement monitoring system in Jordan, Lebanon, Palestine and the Syrian Arab Republic: UNICEF

In partnership with NGOs and young people, UNICEF has developed a simple system to track and monitor adolescent- and youth-led civic, social and economic engagement through online tools that young people can use themselves. A user ID is created for each adolescent participating in the programme, enabling UNICEF to track long-term progress. UNICEF and partners are accountable for programme performance results and will be able to make informed decisions to improve the ongoing programmes and enhance future programmes. Young people input data on programme coverage, programme quality, experiential learning and behaviour change, to reflect whether implementation has been going to plan. UNICEF measures adolescent engagement and behaviour change before and after projects through direct and indirect measures from community members, combined with an assessment of the relevance and importance of the programme to young people.

Source

UNICEF (2017).[90]

↓

"Young people are the solution – not the problem." – Majd, second from the right, who is preparing a presentation at a workshop in Amman, Jordan.

© UNICEF/Rich/Jordan

ELEMENT 5.

Young people in operational peer review and evaluation

Operational peer reviews and inter-agency humanitarian evaluations should assess the collective results of interventions on the needs and rights of young people, as well as their meaningful participation.[91] Specifically, the peer review or evaluation consults a diverse cross-section of local young women, young men and youth organizations on their views on programme quality, accountability and performance. Particular attention should be paid to the views and needs of vulnerable groups of crisis-affected young people (see BOX 6 ▶ in Section A). Agencies should aim to involve young people to the greatest extent possible, including by calling upon external evaluators with experience using participatory methodologies and working with youth. The peer review and evaluation budgets should include funds for dissemination of findings and recommendations in inclusive and participatory formats and through channels friendly to adolescents and youth.

← © UNICEF/Marcel Wogram/Germany

↑
Daloa U-Reporters. Côte d'Ivoire is the 35th country to join the movement with more than 3 million users worldwide.

© UNICEF/Frank Dejongh/ Côte d'Ivoire

CASE STUDY 16

Youth-led programme evaluation in Côte d'Ivoire: UNICEF and Search for Common Ground

In the repeated socio-political crises affecting Côte d'Ivoire in recent years, schools have been the site of political violence and manipulation of young people. A peacebuilding project led by UNICEF and Search for Common Ground established Peace Clubs in schools, to engage young people in constructive dialogue. In a participatory evaluation of the programme, the participants used video production and the Most Significant Change (MSC) method[92] to generate evidence. The evaluation itself was also designed to contribute to peacebuilding, through dialogue between groups, sharing common goals and developing life skills. The evaluation process was as follows: first the participants developed stories of change to reflect how the Peace Clubs had contributed towards sustaining peace. Next, they led a process to choose the most impactful stories and create a storyboard to prepare for filming each selected story, followed by the filming and editing. Finally, the team of participants analysed the content, identified barriers to and facilitators of positive change, aggregated the information and created a final video report presenting the results. The two films selected as the most significant by the community were screened for key decision makers in government, NGOs and the United Nations, whose own feedback was later also included in the evaluation.

→ Evaluation report video: Clubs Messagers de Paix en Côte d'Ivoire, UNICEF and Search for Common Ground, www.youtube.com/watch?v=bf_KnIOshbI [French with English subtitles]

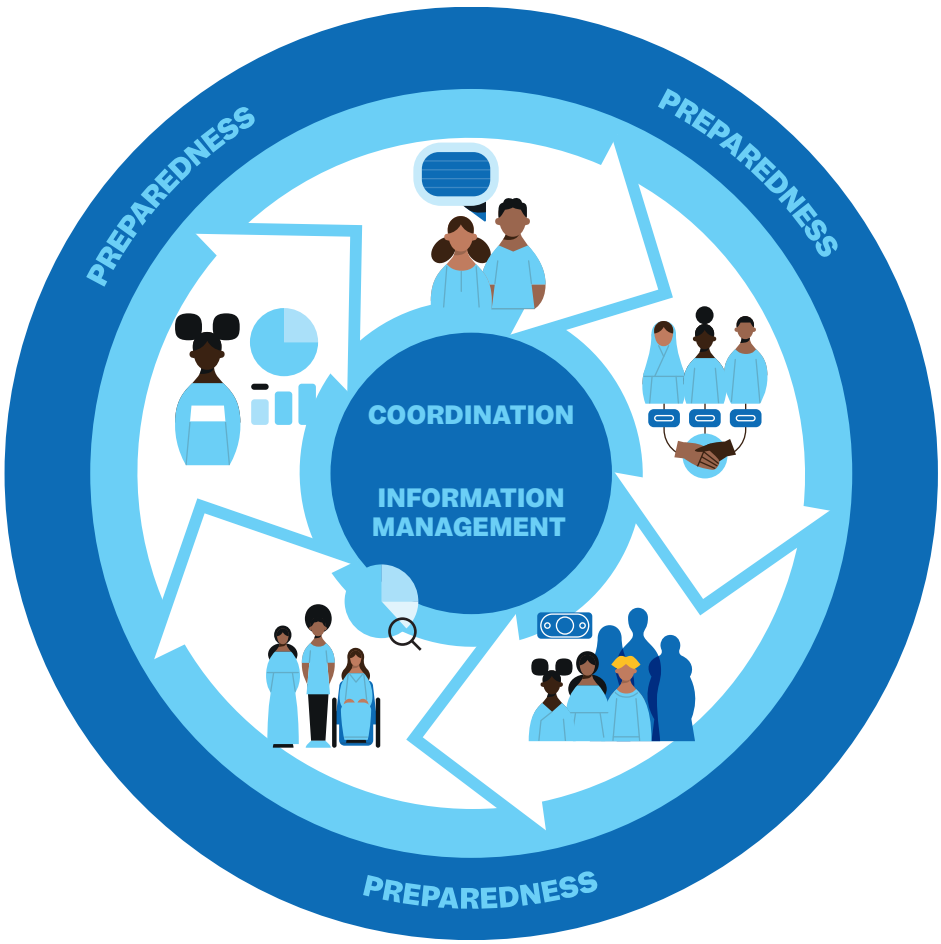
Source

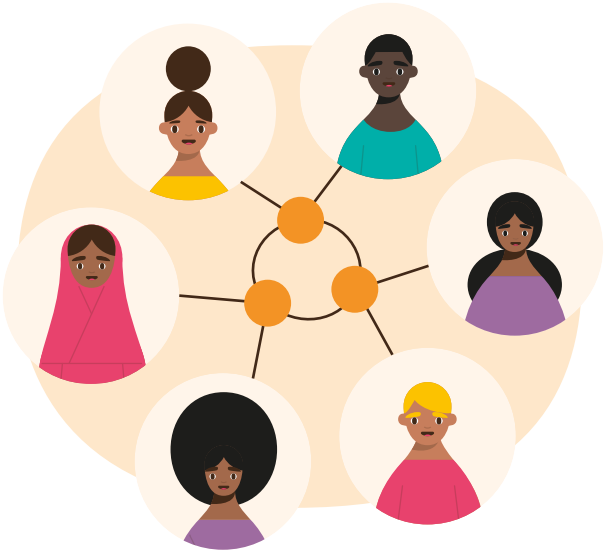
Search for Common Ground (2015).[93]

Three key enablers of the humanitarian programme cycle: Coordination, information management and preparedness

Successful implementation of the five inter-related elements of the humanitarian programme cycle (HPC) (discussed above) is dependent on effective operation of the three key enablers: coordination with national and local authorities and humanitarian actors; information management; and emergency preparedness (see **FIGURE 6** ▶).

FIGURE 6.
The three key enablers in the HPC





KEY ENABLER 1.

Young people and coordination

Coordination ensures that no duplication of response efforts is taking place, and that any gaps are addressed. Historically, coordination structures have tended to exclude rather than include local stakeholders, including young people. In the cluster system (as well as in refugee settings, which follow the sector/working group approach), humanitarian actors do not consistently apply an 'age lens' to their work. In some contexts, the Child Protection sub-cluster/working group might be activated and take the lead in coordination of services for adolescents and youth. In others, it might be the Education cluster/working group or a Reproductive Health working group. This ad hoc approach within coordination structures means that young people are often overlooked in humanitarian response, or their needs and priorities are only addressed piecemeal. See STRATEGIC AREA 4 ▶ in Section C for ideas on how to include young people in coordination mechanisms.

Each cluster/working group should designate a focal point on youth issues, and a dedicated adolescents and youth working group should be formed (similar to gender coordination mechanisms), including young people as representatives. In addition to coordinating efforts, this group can be a powerful platform for young people's consultation, participation in action and decision-making, and advocacy related to issues affecting them.

Examples include:

- Flexible funding designed for the specific needs of youth organizations, initiatives and movements[94]
- Mechanisms for the host country to hear the challenges that young refugees, asylum seekers and host community young people face[95]
- Multisectoral approaches looking holistically at young people's needs
- A life-course approach, based on evolving capabilities and needs, which maximizes investments from early childhood through into young adulthood
- Intergenerational approaches working with young people, parents/caregivers and community members[96]
- Refugees' right to work
- Inclusion of young people in local or national disaster response mechanism(s)
- 'Firewalls' between health/social services and law enforcement/military to guarantee safe access to health and social services without fear of being reported, targeted or deported due to citizenship status or other vulnerable group affiliation.

An adolescents and youth working group can also support capacity development initiatives for service providers and sensitize government authorities and camp managers on issues relevant to young people.

CASE STUDY 17

Youth Task Force in Zaatari Refugee Camp, Jordan: The Norwegian Refugee Council (NRC) and UNFPA

Thousands of Syrian young people currently live in refugee camps in Jordan. The majority have not completed high school or university, and most have no access to paid employment, and are only allowed by the government to leave the camps for a limited number of hours a day. They complain of powerlessness, hopelessness, high stress and interpersonal tension. Adolescent girls and young women are often confined to their dwellings by their families. Duty-bearers acknowledge that young people have not received the same attention as other age groups. The Youth Task Force in Zaatari Refugee Camp aims to ensure that young people's needs are prominent within the planning processes of the Education and Protection sectors, and that they are on the agenda of key stakeholders and donors. This inter-agency body, co-led by NRC and UNFPA, is seen by external partners as a model of successful collaboration – less about showcasing individual members' initiatives and more about pursuing shared agenda items. The Youth Task Force is credited with helping to ensure the integration of needs identified by young people themselves into the Jordan Refugee Response Plan.[97]

Source

Youth Task Force (2020).[98]

↓

The Youth Task Force in Zaatari Refugee Camp has been a platform for advocacy at the level of the camp, at national level and globally.

© NRC/Jordan

↑
Although 13-year-old Mohesena, pictured centre, has made new friends like Nur Hasina (12), left, and Samira (11), she has not forgotten those she lost during the violence last year. "I had many friends back home in Burma. I miss them here," she says.

© Plan International/KM Asad/Bangladesh

CASE STUDY 18

Youth Working Group (YWG), Cox's Bazar, Bangladesh: UNFPA and Save the Children International

In Bangladesh, children and adolescents comprise 55 per cent of the Rohingya refugee population. YWG is a coordination structure built by the Education and Child Protection sectors to gather data on, advocate for, and support programmes for young people in the Rohingya and host communities. Co-chairs UNFPA and Save the Children International developed a skill development framework for displaced Rohingya adolescents and youth aged 10–18 years, in Cox's Bazar. The purpose of this framework is to empower young people through foundational, transferable and job-specific skills. The YWG also led development of advocacy messages for the Government of Bangladesh to allow Rohingya adolescents and youth to take part in an income-generating programme. YWG mapped existing initiatives for young people, and this was then shared among the YWG members to use as a reference. The YWG is collating existing life skills materials to complement the effort, and training partners in adolescent girl-centred programme design.

Source

Youth Working Group, Cox's Bazar, Bangladesh (2020), provided for these guidelines.

KEY ENABLER 2.

Young people in information management

Information management (IM) – the process of collecting, processing, analysing and disseminating data and information – is carried out through each phase of the HPC to inform effective responses to the needs of young people. IM processes should generate and analyse data that capture the realities of life for young people (see ANNEX 4 ▶ ***Checklist: Information management process***). This could include:

- Create a demographic profile of how many young people (aged 10–24) make up the affected population, disaggregated by: sex; age categories (see BOX 4 ▶); in-school/out-of-school; in or out of training/employment; married/unmarried/divorced/engaged; young people with or without disabilities; and any other relevant local diversity factors.
- Work with youth programmes to find entry-points for the participation of young people in IM activities. This is a vehicle for meaningful participation (see SECTION C ▶), and it also helps ensure that information collected is relevant to them.
- Work with technical staff to ensure that the results of assessment and analysis of young people's needs are anchored in cluster/working group and response plans.
- Ensure that relevant field staff are soliciting informed consent from caregivers of adolescents under the age of 18, as well as assent from the children themselves. For youth aged 18 and over, informed consent should be solicited as for older adults (see BOX 15 ▶ ***Informed consent and assent***).

The secondary data used to create a demographic profile might be more accurate than primary data and can also be a rich source of information for gender-specific vulnerabilities. However, where displaced or crisis-affected populations are not registered individually, it must be kept in mind that most secondary data are national, may not be up to date (especially after population displacement), and may not be adequately disaggregated to create an accurate picture of the demographics of young people.

KEY ENABLER 3.

Young people and preparedness

Preparedness refers to the ability of governments, professional response organizations, communities and individuals to anticipate and respond effectively to the impact of likely, imminent or current hazards, events or conditions. It requires mechanisms to be in place that will allow national authorities and relief organizations to receive advance warning and deploy staff and resources quickly once a crisis strikes.[99] Young people can play a vital role in disaster preparedness.

Duty-bearers should look for entry-points to reach out to young people, identify those who are left behind and support their meaningful engagement in preparedness planning at both the inter-agency level and within their own agencies (see STRATEGIC AREA 4 ▶ in Section C). Agencies may engage young people in preparedness by doing the following:

- Empower young people to identify and communicate risks within their households, communities and wider environments.
- Ensure that disaster-related information and educational curricula are adolescent friendly and gender sensitive, and that young people are provided with opportunities for skills development on disaster risk reduction (DRR), climate change adaptation and resilience.
- Facilitate young people's equal and meaningful participation in the budgeting, implementing, monitoring and evaluation of the Sendai Framework, and in DRR policy and decision-making at all levels.
- Develop partnerships with youth-led organizations in crisis-prone areas and provide training in key skills for crisis response, such as first aid, monitoring and evaluation, communications, and human rights, including refugee rights.

CASE STUDY 19

Youth-led preparedness programming in Kenya: International Federation of Red Cross and Red Crescent Societies (IFRC)

In the Kwale communities in drought-stricken areas of Kenya, young volunteers with the Red Cross have raised awareness among young people about the problems associated with climate change, among other factors, and they have provided necessary training and mobilized young people in building community resilience in the face of recurring drought and severe hunger and malnutrition. With the volunteers' help, communities improved their early warning and preparedness systems, updated the community disaster response plan and strengthened food security through promotion of climate-smart farming practices. Young volunteers also contributed to environmental conservation efforts and increased local access to clean water. As a result, Kwale communities were able to withstand the drought crisis better than many others in the region.

Source

IFRC (2011).[100]

↓

Greenhouse Project, North Eastern Province Girls Secondary School, Garissa, North Eastern Kenya.

© IFRC/Jonathan Kalan/Kenya

↑
The adolescents of Oeletsala village, Kupang, gained new confidence to speak up and voice their ideas through the 'adolescent circle'.

© UNICEF/Liz Pick/Indonesia

CASE STUDY 20

Adolescent-led disaster risk reduction in Indonesia: UNICEF

Indonesia is one of the nine countries with the highest risk of climate hazards,[101] and is known to be one of the world's countries that is most prone to natural disasters – with a high risk of multiple hazards, including flooding, earthquakes, landslides, tsunami, volcanic eruptions and cyclones.[102] Around 97 per cent of the country's total population live in disaster-prone areas, which includes more than 117 million adolescents (aged 10–19),[103,104] giving them a major stake in reducing risks from climate change, natural hazards and environmental degradation.

Using the UNICEF Adolescent Kit for Expression and Innovation (see below), which follows a human-centred design approach, adolescents have engaged in a process to map the disaster risks in their communities, develop prototype solutions, and present their ideas to local community members and leaders. For example, in Kupang District of East Nusa Tenggara Province, one group identified drought as the most significant threat, and developed the idea of installing a deeper well to reach water that does not run out in the dry season. The adolescents presented their idea to the community, and local leaders agreed to include it in the village development plan for the following year.

Source

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Implementation of adolescent- and youth-responsive programming

E

This section first provides an overview of key programming approaches for putting young people at the centre. Next it proceeds to present a series of 'tip sheets' specific to each cluster/working group (or Area of Responsibility within these; see **BOX 2** ▶ in Section A) providing tips for age-appropriate, adolescent- and youth-responsive programming. For each cluster/working group in turn, some background information is followed by the tip sheet/table presenting 'key actions', organized around (1) needs assessment and analysis, (2) strategic planning, (3) resource mobilization, (4) implementation and monitoring, and (5) peer review and evaluation (see **FIGURE 5** ▶ in Section D). This is followed by lists of relevant resources (with links) and case studies.

Information provided here is only a starting point. No two settings are alike, of course, and none of the below guidance is prescriptive; these ideas are intended to be adapted to the local context and the particular phase of the emergency. Sharing of resources and expertise with young people and between partners is critical for achieving better results.

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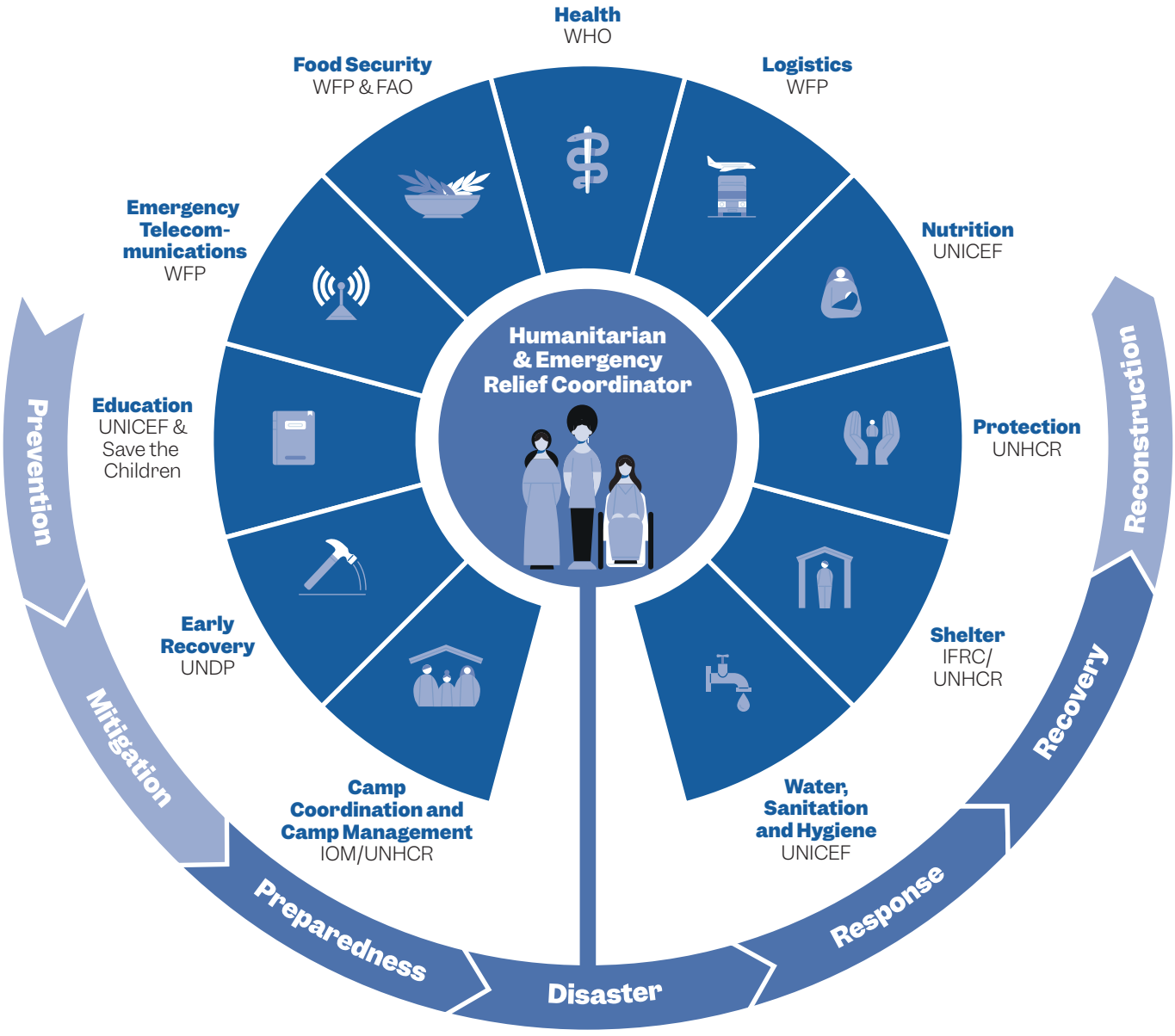
FIGURE 7.
The Cluster Approach

Source: UNOCHA (2015).[107]



Key programming approaches for putting young people at the centre no matter the sector

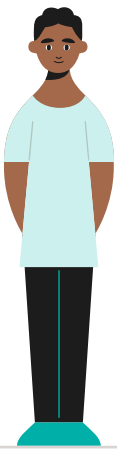
Effective youth programming puts young people at the centre to address their diverse needs and capacities. The following approaches to working with and for young people are cross-cutting and relevant to any sector or phase of the HPC. Particular considerations for working with and for refugee youth have been highlighted (see **BOX 17** ▶).

Life-course approach

Evidence shows that identifying critical risks and gaps across different age groups within 'adolescents' and 'youth' (see **BOX 4** ▶), and prioritizing key interventions for each, allows for a better use of resources and produces greater impact. The needs and interests of a 10-year-old will be very different from those of a 19-year-old, for example.[108] This life-course approach builds a continuum of support for young people and maximizes the investments made on their behalf.

Gender-targeted and gender-transformative approach

Putting adolescent girls and young women at the centre entails making programmes *gender-targeted*, by finding the 'invisible' girls and creating the conditions to allow their access to and participation in programmes, such as through outreach to vulnerable groups, ensuring family and community buy-in, and supporting local women- and youth-led organizations for community mobilization and advocacy. *Gender-transformative* interventions engage girls, women, boys and men in unpacking harmful gender norms and addressing barriers for girls, including through peer-to-peer education on protection and negative mechanisms for coping with harmful gender norms (e.g., child marriage, transactional sex, trafficking, etc.). Examples of approaches to empowering young women in humanitarian and protracted crises are presented in **ANNEX 5** ▶.



> Young people asked for these Guidelines to include a section on peacebuilding. Young people can be peacebuilders, especially since they have been personally affected by wars. Young refugees can be moderators in their community, whether in their host country or in their country of origin.

UNHCR consultation with young people, N'Djamena, Chad

Building human, social and financial capital

Young people's needs should be viewed and addressed in a holistic manner, so interventions for their empowerment and protection in crisis settings should develop their human, social and financial capital. Rather than stand-alone programmes, young people benefit from integration of life skills and health education, numeracy and literacy, peer interaction, support for basic needs, mentorship, entrepreneurship training, and access to capital to facilitate their transition into a job or self-employment. This approach to build human, social and financial capital has been shown to increase rates of savings and employment, improve health and psychosocial outcomes, and reduce exposure to unwanted sex.[109]

Integration across clusters/working groups

Putting young people at the centre requires that agencies build linkages within and across clusters/working groups. It is important for young people to have many connections to others, and such networks must be fostered through opportunities in the Education and Livelihoods sectors in order to create pathways from school to decent work. Similarly, the Education and Child Protection sectors acting together create a virtuous cycle for crisis-affected adolescents. Actors working on sexual and reproductive health (SRH) need strong linkages to the Protection sector, and vice versa. Gender-based violence (GBV) principles and considerations (which are encompassed under the Protection sector) are essential to young people's outcomes in all the other sectors, especially Nutrition and Shelter.

Working across the nexus of humanitarian, development and peace[110]

Strengthening linkages across the humanitarian–development–peace nexus helps attain long-term development gains and build resilient and peaceful societies. In large-scale emergencies, the nexus approach allows governments and humanitarian actors to respond on a large scale, while also anticipating additional follow-on shocks by building the skills of young people. Investing in resilient systems with risk-informed programming, preparedness and response during times of stability mitigates the impact and cost of emergencies when they arise, and thus humanitarian and development programme efforts should be complementary. Programmes should seek durable solutions (see definition in GLOSSARY ▶) from the beginning of a crisis, while maintaining the primacy of the humanitarian imperative to save lives, working where possible within national policy frameworks. Localization is at the heart of the humanitarian–development–peace nexus, as many local actors, including youth organizations, already engage in both humanitarian and development work (see the next point).

Partnership with youth organizations

Young people are often actively engaged within their communities, from simple acts of community service and participating in formal institutions, to organizing and mobilizing their peers at local, national, regional and global levels.[111] Established youth-led organizations play critical roles in humanitarian crises. They know their own context and can capitalize on extensive community networks.[112] However, they are often critically underfunded and struggle to stay afloat, overshadowed by international organizations and unreached by governments and donors. They may lack technical skills in preparedness, crisis response and recovery. Partnering with youth organizations – as part of efforts for localization of humanitarian aid – enables humanitarian actors to respond to the needs of young people by reducing barriers to meaningful participation, applying an inclusive approach, and building their capacities to be advocates for and agents of change. Humanitarian actors should prioritize efforts to work with youth organizations, while also taking steps to ensure that their partnerships do not derail the missions of the respective local youth groups.

Box 17: Working with and for refugee youth

Refugee youth are subject to additional challenges in humanitarian situations. Loss of their livelihoods, homes and physical protection, as well as significant challenges accessing education, health and social protection services in countries of asylum, compound the suffering they initially experienced when they were forced to flee their homes. Where emergencies involve refugees and asylum seekers, additional points must be considered during the planning and implementation of humanitarian activities.

Some considerations:

- National monitoring, data collection, action plans and referral systems may not cover refugee youth populations, meaning that their needs are not assessed or addressed in long-term national policies and strategies. Refugee youth may not be able to access services, including protection, education, social welfare, cash transfers etc., whether due to a lack of appropriate documentation or resources, or due to deliberate exclusion in law and policy. In the worst cases, refugees may be subject to arrest and detention.

- Refugee contexts can be politically complex situations, sometimes with limited or unclear roles and responsibilities for national actors with regard to the protection of refugee children. This may be particularly the case in states that are not party to the 1951 Convention Relating to the Status of Refugees.[113]

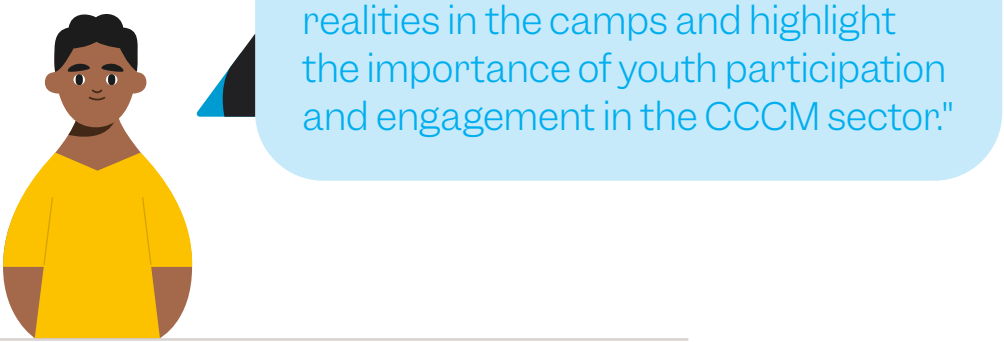
- Refugee youth may be at greater risk of violence, exploitation and abuse due to their status as refugees. Xenophobic violence may also affect their ability to participate in education and livelihood activities, and even to move around and socialize freely.

- Host community youth in some cases may feel marginalized in areas where there is a large refugee response that does not consider and include them.

- Durable solutions and complementary pathways must be identified as these are key components of the response when it comes to refugee youth. These include voluntary repatriation, local integration and resettlement, as well as options for work or student visas in third countries.

Camp Coordination and Camp Management (CCCM)

With the right support, young people – both female and male – can play a central role in the positive development of a camp community and stabilization of camps and camp-like settings.[114] For example, they should have leadership roles in outreach programmes, awareness-raising, care and maintenance interventions, and opportunities for roles as mobilizers in peer networks. Some categories of young people may not wish to participate, or members of the family or community may not see their participation as necessary or positive. CCCM staff play a critical role in ensuring that these groups and individuals are appropriately represented and supported. This requires an understanding of the unique participation barriers and capacities of different groups. For example, social norms may dictate that young girls or young people with disabilities are not supposed to have leadership roles in society. Placing them in those positions without a comprehensive strategy and consultation on needs may cause harm, including violence and social exclusion.



NRC, UNICEF and UNFPA consultations with Syrian refugee and Jordananian young people in Jordan

Tip sheet

Key actions for CCCM programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Identify the needs of young people in camps and camp-like settings, disaggregated by sex, age and disability, with the support of relevant service providers. → Gather feedback from young people, especially adolescent girls and at-risk groups, with regard to possible CCCM sites and layout of camps and camp-like settings. → Ensure that consultations with the community include adolescent girls and young women. → Identify the safety concerns of young people, especially girls, and the accessibility concerns of young people with disabilities.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and barriers to access. → Conduct a participatory youth assessment to understand the needs, capacities and priorities of young people in camps and camp-like settings; include assessment of the feasibility of involving youth in activities related to communication with communities, community representation and community coordination forums.
Strategic planning 2	→ Provide opportunities for young people to be included in planning committees. → Ensure that the CCCM response plan addresses the needs and priorities of young people identified during the needs assessment, and from any other relevant data on young people.	→ Create camp planning and meeting spaces that young women and men consider to be inclusive, friendly and welcoming. → Involve a diverse cross-section of young people in the design of the CCCM response plan to identify and mitigate safety risks.

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Compile and circulate information and key messages on the CCCM needs of adolescents and youth, such as from assessment reports, to influence funding priorities. → Report on gaps in funding for addressing young people's CCCM needs to donors and other humanitarian stakeholders.	→ Engage young people in developing key advocacy messages for CCCM funding.
Implementation and monitoring 4	→ Implement CCCM programming that targets the needs of young people and recognizes their assets and potential to contribute. → Conduct internally displaced person (IDP)/refugee registration and profiling in a manner that is survivor-centred and accountable to affected populations, including respecting the confidentiality and safety of girls, young women and other at-risk groups. → Ensure that young people living in vulnerable situations are registered for extra assistance, as needed (see **BOX 6 ▶** ***Vulnerable categories of crisis-affected young people***, in Section A). → Create and disseminate camp planning documents in the local language(s) and use language that is friendly to young people. → Train CCCM staff and volunteers in protection (including both child protection and GBV), including how to safely receive a disclosure (report) of GBV from a client and provide a referral to specialized services using existing referral pathways or protocols. → Develop and maintain feedback mechanisms for young people to express their views on the effectiveness and quality of CCCM programmes.	→ Identify meaningful roles that young people can play in CCCM and in provision of services in the camp, such as outreach, awareness raising and maintenance. → Provide space in the camp for young people to engage in peer-to-peer support and participate in self-help groups. → Consult young people during routine review and adaptation of camp security measures. → Mitigate barriers to participation faced by young women and men (e.g., childcare, income-generating activities, limited mobility) which could restrict engagement in consultations or other activities.
Operational peer review and evaluation 5	→ Review projects within the CCCM response plan to assess to what extent both female and male young people in different age brackets were effectively reached through humanitarian programming. → Document and share good practices on addressing the needs of young people in CCCM.	→ Facilitate the participation of young people in project reviews.

CASE STUDY 21

Youth Vigilance committees in returnee sites in Chad: International Organization for Migration (IOM)

In 2017, tens of thousands of Chadian nationals returned to Chad, fleeing violence in the Central African Republic, the Niger and Nigeria. Boko Haram operatives infiltrated the returnee populations in their camps (official and unofficial) and host communities, and lured young people into their group. In response, young returnees organized Youth Vigilance committees in each site to call attention to the risk of Boko Haram.

Awareness-raising activities used loudspeakers, storytellers and plays in local languages. Members helped to map the needs of returnees in support of IOM reintegration activities, and to engage in an initiative to assist community members living in vulnerable situations. The Youth Vigilance initiative supported young returnees with socioeconomic activities and prevented them from being forced into the army or armed groups such as Boko Haram.

Source

IOM (2019).

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Disaster Risk Reduction and Climate Change Adaptation (DRR and CCA)

In 2017 alone, 96 million people were affected by natural hazards that resulted in disaster,[115] with many such hazards increasing in intensity and frequency due to the changing climate. Not only is climate change worsening the risk of floods, droughts, heatwaves and other hazards, but vulnerability and exposure are increasing through environmental degradation and unregulated urbanization. Disasters are causing unprecedented economic damage that threatens sustainable development, and the poorest tend to live in harm's way.

DRR and CCA actors are increasingly collaborating with young people to reduce vulnerabilities and enhance resilience before a humanitarian crisis occurs. As promoted in the Sendai Framework on DRR and the Paris Agreement,[116] resilience means strengthening the capacities of everyone – including young people – to prevent, prepare for, adapt to, cope with and recover from hazards.

These issues are growing in importance to young people, and possibilities exist at all levels to support them in efforts appropriate for their age, such as developing age-appropriate school teaching curricula about climate change. Young people are working with school officials to develop comprehensive school safety plans;[117] teaching their families about home safety;[118] mobilizing youth volunteers in early warning systems;[119] leading climate-related school walkouts and legal actions;[120] and advocating for youth-centred DRR and CCA strategies.[121]

Tip sheet

Key actions for disaster risk reduction (DRR) and climate change adaptation (CCA) programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on the differing experiences of young people with regard to DRR and CCA, and analyse these data disaggregated by sex, age and disability. → Consult with a diverse cross-section of young people to understand their specific vulnerabilities to multi-hazard risks and their potential roles in response and adaptation.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and barriers to DRR and CCA.
Strategic planning 2	→ Ensure that the DRR and CCA response plan addresses the needs of adolescents and youth identified during the needs assessment, and from any other relevant data on young people. → Ensure that the project activities and outcomes in the DRR and CCA response plan directly address the needs of young people, including activities to reduce risk and enhance resilience using the unique capacities, knowledge and skills of young people, especially those from marginalized populations.[122] → Develop community recovery and resilience plans (including preparedness) after hazardous events, incorporating DRR and CCA in ways that build on the skills and recommendations of young people.	→ Enable young people living in vulnerable situations to influence development of local and national DRR and CCA strategies, including services, early warning systems and emergency response plans, in accordance with the Sendai Framework (Target E) and the Paris Agreement.
Resource mobilization 3	→ Develop information and key messages on adolescents and youth, such as from assessment reports, to influence DRR and CCA funding priorities. → Report on gaps in funding for adolescents and youth in DRR and CCA to donors and other humanitarian stakeholders. → Advocate for sufficient funding for adolescent- and youth-informed and -focused programmes before a humanitarian crisis occurs, to reduce vulnerabilities and enhance resilience of young people and their communities.	→ Engage young people in developing key advocacy messages for DRR and CCA funding.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Train young people of all ages, genders and abilities to identify, manage and respond to disaster risk, and provide opportunities for them to assess risk at school, home and in their communities, including climate-related risks. → Integrate adolescent- and youth-friendly, gender-sensitive and inclusive DRR and CCA training into national formal and informal education, including on the rights that young people have before, during and after a hazardous event. → Involve young people in DRR and CCA education and campaigns, providing them with information about DRR and CCA relevant to young people in their communities. → Develop and maintain a feedback mechanism for young people to provide their perspectives on the effectiveness and quality of DRR and CCA education and advocacy campaigns. → Address barriers or biases in DRR and CCA programming that may compromise the safety of adolescent girls and young women and other at-risk groups.	→ Support young people to gain the knowledge, skills, resources and support, including mentorship, to innovate towards reducing risk, such as by building on their skills in social media, interpersonal negotiation, technology and entrepreneurship. → Consult young people during routine review of DRR and CCA programmes and activities.
Operational peer review and evaluation 5	→ Review projects within the DRR and CCA response plan to assess to what extent adolescents and youth were effectively reached through humanitarian programming. → Document and share good practices on addressing the needs of young people in DRR and CCA.	→ Facilitate the participation of young people in project reviews.

CASE STUDY 22

Youth Green Clubs tackle cyclone threats in Viet Nam: CARE International

From 2009–2014 in Da Loc, Viet Nam, young people in democratically elected Green Clubs led DRR, CCA and ecosystem management activities in cyclone-affected villages facing poverty and land saltwater intrusion threats to agriculture. Alongside local organizations, Green Clubs participated in DRR planning and helped plant and maintain mangrove forests to reduce the impacts of cyclones. The youth supported and coached farmers by providing technical guidance on implementing climate-resilient livelihoods, such as the use of biofertilizer. They also developed campaigns using theatre, drawing, filmmaking, fashion design and poetry to educate and mobilize residents. The campaigns focused on awareness-raising and behaviour change relating to mangrove protection and climate change adaptation. In five years, the Green Clubs reached more than 10,000 community members through their activities.

Source

CARE (2016).[123]

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Youth Green Clubs plant and maintain mangrove forests to reduce cyclone impact in Viet Nam.

© CARE/Cathrine Dolleris/Viet Nam

Education

In crisis contexts, formal and non-formal education are critical to create environments where all young people can develop a sense of agency and purpose. Education also ensures physical, psychosocial and cognitive protection. It builds resilience and coping skills and helps young people access other critical services. Quality education ensures young people gain the relevant skills and competencies they need for whole-person development, navigating the labour market and becoming actors for peace and stability. In particular, it is important to ensure that the two critical windows of opportunity for rapid learning and brain development are not missed, the first being ages 0–3 years and the second at 9–14 years.[124] In this context, education during this 'second window' provides a critical opportunity to build on earlier investments in education, or to provide a second chance to those who missed out on educational and social opportunities as children, due to conflict or displacement.

Educational interventions for young people can benefit the community as well as young people themselves, by building their skills and engaging them in employment and voluntary activities. However, too often even where education is available in emergencies, most programmes target younger, primary-school aged children, with little investment in the developmental and protection rights and needs of adolescents or youth in their early 20s. In displacement contexts, especially, some young people will be illiterate, while others will be university students, and all levels must be catered for in terms of providing appropriate educational activities/opportunities. Access barriers for young women, persons with disabilities and those living in vulnerable situations must be overcome.

Young people are calling for innovative options that include relevant education, human rights, livelihood and life skills training (see **ANNEX 6 ▶ *Life skills***), which respond to their needs and open up possibilities for the future. During displacement, training and engagement of young people as teachers and facilitators can be crucial to launch and maintain educational projects for younger children, while also developing skills among the older group.

For the Education sector, all areas of focus across the HPC should be considered together with the domains[125] of the Inter-agency Network for Education in Emergencies (INEE) *Minimum Standards for Education* (known as the INEE Minimum Standards Handbook).[126]

> Registration and documentation were strong themes throughout the consultations, especially with regards to health insurance and work permits. Many young people spoke of the consequences of not being able to access diplomas obtained in their country of origin and the inability to have their degrees accredited in the host country.

UNFPA consultations with Syrian refugee adolescents & youth in Ankara, Turkey

Tip sheet

Key actions for Education programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on needs, priorities and capabilities, and analyse these data disaggregated by sex, age and disability, to understand differing educational needs of young people before and after the crisis. → Analyse data to understand: → how many young people of different age groups in the area are in school, in training or NEET (not in education, employment or training), and what proportion of those in each category are female and male; → the education profile of young people, including percentages who: have never been to school, have attended primary school, have completed secondary school, are in higher education; → the barriers to young people accessing education. How are barriers different for girls and boys, for internally displaced persons (IDPs)/refugees and other vulnerable groups? Examples: distance to school; lack of civil documentation; cost of school fees; sex of teachers and administrators; teacher quality; safe and accessible water, sanitation and hygiene (WASH) facilities, lack of access to sanitary pads or other support during menstruation; existence of crèches/child care; accessibility for people with disabilities; family acceptance and support for school attendance; lack of clothing; food insecurity; → the cut-off age after which an adolescent is legally unable to register for formal schooling.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and barriers to education.

HPC phases	What to do	Tips for young people's participation
Strategic planning 2	→ Ensure that the Education response plan addresses the needs of young people identified during the needs assessment, and from any other relevant data on young people. → Ensure that the project activities and outcomes in the Education sector response plan directly address the specific needs of young people. → Specify in the response plan which options exist for those who are NEET: formal and non-formal education, alternative education opportunities, technical and vocational education and training (TVET), distance learning, life skills and employability skills. → Build links in the response plan between learning and future employment and livelihood activities. → Advocate for the integration of refugee and displaced young people in the education system, budget and plans of their host area or country. → Continuously advocate and collaborate with education authorities and other education actors for recognized and accredited education for refugees and IDPs.	→ Consult with adolescents and youth during the design and development of the strategic planning document (e.g., the Education response plan). → Include a diverse cross-section of young people in Education planning committees.
Resource mobilization 3	→ Gather information and disseminate key messages from needs assessments among adolescents and youth to influence education funding priorities. → Report on gaps in funding for education programmes for adolescents and youth to donors and other humanitarian agencies.	→ Partner with young people in developing key advocacy messages for Education funding.
Implementation and monitoring 4	**Access:** → Offer flexible learning opportunities to young people, as they may have limited time available to attend education due to family or livelihood commitments. → Provide a range of education opportunities so that young people can re-enter the formal school system and/or participate in non-formal learning. → Give young people opportunities for employment as teachers, teachers' aides, mentors and trainers, etc., within education and training programmes. → Address barriers or biases in Education programming that may compromise the safety of adolescent girls and young women and other at-risk groups.	→ Engage young people in the provision and review of education services.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Consult Protection colleagues to understand why specific groups of young people are NEET and develop intervention plans to engage them. → Plan early to work with specialized agencies, use the Washington Group questions[127] to screen young people to identify learning impairments and disability-related barriers early, and develop individualized learning plans that mitigate them. **Quality:** → Ensure the curriculum includes the development of skills for personal empowerment, including active citizenship, life skills, human rights, and comprehensive sexuality education (CSE). → Formal and non-formal education should integrate social and emotional learning (cognitive, social and emotional competencies) to mitigate the effects of exposure to conflict or crisis. → Make educational and vocational information and guidance available and accessible to all learners.[128] Audit curriculum materials to ensure content does not reinforce harmful or discriminatory norms. → Continuously train teachers to work with people living with different kinds of disabilities and adapt curricula to make them accessible. Prioritize training and recruitment of female educators and teaching assistants. → Make provision for language classes for refugees and displaced young people who do not speak the language of instruction. → Develop and maintain a feedback mechanism for young people to provide their perspectives on the effectiveness and quality of education programmes.	→ Support young people to gain the knowledge, skills, resources and support, including mentorship, to innovate towards reducing risk, such as by building on their skills in social media, interpersonal negotiation, technology and entrepreneurship. → Consult young people during routine review of DRR and CCA programmes and activities.
Operational peer review and evaluation 5	→ Review projects within the Education response plan to assess the extent to which the needs of adolescents and youth were effectively addressed through humanitarian programming. → Document and share good practices on addressing the needs of young people in Education programming.	→ Facilitate the participation of young people in project reviews in the Education sector.

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Learners in Adjumani, Uganda, engage with Arizona State University online courses. In collaboration with Norwegian Refugee Council (NRC), Arizona State University offers learners the opportunity to take first-year university courses to earn credit and matriculate into local Ugandan universities.

© ASU. Arizona State University, Education for Humanity/Marc Alan Sperber/Uganda

CASE STUDY 23

Education for durable solutions for refugees: Education for Humanity at Arizona State University

Of the nearly 80 million people displaced around the globe, fewer than 3 per cent have access to higher education.[129] Education for Humanity, an initiative of Arizona State University in partnership with humanitarian agencies, offers tertiary-level online courses with in-person facilitation to refugees and host community members in the Middle East and East Africa. Academic offerings reflect the ambitions of refugee learners, including digital English language courses, digital skills preparation modules, as well as university degree pathways in partnership with local universities. Short-term certificates are also being developed that will be relevant in regional labour markets. Launched in 2017 and currently serving over 2,700 learners, the programme prioritizes gender parity and works with local facilitators to guide students. Despite challenges with limited connectivity, competing family responsibilities, and varying accreditation policies, the initiative has helped learners gain 21st century skills, earn university credentials as well as secure employment, and is a promising example of connected learning in humanitarian contexts.

Source

Education for Humanity (2019), provided for these guidelines.

↑
© FabLab/Greece

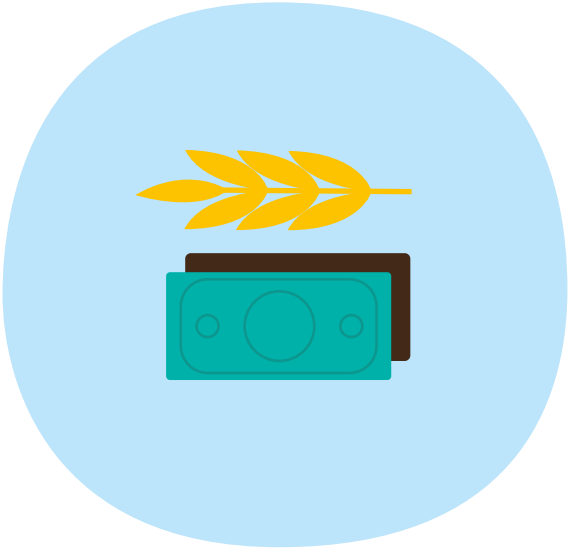
CASE STUDY 24

FabLab – an innovation space for refugees in Greece: Terre des Hommes

The closure of the Balkans migration route in 2016 led to more than 60,000 refugees being stranded in Greece. Young people had few opportunities to put their energy and enthusiasm to use, and many had lost access to school. As part of the Digital Fabrication Laboratories network around the world, FabLab Ioannina[130] was designed to be a room full of advanced digital design and manufacturing technologies for the creation of projects, where participants would be limited only by their own imagination and creativity. This innovative and captivating non-formal education space provided refugee and host community young people with practical digital skills to improve their resilience and future employability. Equal numbers of female and male young people could learn coding, create apps and integrated circuits, and use a 3D printer. In addition to addressing training needs, FabLab gave young people a safe physical space with dedicated activities, similar to a child-friendly space (CFS) for younger children. The inclusion of host community young people ensured the acceptance of the project by a local population affected by economic crisis.

Source

FabLab (2019).[131]



Livelihoods

Livelihoods initiatives should be part of every humanitarian programme engaging young people.[132] Young people with adequate human, social and financial capital can contribute to creating sustainable economies and peaceful, prosperous societies. Acquiring the tools for earning a livelihood, such as life skills, training, job search assistance and other support, not only helps young people to find employment but also enhances their self-esteem, confidence and sense of control over their lives, while also lowering the likelihood that they will engage in risky behaviours such as substance abuse, violence and premature sex.[133] The International Labour Organization (ILO) is supportive of older adolescents (15 years and above) working, as long as the work is safe and supportive to their development.

Crisis-affected young people often have a harder time integrating into the labour market for social and psychosocial reasons,[134] because of missed education, the poor quality of the education system, lack of documents to show their qualifications, or because they are barred from working or from leaving their community. Often their only livelihood options are in the informal economy, where income is erratic, the lack of a contract leaves them vulnerable to exploitation; working conditions are poor, and social protection is weak or non-existent. For young people attempting to earn a living on the street, the risks of crime and violence can be high.

Young people (especially, but not only, young women) also face disproportionate barriers to accessing land, pasture and other natural resources for their livelihoods, compounding the problems of joblessness and food insecurity. Access to these resources is often controlled by elder-led systems of governance that exclude young people from meaningful decision-making and systematically deny them their rights when disputes occur. In many countries, young men cannot get married without providing an adequate dowry of livestock, cash and/or agricultural goods; therefore being excluded from accessing land, pasture and other resources also means being denied the ability to marry. Lacking viable livelihood options, vulnerable young people are often forced into dangerous and illicit forms of resource extraction such as poaching, cattle rustling, charcoal burning and artisanal mining – which increases their risk of criminalization, as well as recruitment into armed groups. Youth may need help with negotiating rental agreements for farmland, negotiating for durable access to land, pasture and natural resources, and support to be included in decision-making bodies and dispute-resolution mechanisms (see the TIP SHEET ON HLP ▶).

Young people are also often excluded from financial services, either by policy or prejudice. As they mature and become heads of households, young people need access to and a working knowledge of savings and loans to start a business, and to grow and protect their assets.

Agencies support a wide array of economic strengthening interventions for young people: cash or voucher assistance (CVA; see BOX 18 ▶); income-generating activities; infrastructure and public works projects; livestock and farming support; financial inclusion (microcredit, savings); access to markets (value chain development, market systems approaches); job creation and entrepreneurship; and technical and vocational education and training (TVET); among others. Financial inclusion efforts fall into two categories: providing access to credit, and support for savings mechanisms. Group savings programmes such as village savings and loan associations (VSLA) are a hybrid of both, providing a variety of services normally provided by formal financial institutions.

Box 18: Cash or voucher assistance (CVA)

CVA is increasingly the preferred economic strengthening tool in humanitarian settings because of its greater flexibility, higher client satisfaction, scalability, and lower cost.[135] Some agencies have set ambitious targets for increasing the amount of their assistance delivered in the form of cash. CVA can be delivered unconditionally, or with conditions such as taking children to a health clinic or attending school/training. There are currently no reliable data indicating how many young people are direct beneficiaries of CVA in the wake of a humanitarian crisis.

Some agencies are reluctant to give cash to young people, especially those under 18. But, however concerning it may be, many adolescents are working in humanitarian settings, supporting their families and handling cash. Even when Livelihoods programmes do not directly engage with them, adolescents are affected by these household economic interventions because they usually work in household microenterprises.[136] Restricting them from directly accessing cash assistance may be putting them, and those in their care, at further risk of negative coping. The Alliance for Child Protection in Humanitarian Action now recommends including adolescents as direct beneficiaries of cash assistance.[137]

However, CVA carries the risk of community jealousy, stigma, bullying and theft. Agencies should assess and mitigate the risk from cash assistance to young people, using the tools below.

Keep in mind: The blending of services and cash is likely to be more effective than either component of an intervention on its own. There is great scope for complementarity between cash and sector-specific programming in ways that can create impact.[138]

Resources

Alliance for Child Protection in Humanitarian Action, **Cash Transfer Programming and Child Protection in Humanitarian Action: Review and opportunities to strengthen the evidence**, 2019, https://resourcecentre.savethechildren.net/library/cash-transfer-programming-and-child-protection-humanitarian-action-review-and-opportunities

Cash Learning Project (CaLP), **Minimum Standard for Market Analysis**, 2018, www.cashlearning.org/downloads/calp-misma-en-web.pdf

The Cash Learning Partnership (CaLP), **Programme Quality Toolbox**, 2020, https://www.calpnetwork.org/resources/programme-quality-toolbox

The Transfer Project, **Adolescents**, https://transfer.cpc.unc.edu/adolescents

United Nations High Commissioner for Refugees (UNHCR), **Guide for Protection in Cash-based Interventions**, 2016, www.womensrefugeecommission.org/gbv/resources/1280-protection-in-cash-based-interventions

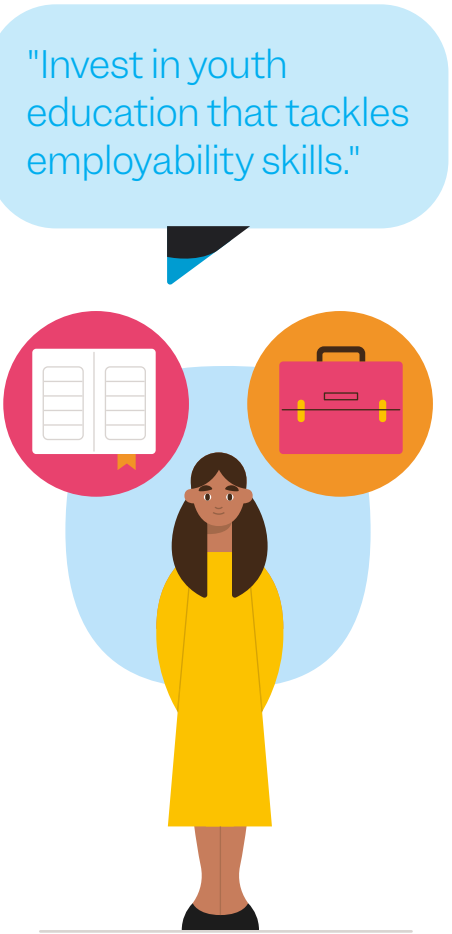
TVET remains popular among young people and implementing agencies, despite the high cost, a disappointing record of connecting young people to employment, and an overemphasis on 'blue-collar' trades. TVET is still widely implemented today, mostly for its non-economic benefits: increased self-confidence; social interaction; community recognition, etc. While there is limited evidence that employment programmes by themselves can curb engagement in political violence, they are still a preferred approach of actors working to promote stability in fragile and conflict-affected countries.[139]

The best training approaches for displaced young people are those that can lead to durable solutions upon return, resettlement or local integration.

Regardless of the type of Livelihoods programme, agencies should be concerned about who accesses services, how they are designed and publicized, and how they benefit young people. Young people should be engaged in a participatory process to understand local labour and goods markets, as well as the markets where they may eventually (re)settle. They should not be vocationally streamed according to discriminatory sociocultural norms – for example, by sex or gender identity.

Box 19: From school to work

Education and livelihood issues are intertwined, and the best humanitarian programmes for young people work to find linkages between the two. For example, a market assessment or labour market analysis is needed to inform a Livelihoods programme, but also helps to ensure that training is demand-driven and that courses offered by Education actors are relevant. Tackling the livelihood needs of crisis-affected young people requires agencies to create pathways from the world of education and work. Understanding labour market information helps stakeholders (policy makers, private sector employers, students and their parents, education and training providers, and others) to make more informed choices related to their career, or public and private workforce investments.[140] One factor that has been associated with greater success is the early involvement of the private sector (private companies) in connecting educated and trained youth with job opportunities.



NRC, UNICEF and UNFPA consultations with Syrian refugee and Jordananian young people in Jordan

Tip sheet

Key actions for Livelihoods programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis **1**	→ Collect data on the differing needs of young people with regard to Livelihoods, and analyse these data disaggregated by sex, age and disability. → Analyse data to understand: → how young people are currently and were previously engaged in earning a livelihood; → livelihood assets of young people, the skills they possess and those that they would like to gain; → the main barriers (social, cultural, health-related, educational, financial, etc.) that young people face when trying to support themselves and their families. → Compile youth-related findings from joint market assessments, such as the Emergency Market Mapping and Assessment (EMMA), Market Information and Food Insecurity Response Analysis (MIFIRA), Rapid Assessment for Markets (RAM), political economy analysis (PEA), gender assessments, or any youth labour market assessments conducted by the government or individual agencies.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and barriers with regard to livelihoods. → Seek feedback from young people on facilitators and barriers to accessing safe and decent work opportunities.

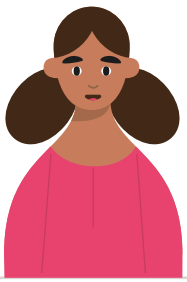
HPC phases	What to do	Tips for young people's participation
Strategic planning 2	→ When analysing demands in the labour market, ensure that the Livelihoods response plan addresses the needs of young people identified during the needs assessment, and from any other data on young people and the labour market. → Ensure that the project activities and outcomes in the Livelihoods response plan directly address the specific needs of young people. → Specify in the Livelihoods response plan opportunities to access training and skills development in related sectors, notably Shelter, WASH, Health, Food Security and Nutrition, in order to build the human, social and financial capital of young people – including those living in vulnerable situations – through age-appropriate linkages between education, training and livelihoods. → Ensure the Livelihoods response plan considers: → whether refugees or internally displaced persons (IDPs) can work or start businesses without being exposed to legal or protection concerns; → which paperwork, qualifications and skills are needed by young people to access available jobs; → which skills training is relevant to the context and linked to labour market survey findings and research into durable solutions. → Assess potential risks to young people's, especially adolescent girls', safety and well-being that may arise due to participation in Livelihoods programming including cash-based interventions.	→ Facilitate the participation of adolescents and youth in strategic planning to enable them to identify opportunities and mitigate risks in the Livelihoods sector. → Involve a diverse cross-section of young people in the design of Livelihoods programmes.
Resource mobilization 3	→ Gather information and disseminate key messages on young people's needs and priorities to influence the Livelihoods sector funding priorities. → Report to donors and other humanitarian stakeholders on gaps in funding for Livelihoods programmes for young people.	→ Engage young people in developing advocacy messages for Livelihoods sector funding. → Seek young people's views and feedback, especially on how their needs are being addressed, and how they're being engaged in the Livelihoods sector, when developing proposals and reports for donors and partners.

HPC phases	What to do	Tips for young people's participation

Implementation and monitoring
4
	→ Implement Livelihoods programming that targets the needs of young people and draws on their capabilities, such as by:
	  → connecting Livelihoods programmes with technical and vocational training and formal or non-formal education, as well as psychosocial support;
	  → linking vocational training to real job opportunities and on-the-job training, cultivating a cadre of businesses, local authorities and NGOs who could offer apprenticeships to graduates of youth education programmes;
	  → referring young people wishing to pursue their own businesses to business management and entrepreneurship training, financial services and mentorship programmes;
	  → designing programmes that offer a diverse menu of skills training options, such as: United Nations languages, skilled trades, information and communication technologies (ICTs), health care and accounting;
	  → provide training and opportunities for young people to engage in specific skills for emergency response – e.g., humanitarian principles, Sphere Standards, monitoring and evaluation, DRR, Health – to enhance their employability among humanitarian agencies.
	→ Combine economic strengthening interventions with non-economic interventions that include: protection messaging; health, including sexual and reproductive health (SRH); life skills; environmental education; psychosocial support; and peace initiatives.
	→ Partner with skilled CVA providers to find an appropriate cash or voucher modality for young people, starting with those living in vulnerable situations, and ensure that young people are aware of these opportunities.
	→ Involve young people in Livelihoods education and campaigns, and provide them with information about Livelihoods relevant to young people in their communities.
	→ Develop and maintain a feedback mechanism for young people to provide their perspectives on the effectiveness and quality of Livelihoods programmes.
		→ Engage youths as trainers and mentors for younger adolescents in programmes to provide guidance in the transition into employment.
		→ Engage young people in the efforts to minimize the environmental impact of programmes, including through sustainable sourcing of raw materials.
		→ Consult young people in the ongoing monitoring and adaptation of Livelihoods programmes, including training programmes and job placements.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Address barriers or biases in Livelihoods programming that may compromise the safety of adolescent girls and young women, and other at-risk groups. → Ensure that the process for identifying Livelihoods programme participants is discussed and understood in the local community and made transparent, so that Livelihoods interventions do not further exacerbate any pre-existing tensions in society.[141] → Manage young people's expectations around employment outcomes following technical and vocational training and offer follow-up support to help them find work or succeed in self-employment. → Support development of 'green' livelihoods, such as in recycling, methane capture and use, renewable energy, etc. → As appropriate, work in coalition with other agencies and young people to advocate for refugees' right to work, and/or freedom of movement.	→ Engage youths as trainers and mentors for younger adolescents in programmes to provide guidance in the transition into employment. → Engage young people in the efforts to minimize the environmental impact of programmes, including through sustainable sourcing of raw materials. → Consult young people in the ongoing monitoring and adaptation of Livelihoods programmes, including training programmes and job placements.
Operational peer review and evaluation 5	→ Review projects within the Livelihoods response plan to assess to what extent the needs of adolescents and youth were effectively addressed through humanitarian programming. → Document and share good practices on addressing the Livelihoods needs of young people.	→ Facilitate the participation of young people in project reviews.

"Support innovative ideas in livelihoods such e-marketing and do not stick with traditional livelihoods programming such as tailoring. This will require an understanding of what is new and which sectors have potential."



NRC, UNICEF and UNFPA consultations with Syrian refugee and Jordananian young people in Jordan

←
A Nigerian girl who started two small businesses with the livelihood grant she received from Mercy Corps.

© Mercy Corps/Ezra Millstein/ North-East Nigeria

CASE STUDY 25

Livelihoods and protection in Borno and Gombe States, North-East Nigeria: Mercy Corps

An escalation of violence in 2014 resulted in mass displacement throughout North-East Nigeria due to military operations, non-state group activities, return of Nigerians from neighbouring countries, and communal clashes. To improve the safety, livelihoods and personal agency of displaced adolescent girls and boys, Mercy Corps introduced a mix of life skills, reproductive health services and psychosocial support, financial literacy, access to savings and loans, livelihood skills and vocational training. These activities were delivered through the creation of community safe spaces and, in some cases, layered onto pre-existing meetings that girls were holding in their communities. Because girls were extremely limited in their movement outside of the home, participating girls played a critical role in helping identify their hard-to-reach peers to invite them to participate. Committees of parents, local leaders, school officials, teachers and youths became advocates for the programme and educated parents about the programme's goals. Mercy Corps adapted the programme to meet the specific needs of younger adolescents with the use of pictures, role-playing and storytelling. Older adolescents facilitated lessons with younger children, creating a cascading leadership model.

Source

Mercy Corps (2019), provided for these guidelines.

CASE STUDY 26

Employability for conflict-affected youth in eastern Ukraine: Save the Children International and the Slavic Heart Charitable Foundation

The emergence of armed conflict in Eastern Ukraine in 2014 brought new economic hardships to millions of people. Youth unemployment surged, increasing poverty and the risk of negative coping. Save the Children and the Slavic Heart Charitable Foundation launched the 12-month EU4Youth initiative to increase internally displaced persons' (IDPs') and disadvantaged young people's employability, access to economic opportunities and civic participation.

Government and NGO staff took a trainers' course on teaching life skills for employment, while learners were exposed to vocational training and internships to learn the workings of public agencies and private firms. In a separate training track for entrepreneurship, trainees developed business ideas with expert support, and the most promising ideas were funded under the project. Eighty-seven per cent of participating youth surveyed said the activities had increased their employability.

Source

Save the Children (2019), provided for these guidelines.

CASE STUDY 27

Cash for age-appropriate work: Save the Children Uganda

In a project to provide life-saving sexual and reproductive health (SRH) services and livelihood support, refugee and host community adolescents and youth gained access to emergency cash transfers in exchange for work that the community deemed to be age appropriate. The cash transfers were reinforced with teaching of life skills and entrepreneurship skills to support the young people's economic activities within and around refugee settlements. The project increases equitable access to gender-responsive adolescent- and youth-friendly livelihood opportunities and enhances the capacity of health service providers for friendly SRH services. A second phase of the project builds entrepreneurship skills. Monitoring data showed an increase in participating young people initiating microenterprises.

Source

Save the Children (2019), provided for these guidelines.

Food security

This section considers the needs of, and roles for, young people across the four pillars of food security: physical availability of food; economic and physical access to food; food utilization; and stability of the other three dimensions over time.[142] Adolescents and youth have specific, gendered food security needs and potential for meaningful engagement in food security initiatives. They also play a central role in agriculture, because the global food system is the largest employer of youth.[143] A critical issue related to malnutrition is the feeding and care practices of food-insecure young mothers, who may have limited education and experience as well as the burden of additional responsibility in a crisis. In many contexts, unpaid care and domestic work which underpins food security is largely done by women and girls. Female young people, especially, have protection needs around the distribution of food, cash and agricultural inputs by humanitarian actors, but all sub-groups of young people need input on the design of effective food assistance programmes. Although food distribution is still the dominant food assistance modality, cash and voucher assistance (CVA) is increasingly used to address a range of needs (see **BOX 18 ▶**).

As agricultural markets are transforming with higher demand, increased prices, more integrated supply chains, and greater rural–urban connectivity, new opportunities are emerging for young people in agribusiness. However, young people, and especially young women, often lack the necessary access to: land; finance and markets; education and training; livestock, fishing and agricultural technologies; or modern farming techniques. Furthermore, agricultural policies are rarely youth friendly. Rural young people often, therefore, do not see agriculture as a viable career path that will enable them to maintain household food security.[144]

Skilled young women and men have shown that when they are given opportunities across inclusive value chains – from input supply to production, processing, storage and marketing – not only can they find solutions to feeding themselves and their families, but they can also contribute to helping their countries achieve food security and better nutritional status.[145]

Tip sheet

Key actions for Food Security programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect information, data and assessments on food security needs of young people, disaggregated by sex, age and disability. → Analyse data to understand: → how food insecurity is affecting protection (child labour, child marriage),[146] nutrition care practices of young mothers (including those living with HIV), and education of young people; → any barriers in accessing distributions for households headed by adolescents and youth; → policy barriers that impede young people's participation in agriculture and food systems; → how these barriers can be overcome.[147]	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs, how young people are involved in distributions, and barriers to food security, including for in-school and out-of-school young people.
Strategic planning 2	→ Ensure that the Food Security response plan addresses the needs of young people identified during the needs assessment, and from any other relevant data on young people. → Map/gather information on who is doing what, where, with regard to young people in food assistance (e.g., cash or voucher initiatives for young people, female-headed households, pregnant and breastfeeding mothers, people with disabilities). → Ensure that the chosen transfer modality is substantial enough to meet food and nutrition requirements to keep young people from negative coping. Consider specific needs related to age, sex and vulnerability, e.g., adolescent mothers.[148] → Ensure young people in school in need of food support have access to school feeding and/or cash or voucher assistance. Reach out-of-school young people through the use of youth-friendly spaces, as needed. → Advocate and plan for food distributions to be age- and gender-responsive (e.g., provision for adolescent mothers).	→ Involve a diverse cross-section of young people in the design of food assistance and agricultural support programming, including the selection of commodities for distribution.

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Include information and key linkages to engage young people in Food Security programming, and budget for those interventions (i.e., assessments, building capacity in supply chain). → Report regularly to donors and humanitarian stakeholders on resource gaps, especially those affecting the most vulnerable (e.g., female-headed households, pregnant and breastfeeding mothers, young people with disabilities).	→ Seek young people's views and feedback, especially on how their needs are being addressed and how they are being engaged in Food Security programming, when developing proposals and reports for donors and partners.
Implementation and monitoring 4	→ Ensure all young people are aware of distribution sites and timings (consider the needs of remote populations, female- and adolescent-headed households, literacy barriers, etc.). → Ensure that young people receive the necessary tools, inputs and training to carry out locally viable and sustainable agricultural activities.[149] → Provide referral to mental health and psychosocial support (MHPSS) for young mothers as part of Food Security and Nutrition programming. → Develop and maintain feedback mechanisms for young people as part of Food Security projects, including outreach to vulnerable groups. → Train a diverse cross-section of young women and young men to manage distributions. → Ensure that vulnerable groups, such as female heads of households, young people with disabilities, pregnant and breastfeeding women, are able to raise their concerns during reviews and evaluations, while guaranteeing confidentiality and without exposing them to further harm or trauma. Some mechanisms – such as confidential hotlines run outside the community – are more effective than others. → Monitor the coverage for school feeding programmes and how out-of-school young people are reached.	→ Engage young people to disseminate information, mobilize communities, and help with distribution activities. → Ensure that meeting spaces are safe and accessible for all. Where the voices of adolescent girls and young women cannot be heard, look for other ways to get their opinions and feedback.
Operational peer review and evaluation 5	→ Review projects within the Food Security response plan and programming. → Assess which young people were effectively reached and those who were not and why. → Share good practices around usage of gender-responsive Food Security interventions, and address gaps.	→ Facilitate the participation of young people in project reviews.

CASE STUDY 28

Junior Farmer Field and Life Schools (JFFLS) – youth employment in agriculture: Food and Agriculture Organization of the United Nations (FAO)

Of the world's estimated 188 million unemployed people in 2019, 68 million (36 per cent) were between 15 to 24 years old.[150] Unfortunately, the vast majority of jobs available to youth are low paid, insecure, and with few benefits or prospects for advancement. Especially in rural regions of developing countries, the situation can be one of extreme hardship. To address specific needs of rural youth, FAO developed the JFFLS in 2004. The methodology provides livelihood options for long-term food security while reducing vulnerability to destitution and offering strategies for coping with risk. The JFFLS programme promotes gender equality by enabling young people to take on the same roles regardless of sex, and by developing their capacities to critically assess relationships, risks and resources in their communities. The curriculum combines agricultural skills, life skills and entrepreneurship in an experiential and participatory learning approach suited to rural communities and low literacy. The JFFLS approach has been adapted to address the orphan crisis associated with the HIV epidemic, emergency situations, climate change and rural youth unemployment, and to prevent child labour. To date, more than 25,000 young people have participated in JFFLS in over 20 countries.

Source

FAO (2020).[151]

CASE STUDY 29

Training young farmers in Kenya to improve food security: RET International

Over the years, political instability and severe drought in the region have led certain populations to seek safe haven in Kenya. The country's major challenge remains the approximately 550,000 mostly Somali refugees residing in cramped, harsh and dangerous camps and settlements. The world's largest refugee complex, Dadaab, hosts approximately 400,000 refugees. RET International trained youth in Dadaab to improve food security for themselves and for Kenyan host communities. This response was tailored to the dry and non-fertile lands of the camps. In a partnership with the Kenyan Ministry of Agriculture, Livestock and Fisheries, adolescents and youth willing to become new farmers were trained on reusing household waste, such as wastewater and compostable products, to produce vegetables for consumption. They then successfully planted tomatoes, vegetables and watermelons to supplement their World Food Programme (WFP) food rations, increase food security for their families, and generate income from the sale of surplus vegetables.

Source

RET International (2017), provided for these guidelines.

Health

This section addresses health issues faced by young people, inclusive of general health needs, mental health and psychosocial support (MHPSS), well-being and sexual and reproductive health (SRH). Depending on the context, the most likely causes of death for young people during humanitarian emergencies include diarrhoeal diseases, acute respiratory infections, measles, malaria, severe malnutrition,[152] and complications in pregnancy and childbirth.[153]

In addition to possible illness or injury, the impacts of a crisis can include trauma, anger, fear, depression, sadness and loss of hope for the future. Some young people will have witnessed atrocities, lost family members, or been in detention. Young people involved in a humanitarian response may themselves be at risk of re-traumatization or secondary trauma. Due to various threats, young people and especially girls and young women may be stuck at home and isolated from peers, which may lead to depression and anxiety.[154] Young people's mental health problems can create degenerative effects that turn into social problems later in life.[155] Effects can be intergenerational when mental health issues impact the way a young parent cares for their children.

During emergencies young people also face greater risks to their SRH, including early pregnancy, gender-based violence (GBV), sexual assault and rape, among others.

Some groups of adolescents are particularly at risk, including: very young adolescents (10–14 years); pregnant girls; those separated from their families; heads of households; GBV survivors; those engaging in transactional sex; those associated with armed forces and armed groups; orphans; those living with HIV; those with disabilities; LGBTQIA+ adolescents; and those belonging to indigenous or migrant groups. Humanitarian situations also exacerbate HIV-related risks, and more than half of those newly infected with HIV today are between 15–24 years old.[156]

Health services are often under increased pressure in a crisis setting, and are not usually perceived by young people as welcoming, which reduces demand from young people. Bias and negative attitudes among health-care providers often keep young people from accessing services. Duty-bearers are increasingly partnering with young people to map the health system, inform the design of programmes, and improve the adolescent- and youth-friendliness of services.[157] The Compact for Young People in Humanitarian Action's operational guidance summary page, '***COVID-19: Working with and for young people***', is included as **ANNEX 7 ▶**. It includes analysis of direct and indirect health impacts on young people, as well as concrete recommendations and resources relating to the COVID-19 response.

Tip sheet

Key actions for Health programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on the differing experiences of young people with regard to health and analyse these data disaggregated by sex, age and disability. → Analyse data to understand: → if young people can access sexual and reproductive health (SRH) services, and mental health and psychosocial support (MHPSS); → if young people can access services for clinical management of rape and information relating to sexual violence in a safe and confidential manner; → if young people feel that existing health services, including SRH and MHPSS, are friendly to them; → if there was comprehensive sexuality education (CSE) being delivered before the crisis; → if testing services are available for pregnancy and HIV, and if counsellors are available to advise on HIV status and link individuals who test positive to ongoing care and services.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and barriers to health, including MHPSS and SRH.
Strategic planning 2	→ Ensure that the Health response plan addresses the needs of young people identified during the needs assessment, and from any other relevant data on young people. → Identify partners and linkages with other sectors such as Nutrition (e.g., nutrition needs of adolescent mothers, therapeutic feeding), Protection (e.g., referring GBV survivors to appropriate services), etc. → Advocate for a working group on SRH and MHPSS, with representatives from youth organizations and networks to enable coordination of interventions among partners.	→ Engage young people in developing key advocacy messages pertaining to their health needs, including SRH and MHPSS.

HPC phases	What to do	Tips for young people's participation
Strategic planning 2	→ Advocate and plan for health interventions to be gender-responsive and inclusive. → Identify entry-points for (re)starting culturally appropriate CSE, such as in schools, youth clubs and camp structures. → Consider issues of self-harm and other indications of mental distress – such as bullying, domestic violence, and alcohol, tobacco and drug use – in the design of programmes.	
Resource mobilization 3	→ Include information and key messages on specific needs and priorities of young people, to influence Health funding priorities. → Report on gaps for adolescents and youth in Health programmes in reporting to donors and other humanitarian stakeholders.	→ Engage young people in developing key advocacy messages pertaining to their health needs, including SRH and MHPSS.
Implementation and monitoring 4	**Access:** → Prepare medical response programmes which allow for the rapid assessment and treatment of adolescents and youth. → Build capacity of health-care staff, including reception and security staff, as well as the staff of partner organizations and relevant ministries, on how to provide adolescent- and youth-responsive services, including non-judgemental and respectful counselling. → At the onset of an emergency, respond to SRH needs through adherence to the 'Minimum Initial Service Package' (MISP), part of the *Inter-Agency Field Manual on Reproductive Health in Humanitarian Settings*.[158] → Ensure that all young people have access to sexual and reproductive health and rights (SRHR) information and services. Consider deploying midwives, establishing mobile and static SRH points with referral services, and establishing health or maternity spaces, which can be situated with child-friendly spaces and youth-friendly spaces. → Make provisions for psychosocial support and ensure it is accessible to young people.	→ Engage young people in developing key advocacy messages pertaining to their health needs, including SRH and MHPSS. → Build capacity of young people to participate in coordination mechanisms (cluster/working group meetings). → Train young people on basic health education, SRH, menstrual hygiene management and MHPSS, and work with them to disseminate information, mobilize communities, and help with distribution activities. → Work with Livelihoods and Education actors to find pathways to employment for young people in health, SRH and MHPSS.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Ensure that young people who are survivors of sexual violence receive clinical care and referral to other supportive services, as needed. → Ensure there are trained networks of practitioners, such as midwives, counsellors and community health workers, to deliver health (including SRH and MHPSS) information and services to young people. → Make provisions for dignity kits including information on menstrual hygiene management (MHM) (see **TIP SHEET FOR WASH PROGRAMMING ▶** as well). → Provide access to condoms and family planning services, HIV testing and counselling services, and GBV services, including post-rape care, and post-exposure HIV prophylaxis. → Disseminate adolescent- and youth-friendly health information through existing structures, and within wider adolescent and youth programming. → Ensure access to a safe space for young people to discuss their issues, socialize and have access to mentors. **Quality:** → Integrate MHPSS interventions within Health and Protection programmes, including referral mechanisms, rather than as stand-alone programmes. → Avoid targeting GBV survivors or young people associated with armed groups and armed forces in ways that further their discrimination and exclusion in communities. → Identify and build capacity of health and case workers who can safely and ethically identify young people with psychological disorders for referral to care. → Ensure that practitioners have skills to work with young people in a safe, friendly and ethical manner. → MHPSS activities should not always be conducted in mixed-gender groups, but the same information should be provided to females and males. For instance, males must be informed on the female reproductive cycle. → Materials should be accessible and culturally adapted to context so that young people can bring them home without risk of threat or shame.	

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Ensure services are accessible (sites, opening times, costs, availability of commodities/supplies), acceptable (consent is given), appropriate (relevant to their unique needs), comprehensive (providing a full range of services, including a range of contraceptive methods), and equitable (available to all regardless of age, sex, gender, disability or origin) for young people and their families. Mobile service delivery may be warranted.	
Operational peer review and evaluation 5	→ Review projects within the Health response plan to assess to what extent the needs of young people were effectively addressed through humanitarian programming. → Document and share good practices on addressing the needs of young people in health.	→ Facilitate the participation of young people in project reviews.

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Abu Zant helps with the olive harvest in the village of Walageh on the West Bank, Palestine. He is part of a youth initiative supported by ActionAid Palestine. By helping out, he and other members of the initiative help strengthen the resilience of the farmers, who are heavily impacted by attacks and restrictions on mobility.

© ActionAid/Ahmad Taqtqah/Palestine

→
A young Syrian refugee (right) who fled to Jordan listens to a teacher (left) as part of a Mercy Corps youth programme.

© Mercy Corps/ Sean Sheridan/Jordan

CASE STUDY 30

Psychosocial support in contexts with no formal services: Mercy Corps

In crisis and conflict settings, young people are often exposed to chronic psychological stress with little or no access to specialized services. Informed by neuroscience exploring the impact of long-term stress on the brain, Mercy Corps' Hearts & Heads Framework helps adolescents re-establish social and emotional connections with themselves, their families and their communities. The methodology trains local volunteers on building empathy, social connectivity and critical thinking skills that improve adolescents' situational awareness, risk assessment, emotional management and skills for overcoming adversity. A randomized control trial showed improved safety and security and lower stress hormone levels among those participating in the intervention.

Source

Mercy Corps (2019), provided for these guidelines.

Accompanying resources

Hearts and Heads Facilitator Manual (Arabic): https://drive.google.com/file/d/1zf1oefoDiQcralGHI9wzUsLttbBzG1qi/view

Ajweh, Dalia, and Saif Atari, **Hearts and Heads Facilitator Manual**, first edition, Mercy Corps, 2019 (English): https://drive.google.com/file/d/1FMGI75iXb524i7GP3pVnchCjTh7MMa_M/view
[Note: A new version will be available in due course.]

CASE STUDY 31

Young people champion adolescent sexual and reproductive health (ASRH) in emergencies: UNFPA Philippines

At the onset of Severe Tropical Storm Washi in the Philippines in 2011, peer educators from the Y-PEER network and the International Planned Parenthood Foundation (IPPF) mobilized to conduct rapid assessments, distribution of dignity kits, and health education sessions including menstrual hygiene. The youth volunteers quickly mobilized through text and online messaging, and several rounds of real-time training of new volunteers took place, resulting in a large pool of human resources on the ground throughout the response cycle. Learnings from their discussions with fellow young people on ASRH needs, risks and vulnerabilities helped to strengthen ASRH programme design. In the transition to long-term preparedness programming, UNFPA, Save the Children and the Department of Health prioritized training on ASRH to create a pool of master trainers and staff for future emergency responses.

Source

UNFPA (2016).[159]

↓

Youth peer educators in the Philippines lead awareness-raising sessions on adolescent sexual and reproductive health in emergencies (ASRHiE), mental health, and protection from gender-based violence in evacuation centres at the onset of emergencies.

© UNFPA/Philippines

↑
A Syrian adolescent girl learns about puberty through the girl-created Island of Flowers book and facilitation guide.

© Mercy Corps/Jana Qazzaz/Jordan

CASE STUDY 32

Girl-to-girl sexual and reproductive health and rights education in Jordan: Mercy Corps

Mercy Corps' Regional Center for the Advancement of Adolescent Girls engaged girls from the Syrian Arab Republic through Ideo.org's 'Amplify Reproductive Health Challenge'. The project allowed girls to develop creative peer-to-peer education and girl-led facilitation techniques to educate girls about menstrual hygiene. Girls engaged family and community stakeholders in the design of an illustrated book called *Jazeeret el Zohoor* (Island of Flowers), which uses storytelling to help pre-teens understand their bodies.

Source

Mercy Corps (2019).

CASE STUDY 33

A youth-led response to the Ebola crisis in Sierra Leone: Social Mobilization Action Consortium

The civil wars in the Mano River basin from 1991 to 2002 decimated infrastructure, fractured the political system and left vulnerable thousands of young people formerly associated with the fighting forces. Today in Sierra Leone, more than 60 per cent of the population still live on less than US$1.25 a day, and unemployment and illiteracy remain high, particularly among youth.[160] The largest ever Ebola outbreak started in March 2014, and many in Sierra Leone came into contact with victims during their sickness and after death, resulting in rapid spread of the virus. In response, NGOs like Restless Development activated youth volunteer networks to stop Ebola transmission, fight stigma and support survivors. The Social Mobilization Action Consortium (SMAC, which also included GOAL, BBC Media Action, FOCUS 1000 and the United States Centers for Disease Control and Prevention [CDC]) managed to cover the majority of rural communities across the country for more than a year, conducting 49,000 visits by 1,800 youth across 10,000 communities. SMAC youth were trained in Ebola safety, M&E and social mobilization techniques. In each village, an action plan was developed, and champions were identified. Mobilizers became a reliable constant for communities, assisting with referrals, alerting burial teams and providing advice. This youth-led approach was a significant factor in stopping the disease, through an increase in safe burials and timely referral of cases of the disease. The model formed the basis for the government's community engagement for the last 12 months of the outbreak.

Source

Restless Development (2014).[161]

← © UNICEF/Bindra/ Sierra Leone

Nutrition

Malnutrition has devastating effects on population health.[162] Adolescence is marked by a period of rapid growth, physical and sexual maturation, and brain development. It provides another key 'window of opportunity' for improving nutrition after the first one, which is the first 1,000 days (the period between conception and the child's second birthday). This represents a final opportunity to influence adult height and mitigate stunting.

Malnutrition during adolescence generally presents in the form of: undernutrition (wasting, stunting or chronic undernutrition and thinness or underweight); micronutrient deficiency or excess; and overweight or obesity. The latter increases the risk for heart disease, stroke, diabetes and some cancers. Two thirds of premature deaths and one third of diseases originate in adolescence.[163]

Higher levels of both acute and chronic malnutrition, especially among adolescent girls, are directly related to gender-inequitable access to nutritious foods.[164] Discriminatory sociocultural norms can also mean that boys and male youth lack adequate knowledge and skills around providing themselves and others with nutritious diets. Young people's exposure to violence in the home and community may increase where food is in short supply. Girls in particular may be at risk of child marriage and engaging in transactional sex due to lack of food.

Well-nourished adolescents who are protected from disease, infection and early pregnancy are less likely to develop malnutrition, and are more likely to avoid non-communicable diseases, have optimal maternal and birth outcomes, and enjoy increased work capacity and productivity.[165] In humanitarian crises, malnutrition in the form of wasting, underweight or micronutrient deficiencies are key concerns. Therefore, assessing conditions and ensuring adequate nutrition for young population groups according to age, gender, weight, physical activity levels and other key factors, is of high priority in humanitarian and fragile settings.

Social and behaviour change strategies can include engaging young people of working age as staff or volunteers in peer-to-peer promotion of improved nutrition, or to educate younger children. Young people can participate in savings groups and income-generating activities to have income for safe and nutritious food (see **LIVELIHOODS ▶**, above). They can be nutrition champions and promote healthy diets and active lifestyles at the community level. For young people, community-based platforms such as youth clubs/organizations, sports clubs and religious institutions can provide formal and informal opportunities to engage, participate and learn, while also delivering services such as mobile clinics or community-based sexual and reproductive health (SRH) education. Targeted health and nutrition counselling should ensure coverage of households with pregnant and lactating adolescent girls and young parents in particular.

Tip sheet

Key actions for Nutrition programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on the nutritional needs of adolescents and youth, especially menstruating girls, pregnant girls and young women and breastfeeding mothers, and analyse these data disaggregated by sex, age and disability. → Conduct nutrition surveys in the community to understand where and how young people engage with services and how they access information about nutrition.	→ Consult young people to understand their diets, dietary preferences and any barriers to consuming a nutritious diet. → Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people in order to understand and establish their needs with regard to nutrition and diet.
Strategic planning 2	→ Ensure that the Nutrition response plan addresses the needs identified during the needs assessment, and from any other data source. → Plan programming for young people in coordination with agencies providing health services, especially sexual and reproductive health (SRH), maternal, newborn and child health services.	→ Facilitate the participation of adolescents and youth in strategic planning to enable them to identify opportunities and mitigate barriers to good nutrition. → Involve a diverse cross-section of young people in the design of Nutrition programmes.
Resource mobilization 3	→ Include information and key linkages to engage young people in Nutrition programming, and budget for those interventions (e.g., assessments, supplies, capacity-building). → Report regularly to donors and humanitarian stakeholders on resource gaps, especially for those most vulnerable (e.g., female-headed households, pregnant and breastfeeding mothers, young people with disabilities).	→ Engage young people in developing meaningful advocacy messages for improving access to nutritious food. → Seek young people's views and feedback, especially on how their needs are being addressed and how they are being engaged in Nutrition programming, when developing proposals and reports for donors and partners.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Ensure that all young people are aware of distribution sites and timings (consider the needs of remote populations, female and adolescent-headed households, literacy barriers, etc.). → Develop and maintain feedback mechanisms for young people to express their views on the effectiveness and quality of Nutrition programmes. → Raise awareness among pregnant adolescents and adolescent parents on the nutritional and health benefits of breastfeeding for both the baby and mother. → Make provisions for breastfeeding support starting with early pregnancy and continuing through the postpartum period. → Provide nutritionally appropriate alternatives for young parents unable to breastfeed, and conduct training for those parents on the importance of clean water in the preparation of breastmilk alternatives. Note: Appropriate facilities should be made available in order to ensure that the water used to prepare breastmilk alternatives is clean. → Provide referral to mental health and psychosocial support (MHPSS) for young mothers as part of Food Security and Nutrition programming. → Provide support for young people with children who conduct outreach in their communities for nutrition interventions (e.g., ensure they have access to safe spaces). → Monitor access to nutrition assistance for young people and develop targeted interventions accordingly.	→ Engage with young people in the coordination mechanisms, design and implementation of Nutrition programmes. → Train young people to raise awareness among their peers and engage with decision makers on essential nutrition interventions (e.g., the special needs of pregnant and breastfeeding young women).
Operational peer review and evaluation 5	→ Review projects within the Nutrition response plan to assess to what extent the needs of adolescents and youth were effectively addressed through the Nutrition programmes and interventions. → Document and disseminate good practices on effectively addressing the needs of young people in Nutrition.	→ Ensure that vulnerable groups, such as pregnant and lactating women and young mothers, are able to safely and effectively raise their concerns during reviews and evaluations.

CASE STUDY 34

Engaging adolescents in the design of nutrition programmes in Uganda: World Food Programme (WFP)

In Uganda, 25 per cent of the population are adolescents, of which half are girls. The lack of specific data on adolescent nutrition as well as information on how to reach and engage with them has limited the prioritization of adolescent nutrition interventions. In 2019, WFP and the Ugandan Government released findings from a study to inform adolescent programming. The study found that seven interrelated themes influenced adolescents' access to adequate and healthy food: climate change and agricultural practices; household economy and income generation; alcohol; social norms; sexual and reproductive health; access to education; and service provision. It also found that engaging adolescents effectively is essential for assessing how nutrition-specific and nutrition-sensitive interventions can be effectively delivered and how they can be linked to other components of services for adolescents. Throughout the study, adolescents highlighted their priorities and needs related to engagement:

- → **"Come to us, fit around our lifestyles"** – Adolescents stressed the importance of accessibility and that they preferred to be 'reached' in places they already frequented and at convenient times.
- → **"Use our groups, don't group us"** – Adolescents expressed their own preference for groupings, for example: according to age and life stage, separate engagement of married girls and young mothers from unmarried girls (including the nga'kobain social groups in Moroto), older boys (including junior elders) from younger boys, and in-school adolescents from those who are out of school.
- → **"Make it entertaining"** – Adolescents highlighted the need for activities to be primarily entertaining, followed by being informative and understandable; for example, they could use methods like music, dance and sports, including tailored communication platforms, media and formats.
- → **"Show us real experiences"** – Adolescents confirmed that they found 'real life' stories to be the most engaging and effective way of sharing and learning from experiences.
- → **"Speak our language"** – Adolescents raised the importance of conversing in their local and colloquial languages. They stressed the need to be spoken to with respect for them to feel comfortable in engaging with services and programme interventions.
- → **"Ask us, include us"** – Adolescents wanted to be involved in a participatory manner, such as through interpersonal activities, to ask questions and ensure that their voices and opinions were heard and recognized.
- → **"Be fair"** – Adolescents raised the need for transparency and variety in modes of engagement. Trust and privacy were emphasized, as adolescents were wary of information or situations they perceived to be discriminatory or associated with corruption. Ensuring impartiality and equity in both engagement and the provision of services was seen as a priority (particularly in terms of interactions between refugee and host communities).
- → **"We need energy"** – Adolescents reported that having energy was their priority to ensure they could complete their daily workload.
- → **"Build us for the future"** – Adolescents emphasized the importance of engaging with them holistically, providing health and nutritional information alongside sexual and reproductive health services, education and vocational training.

Source

Adapted from WFP (2019).[166]

Water, Sanitation and Hygiene (WASH)

Young people are central to humanitarian WASH efforts as both learners and doers. The most efficient way to change adult behaviour is through educating young people, and today's young people will be the decision makers about the future use of water resources. In emergency contexts, WASH facilities (and the routes used to access them) can become areas of heightened threat for GBV. A major impediment to girls' school attendance is a lack of adequate water and sanitation facilities.

Empowering young people as WASH promoters assures that a project has a greater effect and more lasting impacts on communities. Many of the proven strategies in WASH are in areas that young people are naturally attracted to, such as: creating appealing campaigns; volunteerism; developing technical and communication skills; green technologies; peer-to-peer mobilization; cooperative learning and teamwork.[167]

"Can you engage with social innovation for youth to bring innovative ideas in WASH problems, as youth bring innovative approaches."

NRC, UNICEF and UNFPA consultations with Syrian refugee and Jordananian young people in Jordan

Tip sheet

Key actions for WASH programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on the differing WASH needs of young people, and analyse these data disaggregated by sex, age and disability.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people in order to establish their needs and any barriers with regard to WASH and menstrual hygiene management (MHM).
Strategic planning 2	→ Ensure that the WASH response plan addresses the needs of young people identified in the needs assessment, and from other relevant data on young people. → Ensure that intersectoral linkages are present in WASH response plans for young women, with attention to the Protection, Education and Health sectors. → Ensure the WASH response plan builds upon existing entry-points for WASH and young people, for example through schools and Community-Led Total Sanitation (see **LIST OF RESOURCES ▶**), and school-based WASH initiatives. → Establish linkages with other sectors (Health, including sexual and reproductive health [SRH], and Protection, including gender-based violence [GBV]) on their planned interventions for adolescents and youth that may have complementarity to the WASH programmes (e.g., peer education and dissemination of MHM supplies, safety patrols, distribution of hygiene supplies).	→ Consult with adolescents and youth during the design and development of strategic planning documents such as the WASH response plan and MHM interventions.

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Utilize information and key messages on young people's priorities and needs to influence WASH funding priorities, and regularly report on gaps in WASH to donors and other humanitarian stakeholders and partners. → Report on gaps for adolescents and youth in WASH programmes when reporting to donors and other humanitarian stakeholders.	→ Engage young people in developing key advocacy messages pertaining to their WASH needs.
Implementation and monitoring 4	→ Ensure that WASH facilities are continuously safe, hygienic and accessible to all young people, including those with disabilities. → Ensure that WASH programmes provide opportunities for young people to have leadership roles in school and community WASH initiatives, including those who are not in school, and those living in vulnerable situations. → Work with adolescent girls and young women to integrate MHM throughout all WASH programming. → Develop and maintain feedback mechanisms for young people to express their views on the effectiveness and quality of WASH programmes. → Coordinate the implementation of WASH activities with Health (e.g., SRH) and Protection (e.g., GBV) interventions to complement distribution of supplies, dissemination of information, development of key messages, and training of adolescents and youth.	→ Engage with young people in the coordination mechanisms, design and implementation of WASH programmes, and dissemination of hygiene messaging. → Engage and consult with adolescent girls and young women on whether WASH facilities are adequately gender-segregated, perceived as secure and equipped for MHM (e.g., water for cleaning, waste disposal), and materials (e.g., correct type and size of pads).
Operational peer review and evaluation 5	→ Review projects within the WASH response plans to assess if the needs of young people were effectively addressed through programming. → Document and disseminate good practices on addressing the needs of young people – particularly adolescent girls and young women – in WASH and MHM programming. → Evaluate the quality of MHM interventions to determine if there are adequate facilities (e.g., water for cleaning, waste disposal) and materials (e.g., correct type and size of pads) available.	→ Facilitate the participation of young people in WASH project reviews. → Ensure that vulnerable groups, such as pregnant or lactating women and young mothers, are able to safely and effectively raise their concerns during WASH programme reviews and evaluations.

CASE STUDY 35

Young people in Venezuela as agents of positive change in WASH: RET International

In its efforts to address the food, health and sanitation needs of vulnerable Venezuelans, RET International seeks to provide access to safe water and to improve community hygiene conditions. Recognizing the positive role young people can play in their communities, RET International provides training on the importance of hygiene, self-care and access to safe water. Young people then design and implement their own hygiene campaigns. Through this approach, RET International seeks to tap their potential to adopt new ideas and transfer knowledge to their peers and communities. Trainings are gender-sensitive and gender-specific. Participants learn about the concepts of gender and diversity, including stereotypes and roles, and the relevance of those concepts to WASH promotion. RET International also provides hygiene kits and carries out basic infrastructure repairs to guarantee access to drinking-water. Trained young people become agents of positive social change, and local capacity is increased to sustainably address sanitation needs.

Source

RET International (2020), provided for these guidelines.

CASE STUDY 36

Hygiene kits for imprisoned, quarantined women and girls in El Salvador: UNFPA and UN Women

UNFPA and UN Women have distributed over 1,300 dignity kits containing essential hygiene supplies, such as soap and menstrual pads, to women living in prisons in El Salvador. Detainees typically rely on family members delivering hygiene supplies during visits, but visits have been halted for the foreseeable future due to the COVID-19 pandemic. These distributions, coordinated by the United Nations country team, came alongside an awareness-raising campaign on how to prevent infection and transmission of the virus that causes COVID-19. Women living in prisons in El Salvador are at especially high risk for contracting COVID-19 due to the close living conditions and other environmental factors – there are approximately 4,000 women imprisoned in the country according to the national Directorate of Prisons.

Additionally, all persons entering El Salvador are now required to spend 30 days in a quarantine facility. While quarantined women and adolescent girls are provided with pads once a month, some may find the supplies to be insufficient, and lack of privacy and unreliable running water are barriers to adequate menstrual health management (MHM) in these facilities. UNFPA has provided around 400 dignity kits to the Salvadoran Institute for the Advancement of Women for distribution in quarantine centres.

Source

UNFPA (2020), provided for these guidelines.

CASE STUDY 37

Schoolchildren promote handwashing in their schools and communities in Nigeria: UNICEF

UNICEF's effort to promote handwashing with soap in schools, as part of a larger water, sanitation and hygiene (WASH) programme funded by the European Union, highlights how important it is to involve students, children and adolescents themselves as active participants and change-agents for the health of their communities, especially during the COVID-19 pandemic. John Mark Okeghene, a member of the environmental health club in his primary school in Owodokpokpo-Igbide, Isoko South, Delta State, leads sessions on handwashing during school with his classmates, and after school with his community. He teaches them the importance of handwashing with soap and the necessary steps. "I always tell my classmates to wash their hands, especially palm-to-palm, with soap, under running water," he says. As schools begin to shut down in Nigeria to curb the spread of COVID-19, students carry the message about the importance of handwashing to their homes and neighbours. The responsibilities given to the environmental health club members also creates in them a sense of ownership that makes good hygiene behaviours more likely to stay with them throughout their lives.

Source

Akingbulu/UNICEF (2020).[168]

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Environmental health club members at Urie Primary School, Delta State, practise handwashing during their lunch break.

© UNICEF/Owoicho/Nigeria

Sustaining peace

United Nations **Security Council Resolution 2250**, adopted in 2015, acknowledged the contribution of young people to peace and security and called for their meaningful participation across different spheres that impact their lives – political, social and economic. This includes addressing their needs across all levels of decision-making processes: socioeconomic development, education and employment. Resolution 2250 marked a shift from the traditional perception of young men as perpetrators, and young women as victims in violent conflict. The findings of the independent progress study on youth, peace and security (2018),[169] mandated by Security Council Resolution 2250, demonstrated how young people are actively engaged within their communities, from acts of community service and civic engagement, to advocating for the needs of their communities or participating in formal institutions.[170] Young women and men also play active roles in organizing and mobilizing their peers at local, national, regional and global levels to build peace and address different forms of conflict and violence. At the same time, young people's peacebuilding engagement frequently crosses the boundaries of humanitarian–development responses.

Sustaining peace aims to prevent violent conflict by addressing the root causes and drivers of conflict, as well as patterns of violations of human rights and international humanitarian law, while supporting existing capacities for peace at individual, community and system levels. This involves responding to forms of exclusion, systemic discrimination and marginalization on the basis of joint analysis of conflict dynamics and joined-up strategic planning.[171] Peacebuilding activities can take place prior to the outbreak of violence, during conflict, or once hostilities have ended and reconstruction has begun.[172] Multi-country research shows that young people involved in peacebuilding processes are more active citizens for peace. Their participation increases peaceful coexistence, supports those living in vulnerable situations, and reduces discrimination and violence, and thus contributes to more resilient communities and societies.[173]

Young people are more likely to proactively engage in peacebuilding and develop resilience in conflict-affected settings if certain conditions are in place: spaces for political participation; access to social services like education, protection and health; connections between youth and their communities; and opportunities to build confidence and self-esteem.

Tip sheet

Key actions for programming for Sustaining Peace, at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Gather information on which youth organizations, networks and associations are already engaged in peacebuilding and social cohesion-related initiatives. → Analyse data to understand: → how young people are impacted by the conflict and violence; → how the conflict is evolving at different phases of the crisis; → the patterns of young women's and young men's involvement in violence, and in peace initiatives; → how young people's voices are incorporated in the peacebuilding process; → the specific challenges faced by adolescent girls and young women, and by young people with disabilities; → if young people's humanitarian initiatives are having an impact on peace and social cohesion; → the risks of engaging young people in peacebuilding efforts; → the divisions among young people of different social, religious, ethnic and political backgrounds, and by gender.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and challenges related to peacebuilding. → Engage young people from diverse backgrounds (e.g., refugees, internally displaced persons, and host community members) to meaningfully participate in humanitarian assessments.
Strategic planning 2	→ Identify entry-points during the development of the humanitarian response plan to build a component on youth peacebuilding, promoting social cohesion, especially in contexts related to peace and conflict. → Integrate within response plans' mechanisms for young people to voice their grievances related to peace and security. → Identify, fund and partner with youth organizations, initiatives and movements working to sustain the peace.	→ Facilitate participation of young people in strategic planning to enable them to identify and mitigate risks in peacebuilding-related initiatives. → In refugee situations, ensure that the lead international organization has, at the country level, an advisory group of refugee and host community young women and young men to advise on local peace and security needs.[174]

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Gather information and disseminate key messages on specific needs and priorities of young people, to influence peacebuilding funding priorities. → Report on gaps in funding for young people and peacebuilding to donors and other humanitarian stakeholders.	→ Engage young people in developing key advocacy messages for peace-building-related funding.
Implementation and monitoring 4	→ Establish connections with Education partners, both formal and non-formal, to explore if and how peacebuilding and social cohesion components are incorporated into school curricula or in the school environment, and work with Education stakeholders and young people to fill the gaps. → Ensure young people living in vulnerable situations are involved in peacebuilding initiatives, making a special effort to reach those severely affected by conflict, going beyond 'elite', urban, educated youth. → Ensure access to safe spaces for adolescent girls and young women to participate and voice their interests and needs.[175] → Create opportunities for young people to share their peace and security challenges through intergenerational dialogue and consultative forums, and to take part in decision-making processes to ensure that their needs are addressed. → Ensure that refugee host countries establish mechanisms to listen to the peace and security challenges young refugees face, and how these affect their relations with the state and host communities.	→ Institutionalize the needs of young people as an integral part of the humanitarian cluster system and refugee coordination mechanisms (sector/working group approach), by requiring that each cluster/sector/working group includes an expert on adolescent and youth issues. → Create safe spaces and promote the voices of young people. → Engage young leaders and members of youth organizations, networks and associations in training and sensitization on youth, peace and security.
Operational peer review and evaluation 5	→ Review peacebuilding and social cohesion-related projects within response plans to assess to what extent the needs of adolescents and youth were effectively addressed. → Document and share good practices on addressing the needs and roles of young people in peacebuilding.	→ Facilitate the participation of young people in project reviews. → Use innovative approaches to evaluate the impact of young people's engagement in peacebuilding, especially building on qualitative evidence and participatory approaches, and enabling young people to contribute to M&E design, data collection and analysis.[176]

CASE STUDY 38

Addressing the drivers of conflict in the Middle East and North Africa (MENA) region: Youth RESOLVE

Global statistics reveal that MENA is the most dangerous region for adolescents and youth worldwide. Refugee young people have reduced access to essential services and are more likely to experience discrimination. Although host countries have opened their education systems to Syrians, enrolment rates are below 25 per cent in all host countries except Egypt. Unemployment levels are particularly high for Syrian refugees; for example, 60.8 per cent in Jordan. Across Jordan, Lebanon and Iraq, the Youth RESOLVE consortium engages host communities, refugee and internally displaced person (IDP) youth in peacebuilding initiatives, youth-led advocacy, and Education and Livelihoods programming. The advocacy component has brought together host and refugee youth in Jordan and Lebanon to identify issues both are facing, to advocate for change together. Youth from varied backgrounds discuss tensions, reconcile differences, build a sense of belonging, and work towards common goals. Young people contribute to sustaining peace through active citizenship, advocating for those in their community who face hostility or discrimination. The consortium is led by World Vision and consists of Islamic Relief, Caritas, Generations for Peace, and Questscope.

Source

No Lost Generation (2018).[177]

CASE STUDY 39

Youth, Peace and Security (YPS) in Palestine: United Nations Theme Group on Young People[178]

Youth aged 15–29 compromise 30 per cent of the Palestinian population.[179] The protracted occupation, instability and internal social fragmentation as well as a patriarchal culture have left young people facing widespread poverty, gender inequality, restricted movement, political and civic exclusion, and high unemployment,[180] as well as high rates of anxiety, depression and post-traumatic stress disorder (PTSD). Negative coping mechanisms include migration, child marriage, social withdrawal, drug use, violence and radicalization. United Nations Security Council Resolution 2250 (2015) recognized "the important and positive contribution of youth in efforts for the maintenance and promotion of peace and security", and identified five pillars for action: participation, protection, prevention, partnerships, and disengagement and reintegration.[181]

To operationalize Resolution 2250, the United Nations Country Team, international non-governmental organizations (NGOs), and youth groups work together on various initiatives. These have included national consultations on YPS with thousands of young people, and a Youth Summit in Gaza on conflict resolution and peacebuilding. UNFPA and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) have worked with the leadership of refugee camps on young people's positive contributions to peace. UNFPA has worked with a local NGO to train young people on needs assessment, planning and delivering youth-led humanitarian action. The United Nations Country Team has now mainstreamed youth issues in the Humanitarian Needs Overview, which guides the humanitarian work within clusters.

Source

United Nations Theme Group on Young People, provided for these guidelines.

CASE STUDY 40

Young people sustain peace in Sri Lanka: Youth4Youth

Ethnically divisive state policies gave rise to decades of conflict in Sri Lanka, which ended in 2009 when the Sri Lankan military defeated the Liberation Tigers for Tamil Eelam (LTTE, also known as the Tamil Tigers). While the policies have been reviewed over the years, the issues have not been adequately addressed. A parallel youth insurgency was quelled by military force rather than a political solution, and the resulting volatility has led to negative perceptions of youth in the country. Over a quarter of the population falls between the ages of 15 and 29, but they have not been central to the national peacebuilding and development agenda. UNFPA, UN Volunteers and UN Women are facilitating platforms to engage young people in the peacebuilding process so that their voices are reflected in key policy and decision-making processes. The initiative supports dialogues, connecting hundreds of young people with government representatives. One outcome has been to form a panel of young leaders to drive youth-led solutions at national and subnational levels.

Source

UNFPA (2020), provided for these guidelines.

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Youth4Youth event on peacebuilding and development in Sri Lanka.

© UNFPA/Sri Lanka

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Training young people on responsible citizenship, positive leadership, and conflict mitigation and resolution.

© RET/Chad

CASE STUDY 41

Youth as agents for peace in Chad: RET International

RET International has developed a youth-led methodology, successfully applied in Latin America, Africa and the Silk Route regions, to reduce the potential for conflict, through engaging young people to become agents for peace in refugee camps and host communities. In the south of Chad, RET International youth are trained on human rights, responsible citizenship, positive leadership, intergenerational partnerships, conflict mitigation and resolution, and project management.

Refugee and local youth set up a youth peace journal, which collects information and news from their communities to advance tolerance, social cohesion and development. In Chad and other countries, young people have worked with RET International to develop small, results-oriented 'quick impact projects' to promote peace and coexistence in their communities, such as cleaning the village football ground and market area, or building a stage for theatre and other cultural events.

Source

RET International (2018).[182]

↑
"Schools in Peace promotes school initiatives with children and adolescents who live in the most conflict-affected regions of Colombia, enhancing learning outcomes through innovative methodologies that foster socioemotional and citizenship skills, in particular of girls and young women."

© UNICEF/David Fayad/Colombia

CASE STUDY 42

Developing life skills for peace and social cohesion in Colombia: Escuelas en Paz, UNICEF

In Colombia, Escuelas en Paz is working in conflict-affected rural areas to support schools in promoting peacebuilding, local reconciliation and resilience among adolescents (11–17 years old). Like other UNICEF education initiatives for peace, Escuelas en Paz trains teachers in the 'pedagogies for peace' approach, so that they can teach students key life skills, including non-violent conflict resolution, empathy, critical thinking and how to communicate and take action with confidence. It has also been supporting adolescent- and youth-led initiatives that are led by trained teachers and students in targeted schools, which include community-level initiatives using arts, music and sports. Over 16,000 children and adolescents had been engaged by 2018, and UNICEF is now working with the Ministry of Education on integrating peacebuilding into the country's education strategy.

Source

UNICEF (2017).[183]

Protection

Young people in humanitarian settings are subject to a host of protection risks, often different from those faced by younger children or adults aged 25 and over. Urban refugee and displaced young people often reside in the least safe neighbourhoods, where crime is high and police may routinely harass, beat and detain them. In conflict zones there may be mines and explosive remnants of war. Young people may become associated with armed forces or armed groups. Often their only livelihood options are in the informal economy, where risks of crime and violence can be high. For crisis-affected adolescent girls especially, the threat of GBV looms large in everyday life. Young people, particularly girls, are often sexually exploited or abused by those with the responsibility to protect them, including humanitarian staff, school staff, law enforcement and military personnel.

Young people are increasingly playing key roles in ensuring their own protection in humanitarian response. Community-based and women-led approaches to protection are engaging women and girls in identifying protection needs (e.g., patrol groups established in camps, in coordination with camp committees), mapping available services, establishing referral pathways, providing basic psychosocial support, and addressing social norms that can lead to safety risks and increased need for protection.

There may be risks involved in young people's participation in protection activities, especially where it increases the visibility of organized youth groups, or where they start looking into power dynamics and root causes of conflict. This has the potential to bring them into conflict with local authorities. A risk assessment tool to support safe participation is included as **ANNEX 1 ▶**.

The following tip sheet is applicable to Protection programming overall, but the Protection cluster/working group also encompasses Child Protection, Gender-Based Violence (GBV), Housing, Land, Property (HLP), and Mine Action (see **BOX 2 ▶**), and separate tip sheets are presented for each of those Areas of Responsibility below.

Tip sheet

Key actions for Protection programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on needs, priorities and capabilities to understand differing protection needs of young people before and after the crisis, and analyse these data disaggregated by sex, age and disability. → Map mental health and psychosocial support (MHPSS) and Protection services prior to consultations in case any referrals need to be made. → Collect data on: → age of consent within the country → legal age of marriage → legal minimum age of employment → age of criminal responsibility. → Analyse data to understand if young people have specific needs with regard to civil documentation or school-related papers: birth certificates, national identity documents, school records, etc.	→ Hold consultations – grouped by sex and age of participants – with a diverse cross-section of young people to identify needs and challenges related to Protection. → Ensure that consultations do no harm and are managed by actors with expertise in engaging and supporting adolescents and youth. → Ensure young people are consulted to provide their perspectives on the definition of protection and identifying protection risks and solutions. → Use the participation risk assessment (**ANNEX 1** ▶) and analyse the potential risks for young people to participate in Protection programming.
Strategic planning 2	→ Ensure that the Protection response plan addresses the needs of adolescents and youth identified during the needs assessment, and from other relevant data on young people. → Identify established Protection coordination mechanisms, if they exist, as part of the response planning. → Consider if or how young people and their organizations could be part of any existing Protection coordination bodies.	→ Without doing harm, engage adolescents and youth in a process to understand the dynamics and root causes of the conflicts in their context (see also **SUSTAINING PEACE** ▶).

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Develop information and key messages on adolescents and youth, such as from assessment reports, to influence Protection funding priorities. → Report on gaps in funding for adolescents and youth in Protection to donors and other humanitarian stakeholders.	→ Work with young people to develop advocacy messages for Protection funding. → Seek young people's views and feedback, especially on how their needs are being addressed in Protection programming, when developing proposals and reports for donors and partners.
Implementation and monitoring 4	→ Implement Protection programming that targets the needs of young people and draws on their capabilities. → Analyse if Protection services take into account the needs of young people, with particular attention to vulnerable groups (see **BOX 6** ▶ ***Vulnerable categories of crisis-affected young people***).	→ If Protection capacity exists within the team, build the capacity of older youths to register, manage and refer relevant cases, in volunteer or paid roles, as context allows. → Engage with older adults (caregivers, community leaders) in order for young people to safely engage in humanitarian response. → Ensure young people – especially adolescent girls and young women – are integrated into community-based Protection committees or other activities.
Operational peer review and evaluation 5	→ Review projects in the Protection response plan to assess to what extent adolescents and youth were effectively reached through humanitarian programming. → Document and share good practices on addressing the needs of young people in Protection.	→ Engage young people in policy review and advocacy processes, without causing them any harm, and maintaining their confidentiality should they choose.

Child protection

(Area of responsibility within protection)

Young people's interests are relevant to the Child Protection Area of Responsibility in two main ways: first, the subgroup that are adolescents under age 18 in need of Protection services are children themselves; and second, older adolescents and youth can be trained and supported as volunteers or paid staff in Child Protection activities. In addition to the Child Protection issues (GBV, child marriage, recruitment and use by armed forces and armed groups, detention by authorities, and child labour), younger adolescents in crisis settings are vulnerable to many dangers, including injuries, physical violence, neglect, and separation from their caregivers.

The best-interests principle must guide all actions and interventions that humanitarian actors take on behalf of internally displaced, refugee, returnee or stateless children (see **BOX 20 ▶**).

Box 20: What is the principle of the best interests of the child?

Article 3, paragraph 1, of the Convention on the Rights of the Child (CRC) stipulates that:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

The concept of the best interests of the child provides guidance for ensuring the well-being of a child, which is determined based on individual circumstances, including the child's age, gender, level of maturity, and personal experiences, as well as the presence or absence of parents, the quality of the child–parent relationships, the physical and psychosocial situation of the child, and their level of risk/need for protection.

The best interests principle applies to all children without discrimination, regardless of a child's guardianship or legal status, and it also applies to actions affecting children as a group and to all actions undertaken by institutions that affect individual children. The principle obliges states to establish concrete procedures and/or mechanisms that can be used to assess and determine the best interests of a child under their jurisdiction.

Source

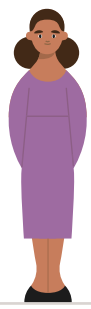
UNHCR (2018).[184]

Tip sheet

Key actions for Child Protection programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on needs, priorities and capabilities and analyse these data disaggregated by sex, age and disability, to understand differing Child Protection needs of young people before and after the crisis. → Collect data on: → Child Protection services available for adolescents; → child-friendly spaces (CFS) that cater to young people (also establish if they can be accessed by disabled adolescents). → Analyse data to understand: → the specific Child Protection concerns experienced by adolescent girls and boys; → the state of the juvenile justice system, and what efforts are under way to improve it; → care arrangements for separated and unaccompanied children, and how these young people are supported once they turn 18.	→ Hold consultations – grouped by sex and age of participants – with a diverse cross-section of adolescents to identify needs and challenges related to Child Protection. → Ensure that mental health and psychosocial support (MHPSS) and protection services have been mapped prior to consultations in case any referrals need to be made. → Ensure consultations with children and adolescents do no harm and are managed by actors with expertise in engaging and supporting adolescents. → Ensure a safe and accessible space for consultations.

"Empower youth to work with their governments in the development of immediate and durable responses for protection."



MGCY & Youth to Lead y Desarrollo de Nuevas Generaciones consultations with young people in El Salvador

HPC phases	What to do	Tips for young people's participation
Strategic planning 2	→ Ensure that the Child Protection response plan addresses the needs of young people identified during the needs assessment, and from any other data related to young people and the labour market. → Develop a coordination mechanism on Child Protection under the overall Protection cluster/ working group. Assess how to consult and engage adolescents within that mechanism. → Discuss with teams how programmes will reach: hard-to-reach adolescents in the community; children living and working on the streets; young people in detention; and adolescent heads-of-households. → Plan for CFS to cater to adolescents in an age-appropriate manner (e.g., opening hours, activities, facilitators) – consider a separate adolescent or youth space where they can build social networks, acquire skills, and access sexual and reproductive health (SHR) information and care. → Coordinate with Health (including SRH) and GBV partners on their planned interventions for adolescents, especially related to adolescent- and youth-friendly spaces and health points. → Plan to ensure adolescent girls, and particularly married adolescent girls, are reached with Child Protection services.	→ Include adolescents and youth when strategizing methods to reach all demographics of young people, including hard-to-reach adolescents. → Plan for young people to inform the design of Child Protection programmes. → Engage young people to deliver Child Protection services (e.g., sensitizations, family tracing and reunification, referral to services).
Resource mobilization 3	→ Develop information and key messages on adolescents and youth, such as from assessment reports, to influence Child Protection funding priorities. → Report on gaps in funding for adolescents and youth in Child Protection to donors and other humanitarian stakeholders.	→ Work with adolescents to develop advocacy messages for Child Protection funding.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Consider following the International Rescue Committee's (IRC's) guiding principles for working with adolescent GBV survivors in Caring for Child Survivors of Sexual Abuse.[185] → Consider outreach and mobile programme delivery approaches to ensure adolescents are reached, specifically those living in vulnerable situations. → Monitor throughout implementation that Child Protection actors are running interventions in a gender- and age-appropriate manner, to cater to adolescents' needs and not just younger children. → Ensure trained specialists are available to address adolescent needs within Child Protection interventions. Ensure they are aware of existing referral pathways. → Continuously develop the skills and knowledge of caregivers to support the participation of adolescents. → Ensure referral pathways are in place for unaccompanied children 'ageing out' of care to ensure continuity of support for those who need it. → When dealing with unaccompanied and separated children in alternative care, give adolescents the opportunity to monitor the quality and safety of their own care arrangements and, if desirable, support supervised independent living arrangements. → In family tracing, involve adolescents as active participants, rather than passive recipients. → When delivering case management interventions, consider the growing role for adolescents in decision-making.	→ Engage young people to strengthen community-based child protection mechanisms. → Work with young people to find the appropriate combination of art, music, sports, languages and vocational skills, and referrals to other services, including case management for Protection issues. → Build the capacity of older youths to register, manage and refer relevant cases, or to act as facilitators and mentors to younger children in volunteer or staff roles, as context and safety allows.
Operational peer review and evaluation 5	→ Review projects in the Child Protection response plan to assess to what extent adolescents and youth were effectively reached through humanitarian programming. → Document and share good practices on addressing the needs of young people in Child Protection.	→ Facilitate the participation of young people in project reviews – ensure that vulnerable groups are able to voice their concerns during reviews and evaluations.

Gender-based violence
(Area of responsibility within protection)

Young people's risk of various forms of violence increases in humanitarian settings. Adolescent girls and young women are at increasing risk of violence, due in particular to the worsening of existing inequalities between young men and young women.[186] Girls and young women with disabilities are more likely to face physical and sexual violence, abuse and exploitation and are less likely to be able to access services, due to a variety of physical, societal and communication barriers.[187] Homophobia and transphobia not only contribute to GBV but also significantly undermine LGBTQIA+ GBV survivors' ability to access support, most acutely in settings where sexual orientation and gender identity are policed by the state.[188]

Humanitarian actors should assume that GBV is happening even in the absence of accurate data, which may be impossible to collect during a crisis.

Adolescent girls and young women are at risk of sexual assault and rape, especially if food, water or fuel sources are located far from settlements or in unsafe areas. Sexual exploitation, including the exchange of sex for essential goods and services, trafficking and sexual slavery, may increase during emergency situations. Soldiers or armed groups can perpetrate opportunistic or systematic sexual violence, including as a weapon of war, including against boys and young men. Violence in the home can escalate during emergencies as young men lose their jobs and status – particularly in communities with traditional gender roles and where family violence is normalized. Girls are also more vulnerable to child marriage during emergency situations.[189]

Addressing GBV requires a joint effort among allies, partners and activists, including boys and young men, but male involvement should not end up diverting funding and capacity from women's organizations, or perpetuating gender inequality.

Tip sheet

Key actions for GBV programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Review data related to GBV within the context, but assume that GBV is happening even in the absence of accurate data. → As determined within the GBV coordination mechanisms, collect data on the differing GBV risks and needs of young people, and analyse these data disaggregated by sex, age and disability.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify their GBV needs and priorities and to inform responses.

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Gather information on: → specific GBV services available for adolescents, especially girls and young women; → GBV services that are and are not accessible to young people with disabilities; → the internally displaced person (IDP)/refugee registration and profiling systems/staff and how they address the rights and needs of girls and young women, GBV survivors and other at-risk groups. → Analyse data to understand: → whether specific GBV services are sufficiently available and accessible to adolescents (especially girls and young women) and to young people with disabilities; → how sexual violence has affected adolescent boys and young men; → whether or not the IDP/refugee registration and profiling systems or staff respect the rights and needs of girls and young women, GBV survivors and other at-risk groups. → Respect confidentiality and safety of young people when sharing GBV-related concerns.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify their GBV needs and priorities and to inform responses.
Strategic planning 2	→ Identify if there is a coordination mechanism on GBV in place within Protection, and establish whether adolescent girls and young women are participating. → Allocate a GBV focal point for adolescents and youth. → Programme for the needs and priorities of young people within the GBV Area of Responsibility, and develop age- and gender-appropriate interventions for younger adolescents, older youth, boys and young men, disabled young people, those living in remote areas, and other vulnerable groups. → Plan to address physical safety needs in and around sites as this relates to risks of GBV. Consider the Sphere standards; lighting; need for women-, youth- and child-friendly spaces; when, where, how and by whom security patrols are conducted; safety of water, distribution sites for food and other goods; accessibility for persons with disabilities, etc. → Plan for GBV prevention and response programmes to take into account service provision for all young people, prioritizing at-risk groups.	→ Ensure young people – particularly adolescent girls and young women – are included in the design, implementation and monitoring of GBV programming. → Engage young women in community-based interventions to identify Protection needs, map available services, take part in patrols, provide basic psychosocial support and strengthen referral pathways.

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Develop information and key messages on adolescents and youth, such as from assessment reports, to influence GBV funding priorities. → Report on gaps in funding for adolescents and youth in GBV to donors and other humanitarian stakeholders.	→ Work with young people to develop advocacy messages on GBV for funding.
Implementation and monitoring 4	→ Continuously ensure awareness is raised with colleagues and young people that identification of GBV survivors is never recommended and that consultations should not be designed in a way that specifically targets or isolates them. → Ensure safe access to GBV services, including functioning referral pathways for young people, especially adolescent girls and young women, and young people with disabilities. → Apply a 'gender lens' to all programming for young people, encouraging them to think about the positive effects of balancing power in relationships between men and women, boys and girls. → Train staff and stakeholders working with young people in basic awareness on issues related to gender, GBV, women's rights, social exclusion and sexuality, and ensure they know how to handle GBV case reporting.	→ Ensure that male engagement programmes are not unduly prioritized over GBV prevention and response programmes for females. → Build the capacity of older youths to register, manage and refer relevant cases, in community volunteer roles.
Operational peer review and evaluation 5	→ Review projects in the GBV response plan to assess to what extent young people were effectively reached through humanitarian programming. → Document and share good practices on addressing the needs of young people in GBV.	→ Engage young people in GBV policy review without causing them harm and maintaining their confidentiality.

CASE STUDY 43

Youth-led prevention of GBV in the Democratic Republic of the Congo: SAFEKA

In the town of Kalemie, in Tanganyika District, the local youth group, Sauve la Femme et la Jeune Fille de Katanga (SAFEKA), identified GBV in school settings as one of their main protection challenges. With a grant from UNHCR's Youth Initiative Fund, they established school-based 'Peace and Non-Violence Clubs' with 500 internally displaced and host community young people. The clubs supported adolescents and youth to learn about GBV and build a network to support prevention and response activities. The project used peer-education techniques to teach leadership, peacebuilding, action research methods and ways of supporting survivors. Using participatory theatre, local radio, and exchange visits with other schools, the clubs reached an estimated 30,000 people with their messaging. School heads, local government, teachers and parents reported positive changes in young people, including improved conflict management skills. Club leaders reported greater knowledge of GBV and its impacts, and a greater sense of responsibility to prevent GBV and adopt non-violent behaviour.

Source

Adapted from UNHCR (2018).[190]

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"I could not believe that going to school with my two children could be a reality. My dream is to learn sewing and when I finish I will get money and be able to take care of my twins. When I was pregnant, I was rejected by my family as the father was already married. Now, I am convinced that my future life will positively change one day." Alima Bora's story in her own words, 20 years old.

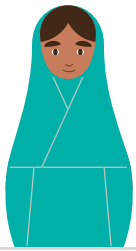
© NRC/Odette Asha/South Kivu, Democratic Republic of Congo

Housing, land and property
(Area of responsibility within protection)

The rights to adequate housing, as well as rights to land, property and natural resources, are a priority issue for crisis-affected young people. Eviction from housing is a major cause of youth homelessness, especially among displaced populations and in urban areas. When people are forced to leave their homes and seek new shelter, ongoing threats of eviction and insecure tenure can lead to further displacement and homelessness. This is compounded by many other factors; for example, legal restrictions on refugees' ability to work or the inability of IDPs to access livelihoods can undermine their tenure security, because they cannot pay rent. Lack of funds for rent also leads some young people into situations of exploitation and abuse. To address these issues, humanitarian actors need to understand the tenure arrangements where young people are living, and how they can be strengthened to avoid exploitation and eviction (see the **TIP SHEET ON SHELTER ▶**).

Young people (especially, but not only, young women) also face disproportionate barriers to accessing land, pasture and other natural resources that are important for their livelihoods, compounding the problems of joblessness and food insecurity. Access to these resources is often controlled by elder-led systems of governance that often exclude young people from meaningful decision-making and deny them their rights during disputes when they occur. In many countries, young men cannot get married without providing an adequate dowry of livestock, cash and/or agricultural goods; therefore being excluded from accessing land, pasture and other resources also means being denied the ability to marry. Lacking viable options, vulnerable young people are often forced into dangerous and elicit forms of resource extraction such as poaching, cattle rustling, charcoal burning, and artisanal mining – which increases their risk of criminalization, as well as recruitment into armed groups. This requires a range of sectoral interventions to support young people; for example, through Livelihoods interventions (see the **TIP SHEET ON LIVELIHOODS ▶**), assistance with negotiating rental agreements, negotiating for access to land, pasture and natural resources, and support to be included in decision-making bodies and dispute-resolution mechanisms, and support for civil documentation.

"These guidelines need to include the importance of housing for young people."



UNFPA consultations with Syrian refugee adolescents & youth in Ankara, Turkey

Tip sheet

Key actions for Housing, Land and Property (HLP) programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on the differing HLP and natural resource needs of young people, and analyse these data disaggregated by sex, age and disability. → Assess the factors causing young people's tenure insecurity, and its effects on those living in vulnerable situations (female-headed households, refugees, etc.), as well as how the legal system addresses their HLP rights.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify their needs and challenges related to HLP.
Strategic planning 2	→ Ensure that the HLP response plan addresses the needs of adolescents and youth identified during the needs assessment, and from any other relevant data on young people. → Ensure that the project activities and outcomes in the HLP response plan are directly linked to the specific needs of young people. → Engage young people in any ongoing process of alternative dispute resolution. → Facilitate coordination between young people and any committees, legal and technical advisors, and advocates that can assist in dispute resolution. → In contexts of return from displacement, guide young people on how to retake ownership of their property or receive restitution.	→ Facilitate the participation of adolescents and youth in strategic planning to enable them to identify opportunities and mitigate risks related to HLP.

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Gather information and disseminate key messages on adolescents and youth from assessment reports to influence HLP funding priorities. → Report on gaps in funding for young people and HLP to donors and other humanitarian stakeholders.	→ Engage young people in developing key advocacy messages for HLP funding. → Seek young people's views and feedback, especially on how their needs are being addressed in the HLP Area of Responsibility, when developing proposals, reports and messages for donors and partners.
Implementation and monitoring 4	→ Provide information on HLP rights to young people, with special attention to adolescent-headed households, married adolescents, and those living with an intimate partner. → Connect young people with any government schemes to grant land or offer affordable housing, ensuring protection and support for younger adolescents. → Involve young people in HLP education and campaigns, and provide them with information relevant to young people in their communities. → Develop and maintain a feedback mechanism for young people to provide their perspectives on the effectiveness and quality of HLP programmes. → Address barriers or biases in HLP programming that may compromise the safety of adolescent girls and young women, and other at-risk groups.	→ Involve a diverse cross-section of young people in decisions made regarding HLP. → Work with young people to disseminate information on HLP rights within families and communities.
Operational peer review and evaluation 5	→ Review projects within the HLP response plan to assess to what extent adolescents and youth were effectively reached through humanitarian programming. → Document and share good practices on addressing the needs of young people in HLP.	→ Facilitate the participation of young people in project reviews – ensure that vulnerable groups are able to voice their concerns during reviews and evaluations.

Mine action

(Area of responsibility within protection)

Mines, explosive remnants of war (ERW), small arms/light weapons (SALW) and improvised explosive devices (IEDs) pose a significant threat to the lives and well-being of young people in humanitarian and protracted crises. Adolescents and youth have distinct roles and responsibilities within a community, roles that differ by sex. Their exposure to and knowledge of possible safety threats differs from that of older adults and younger children. Meaningful roles for young people can be found within efforts around de-mining, mine risk education, victim assistance and advocacy.

Tip sheet

Key actions for Mine Action programming at each stage of the humanitarian programme cycle (HPC)

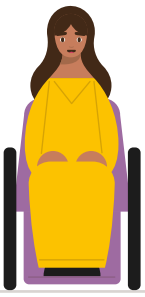
HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect data on the differing experiences of young people with regard to mines/explosive remnants of war (ERW)/small arms/light weapons (SALW)/ and improvised explosive devices (IEDs) before and after a humanitarian crisis; analyse these data disaggregated by sex, age and disability. → Undertake a participatory assessment with young people affected by the presence of mines/ERW/ SALW/IEDs. → Report on how young people are affected by the presence of mines/ERW/SALW/IEDs.	→ Hold consultations – grouped by age and sex of participants – in order to understand the needs, priorities and capabilities of young people related to mine safety.
Strategic planning 2	→ Ensure that the Mine Action response plan addresses risky behaviour and promotes positive action that young people adopt towards mines/ ERW/SALW/IEDs. → Assess which sectors could form partnerships in order to work with young people on mine risk education, victim assistance and advocacy.	

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Include information and key messages on young people's priorities and needs as established in prior needs assessment to influence Mine Action funding priorities. → Report on gaps in funding for young people and Mine Action to donors and other humanitarian stakeholders.	→ Engage young people in developing key advocacy messages for Mine Action funding.
Implementation and monitoring 4	→ Implement Mine Action programmes which address the needs of hard-to-reach young people, particularly those impacted by armed violence and the presence of mines/ERW/SALW/IEDs: young people in armed groups, out-of-school adolescents, displaced young people. → Involve young people in mine awareness education and campaigns, and provide them with information about mine risk relevant to young people in their communities. → Develop and maintain a feedback mechanism for young people affected by the presence of mines/ERW/SALW/IEDs to provide their perspective on the effectiveness and quality of mine awareness education and campaigns. → Address barriers or biases in programming that may compromise the safety of adolescent girls and young women, and other at-risk groups.	→ Promote safe participation and leadership of adolescent girls and young women, and other at-risk groups in Mine Action. → Be mindful of barriers that may prevent people of differing genders from having equal access in participation in Mine Action programmes as beneficiaries, volunteers, employees and decision makers.
Operational peer review and evaluation 5	→ Review projects within Mine Action and Education response plans to assess to what extent the needs of adolescents and youth were effectively addressed through mine education and action. Assess which young people were reached, and those who were not and why. → Document and share good practices on addressing the needs of young people in Mine Action and Education.	→ Facilitate meaningful participation of young people in project review. Ensure that vulnerable young people's voices are heard and understood.

Shelter

Empowering young people in Shelter-related assessments and responses is one of the key strategies for disaster preparedness. It helps to build goodwill among community members towards young people and may ensure that a project has deeper and more lasting impacts. Young people should understand the risks to their dwellings and communities, and they need opportunities to help improve overall living conditions and their security of tenure prior to, during and after emergencies. Failure to include young women, especially adolescent girls, in Shelter can do real harm. Overcrowding can exacerbate community tensions, domestic violence, sexual assault and child marriage.

Shelters that are poorly designed or sited on the perimeter of camps may increase the risk of sexual harassment and assault. Inadequate distribution of fuel, building materials, etc., may force young women to trade sex for these items. Insecure tenure – due to the absence of or unclear rental agreements – is especially a problem for young people, who may not be used to advocating for their rights nor have knowledge of what those rights are. Because of social norms for young people to defer to older parties, they may need support to exercise and claim their rights in the event of a dispute with a landowner (see **TIP SHEET ON HLP ▶**). Without shelter assistance and assistance to secure land tenure, young people can be subject to exploitation or reside in dangerous spaces.[191]



"Can you provide youth with opportunities to acquire the skills, and the basic tools, needed in order to be able to maintain their own shelter?"

NRC, UNICEF and UNFPA consultations with Syrian refugee and Jordananian young people in Jordan

Tip sheet

Key actions for Shelter programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Conduct an assessment on the differing Shelter needs of young people, and analyse the data disaggregated by sex, age and disability. → Recognize the assets of older youth (aged 18 and above) in the needs assessment by analysing how they were previously involved in Shelter responses.	→ Hold consultations – grouped by age and sex of participants – with a diverse cross-section of young people to identify needs and challenges related to Shelter.
Strategic planning 2	→ Ensure that the Shelter response plan addresses the needs and priorities of young people identified during the needs assessment, and from other relevant data on young people. → Directly link the project activities and outcomes in the Shelter response plan to ways to address the specific needs of young people.	→ Facilitate youth participation in strategic planning to enable them to identify and mitigate risks in the Shelter response plan.
Resource mobilization 3	→ Gather information and key messages on the needs of adolescents and youth in reports to influence Shelter funding priorities. → Report on gaps in funding for adolescent and youth Shelter programming to donors and other humanitarian agencies.	→ Work with young people to develop key advocacy messages for Shelter funding. → Seek young people's views and feedback, especially on how their needs are being addressed and how they are being engaged in Shelter programming, when developing proposals and reports for donors and partners.

HPC phases	What to do	Tips for young people's participation
Implementation and monitoring 4	→ Implement Shelter programmes that address the needs of young people, and that harness the skills and interests of older youths (aged 18 and above). → Inform young people of available Shelter opportunities and resources and involve them in Shelter education and campaigns. → Ensure that Shelter responses support adolescent girls' and young women's safety and privacy: provide private space to change clothes and manage menstruation; prevent overcrowding; ensure girls do not sleep in the same space as fathers, brothers or people outside the family; provide lighting and locks in toilets, and safe access and proximity to toilet sites. → Ensure appropriate toilet facilities for transgender young people. → Develop and maintain a feedback mechanism for young people to provide their perspectives on the effectiveness and quality of Shelter programmes. → Provide Livelihoods opportunities and skills training for young people within Shelter programming, such as construction, distribution, etc., as well as in related sectors, such as Livelihoods, Education and Protection.	→ Consult a diverse cross-section of young people on implementation of Shelter programmes, such as the location and construction of new shelters, and environmentally sustainable local shelter materials. → Involve young people in continual monitoring of whether and how access to shelter is causing tension in the community, and support dialogue among diverse groups to find solutions. → Mitigate barriers to participation faced by young people (e.g., childcare, income-generating activities, limited mobility) that could restrict engagement in consultations.
Operational peer review and evaluation 5	→ Review projects within the Shelter response plan to assess to what extent the needs of adolescents and youth were effectively addressed through humanitarian programming. → Document and share good practices on addressing the needs of young people in Shelter.	→ Facilitate the participation of young people in project reviews.

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Agostino Pacciani, Jan Marvin A. Goh/Costa Rica

CASE STUDY 44

Youth participatory shelter programming: PASSA Youth

Participatory Approach for Safe Shelter Awareness (PASSA) is a participatory method of disaster risk reduction (DRR) for shelter and settlements safety developed by the International Federation of Red Cross and Red Crescent Societies (IFRC) and Habitat for Humanity. PASSA Youth develops young people's capacity to reduce shelter-related risk by raising awareness and building skills in joint analysis, learning and decision-making at the community level. Trained volunteers guide a group of 15–30 youth leaders through participatory activities that raise awareness of safety issues related to shelter. Together they strategize to improve shelter safety, use social networks and multimedia resources for mapping, diagnosing and finding shelter solutions, and monitor progress.

Source
Díaz (2017).[192]

"Youth should develop life skills to help them make critical decisions that transform their lives."

Violet Mbiti Foundation and Kapletundo Community Organisation consultations with young people in Bomet County, Kenya

Emergency telecommunications

With young people's aptitude for information and communication technologies (ICTs) relative to other age groups, ICTs may be one of the best ways to engage young people in many areas of humanitarian response (Education, CCCM, etc.), including as staff (those of working age) and volunteers. They can also be supported to participate meaningfully in Emergency Telecommunications response itself, led by the Emergency Telecommunications cluster as first responders.

Globally, the proportion of youth (ages 15–24) using the Internet (71 per cent) is much higher than that of the total population (48 per cent).[193] Young people are early adopters of new technologies for economic and social reasons, and the main users of the Internet, text messaging, social media and online messaging. Still, young people face significant barriers in their access to ICTs, including poor connectivity, prohibitive costs of data and devices, digital illiteracy, and lack of infrastructure, particularly in low-income countries and emergency settings. The proportion of men using the Internet is higher than women in two thirds of countries worldwide.[194]

Connectivity can be lifesaving and has the potential to transform the way in which duty-bearers respond to the needs of displaced people, as well as the delivery of humanitarian services. It can promote self-reliance by broadening the opportunities for affected populations to improve their lives, including through access to legal and health information, search engines and news. Digital technologies can expose young people to greater opportunities for learning and education during humanitarian crises, especially in remote regions. However, humanitarian workers have a responsibility to do no harm with ICTs, maintaining data privacy in all communications with and about affected populations.

Humanitarian agencies should find out if any private or public assessments have been done previously on young people's mobile phone and Internet usage. They should also assess the ICT infrastructure available to young people.

Tip sheet

Key actions for Emergency Telecommunications programming at each stage of the humanitarian programme cycle (HPC)

HPC phases	What to do	Tips for young people's participation
Needs assessment and analysis 1	→ Collect information, data and assessments on the telecommunications needs of young people, and analyse them disaggregated by sex, age and disability. → Analyse data to understand: → barriers faced by young people in accessing telecommunications; → the proportion of young people with access to a handset. → Use focus group discussions to determine which communications platforms young people mostly use, and on which devices. Additionally, determine the ease of access to technology by different groups of young people, and establish which service providers are most popular and why. → Collect information on the IT infrastructure and what data coverage is available. → Collect data on the type of mobile phones used by young people.	→ Work with young people to map safe and unsafe areas through GPS (Global Positioning System) technology, and share this information with other clusters to inform programming. → Hold consultations – grouped by sex and age of participants – with young people to identify needs and challenges related to telecommunications.
Strategic planning 2	→ Ensure that the Emergency Telecommunications response plan addresses the needs of young people identified during the needs assessments, and from any other relevant data on young people. → Mitigate the risks of the ways in which new modes of communications may harm young people. Use the experiences and recommendations of young people to inform strategic planning after a humanitarian crisis. → Develop tech-enabled skills and vocational trainings in partnership with Livelihoods and Education actors.	→ Enable young people living in vulnerable conditions to influence Emergency Telecommunications response plans and participate in inter-agency working group meetings on digital communication technologies, and engage with other stakeholders including the private sector and with Protection and Education actors.

HPC phases	What to do	Tips for young people's participation
Resource mobilization 3	→ Advocate for young people's priorities and needs, as identified in prior needs assessments, to influence funding priorities for Emergency Telecommunications. → Ensure that donors and humanitarian stakeholders receive reports on gaps in funding for youth-focused Emergency Telecommunications programming.	→ Partner with young people on developing key advocacy messages for funding for Emergency Telecommunications.
Implementation and monitoring 4	→ Implement Emergency Telecommunications programming that addresses the needs of young people and allows male and female young people equal access to data and voice connectivity. → Train young people without access to technology in basic digital literacy. → Promote young people's access to electricity and connectivity by deploying and expanding community Internet access. Additionally, promote equal access for women and girls to the Internet. → Implement youth-appropriate programme feedback channels, such as online platforms, SMS or phone hotlines.	→ Enable young people to take leadership roles in telecommunications interventions, e.g., as peer-to-peer educators in digital skills development programmes.
Operational peer review and evaluation 5	→ Assess to what extent the needs of adolescents and youth were effectively addressed with Emergency Telecommunications response plans. → Document and disseminate good practice on addressing young people's access to Emergency Telecommunications and technology.	→ Engage young people in project reviews of Emergency Telecommunications.

Resources

↳ Key programming approaches for putting young people at the centre

Charter 4 Change: **Localisation of Humanitarian Aid**, https://charter4change.org

United Nations High Commissioner for Refugees (UNHCR), **Core Actions for Refugee Youth**, 2016, www.unhcr.org/en-us/protection/globalconsult/59f9843b7/core-actions-for-refugee-youth.html

UNICEF, **COVID-19 Response: Considerations for Children and Adults with Disabilities**, 2020, www.unicef.org/disabilities/files/COVID-19_response_considerations_for_people_with_disabilities_190320.pdf

↳ Camp Coordination and Camp Management (CCCM)

Inter-Agency Standing Committee, **Thematic Area Guide for Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery: Camp coordination and camp management**, IASC, 2015, https://gbvguidelines.org/wp/wp-content/uploads/2015/09/TAG-CCCM-08_26_2015.pdf

International Organization for Migration (IOM), Norwegian Refugee Council (NRC) and United Nations High Commissioner for Refugees (UNHCR), Chapter 11: Protection of persons with specific needs, in: **Camp Management Toolkit**, 2015, https://cccmcluster.org/resources/camp-management-toolkit

Population Council, **Building Girls' Protective Assets, Community Mapping Tool template**, 2016, p. 19, www.popcouncil.org/research/building-girls-protective-assets-a-collection-of-tools-for-program-design [available in English, French, Spanish]

Women in Displacement, **Baseline CCCM Assessment Tools and CCCM Participation Toolkit**, https://womenindisplacement.org/index.php/toolkit

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Annexes

Risk assessment tool to support safe participation

An ethical approach to participation ensures that young people do not face harm as a result of their participation. It requires awareness and consideration of the local and national sociocultural, religious and political context.

Any agency interacting with young people should undertake risk assessments, and regularly monitor, assess and mitigate risks associated with their participation.

A risk assessment tool and additional guidance to enhance safeguarding

Child safeguarding refers to proactive measures taken to limit direct and indirect collateral risks of harm to children, arising from the work of UNICEF, its personnel or associates. The risks may include those associated with physical violence (including corporal punishment); sexual violence, exploitation or abuse; emotional and verbal abuse; economic exploitation; failure to provide for physical or psychological safety; neglect of physical, emotional or psychological needs; harmful cultural practices; and privacy violations.

Meaningful adolescent participation requires systematic attention to child safeguarding, ensuring proper implementation of **UNICEF Policy on Conduct Promoting the Protection and Safeguarding of Children**, and adherence to **safeguarding procedures**, and for UNICEF staff and associates UNICEF Personnel Standards.[195] If adolescents are involved in research, evaluations or data collection, the UNICEF procedure for ethical standards in research, evaluation, data collection and analysis should also be applied.

Risk assessment and risk mitigation strategies should be undertaken in collaboration with adolescents and other concerned stakeholders, to ensure that adolescents do not face harm as a result of their participation. Risk assessment requires awareness and consideration of risks and opportunities for adolescents in the specific local and national sociocultural, religious and political context. It also requires consideration to gender and conflict-sensitive issues (***Stages of adolescent development and opportunities for participation***, found in UNICEF Engaged and Heard! Guidelines for Adolescent Participation and Civic Engagement) with attention to how power affects relationships and responses.

Risks may be present whether adolescent participation is digital or face-to-face. It is important and opportune to recognize that adolescents are frequently early adopters of new technologies and they can access rich information, and communicate and connect in innovative ways through digital technologies.[196] However, access to the Internet is accompanied by risks including: information overload; overuse of the Internet, which may restrict time spent in alternative constructive activities; online bullying and spread of discriminatory messages; exposure to child sexual abuse and exploitation; unsafe sharing of information negatively affecting individual privacy; and risks of punishment for expressing views online. See UNICEF Standards for child safeguarding in online and digital environments.

- → Undertake risk assessments, and regularly monitor, assess and mitigate risks in collaboration with adolescents.
- → Assess risks associated with participation, but also analyse the risks of not consulting and not listening to adolescents (e.g., increased risks of adults abusing adolescents *if* there are no channels for adolescents to share their concerns and complaints).

→ Within their own adolescent-led initiatives, adolescents should also be actively involved in risk assessments and strategies to reduce risks and to inform decisions about when and how participation may not be safe or appropriate; and should be supported to adjust their plans if proposed activities are not in line with their best interests.

A minimum process and set of questions for risk assessment and risk mitigation:

→ Consider the socio-political, geographic, sociocultural and religious contexts, as well as current reactions and responses by adolescents and families, especially in humanitarian settings.

→ Consider each scenario:

1. No participation or consultation with adolescents
2. Consultation with adolescents (through informal interviews, focus group discussions or use of participatory tools)
3. Collaborative participation whereby adolescents collaborate with adults and are able to influence planning, decision-making and/or implementation
4. Adolescent-led participation – activities that are initiated and/or led by adolescents

→ Complete the table below regarding potential benefits and risks/threats of supporting different modes of adolescent participation, and actions that have been or could be taken to reduce risks to make a decision.

TABLE 1.
Risk assessment tool for safe adolescent participation

MODE OF ADOLESCENT PARTICIPATION	KEY IDENTIFIED BENEFITS associated with no participation or different modes of participation	KEY IDENTIFIED RISKS/ THREATS associated with no participation or different modes of participation	LIKELIHOOD OF RISK (high, medium, low)	SEVERITY OF RISK (high, medium, low)	RISK MITIGATION what actions have been taken to reduce risks?	FURTHER ACTION NEEDED to ensure best interests and 'do no harm'
1. Adolescents are not involved						
2. Consultation	e.g., State-level consultation on child rights	e.g., 1) Adolescents will be transported from various locations with poor road safety record and conditions, which increases the likelihood of road accidents and potential injuries	Medium	High	1a) Vehicles pass all safety requirements and proper licensing 1b) Drivers required to strictly adhere to traffic laws and taking any additional passenger 1c) Drivers read and sign code of conduct	1a) Ensure trip is registered in office trip register along with the list of passengers 1b) Drivers must ensure adolescents always have a seat belt to secure them 1c) Give full trip itinerary to parents/ caregivers
		2) ...			**2a) ...**	**2a) ...**
		3) ...			**3a) ...**	**3a) ...**
3. Collaborative participation						
4. Adolescent-led participation						

Ensuring risk mitigation and response to potential and identified harm during participation processes:

- Ensure **organizational recruitment procedures** and practices encompass comprehensive background checks when recruiting staff and volunteers.
- Ensure all staff have **signed the code of conduct**.
- Provide staff and volunteers with training on **child safeguarding**.
- When **designing, implementing and monitoring** the programme/project, listen to adolescents' views and ensure the principles of 'do no harm' and 'best interests of the child'.
- Ensure **child safeguarding focal points** are allocated for programmes supporting adolescent participation and civic engagement, appointing individuals with skills and experience in sensitive responses to disclosures of abuse.
- Ensure that the **roles and responsibilities** of chaperones, facilitators and a child safeguarding focal point are clearly defined. For examples of clearly defined roles and responsibilities for chaperones and facilitators, see UNICEF (2010).[197]
- Ensure that **safe, confidential and ethical referral pathways for services are clear** for medical assistance, psychosocial support, alternative care, legal support, education support, etc., especially in circumstances where urgent medical assistance and/or alternative care is required. Immediate emergency (and security) care needs of a child/young person must be prioritized and addressed before any other steps.

For participation opportunities, ensure that adolescents have access to sufficient information and spaces to give their ***informed assent or consent*** (see **APPENDIX 6 ▸ *Glossary***; Santelli et al., 2017[198]); and that for adolescents under the age of 18 years informed consent is also gained from parents and guardians. For examples of informed consent forms and media consent forms, see UNICEF (2010).[199]

Ensure that adolescents are informed and aware of the child protection code of conduct, and that they know **how and to whom they can report any concerns**. Serious incidents, particularly those involving UNICEF personnel, should be reported to integrity1@unicef.org.

- If the adolescent participation opportunities include **events or field travel, apply regulations** to ensure preparations for safe participation, prior to, during and after the event. These regulations include attention to:
  - **Event and trip planning**: ensuring transparent and fair processes to select participants; information sharing with adolescents/parents/guardians; securing written records for informed consent/assent; risk assessments and risk mitigation planning; preparatory workshops with adolescents.
  - **Roles of chaperones, focal points and facilitators**: clarity about roles and responsibilities; and efforts to ensure the right people are selected for their role.
  - **Safe transportation logistics**: make sure adolescents have a safe way of travelling to and getting from locations where activities will take place. If using private cars or buses then get written consent of parents/guardians. Make any necessary arrangements for travel and medical insurance, travel documents and visas (where required).

- **Appropriate and safe accommodation arrangements**: following risk assessments and compliance with health and safety legislation; and sufficient rooms for the number of participants.
- Considerations for safe and **ethical media interactions,** including informed consent forms for media interaction (if relevant); and preparations and briefings with journalists.
- **Emergency protocols and procedures in place to respond** to medical emergencies, accidents or injuries, and preventative efforts including a record of pre-existing medical conditions/ allergies/dietary requirements. Staff to carry a first aid kit.
- Communication with parents or guardians, including provision of emergency contact details.
- Codes of conduct developed by children/ young people to ensure rules of what is and is not appropriate behaviour; and emergency contact card provided.
- Debrief with adolescents, parents and chaperones.
- Approach consultations on sensitive issues (e.g., sexual harassment) in a considerate and culturally appropriate way, ensuring that staff or volunteers have sufficient training and expertise to work with adolescents and to respond sensitively to their views and concerns.
- Carefully consider the ethical implications regarding reimbursements, incentives and rewards concerning adolescent volunteering or participation – see UNICEF (2019).[200]
- Safeguard adolescents' privacy through secure data storage. Ensure that data are password-protected.
- Teach digital literacy to keep **adolescents informed, engaged and safe online**.

Source

UNICEF (2020).[201]

2

Checklist: Meaningful participation of young people in programmes

To understand whether the participation of young people is meaningful in your context, these questions can help take stock and provide guidance in areas where youth participation is important and may need to improve. Depending on the type of programme or intervention you are working on, not all of the questions will be relevant. The answers to these questions should be gathered from reports from partners, monitoring data, needs assessment, coordination groups, etc., and therefore do not require any additional data collection.

- → Are young people involved in humanitarian response decision-making? If so, through what mechanisms and at what stage of the decision-making process?
- → Are young people involved as participants (volunteers, facilitators and/or staff) in activities? In the coordination structure?
- → Are you/the response engaging with existing adolescent and youth structures (youth organizations, ministry of youth, ministry of education, schools, Internet cafes, churches/mosques, etc.?). Have you spoken to national staff about the existence of adolescent and youth organizations and networks?
- → What about young people who are not affiliated with any such structures?
- → What about young people belonging to particularly vulnerable groups? (See **BOX 6 ▶** ***Vulnerable categories of crisis-affected young people***, in Section A of the main guidelines.)

Are young people and youth-led organizations equipped with skills to engage with humanitarian processes (including humanitarian principles)? See **CASE STUDY 2 ▶** in Section C: ***Meaningful participation***.

Use the questions to help you think about the different mechanisms that are already in place, or that are lacking, for young people to engage. This is a starting point for thinking about how to ensure meaningful participation of young people, tailored to your programme/response.

3

Checklist: Planning an assessment with young people

During the strategic planning phase, the second phase of the humanitarian programme cycle (HPC), ask yourself and your team the following questions. If you have not considered some of the points, think through what you need to do to plan an assessment with young people.

- ☑ Is it necessary and safe to conduct a youth-specific assessment at this time? Are there key questions that cannot be answered from existing information and processes?
- ☑ Is it safe and appropriate for the adolescent and youth groups to be partners in the design, conduct and analysis of the assessment? If it is considered appropriate, include adolescent/youth representatives and their adults supports (e.g., an NGO partner) in practical training on assessment methods/information gathering.
- ☑ Is a robust safeguarding system in place, as described in the section on ***'Safeguarding'*** (see **SECTION B ▶**)?
- ☑ Have secondary data (NGO reports, government statistics, adolescent- or youth-focused assessments, etc.) been reviewed to answer the specific questions of the assessment, including about the demographic profile of the area?
- ☑ How will the assessment reach the harder-to-reach and those living in vulnerable situations? (See **BOX 6 ▶** ***Vulnerable categories of crisis-affected young people***, in Section A of the main guidelines.)
- ☑ Are disabled persons' organizations involved in the design and undertaking of the assessment?
- ☑ How will young people be involved in the assessment and programme planning? Can they safely take the lead?
- ☑ Can female community leaders be engaged to mobilize adolescent girls and young women?
- ☑ Can female assessors be hired for consultations with at-risk adolescent girls and young women?
- ☑ Is a gender-based violence (GBV) specialist available to inform the assessment? If not, see *How To Support Survivors of Gender-Based Violence When a GBV Actor is Not Available in Your Area: Pocket guide*.[202]
- ☑ Have participants given their informed consent to participate? (See '***Information management***' in **SECTION D ▶**.)
- ☑ How will the information be analysed and disseminated to humanitarian actors and to young people?
- ☑ How will young people surveyed or interviewed know that their feedback is being used or acted upon?

Suggested questions when conducting an assessment

- ☑ How many young people (aged 10–24) make up the affected population, disaggregated by: sex; the minimum age disaggregation suggested by Task Force 5 of the Compact for Young People in Humanitarian Action (CYPHA):[203] 10–11; 12–14; 15–17; 18–19; 20–24 (if disaggregation by 1-year increments is not possible; see also **BOX 4 ▶**); in-school/out-of-school; in training/employment; married/unmarried/divorced/engaged; young people with disabilities; and any other relevant local diversity factors?
- ☑ What are young people already doing in terms of preparedness, response, etc., both formally as members of youth groups or NGOs, and informally in their communities? How did they respond to the latest emergency? What opportunities exist to engage/include these young people in the work/activities that the humanitarian clusters/working groups are doing, so that they are recognized as part of the response?
- ☑ What are the locally applicable definitions of child, adolescent and youth in this context (e.g., in laws and policies)? How does this compare with the CYPHA's suggestions for age disaggregation (see **BOX 4 ▶**)?
- ☑ Are different groups, including refugees, allowed to access: secondary school; primary school; technical and vocational education and training (TVET); higher education; life skills training;[204] and/or distance learning?
- ☑ What documentation issues might affect access to employment, education, travel, banking, etc.? (Birth certificate, national identity document, criminal record, work permit, diploma, etc.)
- ☑ What programmes and actors (government, NGOs, private firms, community-based organisations, cultural institutions) are already engaging young people in the affected areas? You can ask this question during coordination meetings.
- ☑ What are other programmes/actors doing to engage young people? Try to gain a sense of existing programmes, what works and what doesn't, and assess whether your programme can build onto existing structures or initiatives and/or use successful approaches but in a different area.
- ☑ Which categories of young people are most vulnerable? Who are the 'invisible' young people in the community?
- ☑ What are young people's priority concerns?
- ☑ To what extent are young people satisfied with the humanitarian response?
- ☑ Do young people know of any feedback mechanism in the community, and what is their opinion of it?
- ☑ What are young people's preferred communication channels?
- ☑ What kinds of information would young people like to receive from humanitarian actors?

4

Checklist: Information management process

At assessment, analysis and planning stages:

- ☑ Have young people (including those who are vulnerable or hard to reach) been consulted about and participated in:
  - ☑ determining the purpose of the programme, with reference to the theory of change?
  - ☑ decisions on age groups and categories of vulnerable people to target within the wider population of young people?
  - ☑ development of indicators?
  - ☑ development of the methodology for collecting, analysing, storing and disseminating information?

During implementation:

- ☑ Are young people included as staff or volunteers on the data collection team, coordination team, communications team?
- ☑ Does the programme use diverse ways of gathering information from young people (face to face, in the classroom, through technology, etc.)?
- ☑ Is the feedback mechanism adolescent- and youth-friendly? (See the subsection in **SECTION B ▶** on *'Safeguarding'*)
- ☑ Is the data collected analysed and used by humanitarian actors to adjust and improve programming? Are information products produced and disseminated? Is there a coordination forum where data on youth is systematically reviewed, triangulated and analysed?

During evaluation, post-programme:

- ☑ Is the feedback process adolescent/youth-friendly? Feedback mechanisms should take into account languages spoken and understood, literacy levels, and accessible channels for young people. They should get progress reports in formats accessible to them, and they should be made aware of the ways that their feedback is being used and acted upon.
- ☑ Are young people trained and supported to disseminate results?
- ☑ Has the programme followed the five Accountability to Affected Populations (AAP) commitments? (See **BOX 11 ▶** ***Accountability to affected young people***, in Section C).

5

Recommendations for supporting young women's leadership

- Work with established platforms (where they exist), such as women's groups and forums, to ensure access, voice, leadership and safe spaces for young women in these networks. Work with young women to define what their needs in these spaces are, and work with adults to ensure their buy-in and support.
- Run tailored risk analyses for young women during programme set-up so that the risks young women face are assessed and clearly understood from the outset, and programme design responds to these risks responsibly.
- During the design of activities with young people in humanitarian and protracted crises, be careful not to further entrench gender stereotypes and norms through programming (e.g., by assigning boys/men to do search and rescue and girls/women to run emergency childcare).
- Consult with young women on their basic needs, and engage them in the process of designing solutions. Ensure they have access to health and psychosocial support services.
- Build the capacity of staff, especially at the field level, to undertake gender analysis, in order to understand the barriers to women's participation in activities.
- Conduct outreach to parents and the wider community and engage them in women's leadership programmes (e.g., home visits, open days) to establish buy-in and reassurance on security.
- Support young women to take leadership roles in educating their peers and the wider community about negative coping mechanisms, including the risks of child marriage, trafficking and sexual assault during humanitarian and protracted crises (e.g., school assemblies, forming girls'/women's groups, using print and social media).
- Support young women to engage in protection activities, such as joining young women's task teams or committees, to monitor and support themselves and their peers' multi-layered protection needs. Ensure language on protection is defined by young women and framed around their well-being. Information on young women's protection should be shared in accessible ways, taking illiteracy rates into consideration.
- Ensure staff are trained on both child and adult safeguarding procedures, as young women often fall into both categories, and this will better enable more flexible and effective referral pathways to link them with relevant support services.
- Consider community sensitization and reintegration programmes for young women who have been isolated from the community due to discrimination against, for example, those with children out of wedlock, or those living with disabilities.
- Provide technical training for members of women's networks and organizations on areas such as fundraising and financial management, to support their longer-term sustainability. Support their efforts by advocating for this approach to donors and decision makers.
- Consider engaging role models in communications efforts to shift attitudes to be more supportive of young women volunteering and engaging in relief efforts and taking leadership roles.
- Ensure young women are still able to access services and information relevant to sexual and reproductive health and rights (SRHR) during humanitarian and protracted crises. Safe and confidential youth-friendly SRHR services that are adaptive to the specific needs of young women are also recommended, as young women often face stigma, or are unable to talk to those in positions of power about their needs. Share this information through a range of safe social channels, peer groups and mentorship support programmes to ensure those most marginalized can also be reached.

Source

ActionAid & Restless Development. Adapted from Hoban et al. (2019).[205]

6

Life skills

Life skills development must be part of education programmes for young people. Life skills are mentioned under many sector areas within these IASC guidelines. Known also as '21st century skills', 'soft skills', 'employability skills' and 'transferable skills', life skills are defined by both the Inter-agency Network for Education in Emergencies (INEE) and the World Health Organization (WHO) as:

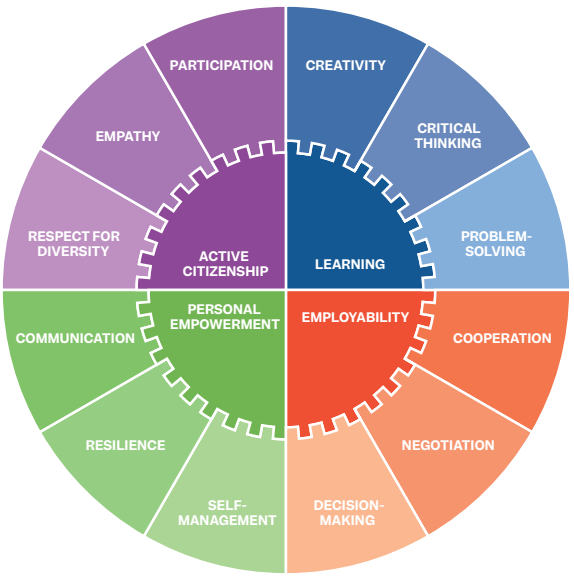
"...abilities for adaptive and positive behaviour that enable individuals to deal effectively with the demands and challenges of everyday life. In particular, life skills are a group of psychosocial competencies and interpersonal skills that help people make informed decisions, solve problems, think critically and creatively, communicate effectively, build healthy relationships, empathize with others, and cope with and manage their lives in a healthy and productive manner. Life skills may be directed toward personal actions or actions toward others, as well as toward actions to change the surrounding environment to make it conducive to health."[206]

Life skills are especially important in specific risk situations (displacement, living on the street, post-conflict, etc.) and where young people need to promote and protect their own rights.

Life skills that have been identified under multiple frameworks are considered 'core' skills. UNICEF's Life Skills and Citizenship Education (LSCE) framework developed for the Middle East and North Africa (MENA) Region contains 12 core skills framed around four clusters: Learning, Employability, Personal Development and Active Citizenship (see **FIGURE 8** ▶). Programmes do not have to cover all 12 core skills but should address the four clusters. These skills help young people manage emotions effectively and build healthy relationships. They complement and enable academic, technical and vocational skills development.

FIGURE 8.
The 12 core life skills

Source: Life Skills and Citizenship Education (LSCE) Initiative, UNICEF MENA Regional Office (2017).[207]



Resources

Life Skills and Citizenship Education Initiative, Middle East and North Africa, **Reimagining Life Skills and Citizenship Education in the Middle East and North Africa: A Four-Dimensional and Systems Approach to 21st Century Skills: Conceptual and Programmatic Framework**, UNICEF MENA Regional Office, 2017, www.education2030-arab-states.org/PDF/d816129f-5d08-40d1-9984-d587631e1b14_report1.pdf

Lippman, Laura H., et al., **Key "Soft Skills" That Foster Youth Workforce Success: Toward a consensus across fields**, Workforce Connections, Child Trends, Inc., 2015, www.usaid.gov/sites/default/files/documents/1865/KeySoftSkills.pdf

International Youth Foundation, **Passport to Success**, www.passporttosuccess.org

COVID-19: Working with and for young people: **Guidance summary**

Part 1: Young people, seriously affected by coronavirus disease (COVID-19), are part of the global response

A common understanding of the health and non-health impacts of the pandemic, along with the role young people are playing in driving solutions, is essential to the pandemic response.

Every young person is affected differently

This global crisis is exacerbating existing vulnerabilities and inequalities experienced by young people, all further amplified in humanitarian contexts where fragility, conflict and emergencies have undermined institutional capacity and limited access to services. Young migrants, young people who are internally displaced and refugees, young people living in poor, high-density urban areas, young people without a home, young people living with disabilities, girls and young women, lesbian, gay, bisexual, transgender, queer/questioning and intersex (LGBTQI) young people and those living with HIV will be particularly affected; young people separated from, unaccompanied by, or left behind by migrant working parents face higher risks of exploitation, violence and mental health issues, and already poor access to health services and protection.

Impacts on young people

Health impacts. As the pandemic spreads to low-income and lower-middle-income countries with proportionally high numbers of young people and significantly weaker health systems, direct and indirect health impacts on young people are likely to increase (e.g., diminished access to adolescent and youth sexual and reproductive health services). Young people may also see serious negative impacts on their mental and psychosocial well-being.

Safety and protection issues. During lockdown, and in a context of overall economic and social distress, adolescents and young people are at high risk of domestic violence and gender-based violence (GBV), as well as online harassment and cybercrime. Early marriage, teenage pregnancies and child labour are also likely to increase in the recovery phase.

Educational impacts. 1.5 billion young people, over 90 per cent of the world's students, in 188 countries are being kept away from school and universities because of social distancing measures. This large-scale interruption of learning, including non-formal and informal learning, may have severe consequences, especially for young people living with disabilities and for those with little to no access to technology, Internet, or telecommunication services.

Economic impacts. A global recession is a likely consequence of the COVID-19 pandemic, and young people's livelihoods will be disproportionately affected. Dependence on daily wages is forcing some to remain economically active, both exposing themselves to COVID-19 and risking spreading the virus to others. Young people who work in the informal sector fall through the cracks of stimulus packages and other public economic policies.

Impact on civic space and participation. Restrictions on movement will hamper the ability of young leaders and organizations to protest, mobilize, access funding and support their communities.

Young people mobilize to respond to COVID-19

Many young people have mobilized immediately to respond to the crisis as health workers, advocates, volunteers, scientists, social entrepreneurs and innovators.

Part 2: Key actions

These five key action areas, derived from the pillars of the Compact for Young People in Humanitarian Action (www.youthcompact.org) – services, participation, capacity, resources and data – are intended to guide practitioners in the development of an adolescent- and youth-focused and inclusive COVID-19 response. The following recommendations will be accompanied by concrete examples and resources.

Action 1: SERVICES

- Health. Ensure that COVID-19 response plans are sensitive to adolescent- and youth-specific healthcare needs, including sexual and reproductive health, mental health and psychosocial support.
- Water, sanitation and hygiene (WASH). Ensure that young people have access to a water supply for drinking and personal hygiene, sanitation services, handwashing facilities with soap, and menstrual health management (MHM) supplies to maintain their general health and well-being and prevent the spread of infection.
- Education. Support continued learning for young people, including for those over 18. Formal and non-formal education programming should reach migrants, refugees and displaced young people.
- Protection. Ensure the protection of young people in all COVID-19 prevention and mitigation measures, coordinate closely with adolescent sexual and reproductive health (ASRH) actors and ensure that practitioners are trained in youth-friendly communication techniques and basic response to GBV along with issues related to adolescent girls, such as child marriage.
- Livelihoods, cash and markets. Ensure that young people whose incomes may be affected by the COVID-19 crisis are supported. Ensure that young people and their families have financial access to goods and services.

Action 2: PARTICIPATION

- Maintain connections with young people and youth organizations in your networks.
- Encourage inclusive information-sharing that is accessible online and offline, and consider barriers to access that young people living with disabilities may face.
- Engage young people, including the most marginalized, in assessing the impact of COVID-19 on their communities.
- Actively engage young people in responses to COVID-19 as health workers, advocates, volunteers, scientists, social entrepreneurs and innovators.
- Engage young people in monitoring and evaluating COVID-19 responses.
- Tackle the spread of inaccurate information, debunk myths and confront stigma.

- → Support access to youth-friendly content and work with young people to develop content.
- → Apply the 'do no harm' approach and ensure safe and ethical participation of young people at all times.

Action 3: CAPACITY

- → Build the capacity of, and support, youth-led organizations to engage in COVID-19 response coordination with other humanitarian actors, access funding, and design and deliver programmes.
- → Build the capacity of governments, United Nations agencies and civil society organizations (CSOs) leading response and coordination efforts for the meaningful engagement of youth.

Action 4: RESOURCES

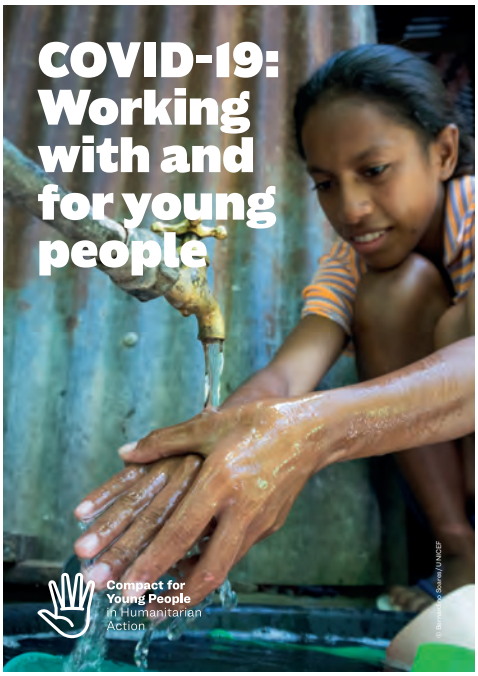
- → Fund youth-led organizations' COVID-19 mitigation initiatives, including adolescent-led organizations and young women's collectives, and ensure that funding streams are reliable, transparent, sustained and flexible.
- → Advocate for the inclusion of young people in coordination mechanisms where funding decisions are made.
- → Co-design programmes and proposals with adolescent and youth groups and, where possible, include a budget for their projects in agency budgets.

Action 5: DATA

- → Generate and share data disaggregated by age, sex and disability.
- → Support adolescent- and youth-led and community-driven monitoring and accountability of COVID-19 responses.

Source

Compact for Youth People in Humanitarian Action (2020).[208]



Endnotes

195 As established under section 12 of CSF: UNICEF Personnel 12. The Director of DHR shall establish general standards of personal conduct concerning child safeguarding, which standards are not specific to particular aspects of the work of UNICEF, and are to be followed at all times by UNICEF personnel (other than Goodwill ambassadors).

196 United Nations Children's Fund, *UNICEF Programme Guidance for the Second Decade: Programming with and for adolescents*, UNICEF, October 2018, https://reliefweb.int/report/world/unicef-programme-guidance-second-decade-programming-and-adolescents, accessed 16 October 2020.

197 United Nations Children's Fund, *Children as Advocates: Strengthening child and young people's participation in advocacy fora*, UNICEF, New York, June 2010, http://childhub.org/en/system/tdf/library/attachments/children-as-advocates-strengthening-participation-june-2010.pdf?file=1&type=node&id=21295, accessed 16 October 2020.

198 Santelli, John, Sonia Haerizadeh, and Terry McGovern, 'Inclusion with Protection: Obtaining informed consent when conducting research with adolescents', *Innocenti Research Brief*, UNICEF Office of Research-Innocenti, 2017, www.unicef-irc.org/publications/877-inclusion-with-protection-obtaining-informed-consent-when-conducting-research-with.html, accessed 16 October 2020.

199 UNICEF, *Children as Advocates*, 2010.

200 United Nations Children's Fund, *UNICEF Guidance Note: Adolescent participation in UNICEF monitoring and evaluation*, UNICEF, New York, 2019, pp. 36–37, www.unicef.org/evaldatabase/files/UNICEF_ADAP_GuidanceNote.pdf, accessed 16 October 2020.

201 United Nations Children's Fund, *Engaged and Heard! Guidelines on Adolescent Participation and Civic Engagement*, UNICEF, New York, 2020, www.unicef.org/documents/engaged-and-heard-guidelines-adolescent-participation-and-civic-engagement, accessed 16 October 2020.

202 Inter-Agency Standing Committee, *How To Support Survivors of Gender-Based Violence When a GBV Actor is Not Available in Your Area: A step-by-step pocket guide for humanitarian practitioners*, IASC, 2018, https://gbvguidelines.org/wp/wp-content/uploads/2018/03/GBV_PocketGuide021718.pdf, accessed 15 January 2020.

203 Task Force 5, 'Data Collection and Age Disaggregation: for young people in humanitarian action' (brief), Compact for Young People in Humanitarian Action, no date, www.youthcompact.org/action-5-data, accessed 9 January 2020.

204 Can be defined as the skills, competencies, behaviours, attitudes and personal qualities that help young people navigate both life and work. See **ANNEX 6 ▶ *Life skills***.

205 Hoban, Annie et al., *Shifting Power to Young People: How young people can lead and drive solutions in humanitarian action*, ActionAid and Restless Development, 2019, https://actionaid.org/publications/2019/shifting-power-young-people-humanitarian-action, accessed 29 June 2020.

206 World Health Organization, 'Skills for Health: Skills-based health education including life skills – An important component of a Child-Friendly/Health-Promoting School', *WHO Information Series on School Health, Document No. 9*, WHO, Geneva, no date, www.who.int/school_youth_health/media/en/sch_skills4health_03.pdf, accessed 9 January 2020.

207 Life Skills and Citizenship Education Initiative, Middle East and North Africa, *Reimagining Life Skills and Citizenship Education in the Middle East and North Africa: A Four-Dimensional and Systems Approach to 21st Century Skills: Conceptual and Programmatic Framework*, UNICEF MENA Regional Office, Amman, 2017, www.education2030-arab-states.org/PDF/d816129f-5d08-40d1-9984-d587631e1b14_report1.pdf, accessed 3 April 2020.

208 Compact for Young People in Humanitarian Action, 'COVID-19: Working with and for young people: Guidance summary', May 2020, www.youthcompact.org/the-compact-response, accessed 22 June 2020.

Call for UN Member States, UN System entities, civil society, private sector, media, local authorities and youth-led organizations to align strategies, approaches and programmatic responses with the principles outlined in the Agenda for Humanity in view of reaching all young people and empowering young women, young men, girls and boys to be agents of positive transformation.

We, the participants of the World Humanitarian Summit High-Level Special Session on **Transforming Humanitarian Action with and for Young People**, have gathered in Istanbul, Turkey, to ensure that the priorities, needs and rights of young women and young men, girls and boys affected by disaster, conflict, forced displacement and other humanitarian crises, are addressed, and that they are informed, consulted, and meaningfully engaged throughout all stages of humanitarian action.

We recognize the humanitarian responsibility to enable and protect the rights, address the specific needs and build on the strengths of all young people. Ensuring young people have the skills, capacity and resources to prevent, prepare for, respond to and recover from humanitarian situations, will help reduce the costs of and need for international humanitarian support, improve humanitarian effectiveness and strengthen resilience of communities.

Drawing on the relevant international and regional instruments, the Doha Youth Declaration on Reshaping the Humanitarian Agenda, the Global Refugee Youth Consultations, the UN Security Council resolution 2250 on youth, peace and security, and the outcomes of other processes led by, involving and/or targeting young people, we call for a long-term commitment from stakeholders to the following actions:

Action 1: Promote and increase age- and gender-responsive and inclusive programmes that contribute to the protection, health and development of young women, young men, girls and boys within humanitarian settings;

Action 2: Support systematic inclusion of engagement and partnership with youth, in all phases of humanitarian action through sharing of information and involvement in decision-making processes at all levels, including budget allocations

Action 3: Recognize and strengthen young people's capacities and capabilities to be effective humanitarian actors in prevention, preparedness, response and recovery, and empower and support local youth-led initiatives and organizations in humanitarian response, such as those targeting affected youth, including young refugees and internally displaced persons living in informal urban settlements and slums;

Action 4: Increase resources intended to address the needs and priorities of adolescents and youth affected by humanitarian crises, including disasters, conflict and displacement, and identify ways to more accurately track and report on the resources allocated to young people in humanitarian contexts;

Action 5: Ensure the generation and use of age- and sex- disaggregated data pertaining to adolescents and youth in humanitarian settings

We the undersigned agree to collectively review at regular intervals and be accountable for the progress of the implementation of this compact. By agreeing to this compact, we are accountable for and commit to transforming humanitarian action for and with young people, guided by the Agenda for Humanity, to prevent and end conflict, safeguard human rights and rule of law, leave no one behind, and invest in young people for now and for the future.

Members of the Compact for Young People in Humanitarian Action

Compact for Young People in Humanitarian Action

IASC Inter-Agency Standing Committee

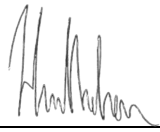
unicef

NRC NORWEGIAN REFUGEE COUNCIL

United Nations Children's Fund
3 United Nations Plaza
10017 New York
United States

Norwegian Refugee Council
Prinsensgate 2
0152 Oslo
Norway

This is Exhibit "39" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Maastricht Principles on The Human Rights of Future Generations

ADOPTED ON 3 February 2023[1]

Introduction

The rights of future generations have long been neglected in the analysis and application of human rights. Yet, human rights law does not limit itself to present generations. The foundations for international law to address the rights of future generations are established in international instruments in an array of subject areas spanning nearly a century; constitutions and legislative acts adopted by the majority of the World's States; in the laws, traditions, and cosmologies of Indigenous Peoples from every continent; and in the doctrine of major faith traditions representing the majority of the world's people.

The Maastricht Principles on the Human Rights of Future Generations seek to clarify the present state of international law as it applies to the human rights of future generations. The Principles consolidate the developing legal framework and affirm binding obligations of States and other actors as prescribed under international and human rights law. They also provide a progressive interpretation and development of existing human rights standards in the context of the human rights of future generations. They further recognize that States may incur additional obligations as human rights law continues to evolve.

These Principles provide examples of how realizing rights of future generations requires attention to the distinct rights of particular groups and peoples, but does not do so comprehensively. It is important to read these principles together with other human rights standards setting out the implications of human rights for particular groups, including groups subject to historic and current systemic discrimination in its many forms.

The Principles represent the result of a process of close to six years of research, dialogue and collective brainstorming, with the engagement of a range of academic experts, national and regional current or former human rights mandate holders, civil society organizations, members of Indigenous Peoples, and social movements. They build on historic traditions and knowledge spanning millennia.

The Principles were adopted in Maastricht on 3 February 2023. Signatories include experts located in all regions of the world and include current and former members of international human rights treaty bodies, regional human rights bodies, and former and current Special Rapporteurs of the United Nations Human Rights Council. This initiative builds on expert legal opinions adopted in Maastricht, the Limburg Principles

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[1] Drafting Group Members: Sandy Liebenberg (Chair); Ashfaq Khalfan; Magdalena Sepúlveda Carmona; Miloon Kothari; Sharon Venne-Manyfingers; Margaretha Wewerinke-Singh and Carroll Muffett.

on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986); the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997); and the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011) and its accompanying commentary.

The full explanation of each Principle, and the sources supporting them will be set out in the Commentary to these Principles.

Preamble

I. The Universal Declaration of Human Rights, the International Covenant on Economic, Social, Cultural Rights, and the International Covenant on Civil and Political Rights all proclaim that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

II. Neither the Universal Declaration of Human Rights, nor any other human rights instrument contains a temporal limitation or limits rights to the present time. Human rights extend to all members of the human family, including both present and future generations.

III. Human generations exist within an unbroken continuum that is continually renewed and redefined as untold new members join the living human community. Any treatment of human generations and their respective rights must recognize and reflect this continuum.

IV. The human rights of future generations form an essential dimension of humankind's duty to uphold the inherent dignity, equality, and inalienable rights of all.

V. Decisions being taken by those currently living can affect the lives and rights of those born years, decades, or many centuries in the future. In recent decades, the need to recognize the intergenerational dimensions of present conduct have taken on increasing urgency. Humanity, the Earth on which we live, the natural systems of which we are but one part, and our political, social, cultural and economic systems, are in the midst of profound, rapid, and perilous change at humanity's own hands.

VI. Recognizing and ensuring the rights of future generations demands an evolution of decision-making processes to consider and ensure both justice and sustainability across an array of timescales including the present, near term and distant future.

VII. Children and youth are closest in time to generations still to come and thus occupy a unique position, and have an important role to play, within this transition to long-term, multigenerational thinking. Accordingly, their perspectives and participation in decision-making with respect to long-term and intergenerational risks must be accorded special weight.

VIII. Intergenerational justice has both individual and collective dimensions.

IX. Women and girls continue to bear the burden of many of societies' greatest challenges. Pervasive social norms and gender stereotypes continue to hold society back from attaining substantive gender equality. Women and girls face systemic discrimination in their enjoyment of all human rights, including a lack of meaningful participation in decision-making processes despite their influence and vital role in securing community and household resources. Gender inequality, if unaddressed, undermines the rights of both present and future generations.

X. Systematic racial, ethnic, religious and other forms of discrimination, exploitation and the inequitable distribution of wealth, resources and opportunities, between and within countries, undermine the rights of present generations and compound the threats to future generations. Accordingly, efforts to address and remedy intragenerational injustice are essential to achieving justice between generations. This requires the fulfilment by States of their extraterritorial obligations, including in the context of the regulation of transnational corporations.

XI. The worldviews and ways of life of many Indigenous Peoples reflect the continuum of the relationship between present and future generations and the intrinsic linkage between humankind and the land and ecosystems of which humanity is a part. These systems, and the continuum and interlinkages they safeguard, are endangered through the taking and degradation of Indigenous Peoples' lands, territories, and resources. Accordingly, the full recognition of the sovereignty and effective implementation of the rights and sovereignty of Indigenous Peoples is a shared obligation to both present and future generations of humanity.

XII. Peasants and traditional communities, including fishers, pastoralists, forest-dependent people, nomadic people and rural women play a key role in conserving biodiversity and ensuring adequate and sustainable food systems for both present and future generations. Safeguarding their rights and resources is critical for safeguarding and realizing the human rights of future generations.

XIII. Humanity is a part of the world, not apart from it. The rights of future generations must be interpreted and applied in light of humanity's dependence on and responsibility to Earth's natural systems, now and throughout our species' future.

XIV. The human rights of future generations must be understood, interpreted, and integrated within the evolving legal context recognizing humanity's relationships with the natural world, and the best available science. This context includes the right to a clean, healthy and sustainable environment, the growing recognition of the rights of Nature, and the knowledge systems of Indigenous Peoples, local and traditional communities.

XV. The cessation of unsustainable patterns of production, consumption and lifestyles is required to guarantee the full enjoyment of human rights, including economic, social, cultural and environmental rights, by all members of present and future

generations. Human development must be decoupled from the destruction of Nature and the overconsumption of natural resources to achieve the realization of the human rights of present and future generations and the integrity of nature and natural systems.

I. GENERAL PROVISIONS

1. Definition: Future Generations

For the purposes of these Principles, future generations are those generations that do not yet exist but will exist and who will inherit the Earth. Future generations include persons, groups and Peoples.

2. Legal Basis for the Human Rights of Future Generations

2.1. Future generations are legally entitled to human rights on the basis of amongst others:

a) International law in its various forms which recognizes human rights for all people, without limiting these rights to present generations;

b) International law in its various forms that explicitly or implicitly recognize obligations and responsibilities towards future generations, and seek to ensure intergenerational equity; and

c) General principles of law, as reflected in laws, norms, customs and values of States and peoples from all global regions and belief systems that recognize obligations and responsibilities towards future generations, or that are and will continue to be relevant to the protection of the human rights of all, without limiting them to present generations.

2.2. The above bases do not preclude other sources of law recognizing the rights of future generations that are consistent with these Principles.

3. Limitations and Derogations

States may only subject human rights, including the rights of present and future generations, to limitations and derogations expressly permitted under international law pertaining to those specific rights, and subject to the procedures and safeguards prescribed in the relevant international law.

4. Interpretation

a) Nothing in these Principles should be understood to affect any national or international standards that are more conducive to the realization of the rights of future generations.

b) Nothing in these Principles may be interpreted to imply that any State, group, or person has a right to engage in any activity or to perform any act aimed at

undermining any human rights recognized in these Principles, whether those of present or future generations.

c) Nothing in these Principles recognizes any rights of human embryos or fetuses to be born, nor does it recognize an obligation on any individual to give birth to another. These Principles may not be construed as accepting any interferences with the bodily autonomy of women, girls, and others who can become pregnant, including their actions and decisions around pregnancy or abortion and other sexual and reproductive health and rights.

d) These Principles must be interpreted and applied in a manner that is consistent with humanity's dependence on Nature and all living beings, and with the need to uphold the realization of the rights of Nature and all living beings.

5. Universality and Indivisibility of Human Rights

a) All human beings - in the past, present and future – are equal in dignity and entitled to the full and equal enjoyment of human rights.

b) All human rights are universal, indivisible, interdependent and interrelated. Future generations are entitled to all individual and collective human rights, including but not limited to, civil and political rights, economic, social and cultural rights, the right to a clean, healthy and sustainable environment; the right to development; the right to self-determination; and the right to peace.

6. Equality and Non-discrimination

a) Future generations have the right to equal enjoyment of all human rights. States must guarantee the rights of future generations as set out in these principles without discrimination of any kind. States and other duty bearers must refrain from any conduct which can reasonably be expected to result in, or perpetuate, any form of discrimination against future generations.

b) States must eliminate all forms of direct and indirect discrimination, including intersectional discrimination, on grounds of race, color, ethnic origin, sex, gender, sexual orientation, gender identity, marital and family status, work, descent, disability, health status, place of residence, age, national or social origin, religion, culture or language, political or other opinion, property, birth, economic and social situation, or any other status recognized, or to be recognized under international human rights law.

c) States must protect present and future generations against all forms of discrimination by public and private actors and prevent the emergence of new forms of discrimination.

d) States must take special measures to eliminate and prevent all forms of discrimination against groups and peoples that have experienced historical and/or systemic forms of discrimination such as slavery, colonialism, racism, discriminatory gender norms and practices and patriarchy. Such measures must include eliminating and preventing the intergenerational transmission of

inequality, poverty and oppression. States must also redress the continuing impacts of past injustices in order to ensure that present and future generations are not subject to similar abuses. Special measures must be continued until the full and equal enjoyment of human rights by all is achieved in law and in practice.

e) Future generations must be free from intergenerational discrimination. This discrimination includes but is not limited to:

i. The waste, destruction, or unsustainable use of resources essential to human life;

ii. Shifting the burden of responding to present crises to future generations; and

iii. According less value to future lives and rights than the lives and rights of present generations, including discounting the impacts and burdens of present conduct on the lives and rights of future generations.

7. Intragenerational and Intergenerational Human Rights Obligations

a) States must address and remedy intragenerational human rights violations – that is violations affecting members of present generations - in order to both realize the human rights of present generations and to avoid transmitting these violations to future generations.

b) States must respect and ensure the full enjoyment of children's human rights in the present as well as ensuring that their human rights in the future are not jeopardized, and refrain from conduct that would undermine their human rights as adult persons.

c) To meet their obligations to future generations, States must necessarily impose reasonable restrictions on activities that undermine the rights of future generations, including the unsustainable use of natural resources and the destruction of Nature. Such restrictions must not impair or nullify the enjoyment of human rights of present generations; must rectify the vastly disproportionate levels of control over and use of resources by some members of the present generation; and not impose disproportionate burdens on disadvantaged groups.

8. Intergenerational Duties and Trusteeship

a) Humanity is of the Earth, wholly dependent upon it, and interdependent with it. Every generation lives on the Earth and has an interlinked relationship with Nature and its biodiverse ecosystems. During their time on Earth, each generation must act as trustees of the Earth for future generations. This trusteeship must be carried out in harmony with all living beings and Nature.

b) Each generation has the duty to protect and sustain the Earth's natural and cultural heritage for future generations.

c) The principle of trusteeship and intergenerational duties includes the decisions each generation makes about the near-Earth environment and the Moon.

9. Prevention and Precaution

a) Where there are reasonable grounds for concern that the impacts of State or non-State conduct, whether singly or in aggregate, may result in violations of the human rights of future generations, States have an obligation to prevent the harm, and must take all reasonable steps to avoid or minimize such harm.

b) Doing so demands a strong approach to precaution, particularly when conduct threatens irreparable harm to the Earth's ability to sustain human life or to the common biological and cultural heritage of humankind.

c) The burden of proof in all circumstances must lie with those who would undertake or persist in the conduct involved, not with those who might be harmed as a result. This burden grows proportionately greater as the scale, scope, and irremediability of threats to rights of future generations increases.

10. International Solidarity

a) All human beings, whether within present or future generations, are entitled to a social and international order in which rights and freedoms can be realized for all. Such an international order is only possible, now or in the future, if people, groups and States adopt the principle of international solidarity.

b) States have an individual and collective duty to recognize, respect and practice international solidarity in their relations with each other to ensure the rights of present and future generations, including the right to live in a clean, healthy and sustainable environment, and the rights of nature.

11. Learning from and Upholding the Rights of Indigenous Peoples

a) In implementing and upholding the rights of future generations, States and non-state actors should draw inspiration and guidance from Indigenous Peoples' knowledges, cultures and traditional practices which contribute to sustainable and equitable development and the proper management of the environment.

b) Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, and other resources, and to uphold their responsibilities to future generations in this regard. States must respect and take active measures to protect the sovereignty of Indigenous Peoples over the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired.

c) States must respect and protect the rights of Indigenous Peoples to maintain their institutions, traditional lifestyles, languages, cultures, knowledge systems,

and spiritual ontologies for the benefit of present and future generations of Indigenous Peoples and for future generations of humankind.

12. Peasants, Local and Traditional Communities

a) Peasants, local, and traditional communities, including small-scale fishers and fish workers, pastoralists, and forest-dependent communities, have a special relationship with the land, water, and natural processes on which they depend for their livelihoods. They play a vital role in conserving and restoring biodiversity, protecting cultural heritage, undertaking sustainable practices of agricultural production, and ensuring food security for present and future generations. States should draw inspiration and guidance from their knowledge, traditions, and practices.

b) States must safeguard the full and equal enjoyment of all human rights to peasants and traditional communities, including, individually and collectively, their right to land, traditional knowledge, and seed systems; to participate equitably in sharing the benefits arising from the utilization of plant genetic resources; and to participate in the making of decisions on matters relating to their rights. In doing so, States must ensure that this knowledge and these vital resources remain available to future generations.

II. STATE OBLIGATIONS

13. Obligations to Respect, Protect, and Fulfil the Human Rights of Future Generations

a) States have obligations to respect, protect, and fulfil the human rights of future generations.

b) These obligations extend to all conduct of States, whether through actions and omissions, and whether undertaken individually or collectively, including decisions made in their capacity as members of international or regional organizations. Such conduct includes, but is not limited to, the adoption or implementation of policies, practices, programs and legislation.

c) Failure to comply with these obligations constitutes a violation of the rights of future generations.

d) States must ensure an effective remedy for failure to respect, protect and fulfil these rights as set out in section IV (Accountability and Remedies).

14. Scope of Jurisdiction

Each State has obligations to respect, protect and fulfil the human rights of future generations in any of the following circumstances:

a) Situations over which it exercises authority or effective control, whether or not such control is exercised in accordance with international law;

b) Situations over which its conduct brings about foreseeable effects in the enjoyment of human rights for present or future generations;

c) Situations in which the State, acting separately or jointly, whether through its executive, legislative or judicial branches, is in a position to exercise decisive influence, or to take measures to realize the human rights of future generations in accordance with international law.

15. Limits to the Entitlement to Exercise Jurisdiction

The State's obligation to respect, protect and fulfil the human rights of future generations does not authorize a State to act in violation of the United Nations Charter and general international law.

16. Obligation to Respect the Human Rights of Future Generations

States must refrain from conduct they foresee, or ought reasonably to foresee, will create or contribute to, a substantial risk of violations of the human rights of future generations.

17. Violations of the Obligation to Respect

Violations of obligations to respect the human rights of future generations include, but are not limited to:

a) Depriving future generations of sustainable and equitable enjoyment of natural resources, Nature or ecosystems necessary for the enjoyment of their rights to life, health, and an adequate standard of living for themselves and their families, including the rights to food, water, housing and sanitation;

b) Unsustainably using and depleting natural resources;

c) Polluting or degrading ecosystems;

d) Contributing to a decline in biodiversity or to anthropogenic climate change;

e) Creating human rights risks resulting from the development and/or deployment of technologies for reducing greenhouse gas emissions or removal of carbon from the atmosphere;

f) Engaging in conduct that results in discriminatory access to natural resources and benefits enjoyed by future generations as compared to present generations;

g) Impairing the ability of future generations to prevent and respond to climate change and other forms of environmental harm;

h) Censoring, withholding, intentionally misrepresenting, or criminalizing the provision of information related to the climate crisis;

i) Entering or remaining in bilateral or multilateral agreements that undermine the enjoyment of human rights by future generations;

j) Interfering with the voluntary perpetuation of a community or peoples' cultural legacy to future generations;

k) Taking measures that are foreseeably likely to result in displacement of future generations from their land, territories and/or housing, or that deprive them of enjoyment of Nature, ecosystems or natural resources;

l) Developing or using surveillance or data gathering technologies or other means of social control that would infringe the human rights of future generations;

m) Developing or using artificial intelligence systems that threaten the full enjoyment of human rights of future generations;

n) Developing or using weapons of mass destruction, including, but not limited to, inhumane conventional weapons, nuclear and biological weapons;

o) Producing or facilitating the production of any waste material or hazardous substances of a kind, or at a scale, that cannot be soundly managed, and safely and completely disposed of by the generation that produced it;

p) Developing or using reproductive technologies that threaten or violate future generations' human rights, including but not limited to, the rights to privacy, health, safety, bodily integrity, and equality;

q) Unjustifiably reducing expenditure on programs and institutions required to realize human rights, thus putting future generations at risk of diminished enjoyment of their rights.

18. Obligation to Protect the Human Rights of Future Generations

a) States must take all necessary measures to protect the human rights of future generations against substantial risks posed by the conduct of public and private actors, including business enterprises.

b) States have a continuing obligation to reasonably foresee and prevent the creation of circumstances likely to result in the violations of the human rights of future generations.

c) Necessary measures include, but are not limited to:

i. Adopting and implementing appropriate legislative and administrative measures as well as establishing procedures, institutions and mechanisms so as to identify and effectively prevent national and international threats to the human rights of future generations;

ii. Establishing special mechanisms, processes or institutions to monitor and report on the extent to which public bodies are setting and meeting their human rights obligations towards future generations;

iii. Ensuring effective and accessible judicial and other remedies for violations of the human rights of future generations in accordance with Part V.

19. Violations of the Obligation to Protect

Violations of obligations to protect the human rights of future generations by States include, but are not limited to:

a) The failure to adequately monitor and regulate the conduct of public or non-State actors where it is reasonably foreseeable that such conduct will impair future generations' human rights, or failing to hold them accountable for such conduct;

b) The failure by States to phase out fossil fuels within the shortest possible time, with States with the greatest responsibility and capacity to move most expeditiously;

c) The failure to avert, minimize and address loss and damage associated with the adverse effects of climate change; including the failure of States with greater responsibility and capability to adequately contribute both financially and through all appropriate policies and measures;

d) The failure to take steps to protect future generations from biological risks and threats;

e) The failure to prevent the degradation or destruction of irreplaceable topsoils and freshwater vital to sustaining the lives and livelihoods of future generations;

f) The failure to effectively regulate, and where appropriate prohibit, scientific research and activities that pose a reasonably foreseeable and substantial risk to the human rights of future generations, including genetic engineering and geo-engineering;

g) The failure to adopt effective measures to protect State and international decision-making processes from undue corporate influence or corporate capture which nullifies or impairs the human rights of future generations;

h) The failure to prevent the monopolization of access to knowledge and abusive corporate control of data required for the realization of the human rights of future generations;

i) The failure to adopt legislation, programs, and policies to protect the right to work and rights in work in the context of technological innovations that pose a substantial and reasonably foreseeable risk to the full enjoyment of these rights by future generations;

j) The failure to protect Indigenous Peoples, peasants and traditional communities' rights and prevent the appropriation of their systems of knowledge by State and non-State actors;

k) The failure to investigate and provide appropriate remedies for human rights abuses by non-State actors, including prosecution where appropriate, and reparation.

20. Obligation to Fulfil Human Rights of Future Generations

a) States must take all necessary measures to fulfil the human rights of future generations, including by providing and mobilizing adequate financial resources and technical assistance.

b) States must create an enabling environment to prevent and remove the causes of asymmetries and inequalities between and within States, and the structural obstacles and factors that generate or perpetrate poverty and inequality for future generations.

c) Necessary measures include, but are not limited to:

i. Recognizing the human rights of future generations in appropriate normative instruments, such as national constitutions and legislation;

ii. Adopting framework legislation that allocates duties and responsibilities in relation to the fulfilment of the rights of future generations to different levels and branches of the State and dedicated agencies and commissions, and sets appropriate time-bound targets;

iii. Establishing a domestic mechanism that conducts a prior review or audit of the potential effects of legislation, bills and policies and other governmental decisions on the human rights of future generations;

iv. Imposing duties on State and non-State actors to carry out environmental and human rights impact assessments of decisions, explicitly including impacts on the rights of future generations;

v. Ensuring that the burdens of mitigating and remedying climate change and other forms of environmental destruction are not shifted to future generations;

vi. Ensuring that disadvantaged groups, developing States, in particular least developed States, small island developing States, and States in conflict and post-conflict situations do not bear disproportionate costs and burdens of mitigating and remedying environmental destruction;

vii. Designing and implementing educational and awareness programs on the human rights of future generations;

viii. Taking positive measures to facilitate knowledge and understanding of the human rights of future generations;

ix. Phasing out unsustainable consumption and production patterns and waste generation that jeopardizes the Earth's ability to sustain future generations. Wealthier States must proceed more expeditiously under the principle of common but differentiated responsibilities and respective capabilities;

x. Developing and implementing human rights-based governance and regulation of information and communication technologies that ensure, non-

discriminatory access to the internet, and public control of data infrastructure;

xi. Providing financial and other forms of support to representatives of future generations to participate in public deliberation, mobilize, and advocate for their human rights;

xii. Creating an enabling environment that fosters and promotes the capacity of individuals, community-based organizations, social movements, non-governmental organizations, and Indigenous Peoples to defend all the human rights of future generations, including the right to self-determination;

xiii. Removing barriers for women and girls to participate fully and equally in education and the economy, including in areas in which they are under-represented, such as science, technology, engineering and mathematics.

21. Violations of the Obligation to Fulfil

Violations of obligations to fulfil the human rights of future generations by States include, but are not limited to:

a) The failure to take positive measures to facilitate knowledge and understanding of the human rights of future generations;

b) The failure to adopt and implement legislation, policies and programs to eradicate the intergenerational transmission of poverty and disadvantage;

c) The failure to establish appropriate monitoring mechanisms to evaluate progress in the fulfilment of rights, including the rights of future generations;

d) The failure to ensure that the rights of future generations are fully integrated in national human rights strategies and plans of action;

e) The failure to ensure, at the very least, the satisfaction of essential levels of social, economic and cultural rights for present generations, and to take measures that enable future generations to ensure these levels for themselves;

f) The failure to take individual and collective measures to reduce inequality both within and between States;

g) The failure to mobilize and allocate adequate resources, including from international assistance and cooperation, to facilitate the full and equal enjoyment of human rights by future generations;

h) The failure to invest adequate resources to ensure a just and fair transition from the production and use of fossil fuels and other ecologically harmful activities;

i) The failure to take appropriate measures to prevent potential public health emergencies in the future;

j) The adoption of retrogressive measures that result in the unjustified reduction or diminishment in the enjoyment of human rights by future generations;

k) The failure to prioritize the realization of the rights of marginalized and disadvantaged groups in realizing the rights of future generations.

22. Participation and Representation

a) Future generations must be represented meaningfully and effectively in decision-making that may impact on their enjoyment of human rights.

b) States must create the enabling conditions for representation of future generations to participate in decision-making. This includes recognizing bodies established by Indigenous Peoples, peasants and traditional communities that have developed their own mechanisms to represent future generations.

c) States must recognize and respect that present children, adolescents and youth occupy a proximate position to future generations, and must protect their rights to be heard and other participatory rights, including when advocating for human rights on behalf of themselves and future generations.

d) States must create accessible and inclusive bodies and institutions at all levels to ensure that the representatives of future generations can effectively participate in decision-making that affects their human rights. Examples of such bodies and institutions include: Ombudspersons, guardians, trustees or commissioners; designated seats in parliaments, National Tribunals to protect Nature and/or National Human Rights Institutions. Special attention must be paid to ensure that these institutions and mechanisms are diverse and include meaningful and effective participation by groups that are disadvantaged or who have experienced systemic discrimination. The independence of such institutions must be guaranteed.

e) States must take adequate and effective measures to guarantee the rights of individuals or groups of individuals working to protect or promote the rights of future generations, including women, children and youth, Indigenous Peoples and environmental and human rights defenders. Such protection must ensure freedom from attacks, threats, intimidation, retaliation, stigmatization or criminalization.

23. Access to Information

a) States must make every effort to ensure easy, prompt, effective and practical access to comprehensible information about issues that may affect the human rights of future generations, including by proactively making this information available. They must also put in place procedures that provide representatives of future generations with the right to seek and receive such access to information, and ensure transparency about decisions reached.

b) Fees, where charged, should not constitute an unreasonable impediment to access to information, and an appeals system should be in place to challenge failures to provide information.

c) States must provide and disseminate information on matters that are important for the effective protection of the human rights of future generations, such as environmental and climate related information, information on inter-generational toxic, chemical and radiological hazards, technological developments and scientific research. They must respect, protect, and fulfil the freedom to seek, receive, publish and disseminate such information.

d) States must ensure disclosure of information necessary to fully and properly identify State and non-State actors that may be responsible for human rights impacts on future generations.

e) Information should be provided in languages used by affected peoples, groups and communities, in alternative formats, and through suitable channels of communication that are accessible to disadvantaged groups. Information must also be disseminated in an accessible manner for persons with disabilities, including through braille and other assistive technologies.

f) States must refrain from the dissemination of false and misleading information on issues that are important for the protection of the human rights of future generations including, but not limited, to climate change, the implications of technological developments, and scientific research. They must counter and, where appropriate, prevent dissemination of such misinformation by other actors. They should regulate and address conflicts of interest that undermine the right to information.

24. Extraterritorial Obligations

a) States have obligations towards future generations who will exist within their territory and outside their borders. These arise on the basis of:

i. obligations relating to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory; and

ii. obligations of a global character that are set out in the Charter of the United Nations and human rights instruments to take action, separately, and jointly through international cooperation, to realize human rights universally.

b) States must take all appropriate legal, political, economic and diplomatic measures to refrain from conduct that would create a reasonably foreseeable risk of impairing the enjoyment of human rights by future generations, including outside their territory. They must conduct regular assessments of the extraterritorial impacts of their laws, policies and practices.

c) States must prevent corporations and other non-state actors under their jurisdiction from engaging in conduct domestically or outside their borders that

would create a reasonably foreseeable risk of impairing the enjoyment of human rights by future generations, including outside their territory. States should provide effective judicial or other State-based mechanisms to hold corporations and other non-state actors legally accountable for such violations.

d) States must, individually and jointly, take deliberate, specific, and targeted measures in decisions and international agreements to create an international enabling environment conducive to protecting the rights of present and future generations. Such measures must include economic, social and environmental and climate-related measures. These measures must be taken in accordance with equity, and the common but differentiated responsibilities and respective capabilities of States.

e) States must ensure that international trade and investment agreements are applied and interpreted in a manner consistent with the human rights of future generations, and where necessary to realize these rights, terminate, amend or withdraw from existing agreements. Consistency between trade and investment agreements and human rights obligations require that the former be designed, implemented, applied and interpreted in a manner that does not undermine or restrict the State's capacity to fulfil their human rights obligations. They have the duty to notify, consult and negotiate with other States in situations where there is a substantial and foreseeable risk of violating the human rights of future generations.

f) States have an obligation to provide international assistance commensurate with their capacities, resources and influence, and to cooperate with each other, to ensure respect for, and the protection and fulfilment of, the human rights of future generations, as established in the Charter of the United Nations and in international human rights treaties.

g) States in a position to do so should individually and collectively take steps to prevent and resolve unsustainable State debt (including, as appropriate, through unconditional debt relief) owed by other States that will infringe the human rights of future generations.

h) States in a position to do so should provide international assistance, including financial, technological, and other forms of assistance, to contribute to the realization of human rights of present and future generations.

i) International assistance should not undermine national development strategies or polices and domestic accountability mechanisms and procedures and must observe international human rights standards, including the right to self-determination, the right to participate in decision-making, and the protection of the human rights of future generations.

j) States providing aid and those receiving it should be accountable to present and future generations for their actions and the results of their interventions. This requires that mechanisms are created for representatives of future

generations to participate in decision-making about international assistance, and to seek remedy and redress on behalf of future generations.

III. OBLIGATIONS, DUTIES AND RESPONSIBILITIES OF OTHER ACTORS

25. Duties and Responsibilities of Non-State Actors Including Business Enterprises

a) Non-State actors, including business enterprises, must at the very minimum, respect the human rights of future generations, and thus refrain from causing or contributing to adverse impacts on their human rights through their activities, products or services, and prevent harm, mitigate risk and remedy such impacts when they occur.

b) Businesses and other non-state actors whose actions may negatively affect the enjoyment of human rights by future generations must adopt a clear policy commitment to respect future generations' human rights. They must comply with their duty of care including along their value chains. They must undertake human rights due diligence processes to identify and assess any actual or potential impacts on human rights posed by their activities, products and services in all their business relationships. They must also disclose, prevent harm, mitigate risks and remedy the adverse effects of their actions on the human rights of future generations.

c) Non-state actors that breach these duties and responsibilities should be held accountable under international law.

26. Obligations of Intergovernmental Organizations

a) States and international institutions of which they are members must create an enabling global environment with the aim of achieving the full realization of human rights of future generations.

b) International financial institutions and other inter-governmental and supranational institutions are subjects of international law and have a duty to not impair the ability of their members to comply with their legal obligations. They must accordingly respect the human rights of future generations, and engage in conduct consistent with the realization of these rights. They must comply with all obligations imposed by the general rules of international law and ensure access to remedies for any violations of their obligations towards future generations.

c) International financial institutions and other inter-governmental and supranational institutions must ensure that their policies, practices, and economic reform measures will contribute to the realization of, and not undermine, the human rights obligations of States towards future generations. They must refrain from designing, adopting, financing, and implementing policies or measures that, directly or indirectly, impair the enjoyment of human rights by future generations.

d) Inter-governmental and supranational institutions, at the global and regional level, should support efforts by States to uphold the rights of future generations including through multilateral cooperation. Such support should include technical cooperation, financial assistance, institutional capacity development, knowledge sharing, exchange of experiences and transfer of technology.

e) International financial institutions and other inter-governmental and supranational institutions must adopt effective measures to protect decision-making processes and spaces from undue corporate influence or corporate capture which nullify or impair the human rights of future generations.

27. Responsibilities and Duties of Individuals and Communities

a) Every person has responsibilities and duties to themselves, their community and society, and to humanity as a whole, including duties to respect and promote the human rights of future generations.

b) Civil society organizations and non-governmental bodies have responsibilities to respect and promote the human rights of future generations.

c) National human rights institutions must have the competence to oversee decisions that may have an impact on future generations. They should incorporate the human rights of future generations in their plans and programs, and should put in place mechanisms to monitor and report on the activities, decisions or policies (and the implementation thereof) by States' authorities which affect the human rights of future generations.

d) The recognition of individual and community responsibilities in no way diminishes the obligations of States to respect, protect, and fulfil or the duties of non-state actors to respect the human rights of future generations.

IV. ACCOUNTABILITY AND REMEDIES

28. Incorporation and Implementation in Domestic Law

States must ensure that the human rights of future generations are effectively incorporated into their domestic law, or otherwise recognized in their domestic legal system.

29. Victims

For the purposes of the present section, victims of violations refer to future generations, including persons, groups, and Peoples, who face a substantial and reasonably foreseeable risk of suffering human rights violations, whether individually or collectively, through acts or omissions of present States and non-State actors. The designation of persons, groups and Peoples subject to such violations as victims in this context refers to their entitlement to hold accountable those responsible for violations of their rights, while affirming their dignity, autonomy and self-determination.

30. Effective Remedies

Everyone has the right to an effective remedy for conduct violating their human rights. To that end, States must:

a) Provide adequate judicial, quasi-judicial and administrative mechanisms for the supervision and enforcement of the human rights of future generations;

b) Investigate, adjudicate, and redress violations of future generations' human rights caused or contributed to by States or private actors;

c) Ensure that victims (and their representatives) have standing before courts and human rights bodies, and take all necessary measures to ensure that representatives are able to enforce the human rights of future generations through the judicial system;

d) Ensure access to justice, including by removing barriers to access and providing appropriate and adequate assistance to victims' representatives;

e) Disseminate, through public and private mechanisms, information about all available remedies for violations of the human rights of future generations;

f) Where the harm resulting from an alleged violation is expected to occur on the territory of a State other than the State where the harmful conduct took place, any State concerned must provide the victims with access to justice, whereas the obligation to provide reparations falls on the States responsible for the harmful conduct.

31. State Responsibility

A State is responsible for the breach of obligations to respect, protect and fulfil the rights of future generations from the moment that it fails to act in conformity with these obligations.

32. Prevention, Cessation, Non-repetition and Redress

States' obligations to respect, protect, and fulfil the rights of future generations include, among others, the obligations to:

a) Take appropriate legislative, administrative and other measures to prevent violations, including the regulation of activities by non-state actors under their jurisdiction;

b) Take effective measures aimed at the cessation and non-repetition of activities that risk harming the rights of future generations; including preliminary measures to prevent harm while remedial procedures are underway;

c) Provide effective guarantees of non-repetition of violations;

d) Provide adequate, effective, prompt and appropriate redress to victims, including reparation, as described below.

33. Full and Effective Reparation

Victims are entitled to full and effective reparation, as laid out in principles 34-36 below, which include the following forms: restitution, compensation, and satisfaction. Reparation for violations of the human rights of future generations should be proportionate to the gravity of the violations and the harm caused by the violation. States, in consultation and cooperation with representatives of victims, must establish national and international programs for reparation for violations of the human rights of future generations.

34. Restitution

Restitution should be aimed at restoring the ability of victims to enjoy their human rights to the greatest possible extent. It should be informed by the best available scientific evidence, as well as Indigenous Peoples' and traditional knowledge, by precaution, and the participation of victims' representatives. Restitution includes, as appropriate: restoration of degraded ecosystems and means of subsistence and development, return of land, territories, resources, and other property, and means to identify, restore, revitalize and transmit cultural heritage.

35. Compensation

Appropriate compensation must be provided for any damage that cannot be prevented or repaired, including when restitution is not possible. Compensation may be made in kind, or in the form of monetary compensation committed to victims.

36. Satisfaction

Satisfaction must include, where applicable, any or all of the following:

a) Verification of the facts and full and public disclosure of the truth regarding the causes and conditions pertaining to the violations, including the role and responsibility of non-state actors;

b) Mechanisms to provide victims and their representatives with information on the causes and conditions pertaining to the violations and to learn the truth in regard to these violations;

c) An official declaration or a judicial decision restoring the dignity, status and rights of the victims;

d) Public apology, including acknowledgement of the facts and acceptance of responsibility;

e) Judicial and administrative sanctions against persons liable for the violations;

f) Inclusion of an accurate account of the violations that occurred in national and international human rights law training and in educational material at all levels.

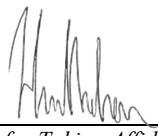
Endorsed by[2]

1. James Anaya - former UN Special Rapporteur on the Rights of Indigenous Peoples
2. Virgínia Brás Gomes - former Member and Chair of the UN Committee on Economic, Social and Cultural Rights
3. David R. Boyd - UN Special Rapporteur on Human Rights and the Environment
4. Agnes Callamard - former UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
5. Lilian Chenwi - University of the Witwatersrand
6. Danwood Chirwa - University of Cape Town
7. Fons Coomans - Maastricht University
8. Olivier de Frouville - member of the UN Committee on Enforced Disappearances
9. Olivier De Schutter - UN Special Rapporteur on Extreme Poverty and Human Rights
10. Surya Deva - former member of the UN Working Group on Business and Human Rights
11. Yvonne Donders - member of UN Human Rights Committee
12. Sébastien Duyck - Center for International Environmental Law (CIEL)
13. Isha Dyfan - Independent Expert on the situation of human rights in Somalia
14. Mahjoub El Haiba - member of UN Human Rights Committee
15. Dorothy Estrada-Tanck - chair of the UN Working Group on Discrimination against Women and Girls
16. Michael Fakhri - UN Special Rapporteur on the Right to Food
17. Cees Flinterman - former member of the UN Committee on the Elimination of Discrimination Against Women and the UN Human Rights Committee
18. Michel Forst - UN Special Rapporteur on Environmental Defenders under the Aarhus Convention
19. Soledad Garcia Muñoz - Inter-American Commission for Human Rights' Special Rapporteur on Economic, Social, Cultural, and Environmental Rights
20. Fernanda Hopenhaym Cabrera - member of the UN Working Group on Business and Human Rights
21. Paul Hunt - former UN Special Rapporteur on the Highest Attainable Standard of Health
22. David B. Hunter - American University Washington College of Law
23. Philip D. Jaffé - Vice Chair of the UN Committee on the Rights of the Child
24. Ashfaq Khalfan - Oxfam America
25. Miloon Kothari - former UN Special Rapporteur on the Right to Adequate Housing
26. Rolf Künnemann - FIAN International
27. Sandra Liebenberg - former member and Vice-Chair UN Committee on Economic, Social and Cultural Rights
28. June Lorenzo - International Indian Treaty Council (IITC)

[2] All endorsements are done in personal capacity.

29. Daniel Magraw - Johns Hopkins University School of Advanced International Studies (SAIS)
30. Rashida Manjoo - former UN Special Rapporteur on Violence Against Women and Girls
31. Sharon Manyfingers - Chief Negotiator, NWT Treaty 8 Tribal Corporation
32. Kinda Mohamadieh - Third World Network
33. Carroll Muffett - Center for International Environmental Law (CIEL)
34. Aoife Nolan - President of the Council of Europe European Committee of Social Rights
35. Manfred Nowak - former UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
36. Joy Ngozi Ezeilo - former UN Special Rapporteur on Trafficking in Persons, Especially Women and Children
37. Tony Oposa
38. Nicholas Oraga - University of Nairobi
39. Navi Pillay - UN High Commissioner for Human Rights (2008-2014)
40. Astrid Puentes - Independent consultant on international environmental law and human rights
41. Julieta Rossi - member of the UN Committee on Economic, Social and Cultural Rights
42. Fabian Salvioli - National University of La Plata
43. Heisoo Shin - former member of the UN Committee on Economic, Social and Cultural Rights and of the UN Committee on the Elimination of Discriminations against Women
44. Nico Schrijver - Leiden University
45. Magdalena Sepúlveda Carmona - former Special Rapporteur on Extreme Poverty and Human Rights
46. Ann Skelton - member of the UN Committee on the Rights of the Child
47. Sigrun Skogly - Lancaster University
48. Ana Maria Suarez-Franco - FIAN International
49. Velina Todorova - Vice-Chair of the UN Committee on the Rights of the Child
50. Vicky Tauli-Corpuz - former UN Special Rapporteur on the Rights of Indigenous Peoples
51. Baskut Tuncak - former UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
52. Melissa Upreti - member and former Chair of the UN Working Group on Discrimination against Women and Girls
53. Theo van Boven - Maastricht University
54. Attiya Waris - UN Independent Expert on Foreign Debt, Other International Financial Obligations, and Human Rights
55. Margaretha Wewerinke - Amsterdam Law School
56. Michael Windfuhr - Vice-Chair of the UN Committee on Economic, Social and Cultural Rights
57. Alicia Ely Yamin - Harvard Law School
58. Vicente Paolo Yu - Third World Network

This is Exhibit "40" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Part II: Measuring to Thrive performance framework

Introduction

As a new and improved performance framework, Measuring to Thrive[52] will offer perspective on the well-being of First Nations children, families, and communities (see Figure 32), in keeping with the legislatively defined principles of **substantive equality**, the **best interests of the child**, and a **culturally-informed approach**. The intent of Measuring to Thrive is to provide FNCFS agencies with a portrait of the people they serve and the context in which they operate to support enhanced decision-making and eventually, to better inform funding approaches (see Appendix J for the full framework).[53]

What you measure, you manage. This framework is a tool to promote better understanding of community in order to ensure an agency has the resources required to meet the needs of the people it serves. Measuring to Thrive is a vision to promote better results for children; it is not about measuring an agency's individual performance.

[52] Agency leadership and experts convened for a roundtable on February 21, 2020 in Ottawa at the Institute of Fiscal Studies and Democracy (IFSD), to refine a measurement framework based on the work of First Nations child and family services (FNCFS) agency leadership in 2018.

[53] The Children's Health and Well-being Measure (CHWM) is a 62 multiple choice question survey, with three open ended questions to help to assess the spiritual, emotional, physical and mental health of Indigenous children. Administered via tablet in five First Nations communities in Ontario, the survey results have helped to develop community portraits of children's wellness and the delivery of services and resources of children in need. Focused exclusively on children's health and wellness the CHWM was not designed to assess child, family and community holistic well-being.

KW'UMUT LELUM
BRITISH COLUMBIA

The dashboard agency: It's about outcomes, not about band-aids.

A focus on outcomes must be accompanied by clear lines of accountability, requisite human capital, IT and data resources.

Context
Kw'umut Lelum serves nine First Nations in British Columbia. With populations below 2,000 per community, close collaboration and engagement is facilitated. Working closely with band councils, Kw'umut Lelum works to address service gaps and not duplicate services in its communities.

The agency's appreciation for relevant data focused at the level of the child and their community, supports the development of needs-based programs built from the bottom-up. In the last two years, Kw'umut Lelum has undergone organizational shifts to build and integrate a new outcomes-focused data system. From budgets to programs, Kw'umut Lelum is building real-time portraits of its communities, their needs and what works for them.

Operating
Kw'umut Lelum had a substantive shift in its operations in 2018, with prevention funding that changed internal structures and practices. From the hiring of prevention workers for each First Nation served, to the development of a data team, the agency finally had the resources to orient its practice toward holistic well-being.

The way Kw'umut Lelum frames its challenges is rooted in a life-cycle perspective. When considering access to services, it is not only about counting which services are there an which are not, but also about barriers to access and the appropriateness of those services for communities. This nuance is an important one. Connecting context to inputs, outputs and outcomes, from the ground-up, facilitates a different way of delivering a mandate.

To build this perspective, Kw'umut Lelum began collecting quantitative and qualitative data in an integrated database. This approach helps the agency track the progress of an individual child and also understand how they, their family and community are faring together. Linking contextual information about

communities to the experiences of the individual paints a clearer portrait of the ways in which services, environment and resource allocation interact.

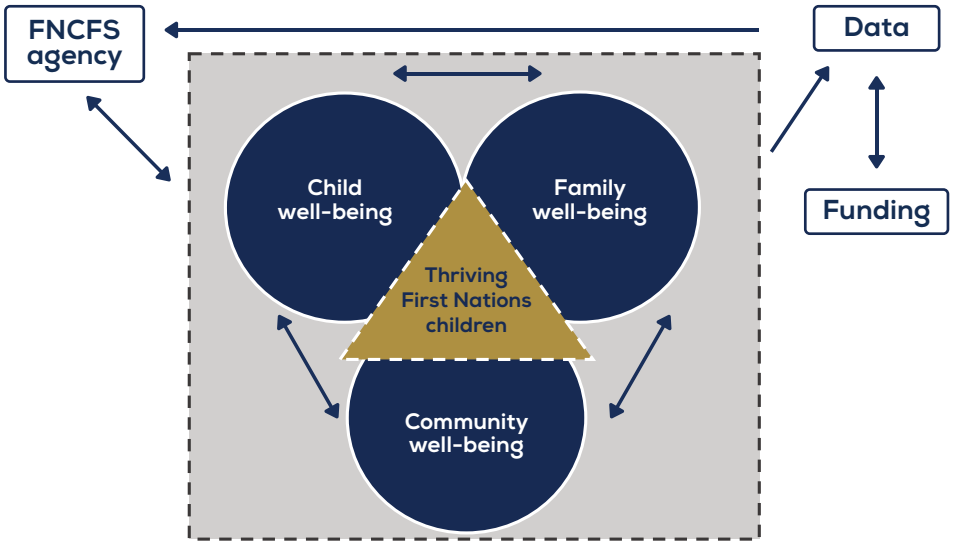
The evidence generated from the data is very useful for budget and resource planning. With an enriched perspective, budgets can be aligned to need, and verified through consultations and regular assessments with chiefs and communities. Budget allocations, especially on well-being and prevention matters are determined with input from the senior management team, the board of directors, and community consultations.

Kw'umut Lelum has three points of accountability in its organization: to their board of directors, to band management, and to the communities and their front-line staff. The system of accountability promotes cross-collaboration, connections to and knowledge of communities.

Lessons and Considerations

Change such as the type Kw'umut Lelum has introduced in the last two years does not come easily. Organizational change needs confidence building leadership and a cohesive senior team. Change may not suit everyone equally and some staff may choose to leave. Agencies should be prepared with a well communicated plan to deliver the change and be open to adjusting in-course to meet unexpected circumstances.

FIGURE 32: Measuring to Thrive framework's holistic conception of well-being.



WHAT WE HEARD

1. Context matters: The experiences and needs of individual agencies and their communities differ, e.g. urban, rural, remote, etc. ***The measurement framework must abstract to a common collective vision of well-being.***

2. Culture is key: Culture, language and land are crucial elements of belonging. Opportunities for children and families to connect with their community are important. ***The measurement framework must be read through the lens of individual cultural practices, traditions and languages.***

3. Safety is an element of well-being: Safety is not an independent goal of FNCFS, it is an important element of overall child well-being. ***Safety must be a measure within child well-being.***

4. Measuring what matters: FNCFS agencies recognize the value of collecting and using their own meaningful data for improved decision-making and funding approaches. ***Measuring what matters will take time and will require a period of testing and adjustment to refine the approach.***

5. Capacity requirements: Agencies require internal capacity and support to leverage data collection and analysis that reflects them. ***A third-party independent and trusted custodian of the data should be established to support this need, along with resources internal to agencies.***

The vision in Measuring to Thrive is expressed through three interrelated elements: the well-being of communities, families and children. Measuring to Thrive is meant to be read in the spirit of holistic well-being. As such, it is meant to be informed by the unique cultural practices, traditions and Indigenous languages integral to thriving First Nations and their communities (see Figure 33).

FIGURE 33: Measuring to Thrive framework overview.

FAMILIES
(6 indicators)

Performance area	Sample measures of indicators
Wellness and social engagement	▪ Families reporting livable income to meet needs ▪ Families demonstrating social engagement through participation in cultural traditions, teachings and ceremonies ▪ Incidents of family violence

CHILDREN
(42 indicators)

Performance area	Sample measures of indicators
Safety	▪ Incidences of child sexual abuse ▪ Number of moves in care ▪ Rates of family reunification
Cognitive development	▪ Children achieving basic numeracy and literacy targets
Social relationships	▪ Youth reporting ties to elders ▪ Youth reporting ties to siblings, extended family, friends
Emotional, cultural and spiritual well-being	▪ Children/youth reporting eating traditional foods ▪ Children/youth reporting pride in Indigenous identity
Physical health and well-being	▪ Children/youth reporting regular physical activity ▪ Percentage of teenage births

COMMUNITY
(27 indicators)

Performance area	Sample measures of indicators
Basic needs	▪ Households with drinking water flowing from tap for consumption, bathing and other uses ▪ Households with internet connectivity ▪ Community employment rate
Community services and engagement	▪ Community spaces for gatherings ▪ Community controls and runs health services
Wellness	▪ Rates of violent crime ▪ Rates of chronic health conditions
Education	▪ Community offers and controls elementary education ▪ High school graduation rates

The vision in Measuring to Thrive is meant to be universal. No matter where you reside, there can be agreement on the highest order elements that indicate thriving communities, families and children. While Measuring to Thrive is a common expression of well-being, individual agencies will deliver their mandates in the best interests of the communities they serve. This means that remote, rural, urban, large and small agencies may have differing needs and approaches to their practice, but may find unity in the pursuit of well-being for thriving children, families and communities.

Ideally, the Measuring to Thrive framework receives strong and broad-based support and is used in part or in full as a common tool for data development and tracking among federally funded FNCFS agencies. As proposed and agreed during the roundtable, it would be imperative for FNCFS agencies and for their communities to have any data collected through this framework transferred to a neutral, reliable and trusted third-party who would be a custodian of the data. This data would belong to FNCFS agencies and their communities. An institution such as the First Nations Information Governance Centre (FNIGC) could be leveraged or an agency similar in style to the University of Chicago's Chapin Hall, could be established in Canada to securely house, analyze and support FNCFS agencies in the collection and application of their data. Over time, as increased amounts of data are collected and analyzed, the data's predictive value would improve making it a helpful planning tool.

In the current state of FNCFS, there is a lack of alignment between social policy and financial resources. Social policy research and FNCFS agencies have repeatedly emphasized the importance of prevention-focused approaches to care that empower children, families and communities, rather than focusing on protection. Approaches taken by FNCFS agencies in pursuit of the well-being of their communities are numerous. There are, however, established gaps in their regular funding in areas such as prevention, capital and information technology. Poverty is a critical gap to address and was used euphemistically to capture the challenging contexts in which many FNCFS agencies operate. Such challenges include limited housing and housing in need of major repairs, access to potable water from the tap, access to broadband, etc.

FNCFS agencies do not operate in a vacuum but are influenced by the realities of the communities they serve. Ensuring that financial resources are aligned to the realities of their circumstances is necessary to support the well-being of communities. Achieving alignment between policy and resources requires people, processes and data to deliver operations and promote accountability.

As active organizations in a network of services in their communities, FNCFS agency activities are ideally focused on investing in people and collaborating to support the development of capable human beings. Inter-relationality is paramount, as individuals are wholly well with a sense of community.

In the Measuring to Thrive framework, **community** is a network of belonging and support; **family** is a collection of people who may have blood relations that support each other almost every day; **child** is a young person on a journey to adulthood.

CARRIER SEKANI FAMILY SERVICES BRITISH COLUMBIA

Empower your staff to deliver the best programming, informed by your own data, evidence and cultural approach, to build a trusted organization focused on well-being. Scale matters. Large and sophisticated agencies have the resources for such activities as research and communications that drive results and community connectedness. No matter an organization's size, its growth has to be paired with change management and resources in IT infrastructure, human resources, and capital assets.

Context

Carrier Sekani Family Services (CSFS), is a large prevention-focused organization serving eleven First Nations from three offices in and around Prince George, Vanderhoof, and Burns Lake, as well as Health Centres on-reserve in north central British Columbia. The agency's life cycle model (from cradle to grave), informed by its own research, extends across health and social programs and services. From intensive family preservation to telehealth initiatives, CSFS has empowered its staff to innovate, try, fail, and succeed, in support of the people and communities they serve.

Operations and Programs

Working cohesively as an organization, CSFS seeks to design its services to strengthen capacity in communities, and to support the development of happy and healthy children and families. There is no 'wrong door' in at CSFS. Staff are well connected and freely collaborate within the organization. An individual or family in need of support will find a wrap-around approach to services.

Strong leadership, research and policy are pillars of CSFS's integrated approach. Senior executives are credited with creating an environment that empowers staff, making them feel accountable for the organization and its outcomes. Managers run business lines in the organization, with latitude to solve problems and innovate to meet community needs. The organization has developed a Terms of Reference, unique to each First Nation, outlining its process for integrated care meetings.

CSFS's over 200 staff are regularly convened for meetings (typically, virtually), in which updates are shared and ideas discussed. Complex care clients/patients are reviewed at monthly integrated care meetings. The regular contact and awareness reinforce the integral role staff play in the operation. Staff retention is high.

CSFS's research program is a defining element of the agency. Current research in health, psychology, social services, etc. is paired with internal data and evidence to build policies and programs that support outcomes. Staff value the relationship they describe as 'symbiotic' with the research team, as they engage in 'true collaboration,' in their work. The research team maintains connection to community through a Research Advisory Board made up of knowledge holders from each member nation.

There are direct linkages between research and programming at CSFS. Programs such as, the Intensive Family Preservation Program are informed by research on traditional child rearing and traditional laws. The youth program, Walk Tall, was shaped by research and findings from the Youth Suicide Project. Following ten years of research, the Family Law Program was established to support families. Mediators associated to this program are trained through a specialized course, delivered in partnership with the University of Northern British Columbia for which university course credits are earned.

An in-house curriculum, "Our Way," was developed define a culturally informed approach to services, specific to the eleven First Nations CSFS serves. The approach has become very popular in the organization and even outside of it, with paid training.

The emphasis on data, evidence and evaluation is built-in to new initiatives and programs. Services are accredited with the highest recommendation possible in audits. For example, Youth Services, a relatively new department is building in community consultations and evaluations with participating members into their practice from the outset. This work encourages in-course corrections by adjusting practices to meet needs.

This theme of informed, accountable and empowered staff extends across the agency. There is a focus on care with social workers carrying an average of eight cases. This changes the dynamic of care, with social workers able to focus on people instead of paperwork. The agency's vision is core to staff retention; the organization doesn't just respond to crises; they work with families to build better futures. Staff feel valued, contribute ideas, engage in research, build programs and policies from the ground-up.

Outward Facing Connections

Serving eleven communities and a large staff, CSFS has built a Communications Team that runs social media accounts, a YouTube page and contests. The team helps to share stories and practices for well-being in the communities. They share information, promote events, and encourage awareness of CSFS.

The community engagement goes beyond a one-way transfer of information to focus on development. CSFS contracts the Nicola Valley Institute of Technology to run customized training programs. With training funded by CSFS, community members can pursue human resource training and social work training and work for the agency. CSFS's presence in communities is constant, and not exclusively associated to protection problems. By investing in communities, CSFS benefits from their engagement and trust.

Conscious that service offerings differ in community and in cities, CSFS is working to foster a similar continuum of services. Programming tends to be more extensive in communities, while many members are moving into urban centres. The continuity of service is important to CSFS, and they are extending their capacities to meet their community members wherever they reside. Infrastructure, such as CSFS's electronic medical record, provides real time access to the same information throughout the territory, helping staff to support patients wherever they are accessing services.

In the last two years, CSFS has expanded its programming offerings with funding from CHRT rulings. The growth while exciting, highlighted the importance of pairing change with requisite IT infrastructure, human resources, and capital assets. Responding to the concerns of managers who had lengthy hiring waits and a need for space, was critical to sustaining morale in changing circumstances.

Lessons and Considerations

Major growth can be exciting and challenging. When circumstances change, it is imperative that staff are supported and are actively engaged in change management. Technical, human and infrastructure resources should be commensurate to mandate and grow/change with priorities.

Research, data and evidence can be powerful tools to inform and enhance policies and programming. While not all agencies will have a research directorate, emulating program-level evaluation practices, data tracking and in-course adjustments can yield benefits by capturing and applying learnings in future decisions.

A cohesive and high-functioning organization is built on trust and the contributions of its members. CSFS has nurtured an environment that creates a supportive space for staff to innovate, with accountability for outcomes.

Applying the framework

On a quarterly basis, data on the indicators in the Measuring to Thrive framework would be collected. Data will come from various sources, including case files from the agency, as well as external publicly accessible data, e.g. Regional Health Survey, Statistics Canada, etc. Any data to complete the framework will not identify individuals. Measuring to Thrive is designed to collect information in aggregate to protect the privacy of individuals.

As the agency completes the framework, the data would be accessed by the third-party custodian (i.e. First Nations-led secretariat) responsible for scrubbing and analyzing the data. On a quarterly basis, researchers from the third-party will meet with agency leadership to discuss the analysis and potential applications on the ground.

Transitioning to a data collection and monitoring system that supports FNCFS agencies is not expected to be seamless. There will be a period of transition where testing and further refinement will be essential. It is expected that in order to get to the best possible version of Measuring to Thrive, revisions through use will be necessary. Testing the framework is the only way to ensure it reliably reflects the realities of FNCFS agencies and their communities.

FNCFS agencies have an opportunity to leverage the information (data); heart (stories); and resource needs (funding) of their communities to support them. There are four parts to the Measuring to Thrive framework:

1. Support improved decision-making by collecting relevant data aligned to a common vision;

2. Ensure data is good quality and connected to the realities and stories on the ground;

3. Ensure agencies have the capacity and support required to collect and analyze the data;

4. Inform resource allocation moving forward to promote a results-focused approach and allocative efficiency.

Taken together, the parts of the Measuring to Thrive framework can encourage a culture of accomplishment within FNCFS agencies wherein measurement is a tool to promote holistic well-being, supported through requisite resources.

Supporting software

FNCFS agencies will have their own case management systems to track their activities. Often, the data collected in these systems aligns to provincial requirements for child and family services and may not connect to overall holistic well-being of the child, family and community. IFSD has collaborated with software developers to build a complementary tool for FNCFS agencies to collect data and track their progress in alignment to the Measuring to Thrive framework (see the Measuring to Thrive software application details below).

There are other software providers, such as RedMane Technology,[54] that can offer agencies cloud-based solutions to data collection and integration with case management tools. A Chicago-based company, RedMane has offices in Vancouver and works with several FNCFS agencies across Canada. Its self-described expertise are in social service-oriented tools, including the mCase platform,[55] with capacity for systems integration, and off-the-shelf software implementation.

[54] See RedMane Technology's website, https://www.redmane.com/.

[55] See RedMane Technology's mCase platform, https://www.redmane.com/mcase/.

FNCFS agencies will have options and resources on how best to pursue their data collection and analysis in connection to the Measuring to Thrive framework.

Consistent, national data collection is possible. The United States and Australia—both federations with state-level governments involved in the provision of social policy—have national data collection practices on children in contact with the protection system, their experiences in care, and their transition out of care. Australia's data is principally an aggregation of child-level data, with additional sources. The United States has different databases, associated to the child's contact with the protection system. The Adoption and Foster Care Statistics (AFCARS) database collects information on care placement and adoptions. States are required to provide the information twice a year. Data for the National Child Abuse and Neglect Data System (NCANDS) database is voluntary for states, whereas information for the National Youth Transition database is collected through a mandated state-administered survey (see Table 5). The practice of regular, national data collection on child protection is possible, even in federal states. A national authority is often integral in defining the requirement or in orchestrating the aggregation.

TABLE 5: National data collection in child welfare in the United States and Australia.

Jurisdiction	Primary data sources	Data collected	Data custodian
United States	*Adoption and Foster Care Statistics (AFCARS)*: Collects information from Title IV-E agencies[56]	Case-level information on children in foster care[57]	United States Children's Bureau
	National Child Abuse and Neglect Data System (NCANDS): Data are submitted voluntarily by the states	Child welfare outcomes and characteristics of child maltreatment[58]	
	National Youth in Transition survey: States administer the survey to cohorts of youth at ages 17, 19 and 21[59]	Outcomes of youth currently in or recently aged out of foster care	
Australia	*Child Protection National Minimum Data Set/National Child Protection Data Collection*: Extracted from state and territory child protection administrative data sets[60]	Information on[61]: ▪ belonging and identity ▪ care planning ▪ connection to family, culture and community ▪ education ▪ health ▪ participation in decisions ▪ safety, stability and security of children and young people in care ▪ social and recreational needs ▪ training and support for careers ▪ transition from care	Australian Institute of Health and Welfare
	National survey of children in out-of-home care: Data are collected by the state/territory departments[62]		

[56] National Child Abuse and Neglect Data System, "Adoption and Foster Care Statistics (AFCARS)," accessed on July 27, 2020, https://cwoutcomes.acf.hhs.gov/cwodatasite/methodology.

[57] Children's Bureau An Office of the Administration for Children and Families, "Adoption & Foster Care Statistics," updated October 24, 2019, https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars.

[58] U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, "Child Maltreatment 2018," accessed on July 27, 2020, https://www.acf.hhs.gov/sites/default/files/cb/cm2018.pdf#page=10.

[59] National Youth in Transition Database, "Highlights from the NYTD Survey: Outcomes reported by young people at ages 17, 19, and 21 (Cohort 2)," Data Brief #7, (November 2019), https://www.acf.hhs.gov/sites/default/files/cb/nytd_data_brief_7.pdf.

[60] Australian Institute of Health and Welfare, "Child Protection Australia 2018–19," Child welfare series, no. 72, cat. No. CWS 74, (Canberra: AIHW, 2020), https://www.aihw.gov.au/getmedia/3a25c195-e30a-4f10-a052-adbfd56d6d45/aihw-cws-74.pdf.aspx?inline=true.

[61] Child Family Community Australia, "Children in Care: CFCA Resource Sheet," Australian Government, updated September 2018, https://aifs.gov.au/cfca/publications/children-care.

[62] Australian Institute of Health and Welfare, "National survey of children in out-of-home care 2018," Australian Government, updated March 1, 2020, https://www.aihw.gov.au/about-our-data/our-data-collections/national-survey-children-out-of-home-care-2015-1.

"MEASURING TO THRIVE" SOFTWARE APPLICATION

To deliver on results-focused outcomes for thriving children a web-based online system is being developed to capture outcome data from each CFS agency and to report the collected results. The current working name for this performance framework is "Measuring to Thrive". **It is important to note that all elements of the system are customizable, including branding. The IFSD logo was merely included as a placeholder in this mock-up.**

Technical Architecture

The solution is entirely "cloud-based" and designed and built to run on the Microsoft Azure cloud platform. All critical elements such as the application, web and database servers are located in Canadian data centres.

Database Technology

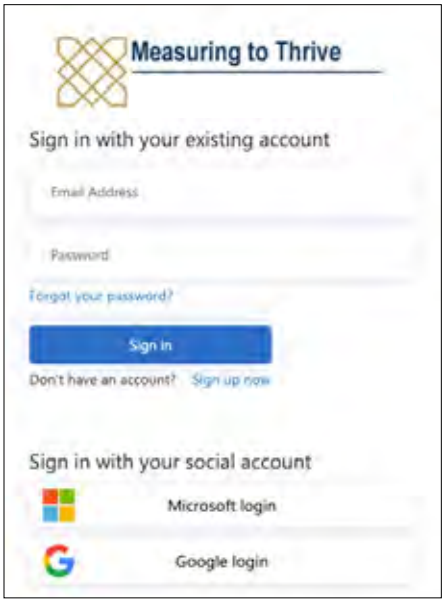
The system is built using the Microsoft Cosmos DB service (MS-SQL). The database can be easily configured to scale up and down to maximize cost efficiencies while still allowing for performance growth as demands require.

Application Server Technology

The application uses modern open-source technologies (Node.js) and is configured to only permit authenticated encrypted connections (HTTPS exclusively).

Application Analytics and Monitoring

The system leverages Azure's sophisticated Monitoring and Alerting features to provide administrators with relevant and timely information regarding the system's health and performance. All data gathered is automatically anonymized in a manner that preserves user privacy.



Identity & Access Management

The system permits an authorized user to login leveraging a Microsoft or Google ID or another email account of their choosing. The underlying technology uses Azure Active Directory B2C (AAD B2C)—a cloud-based identity and access management solution that can scale to hundreds of millions of identities.

Data Residency

All core application code as well as all sensitive application data and reported outcomes are stored exclusively on Canadian servers.

Data Model Overview

Agencies

There are 100+ First Nation Child and Family Services agencies in Canada. One record will exist for each agency and will contain descriptive information such as Agency Name, Address, etc. Each agency can have multiple user identities associated with it for secure login and data entry purposes. Agency records are setup and maintained by the system operator—not individual agencies.

Users

Each agency may have more than one individual who is permitted to login and view, enter or edit appropriate outcome data for an agency's communities. Each user will have a unique identity linked to an authoritative third-party provider such as a Microsoft or Google ID or a user selected email address linked to an Azure Active Directory B2C Local Account.

Bands

For the purposes of this performance reporting system each First Nation corresponds to a federally recognized Band—each of which has a unique Band Number. Each Band can be associated with one or more Reserves (Communities). Band records are setup and maintained by the system operator not individual agencies.

Reserves

For the purposes of this performance reporting system each community corresponds to a federally recognized Reserve—each of which has a unique Reserve Number. Each Reserve is associated with a Band. Each agency is responsible for one or more reserves (communities). Data entry (input) will occur at the reserve level of granularity. Reserve records are setup and maintained by the system operator not individual agencies.

Key Performance Indicators and Hierarchy

Indicators are grouped into a hierarchy illustrated below.

Component	Description
Strategic outcome	Broad but distinct societal areas of focus to achieve the strategic outcome.
Performance areas	The lenses through which progress on strategic outcomes can be understood.

As an example: The overarching goal is "*Enabling First Nations Children to Thrive*".

The overarching goal is made up of three Strategic Outcomes: Child and Youth Well-being, Family Well-being, and Community Well-being.

As a further example, the Child and Youth Well-being Strategic Outcome consists of five Performance Areas: Safety; Cognitive development; Social relationships; Emotional, cultural and spiritual well-being; Physical health and well-being

The Safety Performance Area breaks down to distinct Indicators:

- Number of serious injuries or deaths; Recurrence of child protection concerns after ongoing protection services; Child abuse (excluding sexual abuse); Child sexual abuse; Rate of family reunification; Timeliness of customary care; Percentage of children with kin and/or Indigenous families within their community; Quality of caregiver and youth relationship; Regular opportunities for relational connections to community; Out of home placement rate; Number of moves in care

KPI Definitions & Effective Dates

The system defines the Indicator name, data types, formula, description, etc. Since the Indicators in use will likely need to evolve over time, indicators include effective dates to dictate when they go live in the system and when they are retired from use. The data entry interfaces as well as reporting leverage effective dates to filter for relevant Indicators.

Periods

It has been decided that Government of Canada (GoC) financial years and fiscal quarters will be the basis of the application's calendar. GoC fiscal quarters are defined as: Q1 = April–June; Q2 = July–September; Q3 = October–December; Q4 = January–March.

Outcomes (Indicator Data)

Outcomes are the measurements of KPIs that are entered into the system. This is the most granular level of data in the application.

- Indicators for Child and Youth Well-being and Family Well-being will be reported by each agency for each reserve they serve on a quarterly basis.
- Indicators for Community Well-being will be entered by the system operator for each reserve on an annual basis using authoritative data from sources such as Statistics Canada, ISC, or other sources.

Record Level Security

All data entry and reporting in the system is filtered and secured such that only relevant data is visible/accessible to users based on their roles. In particular, it should be noted an agency user is only able to see the Bands and Reserves they serve and not the Bands and Reserves of other agencies.

Roles

The system envisions different roles for Agency and System Operator personnel with each having access to different privileges, capabilities and visibility over data. It is possible for a single user identity to have more than one role assigned. Specifically, while Agency staff will typically only have the "User" role assigned, System Operator personnel may have either "Administrator", or "Data Manager", or both "Administrator" and "Data Manager" assigned.

Administrator Role

The role of Administrator is assigned to System Operator personnel. This role will manage the general application settings and branding, updating the KPI definitions and associated hierarchy and maintaining text elements such as the help files, Terms of Use, etc.

Data Manager Role

The role of Data Manager is assigned to System Operator personnel. This role has three primary functions:

1. Create or edit Agency records and manage Agency License Keys for user onboarding;
2. Create or edit Band and Reserve records;
3. Enter or Edit Community Well-being data as required. Also, occasionally enter or edit Child and Youth Well-being & Family Well-being Outcomes data as required to support Agency personnel.

User Role

The role of User is assigned to an Agency User associated with a specific Agency. Each user will have a unique login that permits them to:

1. View/Enter/Edit data for Child and Youth Well-being as well as Family Well-being outcomes for each of their agency's reserves.
2. View/Select and export historical outcomes data for their reserves (including Child and Youth Well-being, Family Well-being as well as Community Well-being) for presentation or further analysis using tools such as Microsoft Excel.

User Interface/Experience (UI/UX)

The system is developed to support modern desktop browsers. The nature of the performance reporting system is "information dense". As such, the application is designed/optimized to be accessed primarily via desktop-grade web browsers. While the application can work with mobile devices, such as tablets, the experience may be suboptimal.

English or French User Experience

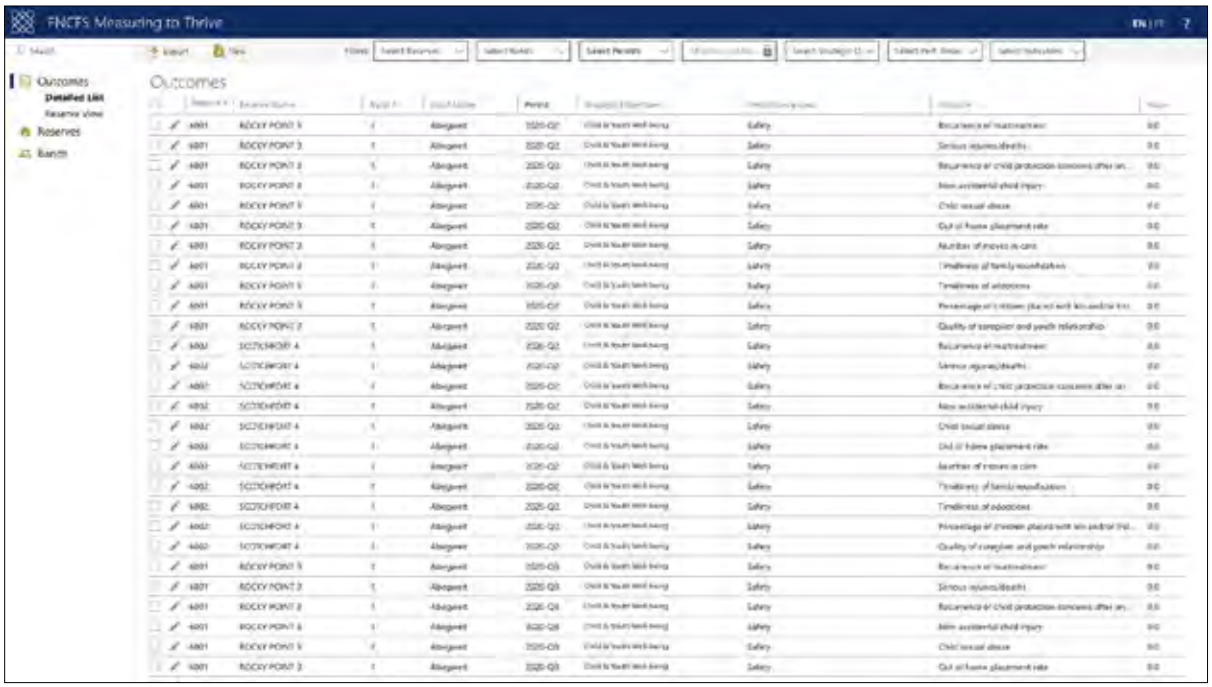
The application permits any user to operate the system in English or French and dynamically switch between the languages via a toggle.

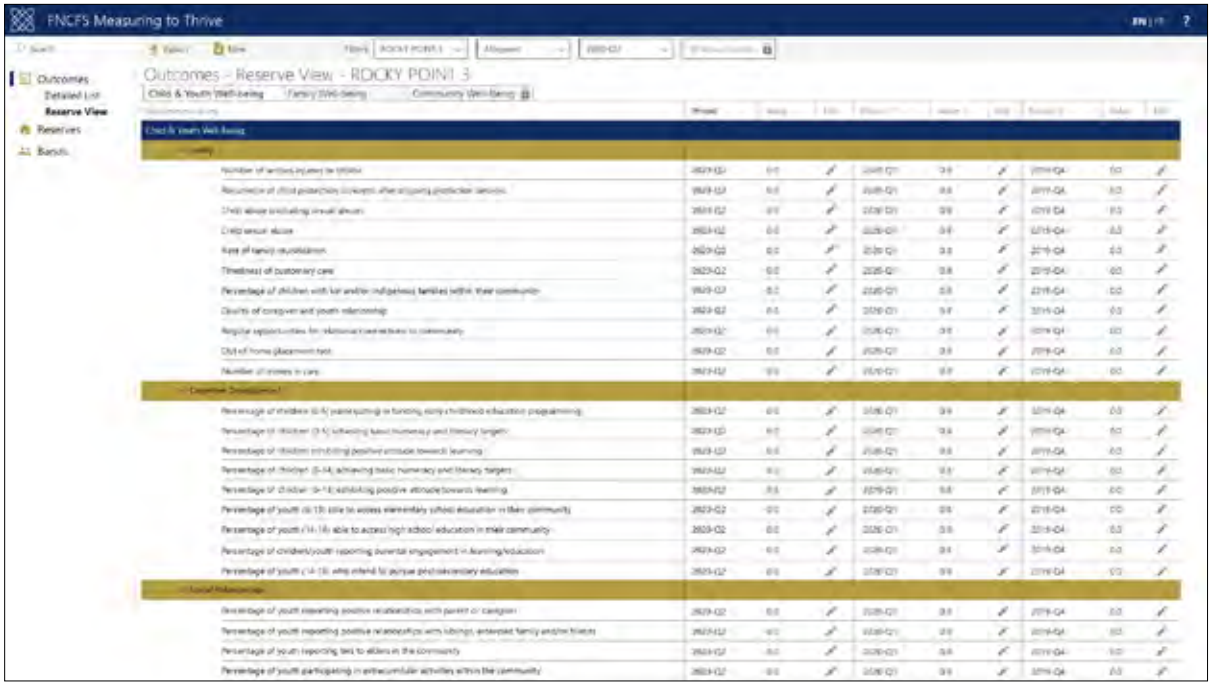
Dynamic filters

The application is very "data dense" and thus the UI employs a series of filters to allow selection of a subset of Agencies, Bands, Reserves, Indicators and Outcomes, in addition to "Time-based" filters for desired periods, to efficiently isolate desired historical records as required.

Screenshots

The screenshots shown below illustrate the initial mockup of a user's experience of Outcomes both as a Detailed List view and a Reserve View. Please note the data shown is only a placeholder—not actual outcomes.





Building well-being into performance

While the concept of well-being has received increasing attention from scholars and practitioners, both from states and international organizations, the issue of citizen well-being originally gained momentum during the 1970s. The child well-being indicator movement grew out of the broader recognition of social indicators of well-being. As a result, in 1979, UNICEF launched the State of the World's Children reports and the World Bank published a World Atlas on the Child. That year, Child Trends was established by the Foundation for Child Development to monitor child well-being. The OECD also started producing reports on family demography and education during this time.

The importance of measuring and tracking child well-being in particular is clearly articulated in the relevant literature as being imperative to ensuring thriving futures, both for individual children and for society as a whole. As reported by the World Health Organization (WHO), "The early child period is considered to be the most important developmental phase throughout the lifespan (…) What happens to the child in the early years is critical for the child's developmental trajectory and life course."[63]

Originally, the intent of child well-being indicators was to monitor children's survival[64] and to protect children from the most severe and pressing risks to safety. Hence, these national social indicator systems focused on sounding alarms to focus attention upon pressing problems that needed to be rectified and included very few positive indicators.

Over time, the concept of child well-being expanded to address a broader range of competencies.[65] In recent decades, a theoretical shift has occurred in understanding the development of children's needs and behaviours and how to support optimal development.[66]

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[63] World Health Organization, "Social determinants of health: Early child development", World Health Organization, (2019), https://www.who.int/social_determinants/themes/earlychilddevelopment/en/.

[64] Asher Ben-Arieh, "The child indicators movement: Past, present, and future," *Child Indicators Research* 1, no. 1 (2008): 3–16.

[65] D. S. Rychen, and Salganik, L. H. (Eds.), "Key Competencies for a Successful Life and a Well-Functioning Society," (Ashland, OH: Hogrefe and Huber Publishers: 2003).

[66] Reed W. Larson, "Toward a psychology of positive youth development," *American psychologist* 55, no. 1 (2000): 170; Richard M. Lerner and Peter L. Benson, "Developmental assets and asset-building communities: Implications for research, policy, and practice," Vol. 1, *Springer Science & Business Media*, (2003); Richard M. Lerner and Laurence Steinberg, "The scientific study of adolescent development," *Handbook of adolescent psychology* 2 (2004): 1–12; Peter L. Benson and Peter C. Scales, "The definition and preliminary measurement of thriving in adolescence," The Journal of Positive Psychology 4, no. 1 (2009): 85–104; Peter C. Scales, Peter L. Benson and Eugene C. Roehlkepartain, "Adolescent thriving: The role of sparks, relationships, and empowerment," Journal of youth and adolescence 40, no. 3 (2011): 263–277.

This new conceptual approach is explicitly strengths-based, focusing on cultivating children's assets, positive relationships, beliefs, morals, behaviours, and capacities to give children the resources they need to grow successfully across the life course.

There has also been a shift from an adult perspective on child well-being towards a child-focused perspective, with broad acceptance for children's subjective perspectives on their own well-being and for children as reporters as a preferred method of assessing their well-being. In the future, children will likely be increasingly active participants in measuring and monitoring their well-being.[67] Positive indicators have been used to describe the competencies, skills, behaviours, and qualities, as well as the relationships and social connections, which foster healthy development across the domains of a child's life.

THE HUMAN DEVELOPMENT ECOSYSTEM

Inherent in the relationship between individual and collective well-being is the concept of a human development ecosystem. Urie Bronfenbrenner, founder of the US federal program Head Start and one of the world's leading scholars on the impact of public policy on child development, has called this interdependence of individuals and societies the "Ecosystem of Human Development".[68] As a reflection of this multidimensional approach to child welfare, many theoretical approaches to family and community well-being have since adopted Bronfenbrenner's Ecological Systems Theory as a underlying basis for intervention.

According to this theory, child development is comprised of four layers of systems which interact in complex ways and can both affect and be affected by an individual child. Later, Bronfenbrenner added a fifth dimension comprising an element of time. In this conception, the microsystems in a developing child's life (family, school, peers) are proximal contexts which directly influence an individual child and their development. In other words, these are "activities, roles, and interpersonal relations experienced by the developing person in a given setting with particular physical and material characteristics"[69] at the innermost level. These microsystems, however, are nested and affected by broader contexts (exo- and macrosystems).

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[67] Asher Ben-Arieh, "The child indicators movement: Past, present, and future," *Child Indicators Research* 1, no. 1 (2008): 3–16.

[68] Urie Bronfenbrenner, "Ecological systems theory," *Annals of child development*, 6, (1989): 187–249; Urie Bronfenbrenner, "Developmental ecology through space and time: A future perspective" (1995) cited in P. Moen & G. H. Elder, Jr., (Eds.), "Examining lives in context: Perspectives on the ecology of human development," (Washington, DC: American Psychological Association): 619–647.

[69] Bronfenbrenner, (1979): 22.

Bronfenbrenner's approach emphasizes the influence of complex relationships within various levels in the environment on a child's development. In the practice of child and family services, these insights reflect the importance of a holistic approach to well-being that includes consideration of a child's context. As a result of these insights, Bronfenbrenner has been described as a pioneer in the study of child and youth care.[70]

As documented in an OECD report[71] on child welfare, there are two prominent strands in the literature on child well-being. The "developmentalist perspective," emphasizes the detrimental effects of costly outcomes, using indicators such as sickness and poverty. The "child rights perspective," by contrast, tends to focus on positive or strength-based measures of child well-being.

CHILD WELL-BEING TODAY: THE SHIFT TOWARDS PREVENTION AND EARLY INTERVENTION

According to the United States' Children's Bureau, in the last fifty years there has been an increased focus on prevention services in child welfare. The change in approach recognizes the contextual factors that impact a child's well-being and the important roles that communities, intervention services, and others play in child safety and wellness.[72] In the 1990s, the United States began funding family support services more intensively to help reduce abuse and neglect. From counselling to in-home assistance programs, the funding recognized the value of prevention-focused interventions for children, families and communities.[73] The downstream social and financial costs of contact with the protection system outweigh the costs of early intervention (see The cost of doing nothing).

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[70] Jacqueline Barnes, Ilan Barry Katz, Jill E. Korbin, and Margaret O'Brien, *Children and families in communities: Theory, research, policy and practice*, Vol. 10, John Wiley & Sons, 2006; Larry K. Brendtro, "The vision of Urie Bronfenbrenner: Adults who are crazy about kids," *Reclaiming children and youth* 15, no. 3 (2006): 162; M. Cole (1979), *Preface*, in U. Bronfenbrenner, *The Ecology of human development: Experiments by nature and design*, Cambridge, MA: Harvard University Press; Phyllis Moen, Glen H. Elder Jr., and Kurt Lüscher, *Examining lives in context: Perspectives on the ecology of human development*, American Psychological Association, (1995): 1–11; Alan R. Pence, Conclusion, in A. R. Pence (Ed.), *Ecological research with children and families: From concepts to methodology, Teachers College Press*, (1988): 222–226; Richard M. Lerner, Foreword, in U. Bronfenbrenner (Ed.), *Making human beings human: Bioecological perspectives on human development*, Thousand Oaks, CA: Sage, (2005): ix–xxvi.

[71] OECD, "Chapter 2: Comparative child well-being across the OECD" in *Doing Better for Children*, (2009), https://www.oecd.org/social/family/43570328.pdf, p. 24.

[72] United States Children's Bureau, "Child Maltreatment Prevention: Past, Present, and Future," *Issue Brief* July 2017, accessed on July 27, 2020 https://www.childwelfare.gov/pubPDFs/cm_prevention.pdf.

[73] United States Children's Bureau, "Child Maltreatment Prevention: Past, Present, and Future," *Issue Brief* July 2017, accessed on July 27, 2020 https://www.childwelfare.gov/pubPDFs/cm_prevention.pdf.

INDIGENOUS PERSPECTIVES ON WELL-BEING

Insofar as First Nations child well-being is discussed within the context of health, social determinants of health are often mentioned. Social determinants of health refer to the living and working conditions which exert an influence over health outcomes. Oftentimes, these relate to an individual's place in society, such as income, education or employment. Other examples of social determinants of health for First Nations adults living in First Nations communities in Canada include community wellness, education, labour force characteristics, personal health practices, health services, culture, and the physical environment.

Similarly, the framework proposed by Finlay, Hardy, Morris, and Nagy (2009) suggest that, in Canada, Aboriginal status, early life, education, employment and working conditions, food security, health care services, housing, income and its distribution, social safety net, social exclusion, as well as unemployment and employment security are identified as social determinants of health.[74] Other determinants of health among First Nations peoples include colonization, globalization, migration, cultural continuity, access, territory, poverty, self-determination, disempowerment, and a lack of control over one's destiny.[75]

According to the Cultural Framework developed by the First Nations Information Governance Centre (FNIGC), health and well-being in a First Nations context can be defined comprehensively as the total health of the total person in the total environment. FNIGC references work by traditional teacher, Jim Dumont (2005), who defines total health as: "all aspects and components of health and well-being seen as integrally interconnected with one another within an inclusive, inter-related and interactive web of life and living." The total person encompasses "all dimensions of personhood—understood to be body, mind, heart and spirit." Total environment refers to "a healthy connection and relationship with the living environment—this being constituted of the land and the natural, cultural, structural/material, political, historical, behavioural, community, family and everyday living environment."[76]

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[74] Judy Finlay, et al., "Mamow Ki-ken-da-ma-win: A Partnership Approach to Child, Youth, Family and Community Well-being", *International Journal of Mental Health and Addiction* 8, no. 2, (December 30, 2009): 245–257.

[75] Judy Finlay et al., 2009; Darcy Hallett, Michael J. Chandler, and Christopher E. Lalonde, «Aboriginal language knowledge and youth suicide,» *Cognitive Development* 22, no. 3 (2007): 392; Malcolm King, Alexandra Smith, and Michael Gracey, «Indigenous health part 2: the underlying causes of the health gap,» *The Lancet* 374, no. 9683 (2009): 76–85; Chantelle AM Richmond, and Nancy A. Ross, «The determinants of First Nation and Inuit health: A critical population health approach,» Health & place 15, no. 2 (2009): 403–411.

[76] First Nations Information Governance Centre, "National Report of the First Nations Regional Health Survey Phase 3: Volume Two", (2018): 8, https://fnigc.ca/sites/default/files/docs/fnigc_rhs_phase_3_volume_two_en_final_screen.pdf.

According to McCubbin et al. (2013),[77] Indigenous well-being denotes a relational perspective which emphasizes 'the collective' over 'the individual' as a distinct entity. Hence it is closely tied to culture and spirituality, as well as to social and emotional, physical, subjective and economic well-being.[78]

In Canada, FNIGC has conducted the Regional Health Survey (RHS) of Aboriginal populations since 1997. The RHS collects information of on-reserve and northern First Nations communities based on Western and traditional understandings of health and well-being.[79] The Government of Canada also employs the Community Well-Being Index, which measures socio-economic well-being for individual communities across Canada. It includes 4 components: education, labour force activity, income and housing.[80]

For an overview of well-being initiatives in Australia, Canada, New Zealand, and the United States, see Appendix K. A review of the approaches suggests commonality among Indigenous peoples in holistic perceptions of health and well-being. There are, however, differences in the framing and approaches that individual countries adopt when engaging on Indigenous health.

[77] Laurie D. McCubbin et al., "Relational well-being: An indigenous perspective and measure," *Family Relations: An Interdisciplinary Journal of Applied Family Studies* 62, no. 2, (March 4, 2013): 354–365.

[78] Simon Colquhoun and Alfred Michael Dockery, "The link between Indigenous culture and wellbeing: Qualitative evidence for Australian Aboriginal peoples," (2012); Cynthia Ganesharajah, *Indigenous health and wellbeing: the importance of country*, Native Title Research Unit, Australian Institute for Aboriginal and Torres Strait Islander Studies, 2009; Romy Greiner et al., *Wellbeing of Traditional Owners: conceptual and methodological approach*, No. 416-2016-26218. 2005; Vicki Grieves, "Indigenous Well-Being in Australian Government Policy Contexts," *AlterNative: An International Journal of Indigenous Peoples* 3, no. 1, (June 1, 2006): 4–25; Erika Bockstael and Krushii Watene, "Indigenous peoples and the capability approach: taking stock," *Oxford Development Studies* 44, no. 3 (July 2016): 265–270; Jon C. Altman, "Economic development and Indigenous Australia: contestations over property, institutions and ideology," *Australian Journal of Agricultural and Resource Economics* 48, no. 3 (September 20, 2004). Ricardo Godoy et al., "The effect of market economies on the well-being of indigenous peoples and on their use of renewable natural resources," *Annual Review of Anthropology*, 34 (November 25, 2005): 121–138.

[79] FNIGC, "Our work. About RHS," accessed July 17, 2020, https://fnigc.ca/our-work/regional-health-survey/about-rhs.html.

[80] Indigenous Services Canada, "Community Well-Being Index," accessed July 27, 2020, https://www.sac-isc.gc.ca/eng/1100100016579/1557319653695.

Performance budgeting and performance measurement

Performance measurement frameworks underpin a well-functioning performance-based budgeting system. A well-articulated performance measurement framework aligns desired outcomes to resources, to evaluate the impact of a program in achieving these results over time.

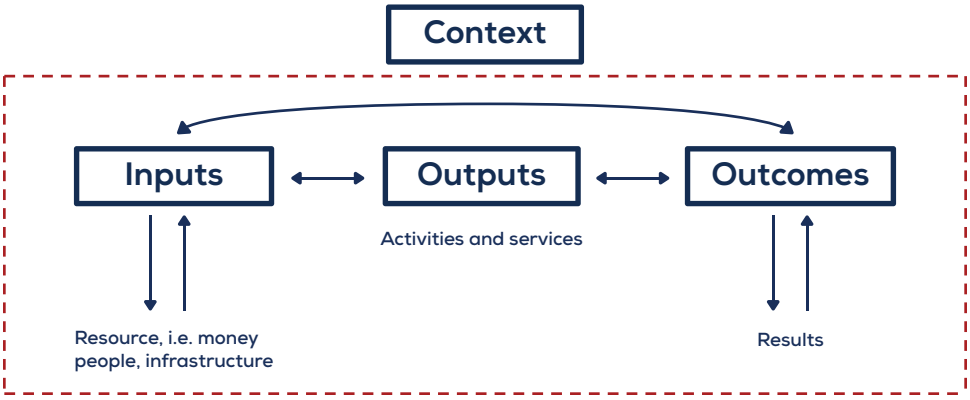
Effective management requires an explicit connection among resources (inputs), activities (outputs) and results (outcomes). IFSD's role is to find the optimal and sustainable combination of inputs and outputs to deliver desired outcomes. This is a complex undertaking that requires data, contributions from FNCFS agencies and other experts, as well as cost-benefit analysis.

An effective performance measure framework will maintain a clear connection between structures, incentives, and results-tracking. Although the implementation of a performance measurement framework for a large-scale program can be administratively challenging, it is undoubtedly a crucial component of sound financial management and clear accountability. Changes in inputs will translate into changes in activities with impacts on results, all of which are informed by context (see Figure 34).

A performance framework is a means through which to establish accountability and conduct regular evaluations and reviews of performance to ensure that resources and funding are optimally allocated and aligned towards the realization of the desired strategic outcome. If there is a well-functioning governance and management system supporting the FNCFS performance measurement framework then an evidence-based answer to the fundamental question of the progress in the welfare of First Nations children may be ascertained.

FNCFS, like any service, does not occur in a vacuum. First Nations children often have disadvantaged points of departure (housing, poverty, health, etc.). Recognizing these contextual realties and resourcing (in human, financial, and infrastructure terms) to mitigate them, is necessary to support FNCFS agencies in their work. Simply throwing money at the system will not necessarily generate better results for children, families and communities.

FIGURE 34: Standard performance framework overview.



Based on the literature on child welfare at the individual, familial, and community levels, many experts and practitioners now recognize the multiple dimensions of child well-being rooted in social ecosystems, as well as the importance of utilizing results-based frameworks to promote these attributes. Building from this research detailed earlier in this section, the performance measurement framework is intended to provide a measurable outcome-based framework that will underpin a results-focused FNCFS funding approach across Canada.

The long-term and medium-term outcomes and results are captured at the top of the performance measurement framework by the 'thriving First Nations children' outcome with child well-being, family well-being and community well-being sub-strategic outcomes.

The performance elements and programs supporting each sub-strategic outcome are the basis for linking activities, budgetary inputs and short-term performance indicators with the long-term and medium-term outcomes at the strategic and sub-strategic outcome level.

Thus, the performance measurement framework is the means by which we are able to link short-term resource allocations with long-term performance outcomes and better understand the current state along with the progress being made towards the attainment of the long-term outcomes being sought.

The challenge is optimizing inputs and activities for sustainable, positive results. More inputs do not automatically translate into better outcomes. Some of the key definitions inherent to the performance measurement framework are illustrated in the figure below.

PERFORMANCE MEASUREMENT IN CHILD WELFARE

The long-term strategic outcome being sought is thriving First Nations children. This strategic outcome is broken down into three sub-strategic outcomes that

represent broader but distinct societal areas of focus that will help to achieve the strategic outcome. The three areas of focus are child well-being, family well-being and community well-being (see Figure 35) Sub-strategic objectives associated with the four areas of focus are detailed in Table 6.

FIGURE 35: Strategy map overview of the Measuring to Thrive framework.

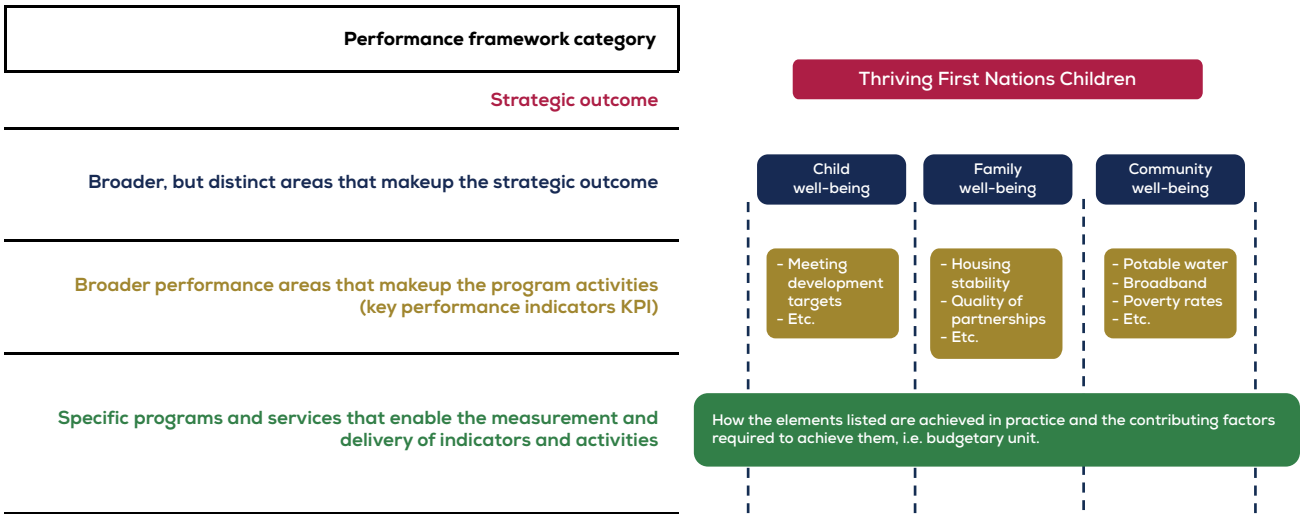


TABLE 6: Strategic outcome definitions of the Measuring to Thrive framework.

Strategic outcome	Definition
Child well-being	**Purpose:** Children reach their full developmental potential and have a sense of hope, belonging, purpose and meaning. **Definition:** Child well-being is a multi-dimensional concept that is influenced by a child's interaction with the environment. It includes cognitive, social, psychological/emotional, cultural/ spiritual and physical development and wellness. These interdependent components provide the foundation for a child to reach their full developmental potential and for children to feel positive about life and have a sense of hope, belonging, purpose and meaning.
	Purpose: Child safety, a crucial component of child well-being. Children are protected from harm and achieve permanency in their living situation. **Definition:** Protecting children from harm and abuse will always be at the core of an agency's mandate. While it is preferable to preserve the family unit, this is not always an option for some children. An agency must not only be equipped to respond to these cases, but also ensure that children achieve permanency in their living situation as swiftly as possible to avoid further disruption. Child safety refers to preventing and responding to cases of child maltreatment (including physical abuse, sexual abuse, physical neglect, emotional maltreatment and exposure to domestic violence). For children placed in out-of-home care, this also includes permanency and stability in their new living arrangement.

Family well-being	**Purpose**: Families enjoy a safe, stable environment in which to foster healthy familial relationships. **Definition:** Family well-being is a relational concept, referring to the interactions between family members but also affected by the larger environments in which parents and children exist. Within the family unit, well-being comprises family self-sufficiency, meaning the labour force participation of caregivers and the ability of the family to meet basic needs, and family health and social factors, meaning the mental and physical well-being of caregivers and family protective factors.
Community well-being	**Purpose:** Reliable public infrastructure, access to basic needs, and resources and services to foster safe, stable, thriving communities. **Definition:** Community well-being is the combination of social, economic, environmental, cultural, and political conditions identified by individuals and their communities as essential for the fulfilment of their full potential. This dimension of well-being is determined by a community's access to basic needs (potable water, access to suitable housing, broadband connectivity, the presence of community infrastructure, and overall community poverty level). In addition to these aspects, community well-being is also affected by health and social services provision among band councils and community agencies, as well as by broader indications of public safety and community health, such as rates of suicide, rates of illicit drug use, rates of heavy drinking, BMI rates, rates of chronic conditions, and rates of violent crime.

DATA COLLECTION

The successful implementation of a performance measurement strategy requires routine collection of data both at baseline and over time. Data can be administrative (e.g. it is already collected through program files), primary performance data (e.g. specialized for the individual program), or secondary data (e.g. data that applies to the program but has been collected but for other purposes). It is also important to identify:

- The frequency of data collection (how often will it be collected?);
- The responsibility for data collection (who is responsible?);
- Baseline information (what is the current state?);
- Targets (what is the goal?), and;
- Timelines (when does the data need to be collected?).

Building a system for results means building-in data for better decision-making and the ability to adjust practices for mid-course corrections. Data is a tool for agencies and communities to improve planning and resource allocation. In order for data to be an effective tool for informed decision-making, the following requirements are necessary:

- Data collected must be relevant to mandate and desired outcomes;
- Analysis must include context/point of departure;
- Agencies will be assessed against themselves;

- Data richness and applications for predictability will improve with time;
- Data handling must follow OCAP principles, and;
- Only aggregate data is shared publicly.

As will be expanded in the discussion of the application of the framework, the issue of concern in this report is not the lack of data collected on First Nations in Canada (indeed it is the case that many First Nations groups are extensively surveyed) but rather that the quality of data, mainly in terms of granularity, does not allow for sufficient performance measurement at the level of the child welfare agency. As the majority of this data information cannot be analyzed at the level of individual First Nations communities, it does not enable strategic planning and results-tracking over time.

Performance framework justification

Achieving the strategic outcome of *Enabling First Nations Children to Thrive* is built on three sub-strategic outcomes: child well-being, family well-being and community well-being (see Figure 36). These sub-strategic outcomes are divided into performance areas, and each performance area consists of proposed measures and indicators to evaluate progress in performance areas. Performance areas, measures and indicators have all been developed with aforementioned theoretical and Indigenous perspectives of well-being in mind. The following section provides a justification for these components of a performance framework that is focused on thriving First Nations children (see Table 7).

TABLE 7: Strategy map components.

Component	Description
Strategic outcome	The overarching goal, to which all activities contribute. It is measurable and represents an end-state or maintenance of an end-state.
Sub-strategic outcomes	Broader but distinct societal areas of focus to achieve the strategic outcome.
Performance areas	The lenses through which progress on sub-strategic outcomes can be understood.
Measures	Means of assessing progress in performance areas.
Indicators	The variables measured. They can be qualitative or quantitative, and should be valid, reliable, affordable, available and relevant.
Activities	The actions or processes undertaken to achieve outcomes. It includes the “how” of achieving outcomes, such as targeted programs or direct front-line services.
Inputs	The resources required (both financial and non-financial) to support activities.

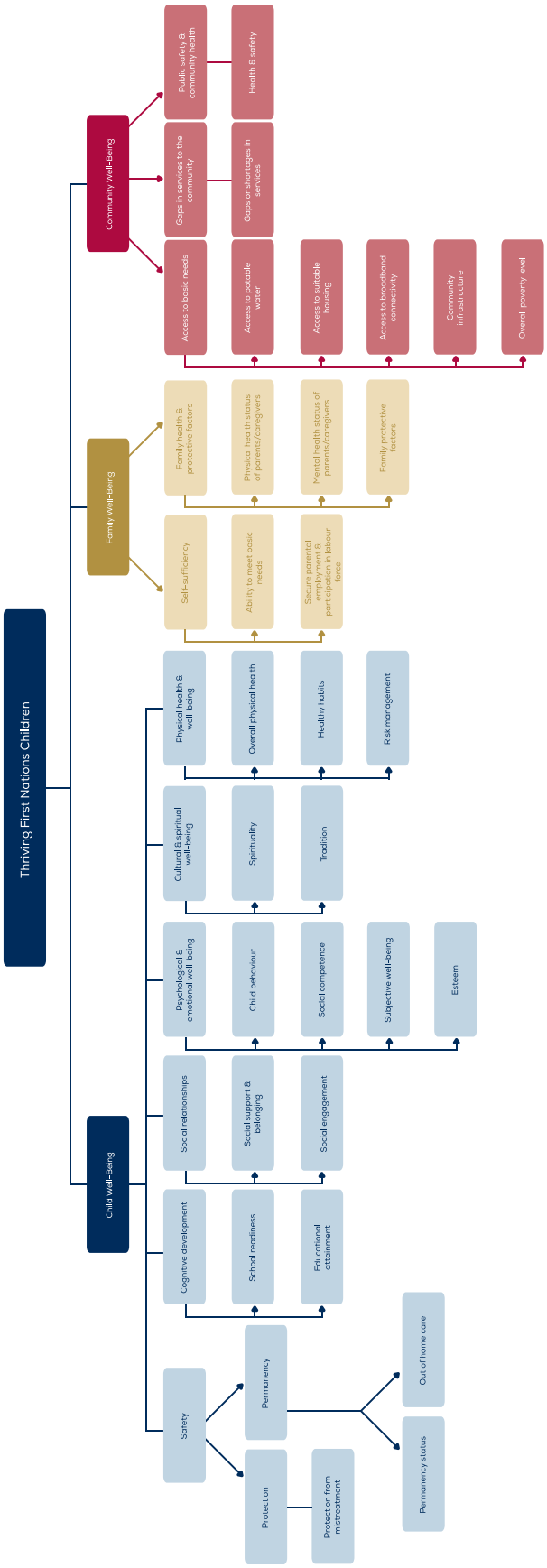


FIGURE 36: Mapping the Measuring to Thrive framework.

SUB-STRATEGIC OUTCOME: CHILD WELL-BEING

Child well-being is a multifaceted concept, for which there is no consensus on measurement. Depending on contextual factors such as family, community, and socio-political considerations, child well-being requires consideration of multiple dimensions influenced by a child's environment.[81]

To improve well-being, it must be understood through a holistic lens. Pollard and Lee[82] cite Columbo's (1986) definition of child well-being as a useful one: "A multidimensional construct incorporating mental/psychological, physical, and social dimensions." The definition is useful as it encapsulates several spheres of influence on a child's and adolescent's well-being at individual and environmental levels. In line with the multi-dimensional approach to defining child well-being, Asher Ben-Arieh, notes that child well-being encompasses quality of life in a broad sense. It refers to a child's economic conditions, peer relations, political rights, and opportunities for development. Most studies focus on certain aspects of children's well-being, often emphasizing social and cultural variations. Thus, any attempts to grasp well-being in its entirety must use indicators on a variety of aspects of well-being.[83]

Consistent in the literature on measuring child well-being is the need to conceptualize and develop indicators that focus on strengths as opposed to deficits, as this is how "we discover the core elements of well-being that enable children to flourish and thrive."[84] In a literature review on child well-being and how it is studied, Amerijckx and Humblet[85] understand the multidimensional nature of child well-being across 5 axes:

- Positive vs. negative (e.g. strengths-based approaches as opposed to deficit-based approaches to conceptualizing child well-being)
- Objective vs. subjective (e.g. others' perceptions of child well-being, as opposed to the child's perception of their own well-being)
- State vs. process (e.g. child's well-being in present day, versus well-being over a longer period of time/lifetime/life trajectory; also referred to as the "developmentalist" vs. the "child rights" perspectives)

[81] Gaëlle Amerijckx and Perrine Claire Humblet, "Child Well-Being: What Does It Mean?," *Children & society* 28, no. 5, (2014): 404–415; Jonathan Bradshaw, Petra Hoelscher, and Dominic Richardson, "Comparing child well-being in OECD countries: Concepts and methods," (2007): 1–117; Simon Chapple and Dominic Richardson, "Doing better for children," vol. 168 (OECD, 2009): 1–192; Elizabeth L. Pollard and Patrice D. Lee, "Child Well-being: A Systematic Review of the Literature," *Social Indicators Research* 61, no. 1, (January 2003): 59–78.

[82] Pollard and Lee, "Child Well-being: A Systematic Review of the Literature."

[83] Asher Ben-Arieh and Ivar Frønes, "Indicators of Children's Well being: What should be Measured and Why?," *Social Indicators Research* 84, no. 3 (December 2007): 249–250.

[84] Pollard and Lee, "Child Well-being: A Systematic Review of the Literature."

[85] Amerijckx and Humblet, "Child Well-Being: What Does It Mean?."

- Material vs. spiritual (e.g. well-being in terms of financial, health, educational and family resources or lack thereof, as opposed to non-material aspects of well-being)
- Individual vs. community (e.g. the extent to which a collective group matters for an individual's well-being)

The dimensions of child well-being are interdependent; growth in one area is highly dependent on well-being in other areas, and all of it is connected to the well-being of their family and community. If we were to direct our attention to the individual, however, what does a thriving child look like? What contributes to child well-being in the here and now, and what is important to ensuring children grow into thriving adults? Based on a review of academic and grey literature, five dimensions have been identified as essential for child well-being:

1. Safety
2. Cognitive development
3. Social relationships
4. Emotional, cultural and spiritual well-being
5. Physical health and well-being

The following review defines each dimension of child well-being, key measures and indicators to evaluate progress in each dimension, and evidence to support why these matter for child well-being.

SAFETY

Ensuring that children are safe, especially those who face immediate threat to their health and safety, will always be at the core of a child welfare agency's mandate. Child abuse and neglect (also referred to as child maltreatment in the literature) is generally defined by the Canadian Child Welfare Research Portal as "acts of commission or omission by a parent or other caregiver that result in harm, potential for harms, or threat of harm to a child," and includes "physical abuse, sexual abuse, physical neglect, emotional maltreatment and exposure to domestic violence."[86]

[86] Canadian Child Welfare Research Portal, "Child Abuse & Neglect," accessed July 27, 2020, https://cwrp.ca/child-abuse-neglect.

Abuse in the early years of life can have detrimental effects on future health and well-being and can disrupt early brain development.[87] As the WHO notes, "maltreated children are at increased risk for behavioural, physical and mental health problems, such as: perpetrating or being a victim of violence, depression, smoking, obesity, high-risk sexual behaviours, unintended pregnancy, and alcohol and drug misuse" in adulthood.[88] These consequences may extend into further health problems, such as chronic disease and sexually transmitted infections.[89] Poor outcomes resulting from child maltreatment also present major costs to society.

Upholding the rights of children and promoting their well-being across the life course is essential to ensuring that they thrive. Child safety, which includes preventing and responding to cases of child maltreatment, as well as achieving permanency, safety and stability for children who have been placed in out-of-home care, is a fundamental component of child well-being. In this performance framework, the concept of child safety has been divided into two key dimensions:

1. Protection
2. Permanency

The following review examines key measures and indicators that should be used to evaluate progress in each dimension, and evidence to support why these matter in order for children to thrive.

PROTECTION

Measure: Protection from all forms of maltreatment

Central to the work of a child welfare agency is to protect children from harm and abuse. The Canadian Child Welfare Research Portal identifies five primary forms of maltreatment: physical abuse, sexual abuse, physical neglect, emotional maltreatment and exposure to domestic violence.[90] The indicators for this measure include:

- Recurrence of maltreatment
- Recurrence of child protection concerns in a family after ongoing protections services were provided
- Serious injuries/deaths
- Non-accidental child injury
- Child sexual abuse

[87] World Health Organization, "Child maltreatment," June 8 2020, https://www.who.int/news-room/fact-sheets/detail/child-maltreatment.

[88] World Health Organization, "Child maltreatment."

[89] World Health Organization, "Child maltreatment."

[90] Canadian Child Welfare Research Portal, "Child Abuse & Neglect."

Why these indicators matter

Children who have been maltreated are at increased risk of recurrence of maltreatment.[91] Research has found that compared to children who had not been previously maltreated, children who had been were nearly six times more likely to experience it again.[92]

While any case of maltreatment is serious, there is consensus in the literature that chronic maltreatment is associated with more negative outcomes.[93] In a prospective study examining outcomes of chronic child maltreatment, researchers found that the number of maltreatment reports predicted negative childhood outcomes in a linear fashion. In other words, the more often a child was maltreated, the greater the number of negative outcomes later in life. Chronic maltreatment may be especially alarming for outcomes related to suicidal behaviour. The same study found that "suicide attempts before age 18 showed the largest proportionate increase with repeated maltreatment."[94] The recurrence of child protection concerns in a family after ongoing protections services were provided is not only important to protect the well-being of children and prevent chronic abuse; it is also an indicator of how effective child welfare services are at preventing maltreatment.[95]

As Jaffee and Maikovich-Fong[96] summarize, compared to both non-maltreated children and children experiencing transitory maltreatment, those who have experienced chronic maltreatment exhibit more behavioural issues. Compared to non-maltreated children, chronically maltreated children have more difficulties with peers, aggressive, delinquent and withdrawn behaviour, internalizing symptoms, and decreased prosocial behaviour. Compared to children experiencing transitory maltreatment, they show more externalizing problems, lower

[91] Nick Hindley, Paul G Ramchandani, and David PH Jones, "Risk factors for recurrence of maltreatment: a systematic review," *Archives of disease in childhood* 91, no. 9 (2006).

[92] Hindley, Ramchandani, and Jones, "Risk factors for recurrence of maltreatment: a systematic review."

[93] Ann S. Masten and Margaret O'Dougherty Wright, "Cumulative risk and protection models of child maltreatment," *Journal of Aggression, Maltreatment & Trauma* 2, no. 1 (1998): 7–30; M. Jonson-Reid, P. L. Kohl, and B. Drake, "Child and adult outcomes of chronic child maltreatment," *Pediatrics* 129, no. 5 (May 2012): 839–845; Diane DePanfilis and Susan J Zuravin, "Epidemiology of child maltreatment recurrences," *Social service review* 73, no. 2 (1999); Oliver G White, Nick Hindley, and David PH Jones, "Risk factors for child maltreatment recurrence: An updated systematic review," *Medicine, Science and the Law* 55, no. 4 (October 2015): 259–277.

[94] Jonson-Reid, Kohl, and Drake, "Child and adult outcomes of chronic child maltreatment."

[95] Hindley, Ramchandani, and Jones, "Risk factors for child maltreatment recurrence: An updated systematic review."

[96] Sara R. Jaffee and Andrea Kohn Maikovich-Fong, "Effects of chronic maltreatment and maltreatment timing on children's behavior and cognitive abilities," *Journal of Child Psychology and Psychiatry* 52, no. 2 (2011): 184–194.

levels of ego resilience, higher rates of juvenile offending, increased levels of anxious and depressed behaviours, increased levels of aggressive behaviours, depression, and symptoms of post-traumatic stress, as well as decreased levels of interpersonal and coping skills.

Leading researchers in the field of child development have found that exposure to strong, frequent and/or prolonged adversity, such as chronic abuse, parental substance abuse, or exposure to violence, can elicit a toxic stress response. This type of stress can have a profound effect on the architecture of the developing brain, which "can have potentially permanent effects on a range of important functions such as regulating stress physiology, learning new skills, and developing the capacity to make healthy adaptations to future adversity."[97]

Though rare, serious injuries and deaths are an important indicator to prevent these tragedies from occurring in the future and to evaluate whether the child welfare system is appropriately responding to cases of maltreatment. Research in this area of child welfare has shown that previous reports of child maltreatment is a risk factor for child deaths,[98] further substantiating indicators of recurrence as an important measure of child safety.

In summary, protecting the safety and rights of children is at the core of a child welfare agency's work. Indicators highlight the importance and effectiveness of an agency's ability to prevent subsequent cases of maltreatment from occurring, which have a major impact on a child's ability to thrive in the present and in the future.

Measure: Emergency mental health

Another important measure to consider when it comes to protecting children is providing effective services when they may be a harm to themselves. Emergency mental health refers to when children are in crises and are at risk of harming themselves in any way, or contemplate, attempt, or commit suicide. The indicators for this measure include:

- Suicidal ideation
- Suicide attempts
- Suicide rate
- Self-harm related behaviour

[97] Jack P Shonkoff et al., "The lifelong effects of early childhood adversity and toxic stress," *Pediatrics* 129, no. 1 (January 2012): e232–e246.

[98] Melissa Jonson-Reid, Toni Chance, and Brett Drake, "Risk of Death Among Children Reported for Nonfatal Maltreatment," *Child Maltreatment* 12, no. 1 (February 1, 2007): 86–95.

Why these indicators matter

The rate of suicide among First Nations people is three times higher than the rate among non-Indigenous people.[99] The suicide rate among First Nations living on-reserve have been found to be twice as high as those living off-reserve, and the highest rates are among youth aged 15 to 24 compared to other age groups.[100]

Risk factors for youth suicide include socio-economic disadvantage, parental psychopathology such as depression and substance use disorders, family history of suicidal behaviour, parental discord and separation, a history of physical and/or sexual abuse during childhood, and dysfunctional parent-child relationships.[101] Furthermore, suicidal behaviour within families, personality traits such as low self-esteem, external locus of control and hopelessness, and mental health disorders such as affective disorder, substance abuse and antisocial behaviours are considered risk factors for youth suicide.[102] From an Indigenous perspective, a review of the literature found that depression, having a friend attempt or commit suicide, substance or alcohol abuse, having a psychiatric disorder and experiencing childhood abuse were the strongest predictors of attempting suicide.[103]

The impacts of multigenerational trauma stemming from negative experiences in the residential school system have been associated with a history of suicidal thoughts and attempts.[104] Furthermore, given the contextual challenges facing First Nations communities, including poverty and intergenerational trauma, First Nations children coming into contact with the child welfare system are likely exposed to one or even several of these risk factors. Implementing effective services that promote mental health among Indigenous children more generally and in crises is integral to their safety and ability to thrive.

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[99] Mohan Kumar and Michael Tjepkema, "Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," *Statistics Canada* (June 28, 2019), https://www150.statcan.gc.ca/n1/en/pub/99-011-x/99-011-x2019001-eng.pdf?st=r08g1Ngf.

[100] Mohan Kumar and Michael Tjepkema, *Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC).*

[101] Annette L. Beautrais, "Risk Factors for Suicide and Attempted Suicide among Young People," *Australian & New Zealand Journal of Psychiatry* 34, no. 3 (June 1 2000): 420–436.

[102] Beautrais, "Risk Factors for Suicide and Attempted Suicide among Young People."

[103] Henry G Harder et al., "Indigenous youth suicide: a systematic review of the literature," *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health* 10, no. 1 (2012): 125–142.

[104] B. Elias et al., "Trauma and suicide behaviour histories among a Canadian indigenous population: an empirical exploration of the potential role of Canada's residential school system," *Soc Sci Med* 74, no. 10 (May 2012): 1560–1569.

PERMANENCY

Measure: Permanency status

In situations where children require out-of-home care, the primary goal is for them to eventually be reunified with their families, although this is not always possible. In any case, achieving a permanent or stable living situation is important for healthy child development and well-being. The indicators to assess performance for this measure include:

- Out-of-home placement rate
- Number of moves in care
- Timeliness of successful family reunification or adoption

Why these indicators matter

A stable and permanent living situation is essential for healthy development and establishing more secure and strong relationships with caregivers, which in turn impact a child's ability to thrive. As Trocmé and colleagues note, "a stable placement experience can assist children in out-of-home care to develop and maintain family, peer, and community relationships while separated from their families."[105] Stability promotes fewer school changes and thus stronger relationships with peers, as well as more consistent access to community services and activities.[106]

Multiple moves in care are associated with various negative outcomes among children. Instability may elicit a toxic stress response, which can result in developmental delays and behaviour problems. In turn, this can propagate a negative cycle of displacement and worsening attachment disorders.[107] Children who experience ongoing separation from both their biological and foster families may develop an inability to form trusting relationships with adults, which can lead to "persistent rage, chronic depression, asocial and antisocial behaviour, low self-concept, and chronic dependency."[108] It is not surprising that unstable placements in foster care, characterized by placement frequency and episodic foster care, have been associated with increased rates of mental health service utilization.[109]

[105] Nico Trocmé et al., "National Child Welfare Outcomes Indicator Matrix (NOM)," *Centres of Excellence for Children's Well-Being: Child Welfare*, (June 2009): 1–8.

[106] Joseph M. Price et al., "Effects of a foster parent training intervention on placement changes of children in foster care," *Child Maltreatment* 13, no. 1 (February 1 2008): 64–75.

[107] Yvon Gauthier, Gilles Fortin, and Gloria Jéliu, "Clinical Application of Attachment Theory in Permanency Planning for Children in Foster Care: The Importance of Continuity of Care," *Infant Mental Health Journal* 25, no. 4 (July 1, 2004).

[108] Gauthier, Fortin, and Jéliu, "Clinical Application of Attachment Theory in Permanency Planning for Children in Foster Care: The Importance of Continuity of Care."

[109] David M. Rubin et al., "Placement Stability and Mental Health Costs for Children in Foster Care," *Pediatrics* 113, no. 5 (May 2004): 1336–1341.

As Trocmé and colleagues[110] describe, the out-of-home placement rate is not necessarily a negative indicator, as some children may need to be removed from their living situation to ensure their safety. However, at an aggregate level, the out-of-home placement rate can indicate the effectiveness of preventative child welfare services and the well-being of children in the community as a whole.

In summary, as a last resort, children may need to be removed from their homes to address cases of chronic child maltreatment. Measuring the child welfare system's ability to achieve permanency in their living situation is important for the well-being of the child and future outcomes.

Measure: Out-of-home care

In addition to achieving stability in a child's living situation, it is also important to consider the characteristics of the living situation and their impact on child well-being. The indicators for this measure include:

- Children placed with kin and/or Indigenous families in their community
- Quality of caregiver and youth relationship

Why these indicators matter

In the event that children must be removed from their homes and families, placing them with "kin" is the preferred option in many jurisdictions. According to the Canadian Child Welfare Research Portal, kinship care refers to "children placed out-of-home in the care of extended family, individuals emotionally connected to the child, or in a family of similar religious or ethno-cultural background."[111] Compared to foster children, children in kinship care have displayed better outcomes with respect to behavioural development and mental health functioning.[112]

Kinship care has become increasingly popular as it promotes continuity and connection to a child's culture and community. This may buffer the traumatic experience of being separated from one's parents by offering a sense of familiarity and belonging with extended family.[113] This has been regarded as especially important in the Indigenous context given

[110] Nico Trocmé et al., *National Child Welfare Outcomes Indicator Matrix (NOM)* (Centre of Excellence for Child Welfare, 2009).

[111] Canadian Child Welfare Research Portal, "Kinship Care," accessed July 27 2020, https://cwrp.ca/kinship-care.

[112] Marc Winokur, Amy Holtan, and Deborah Valentine, "Kinship care for the safety, permanency, and well-being of children removed from the home for maltreatment," *Cochrane Database of Systematic Reviews*, no. 1 (January 21 2009).

[113] Pamela Gough, "Kinship care," *Centre of Excellence for Child Welfare*, Faculty of Social Work, University of Toronto (Toronto, ON, 2006): 1–4.

the policies and practices that have used child removal as a tool for assimilation in the past. In a First Nations community in Manitoba, one study found that kinship care provided a link between culture and traditions, promoted a child's connection with their caregiver and community (which enhanced the connection to their culture and ability to speak their Indigenous language), and participants reported improved school performance and fewer behavioural issues.[114] Studies have also suggested an association between kinship care and placement stability, i.e. fewer moves in care.[115]

To understand the well-being of children who have been removed from their homes, it is also important to understand the quality of their relationships with their caregivers. Establishing secure, trusting and positive relationships with their caregiver is essential for healthy development, impacting outcomes across the life course.

COGNITIVE DEVELOPMENT

Cognitive development refers to "the construction of thought processes, including remembering, problem solving, and decision-making, from childhood through adolescence to adulthood."[116] Healthy cognitive development is important for a child's trajectory, and is often measured in relation to educational outcomes.

Measure: School readiness

Among children approaching school age, one important measure of development is school readiness. According to Engle and Black, school readiness is defined as "a broad set of skills that affect children's ability to learn in school: physical health, motor skills, self-care, emotional and behavioural regulation, social skills, communication skills, pre-academic skills, attention, and curiosity and motivation to learn."[117] Based on this definition, healthy growth in all dimensions of well-being are important for school readiness. The indicators of language and cognition to measure academic school readiness are chosen in accordance with

[114] Alexandra Wright, Diane Hiebert-Murphy, Janet Mirwaldt, and George Muswaggon, "Factors that contribute to positive outcomes in the Awasis Pimicikamak Cree Nation kinship care program," accessed on July 27, 2020, https://cwrp.ca/sites/default/files/publications/en/AwasisFinalReport.pdf.

[115] Gary S Cuddeback, "Kinship family foster care: A methodological and substantive synthesis of research," *Children and youth services review* 26, no. 7 (2004): 623–639; Gretchen Perry, Martin Daly, and Jennifer Kotler, "Placement stability in kinship and non-kin foster care: A Canadian study," *Children and Youth Services Review* 34, no. 2 (February 2012): 460–465; Winokur, Holtan, and Valentine, "Kinship care for the safety, permanency, and well-being of children removed from the home for maltreatment."

[116] Encyclopedia of Children's Health, "Cognitive Development," accessed July 27, 2020, http://www.healthofchildren.com/C/Cognitive-Development.html.

[117] Patrice L. Engle and Maureen M. Black, "The Effect of Poverty on Child Development and Educational Outcomes," *Annals of the New York Academy of Sciences* 1136, no. 1 (2008): 243–256.

Brownell et al.,[118] that "the types of skills assessed in this domain are the strongest predictors of subsequent school performance and educational attainment". It is important to note, however, that there are several non-cognitive indicators of school readiness; these are conceptualized in other dimensions of child well-being in the performance framework.

Helpful indicators include:

- Basic literacy score;
- Basic numeracy score;
- Interest in literacy and numeracy score;
- Advanced literacy score;
- The number of 3 and 4-year-olds participating in funded early years education

Why these indicators matter

Gaps in school readiness at school entry are indicative of suboptimal development and characterized by the child's socioeconomic environment. For example, children of mothers with low educational attainment made up 32% of children entering school lacking printing and writing skills, as opposed to 8% of children with mothers who had a bachelor's degree or higher.[119] Similar gaps are also seen in proficiency in literacy and math, and disadvantaged children are also more likely to exhibit behavioural problems.[120] What is more, these gaps tend to widen as opposed to shrink as the child proceeds through formal schooling and are predictive of future school performance and educational attainment.[121] Heckman's work suggests that, "most of the gaps at age 18 that help to explain gaps in adult outcomes are present at age five."[122]

Participation in early childhood education is a well-evidenced intervention to enhance school readiness, especially among children from disadvantaged backgrounds. Ensuring that children are better prepared when entering school aims to improve educational achievement—a key factor in social mobility and escaping poverty.[123] As Shonkoff states, "high quality early childhood programs designed to

[118] Marni D. Brownell et al., "A population-based analysis of factors that predict early language and cognitive development," *Early Childhood Research Quarterly* 35 (2016): 6–18.

[119] Lynn A Karoly, M Rebecca Kilburn, and Jill S Cannon, *Early childhood interventions: Proven results, future promise* (Rand Corporation, 2005).

[120] Karoly, Kilburn, and Cannon, *Early childhood interventions: Proven results, future promise.*

[121] Engle and Black, "The Effect of Poverty on Child Development and Educational Outcomes."

[122] James J. Heckman, "Schools, Skills, and Synapses," Econ Inq 46, no. 3 (Jun 2008): 289.

[123] Engle and Black, "The Effect of Poverty on Child Development and Educational Outcomes."

produce positive effects on educational achievement and later work-force participation offer an important, unrecognized infrastructure for addressing the stress-related roots of social class disparities in health."[124]

Measure: Educational attainment

Another important measure of cognitive development from childhood into adolescence is educational attainment. Indicators chosen for this measure include:

- Literacy and numeracy test scores (middle childhood)
- Positive attitudes towards learning/school
- Youth who intend on going to post-secondary school (e.g. trades, university, college)

Why these indicators matter

Educational attainment is important for child well-being, particularly in the context of a child's socio-economic trajectory. Literacy and numeracy scores tell us how well the child is performing in school and are a gauge of cognitive functioning.[125] Academic success also has a reciprocal effect on a child's attitude towards learning (often referred to as academic self-concept).[126] Learning begets learning, and academic achievement and motivation to learn are key factors to a high level of educational attainment.

This is important, as educational attainment often translates into levels of skill and ability in society, which are linked to a host of outcomes in adulthood.[127] More obvious impacts of low education are reduced rates of employment and earnings. Failure to complete high school is linked to higher rates of welfare dependency and criminality.[128] Educational attainment is also a determinant of participation in the Canadian labour market, especially for Indigenous people.[129] For example, in 2009, 82% of adults aged 25 to 64 with post-secondary qualifications were employed,

[124] J. P. Shonkoff, W. T. Boyce, and B. S. McEwen, "Neuroscience, molecular biology, and the childhood roots of health disparities: building a new framework for health promotion and disease prevention," *Jama* 301, no. 21 (Jun 3 2009): 754.

[125] Nico Trocmé et al., *National Child Welfare Outcomes Indicator Matrix (NOM)* (Centre of Excellence for Child Welfare, 2009).

[126] Frédéric Guay, Herbert W Marsh, and Michel Boivin, "Academic self-concept and academic achievement: Developmental perspectives on their causal ordering," *Journal of educational psychology* 95, no. 1 (2003): 124–136.

[127] James J. Heckman, "Schools, Skills, and Synapses," *Econ Inq* 46, no. 3 (Jun 2008): 289.

[128] Karoly, Kilburn, and Cannon, *Early childhood interventions: Proven results, future promise.*

[129] Melisa Brittain and Cindy Blackstock, *First Nations child poverty: A Literature Review and Analysis* (First Nations Children's Action Research and Education Service, 2015): 1–175; Statistics Canada, "Aboriginal people and the labour market," updated March 16, 2017, https://www150.statcan.gc.ca/n1/daily-quotidien/170316/dq170316d-eng.htm.

compared to 55% of those with less than a high school education.[130] Indeed, employment rates are higher for Indigenous people with post-secondary credentials.[131]

PSYCHOLOGICAL AND EMOTIONAL WELL-BEING

Psychological and emotional well-being in childhood includes the ability to self-regulate emotions; healthy self-esteem, which is affected by the presence of optimism, hope, resilience and looking to the future; as well as their own perceptions of their mental health and well-being. According to the WHO, "mental health is a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community."[132] Promoting psychological health and well-being in childhood is an important pathway to good mental health in adulthood.

Measure: Child behaviour

Child behaviour is a good measure of how children are faring psychologically and emotionally, particularly with respect to self-regulation. Indicators chosen for this measure include:

- Anxious and fearful behaviour
- Aggressive behaviour
- Hyperactivity and inattentive behaviour

Why these indicators matter

As Trocmé describes, "abused and neglected children are at high risk of developing emotional and behavioural problems at home, school, and in the community," and experience decreased placement stability.[133] This lack of stability may only reinforce behavioural and emotional problems. Therefore, child behaviour is an important measure to monitor in the context of children who are in contact with the child welfare system so that they can be referred to appropriate early intervention services.

Behavioural issues among children are associated with socioeconomic disadvantage and have been linked to worse outcomes in adulthood. For example, research has found an association between attention deficit

[130] Statistics Canada, "Educational Attainment and Employment: Canada in an International Context," (February 2012), https://www150.statcan.gc.ca/n1/en/pub/81-599-x/81-599-x2012008-eng.pdf?st=bfdP0Wao.

[131] Karen Kelly-Scott and Kristina Smith, *Aboriginal peoples: Fact sheet for Canada*, Statistics Canada, 2015, accessed July 27, 2020, https://www150.statcan.gc.ca/n1/en/pub/89-656-x/89-656-x2015001-eng.pdf?st=7uLuA-8L.

[132] World Health Organization, "Mental Health: Strengthening our Response," 2018, https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response.

[133] Nico Trocmé et al., *National Child Welfare Outcomes Indicator Matrix (NOM)* (Centre of Excellence for Child Welfare, 2009).

problems and poor labour outcomes in adulthood, such as lower rates of employment, lower earnings and worse jobs.[134] Conduct disorders in childhood, which include antisocial behaviours such as disobedience, tantrums, fighting, destructiveness, lying and stealing, increase the likelihood of violence, criminality, poor relationships, and poor mental health.[135]

This incurs significant societal costs as well.[136] Scott and colleagues[137] found costs for individuals with conduct disorder in childhood to be 10 times higher than for those with no problems, the bulk of which were associated with criminality, extra educational support, out of home care and state benefits. Another study examining physical health in adulthood among children who displayed childhood aggression found a direct and positive link to the use of medical services, "as well as medical visits due to lifestyle-related illnesses and injuries, with indirect paths through educational attainment."[138]

Measure: Social competence

There are varying definitions of social competence, but it can generally be described as "involving the personal knowledge and skills which persons develop in order to deal effectively with life's many choices, challenges and opportunities."[139] More specifically, it involves the quality of interactions and relationships. Indicators chosen for this measure include:

- Communication skills
- Prosocial and helping behaviour
- Social intelligence

[134] Martin Knapp et al., "Economic outcomes in adulthood and their associations with antisocial conduct, attention deficit and anxiety problems in childhood," *Journal of mental health policy and economics* 14, no. 3 (2011): 137–47.

[135] Jonathan Hill and Barbara Maughan, *Conduct disorders in childhood and adolescence* (Cambridge University Press, 2001).

[136] Stephen Scott et al., "Financial cost of social exclusion: follow up study of antisocial children into adulthood," *Bmj* 323, no. 7306 (Jul 2001): 191–195; Renee Romeo, Martin Knapp, and Stephen Scott, "Economic cost of severe antisocial behaviour in children—and who pays it," *British Journal of Psychiatry* 188, no. 6 (2006): 547–53.

[137] Stephen Scott et al., "Financial cost of social exclusion: follow up study of antisocial children into adulthood," *Bmj* 323, no. 7306 (Jul 2001): 191–195.

[138] E. Temcheff et al., "Predicting adult physical health outcomes from childhood aggression, social withdrawal and likeability: a 30-year prospective, longitudinal study," *Int J Behav Med* 18, no. 1 (Mar 2011).

[139] Heejeong Sophia Han and Kristen Mary Kemple, "Components of Social Competence and Strategies of Support: Considering What to Teach and How," *Early Childhood Education Journal* 34, no. 3 (2006): 241–46.

Why these indicators matter

While skills related to achievement outcomes in school are undoubtedly important for future success, James Heckman, a Nobel Laureate in Economics, argues that equal attention must be paid to the development of noncognitive skills that are relevant for participation in the workforce and in society, which include those such as socioemotional regulation, personality factors, motivation, perseverance, and the capacity to collaborate with others.[140]

This was demonstrated in Heckman's research on the General Education Development (GED) testing program in the United States, which is a series of cognitive tests that high school dropouts can take to determine if they meet the minimum academic standard of high-school graduates. They found that although they have similar test scores to regular high school graduates, GED recipients have earnings that compare to high school dropouts.[141] Heckman and his colleagues conclude that "the GED surplus of cognitive skills is not outweighed by the GED deficit in noncognitive skills."[142]

The importance of noncognitive skills for success in adulthood is bolstered by Heckman and others' work in the field of early childhood intervention among disadvantaged children. Take, for instance, the Perry Preschool Project, which aimed to improve intellectual and social development among African American children at risk for school failure. Upon initial follow-up, the program was considered a failure as it did not appear to boost IQ compared to non-participating children. However, they did have higher achievement test scores, and upon follow-up at age 40, participating children had higher rates of high school graduation, higher earnings, higher percentages of home ownership, lower rates of welfare assistance, fewer out-of-wedlock births and fewer arrests compared to non-participating children.[143] Heckman attributes many of these differences to the development of noncognitive skills in these programs, contributing to social success.

[140] James J. Heckman, "Skill Formation and the Economics of Investing in Disadvantaged Children," *Science* 312, no. 5782 (2006): 1900–1902.

[141] James J Heckman and Yona Rubinstein, "The importance of noncognitive skills: Lessons from the GED testing program," *American Economic Review* 91, no. 2 (2001): 145–149.

[142] James J Heckman, Jora Stixrud, and Sergio Urzua, "The Effects of Cognitive and Noncognitive Abilities on Labor Market Outcomes and Social Behavior," *Journal of Labor Economics* 24, no. 3 (2006): 411–482.

[143] James J. Heckman, "Skill Formation and the Economics of Investing in Disadvantaged Children," *Science* 312, no. 5782 (2006): 1900–1902.

As Denham[144] concludes, in the context of academic outcomes, there is a strong body of evidence linking social-emotional competence to improved attitudes towards school and higher educational achievement. By contrast, those who have not developed in this area have weaker relations with peers and teachers. This decreases interest in school and persists into later years of learning, which can lead to dropping out.

Measure: Subjective well-being

Subjective well-being among children has emerged as an important measure, which has largely stemmed from the United Nations Convention on the Rights of the Child, in which children are assured rights as individuals, and that their views are important and must be taken into consideration.[145] Indicators chosen for this measure include:

- Self-reported happiness/life satisfaction
- Self-reported mental health

Why these indicators matter

Indicators like self-reported happiness and mental health distinguish the concept of "well-becoming" into adulthood from "well-being" among children in the present. In light of the recognition that children's rights are human rights, it is important to study and understand well-being from the child's experience and perspective. Huebner and colleagues[146] describe life satisfaction as "a person's subjective, global evaluation of the positivity of her/his life as a whole or with specific life domains," that can "encompass judgements ranging from very negative to neutral to very positive."

These indicators may complement understanding of other indicators important to child well-being. While there is a large body of evidence highlighting associations between life satisfaction and well-being outcomes among adults, the extent to which this is relevant for children is still being studied. Emerging research has found life satisfaction to be a mediating factor on how stressful life events influence parenting behaviour and problem behaviour among adolescents.[147]

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[144] Susanne A. Denham, "Social-Emotional Competence as Support for School Readiness: What Is It and How Do We Assess It?," *Early Education and Development* 17, no. 1 (2006): 57–89.

[145] Asher Ben-Arieh, "Where Are the Children? Children's Role in Measuring and Monitoring Their Well-Being," *Social Indicators Research* 74, no. 3 (December 2005): 573–596.

[146] E. Scott Huebner, Shannon M. Suldo, and Robert F. Valois, "Children's Life Satisfaction," in *What Do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development*, ed. Kristin Anderson Moore and Laura H. Lippman (Boston, MA: Springer US, 2005): 41.

[147] E. Scott Huebner, Shannon M. Suldo, and Robert F. Valois, "Children's Life Satisfaction," in *What Do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development*, ed. Kristin Anderson Moore and Laura H. Lippman (Boston, MA: Springer US, 2005): 41.

Measure: Esteem

Esteem is an important part of psychological and emotional well-being. Many components of esteem are captured in the First Nations Mental Wellness Continuum Framework, where metal wellness is defined as:

> *...a balance of the mental, physical, spiritual, and emotional. This balance is enriched as individuals have: PURPOSE in their daily lives whether it is through education, employment, care-giving activities, or cultural ways of being and doing; HOPE for their future and those of their families that is grounded in a sense of identity, unique Indigenous values, and having a belief in spirit; a sense of BELONGING and connectedness within their families, to community, and to culture; and finally a sense of MEANING and an understanding of how their lives and those of their families and communities are part of creation and a rich history.*[148]

As Dumont and Provost note, "research has shown that individuals with high self-esteem or a high feeling of control will adopt active coping strategies focused on problems, whereas individuals with low self-esteem will adopt passive-avoidant coping styles focused on emotions."[149] Low self-esteem has been associated with mental health issues such as anxiety and depression.[150] Indicators chosen for this measure include:

- Sense of purpose
- Optimism and hope
- Resilience
- Confidence
- Agency

Why these indicators matter

Fostering resilience among disadvantaged children is a complementary approach to mitigating risk factors to promote well-being. In practical terms, it will never be possible to remove all risks; therefore, cultivating psychological resilience and coping strategies offers a strengths-based method to navigating stress and adversity, in turn promoting better outcomes.[151]

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[148] Health Canada, "First Nations Mental Wellness Continuum Framework: Summary Report," (Health Canada, Assembly of First Nations Ottawa, ON, 2015).

[149] Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[150] Dumont and Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression."

[151] John Harvey and Paul H. Delfabbro, "Psychological resilience in disadvantaged youth: A critical overview," *Australian Psychologist* 39, no. 1 (2011).

Scholars have recognized the importance of these indicators given the effects of intergenerational trauma on mental health among Indigenous peoples. For example, self-esteem and optimism are important protective factors for depressive symptomology among Aboriginal youth;[152] a desire to contribute to one's community and believing in one's self have also been found to improve mental health among Indigenous youth.[153]

SOCIAL RELATIONSHIPS

Social relationships in both early childhood and adolescence are widely regarded as one of the most important factors for healthy development and well-being in childhood through to adolescence. In the earliest years of life, it is argued that the quality of relationships and parenting carries the heaviest weight among the factors that drive healthy development.[154] Establishing warm, secure and responsive relationships with caregivers are key to establishing a child's confidence to play, socialize and explore their environment, which is what propels development.[155]

Measure: Social support and belonging

As defined by Cohen, "social support refers to a social network's provision of psychological and material resources intended to benefit an individual's ability to cope with stress."[156] This is especially important for the well-being of vulnerable children that face many different adversities in life. Indicators chosen for this measure include:

- Youth who report positive relations with their parents
- Youth who report 5 or more close friends
- Youth who report positive relations with siblings and extended family
- Youth who report positive relations with non-family adults
- Youth who report strong ties with elders in the community

Why these indicators matter

As children progress into adolescence, strong social relationships continue to be an important protective factor as individuals navigate major developmental changes. Strong social relationships, or lack thereof, have been tied to several aspects of well-being. For example, in

[152] Megan E. Ames et al., "The Protective Role of Optimism and Self-esteem on Depressive Symptom Pathways Among Canadian Aboriginal Youth," *Journal of Youth and Adolescence* 44, no. 1 (2015): 142–52.

[153] Joanna Petrasek MacDonald et al., "A review of protective factors and causal mechanisms that enhance the mental health of Indigenous Circumpolar youth," *International Journal of Circumpolar Health* 72, no. 1 (2013).

[154] James J Heckman, "The Economics of Inequality: The Value of Early Childhood Education," *American Educator* 35, no. 1 (2011).

[155] Lori G Irwin, Arjumand Siddiqi, and Glyde Hertzman, "Early child development: a powerful equalizer" (Human Early Learning Partnership (HELP) Vancouver, BC, 2007).

[156] Sheldon Cohen, "Social Relationships and Health," *The American Psychologist* 59, no. 8 (2004): 676–684.

a population-based study on young Canadian adolescents, Gadermann[157] and colleagues found that social relationships such as belongingness with peers and adults at school and connection with adults at home were the strongest predictors of life satisfaction. Research has also found positive associations between social relationships and physical and psychological well-being by promoting healthier lifestyles, better self-esteem, and a greater sense of purpose and internal locus of control.[158]

Social support can also act as a protective factor when it comes to the impact of stress on health, as supportive, responsive relationships have been found to be a major factor in preventing the effects of toxic stress on the developing brain.[159] Dumont and Provost[160] summarize research on how this may apply to preadolescents and adolescents, noting a link between low social support satisfaction and mental health issues such as anxiety, depression, sleep disturbances, and interpersonal sensitivity. When faced with adversity and instability, social support and positive relationships with parents can act as a buffer against poor outcomes,[161] and attachment to parents are associated with psychological well-being particularly in adolescence.[162] Socially isolated people have been found to have higher mortality rates, are more likely to commit suicide, have higher rates of tuberculosis, accidents and psychiatric disorders.[163]

Social support has also been found to moderate the relationship between socioeconomic status and academic performance. Malecki and Demaray[164] found that socioeconomic status and support from parents,

[157] Anne M. Gadermann et al., "A Population-Based Study of Children's Well-Being and Health: The Relative Importance of Social Relationships, Health-Related Activities, and Income," *Journal of Happiness Studies* 17, no. 5 (2016): 1847–1872.

[158] Peggy A. Thoits, "Mechanisms Linking Social Ties and Support to Physical and Mental Health," *Journal of Health and Social Behavior* 52, no. 2 (2011): 145–61.

[159] "Toxic Stress," Harvard University, n.d., accessed July 27, 2020, https://developingchild.harvard.edu/science/key-concepts/toxic-stress/; Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[160] Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[161] Heather Sandstrom and Sandra Huerta, "The Negtive Effects of Instability on Child Development: A Research Synthesis," *Urban Institute*, (2013).

[162] Shyamala Nada Raja, Rob McGee, and Warren R. Stanton, "Perceived attachments to parents and peers and psychological well-being in adolescence," *Journal of Youth and Adolescence* 21, no. 4 (1992): 471–485.

[163] James S. House, Karl R. Landis, and Debra Umberson, "Social relationships and health," *Science* 241, no. 4865 (1988): 540–545.

[164] Christine Kerres Malecki and Michelle Kilpatrick Demaray, "Social Support as a Buffer in the Relationship between Socioeconomic Status and Academic Performance," *School Psychology Quarterly* 21, no. 4 (2006): 375–395.

teachers, classmates, close friends and the school was significantly associated with grade point average.

Measure: Social engagement

Related to social engagement, Cohen defines social integration as "participation in a broad range of social relationships,"[165] which includes both behavioural and cognitive components. Indicators chosen for this measure include:

- Youth who report some involvement, participation or contribution within the community
- Youth who participate in extracurricular activities

Why these indicators matter

Participation in social activities is important for developing social competence and skills and is linked with fewer behavioural problems and higher self-esteem.[166]

In the Indigenous context, a review by MacDonald found that community and culture were cited as the most common protective factors for mental health among Indigenous youth, which included things like healthy relationships with family and community members.[167]

CULTURAL AND SPIRITUAL WELL-BEING

It has been recognized by Indigenous scholars, practitioners, and the Pan American Health Organization that solutions to persisting health and socioeconomic inequities among Indigenous peoples must go beyond the social determinants of health to include Indigenous knowledges and ways of being. This includes language, culture, spirituality, connection to the land, and self-determination.[168] Indigenous children are born into a history of colonialism and attempts of forced assimilation, which is considered to be at the root of widespread health and socioeconomic disparities. The impacts of these policies and practices has resulted in intergenerational trauma and a loss of culture and language among

[165] Sheldon Cohen, "Social Relationships and Health," *The American Psychologist* 59, no. 8 (2004): 676–684.

[166] Michelle Dumont and Marc A. Provost, "Resilience in Adolescents: Protective Role of Social Support, Coping Strategies, Self-Esteem, and Social Activities on Experience of Stress and Depression," *Journal of youth and adolescence* 28, no. 3, (1999): 343–363.

[167] Joanna Petrasek MacDonald et al., "A review of protective factors and causal mechanisms that enhance the mental health of Indigenous Circumpolar youth," *International Journal of Circumpolar Health* 72, no. 1 (2013).

[168] Margo Lianne Greenwood and Sarah Naomi de Leeuw, "Social determinants of health and the future well-being of Aboriginal children in Canada," *Paediatrics & Child Health* 17, no. 7 (August 2012): 381–384; Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas, "Just Societies: Health Equity and Dignified Lives," PAHO (Washington, D.C., 2019).

Indigenous communities.[169] As King and colleagues note, "the definition of indigeneity is…inherently social….[and] being isolated from aspects of this identity is widely understood to have a negative effect on Indigenous health."[170] As such, culture has become an important determinant of Indigenous well-being, and experts emphasize that it must be at the core of all efforts to improve well-being among children.

Measure: Spirituality

Spirituality is a broad term and has not been generally defined from an Indigenous perspective. Fleming and Ledogar[171] discuss Indigenous spirituality through the lens of two conceptual frameworks. The first is enculturation, which involves "the degree of integration *within* a culture"; the second, is cultural spiritual orientations, "which distinguishes between cultural and spiritual *orientations* and tribal spiritual *beliefs*". Indicators chosen for this measure include:

- Sense of belonging to cultural group
- Pride in Indigenous identity
- Sense of connection to the land
- Participation in spiritual practice/knowledge/ceremony

Why these indicators matter

While considered an important dimension of child well-being more generally, expert academics, practitioners and agencies have stressed the importance of cultural and spiritual well-being among First Nations children. One of the effects of colonial policies and practices of assimilation that First Nations children are born into is "the systemic devaluing of Indigenous identity," as well as the loss of a connection to the land—a core element of Indigenous culture and spirituality.[172] The importance of restoring the connection to one's Indigenous culture and identity is emphasized in relation to mental health outcomes and resilience.[173] In a study examining suicide rates among First Nations

[169] Margo Lianne Greenwood and Sarah Naomi de Leeuw, "Social determinants of health and the future well-being of Aboriginal children in Canada," *Paediatrics & Child Health* 17, no. 7 (August 2012): 381–384.

[170] Malcolm King, Alexandra Smith, and Michael Gracey, "Indigenous health part 2: the underlying causes of the health gap," *Lancet* 374, no. 9683 (Jul 4 2009): 77.

[171] John Fleming and Robert J. Ledogar, "Resilience and Indigenous Spirituality: A Literature Review," *Pimatisiwin* 6, no. 2 (Summer 2008): 47–64.

[172] Malcolm King, Alexandra Smith, and Michael Gracey, "Indigenous health part 2: the underlying causes of the health gap," *Lancet* 374, no. 9683 (Jul 4 2009): 77.

[173] Mohan Kumar and Tjepkema, "Suicide among First Nations people, Métis and Inuit (2011–2016): Findings from the 2011 Canadian Census Health and Environment Cohort (CanCHEC)," Last modified July 27, 2020; Lisa Wexler, "The importance of identity, history, and culture in the well-being of indigenous youth," *The Journal of the History of Childhood and Youth* 2, no. 2 (2009): 267–76.

youth in British Columbia, researchers[174] found that among communities where cultural continuity was preserved through avenues such as securing land claims, were self-governing, had band-administered education, police, fire and health services as well as cultural facilities within the community had lower suicide rates than communities where these factors were less present. This is an interesting strengths-based example where in-group variability was examined (and not just compared to the non-Indigenous population). Other studies have yielded similar results, with Indigenous spirituality acting as a protective factor against alcohol abuse and suicide.[175]

Measure: Tradition

Passing tradition on to Indigenous children is another component recognized as important for cultural identity and well-being. Indicators chosen for this measure include:

- Speaks traditional language
- Eats traditional foods

Why these indicators matter

Language is considered to be at the core of identity and how culture is passed down from generation to generation. Available statistics indicate that young children are learning to speak their heritage language as a second language.[176] Although they have persisted through colonization, preservation of Aboriginal languages is of particular importance as they are not spoken anywhere else in the world.[177] Though there is limited research on the association between knowledge of traditional Indigenous language and health outcomes, one study found that First Nations who had high levels of language knowledge had significantly lower rates of suicide than those with lower levels and for non-Indigenous youth. In fact, "youth suicide rates effectively dropped to zero in those few communities in which at least half of the band members reported a conversational knowledge of their own "Native" language."[178] Researchers identified language as the strongest cultural continuity factor contributing to this difference.

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[174] Michael J. Chandler and Christopher Lalonde, "Cultural Continuity as a Hedge against Suicide in Canada's First Nations," *Transcultural Psychiatry* 35, no. 2 (1998): 191–219.

[175] Fleming and Ledogar, "Resilience and Indigenous Spirituality: A Literature Review."

[176] Statistics Canada, "Census in Brief: The Aboriginal languages of First Nations people, Métis and Inuit," Last modified April 3, 2019, https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016022/98-200-x2016022-eng.cfm.

[177] Malcolm King, Alexandra Smith, and Michael Gracey, "Indigenous health part 2: the underlying causes of the health gap," *Lancet* 374, no. 9683 (Jul 2009): 76–64.

[178] Darcy Hallett, Michael J. Chandler, and Christopher E. Lalonde, "Aboriginal language knowledge and youth suicide," *Cognitive Development* 22, no. 3 (2007): 392.

Traditional foods are also tied to Indigenous culture and connection to the land and are relied upon for well-being. One of the many effects of colonization is poor nutrition habits that have been passed down through generations. As Wilton Littlechild,[179] a Cree Nation Chief, describes, this stems from the residential school system where food was inadequate or used as a means of punishment. Furthermore, loss of land and access to traditional foods has meant that healthy food choices, especially among rural and isolated First Nations, are expensive and often unavailable.[180] This has, in part, led to disproportionately high rates of chronic diseases related to lifestyle factors such as type 2 diabetes and obesity.[181] As MacIvor and Napoleon[182] note, traditional food gathering not only promotes a healthier diet, but also more exercise and a connection to one's Indigenous identity.

PHYSICAL HEALTH AND WELL-BEING

Physical health and well-being constitute another important pillar supporting development in other dimensions and overall child well-being. Physical health does not equate to merely the absence of illness and disease; it goes beyond this definition to include the presence of healthy habits and behaviours that promote well-being now and in the future. This includes good maternal health and parenting knowledge for a healthy start in the earliest years of life, eating a healthy diet, being physically active, having a good sleeping routine, and reducing participation in risky behaviour as a child progresses into their adolescent and teenage years.

Measure: Overall physical health

Ensuring a healthy start in life lays the foundation for health and well-being across the life course. This measure aims to capture factors that promote healthy growth and development in the early years, which can have implications for health across the life course. The indicators chosen for this measure include:

- Low birth weight
- Breastfed for at least 6 months
- Children living with a disability or chronic illness

[179] Wilton Littlechild, "Indigenous peoples must look to the past to nourish our children," *The Globe and Mail* April 19, 2018, https://www.theglobeandmail.com/opinion/article-indigenous-peoples-must-look-to-the-past-to-nourish-our-children/.

[180] Wilton Littlechild, "Indigenous peoples must look to the past to nourish our children."

[181] Onowa McIvor and Art Napoleon, "Language and culture as protective factors for at-risk communities," *International Journal of Indigenous Health* 5, no. 1 (2009): 6–25.

[182] McIvor and Napoleon, "Language and culture as protective factors for at-risk communities."

Why these indicators matter

In addition to adequate nourishment and uptake of antenatal care services, maternal health status and health behaviours influence development in utero. Low birthweight is also an important indicator of maternal health status and poverty.[183] Risk factors for low birthweight include smoking, alcohol or drug use during pregnancy, infection during pregnancy, insufficient weight gain during pregnancy, and young or older maternal age.[184] Low birthweight has been associated with a number of poor outcomes, including cognitive and language development impairments, decreased academic achievement, and increased risk of chronic illnesses later in life.[185] It is important to monitor maternal health status and behaviours that influence healthy physical development of children to identify opportunities for early intervention.

Also critical to health in infancy is exclusive breastfeeding, which is not only important for nourishment, but also for protection against infection, cognitive development and developing a secure attachment to the child's primary caregiver.[186] Adequate maternal and child nutrition before and after birth is influential in promoting physical growth and brain development, which has consequences for language-cognitive and social-emotional development, and ultimately, for future health and socioeconomic outcomes.

In addition to maternal health status and behaviours, another important indicator of overall physical health and well-being of children is the presence of a disability or chronic illness. As Kim and colleagues summarize, "children with chronic health conditions often experience pain, fatigue, and emotional distress and other problems that may affect their well-being."[187] An epidemiologic survey of 3,294 children in Ontario found that children with both chronic illness and associated disability

[183] Clare L. Cutland et al., "Low birth weight: Case definition & guidelines for data collection, analysis, and presentation of maternal immunization safety data," *Vaccine* 35, no. 48 Pt A (2017): 6492–6500.

[184] Stanford Children's Health, "Low Birth Weight," n.d., accessed on July 27, 2020, https://www.stanfordchildrens.org/en/topic/default?id=low-birthweight-90-P02382.

[185] Cutland et al., "Low birth weight: Case definition & guidelines for data collection, analysis, and presentation of maternal immunization safety data."

[186] Lori G. Irwin, Arjuman Siddiqi and Clyde Hertzman, "Early child development: a powerful equalizer," *World Health Organization*, (2007), http://www.who.int/social_determinants/resources/ecd_kn_report_07_2007.pdf; Ruth A Lawrence, "Supporting breastfeeding/early childhood social and emotion development," *Breastfeeding* (2008); J. W. Anderson, B. M. Johnstone, and D. T. Remley, "Breast-feeding and cognitive development: a meta-analysis," *Am J Clin Nutr* 70, no. 4 (October, 1999): 525–35; Cesar G Victora et al., "Breastfeeding in the 21st century: epidemiology, mechanisms, and lifelong effect," *The Lancet* 387, no. 10017 (2016): 475–90.

[187] Jiseon Kim et al., "Symptoms and quality of life indicators among children with chronic medical conditions," *Disability and health journal* 7, no. 1 (2014): 96–104.

were at three times greater risk of experiencing psychiatric disorders.[188] Learning and behavioural disabilities have been associated with a higher risk of school difficulties, criminality, higher medical needs, difficulty establishing emotional relationships, and employment challenges as adults.[189] Therefore, providing accessible, effective and timely support for children experiencing disability or chronic illness is important to promote well-being.

Measure: Healthy habits

Establishing healthy habits is important for growth and development. Moreover, reinforcing a healthy lifestyle in childhood and adolescence increases the likelihood that these behaviours will continue into adulthood. The importance of measuring healthy habits in the context of child well-being has been primarily explored among adolescents, as this is a time when children are gaining more independence and autonomy in their lifestyle choices.[190] The indicators chosen for this measure include:

- Eating habits
- Level of physical activity
- Sleep habits

Why these indicators matter

Healthy habits, which include things such as levels of exercise, a healthy diet and sleep hygiene, lay an important foundation for development among children, as well as for future outcomes in adulthood. Establishing patterns of regular physical activity and a healthy diet are important for preventing obesity and chronic illnesses such as type 2 diabetes and promoting healthy body image.

Measure: Risk management

Preventing and managing risky behaviours among children and adolescents is very important as this may influence many different domains of well-being. The indicators chosen for this measure include:

- Teenage birth rate
- Percentage who report using illicit drugs in the last month
- Percentage who report binge drinking in the last month
- Smoking in the last month

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[188] David Cadman et al., "Chronic Illness, Disability, and Mental and Social Well-Being: Findings of the Ontario Child Health Study," *Pediatrics* 79, no. 5 (1987): 805–813.

[189] Alex Wright, Diane Hiebert-Murphy, and Gwen Gosek, "Supporting aboriginal children and youth with learning and/or behavioural disabilities in the care of aboriginal child welfare agencies," *Faculty of Social Work*, University of Manitoba, (2005).

[190] Kathleen Mullan Harris, Rosalind Berkowitz King, and Penny Gordon-Larsen, "Healthy Habits among Adolescents: Sleep, Exercise, Diet, and Body Image," in *What Do Children Need to Flourish? Conceptualizing and Measuring Indicators of Positive Development,* ed. Kristin Anderson Moore and Laura H. Lippman (Boston, MA: Springer US, 2005).

Why these indicators matter

Early prevention of risky behaviour such as alcohol, tobacco and illicit drug use or unprotected sex is important, as these problem behaviours can manifest in youth and extend into adulthood. For example, a study of 727 Indigenous adolescents in the United States found that those who began drinking at an earlier age (i.e. 11–13 years old) were at a much greater risk of developing problem drinking than those who started later.[191] Adolescence is a time when risky behaviours tend to occur at the same time and are associated with "increased risk of poor educational attainment, future morbidity and premature mortality."[192] This is true of the Indigenous context as well, where high rates of binge drinking among adolescents "has been identified as a leading case of adolescent morbidity and mortality consequent to violence, falls, suicide, drowning, motor vehicle accidents, and risky sexual behaviour."[193]

SUB-STRATEGIC OUTCOME: FAMILY WELL-BEING

As stated above, there is a vast literature documenting the integral relationship between child well-being and family well-being. As summarized by Newland (2015), many studies have demonstrated child well-being as being predicated on family well-being and parenting quality.[194] Throughout the relevant literature, family well-being denotes that a family has the capacity to care for children and fulfill their basic developmental, health, educational, social, cultural, spiritual, and housing needs. Similarly, Newland (2015) defines family well-being as a relational concept, referring to the interactions between family members but also affected by the larger environments in which parents and children exist. Within this research, family well-being comprises two sub-components: Family Self-Sufficiency (parental employment and a family's ability to meet basic needs) and Family Health and Protective Factors (parental mental and physical well-being and family protective factors).

[191] Jacob E. Cheadle and Les B. Whitbeck, "Alcohol Use Trajectories and Problem Drinking Over the Course of Adolescence: A Study of North American Indigenous Youth and Their Caretakers," *Journal of Health and Social Behavior* 52, no. 2 (2011): 228–45.

[192] R.R. Kipping et al., "Multiple risk behaviour in adolescence," *Journal of Public Health* 34, no. suppl_1 (2012): i1–i2.

[193] Sherry H. Stewart et al., "Hopelessness and Excessive Drinking among Aboriginal Adolescents: The Mediating Roles of Depressive Symptoms and Drinking to Cope," *Depression research and treatment* (2011).

[194] Kieran McKeown, Jonathan Pratschke and Trutz Haase, "Family Well-Being: What Makes A Difference?" (October 2003)*;* Lisa A. Newland, "Supportive family contexts: promoting child well-being and resilience," *Early Child Development and Care* 184, no. 9–10 (2014): 1336–1346; Yvonne Rafferty, Kenneth W Griffin and Dimitra Robokos, "Maternal depression and parental distress among families in the Early Head Start Research and Evaluation Project: Risk factors within the family setting," *Infant Mental Health* J. 31, no. 5, (September 2010): 543–569*;* Lori A. Roggman, Lisa K. Boyce and Mark S. Innocenti, *Developmental parenting: A guide for early childhood practitioners* (Baltimore: Paul H. Brookes Publishing, 2008).

SELF-SUFFICIENCY

Families' overall level of self-sufficiency is typically measured in terms of economic resources. This aspect of family life is frequently cited as a crucial determinant of child thriving. The indicators selected as the measures of this indicator include:

- Secure parental employment and labour force participation, and;
- Ability to meet basic needs, including transportation, housing and utilities, food, clothing, childcare and other necessary expenses.

Self-sufficiency is among the most cited factors in the literature on family well-being. Many studies have found that low parental income and economic hardships cause increased economic pressure in families, which adversely impacts parental mental health, conflict between parents/caregivers, parent-child interactions and parenting practices, as well as cognitive, academic, and socioemotional outcomes in children. Indeed, when parents are lacking the skills and resources necessary to be self-sufficient, they are more likely to struggle to provide adequate support and educational assistance for their children.[195] Families in chronic and persistent poverty are especially prone to challenges with self-sufficiency and may require additional support to reach this objective.[196] In the context of First Nations, risks to self-sufficiency are often more pronounced than in the rest of Canada. For many First Nations households, life choices can be severely compromised by high food costs, poor availability of healthy food, low income, and/or high housing and heating costs.

FAMILY HEALTH AND PROTECTIVE FACTORS

In addition to the immediate financial needs captured in the self-sufficiency component, there is the equally important consideration of health status of parents and/or caregivers, as well as the degree of protective factors within the family unit. As a result, we have classified the measures in this sub-strategic outcome as follows.

- Physical health status of parents or caregivers;
- Mental health status of parents or caregivers, and;
- Family protective factors.

[195] Erik Jacobson, "Examining Reading Comprehension in Adult Literacy," *Adult Basic Education and Literacy Journal* 5, no. 3 (2011): 132–140; Jacqueline, Lynch, "Print literacy engagement of parents from low-income backgrounds: Implications for adult and family literacy programs," *Journal of Adolescent & Adult Literacy* 52, no. 6 (2009): 509–521.

[196] Diana D. Coyl, Lori A. Roggman, and Lisa A. Newland, "Stress, maternal depression, and negative mother–infant interactions in relation to infant attachment," *Infant Mental Health Journal: Official Publication of The World Association for Infant Mental Health* 23, no. 1–2 (2002): 145–163; Yvonne Rafferty, Kenneth W Griffin and Dimitra Robokos, "Maternal depression and parental distress among families in the Early Head Start Research and Evaluation Project: Risk factors within the family setting," *Infant Ment Health* J. 31, no. 5, (September 2010): 543–569.

Parental physical and mental health

Parental mental and physical health are necessary conditions for maintaining a stable and positive family environment. Parents who are suffering from poor mental health will likely have a negative impact on the entire family system, including co-parents, children, as well as other networks outside of the family such as work and social support systems.[197] Mental health disorders, combined with the daily challenges of parenting, can cause parents to feel overwhelmed by the demands of everyday life. Moreover, parents suffering from subclinical mental health issues (e.g. distress, mild depression, anxiety, stress, fatigue, somatic symptoms) rarely seek treatment for their conditions.[198] Under these conditions, parents have been found more likely to resort to inappropriate coping devices, such as avoidance or drug/alcohol use, as a way of managing the challenges in their lives.[199]

These persistent conditions of heightened levels of stress, combined with low levels of social support, are particularly problematic for families.[200] Conversely, when parents use appropriate emotion regulation, stress management, and support-seeking strategies, they tend to exhibit more positive physical and mental health, decision making, job performance and stability, parenting skills, and social relationships.[201] Markers of positive parental mental health, including life satisfaction, positive mood, and efficacy, are related to better individual and family

[197] Lisa A. Newland, Diana D. Coyl, and Harry Freeman, "Predicting preschoolers' attachment security from fathers' involvement, internal working models, and use of social support," *Early Child Development and Care* 178, no. 7–8 (2008): 785–801; Michael J. Mackenzie et al., "Spanking and child development across the first decade of life," *Pediatrics* 132, no. 5 (2013): e1118–e1125; Donald, Sawyer, John A. Gale and David Lambert, "Rural and Frontier Mental and Behavioral Health Care: Barriers, Effective Policy Strategies, Best Practices," Waite Park, MN: *National Association of Rural Mental Health*. (2006).

[198] Rebecca Giallo et al., "Psychological distress of fathers attending an Australian early parenting service for early parenting difficulties," *Clinical Psychologist* 17, no. 2 (2013): 46–55.

[199] Joanne Nicholson, Elaine M. Sweeney and Jeffrey L. Geller, "Focus on women: mothers with mental illness: I. The competing demands of parenting and living with mental illness," *Psychiatric Services* 49, no. 5 (1998): 635–642.

[200] Diana D. Coyl, Lisa A. Newland and Harry Freeman, "Predicting preschoolers' attachment security from parenting behaviours, parents' attachment relationships and their use of social support," *Early Child Development and Care* 180, no. 4 (2010): 499–512.

[201] Diana D. Coyl, Lori A. Roggman, and Lisa A. Newland, "Stress, maternal depression, and negative mother—infant interactions in relation to infant attachment," *Infant Mental Health Journal: Official Publication of The World Association for Infant Mental Health* 23, no. 1–2 (2002): 145–163; Carolyn A. McCarty and Robert J. McMahon, "Mediators of the relation between maternal depressive symptoms and child internalizing and disruptive behavior disorders," *Journal of family psychology* 17, no. 4 (2003): 545; Delphine Nelis et al., "Measuring individual differences in emotion regulation: The Emotion Regulation Profile-Revised (ERP-R)," *Psychologica Belgica* (2011); Lisa A. Newland, "Supportive family contexts: promoting child well-being and resilience," *Early Child Development and Care* 184, no. 9–10 (2014): 1336–1346.

functioning.[202] It is essential that parents who have mental health issues be treated properly if they are to be self-sufficient and resilient.[203]

Parental physical health is an equally important component of family well-being which impacts parent–child interactions and child well-being.[204] Parental health behaviours and management strategies are related to parental mental health and family functioning (e.g. family interactions, outcomes, roles, self-sufficiency, and parent involvement), all of which impact children's life outcomes.[205] Finally, parents also serve as "the primary gatekeepers of their children's health", therefore making choices about their child's healthcare, nutrition, physical activity, mental healthcare, and physical and emotional environments.[206]

Family protective factors

The last component of family well-being in this research is family protective factors, which consist of family resilience, social connections, knowledge of parent and child development, concrete support in times of need, and developmental parenting and attachment. Many child welfare and family support systems have emphasized the importance of protective factors in preventing negative outcomes for children. These factors can mitigate risk and promote healthy development of children and families such as strengths that help buffer and support families at risk. These risk factors include stressful conditions such as maternal psychiatric disorders, family violence, persistent poverty, and substance use. Increasing the strength of protective factors is an effective prevention and intervention strategy to offset risk exposure and promote enduring gains.[207]

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[202] Diana D. Coyl, Lori A. Roggman, and Lisa A. Newland, "Stress, maternal depression, and negative mother–infant interactions in relation to infant attachment," *Infant Mental Health Journal: Official Publication of The World Association for Infant Mental Health* 23, no. 1–2 (2002): 145–163.

[203] Lisa A. Newland, "Supportive family contexts: promoting child well-being and resilience," *Early Child Development and Care* 184, no. 9–10 (2014): 1336–1346; Joanne Nicholson, Elaine M. Sweeney and Jeffrey L. Geller, "Focus on women: mothers with mental illness: I. The competing demands of parenting and living with mental illness," *Psychiatric Services* 49, no. 5 (1998): 635–642.

[204] Anne Case and Christina Paxson, "Parental behavior and child health," *Health affairs* 21, no. 2 (2002): 164–178.

[205] Rebecca Giallo et al., "Psychological distress of fathers attending an Australian early parenting service for early parenting difficulties,"; Rhona Hogg et al., "Parenting support for families with young children—a public health, user-focused study undertaken in a semi-rural area of Scotland," *Journal of clinical nursing* 22, no. 7–8 (2013): 1140–1150; Newland, 2014; Kristina Ziegart, "Maintaining families' well-being in everyday life." *International Journal of Qualitative Studies on Health and Well-Being* 6, no. 2, (May 2011).

[206] Case & Paxson, (2002): 164.

[207] Joan E. Zweben et al., "Enhancing family protective factors in residential treatment for substance use disorders," *Child welfare* 94, no. 5, (2015): 145–166.

Strengthening Families™, developed by the Center for the Study of Social Policy (CSSP), identifies five protective factors: (1) parental resilience; (2) social connections; (3) Knowledge of parent and child development; (4) Concrete support in times of need; and (5) social and emotional competence of children. Many child welfare systems have used the CSSP framework to develop strength-based intervention initiatives.[208] Strengthening Families is a research-informed approach to improve family well-being, enhance child development, and reduce the likelihood of child abuse and neglect.[209] This framework is widely used as an intervention in many child welfare agencies to reduce child maltreatment and foster positive relationships between parents and children.

According to the CSSP:

> Protective factors act as a counterweight to risk factors. They buffer the impact of what the researchers call "toxic stress". Risk factors, it turns out, are not very predictive of future events. And we cannot get to good outcomes for children only by focusing on reducing risk. The protective factors in the Strengthening Families framework both protect against risk and promote positive outcomes.[210]

Strengthening Families is also consistent with the shift in the child welfare sector from a protection to a prevention-based system in its emphasis on a changed relationship with parents. As summarized by the CSSP:

> Programs and service providers in these systems sometimes see parents as irrelevant to their work, or worse, as obstacles to achieving the outcomes we all want for children. But we know that children grow up in families, not programs—and we cannot achieve good outcomes for children without engaging their parents as partners.[211]

Finally, Strengthening Families is aligned with developmental science and emphasizes the importance of nurturing and responsive relationships in the critical period of early childhood. The CSSP clearly references the

[208] Charlyn Harper Browne, "The Strengthening Families Approach and Protective Factors Framework: Branching Out and Reaching Deeper," *Washington, DC: Center for the Study of Social Policy*, (2014); Child Welfare Information Gateway, "Protective Factors Approaches in Child Welfare," (2014).

[209] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

[210] Center for the Study of Social Policy (CSSP), "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

[211] Center for the Study of Social Policy (CSSP), "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

effects of traumatic experiences in children, which can "carry into the rest of a young person's life."[212]

Parental resilience refers to the ability of parents to manage stress (either parental or general life stressors) and for the parents and the family to function well when faced with challenges, adversity, and trauma. According to the CSSP, it has been frequently demonstrated that how parents respond to stressors is more significant to determining the outcomes for themselves and for their children than the stressor itself.[213]

Second, social connections refer to parents' constructive and supportive relationships with family members, friends, neighbours, co-workers, community members, and service providers, which provide emotional, informational, and spiritual support. These connections have been associated with positive parental mood, positive perceptions and responsiveness of parents towards children, as well as parental satisfaction, sense of competence, and reduced anger, anxiety and depression.

Third, knowledge of parenting and child development, simply an adequate understanding of child development and parenting strategies that support physical, cognitive, language, social and emotional development, contribute to emotionally available parents and caregivers who recognize and respond to the needs of children, and who interact with them in an affectionate, sensitive, and nurturing manner. This type of care allows children to develop a bond of secure attachment towards their parents or caregivers and, in turn, to develop a sense of trust, safety, self-confidence, and security.[214]

Fourth, concrete support in times of need refers to strategies and resources which parents can utilize during exceptionally trying times, such as job losses, home foreclosure, acute poverty (e.g. inability to pay for basic necessities), substance abuse, or other family trauma. As summarized by the CSSP, when parents are able and willing to navigate through and access health care and social service resources offered in their community, they are taking a critical step towards improving their circumstances and "learning to better manage stress and function well."[215]

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[212] Center for the Study of Social Policy (CSSP), "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

[213] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

[214] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

[215] Center for the Study of Social Policy (CSSP), "Strengthening families. A protective factors framework," Accessed on July 27, 2020, https://cssp.org/wp-content/uploads/2018/08/ProtectiveFactorsActionSheets.pdf.

Finally, developmental parenting, a term coined by Roggman et al.,[216] encompasses a set of parenting practices meant to be developmentally appropriate and adjusted as children's needs and skills change. Roggman and others have found that developmental parenting includes four key components: affection, responsiveness, encouragement, and teaching.[217] More recently, Newland expanded that list to include engagement, appropriate discipline, and supportive co-parenting.[218] In general, developmental parenting is described as responsive and sensitive to children's needs in order to foster positive attachment relationships with parents and caregivers in infancy and early childhood, which are a crucial conditions to facilitate of child well-being.[219] Indeed, both the quality of parenting and the quality of parent–child relationships are extremely important for children's well-being.[220] High-quality parenting is characterized as being developmentally appropriate, consistently with a child's needs, and adjusted as those needs change in order to foster well-being.[221]

SUB-STRATEGIC OUTCOME: COMMUNITY WELL-BEING

Community well-being is the broadest domain of well-being utilized in this research project, encompassing many contextual factors which can enable or constrain a child's thriving. Poverty has known impacts on development, a matter highlighted in Phase 1.[222]

As Liebenberg and Hutt-Macleod attest, "Reducing the number of children in care will depend in large part on providing families and communities the resources required to heal so that they are better

[216] Lori A. Roggman, Lisa K. Boyce and Mark S. Innocenti, *Developmental parenting: A guide for early childhood practitioners* (Baltimore: Paul H. Brookes Publishing, 2008).

[217] Lori A. Roggman, Lisa K. Boyce and Mark S. Innocenti, *Developmental parenting: A guide for early childhood practitioners* (Baltimore: Paul H. Brookes Publishing, 2008).

[218] Lisa A. Newland, "Supportive family contexts: Promoting child well-being and resilience," *Early Child Development and Care* 184, 9–10, (2014): 1336–1346.

[219] Mari Broberg, "Young children's well-being in Finnish stepfamilies," *Early Child Development & Care* 182,3/4, (February 22, 2012): 401–415; Michael J. Lawler, Phillip R. Shaver and Gail S. Goodman "Toward relationship-based child welfare services" *Children and Youth Services Review* 33, no. 3, (March 2011): 473–480; Tim McDougall, "Mental health problems in childhood and adolescence" *Nursing Standard* 26, no. 14, (2011): 48–56.

[220] Lisa A. Newland, "Supportive family contexts: Promoting child well-being and resilience," *Early Child Development and Care* 184, 9–10, (2014): 1336–1346.

[221] Catherine S. Tamis-LeMonda et al., "Fathers and mothers at play with their 2- and 3-year-olds: Contributions to language and cognitive development," *Child development* 75, no. 6 (2004): 1806–1820; Rebecca P. Newland et al., "The family model stress and maternal psychological symptoms: Mediated pathways from economic hardship to parenting," *Journal of Family Psychology* 27, no. 1 (2013): 96; Roggman et al. (2008).

[222] IFSD, "Enabling First Nations Children to Thirve," (2018), http://www.ifsd.ca/web/default/files/public/First%20Nations/IFSD%20Enabling%20Children%20to%20Thrive_February%202019.pdf.

able to care for children."[223] However, the importance of community well-being denotes a focus beyond simply reducing the number of children in care. Rather, a community focus shifts the objective towards promoting substantive equality and wellness for children, families, and communities to have a chance for healthy development. As Bronfenbrenner explained, "Children don't grow up in programs. They grow up in families and in communities."[224]

The community capacity-building framework proposed by Liebenberg and Hutt-Macleod (2017) demonstrates how development at the community level is critical to well-being in general, including that of children.

The definition of community well-being employed in this research is derived from the University of Minnesota's Earl E. Bakken Center for Spirituality & Healing, as "the combination of social, economic, environmental, cultural, and political conditions identified by individuals and their communities as essential for them to flourish and fulfill their potential."[225] While the factors inherent in community well-being in an Indigenous context are numerous, for the purposes of this research, these have been limited to three sub-components. The components of community well-being are as follows:

- A community's access to basic needs;
- The gaps in service provision to communities, and;
- Public safety and community health.

ACCESS TO BASIC NEEDS

Access to basic needs in a community will comprise five key indicators: access to potable water, access to suitable housing, access to broadband connectivity, proximity and presence of community infrastructure, and overall poverty level. These components have been included in numerous studies and surveys documenting Indigenous well-being in Canada.

Access to potable water

Firstly, access to potable water is widely recognized as a fundamental condition for human health, and the lack of access to safe drinking water and adequate sanitation is one of the greatest threats facing vulnerable populations in the world. Indigenous teachings in particular demonstrate

[223] Linda Liebenberg and Daphne Hutt-Macleod, "Community development approaches in response to neoliberalism," *The Routledge Handbook of Global Child Welfare* (2017): 47.

[224] Center for the Study of Social Policy, "Strengthening Families 101," (2018), https://cssp.org/resource/strengtheningfamilies101/.

[225] University of Minnesota, Early E. Bakken Center for Spirituality and Healing, "What is community well-being?" Accessed on July 27, 2020, https://www.takingcharge.csh.umn.edu/enhance-your-well-being/community/what-community-well-being.

that water has various meanings and uses for people including a "...home for living beings, a life-enriching cleansing agent, an element of interconnection, and a symbol of both strength and softness."[226] As documented by Sanderson, the meaning attached to water among First Nations is that of being: "life; ...sacred; ...power; ...our first medicine; and, water connects all things."[227]

In Canada, providing safe drinking water to First Nations on reserves is a significant issue. As Bharadwaj and Bradford note, many reserve communities in Canada live with long-term drinking water advisories and high-risk water systems, and experience health and water quality below that of non-reserve populations.[228] The Government of Canada's federal department of Indigenous Services Canada provides data on long-term drinking water advisories in First Nations communities, which refer to water advisories which have been in effect for more than 12 months.[229] As of July 27, 2020, there were 30 short-term drinking water advisories and 61 long-term drinking water advisories on public systems on reserves.

The Parliamentary Budget Officer in Canada has estimated that the government would have to invest a minimum of $3.2 billion in capital investment to bring First Nations water systems up to the standards of comparable non-Indigenous communities in order to eliminate boil-water advisories.[230] When this estimate was released in 2017, it was found that the government was spending only 70 per cent of what is needed to end boil water advisories on First Nations Reserves within five years.

Access to suitable housing

Access to suitable housing is an equally important basic need. According to Statistics Canada, 'housing suitability' refers to whether a private household is living in suitable accommodations according to the National

[226] Lalita Bharadwaj and Lori Bradford, "Indigenous Water Poverty: Impacts Beyond Physical Health", in Heather Exner-Pirot, Bente Norbye and Lorana Butler (eds.), "Northern and Indigenous Health and Health Care," (Saskatoon, Saskatchewan: University of Saskatchewan, 2018).

[227] Cheryl Darlene Sanderson, "Nipiy Wasekimew/Clear Water: The Meaning of Water from the Words of the Elders—The Interconnections of Health, Education, Law and the Environment," (Burnaby, BC, Faculty of Education, Simon Fraser University, 2004), 93.

[228] Lalita Bharadwaj and Lori Bradford, "Indigenous Water Poverty: Impacts Beyond Physical Health", in Heather Exner-Pirot, Bente Norbye and Lorana Butler (eds.), "Northern and Indigenous Health and Health Care," (Saskatoon, Saskatchewan: University of Saskatchewan, 2018). Available from: openpress.usask.ca/northernhealthcare.

[229] Indigenous Services Canada, "Ending long-term drinking water advisories," last modified February 17, 2020, https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660.

[230] Parliamentary Budget Officer, "Budget sufficiency for First Nations Water and Wastewater Infrastructure," (December 7, 2017), https://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2017/FN%20Water/FN_Water_EN.pdf.

Occupancy Standard (NOS); that is, whether the dwelling has enough bedrooms for the size and composition of the household.[231] Statistics Canada has recently devoted greater attention to measuring housing needs in Canada through the new Canadian Housing Survey in 2018. Access to suitable housing can also be determined through the core housing need metric developed by the Canada Mortgage Housing Corporation (CMHC).

According to the CMHC,[232] core housing need is a situation in which:

1. Major repairs are required and residents do not have the means to move to a good unit in their community;

2. There are not enough bedrooms for the residents, and they do not have the means to move, and;

3. The current home costs more than the residents can afford, and they do not have the means to make a move or find an available affordable home in their community.

As defined by the CMHC,[233] a household is defined as:

- Its housing is unacceptable (does not meet one or more of the adequacy, suitability or affordability standards), and;
- Acceptable alternative housing in the community would cost 30% or more of its before-tax income.

Affordable, stable housing in a safe, supportive neighbourhood is essential for a healthy family life.[234] There is a substantial body of research linking adequate housing to indicators of human health.[235] Recent guidelines released by the WHO, for instance, highlights that improved housing conditions lead to better standards of health and overall well-being.[236]

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[231] Statistics Canada, "Housing suitability," *Census of Population*, 2016, last modified January 3, 2019, Retrieved from: https://www12.statcan.gc.ca/census-recensement/2016/ref/dict/households-menage029-eng.cfm.

[232] Canada Mortgage Housing Corporation (CMHC), (2019), "Understanding core housing need". Retrieved from: https://www.cmhc-schl.gc.ca/en/data-and-research/core-housing-need.

[233] Canada Mortgage Housing Corporation (CMHC), (2019), "Understanding core housing need". Retrieved from: https://www.cmhc-schl.gc.ca/en/data-and-research/core-housing-need.

[234] Kevin James Swick and Reginald D. Williams, "An analysis of Bronfenbrenner's bio-ecological perspective for early childhood educators: Implications for working with families experiencing stress," *Early childhood education journal* 33, no. 5 (2006): 371–378.

[235] Xavier Bonnefoy, "Inadequate housing and health: an overview," *International Journal of Environment and Pollution* 30, 3/4 (2007): 411–429; Lauren Taylor, "Health policy brief. Housing and Health: An Overview of the Literature," *Health Affairs*, June 7, 2018, https://www.healthaffairs.org/do/10.1377/hpb20180313.396577/full/.

[236] United Nations, "Better housing means better health and well-being, stress new WHO guidelines," *UN News*, November 27, 2018, https://news.un.org/en/story/2018/11/1026811.

In this report, the WHO demonstrates that a healthy home is one that provides a safe, comfortable and hygienic environment, as well as a psychological sense of home through a feeling of belonging, security, and privacy.

In Canada Indigenous People are far less likely than non-Indigenous Peoples to live in such a home, particularly those living on reserves.[237] According to recent data, approximately 20% of Indigenous People lived in a dwelling in need of major repairs in 2016, and 18.3% of Indigenous People lived in housing that was crowded.[238]

Families experiencing homelessness often report a loss of parental control, and are more likely to experience domestic or community violence and an increase in fear and anxiety.[239] Poor housing has also been linked to the spread and chronic occurrence of viruses and bacteria[240], and the increased prevalence of unintentional injuries.[241] Moreover, housing instability is associated with decreased family engagement in children's early school-related activities and poor early school attendance, and children who experience homelessness during their infancy, toddler, or preschool years tend to have poorer early academic outcomes overall.[242] Housing improvements linked with improved health include renovations, relocation, and energy efficiency projects.

Access to broadband

Broadband connectivity has been associated with numerous community benefits and has been recognized as a pressing issue for Aboriginal communities.[243] According to Benkler, internet connectivity is necessary infrastructure to contribute to "high and sustainable economic growth

[237] Statistics Canada, "Census in brief: The housing conditions of Aboriginal people in Canada," October 25, 2017, https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm.

[238] Statistics Canada, "Census in brief: The housing conditions of Aboriginal people in Canada," October 25, 2017, https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016021/98-200-x2016021-eng.cfm.

[239] Kevin James Swick and Reginald D. Williams, "An analysis of Bronfenbrenner's bio-ecological perspective for early childhood educators: Implications for working with families experiencing stress," *Early childhood education journal* 33, no. 5 (2006): 371–378.

[240] James Krieger and Donna L. Higgins, "Housing and health: time again for public health action," *American journal of public health* 92, no. 5 (2002): 758–768.

[241] Dawn Lee Garzon, "Contributing factors to preschool unintentional injury," *Journal of pediatric nursing* 20, no. 6 (2005): 441–447.

[242] Fantuzzo, John, et al., "A population-based inquiry of homeless episode characteristics and early educational well-being," *Children and Youth Services Review* 35, no. 6 (2013): 966–972.

[243] Rob McMahon et al., "Putting the 'last-mile' first: Re-framing broadband development in First Nations and Inuit communities," *Centre for Policy Research on Science and Technology (CPROST)*, Simon Fraser University, (December 3, 2010), http://www.sfu.ca/cprost/tacs.html.

and to core aspects of human development."[244] As acknowledged by the Government of Canada, broadband is "a critical tool for Aboriginal people as broadband infrastructure can improve health and safety, increase social well-being and provide economic development opportunities and growth for Aboriginal communities".[245] Today, only about 24% of households in Indigenous communities have access to broadband connections of 50/10 Mbps.[246] As a result of these recognized benefits, since early 2011, Indigenous Services Canada (formerly, Indian and Northern Affairs Canada (INAC)) was developing an Aboriginal connectivity strategy, while other federal departments including Industry Canada are creating a comprehensive National Digital Strategy. In some cases, broadband infrastructure has been framed as a component of indigenous self-determination.[247] There is general consensus that broadband infrastructure is an integral component of a thriving community, from a tool for cultural preservation and language learning to service delivery in health care and education.[248]

Presence of community infrastructure

The inclusion of the presence and proximity of community infrastructure is consistent with the definition of community well-being developed by the Earl E. Bakken Center for Spirituality & Healing as being based on three factors: Connectedness (e.g. social support, civic engagement), livability (e.g. housing, transport), and equity (e.g. basic needs are met, equality of opportunity).[249]

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[244] Yochai Benkler, *Berkman Centre for Internet & Society at Harvard University*, (2010).

[245] Indigenous Services Canada, "Connectivity and Partnerships," *Government of Canada*, accessed on July 27, 2020, https://www.sac-isc.gc.ca/eng/1343229993175/1533643807551.

[246] Innovation, Science and Economic Development Canada, "High-Speed Access for All: Canada's Connectivity Strategy," *Government of Canada*, accessed on July 27, 2020, https://www.ic.gc.ca/eic/site/139.nsf/eng/h_00002.html.

[247] Javier Mignone and Heather Henley, "Impact of information and communication technology on social capital in aboriginal communities in Canada," *Journal of Information, Information Technology, and Organizations* 4, (2009): 127–145.

[248] Cynthia J. Alexander et al., "Inuit cyberspace: The struggle for access for Inuit Qaujimajatuqangit." *Journal of Canadian Studies* 43, no. 2, (December 22, 2009): 220–249; Susan O'Donnell et al., "Information and communication technologies (ICT) and remote and rural First Nations communities: An overview," Paper presented at the Canadian Communication Association annual conference, Montréal, QC, (June, 2010), http://nparc.cisti-icist.nrc-cnrc.gc.ca/npsi/ctrl?action=shwart&index=an&req=15703733&lang=en; Susan O'Donnell et al., "Information and communication technologies to support health and wellness in remote and rural first nations communities: Literature review," (Fredericton, NB: *National Research Council*, 2010); David Falconer, "Rural and remote broadband access: Public policy issues," *Journal of Policy Engagement* 1, no. 3, (2009): 15–20; Centre for the Study of Living Standards, "The contribution of broadband to the economic development of first nations in Canada," Accessed on July 27, 2020: http://www.csls.ca/reports/csls2013-04.pdf.

[249] University of Minnesota, Early E. Bakken Center for Spirituality and Healing, "What is community well-being?" Accessed on July 27, 2020, https://www.takingcharge.csh.umn.edu/enhance-your-well-being/community/what-community-well-being.

The Earl E. Bakken Center for Spirituality & Healing makes reference to numerous studies showing the positive effects of community spaces and services for community well-being, including transportation systems, health and social service centres, public safety and emergency services, parks, recreation, and arts centers, and government and legal institutions. Research shows that community infrastructure is essential to fostering services, facilities, and networks which increase quality of life and reducing poverty.[250] Investments in many Indigenous communities in hard and soft infrastructure are necessary to promote quality of life for community members. This can also help to attract people to the community and can act as a disincentive to out-migration.[251]

Community infrastructure is also significant to the degree that it promotes safety and security among neighbourhoods which, in turn, promote safety within families.[252] Safe neighbourhoods contain resources which support family activities and community health and connections, including parks, sidewalks or walking paths, libraries, and community centers.[253] Neighbourhood safety can create opportunities for children to learn social customs, develop feelings of confidence in their communities, and build interpersonal relationships with peers.[254]

Poverty

Overall poverty is included as a component of community well-being. According to Gustavsson and MacEachron, "there is little disagreement about the association of poverty with child welfare involvement."[255] The negative effects of poverty are often complex and self-reinforcing:

> children can be hungry, be living in substandard housing or be homeless, be unsupervised while a parent works or is meeting

[250] Laurel Rothman, "Strong Neighbourhoods Task Force Research Product Two: The Role of Community Infrastructure in Building Strong Neighbourhoods," *Service Association of Toronto*, (February 14, 2005), http://3cities.neighbourhoodchange.ca/files/2011/05/2005-Strong-Nhoods-TF-Role-of-Community-Infrastructure-in-Strong-Nhoods.pdf.

[251] National Aboriginal Economic Development Board, "Recommendations on northern infrastructure to support economic development," (January 2016), http://www.naedb-cndea.com/reports/recommendations-on-northern-infrastructure.pdf.

[252] National Center on Parent, Family, and Community Engagement (NCPFCE), "Family well-being," (2013).

[253] Mary Kay Kenney, "Child, family, and neighborhood associations with parent and peer interactive play during early childhood," *Maternal and Child Health Journal* 16, no. 1, (April 2012): 88–101; Sharon Kingston et al., "Parent Involvement in education as a moderator of family and neighborhood socioeconomic context on school readiness among young children," *Journal of Community Psychology* 41, no. 3, (February 25, 2013): 265–276.

[254] Martha Boethel, "Readiness: School, Family, & Community Connections," *National Center for Family & Community Connections with Schools*, (2004).

[255] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *Social Work* 55, no. 3, (July 2010): 279–280.

> other responsibilities, be truant from failing schools, lack medical care, or have a caretaker with untreated mental illness or substance abuse.[256]

Parental or familial experiences of poverty have been associated with numerous detrimental effects to child well-being, including emotional and behavioral problems as well as further disruptions in schools and to friendships. Poverty is also associated with poor early childhood development and is a risk factor for family breakdown, both of which have been linked to poor educational performance in children. Moreover, economically distressed areas often experience higher reports of child maltreatment, correlated with inadequate housing and single parenthood.[257] Finally, community poverty has also been linked to health disparities and language development in children.[258]

Community connections and cultural safety

Consideration of community connections and cultural safety to assess social cohesiveness and cultural attachment are important elements of community well-being. Cultural safety refers to social environments and practices which recognize, respect, and honour diverse cultural identities.[259] A measurement of cultural safety is important given that the harmful effects of racism and colonialism experienced by people from non-dominant cultures can affect stress levels, health status, and even life expectancy.[260] As Czyzewski notes, colonialism can be understood as a social determinant of health among Aboriginal populations.[261] Cultural safety also refers to an approach to service delivery that respectfully engages families to select the most individually appropriate path to well-being.[262] The prevalence and use of traditional languages within a First Nation will be used as a proxy to determine cultural connections within a community.

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[256] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *Social Work* 55, no. 3, (July 2010): 279–280.

[257] Nora Gustavsson and Ann E. MacEachron, "Poverty and Child Welfare, 101 Years Later," *Social Work* 55, no. 3, (July 2010): 279–280; Brenda D. Smith, Emma Sophia Kay and Tracy D. Pressley, "Child maltreatment in rural southern counties: Another perspective on race, poverty and child welfare," *Child Abuse and Neglect* 80, (2018): 52–61.

[258] Caitlin A Farrell et al., "Community Poverty and Child Abuse Fatalities in the United States," *Pediatrics* 139, no. 5, (2017): 2.

[259] Robyn Williams, "Cultural Safety—What Does It Mean for Our Work Practice?," *Australian and New Zealand Journal of Public Health* 23, no. 2, (1999): 213–214.

[260] David H. Chae et al., "Discrimination, Racial Bias, and Telomere Length in African American Men," *American Journal of Preventive Medicine* 46, no. 2: 103–11.

[261] Karina Czyzewski, "Colonialism as a Broader Social Determinant of Health," *The International Indigenous Policy Journal* 2, no. 1 2(1), Chapter 3 "Social Determinants of Health Among First Nations, Inuit, and Métis," *Journal of Obstetrics and Gynaecology Canada* 35, no. 6, (June 2013): S13–S23.

[262] Jessica Ball, "Supporting Young Indigenous Children's Language Development in Canada: A Review of Research on Needs and Promising Practices," *Canadian Modern Language Review/La Revue Canadienne Des Langues Vivantes* 66, no. 1: 19–47.

Applications

Successful implementation of a performance framework depends on relevant, timely and high-quality data. The following section examines the current state of data on First Nations in Canada, where gaps in data exist, and what is needed to support a performance framework that focuses on a future state of thriving First Nations children.

DATA ON FIRST NATIONS IN CANADA: CURRENT STATE

While there is a vast amount of information collected on First Nations, it is largely uncoordinated and carried out in a piecemeal fashion across various federal departments, agencies, regions and organizations by both Indigenous and non-Indigenous groups (see Table 8).[263] Oftentimes, data is not collected frequently enough to be used for planning and operations, nor is it sufficient to answer relevant questions due to gaps in coverage for First Nations living on-reserve (for example, Statistics Canada's Aboriginal Peoples Survey only collects data from First Nations living off reserve, Métis and Inuit). Some surveys fail to separate First Nations identity from the general population, with inconsistency in how Indigenous identity is defined (e.g. self-identified, Status Indian, etc.). Certain efforts have also been critiqued for using culturally inappropriate indicators[264] and focusing on secondary issues (e.g. disease prevalence) as opposed to root causes of ill-health and well-being.[265] Furthermore, First Nations communities are often unable to use this data for planning purposes as it is aggregated to provincial and national levels.

There have been some efforts to address these challenges. For example, the First Nations Information and Governance Centre (FNIGC) was established in 2010, and works mainly to develop and administer national First Nations surveys in collaboration with Regional Partners.[266] One of their larger initiatives is the First Nations Regional Health Survey (RHS), which gathers information on health and well-being from over 250 First Nations communities. The RHS has filled important data gaps for First Nations peoples living on reserve and in northern communities, and as a First Nations-led initiative, includes culturally appropriate indicators on a holistic set of outcomes. FNIGC also houses the First Nations Data Centre, which

[263] Shelley Trevethan, "Strengthening the Availability of First Nations Data," (January 30, 2019), https://www.afn.ca/wp-content/uploads/2019/05/NCR-11176060-v1-STRENGTHENING_THE_AVAILABILITY_OF_FIRST_NATIONS_DATA-MAR_25_2019-FINAL_E.pdf.

[264] Trevethan, *Strengthening the availability of First Nations data.*

[265] Kate McBride, "Data Resources and Challenges for First Nations Communities: Document Review and Position Paper," *The Alberta First Nations Information and Governance Centre*, accessed on July 27, 2020.

[266] First Nations Information Governances Centre, "Frequently Asked Questions," accessed on July 27, 2020, https://fnigc.ca/about-fnigc/frequently-asked-questions.html.

provides data access to researchers, policymakers and other stakeholders on a pay-per-use basis. Census data can offer broad coverage of certain indicators at the level of the individual First Nation but may not always be considered representative.

TABLE 8: Available data and application considerations for the Measuring to Thrive framework.

Data source	Types of data collected	Limitations for FNCFS purposes
Statistics Canada	*Census* ▪ Demographic and family characteristics ▪ Education, labour and income outcomes ▪ Household and dwelling information ▪ Language, mobility and migration	▪ Aggregated to give national level overview ▪ Conducted every 5 years ▪ Indigenous indicator self-identified ▪ Indicators are not always culturally relevant
First Nations Information and Governance Centre (FNIGC)	*Regional Health Survey (RHS)* ▪ Health, well-being and social determinants on children, youth and adults *Early Childhood, Education and Employment Survey (REEES)* ▪ Early childhood education and development ▪ Youth employment and education ▪ Adult employment and education ▪ Labour-market conditions *Community Survey* ▪ Environment ▪ Shelter, infrastructure and housing ▪ Food security and employment ▪ Early childhood development and education ▪ Health and social services ▪ First Nations identity ▪ Justice and safety ▪ First Nations governance	▪ Administered to only a sample of First Nations communities and/or sample of the population ▪ RHS and REEES data aggregated to give national level overview (and cannot always be disaggregated to community level) ▪ Some communities cannot access data due to confidentiality concerns ▪ No clear timeline for further data collection and reporting
Indigenous Services Canada (ISC)	▪ Broadband connectivity profiles ▪ Boil water advisories ▪ Population and profile data on individual First Nations	▪ Can be difficult to access ▪ Data can be outdated (e.g. most recent publicly available data from ISC on connectivity in First Nations communities is from 2013) ▪ No aggregation of data

ANALYZING THE GAPS: WHAT IS MISSING?

Among the most significant challenges to the success of this project are the gaps in high-quality data pertaining to First Nation communities. To align what data currently exists to what is required for supporting a FNCFS performance framework, two dimensions of data source quality were considered: accessibility of data and granularity of data (see Figure 37).

Data accessibility, as the name suggests, refers to the ability to access or retrieve the data stored in a database. Publicly accessible (e.g. housing, access to potable water), data tends to be aggregated, which limits its applicability for decision-support in specific domains. Conversely, granular data refers to the degree of detail and specificity of data, in this case whether data can be divided into Frist Nations and family units. As data is more subdivided, it is more granular. Granular data can be aggregated or disaggregated to allow for different scopes of analysis. If data is not granular, it becomes very difficult to analyze clearly. Granular data may be available at the level of the individual agency or First Nation, but is not always readily available, comparable or consistently captured (i.e. loss of time series).

In the current state, there is limited consistent information and data available on the overall performance of the FNCFS system. What is known, is that the system is underfunded, the system incentivizes the placement of First Nations children in protection, and there is no commonly used results-focused framework. One of the immediate priorities with respect to transition to an alternative funding approach, is the adoption of a commonly supported and used performance framework rooted in the goal of thriving First Nations children, families and communities.

The draft diagram below plots the indicators from the performance framework based on their current-state accessibility and granularity. Several indicators are accessible but insufficiently granular (bottom right quadrant). This suggests that while there is aggregate data at the level of a First Nation, a province or region, the data may not have the necessary detail to measure the indicator defined in the performance framework. For instance, there may be data at the level of the First Nation on alcohol and drug misuse, but that data may not be available for the individual child. Even though individual data will not be shared, it is a useful internal metric for agency decision-support and planning for the child and family. The mismatch between accessibility and granularity is not insurmountable. It will require agency action with requisite resources.

The upper right quadrant is both accessible and sufficiently granular. Most of this data relates to child safety, as it is expected that agencies already collect this information at the level of the individual child for their case files. It is anticipated that while this data will not be made public at the level of the individual, the aggregated data can be a reliable source of information to assess overall outcomes for children and families in a community. Some community level data is also included, as it can be accessed from public sources at the level of the First Nation. Such data includes housing suitability and access to potable water to fulfill certain indicators. The two community well-being indicators

related to infrastructure and health and social services in the bottom left corner are deemed both insufficiently granular and insufficiently accessible because the data does not tend to exist. It would be up to individual communities or agencies to collect or produce this data.

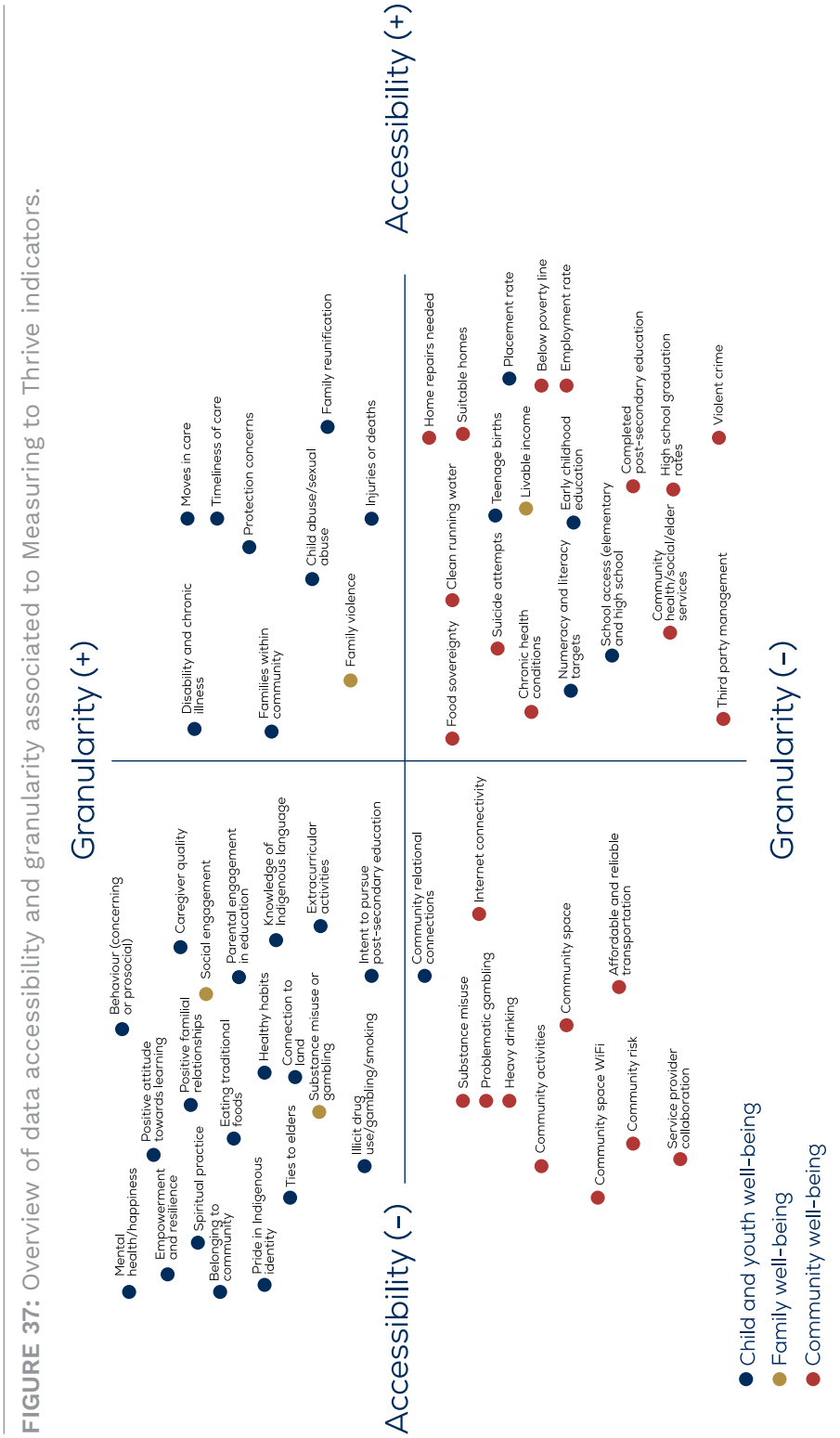


FIGURE 37: Overview of data accessibility and granularity associated to Measuring to Thrive indicators.

FEASIBILITY AND CRITICALITY OF DATA COLLECTION

Given the large gaps that exist, analysis was undertaken to determine the feasibility of obtaining data, and the criticality of it to understand progress to achieving sub-strategic and strategic objectives. This was evaluated using the following criteria:

TABLE 9: Defining feasibility of access and criticality of data for the Measuring to Thrive framework.

	Feasibility	Criticality
1	Easy to access: Data source is already publicly available or very core to agency mandate AND is available at the sufficient level of granularity to fulfil the indicator.	Data is imperative to assessing whether or not the sub-strategic and strategic outcomes are being achieved.
2	Somewhat easy to access: Data is likely not publicly available but close enough to agency mandate that they could reasonably collect it.	Data is somewhat essential to assessing whether or not the sub-strategic and strategic outcomes are being achieved.
3	Difficult to access: Data is not collected by agency and outside of agency mandate, would require external cooperation.	Data is not essential to assessing whether or not the sub-strategic and strategic outcomes are being achieved.

In this configuration, a *Feasible* coding (green) applies to data that is already being captured or an agency could easily collect the data. A *Somewhat Feasible* coding (yellow) describes data that may not exist publicly, nor is it likely being captured by agencies, but of which a request falls within an agency's mandate and the data could be feasibly collected by an agency. Finally, a *Difficult* coding (red) indicates some challenge in accessing the data as it falls outside of a typical agency's mandate and may require collaboration with a third party to capture the information (see Table 9).

Determining the criticality of collecting data on a particular indicator was based on findings from the literature on what is needed to ensure child well-being. Consideration was also given to whether the indicator measured the child's immediate health and safety or well-being more generally, whereby ones related to safety took precedence.

CHILD WELL-BEING

Child well-being is a multi-dimensional concept, and data is required from several different areas in order to holistically understand how a child is faring. In terms of feasibility, the majority of indicators were categorized as somewhat easy to access, meaning that social workers could likely collect this information through assessments with the child

and family. This is with the exception of indicators related to school performance, such as numeracy and literacy scores. In cases like these, there may be opportunities for collaboration with external entities on a community-by-community basis. For example, agencies may collaborate with school boards to collect information on educational achievement outcomes and behavioural issues in the classroom. Likewise, if early intervention programs such as Aboriginal Head Start On-Reserve are delivered within an agency's community, there may be potential to share data on maternal health and early childhood development outcomes.

The child well-being sub-strategic program is the most comprehensive of the four sub-strategic programs and consists of cognitive development, social relationships, psychological & emotional well-being, cultural & spiritual well-being and physical health and well-being performance elements. Cognitive development is supported by school readiness and educational attainment programs. Social relationships is supported by social support & belonging and social engagement programs. Psychological and emotional well-being is supported by child behaviour, social competence, subjective well-being and esteem programs. Cultural and spiritual well-being is supported by spirituality and tradition programs. Physical health and well-being are supported by overall physical health, healthy habits and risk management programs.

FAMILY WELL-BEING

The family well-being sub-strategic outcome consists of self-sufficiency and family health & protective factors performance elements. Self-sufficiency is made up of ability to meet basic needs programs and secure parental employment and participation in labour force programs. Family health and protective factors are made up of physical health of parents/caregivers programs, mental health of parents/caregivers programs and family protective factors programs.

In terms of feasibility, most of these indicators are somewhat easy to access, meaning that social workers could reasonably collect this information through assessments with the child and family. Some indicators referring to family health and protective factors, such as illicit drug use, and symptoms of anxiety and depression and thoughts of suicide and self-harm among caregivers, are presumably feasible to be collected by the agency (and to some extent are already being collected) as these are central to the mandate of agencies and critical to achieving sub-strategic and strategic outcomes.

COMMUNITY WELL-BEING

The community well-being sub-strategic outcome consists of access to basic needs, gaps in services to the community and public safety & community health performance elements. Access to basic needs

has a heavy focus on community infrastructure and looks at access to potable water, suitable housing, broadband connectivity and community infrastructure. It also looks at programs that address the overall poverty level. Gaps in services to the community is made up of programs that seek to address gaps or shortages in services. Public safety and community health consist of health & safety and educational attainment programs.

In terms of feasibility, most of these indicators qualify as relatively easy to access, with the exception of community infrastructure and public safety and community health indicators, as these will require collaboration with external organizations are not within the core mandate of child welfare agencies.

CONNECTION TO THE MEASURING TO THRIVE FRAMEWORK

It is clear that there are several gaps and challenges to utilizing First Nations data more broadly and at the level required by FNCFS agencies. The need to create a more coordinated and standardized approach to managing First Nations data to support an FNCFS performance framework raises the question of which entities and institutional relationships can be developed to collect and store this data. To that end, the example of Chapin Hall at the University of Chicago provides a useful parallel.

Chapin Hall, an independent organization affiliated with and located on the campus of the University of Chicago, engages in extensive partnerships with communities to share information and data on performance indicators of child welfare agencies. Chapin Hall serves as a steward of administrative data from a number of public agencies regularly. These data are used with the express permission of the source agency; for purposes approved by the source agency; and to benefit the source agency and the individuals and families the source agency serves.

One example of a key partnership is with the state of Tennessee, which introduced performance-based contracting (PBC) in child welfare to promote timely permanency for children in 2006. In this model, providers are financially incented to promote the permanent placement of children and are benchmarked against their own performance. The state pays for a result and bills providers that do not meet their agreed targets. Underpinning Tennessee's PBC model is data collected by providers and aggregated by Chapin Hall, which provides expertise on data analysis and performance, as well as in evaluating results and adjusting the program as needed.

Through its frequent use of high-quality reliable data and working partnerships across sectors, systems, and programs, Chapin Hall advances evidenced-based policy and funding solutions to address the complex needs of children, families, and communities. A First Nations-led secretariat is proposed to support First Nations and agencies to transition to a future state with a results approach focused on child, family, and community well-being.

Availability of data needed to benchmark and evaluate if outcomes among First Nations children are improving is scarce, and much of it will need to be collected by FNCFS agencies and providers. It is recognized that collection, analysis and management of the data will require an institutional capacity that is not currently present among all FNCFS agencies. Adequate funding for establishing this infrastructure, stakeholder buy-in and ownership over all aspects of performance measurement and strategic planning will be essential. Allowing communities to define their own success, establishing a positive, no-fault culture around measurement and tying it to an opportunity to improve (as opposed to viewing it as an assessment of performance) must also be integrated.

Connection to the Government of Canada's Expenditure Management Architecture

The Treasury Board of Canada Secretariat has set many standards and requirements for evaluation in the federal government, including the *Policy on Results* (2016)[267] and the *Directive on Results* (2016),[268] the latter of which contains Mandatory Procedures for Evaluations and Standards for Evaluation. The *Policy* replaced three Treasury Board policies, including the *Policy on Evaluation*. TBS continues to demonstrate functional leadership in implementing, using and developing evaluation practices across the federal government. This *Policy on Results* in particular is intended to allow the federal government to move towards performance-informed budgeting in the future.[269]

[267] Treasury Board of Canada Secretariat, "Policy on Results," July 1, 2016, https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300.

[268] Treasury Board of Canada Secretariat, "Directive on Results," (July 1, 2016), https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31306.

[269] Derek Armstrong, "Performance (-informed) Budgeting in the Government of Canada," *Treasury Board of Canada Secretariat*, October 2018, https://fmi.ca/wp-content/uploads/2019/04/en-presentation-derek-armstrong-to-fmi-oct-25-pd.pdf.

Prior to this, the Secretariat had established a guiding document on performance measurement strategies in the federal government.[270] As explained in this guide, performance measurement is a results-based management tool used to plan, monitor, and assess the performance of policies and programs in relation to their progress against explicit benchmarks and goals. In general, the purposes of performance measurement are two-fold: first, to support ongoing program monitoring, and second, to support and facilitate effective evaluation. More specifically, performance measurement allows governments and evaluators to:

1. Monitor and assess program effectiveness;

2. Evaluate the economy and efficiency of programs to determine the value of results in relation to expenditures;

3. Enhance accountability and transparency in the delivery and spending on programs, and;

4. Facilitate strategic program planning to improve its effectiveness and achieve intended results.[271]

ELEMENTS OF THE *HORIZONTAL INITIATIVES GUIDE*

The complexity and breadth of the system-wide approach to FNCFS is evident when considering the contextual influences on well-being. Adhering with the guidance set out in the *Guide to Departments on the Management and Reporting of Horizontal Initiatives* would be beneficial with respect to achieving a successful outcome.

The *Horizontal Initiatives Guide* promotes the management and reporting on horizontal initiatives by:

- Clarifying the definition of a horizontal initiative
- Outlining appropriate governance (First Nations-led)
- Describing the roles and responsibilities of lead and partner departments and agencies
- Setting out the process for their management and reporting
- Prescribing reporting requirements for Parliament and to TBS

[270] Treasury Board of Canada Secretariat, "Supporting effective evaluations: A guide to developing performance measurement strategies," September 29, 2010, https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/centre-excellence-evaluation/guide-developing-performance-measurement-strategies.html.

[271] Treasury Board of Canada Secretariat, "Supporting effective evaluations: A guide to developing performance measurement strategies," September 29, 2010, https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/centre-excellence-evaluation/guide-developing-performance-measurement-strategies.html.

1. *Does FNCFS meet the criteria for a horizontal initiative?*

The performance measurement framework Measuring to Thrive meets the definition of a horizontal initiative. The performance measurement framework is holistic as it seeks to address the root causes in the system that have prevented First Nations children from thriving. This performance measurement framework covers protection, mental health, physical health, education and infrastructure to name a few of the areas of focus. The funding associated to meet the goas of this framework will implicate ISC and other departments.

2. *Appropriate governance for the FNCFS performance measurement framework*

Having established that the Measuring to Thrive framework meets the definition of a horizontal initiative it is important to outline appropriate governance. The following steps should be taken as part of the roadmap towards the implementation of the framework:

a. The appointment of a senior-level First Nation oversight committee
    i. Responsible for data collection, monitoring of indicators and spending, resolution of disputes, timing of meetings and agenda, liaison and ongoing reporting and engagement with key stakeholders and central agencies, communication strategies etc.
b. Establish appropriate subordinate bodies for the sub-strategic outcomes
c. Ensure governance deals with simple issues and roadblocks
d. Ensure that the oversight committee reports high-risk, high-impact issues to the First Nations-led secretariat and/or other appropriate body

The establishment of appropriate and effective governance is critical towards success of this horizontal initiative.

3. *Establish the roles and responsibilities of lead and partner departments and agencies*

Building off the need for appropriate governance it is important that the roles and responsibilities of the lead and all partner agencies/entities are clearly identified to ensure that there is system-wide coordination and synergies with all the moving parts of the performance measurement framework. Alignment and a system-wide view of the effectiveness and efficiency (i.e. value-for-money) of the totality of operations will demonstrate fiscal probity and stewardship with respect to Measuring to Thrive.

4. *Setting out the Process for the Management and Reporting of the Horizontal Initiative*

In order to be successful, the process for managing and reporting of this horizontal initiative requires a shared understanding of:

- The outcomes anticipated
- The indicators of success
- The activities required
- The capacities needed for execution

This shared understanding underscores the importance of ensuring there is accountability for data collection, analysis and reporting. The FNCFS performance measurement framework is horizontal and measures progress in strength-based approaches and overcoming contextual barriers. Given the current data gap in understanding system-wide performance, the initial priority must be to establish a baseline of performance and financial data in the current state. This will help to clearly identify the scope of the challenge as well as being able to identify a medium-term to long-term performance roadmap that will help to measure and report on the success of the funding formula and the performance measurement framework moving forward. First Nations are best positioned to gather, analyze and report on data relevant to well-being.

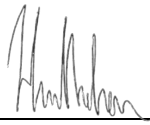
5. *Prescribing Reporting Requirements for Parliament and to TBS*

Given the importance of the FNCFS funding approach and performance measurement framework it is critical that the oversight committee establish clear evaluation and reporting requirements to Parliament to be able to provide an evidence-based and transparent evaluation of what has been successfully achieved and what gaps remain. Regular reporting and evaluations on performance and the resources allocated to realize this performance will provide a high-quality evidence-based assessment on the progress towards the Vision of *Enabling First Nations Children to Thrive*.

DETAILED CHECKLIST BASED ON THE HORIZONTAL INITIATIVES GUIDANCE DOCUMENT

For a detailed checklist that applies the guidance in the *Guide to Departments on the Management and Reporting of Horizontal Initiatives* to the FNCFS performance measurement framework, see Appendix L. The purpose is to provide a quality assurance best practice checklist for the implementation of the renewed FNCFS system.

This is Exhibit "41" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

National Advisory Committee First Nations Caucus

Draft Phase 3 Recommendation Discussion Guide

March 2024

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Guiding Principles

- **Best Interests of the Child**
- **Needs based.**
- **UNDRIP – free, prior, and informed consent**
- **Non-Discrimination (Substantive equality)**
- **Reflect distinct community circumstances.**
- **Culturally appropriate**

General: Transition decision making and safeguards

Topic	Options	NAC Recommendation/Next Steps	AFN Regional Recommendations
Decision on Transition	• **Everyone moves to a reformed approach.** • **First Nations (in consultation with agencies) decide if/when to move.** • **Other?**	**No endorsement of a global transition to reform.** **Recommendation of the NAC that the First Nations in consultation with the Agencies decides if/when they will move to the reformed approach.** **Caring Society requests some plain language in the materials from IFSD on transitioning.**	**QC-** First Nations in Quebec have been working on strengthening governance and have a health and social service process since 2013 – QC recommends that LTR takes into account QC processes. The funding mechanism must have protections built in to ensure that shortfalls in funding will be covered by ISC so that First Nations do not have to take money from other programs to make up for shortfalls.

Topic	Options	NAC Recommendation/Next Steps	AFN Regional Recommendations
			BC- Agencies in BC are not ready to move to a block funding approach where baseline funding is based on previous years' expenditures. Prevention funding is still new in BC and agencies are still assessing needs and building capacity to deliver prevention programs and services. Their early efforts were derailed by the COVID pandemic and ongoing efforts are hampered by extreme recruitment challenges. Many of the agencies have assessed need in their communities and have developed plans to address those needs but have not been able to staff the positions required by those plans. Prevention funding, although new in BC, has already been unstable. Initially it was at actuals, then shifted to $2.5k per capita at which point several Nations claimed the full amount and left agencies scrambling to reset their prevention programming and build it into their operational budgets. In this context, agencies in BC have not yet established a reliable baseline for operational funding, as required by the block funding approach. For example, one agency (which has been particularly successful in recruiting new staff) saw an 800% increase in staffing cost following the pandemic, and they are still hiring. Agencies in BC have been using the

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Topic	Options	NAC Recommendation/Next Steps	AFN Regional Recommendations
			business plan approach, which is working well. There is a strong desire to maintain that approach for a few more years. Further, more time is needed to develop First Nations led mechanisms to transition to the CHRT orders. SK – Same as BC – "Prevention funding, although new in BC, has already been unstable. Initially it was at actuals, then shifted to $2.5k per capita at which point several Nations claimed the full amount and left agencies scrambling to reset their prevention programming and build it into their operational budgets." the Agencies are still providing preventative services and ISC has agreed to cover at actuals "least disreputable measures". Many First Nations have taken the 100%, as their right, But there has many families falling through the cracks created by the delivery of the services. Given the 3 Preventative service levels overlapping reality - this will continue – the agencies services should no fail the children and families. Same goes for the First Nations. Many agencies, and First Nations are not ready for the block approach. Some do not want said approach. That said, IFSD reports are not completed – SK Recognizes these reports are negotiating tools. SK agencies and First Nations

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Topic	Options	NAC Recommendation/Next Steps	AFN Regional Recommendations
			CAN NOT COMMIT TO APPROACHES WHEN WE DO NOT HAVE THE INFORMATION AVAILABLE FOR SAID USE.

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Safeguards for Transition	• **Once in the block approach it is binding.** • **Mechanism to revert to current approach (with modifications to ensure non-discrimination)** • **Mandatory funding reviews/adjustments at year 3 and 5** • **Gradual transition with those ready to go now**	**Consider First Nations and Agencies being provided with budgets with both scenarios to inform decision making.** **Recommendation emerging for transition tools, especially plain language tools are needed for transition.** **There needs to be a safety valve to exit reform if not working/as directed by leadership.** - **IFSD adds that safety valves are referenced in the context of the agreement.** - **For discussion: would the agency fall back on actuals?** - **The safety valve requires reform to ensure that the fall back isn't discriminatory.** - **IFSD provides context that Canada would seek to limit their fiscal exposure through a certain fiscal framework.** **Mandatory funding agreements reviews recommendations** - **IFSD: year 3 is the typical start date for evaluation, but before thinking of that the information needed to do the evaluation is needed. Data is required – providers need data, evaluators need data.**	**SK – IFSD Reports are not available to make an informed calculated decisions on approach to be taken by the Agencies and/or the First Nations.** **The transition tools must be realistic for both the agencies and the First Nations. Transition plans must use the plain language – therefore agencies and First Nations must be directly involved in the reform from the start – the Party lawyers do not know how Child Welfare Services work on the ground level and lack the understanding and the language required.** **NAC must be directly involved with the reform language.** **SK agrees with the a 'safety valve' to exit reform if not working for the First Nations and Agencies.** **SK – funding agreements must be 'community needs based' and not formula based. The funding can not be capped and must increase based on Consumer Price Index, and can not be controlled by ISC and the outdated method, which is always lower than inflation base.** **SK – supports First Nation owed OCAP data review and collection on all services on a First Nation and Regional level.** **SK - Canada will always have a fiduciary responsibility under Treaty and in law; they can not limit this in a fiscal framework.**

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Topic	Options	NAC Recommendation/Next Steps	AFN Regional Recommendations
		Implementing the results of evaluation? - **Build implementation of the evaluation into the legislation.** - **What types of legislation/frameworks exist to draw from on this language.** - **What First Nations-led or developed processes for review and evaluation exist. E.g. a yearly or ongoing evaluation, less bureaucratic, led by the First Nation/Agency. Ongoing data capture and review to support evaluation and recommendations. Transparency is needed for accountability, including by the provinces.** - **In sum: general agreement for data frameworks to be guided by OCAP principles.** **Timing: is there support for those who are ready to transition now and is there support for creating provisions for those who need more time?** - **No opposition in principle but greater consideration needs to be given to how block works for FNCFS now, and how block under reform will work.**	
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Self-determination in child and family services	• **C-92 Nations do not get less.** • **Nations pursuing self-determination under any mechanism do not get less.** • **Revise above to include structure and enforcement.** • **Ensure that regardless of delivery jurisdiction there is no adverse consequence.** • **Other?**	**Recommendation: it's not enough to just say C-92 do not get less.** **NAC endorsement of second point** **NAC endorsement that the funding level, structure, and enforcement will not be any less than the reformed model?** - **For discussion: inclusion of an optional mechanism for support for C-92 First Nations to have an independent review of their agreement to ensure the above?** - **Could it be the RIC? What is the role of the IFSD? Collection of best practices and recommendations perhaps within a regional approach to a Secretariat type model that could also support data collection.** - **Better information on trajectories/journeys of children through CFS involvement. We need to know how the reform of the system and related decision points impact the child's journey and how it affects parents/caregivers approach to**	**NB-** 1. The funding mechanism is predicated on colonial definitions of who is First Nations and who is not. First Nations must decide who is eligible for themselves. 2. All funding should be needs-based, multi-year agreement's, and not be capped. First Nations should have more control over funding and that funding should be more flexible. First Nations should not have to over-justify their requests as they have been required to, their expertise and knowledge of their communities needs should be respected. **NB:** Recommends that prevention services should be offered to anyone the First Nations defines as community and not according to the Federal Government. **NS**: recommends that prevention services be delivered by First Nations/First Nations organizations to prevent stigma surrounding being involved with CFS. **AB**: Recommends sovereignty, treaty, and control are at the heart of these issues. With direct First Nation control over CFS management, nations can choose their own path forward in healing families, children, and communities. Restorative Justice funding, programming, and services are central to taking steps toward putting First Nation's

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		navigating and negotiate these changes. **For discussion a national secretariat could be helpful in connecting children apprehended off reserve with their community**	sovereignty into action. CFS and Jordan's Principle must be reformed to serve the needs of Indigenous peoples. **SK – 58 of 74 First Nations in SK area are involved in C92 process. There are tri-lateral and bi-lateral agreements, 1 to multi First Nations working together.** **SK see C92 as an Act and is not a giver of First Nations' Treaty Rights and Inherent Rights to care for our Children. It is an Act that recognizes our Rights.** **SK First Nations are being advised to work cooperatively with their current services providers (if non-First Nation – should must get input/assistance from First Nation CFS) , have a services transition plan in place, work based on both on and off reserve population and residents as well; including non-registered with a right to register.** **SK - funding should be needs-based, and not formula, and no cap. First Nations total over funding and ongoing funding shall be flexible with no claw backs.**

National and Regional Supports

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation

National Secretariate function	• **Establish new entity to do all support functions.**
	• **Establish new entity to support regional tables and address national issues.**
	• **Use existing orgs to deliver national supports and ensure funding for regional tables.**
	• **Do not establish a secretariat**
		Regional tables to determine sufficiency of funding and needed top ups
		- **Recommendation is that the Secretariat be apolitical.**
		- **No endorsement of a National Secretariat <u>only</u>**
		- **Endorsement of regional and National Secretariat approach**
		- **Support for the FNIGC's involvement**
		  ○ **Recommendation to provide documentation on how First Nations have been working with existing Secretarial supports.**
		  ○ **FSIN has passed a resolution to not support a National Secretariat.**
		- **A legal support C-92 First Nations?**
		- **For further discussion, Caring Society's role in the Secretariat.**
		- **If a regional approach is taken costing of the supports to the regions is required.**
		  ○ **Decide on mandate; what will it do, what won't it do?**
			QC: Recommendations for the Secretariat is that the mandate should not overlap with the mandate of regional bodies doing similar work already, but instead complements regional entities in capacity building, operations, and programming. Secretariat should support data collection and analysis and respect First Nations ethics on research and data (OCAP or similar).
			
			Yukon: Recommendation for the mandate of the Secretariat should be to provide operational support and guidance for best practices on data and evidence-based decision making. The Secretariat should also provide support in annual evaluations, operations, and programming.
			
			BC: Recommends that the mandate, and associated funding, of Secretariat should go towards supporting the capacity and infrastructure needs of First Nations in BC, specifically.
			
			SK – Only supports First Nations and their regional advocates to in connecting children apprehended off reserve with their communities. SK First Nations Treaty and Inherent rights have no boundaries and are with their people wherever they go. Not even

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation
		○ Draft a sub-recommendations document for the mandate. ▪ Funding streams outside of Gov funds? Requires charitable tax status. ▪ Advocacy ▪ Clearing house of Parenting toolkits/practice tools. ○ Research + tools + advocacy. ○ Liability. ○ Support for implementing data systems and making data more accessible, training and resources. ○ Best practices. - Create database of children in care using compensation data? - Map out Canada Research Chair (CRC) who are working on First Nations research. - Inter-University collaboration to support First Nations in meeting	a First Nation led National Secretariat will hold this First Nation right to our children. SK – supports only regional secretariats development. SK has the SK First Nation Child and Family Institute whose mandate could be broadened with more funding to include more detailed research and data collection. As well FSIN does advocacy as required by the First Nations. The SFNCF Institute does not provide this. Caring Society is alrighty completing a lot of the work suggested – clearing hours advocacy, toolkits and it is suggested that the funding flow in a way as to not take away their current "self- generated" work, if possible. If not, then a smaller secretariat that does not duplicate the work of the Caring Society.

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation
		their research priorities (national agenda for research).	

Accountability Mechanism(s) for Canada	• **Pursue recommendations per Metallic report.**
	• **Include First Nations/Agency mechanism in FSA.**
	• **Children's Commissioner (National/Regional or combination thereof)?**
		Possible to invite Niaomi Metallic to present to NAC?
		
		- **Think through who Canada is accountable to and who might want to hold P/T and Federal Government accountable.**
		  ○ **Children and families**
		  ○ **Agencies**
		  ○ **First Nations**
		- **Can we develop toolkits for accountability?**
		- **Cindy recommends adopting the Principles outlined in the A7G Accountability in our Lifetime report.**
		- **Independent from Government, needs "teeth".**
		- **Enforceability at an International level? E.g. UN.**
		  ○ **Canada has not ratified charters that would hold the government accountable.**
		  ○ **Could encourage leadership to press Canada to sign.**
			Yukon: Accountability in the Yukon includes holding Canada and the Yukon government accountable. The recommendation is that the accountability mechanism must operate at the Territorial level, for the Yukon at least.
			
			BC: No specific recommendation was shared, however BC noted concern that when the Final Agreements are signed, the CHRT will no longer have oversight over Canada's actions with regards to FNCFS and Jordan's Principle. Canada has of unfulfilled obligations regarding the FNCFS program and Jordan's Principle and there is no accountability mechanism clearly defined in the reform model.
			
			SK – The agreements must be written to allow Canada to held accountable. Canada should be held accountable through the Canada court system and the CHRT if the 'Alternative Dispute Resolution' fails. There must be teeth for all parties to be held accountable to the agreement.
			The agreement should not be signed if Canada can not be held accountable.

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation
Data Collection/Research	• **Indicators per IFSD Phase 3 and link to accountability mechanism?** • **Integrate into existing studies.** • **Create National data base on key indicators (per TRC Call to Action 1)** • **House in National Secretariate?** • **Longitudinal data to track outcomes over time?** • **Assessment of CFS interventions?** • **Other?**	• **OCAP and Tri-council ethics of data are endorsed.** • **Non-identifying aggregate data available on a national level endorsed.** • **A baseline on data collection is required – needs to be available at all levels (e.g. community upwards)** • **Community-specific wellbeing indicators.** • **Decouple data consistency with the census and bring more in line with other First Nations data projects (indices, language, identifiers).** • **How to harmonize data sets across jurisdictions.**	**BC:** Recommends that no one governing body should have sole right to a community's data. First Nations data sovereignty requires unfettered access to their own data to know what is or isn't working in their community. **QC:** Recommendation is that data collection and reporting/research must comply with First Nations research and data ethics such as OCAP. **NS:** Recommends that information about what systems upgrades and technology requirements be to support data collection and analysis be developed. Ownership of data must be with First Nations from hereon, including transfer of existing data. **NFLD:** Recommends that purpose-built case management systems are required for reformed FNCFS. **MB**: Recommends that First Nations-led research that identifies First Nations well-being be used to create a funding structure. **YK**: recommends that data collection be evidence based and recognition that it will take time and investments to build capacity and infrastructure for it.

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation
			SK: SK supports BC and only a First Nation have a right to the First Nation's data. "First Nations data sovereignty requires unfettered access to their own data to know what is or isn't working in their community." **SK does not support a National Secretariat. Therefore, if one is created a First Nation has the right to agree or disagree to their data being collected or used for any purpose.**

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation
Liability	• **Canada is insurer of last resort (particularly against abuse claims)** • **National liability pool** • **Top ups for growing insurance premiums** • **Educational campaign for First Nations CFS and Jordan's Principle** • **Other?**	• **List for NAC the questions that have been asked about liability: what is the nature of the question, what is the summary of the response, what are the further questions raised by these responses** ○ **Summarize the 4 different legal positions.** ○ **Speak to Elders to better understand the roles of the Elders and knowledge holders in community work – will they be covered under liability/employment? What options exist?** **Look into whether FNIHB provides funding for Elders to do community work and has opened up the question of liability indemnity further. What role would FNIHB have in providing liability in the case that they do provide funding (Richard forwarded).**	**NS:** Concerns about unanswered questions regarding liability were raised in reference to non-status members of First Nations communities. No specific recommendation emerges, except for to address these concerns. **SK – National Insurer created by First Nations for the purpose of insuring First Nation CFS Agencies and First Nations providing said services.** **Canada should be providing the funding for liability. IF Canada does not adequately funded Agencies, First Nation preventative services to cover for the best insurance they are failing in their fiduciary responsibility – questions should be ask of a lawyer – especially if a First Nations are asking for this as part of the funding.**

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Topics	Options	NAC Recommendation/Next Step	AFN Regional Recommendation
Self-determination	• **Keep current wording.** • **Expand to include a strong statement that Canada must take positive measures to ensure its funding/policies are substantively equal.** • **Expand to include other forms of drawing down jurisdiction (i.e.: S. 35, Treaty etc.)** • **Address coordination of laws across jurisdictions?** • **Other**	- **Draft/expand language to reinforce that First Nations should be not discriminated against for choosing their own path on CFS: whether it be through treaty, self-government, C-92, or remaining with the program.** ○ **Revised text should also include that First Nations not receive anything less than the program in terms of structure and enforceability. These principles of structure, funding, and accountability should be included.** - **Regional, national and international mechanism to coordinate First Nations laws [C-92 repository – next step: be managed by a First Nation organization, something that has been heard from First Nations leadership]** - **What is the exit lever of C-92?**	**NB:** Recommendation is that full self-determination means jurisdiction over all First Nations health and social services, e.g. not just FNCFS and Jordan's Principle, but income assistance, education and housing etc. is the long-term vision. The path to wellness must be holistic and address First Nations specific determinants of health, such […] First Nations self-determination over laws and policy. Nb further recommends that Chiefs and First Nations leadership should take on direction and mandate setting for Jordans Principle. **SK: "Treaty and Inherent Rights"** **The First Nations should not get less than the provinces for providing services and the same level. For every child taken into care – how many workers are employed. We don't need to use the same number of workers – these funds should go to providing the best services to keep the family together. MSS in SK – all preventative services are by contract and we know these service providers are also extremely underfunded.**

General Funding Considerations

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
19.8 B amount	• **Accept fixed amount** • **Advocate for increased funding above 19.8** • **Advocate for Spirit Bear Plan to address shortfalls in other child/youth family programs** • **Combination?** • **Other?**	- **Recommendation from CS is to not accept a fixed pot – is this needs based? Is the fixed pot better for Canada or for children?** ○ **Premature to agree to a number when it's not clear when it's been arrived upon and lacks accounting evidence. Data has not been shared with IFSD to know the true investment required.** - **Questioning whether this funding will truly meet the needs of First Nations drawing down jurisdiction?** ○ **Jordan's Principle picking up the funding slack of FNCFS.** ○ **What other categories are being funding through Jordan's Principle that may not be appearing in FNCFS spending data, but should be?** ○ **Should First Nations accept the amount**	**N/A** **SK – Advocate for Spirit Bear Plan. AFN Chiefs-in-Assembly supports it therefore it should be used across all negotiating. More funds will be needed entering year 6 and beyond. No fixed pot. The funding is coming from Natural Resources, which First Nations never gave up their Treaty and Inherent Right. Canada has a fiduciary responsibility that is recognized by Canadian courts.**

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
		without knowing the true scope? - **Year 6? Start 5-year review process at year 3 – data is key to supporting true need's based funding.** - **Observation is that $19.8B not enough – in NAN territory there is wide discrepancy in use of the actuals process and the Capital 41 applications. It may be difficult to know the true need when there aren't enough staff or morale to do the work available for reimbursement through actuals.** - **Loss of productivity due to burn out has not been costed.**	
Population	• **Population served by the First Nation/Agency recognized by their nation per 2020 CHRT 36** • **IRS** • **IRS plus adjustor for children eligible for status** • **Combination?** • **Other?**	- **CS recommendation is to adhere to CHRT order language to provide a per capita amount re CHRT orders and a Stats Cans continuous Indigenous growth projections.** ○ **Recommendation agreed on: Apply 2020 CHRT 36 orders includes non-status, off-reserve children for Jordan's**	**QC:** Quebec's regional report recommends IRS and Stats Can continuous Indigenous population growth projections. **NB**: recommends against the use of the IRS and of the Berger method of determining population. **NS**: is concerned that prevention funds based on population limits the First Nations ability to respond to non-Status First Nations living in their communities.

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
		Principle services to FNCFS. ○ **[Funds available under this order to do a service population count.]** - **Loss of status can mean that the IRS population will decline. IRS will not show true figure – need a way to calculate a way to ensure that population isn't tied to IRS.** - **Recommendation: Non-status children must be included in the population count because they are considered part of the community vis a vie the family living on reserve (e.g. some family members are eligible for status, and some aren't). First Nations will serve the children in the community regardless of status.** - **Some discussion of the agency/community doing their own coding for population – could this be better leveraged?** - **Service population extends beyond those who live in community at the moment, e.g. those who have moved away for**	**YK**: Recommends that all funding should be adjusted upward for population growth and inflation. Population-based funding alone does not reflect the requirements of building or sustaining, programs and services in small, remote communities, and baseline funding should consider both need and fixed costs, not population numbers alone. **AB**: recommends that population data and modeling should be left in the hands of the First Nations themselves, as ISC's Indian Registry has longstanding issues with inaccurate calculations of First Nations Population. **SK: the population rests with First Nation. The First Nation membership, their individuals who have a right to be registered and the residents living on and obtaining services by the First Nation.**

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
		various reasons but still remain part of the community. This is needed to promote connections. - IRS based population creates conditions for discrimination.	
Maintenance	• Maintain at actuals • Roll into the block • Block with actuals as a backstop • Or tentative IFSD recommendation of 3% of baseline • Combination? • Other?;	- Agreement to recommend the need for some mechanism to bill maintenance at actuals to account for variation in child needs and service demand. ○ How does reimbursement work when the province is the flow through for maintenance funding? ○ An emergency valve for maintenance key for the program and C-92* ○ Small service populations can mean that one large family might take a large portion of maintenance funding than what would be expected. ○ Actuals safety valve especially important during the roll out of compensation. - Maintenance at actuals do not pay staff beyond basic salary on	N/A SK – Agencies at actuals. First Nation prevention services should be actuals and community needs based. IFSD reports are not completed.

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
		contract, e.g. benefits. How do you keep staff if you can't offer competitive hiring packages?	
Protection	• **Maintain at actuals including secondary and tertiary protection as eligible cost** • **Roll into block** • **Block with actuals as backstop** • **Combination?** • **Other?**	- **Secondary and tertiary prevention figures into protection vis a vie least disruptive measures/legislation at the agency. Currently agencies can bill LDM at actuals if costs go above.** - **Are protection budgets stabilizing?** ○ **Depends on who is defining "protection" – social worker's definitions based on clinical assessment and should be prioritized.** - **Recommendation for an additional safety valve mechanism.**	**QC**: Recommends rolling protection into the Block approach: the reformed funding mechanism must have protections built in to ensure that shortfalls in funding will be covered by ISC so that First Nations do not have to take money from other programs to make up for shortfalls in the calculated baseline. **SK: The IFSD report is not completed. All protection should be at actuals, community and needs based.**
Year 11 and beyond	• **Agree to 10 year plan and renegotiate in year 11?** • **Insist on secured funding adjusted to need to prevent recurrence of discrimination beyond year 11**	- **Whatever is decided here, it needs to protect against discrimination beyond year 10:** ○ **How do we balance this with a realistic negotiation?** ○ **Recommendation from CS to draft a statutory funding agreement via**	**SK- IFSD engaged fully following year 6 and beyond.**

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
	• **Other?** • **Legislation?**	**legislation [informed by conversation with federal government member].** - **Support from members present for the idea of statutory funding to ensure that discrimination ends and doesn't recur.** -	
Reform of the Department	• **Request Tribunal hold jurisdiction until CFS is done** • **Request Tribunal hold jurisdiction until CFS and Jordan's Principle are done** • **Request Tribunal hold jurisdiction on this issue until the evaluation of the department is done and EAC recommendations approved by leadership are implemented** • **Other?**	• **Consider joint meeting with Expert Advisory Committee First Nations caucus to discuss**	Note that Reform of ISC recommendations relate to ISC's relationship with First Nations. **NB:** Recommends that First Nations should always be at the table in a Nation-to-Nation capacity and not an afterthought in policy development. Additional relational recommendations are that: - An assessment rubric be developed with First Nations that is clear and transparent to address inconsistencies in funding proposal evaluations at the Department. - Appeals on denied applications should not require litigation as legal representation is expensive and time consuming. - Reducing redundancies in bureaucracy at the regional and headquarters levels and in the processes. - NB recommends that courtesy notes be sent to First Nations when key contacts at ISC change over.

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Topics	Options	NAC Recommendations/Next Steps	AFN Regional Recommendations
			- ISC should be recognizing First Nations approaches to wellness and reimbursing costs associated to these wellness activities on a substantively equal basis. **YK**: Recommends that the Yukon has an active voice in the reform to ensure their voice is heard. **BC**: Recommends that if the Final Agreements are signed and the CHRT no longer has oversight into the process, transition may be taken into consideration given Canada has had unfulfilled obligations. **NS**: Reform should be a by First Nations for First Nations process, it is not just about improving systems but also healing from Canada's colonial systems. **SK: Reform must be led by FNCFS Experts and First Nations leadership, not lawyers and unknowing experts. NAC should be working with the Expert Advisory Committee – given the information they provided to the NAC caucus when we did meet. ISC can not reform a FNCFServices since they are the ones who failed the Services, not the Agencies. The Agencies held them accountable and this is where we find ourselves today.**

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IFSD Recommendations

Topic	Options	IFSD Recommendation	NAC recommendation	AFN Regional recommendations
Baseline Budget	**Total FNCFS Agency expenses (including non-ISC funding)** **ISC only portion of funding** **ISC only portion of funding reported expenditures net remoteness (based on CAF)** **Baseline sufficient to discharge the basic protection costs** - **The top ups link to the reality of providing service on the ground, e.g. poverty, remoteness**	**ISC only portion of reported expenditures**	**Recommendation to implement an actuals process to cover expenses for out of home care above and beyond the funding provided for in the Block.** - Multiple considerations to meet increasing needs: greater complexity of cases, needs of caregivers, burnout of workers, innovation in care approaches, ISC HQ slow to reimburse expenses billed at actuals. - There are gaps in information with regards to the service level agreements at the province and funding flows – BC states that the	**QC**: Recommendation is that baseline funding should be based on need, enhanced with changing priorities, and should not be capped. **Yukon**: A funding model that envisions base fundings and top-ups directed to Yukon First Nations and organizations, not towards the enhancement of Yukon's Government budget, is recommended. The funding model must be entrenched within baseline budgets and multi-year commitments. Yukon First Nations children and families are best served when maximum funding is directed to Yukon First Nations and Yukon First Nations organizations, not the Yukon Government. **BC**: Recommends that more time be provided to ensure that Nations can establish prevention programs and services; develop a baseline level of funding needed to address the overrepresentation of First Nations children in care and ensure baseline funding

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	, IT and results. - **Block means that money can be moved around within the program to meet needs as they arise.** **Not included:** - **First Nations not affiliated to an agency** - **Capital** - **Post-majority support services** - **Prevention funding**		preference would be to have funding from the Feds bypass the province and have it go directly to the agency (from a partially-delegated agency perspective). - Block funding – need for a more precise definition. - MB notes that the province did not fund the transition to the single envelope approach to funding and it created problems for service providers because there was no "safety valve". - Investment needed for costs associated with transition and training:	is informed by fully developed and responsive prevention services. **NB:** Recommends that 1. Funding should be based on need and enhanced to keep up with changing priorities. 2. There should be no caps on funding. **AB:** Alberta would like to see budgets available for off-reserve children matched with monies available for on-reserve children. Without the inclusion of off-reserve members in the budgets and programs, an increasing number of their members will be left out of the reformed funding models. CFS funding models must be holistic, meeting the needs of First Nations children on every level (housing, water access, heating, sanitation and safety, food security, personal safety at home, school and in community, sustainable and reliable infrastructure on reserve and internet access and technological resources on reserve). Alberta would like to see Non-Delegated First Nations people reflected in the funding formulae.

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				Alberta further recommends that prevention be included in CFS funding with an integrated approach eliminating siloed services. SK: The Baseline budget can not be formula base, since it underfunds smaller agencies and First Nations. Budgets must be community and needs based funding and uncapped.
Information Technology	**Allocation for hardware/software based on industry standards** **1) 5% of baseline** **2) 5.5% of baseline** **3) 6% of baseline** **Q: where do connectivity issues such as lack of broadband land? With IT top up or with Capital?** - **Typically hardware and**	**No preference**	**NAC recommendation: Definition to clarify what falls under IT costs vs capital funding.** - **Agreement for 6% of the baseline otherwise.**	**QC:** Recommends that in addition to the 6% top-up, additional funding should be allocated to First Nations to develop, implement, and maintain their information management systems and IT equipment. **NS:** Recommends that greater clarity be prioritized for determining what kind of systems upgrades and technology requirements will be needed to support new data collection systems. **NFLD:** Recommends that First Nations prioritize the need for their own FNCFS data collection through built case management systems. **Yukon:** Recommends addressing the high cost of IT and connectivity in the North through additional funding to support Yukon First

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	software in a non-profit organization. - **If a service provider needs to do a major outlay for IT, it should be with Capital funding (either CHRT 41 or Capital in the reformed funding system)**			Nations. Yukon was unable to determine if the proposed top-ups were sufficient. **AB**: recommends funding be increased for access to cellular service and WI-FI/internet to ensure equity in First Nations communities. **SK: SK agrees with Quebec and** Recommends more than the 6% top up since 26 of the 74 First Nations require a higher amount due to poor systems. "…Additional funding should be allocated to First Nations to develop, implement, and maintain their information management systems and IT equipment."
Results	**Allocation for data analysis:** **1) 1% of baseline** **2) 3% of baseline** **3) 5% baseline** **Recognition that funding is required in order to gather**	**5% of baseline**	**Recommendations:** - **Caring Society: would like to see a mechanism to fund those who are starting out to build capacity and resources to reach the point in which 5% of the baseline is sufficient. Actuals or**	**QC:** First Nations offering prevention services only will not be able to access this funding, therefore QC recommends that First Nations offering prevention only receive baseline and top-ups. **BC:** Recommends that results consider First Nations values and holistic approach to wellness. BC recommends more support for First Nations living off reserve.

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	information – for example, funding for a quality assurance technician's salary, a data system, consultation and contracting, training.		**other safety valve process.** - **Otherwise, consensus is for 5% (BC intervened to note that 5% could be a starting point).**	**SK: First Nation should be able to access this funding and prevention should be increased based on Consumer Prevention Index (and should not go down, if it changes), plus baseline and increased CPI top-ups.**
Poverty	**Mitigates some elements of poverty in CFS** **1) 3% of difference** **2) 5% of difference** **3) 7% of difference** **Note: IFSD recommends using the Market Basket Measure to measure poverty and using the 2016 census since 2022 income on reserve**	**5% or 7%**	**NAC Recommendation:** - **Eliminate 3% as a possibility and reconsider 5 and 7% at the NAC main table with additional information from IFSD with language as to what this funding can and cannot do in terms of "solving poverty".** - **Considerations for this recommendation depend on how the money will be used by service provider –**	**QC:** No specific recommendation is made however, QC finds that IFSD's method to calculate poverty lacks positive impact to address poverty in QC specifically as poverty and the lack of services are the main drivers of the overrepresentation in QC. **Yukon:** Recommends that poverty funds should be allocated through Yukon First Nations and FN organizations, and/or directly to families. **BC**: notes that there is insufficient ISC funding to address poverty and housing crisis. **AB**: Poverty needs to be addressed holistically with special consideration for housing and food insecurity. This approach

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	is a historic outlier due to pandemic income supports. **Top up meant to mitigate the effects of poverty as a driver of CFS involvement.**		**either as an income supplement (BC considering this approach) to bring families up to the poverty line or as a cash reserve to pay for needs as they arise.** - **Using poverty funding in an income supplement manner may require a higher percentage.**	will require increased communication with and between funding bodies to provide First Nations with adequate resources to meet communities' needs. Poverty reduction must be included in CFS funding. **SK: over 90 % of those living in poverty in SK are First Nations. Over 80+% of the children in care are First Nation. Child poverty, in-care and housing must be addressed together and poverty reduction as part of the preventive services for both on and off reserve First Nation people.**
Emergency Fund	**Unanticipated circumstances:** **1) .5% of baseline** **2) 1% of baseline** **3) 2% of baseline** **Emergency funds are meant to meet needs arising form unanticipated situation to prevent children**	**2% of baseline**	**No NAC recommendation as of yet for the percentage but concern was noted for whether it would be sufficient in meeting needs over and above what is held in reserve for emergency funding given the ongoing nature of emergency on-reserve.** - **A safety valve is recommended.** **Regional approach (an emergency funding pool):**	**QC:** recommends that funding for emergency situations be reviewed in three years and increased if needed. **NS:** Nova Scotia recommends that emergency funds be managed by the First Nation to deal with urgent situations on reserve. **NFLD:** Recommends that access to emergency funds should be flexible. First Nations and organizations should be able to declare when an emergency is happening to trigger the release of funds. **Yukon:** Recommends that the emergency funding methodology reflect the costs and

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	from coming into care. **Funds are expected to be held by service provider for use as needed.**		- **That regional approach relieves Canada of its fiduciary responsibility vis a vie Treaties.** - **An application based approach not recommended given the challenges of applications during a crisis period.** - **Clear but simple terms and conditions: easy access to funds.** - **Regional management of funds could be possible, but mechanics require a quite a bit of working out.** - **Administrative cost of a regional approach could eat away at the funds.** - **Cautions against application to the fund during a crisis.**	realities of responding to crises in the Yukon (travel, accommodations, multiple partners, etc.). Additionally, it should reflect the lack of services and service providers available within the territory and its communities. Also recommends funding to develop supports and build capacity to respond to emergencies is required. **BC:** recommends that emergency funding policy takes into account the fact that BC remote communities have insufficient or non-existent support for emergency situations such as homelessness, pandemics or environmental disasters. **SK: must by increased according to CPI and not be clawed back; as well take into account remote communities and 15% more is not enough. FSIN is part of NARC.**

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			- **Who defines the emergency? What consultation can be done on that definition – front line perspective.** - **Social emergencies – First Nations can define emergency for themselves.** - **Not only emergency funding available – clear definitions and a one tool or bucket perspective required.**	

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Remoteness	**1) Weighted remoteness based on Stats Can Remotenes s Index** **2) Cost Adjusted Factor (CAF)** **3) 15% CAF for First Nations above Remotenes s Index of .4 and weighted on pop** **4) 15% CAF applied to all FN agencies**	**For discussion**	**Recommend inviting NAN and Helaina Gaspard to present various options** **NAN: evidence based approach to account for increased costs due to remoteness. NAN report: Remoteness Quotient. Uses the Canadian Remoteness Index to adjust the cost based on remoteness – goal is that the value of a dollar is the same in a remote community as it is in a non-remote community. Option 3, 15% CAF, is insufficient for remote communities (e.g. Fort Albany would require 39%). .4 indexing would eliminate communities from a remoteness adjustment based on having road access, but have other geographical or service access factors that affect the community.** - **15% not enough: FSIN is trying to secure funding from ISC to do research on**	**QC:** recommends that remote First Nations in QC should sit on the National Assembly of Remote Communities (NARC) and/or other tables dealing with remoteness. They further recommend that Canada complies with the CHRT orders and provide funding to remote First Nations immediately. **NB:** recommends that ruralness be taken into consideration in funding for wellness and investments in establishing wellness infrastructure in rural areas as well as filling staff shortages**.** **BC:** States that needs of remote communities vary across BC, therefore involve an increased cost of living with fewer access to services. Transportation issues to and from services for remote communities. **AB**: Increased funding for on-reserve support would allow First Nations people to not have to leave their reserves to gain the support, services, and care they require. Increased funding for on-reserve treatment and care would additionally allow children in care to receive support services in their home communities. **SK: FSIN is part of NARC and 26 of the 74 First Nations are affected, both from the**

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			the true cost of remoteness for the 74 First Nations identified as remote. - **A new approach required: needs based and evidence based.** **Fixed pot problem: what solutions exist to deal with the fact that a remoteness factor above 15% will increase the cost above the $22B.** - **Canada/ISC has to pay for the child's needs regardless, it's the inherent right of First Nations children to have services paid for.** - **IFSD message: the structure is the key to this. Funding is dependant on the structure – lean on the structure.** - **Unlikely that First Nations leadership will not sign off on**	**south and the north. 15% is too low. The remoteness factor must be community and needs based. No one formula will work.**

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			an agreement that is not evidence based.	
Inflation	**1) Consumer Price Index** **2) Canada's current 2%** **3) Canada's 2% adjusted upwards to CPI**	**Consumer Price Index**	**Only recommendation for 2% as the floor with CPI as the adjustor for real time costs.** **Inflation not included on the final amount for prevention: only added to the per capita amount.** **Small First Nations are not receiving their entire 75k.** **Order of operations issue – inflation is only being applied to the per capita**	**QC**: recommends that the Consumer Price Index (CPI) should be used to calculate inflation. Further Quebec recommends that inflation and population be adequately accounted for in baseline growth. **BC**: Recommends that First Nations state funding must keep up with population and inflation**.** **AB:** Recommends that the cost of living and inflation be factored into budgets and funding.

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			amount and not the entire envelope. **MB: no First Nation service provider with a previous prevention funding agreement and is being held at that level is receiving any inflation.**	**SK: Consumer Price Index be used and no funds clawed back.**

Appendix

Decision on Transition:

Caring Society provides an overview of the chart by highlighting the guiding principles of the chart which are the best interests of the child, needs based, UNDRIP- free, prior and informed consent, non-discrimination (substantive equality), reflect distinct community circumstances and culturally appropriate.

The group had discussions about the decision on transition, which included three options presented, they are: 1. Everyone moves to a reformed approach. 2. First Nations (in consultation with agencies) decide if/when to move. 3. Other? On transition, IFSD noted that transition should consider the different realities of different points of departure among First Nations through a staggered approach. Further, IFSD suggests a needs assessment to ensure organization components are in place and can support transition which includes having people to deliver the services they need. Elder Ed adds the importance of having one definition of Jordan's Principle to ensure people are on the same page when delivering these services.

The Caring Society notes that with phase 3 recommendations and the findings of phase 3, plain language should be used to provide better understanding. The group recommends that First Nations in consultation with agencies decide if and when they move to a reformed approach.

NAN notes that there should be considerations of tools and resources that will be available to transition regardless of when First Nations transition at once or if at a phased approach, recipients will need tools and resources.

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IFSD notes that transition is a 2-5 year period. The reform of a program is more than just changing an amount of money, it is changing the way we evaluate the program and the structure of the program. Transition requires consideration of timing, forewarning, resources, availability of supports (national and regional supports), etc. When entering a fiscal arrangement fixed for a set amount of time, you are locked into the agreement for a period and during this time you will have time to re-evaluate during the locked period.

The Caring Society states that the decision should be with the First Nation and agency, as when people feel as though they are forced into something it does not go well. However, when given options and control, they may be more inclined to move forward. The QC representative stated that there needs to be opt-out options provided. He continues to state that an Alternative Dispute Mechanism needs to be integrated in the transition process so that agreement holders can engage the alternative dispute mechanism if needed. before considering how to opt out, we need to understand/develop the dispute mechanism. FSA requires concrete engagement with First Nations from ISC – unilateral decisions-making from ISC have had detrimental effects on policy implementation.

The MB member mentions the on and off reserve component. Stating that children off reserve are not included, further notes that people are not leaving their communities because they want to but because they must. There are children in care outside of the First Nations and this piece needs consideration.

Safeguards to Transition:

Discussion surrounding the block funding approach and the need for safeguards. There should be a mechanism that allows First Nations to move back if it is not working. Canada may say you reformed into the block funding approach, and you need to stay that way; there should be a mechanism to revert back and decide to go back to the current approach with modifications, the issue is getting ISC to implement any recommendations from the funding reviews. Caring Society asks the group if we should recommend people transition in advance of the transitioning tools being available? A member states that some First Nation agencies will have tools to move forward, therefore they should be able to decide to transition at they rate they decide, other First Nations will need help transitioning. First Nations and CFS agencies need to work together in collaboration, as First Nation leadership should be making decisions and not the agencies. There needs to be relationship building between First Nations and agencies. Caring Society notes the need for examples of good relationship building between agencies and those delivering Jordan's Principle so there is more collaboration. MB states that some agencies will be ready, some may need extra help. Comes back to direction of the First Nation. In

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MB, misperception is that agencies are accountable to the Government, but working to change that perception so that First Nations have a greater role in decision making.

Elder Ed notes that there needs to be consideration of isolation, remoteness, communication services, language translation to Indigenous language, transportation, etc. when thinking about working together. Further, we need to include spiritual elements in communities to strengthen reform.

Members in favour of IFSD continuing to develop tools for transitioning. Caring Society states that if making the decision of going into the approach, it must involve self determination and a way to back out if needed. IFSD notes that a safety valve would include an ADR process rather than to exit the agreement. The safety valve is the amount of money sufficient to discharge the mandate. When talking about safety valves we are exploring, we are talking about emergency funds at actuals.

The group discussed off-reserve children and Caring Society suggests building off CHRT 36, which states that children off reserve are eligible for Jordan's Principle. Through IFSD's work on Jordan's Principle, it will give a sense of what the work entails and remains.

IFSD states that the need for information is important, therefore a funding review should take place in year 3 and adjustments implemented at the end of the agreement. The service provider or First Nation to gather information is critical. There needs to be a way to assess structure and if the funding amount is working for the First Nation. On implementing results of evaluation, this tends to be based on good behaviour or judicial process. Legislation on First Nation Child and Family Services and CFS and evaluation can be included in the agreement.

Caring society notes that C92 is supposed to go through a review in 5 years and questions what types of legislative reform we should suggest to leadership that we see some problems on. Perhaps proposing legislative framework occurs and is durable in the community.

COO member notes that the government is flawed and calls on the need to develop our own review systems to make them easier to understand. Caring Society notes the need for ongoing internal learning and accountability framework and instruments to hold other parties accountable. Manitoba comments on the need to have each government involved. On provincial involvement, ISC is meeting with provinces regularly and that needs to be transparent regardless of where they live.

Self-Determination in Child and Family Services

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Considerations: AIP restricts protections to C92 funding level of $ not structure, enforcement

Caring Society notes that we have support for data collection captured by OCAP principles, there needs to be reviews, general agreement for the need for a mechanism for the implementation of the reviews. First Nations who go under C-92 can do so if they do not get less regardless of any jurisdiction (ex. treaty, inherent right, c-92) that there is no discrimination. Further, the Caring Society questions if folks want 2-5 years, or if they are ready now, should folks who are ready now, go now? Regardless of when folks go, we do not want to see discrimination, C92 Nations should not get less. Regardless of what jurisdiction model a First Nation chooses, there should not be discrimination under any model. The group agrees that its not enough to just say C-92 Nations do not get less.

A NAC member highlights the need for us to understand how children are navigating these services through their behaviour. It is important to capture how children are surviving and managing to thrive with these social and political decisions. Caring Society notes that policy decisions have consequences, and it is important to ensure they work out for the children and adjust to the children. The Caring Society suggests asking people on the Expert Advisory Circle (EAC) who specialize in mental health issues, specifically, questions on how they can guide us and the thinking they've done.

National Secretariate Function
Further information to consider:
See IFSD recommendations.
Questions to consider:
1) Should organization be political?
2) Is current funding estimate of 3M sufficient?
3) Mandate?
4) Reporting and accountability

The Subgroup discussed whether the organization should be political or separate from the politics. The NAC members decided that the recommendation should be to keep the National Secretariate Function separate from the politics. The participants had not voted in favour of the secretariate being political.

The Subgroup discussed in $3 Million in the phase two budget, the group discussed the establishment of a new entity to support regional tables, a national table and regional table. The group decided that they would not recommend having a national table

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without a regional table. The group discussed that they believe in the regional national table and national secretariate approach. Quebec recommended looking at existing national entities, which makes more sense than reinventing the entities. BC questions how we can support nations that are going down the jurisdictional path without listing connections to lawyers and existing relationships, it may be beneficial to invent legal support to provide support to folks going towards jurisdiction. The Caring Society suggested bringing Niaomi Metallics report on Jordans Principle to the NAC to refresh. When thinking about the national secretariate, this would involve networking, legal support, etc. The Caring Society notes that FSIN passed a resolution not to pass a secretariate as they did not want to be a political entity. BC mentioned the Caring Society's role in the secretariate and the idea that they would morph into the secretariate. When speaking about advocacy, the Caring Society would be able to help with groundwork. The BC secretariate is providing research and analysis for amendments to provincial legislation. The smaller agencies and First Nations who are seeking jurisdictions require human resources and administrative support. The Caring Society Is open but conflicted to providing secretariate support, however, will do it if folks want, there will need to be NAC and leadership consultation. The $3 million in phase 3 will not be enough especially for data collection, if we take a regional approach it will have to cover the costs for the supports to the regions.

The mandate of the secretariate functions is a discussion of the NAC, as they should decide what they should and should not do. The Caring Society will send a document from FNIGC. The Caring Society suggested the creation of a separate document on the mandate of the secretariate to discuss at the upcoming meeting to decide what they should and shouldn't do. The AFN notes that they asked IFSD to look at research on budgeting. The Caring Society notes that the Canada research chair document on $1million for the design of prevention program, further they would like to see the secretariate to have their own funding and resources. BC questions whether we have enough drafting to say what we want for the secretariates mandate. The NAC talked about having archivists to figured out where children who have been placed in care are located, this should be done nationally.

The Caring Society mentioned the creation of a database to collect information on children in care receiving compensation. On a national level, we do not want to lose the advocacy element and will have to figure out what should be done nationally and regionally. BC suggested developing toolkits that are flexible to ensure they can be changed to service different First Nations. For the nations we are supporting, it would be beneficial for the secretariate to collect toolkits to help First Nations. The AFN notes that having a national and regional approach has been communicated from First Nations that have provided comments. We need to ensure there are entities available in every region, we need to consider what we can do if there isn't something in place in regions. BC suggested creating an options paper of how provinces developed their secretariate funding.

BC noted the importance of providing advice on liability, now that we have actuaries involved. Regarding group insurance, we should contemplate that there may be a legal arm of the secretariate as an attorney of facts to provide this may be needed. BC further

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notes that it may be beneficial to build out a national insurance place. CS notes that we need to come up with options for liability and suggest options to leadership.

Accountability Mechanism

Considerations: See attached Executive Summary, Article and PPT on Metallic report. ADR in FSA not complete. See A7G report (Accountability in our Lifetime)

The discussion began with the suggestion to have Niaomi Metallic back to the NAC to present on her report again to look at different accountability mechanisms for Canada. To think about who can hold Canada accountable, including children, families, agencies and First Nations. QC notes the need to look at the scope of provincial mandates for things people wont touch for example some folks wont touch UNDRIP, C-92, etc.

The AFN noted the uneven implementation of advocacy across Canada, its difficult to gap the bridge for advocacy. MB notes that there has been meeting with GC and the advocate, we will get an up-to-date status of where this is at. QC notes that provincial commissions who do the investigation aspects. There mandates may be limited and fenced, if folks complain about a child being apprehended and C-92 is not being followed. Provicial investigation bodies will not go near C-92, UNDRIP, etc. CS notes the importance of mapping out the existing things, what is available, the functions and limitations. BC notes that RCY in BC used to be a children's commission, recently due to legislation, BC spoke with the committee to expand the powers of the RCY, so they could assist in advocacy together and apart. BC recalls the people that were working to develop a national advocate office for the National child welfare advocate. Unfortunately, this child welfare advocate office was not consulting with First Nations leadership for their input into the program further it was not responsive to First Nations peoples.

CS notes that it may be beneficial to review the A7G report on accountability: Responsibility, Safety, Respect, Reciprocity, Relational, Integrity. Here is the link: https://fncaringsociety.com/sites/default/files/accountability_in_our_lifetime.pdf. The CS suggested having the youth come along with Niaomi to present on their paper. Further, we should ask IFSD what work has been done on existing accountability mechanism, and gaps and limitations. CS notes that there was a report between Canada and the US to get rid of the conventions, suggested that only one accountability mechanism, some of the bodies at the UN were in favour, we need to find an update regarding where this is at.

Data Collection/Research

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Considerations: CIS not guaranteed for future years

Within the Chart, BC notes that no one should have sole right to a communities database, non-identifying aggregate data should be shared. BC notes the regional reports involved limited regional participation.

QC notes that data collection and research is to respect OCAP. BC thinks the secretariate should take the lead on this. Caring Society askes the group if we are all in favour of OCAP and tri-council data and standards and not to rely solely on OCAP. National data should be non-identifying aggregate data. CAS data looks at children coming into the child welfare system. We need non-Indigenous children in our data to compare what is happening to Indigenous vs. non-Indigenous kids, additionally we need data on kids who are not in care. It is important to know where our children are to make decisions relating to funding.

BC notes that the next steps are to get principles and goals when talking about data collection. Measuring to thrive indicator to well being, we need to think about how we are going to get the work we are doing in the regions to the secretariates. Further BC suggests a comparison of what data collection exists in the provinces. Caring Society notes that baseline data is important on a community level, community service provider level, a regional and national level. Consensus data does not accurately collect data, we need to be collecting data to reflect the true baseline of what is happening in communities.

The AFN notes that work is being done on C-92 with Firelight group, they've done a report on data landscapes and have completed groundwork. We need to think about what might help First Nations build human resources to do the work? Further how we can make it more accessible. Further the group discusses the importance of demystifying data and teaching people how to read data. Caring Society notes that it may be beneficial to map out Canada research chairs to see what they are doing for Indigenous youth and families. BC notes that a professor at the University of Calgary got a grant and talked about hosting a national meeting with universities to come together with a First Nation child and Family services research agenda.

Caring Society noted that there has been a data base set up so that students can choose from topics rather than choosing random topics. The Caring Society has a charitable tax exception and if using existing entities, they recommend that they have charitable tax exception.

Liability

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Considerations: See liability opinions dated 2018 and January 2023

On the topic of liability, BC questions regarding prevention who is liable if prevention funding is given to the Nation or the agency? Further, what is the liability that agencies have? Caring Society notes the importance of speaking to elders and knowledge holders on the topic of liability as they work in First Nations child and family services. Caring Society suggests we turn to the elder's council for guidance on this topic. Elder Ed states that elders would get more focus and knowledge in this area and could bridge the gaps in knowledge, he encourages the group to seek guidance from the elder's council.

QC states that the AFN came out with a document under the health sector that talked about elders getting compensation for performing traditional healing approaches and ceremonies to clientele. The document helped communities navigate through putting these processes in place and provided communities with budgets for these services in place. The services were to be short term and covered under the order. By setting up these services, QC questions if FNIHB has put First Nations into awkward positions with potential liability. QC will send out the document to NAC members.

CS notes on the liability exposure component, it all needs full airing and there needs to be transparency. The AFN will look at the work done on liability. Caring Society suggests for IFSD to see on the ground research and the summary of the responses on liability. There needs to be insurance and folks need to be made aware of liability. We need to talk with the NAC about liability.

Self-Determination

AIP restricts protections to C92 funding level of $ not structure, enforcement.

19.8B amount

Consideration: IFSD estimates that agency funding alone over 5 yrs will be 17,725,021,879 to 20, 204,904,083 assuming a 15% CAF for remoteness. This leaves max 2.075B for any remoteness top ups, FN without agencies, C92 transfers, provinces/territories

Population

Considerations: Current IRS does not include children eligible to be registered. Also see 2020 CHRT 36 posted on fnwitness.ca

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Maintenance
Protection
Year 6 and Beyond

Considerations: Current AIP only covers 5 years. No commitment past year 6

Reform of the Department

Considerations: Work is getting underway but no substantial reforms beyond training and some performance metrics for senior ISC staff.

Baseline Budget

Considerations: Federal obligation to fund

Information Technology
Considerations: Different needs and IT capacity among agencies

Results
Considerations: Critical for evaluating outcomes and measuring need

Poverty
Considerations: Difference between Market Basket Measure and after-tax median income

Emergency Fund
Remoteness

Inflation
Considerations: See CPI-FDDIPI Comparison info sheet

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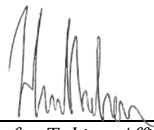
This is Exhibit "42" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

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3-31-2022

Doing Better for Indigenous Children and Families: Jordan's Principle Accountability Mechanisms Report

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Doing Better for Indigenous Children and Families: A Report on Jordan's Principle Accountability Mechanisms

Naiomi Metallic, Hadley Friedland & Shelby Thomas

March 31, 2022

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Disclaimer

While this report was informed by interviews and feedback from stakeholders, including the First Nations Child and Caring Society and Indigenous Services Canada, the conclusions and recommendations expressed are those of the authors.

About the authors

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Shelby Thomas is Métis and her family comes from the Grand Marais region, which is located at the southeast corner of Lake Winnipeg. She is also a third generation Dutch and Polish settler. She pursued a Bachelor of Arts with a major in Psychology at the Université de Saint-Boniface and a Juris Doctor at the Université de Moncton. Shelby has extensive experience working as a researcher for various organizations including Manitoba Justice, Public Interest Law Centre, Manitoba Centre for Health Policy, and Manitoba Keewatinowi Okimakanak Inc's MMIWG Liaison Unit. She is currently the research manager at the National Centre for Truth and Reconciliation. Shelby will forever be grateful for her opportunity to contribute to the work of the National Inquiry into Missing and Murdered Indigenous Women and Girls as an associate commission counsel, where she often felt like the child of the staff. Children and youth hold a special place in Shelby's heart; she passionately advocates for their inclusion and meeting their needs.

Appreciation

We would like to thank all those who generously gave their time to give interviews for this report as well as those who gave feedback on drafts of the report. Thanks to Linda Reif for generously sharing her expertise with respect to accountability mechanisms. Thanks to the research assistants whose work helped inform the final product: Evan Cribb, Danielle-Vautour Wilmot and Toni Hynes.

Executive Summary

Introduction

In the Assembly of Seven Generations' report, *Accountability in Our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth*, Indigenous youth stated clearly:

> Indigenous youth and children need action and it is urgent. [...] [The human rights violations experienced by Indigenous children and youth] is beyond the point of advocacy, rights promotion and the power to report. There must be accountability for those in positions of power that demonstrate prejudice and racism towards Indigenous peoples as well as accountability for the decades of broken promises on behalf of Canadian governments. The bleak reality is that government inaction and its ongoing violations of the rights of Indigenous youth and children has resulted in harms.

Accountability and advocacy mechanisms can address and prevent violations of rights to substantive equality and resulting harms. They have an important role in ensuring, strengthening and promoting good governance in democratic countries world-wide. To date, existing accountability mechanisms in Canada have not generally served the accountability needs of Indigenous children and families. Numerous reports and inquiries have identified this unmet need, including the Auditor General of Canada, the TRC Final Report and the MMIWG National Inquiry Final Report. The Canadian Human Rights Tribunal ("CHRT")'s 2016 *Caring Society* case was a watershed decision in holding Canada accountable for systemic underfunding of child welfare and other essential services. However, this was a hard-won victory and much work remains to rectify systemic inequities and discrimination.

In the summer of 2020, the Caring Society, acting jointly with the Department of Indigenous Services Canada (ISC), approached the authors to undertake research on the design of an independent accountability mechanism to oversee the government's adherence with the numerous orders that have been made by the CHRT based on Jordan's Principle and substantive equality in *Caring Society et al. v Canada*. The intended outcome of our research was this report, setting out at least three potential, well-research options "for an effective national Jordan's Principle Ombuds-like function."

There is a wide breadth of general or specialized accountability mechanisms encompassed within the broad concept of "Ombuds." Their common elements are independence and the ability to investigate and address concerns relating to government action outside of the formal court system. Ombuds-like institutions may be referred to as Ombuds, Advocates or Commissioners, and may or may not be connected to a quasi-judicial process like a tribunal. More detailed information can be found in the section, "Primer on Accountability Mechanisms" of this report. Looking at the variety of models available, our objective, and the focus of this report, most simply, is to propose accountability institutions and measures to meaningfully address the discrimination identified by the CHRT in *Caring Society* and effectively prevent similar practices in the future.

In **Part 1** of this report, we attempt to summarize the long history that forms the context of the need for independent accountability measures to meaningfully address the discrimination identified by the CHRT in *Caring Society* and prevent similar practices in the future. Drawing from this context, in **Part 2**, we set out what we identify as 10 key accountability needs of Indigenous children and families that must be addressed in order to provide effective accountability. Finally, in **Part 3**, we discuss features of effective accountability mechanisms and propose three interconnected mechanisms that we believe address the accountability needs. Any of these three mechanisms, individually, would serve to provide greater protection of the rights of Indigenous children and families from the discrimination found in the *Caring Society* case by improving government accountability. However, as outlined in this report, none are sufficient, on their own, to address all of the identified accountability needs. Therefore, we reach the conclusion that combining all three mechanisms would be the most effective way of preventing discrimination from continuing or re-emerging in the future.

These 3 Parts are summarized in this Executive Summary and discussed in greater detail in the body of this report.

Part 1: Context: The Need for an Independent Accountability Mechanism

Professor Linda Reif, an expert on international human rights and ombuds institutions, reminded us that the driving question in designing any accountability mechanism should be, "*What are the real accountability problems we want to address*?" Therefore we begin by reviewing the historic and continuing accountability problems that form the present context.

Over-representation: Governments in Canada have contributed to taking away thousands of Indigenous children from their families and communities. This started with the federal residential school system, through the so-called "sixties-scoop" and continues in the extreme over-representation of First Nation children in provincial child welfare systems today. In the last 70 years, the inadequate provision of services to meet the needs of Indigenous children living with their families has significantly contributed to this gross over-representation.

Interjurisdictional Neglect: Inequitable service provision is rooted in the "jurisdictional wrangling" between provincial and federal governments, to avoid funding these services. In its 2019 Final Report, the National Inquiry into Missing and Murdered Indigenous Women and Girls named this problem "interjurisdictional neglect." This interjurisdictional neglect widens the gap between Indigenous children and families and other children and families in Canada.

Findings of Inequitable Funding and Inadequate Reforms: The TRC Final Report documented Canada's refusal to adequately fund health services as a cause of high illness and death rates of Indigenous children in residential schools. There has been documented underfunding of essential services on reserve for decades, culminating in the CHRT *First Nation Caring Society* decision in 2016. First Nations began voicing concerns in the 1970s and 1980s. Canada developed the FNCFS program to address concerns, but in 2000 and 2005, the Assembly of First Nations [AFN] and Canada commissioned expert reports which confirmed the

systemic underfunding continued in the FNCFS program. Canada did little to implement the reports' recommendations. The Caring Society and the AFN finally filed a human rights complaint with the Canadian Human Rights Commission in 2007. Years of procedural arguments and delays followed.

The Caring Society Case: In 2016, the Tribunal ordered in favour of the complainants. It found that discrimination on race and/or national ethnic origin was made out. In extensive reasons, the Tribunal highlighted the real power and control Canada held over child welfare services on reserve. Funding formulas did not ensure culturally appropriate programming, were not comparable to provincial funding to meet provincial standards, and, in fact, led to perverse incentives to remove First Nations from their homes as a 'first resort' rather than a last one. The Tribunal also found that Canada had wrongly adopted a very narrow interpretation of Jordan's Principle, continuing to leave many First Nation children behind. Canada committed to not appeal this case and to make reforms to address its findings.

Non-compliance Orders and Inadequate Reforms: Since the main Caring Society decision, the Tribunal has found several instances of non-compliance by Canada, particularly its failure to implement a broad interpretation of Jordan's Principle and an effective process to respond to Jordan's Principle requests and appeals. The non-compliance decisions highlight numerous systemic and accountability issues, including following old approaches (comparability instead of substantive equality) and a too narrow definition of services and children covered by Jordan's principle, as well as using funding authorities to justify inaction, failure to collect appropriate data to properly assess Jordan's Principle requests and needs, and lack of an arms-length appeal process.

While some real reforms have been made, they remain inadequate. The Department of Indigenous Services [ISC] has attempted to respond to the CHRT rulings through internal measures, such as educating ISC staff, modifying some processes, funding community services coordinators to help applicants, and changing its Jordan's Principle's appeal process. However, meaningful internal change is challenging. There is high staff turnover, and the modified appeal process was stalled due to vacancies.

Individualization of Claims and 'Projectification': The Jordan's Principle application process remains individualized and onerous for applicants. In particular, requiring all applicants to provide documentary evidence and demonstrate how a request aligns with substantive equality is burdensome, and leads, unsurprisingly, to high numbers of requests being assessed as submitted without sufficient information (51% of all Jordan's Principle requests in 2019-2020), rather than granted or denied on their merits. This issue is part of a larger concern of "projectification", described in Sinha et al, 2021 - that ISC's view of Jordan's Principle appears to be akin to a program. The current process is individualistic case by case, demand-driven and contingent on the capacity of applicants to successfully navigate it. Systemic assessment and development of proactive policies and practices to ensure equitable services is still missing.

Canada has increased funding for FNCFS services through annual budget allocations, but has also resisted reforming its funding approach to the FNCFS Program to one that is needs-based, and informed by principles of self-government. Details of long-term reform in relation to funding have yet to be released by Canada.

Statutory Reforms with Inadequate Education, Resources or Oversight for Compliance: Canada passed *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24 ("C92"), which sets out national minimum standards and recognizes an inherent Indigenous right to self government, including child and family services. C92 legislates Jordan's Principle in s. 9(3)(e):

> in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.

However, Canada has provided little to no education or resources to support understanding and implementation of C92. C92 does not specify how s. 9(3)(e) will be ensured, or whether Canada or the provinces bear responsibility for funding services to achieve the national minimum standards or Indigenous self government. There are mixed messages regarding so-called "coordination agreements" between First Nations, provinces and Canada for the self government aspect. It is unclear how, without more, C92 responds to the tribunal rulings, and there are fears it may perpetuate, or even escalate, the jurisdictional wrangling in this area.

ISC standards within *Department of Indigenous Services Act*, SC 2019, c 29, s 336 ("*DISA*"), which came into effect in July 2019, provides further grounding to respond to the tribunal rulings. The preamble includes commitments to ensure service standards are transparent and meet the needs of Indigenous groups, recognize socio-economic gaps, promote Indigenous ways of being and doing, and that ISC collaborate and cooperate with Indigenous peoples. *DISA* identifies the group ISC serves as "Indigenous peoples", which includes "Indian, Inuit and Metis peoples." In s. 6(2) it states the minister "shall" ensure a range of services, including child and family services, education and health, and in s. 7(2) it requires collaboration in the development, provision, assessment and improvement of the services listed at s. 6(2). Further, the *DISA* commits Canada to implementing the *United Nations Declaration on the Rights of Indigenous*, as does Canada's 2021 law, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 ("*UNDRIPA*"), which affirms the Declaration as a universal human rights instrument with application to Canadian law.

C92, *DISA*, the Declaration and *UNDRIPA* provide solid statutory support for transparent, equitable needs-based and cooperative service provision. However, it is not clear to what extent *DISA* or *UNDRIPA* are being followed by the Department at this time. There is potential and a need for education and oversight of ISC regarding compliance and implementation.

Ongoing Gaps of Education, Advocacy and Accountability:
Lack of awareness and education by both governmental and non-governmental professionals continues to present significant challenges to the effective implementation of Jordan's Principle and equitable culturally appropriate services for Indigenous children and families. Generally, both the MMIWG Final Report (2019) and the TRC Final Report (2016) called for national advocates in this area. Provincial governments continue to deny responsibility for services to First Nation children and families. According to Jordan's Principle Operational Committee respondents to a survey in early 2021, specific challenges to implementing Jordan's Principle continue to include informational limits to written documentation, interpretation of reviewers or failure to follow parameters causing claims being denied in error, lack of reasons for denials, barriers to appeals due to burdensome document requirements, requiring individuals or First Nations to demonstrate how substantive equality applies, timelines and delays, lack of information and communication, lack of aging out of care supports, high turnover of ISC staff, worker burnout, lack of expertise in substantive equality, and failure of provincial governments to come to the table. Respondents identified the need for more internal training and community educational outreach as well as quicker and easier access to services.

Currently, there is some support to address some of these challenges through government funded Jordan's Principle Navigators and Regional Focal Points. However, the Caring Society, a small fundraising reliant charity with no government funding, continues to play a crucial advocacy role in supporting families in seeking to access Jordan's Principle and substantive equality, including drawing on its network of lawyers who assist on a *pro bono* basis to address denials, from liaising with ISC to filing judicial reviews. The Caring Society also informally provides oversight of ISC's implementation of the CHRT decisions, by bringing issues of non-compliance to the CHRT's attention, as well as continuing to publicly raise awareness of systemic discrimination against First Nations children and families. ISC staff are uncertain as to what they can share with the Caring Society advocates due to privacy and confidentiality. The Society's staff recognize that they cannot help all who need assistance and emphasize the need for formalized and funded advocacy services for First Nations children and families.

Part 2: Accountability Needs:
The preceding discussion demonstrates 10 major accountability needs relating to Jordan's Principle, and equitable services for Indigenous children, families and communities:

1. **Oversight of the current Jordan's Principle process at ISC:** While ISC staff may be well intentioned and committed to implementation, deep systemic inequality and the legacy of discrimination requires oversight from a body with relevant expertise.

2. **Oversight of ISC's long-term reform of CFS, including funding of agencies, as well as CIRNAC's funding and negotiation of self-government under C92:** Long term reform was a key order of the Main Decision and oversight is required to address the current lack of transparency, education and resources for understanding and implementation and funding of self government in relation to child and family services.

3. **Oversight of Canada's efforts addressing systemic inequality in services related to Indigenous children and families:** Eliminating systemic inequality in delivery of essential services is the ultimate goal of Jordan's Principle, the Main Decision, and a core recommendation in numerous reports and inquiries, including the TRC and MMIWG National Inquiry Final Reports.

4. **Oversight of federal-provincial efforts at cooperation in relation to funding and servicing of Indigenous children and families:** Ending interjurisdictional neglect requires oversight of federal-provincial cooperation and compliance with Jordan's Principle and C92 responsibilities to Indigenous children, families and communities.

5. **Ongoing education to ISC, CIRNA, provincial DCS staff, provincial agencies, Social workers, Crown lawyers, legal aid lawyers, judges:** Effective implementation of the CHRT Orders, Jordan's Principle and C92 requires more and ongoing education for all government and legal actors responsible for compliance and application.

6. **Investigating and mediating individual complaints about provincial governments funding failure to provide services to Indigenous children and families:** This is necessary as many provincial child advocates, ombuds and legal services providers aren't aware of or pursuing Indigenous children and families' rights.

7. **Investigating and mediating individual complaints about child welfare agencies' implementation of CFS laws and policies, including C92:** Several inquiries, including the MMIWG National Inquiry, called for an Indigenous-specific child advocate, as there is inconsistency with provincial child advocates ensuring compliance with provincial statutory protections, and now the C92 minimum standards.

8. **Powers for enforceable orders against Canada for non-compliance with Jordan's Principle, substantive equality and other relevant laws and international requirements (C-92, DISA, UNDRIP, CRC, etc):** Supervisory jurisdiction has been key to the CHRT's ability to affect change in the *Caring Society* and something similar to take its place is necessary for when the Tribunal is no longer seized of the case, given the extraordinary long history and seriousness of substantive equality and statutory human rights violations, and Canada's intransigence to change even after the Main Decision.

9. **Powers for enforceable orders against provinces for non-compliance with Jordan's Principle, substantive equality against provinces and relevant laws and international requirements (C-92, UNDRIP, CRC, etc):** The history of provincial neglect of Indigenous children and families' needs justifies having a body that can also grant binding orders against the provinces for their failure to respect their obligations.

10. **Legal advocacy for First Nations children, families and communities for government services and in child welfare matters:** It is evident there continues to be a strong, largely unmet need for formal, funded advocacy to support Indigenous children

and families vis-a-vis both federal and provincial governments in relation to the provision of equitable services and child and family services matters.

Part 3: Features of Effective Accountability Mechanisms and Recommendations:

Based on research into provincial, national and international ombud-like and other accountability mechanisms to address substantive equality and statutory human rights concerns, including the importance of accountability mechanisms being context driven, so impacted by the history and needs discussed above, we have identified the following five features of effective accountability:

A. **External accountability mechanisms:** Currently, there are no external non-judicial accountability mechanisms that apply to the work of ISC and CIRNAC.
B. **Legislated mechanisms, not simply created by the executive:** For effective independence from the government of the day, legislatures, and not executives, ought to create accountability bodies, appoint their leadership, oversee the bodies' functions, and be the government entity receiving reports from the body.
C. **Mechanism with specific mandates relating to Indigenous children and families:** The unparallelled gravity and longevity of the ongoing substantive equality and statutory human rights violations of Indigenous children and families in Canada requires the creation of mechanisms with specific mandates in relation to Indigenous children and families.
D. **Mechanisms with powers over all Indigenous children:** As per SCC jurisprudence, DISA and C92, federal jurisdiction applies to First Nations, both status and non-status, Metis and Inuit peoples. Powers over all Indigenous children is necessary for any mechanism to reduce, not reproduce, exclusion or jurisdictional neglect. Such an inclusive approach is not the same thing as a pan-Indigenous approach. It is equally important that the mechanisms recognize the diverse legal traditions among Indigenous peoples.
E. **Mechanisms that bypass jurisdictional wrangling:** Currently, neither human rights bodies nor the courts in Canada can hear a complaint of denial of services involving both the federal and provincial government at the same time. Ironically, and tragically, as lawyer David Taylor puts it, there appears to be a Jordan's Principle problem in vindicating Jordan' Principle claims. For an accountability mechanism to be effective, it must challenge the conventional jurisdictional boundaries that could lead to delays and denials of services under it, and have led to the decades of interjurisdictional neglect of Indigenous children and families. Canada has the power to do this under s. 91(24).

Recommendations:

Based on the accountability needs identified in Part 2, and the features of effective human rights accountability mechanisms identified in this Part, we recommend **3 interconnected mechanisms to safeguard the needs of Indigenous children and families.** While originally we expected to propose 3 independent options, we have come to the conclusion that, while any of the three mechanisms, on their own, would be an improvement over the status quo, all 3 are necessary to achieve meaningful accountability. The stakes are too high, the pattern of

discrimination too long and entrenched, and Canada's practice, policy and even legal reforms still too inadequate, for anything less to actually be effective at this point.

The 3 accountability mechanisms are:

1. **A National Indigenous Child and Family Advocate:** This would be a primarily based on the model a child advocate ombuds model, but also with specific jurisdiction to oversee governments' delivery of services to Indigenous children and families in accordance with Jordan's Principle, their right to substantive equality in statutory human rights instruments and other relevant laws and international requirements (C-92, DISA, UNDRIP, CRC, etc). The Advocate would also oversee governments' implementation of child welfare legislation and policy in relation to Indigenous children and families. In this regard, in addition to addressing systemic issues, the Advocate would assist Indigenous children and families resolve individual complaints through informal and confidential means.
2. **A National Indigenous Child and Family Tribunal:** This would have the power to hear complaints from individuals, groups, communities or the Child Advocate. Complaints would include those of a systemic nature against the federal or provincial governments and their delegates in relation to Jordan's Principle, substantive equality and the implementation of CFS laws and policies, including C92. The Tribunal should have robust remedial powers to effectively uphold the right to substantive equality and other statutory human rights of Indigenous children and families.
3. **National Legal Services for Indigenous Children and Families:** This would be designed to provide Indigenous children and families with state-funded access to knowledgeable lawyers who can support them in their attempts to access substantive equality in essential services from federal and provincial governments, and in their interactions with child welfare systems. The power imbalance between individual children and families and the state makes advocacy essential for upholding the right to substantive equality and other statutory human rights.

We conclude that all 3 of these mechanisms are necessary to effectively address the government conduct that has contributed to the harm Indigenous youth name, including the overrepresentation of Indigenous children in state care and the senseless suffering and separation of Indigenous children and families with medical and disability needs, for decades.

All 3 of these mechanisms <u>must,</u> at minimum, have the following features for effectivity:

- Be set out in federal legislation and not simply created by the executive, in order to ensure independence from government and the greatest degree of oversight and accountability;
- Be specific to the interest and rights of Indigenous children and families (and not wrapped into to broader mechanisms);
- Apply to all Indigenous children and families, not just First Nations on reserve (e.g., non-status First Nations, off-reserve, Métis and Inuit) while recognizing distinctions based on local needs and diverse legal traditions among Indigenous peoples; and

- Apply to conduct of both federal and provincial governments, which Canada has the constitutional jurisdiction to legislate pursuant to s 91(24) of the *Constitution Act, 1982*.

We believe all three mechanisms we have outlined can and should be legislated within one federal statute. The following chart sets out the three accountability mechanisms, with reference to the accountability needs each would address as well as essential elements for efficacy.

Accountability Mechanism 1: National Indigenous Child and Family Advocate

<table>
<tr><th colspan="2">National Indigenous Child and Family Advocate</th></tr>
<tr><th>Accountability needs to be addressed:</th><th>To be effective this Advocate should:</th></tr>
<tr><td>Need #1: Oversight of Canada's implementation of Jordan's Principle</td><td rowspan="7">a. Assess governments' obligations in relation to Jordan's Principle and substantive equality (protected under each government's human rights legislation and the Charter), C-92 and international instruments such as United Nations Declaration on the Rights of Indigenous Peoples, the Conventions with Rights of the Child, and the Convention of Rights of Persons with Disabilities.
b. Scrutinizes governments' distinctions-based approach in relation to the need for equitable services on the grounds of the various subcategories of Indigeneity governments have relied on in the past to make distinctions (non-status, off-reserve, Metis, Inuit, etc.) as prima facie discrimination.
c. Have the power to investigate individual, group and community complaints, as well as institute own-motion investigations, including into systemic issues.
d. Have robust investigative powers to collect and compel necessary information from government parties to effectively respond to the different types of complaints as well as to be able to effectively conduct systemic oversight.
e. Conduct research and hire experts in conducting systemic inquiries.
f. Be mandated to meet with children and youth and ensure their voices are heard in the work of the Advocate's Office.
g. Attempt to facilitate resolution of complaints through informal and confidential means. Such methods for resolving disputes should draw on Indigenous laws and the dispute resolution processes where possible. This would not prevent reporting and recommendations.</td></tr>
<tr><td>Need #2: Oversight of Canada's long-term reform of child welfare, including C92 implementation</td></tr>
<tr><td>Need #3: Oversight Canada's implementation of substantive equality in relation to all services impacting on Indigenous Children and Families</td></tr>
<tr><td>Need #4: Oversight of Federal-Provincial cooperation in servicing Indigenous Children and Families</td></tr>
<tr><td>Need #5: Ongoing education for federal and provincial government actors involved in child welfare services</td></tr>
<tr><td>Need #6: Oversight of provincial governments'</td></tr>
</table>

implementation of substantive equality in relation to all services impacting on Indigenous Children and Families **Need #7:** Oversight of child provincial welfare agencies, including their implementation of C92	h. Providing a "one stop shop" that can support Indigenous children, youth and their families in navigating the different accountability mechanisms that exist. This is not intended to limit peoples' options for resolving complaints through other mechanisms. It is our hope that an individual or group might start with the Advocate to seek informal resolution or, at the least, obtain information to navigate their options, and possibly be connected with legal support if necessary (we explain this further below with our third mechanism, National Legal Services for Indigenous Children and Families). i. Have the power to make recommendations to governments, and to escalate these recommendations to higher levels (up to and including the Tribunal) if recommendations are not reasonably acted upon. j. Report annually to Parliament on its activities, as well as make special reports commenting on any matter within the scope of its powers that it deems appropriate. k. Intervene in any adjudicative proceedings relating to the jurisdiction of the Advocate. l. Educate the public and federal and provincial civil servants, and those involved in child welfare matters, about the right to substantive equality and Jordan's Principle, of Indigenous children and families, as well as their rights within child welfare matters, including under C92. m. Play a 'knowledge mobilization' role in terms of ensuring that standards and practices are consistently applied/understood throughout the various jurisdiction and country, and act as a resource for Indigenous nations and communities to facilitate learning from each other. n. Promote connections to culture, families, lands, waters, language, songs and stories, as well as encourage the implementation of Indigenous laws in the work of the Advocate. Beyond these requirements, further details about the Advocate (composition, qualifications, terms, staff, etc.) ought to be determined in discussion and cooperation with Indigenous groups, including Indigenous children and youth, the Caring Society and the pro bono lawyers who have been supporting it. We further suggest that, in the actual development of the enabling legislation, further expert advice be sought to recommend specific statutory language.

Accountability Mechanism 2: National Indigenous Child and Family Tribunal

<table>
<tr><th colspan="2">National Indigenous Child and Family Tribunal</th></tr>
<tr><th>Accountability needs to be addressed:</th><th>To be effective this Tribunal <u>should</u>:</th></tr>
<tr><td>Need #8: Enforce orders against Canada for non-compliance with Jordan's Principle, substantive equality and other relevant laws and international requirements (C-92, DISA, UNDRIP, CRC, etc)</td><td rowspan="2">a. Have the power to issue binding orders against both the federal and provincial governments and their public servants and agencies.

b. Have the powers to craft its own procedures and rules of evidence that are more flexible than the courts, including child-informed and child-friendly procedures, and the incorporation of Indigenous law and legal procedures into the process.

c. Be mandated to issue remedial orders where discrimination is established.

d. Have extensive remedial powers, including powers to grant interim orders and make summary decisions, as well as the power to exercise supervisory jurisdiction made explicit.

e. Be composed of adjudicators with expertise in the discrimination issues faced by Indigenous children and families.

Beyond these requirements, further details about the Tribunal (composition, qualifications, terms, staff, etc.) ought to be determined in discussion and cooperation with Indigenous groups, including Indigenous children and youth, including parties and lawyers that have been involved in the Caring Society case.

The creation of a Tribunal with a focus on Indigenous child and family issues is critical to support the work of the proposed Advocate. Should Canada eventually implement recommendations from the MMWIG National Inquiry and others to create a National Indigenous and Human Rights Tribunal, we think this body could equally support the work of the Advocate, so long as the Tribunal is focused only on Indigenous matters, can bind both the provinces and governments, and has a sufficiently flexible process and robust remedies. However, until such time as a National Indigenous and Human Rights Tribunal, there needs to be a National Indigenous Child and Family Tribunal.

Finally, to ensure the utmost independence from the federal government, the proposed Tribunal should not be included within the schedule of federal administrative tribunals falling under the Administrative Tribunals and Support Services of Canada Act, SC</td></tr>
<tr><td>Need #9: Enforce orders against provinces for non-compliance with Jordan's Principle, substantive equality against provinces and relevant laws and international requirements (C-92, UNDRIP, CRC, etc)</td></tr>
</table>

	2014, c 20, s 36.

Mechanism 3: National Legal Services for Indigenous Children and Families

National Legal Services for Indigenous Children and Families	
Accountability needs to be addressed:	**To be effective the National Legal Services <u>should</u>:**
Need #10: Formal advocacy for First Nations children, families and communities for government services and in child welfare matters	a. Include funding support from filling forms, letter writings and speaking on their behalf, to pursuing existing Ombuds, Child Advocate, human rights processes (before the federal or provincial human rights commission, or the new Tribunal we are proposing) or judicial review in the courts. b. Take the form of a legal referral service housed in the proposed Advocate (similar to the Legal Representation for Child and Youth branch of Alberta's Office of the Child and Youth Advocate). This includes: i. The Advocate's Office has the power to refer children and families to lawyers and appoint lawyers to represent them to access substantive equality in services from the federal and provincial governments, and in their interactions with child welfare systems. ii. The lawyers appointed would be from a roster maintained by the Advocate. To get on the roster, lawyers would have to meet standards and expectations set by Advocate (e.g., practice experience, years at the bar of a province, knowledge of Indigenous communities, etc.).

Conclusion:

In identifying the accountability problems to be addressed by an accountability mechanism for this report, we have looked thoroughly at the context of "one of the worst possible cases" of racial discrimination, that has deeply and irrevocably harmed multiple generations of Indigenous children and families. We have also reviewed features of effective accountability mechanisms that can contribute to the imperative work of bringing an end to these ongoing harms.

There has been progress, and genuine work toward internal, policy and even legislative reform. However, there is much work to be done and many of the reforms that Canada has unilaterally

implemented have been inadequate to stymy ongoing substantive equality and other statutory human rights violations. The vast majority of meaningful reforms to date have occurred since the Tribunal issued its 2016 Main Decision and retained supervisory jurisdiction.

There will come a day when the Tribunal will relinquish jurisdiction over the case. Given the very long history of systemic discrimination against Indigenous people by the government in Canada, particularly in the area of service delivery, it will be important to have alternative accountability mechanisms in place. We have set out 3 that, together, we believe will practically address the accountability problems that have facilitated one of the worst possible cases of racial discrimination in Canadian history for over half a century. There are also internal steps ISC can take in the interim, and in addition, to external legislated accountability mechanisms, discussed in Part 3 A and in the Conclusions and Recommendations of this Report.

The Assembly of Seven Generations report clearly emphasized that "Indigenous youth and children deserve accountability and responsibility from the federal government, as well as all levels of government." As Cindy Blackstock says, once we know better, we need to *do* better. We hope and believe a new and better chapter has begun and can be created for present and future generations. Accountability is an essential aspect of this. Indigenous children, youth and families deserve nothing less.

Introduction

In the summer of 2020, we were approached by the Caring Society, acting jointly with the Department of Indigenous Services Canada [ISC], to undertake research on the design of an independent accountability mechanism to oversee the government's adherence with the numerous orders that have been made by the Canadian Human Rights Tribunal based on Jordan's Principle and substantive equality in *Caring Society et al. v Canada*.[1] Over the fall of 2020 we developed a workplan for this research, which was signed into a contract for services with ISC in February 2021.

Our work plan called for the review and analysis of general oversight, accountability and advocacy mechanisms in Canada and internationally; a review and analysis of Jordan's Principle-specific law, policies and processes; and having conversations with key stakeholders[2] to help us identify current needs, gaps and promising practices to inform the necessary scope, function and approach of an accountability mechanism related to Jordan's Principle and child welfare. The intended outcome of our research was this report, setting out at least three potential, well-researched options "for an effective national Jordan's Principle Ombuds-like function."

Early into the life of this project, both the Caring Society and ISC were using the specific language of an "ombudsperson function" on "Jordan's Principle." However, as we got deeper into our research, we determined that use of these phrases were not intended as pre-determining what the accountability mechanisms we propose should look like. Speaking with the Caring Society, ISC staff and others, we realized that there are several different accountability mechanisms that are encapsulated within the meaning 'ombuds', as we explain in our next section, entitled 'Primer on Accountability Mechanisms.' We also concluded that the accountability needs of Indigenous children and families go beyond Jordan's Principle because the principle arises from, and is informed by, the *Caring Society et al. v Canada* case, what led to it, and what has happened since the main decision.

According to international human rights expert, Linda Reif, author of *Ombuds Institutions, Good Governance and the International Human Rights System*, core elements of good governance include democratic government, rule of law, accountability, transparency of government, respect

[1] *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada),* 2016 CHRT 2 [*Caring Society* 2016].

[2] We met with various key stakeholders including First Nations Child and Family Caring Society of Canada staff; Joint Policy and Operations Committee on Jordan's Principle; National Advisory Committee on First Nations Child Welfare; National Advisory Committee on First Nations Child Welfare; Consultation Committee on First Nations Child Welfare; lawyers involved in *Caring Society et al.* matter and advancing Jordan's Principle cases; and Indigenous Service Canada staff from Jordan's Principle branches. These meetings included local Jordan Principle service coordinators; relevant staff and directors from child welfare agencies, Indigenous health organizations; representatives from Assembly of First Nations (AFN); and relevant staff from human rights commission. We also presented at a one-day AFN forum on Jordan's Principle and spoke with Linda Reif, a leading Canadian expert in accountability mechanisms.

for human rights and public participation.[3] Accountability and advocacy mechanisms have an important role in ensuring, strengthening and promoting good governance. Reif explains that "[g]overnment accountability involves establishing "lines or forms of accountability" between the government and the public which can cross the spectrum from provision of information, through the application of procedural fairness legal principles, to subjection of government conduct to adjudicative decisions or prosecution".[4] An important element of the accountability process is a mechanism's ability to make decisions about conduct and make determinations to resolve inappropriate conduct. Answerability and enforcement are important elements of accountability. Metis legal scholar, Larry Chartrand, explains that "accountability is inherently a reciprocal relationship. […] In other words, accountability of government actors to the public is seen as important in promoting ethical, fair and efficient government decision-making."[5]

To date, existing accountability mechanisms in Canada have not generally served the accountability needs of Indigenous children and families. First of all, aside from the courts and the Canadian Human Rights Commission (CHRC) and Tribunal, there are no other oversight mechanisms in relation to the federal government's departments of ISC and Crown-Indigenous Relations and Northern Affairs Canada. Further, it has been extremely difficult for Indigenous children and families to use the courts to hold governments accountable in relation to the funding of essential services.[6] The Canadian Human Rights Tribunal's 2016 *Caring Society* case was a watershed decision in holding Canada accountability for systemic underfunding of child welfare services, however, this was a hard-won victory (over which the battle continues), and the fact is that the CHRC and Tribunal have significant shortcomings in meeting the various accountability needs of Indigenous children and families. There are more oversight mechanisms at the provincial level, such as ombuds and child advocates, but the extent to which they are able to or have advanced justice for Indigenous children and families is uncertain. In the Assembly of Seven Generations' report, *Accountability in Our Lifetime: A Call to Honour the Rights of Indigenous Children and Youth*, Indigenous youth acknowledged that

> Canada is long overdue in honouring inherent Indigenous rights, as demonstrated by generations and over 150 years of reports and recommendations that Indigenous peoples have provided to Canadians. Indigenous youth and children need action and it is urgent. [...] [The human rights violations experienced by Indigenous children and youth] is beyond the point of advocacy, rights promotion and the power to report. There must be accountability for those in positions of power that demonstrate prejudice and

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[3] Linda C. Reif, *Ombuds Institutions, Good Governance and the International Human Rights System*, 2nd rev Ed. (Boston: Koninklijke Brill NV, 2020) at 145.
[4] *Ibid* at 119.
[5] Larry N Chartrand "A Section 35 Watchdog: Furthering Accountability of Federal, Provincial and Territorial Governments to Aboriginal Peoples" Governance, Self-Government and Legal Pluralism Conference, April 23-24, 2003, Hull, Quebec, at 4.
[6] Janna Promislow & Naiomi Metallic, "Realizing Administrative Aboriginal Law" in Colleen M Flood & Lorne Sossin, eds, *Administrative Law in Context*, 3rd ed (Emond Publishing: Toronto, 2017) [Promislow & Metallic] at 104-108; see also Yellowhead Institute, "Looking for Cash Back in the Courts" (2021), online: https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-Court-Cases-Yellowhead-Institute-4.2021.pdf.

> racism towards Indigenous peoples as well as accountability for the decades of broken promises on behalf of Canadian governments. The bleak reality is that government inaction and its ongoing violations of the rights of Indigenous youth and children has resulted in harms".[7]

We agree with the assessment of the Assembly of Seven Generations of the bleak nature of Canadian governments' accountability to Indigenous children and families. In Part 1 of this report, we attempt to summarize the long history that informs this conclusion. Drawing from this history, in Part 2, we set out what we identify as 10 separate accountability needs of Indigenous children and families that must be addressed in order to provide effective accountability. Finally, in Part 3, we propose three interconnected mechanisms that we believe address these accountability needs.

[7] Assembly of Seven Generations, "Accountability in Our Lifetime: A Call to Honour the Rights of indigenous Children and Youth," (2021) at 16 [Assembly of Seven Generations].

Primer on Accountability Mechanisms

There are various accountability mechanisms in democratic nations. Similar accountability mechanisms sometimes have different names, despite having similar purposes and functions. This primer aims to provide some high level definitions of common accountability mechanisms, grouped according to purpose and function, along with examples.

1. Independent Accountability Institutions

Independent Accountability institutions are institutions that "control the actions of other state bodies through actions ranging from soft monitoring to hard coercive standards".[8] Accountability institutions include, but are not limited to, Ombuds. Some also have additional functions including litigation, intervention, providing, advice, research and education.[9] Generally, these institutions are established to monitor and supervise the actions and activities of governments to make sure that they are doing their work in a fair, just and transparent way.[10] They are designed to provide citizens with an accessible, impartial, and informal avenue to address problems with the actions of government.[11] Key roles of accountability institutions include improving human rights protection and promotion when judicial intervention not available or realistic, improving domestic human rights circumstances; changing the culture and mindset of bureaucracy, drawing attention to law reform needs; requesting binding decisions through the courts, reducing poor bureaucratic behaviour through monitoring, improving rule of law and strengthening good governance.[12]

In comparison to judicial institutions, these institutions have broad and flexible assessment criterion for determining violations. This gives them the ability to address a wider range of violations using a variety of remedies.[13]

Some examples of Independent Accountability institutions include:

- Auditor generals,
- Anti-corruption bodies,
- Electoral commissions
- Policing oversight institutions,
- Human rights commissions, and
- Ombudspersons.[14]

[8] Reif *supra* note 3 at 123.
[9] *Ibid* at 124.
[10] *Ibid* at 23.
[11] Chartrand *supra* note 5 at 16.
[12] Reif *supra* at note 3 at 118, 147, 245.
[13] *Ibid* at 250-251.
[14] Chartrand *supra* note 5 at 5.

2. Ombuds Institutions (General or Classic)

An ombuds is one kind of independent accountability institution that reviews government, agencies, and other organizations' actions.[15] According to the Forum of Canadian Ombudsman, an ombuds is an independent and objective institution that reviews government, agencies, and other organizations' actions.[16] Reif explains the classic ombuds was established to fight maladministration[17] and supervise the actions of the government's administrative activities.[18] The office is provided for by constitution or action by legislature and it is headed by an independent, high level public official responsible to the legislature. Typically, the core powers of an ombuds are investigations, making recommendations and submitting reports to resolve problems by securing redress and improving administrative systems and redress.[19] Typical Ombuds functions include complaint handling and resolution, monitoring and reviewing functions, individual and systemic advocacy.[20] A small number have quasi-coercive powers.[21] The process is usually confidential, impartial, and neutral.[22]

Some examples of ombuds institutions in Canada include:

- Provincial and Territorial ombuds institutions,
- National Defence and Canadian Forces Ombudsman,
- Municipal ombuds institutions.[23]

3. Thematic Ombuds Institutions

The key distinction of a thematic ombuds institution is that they have jurisdiction over a specific and distinct thematic or specialized area.[24] Over the years, the concept of classic ombuds institutions have expanded and tailored to meet varying needs of local regions including public and private sectors, international, national and regional levels and crossing several thematic

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[15] Michelle LeBaron "Watchdogs and Wise Ones in Winter Lands: The Practice Spectrum of Canadian Ombudsman" (2008) Forum of Canadian Ombudsman (FCO) Liz Hoffman Ombudsperson Research Award Paper at 4, 5.
[16] *Ibid*.
[17] Reif *supra* note 3 at 5.
[18] *Ibid* at 23.
[19] Mary A Marshall & Linda C. Reif "The Ombudsmen: Maladministration and alternative dispute resolution" Alberta Law Review, Vol XXXIV No 1 (1995) at p. 218; *Ibid* at 225.
[20] Commissioner for Children and Young People Western Australia, "Oversight of services for children and young people in Western Australia" (November 2017) Commissioner for Children and Young People Western Australia, Perth at 9.
[21] Reif *supra* note 3 at 221.
[22] Mary Theresa Hunter "Canadian Child and Youth Advocates: A comparative analysis" Doctor of Philosophy Dissertation, School of Public Administration, University of Victoria, 2017 at 26.
[23] "Ombudsman Offices in Canada" (2021) online: *Forum of Canadian Ombudsman* < http://www.ombudsmanforum.ca/en/?page_id=176>.
[24] Reif *supra* note 3 at 62.

areas. They require a level of expertise in the relevant area.[25] Thematic institutions may overlap with general accountability institutions and multiple departments may fall within the scope of thematic institutions depending on the specific focus of the institution.[26] Like classic ombuds, some thematic ombuds institutions have expanded to include additional mandates such as explicit human rights protection and promotion, functions related to children's rights, preventative measures, monitoring abilities,[27] and administrative law litigation functions. These institutions have a range of powers and functions. They are not only complaint-driven, and may have some decision-making powers and public education mandates. Some institutions have additional protection powers other than investigations including mediation and court litigation.[28] Some adjudicative powers have been given to thematic equality ombuds,[29] though these institutions rarely have coercive remedial powers.[30] Some can conduct audits to ensure compliance with the law in sensitive areas including police conduct, child protection, and government intrusion on private communications. Some also do administrative audits if it's in the public's best interest.[31] Like classic or general ombuds, thematic ombuds institutions generally monitor their recommendations and will attempt to use persuasion to encourage implementation.[32]

Some examples of thematic ombuds institutions in Canada include:

- Commissioner of Official Languages,
- Privacy Commissioner,
- Information Commissioner,
- Federal Correctional Investigator,
- RCMP External Review Committee, and
- Police Complaints Commissioner.

4. Thematic Ombuds Institutions – Children's Rights Commissioners and Advocates

Independent accountability institutions that focus on Children's rights are one type of thematic ombuds institution. These are typically either Commissioners or Advocates. Children's Commissioners have been appointed around the world and typically have similar powers and functions to other thematic ombuds, but in the area of children's rights.[33] Child Advocates

[25] Marshall & Reif, *supra* note 19 at p. 230; Jo-Ann EC Greene "On-reserve matrimonial real property following relationship breakdown: a review of tribunal, ombuds and alternative dispute resolution mechanisms" INAC Paper, May 2003, at 3, 4.
[26] Reif *supra* note 3 at 71.
[27] *Ibid* at 5.
[28] *Ibid* at 221.
[29] *Ibid* at 227, footnote 22.
[30] *Ibid* at 227.
[31] *Ibid* at 230.
[32] *Ibid* at 28.
[33] Daniella Bendo "The Role of Canada's Child and Youth Advocates: A Social Constructionist Approach" Master of Arts, Child and Youth Studies Thesis for the Faculty of Social Sciences, Brock University, August 2016, at p. 21.

support children and youth populations through advocacy and other activities.[34] An important difference to highlight from other thematic ombuds institutions is that Advocates may not necessarily act impartially. Instead Advocates will act to protect the interest of the specific population they are mandated to protect.[35] In Canada, there are provincial and territorial Child Advocates. Child Advocates require specialized knowledge and experience. Hunter notes that all Child Advocates in Canada had advanced degrees and levels of experiences from various backgrounds including social work, legal backgrounds, education, youth services, nursing, employment, psychology and health administration, and public administration.[36] While Child Advocate functions vary, common functions of nine provincial and two territorial Child Advocate offices in Canada include providing individual advocacy, examining systemic issues and systemic advocacy, raising awareness about children's rights, and giving advice to improve the provision of services to children.[37] Most have a mixture of traditional functions and specialize solely on rights of children and youth.[38]

Almost all Child advocate' mandates in Canada include monitoring compliance and taking extra steps when the government is not complying with recommendations including reporting to higher authority.[39] Most Canadian child advocates expect governments to respond to their advice without formal means of holding the government accountable to improve services to children.[40] However, tracking and monitoring compliance were noted as key factors in influencing change.[41]

Some examples of Child Advocates in Canada include:

- **The Alberta's Office of the Child and Youth Advocate:** The OCYA is valued for its ability to identify systemic issues through its relationship and direct input from children and youth affected. This feedback and other quality assurance processes help to inform practice and make effective recommendations to improve services.[42] The OCYA conducts systemic reviews and advocacy as well as providing individual advocacy services to children and youth involved in designated services. It may appoint legal representation for young people in relation to those services.[43]

- **BC's Office of the Representative of Children and Youth:** In 2005, BC established a legislative office, the Representative of Children and Youth.[44] BC's

[34] Reif *supra* note 3 at 49-50.
[35] *Ibid*.
[36] Hunter *supra* note 22 at 63.
[37] *Ibid* at 1, 6, 72.
[38] *Ibid*. Note, NS and QC, and now ON provide ombuds or advocacy services for children and youth as part of larger institutions serving the entire population.
[39] *Ibid* at 107, 176.
[40] *Ibid* at 176.
[41] *Ibid* at 177.
[42] *Ibid* at 45.
[43] *Ibid* at 59.
[44] *Ibid* at 48.

model was considered a hybrid model as it has functions of an ombuds, powers of a commissioner of inquiry and structural independence of an auditor general.[45]

5. Thematic Ombuds Institutions – Human Rights Commissions

Reif explains that Human Rights commissions have the same elements as a classic ombuds, other than their jurisdiction. Human rights commissions have jurisdiction over human rights protection and most have varying human rights prevention mandates,[46] Their scopes vary and may include the protection of civil, political, economic, social and cultural rights.[47] Some may have a specific role or function to monitor particular human rights issues such as the relations with Indigenous people.[48]

Human rights commissions typically have a broad mandate[49] and functions including complaint based investigatory powers, own motions investigations, holding public inquiries, making recommendations and reports, powers to bring or intervene in litigation and/or other legal avenues. Some also have human right promotion powers such as research, public awareness-raising, training, education and advice to governments.[50] Other human rights mandated functions include creating promotional information, education, advising, providing recommendations to governments, law reform, and investigatory powers.[51]

Some examples of human rights commissions in Canada include:

- **The Quebec Commission des droits de la personne et des droits de la jeunesse** Although similar to the Commission at the federal level, the Québec CDPJ has a specific unit dedicated to handling youth protection investigations.[52]
- **The Canadian Human Rights Commission:** At a federal level, the CHRC has numerous functions including a significant public human rights education and promotion role, public interest role by researching and monitoring systemic patterns and practices and investigating, mediating and referring matters to the CHRT.[53]

[45] *Ibid* at 6.
[46] Reif *supra* note 3 at 61.
[47] Marshall & Reif *supra* note 19 at 232; *Ibid* at 7.
[48] Chartrand *supra* note 5 at 20.
[49] Reif *supra* note 3 at 157.
[50] *Ibid* at 15.
[51] *Ibid* at 154, 155.
[52] "Investigations (Youth Protection)" (March 2022) online: *Québec Commission des droits de la personne et des droits de la jeunesse.*
[53] Gwen Brodsky, Shelagh Day & Frances Kelly, "The Authority of Human Rights Tribunals to Grant Systemic Remedies" 2017 CanLIIDocs 45 at p. 34.

6. Human Rights Tribunals

A final type of independent accountability institution is a tribunal. An accountability institution becomes a quasi-judicial administrative tribunal when it has abilities to make legally binding decisions. Tribunals perform a quasi-judicial but not a purely judicial function. Administrative tribunals may have a particular expertise, and due to this expertise, they may be enabled by statute to deal with claims that are broader than those dealt with by courts and to grant forward–looking systemic remedies to deal with policy issues and further social goals and to remain seized of matters longer than courts.[54] Although the tribunal process will be formal, it does not need to be an adversarial process. It is important that the tribunal is impartial, non-political and has a level of expertise.[55] There is a wide variety of judicial and administrative tribunals in Canada.[56] There are some limitations to tribunals due to their capacity to make legally binding decisions. This capacity means the work and process of the institutions subject to administrative law standards and reviews. This can seriously limit the flexibility and informality of the institution's work and process.[57] A major concern related to this type of institution is the accessibility.[58]

At times, an independent and accessible appeal tribunal is established within a broader independent accountability institution in order to hear matters where a resolution has not been reached through the "advisory" part of the institution. These enforcement and adjudication abilities are developed to ensure accountability and reform where more informal individual advocacy, systemic reports or advice to governments are not sufficient to protect human rights.[59]

An example of a human rights tribunal in Canada includes:

- **The Canadian Human Rights Tribunal:** An important feature of the CHRT is its ability to make binding orders and grant remedies.[60] The CHRC and CHRT are a "federal human rights machinery […] comprised of an adjudicative body and a Commission. Both are "essential to the remedial function of the legislation".[61] Chartrand characterizes the CHRC and CHRT as "a more formally structured process than the Ombudsman Office although less formally structured than the court system. It is intended to be accessible to everyone and in particular those individuals that have been most marginalized in society".[62]

[54] *Ibid* at 31.
[55] *Ibid* at 26.
[56] Greene *supra* note 24 at 2.
[57] Brodsky, Day & Kelly *supra* note 53 at 32.
[58] *Ibid* at 22.
[59] *Ibid* at 24, 25.
[60] *Ibid* at 19.
[61] *Ibid* at 34.
[62] Chartrand *supra* note 5 at 19.

As a final point, we wish to address possible confusion around use of different terminology for Ombuds-like mechanisms such as Ombudsman, Advocates or Commissioners. The terms are largely synonymous. Any distinction seems to be one of degree versus difference in kind (e.g., they are all forms of ombuds). For example, 'Commissions' are considered a variation/adaptation of the ombuds model, though sometimes viewed as having broader powers than the "traditional/ classic-based" model.[63] As between Commissions/Ombuds and Advocates, the former seem to stand in a more neutral/impartial place (until a complaint is substantiated), whereas children's advocates may have more active role in defending the rights of children and youth due to the fact that most are mandated to uphold children's rights, including the UN Convention on the Rights of the Child. However, like Ombuds/Commissions, Advocates investigate complaints and write reports about their investigations.

[63] See Marshall & Reif *supra* note 19 at 226 footnote 50: "The term "Ombudsman" is used in many countries that have adapted the office from its Scandinavian roots (e.g. provinces of Canada, New Zealand). Other English language synonyms are: "Parliamentary Commissioner for Administrative Investigations" (e.g. Queensland, Western Australia); "Commissioner for Administrative Complaints" (Hong Kong); and "Parliamentary Commissioner for Administration" (e.g. United Kingdom, Sri Lanka). In French-speaking jurisdictions see e.g.: Mediateur (e.g. France, Senegal, Mauritania); Protecteur du Citoyen (Qufbec); Defenseur du Peuple (Madagascar). In Spanish-speaking countries see e.g.: Defensor de/ Pueblo (e.g. Argentina, Spain); Defensor de los Habitantes (Costa Rica). In India, the office is called Lok Ayukta." See also Michelle Lebaron, in "Watchdogs and Wise Ones in Winter Lands: The Practice Spectrum of Canadian Ombudsman" Liz Hoffman Ombudsperson Research Award Paper, Forum of Canadian Ombudsman (FCO) 2008 at p. 11, made the following note "No classical ombudsman has been appointed in the federal sector, while some specialized ombudsman offices have been instituted, such as the offices of the Commissioner of Official Languages, the Correctional Investigator, and newer offices like the Taxpayers' Ombudsman/Ombudsman des Contribuables.

Part 1: Why is there a need for accountability when it comes to Indigenous children and families?

Simply put, there is a need for accountability because federal and provincial governments in Canada have both contributed to the taking away of thousands of Indigenous children from their families and communities. This has wreaked countless harms on individual children, their families, their communities and nations. This started with the residential school system but morphed into the child welfare system after World War 2. In the last 70 years, the most significant contribution to this overrepresentation has been the inadequate provision of services to meet the needs of Indigenous children and families. Both the federal and provincial governments have been reluctant to fully fund services to Indigenous peoples, relying on dubious jurisdictional arguments to justify such discrimination. This continues up to the present. The watershed finding from the Canadian Human Rights Tribunal in *Caring Society* in 2016 that Canada had been knowingly underfunding its First Nations Child and Family Services Program underscores this point. The fact that the Tribunal has made 21 further orders since, many of these finding Canada to be in non-compliance with the original ruling, accentuates how pervasive these problems are. In its ruling on monetary compensation for the discrimination in the case, the Tribunal noted, "this case of racial discrimination is one of the worst possible cases warranting the maximum award."[64] Below, we examine the context in relation to First Nations child and family services informing the need for accountability mechanisms.

a) The history of First Nations child welfare services

Paradoxically, the taking of children away from Indigenous families and communities stems from both the exercise of extraordinary amounts of control over the lives of Indigenous peoples by governments in Canada, as well as these governments exhibiting extraordinary neglect for the well-being of Indigenous children and families. To carry out its objective to 'kill the Indian in the child,' Canada used the *Indian Act* and RCMP, among other forms of state control, to take thousands of Indigenous children from their families and place them in residential schools between the 1880s and 1950s.[65] The TRC Final Report documented Canada's refusal to adequately fund health services as a cause of high illness and death rates of Indigenous children in residential schools.[66] Coinciding with the federal government's decision to gradually divest itself of residential schools, with the federal government's endorsement in the form of reimbursement of provincial costs, provincial child welfare systems were extended on reserve to effectively become the new residential school system.[67] Especially from the 1960s to the 1980s provincial legislation was used to apprehend large numbers of First Nations children from their

[64] 2019 CHRT 39 at para 13 and 231 aff'd 2021 FC 969. Canada has sought an appeal of this decision but is simultaneously seeking to negotiate a resolution with parties at this time.
[65] Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future - Summary of the Final Report of Truth and Reconciliation Commission of Canada* (2015) [TRC], at 37-134
[66] *Ibid* at 90-99.
[67] See Naiomi Metallic, "A Human Right to Self-Government over First Nation Child and Family Services and Beyond: Implications of the Caring Society Case" (2019) 28:2 JLSP [Metallic 2019] at 8-11.

families, sometimes on the slightest of pretext (the "Sixties Scoop").[68] Indigenous communities had no say, nor any mechanisms to stop these governments from making these forceful interventions in the lives of their children and families.[69] Overrepresentation of Indigenous children in provincial child welfare systems remains a significant problem today and has been dubbed the 'Millennial Scoop.'[70]

These problems are also rooted in over 70 years of jurisdictional wrangling between the federal government and provincial governments, with neither level of government wishing to assume full responsibility for the provision of essential services to Indigenous peoples. This includes child and family services, but also health, education, social assistance, assisted living, housing and more.[71] While both levels of government gradually assumed some role in the delivery of child and family services to Indigenous peoples, perpetual disputes over who is responsible for paying for essential services for "Indians" have been used by all governments as justification for doing less, causing significant harm to Indigenous children and families.[72] In 2019 Final Report, the National Inquiry into Missing and Murdered Indigenous Women and Girls named this problem "interjurisdictional neglect" and suggested that it violated the s. 7 *Charter* rights to life, liberty and security of the person of Indigenous women and girls.[73]

Notably, starting in the 1960s, the federal government begrudgingly accepted temporary responsibility to provide some essential services to First Nations on reserve such as social assistance. Funding and services were intended to be provided at levels comparable to provincial services to other citizens. Although this became permanent and extended to a broader range of reserves, Canada resisted legislating in these areas or putting in place other accountability mechanisms to ensure adequate services or funding, despite the Auditor General and other reports highlighting the need for better accountability. Canada also downplayed its responsibility in relation to providing essential services, suggesting such services were not based on constitutional obligations, but simply a matter of good public policy.[74]

In the 1970s and early 1980s, First Nations began voicing concerns about services that were either lacking or utterly inappropriate and calling for more community-based services. In response, Canada began to gradually devolve program delivery to First Nations through funding

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[68] See *Brown v. Canada (Attorney General),* 2017 ONSC 251.

[69] *Ibid* at paras 20-61. In the case, Canada argued that if it had honoured its contractual obligations (in Ontario) to consult with First Nations regarding child apprehension, nothing would have changed. The Court rejected this argument based on substantial evidence to the contrary, and referred to it as "an odd and, frankly, insulting submission" at para 42.

[70] Peter W. Choate, "The Call to Decolonise: Social Work's Challenge for Working with Indigenous Peoples" (2019) 49 British J Social Work 1081 at 1094.

[71] Metallic 2019 *supra* note 67 at 8-11; Promislow & Metallic *supra* note 6 at 93-101.

[72] See Naiomi Metallic "NIL/TU,O and Native Child v BCGSEU and CEPUC*"* in Kent McNeil & Naiomi Metallic, eds, *Judicial Tales Retold: Reimagining Indigenous Rights Jurisprudence*, (Special Collection of Canadian Native Law Reporter, Indigenous Law Center, Saskatchewan, 2020) [*Judicial Tales Retold*] at 21-43; and Hadley Friedland, "Reference re Racine v Woods," in *Judicial Tales Retold* at 155-190.

[73] *Reclaiming Power and Place – The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, vol 1a (Canada, 2019) at 567 [MMIWG Final Report].

[74] Metallic 2019, *supra* note 67 at 11-12; Promislow & Metallic, *supra* note 6 at 103.

agreements, however, the federal government maintained ultimate control over funding levels and program terms and conditions. The funding agreements lacked effective dispute resolution mechanisms to permit First Nations to hold Canada accountable for inadequate funding.

In the context of child and family services, Canada unilaterally created the First Nations Child and Family Services Program (FNCFS Program) under Directive 20-1 in 1991, which required FNCFS Agencies to operate pursuant to provincial child welfare laws, with federal funding. The creation of the FNCFS Program spurred the establishment of over 100 FNCFS Agencies across Canada, intended to provide more culturally appropriate child welfare services to First Nations children. It quickly became apparent, however, that the funding formula under Directive 20-1 was entirely inadequate to provide preventative and culturally appropriate services. The formula did not provide funding comparable to the range of child welfare services funded in the province, and often resulted in situations where children were apprehended because alternative services could not be funded under Directive 20-1.

Two expert reports commissioned by the Assembly of First Nations and Canada in 2000 and 2005 confirmed the systemic underfunding in the FNCFS program. Despite these reports, Canada did little to implement their recommendations. In 2008, Canada developed a new funding formula, called the Enhanced Prevention Focused Approach (EPFA), and slowly began implementing it in some regions of the country. The EPFA, however, was only a slight improvement over Directive 20-1 and continued to perpetuate inequities in the FNCFS.[75]

An important development in this period was the Federal House of Commons unanimously affirming Jordan's Principle in 2007, a child-first principle to ensure no gaps or delays in services to First Nations children.[76] The Principle is in memory of Jordan River Anderson, a First Nations boy from Manitoba, born with multiple disabilities, who died in hospital never getting to live close to his family, due to jurisdictional wrangling between Canada and the province over who would pay his medical costs were he moved closer to home. The Principle requires that the first government approached by a First Nations community *pay* for the requested services for a First Nations child, and that any jurisdictional disputes be resolved afterwards. While Canada committed to, and ear-marked substantial funds to implement, Jordan's Principle, these funds were never used due to the very narrow interpretation given to the Principle by the federal government.[77]

[75] Metallic 2019, *ibid* at 12-16; see also Cindy Blackstock, "The Complainant: The Canadian Human Rights Case on First Nations Child Welfare," (2016) 62 McGill LJ 285 [Blackstock].
[76] Private Members Motion 296, tabled by Jean Crowder, MP Cowichan-Nanaimo for (NDP) the motion reads: "in the opinion of the House, the government should immediately adopt a child-first principle, based on Jordan's Principle, to resolve jurisdictional disputes involving the care of First Nations children".
[77] See *Caring Society* 2016, *supra* note 1 at para 380.

b) *First Nations Caring Society et al. v Canada*

Given the lack of commitment by Canada to make real reform to the FNCFS Program, the Caring Society and the AFN filed a human rights complaint with the Canadian Human Rights Commission in 2007. After nine years, which saw several delays by Canada, retaliation against Dr. Cindy Blackstock, as well as attempts to strike the complaint,[78] the Tribunal ordered in favour of the complainants in 2016 ("Main Decision").[79] It found that discrimination on the basis of race and/or national ethnic origin was made out, and in the course of its extensive reasons, made several important findings, including that:

- Canada is not a "passive player" in funding child welfare services but exercises significant control and power over child welfare services on reserve. Canada may have a fiduciary obligation to act in the best interest of First Nations children and families to ensure the child welfare programming is adequate and culturally appropriate.[80]

- The funding models used by Canada underfund prevention services, do not ensure services are culturally appropriate, and in fact create incentives to remove children from their homes as a first resort rather than as a last resort, replicating the residential school era. It also resembles the residential school era because the fate and future of many First Nations children is still being determined by the Canadian government.[81]

- Canada knew its FNCFS program was not comparable to provincial services but had resisted doing any comparative (gap) study. Evidence before the Tribunal included an internal report from 2006 showing the Department of Indigenous Services knew it was underfunding First Nations, stating, "if current social programs were administered by the provinces, this would result in significant increase in costs for INAC."[82]

- While Canada failed to provide services comparable to the provinces, this standard in itself is discriminatory. Human rights principles, both domestically and internationally, require INAC to consider the distinct needs and circumstances of First Nations children and families living on-reserve–including their cultural, historical and geographical needs and circumstances–in order to ensure substantive equality in the provision of child and family services to them. Simply attempting to mirror provincial for First Nations communities runs afoul of human rights principles.[83]

- Canada had wrongly adopted a very narrow interpretation of Jordan's Principle, which had been adopted by a unanimous resolution of Parliament in 2007 as being limited to children with multiple disabilities and not to child welfare or other services. Jordan's Principle requires coordination and cooperation between the provincial and federal

[78] Blackstock, *supra* note 75 at 291-297.
[79] *Caring Society 2016*, *supra* note 1.
[80] *Ibid* at paras 59-86 and paras 90-110.
[81] *Ibid* at paras 458 and 423-426.
[82] *Ibid* at paras 335-336 and 267.
[83] *Ibid* at paras 341-344, 388-389, and 462-465.

> governments, as well as between departments of the same government, to address gaps and delays in health and social services. The Tribunal's language suggested Jordan's Principle applies to all federal programs aimed at addressing the needs of children and families on reserve.[84]

The Tribunal ordered Canada to stop its discriminatory practices and reform of FNCFS programs, stating, "a REFORM of the FNCFS Program is needed in order to build a solid foundation for the program to address the real needs of First Nations children and families living on reserve."[85] It retained jurisdiction over the case in order to consider compensation and other remedies requested by the Complainants, and until all of its orders are implemented. Canada did not appeal this case and committed to make reforms to address its findings.[86]

c) Canada's conduct since the Main Decision

Since the Main Decision, the Tribunal has found several instances of non-compliance by Canada, particularly its failure to implement a broad interpretation of Jordan's Principle and an effective process to respond to Jordan's Principle requests and appeals. The non-compliance decisions point to a number of systemic and accountability issues, such as resistance to depart from old approaches (using comparability instead of substantive equality and narrow definition of services and children covered by Jordan's Principle)[87], using funding authorities to justify inaction,[88] failure to collect appropriate data to properly assess Jordan's Principle requests[89] and needs, and lack of arm's-length appeal process.[90]

While ISC has been attempting to respond to the rulings of the Tribunal by providing education to staff and modifying some of its processes, such as funding community service coordinators to help applicants and changing its Jordan's Principle appeals process, there is a need for ongoing, comprehensive assessment of Canada's commitment to Jordan's Principle and substantive equality. Staff turnover at the Department is reported to be high and implementing meaningful change within the bureaucracy of ISC seems to be a real challenge. Further, the modified appeal process the Department sought to introduce was stalled due to vacancies.[91]

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[84] *Ibid* at paras 351-364, 374 and 391.
[85] *Ibid* at para 463.
[86] CBC News, "Federal Government Won't Appeal Ruling That Found It Discriminated Against Children on
Reserves", CBC News (22 February 2016).
[87] See 2016 CHRT 10; 2016 CHRT 16; 2017 CHRT 35; 2019 CHRT 7 (interim) and 2020 CHRT 36.
[88] See 2018 CHRT 4 at paras 407-411; see also August 26, 2021 Letter Decision at section "VI. Financial Administration Act."
[89] See 2017 CHRT 14 at paras 73, 85 and 107.
[90] See *ibid* at paras 94-103.
[91] See *Jordan's Principle Guide*, last updated May 29, 2020; *Standard Operating Procedures: Jordan's Principle Service Coordinators Gathering: Building Connections* (Indigenous Services Canada, 2019); and Jordan's Principle and Update on Development and Implementation of Appeals Secretariat PPT, September 2021.

A 2021 article based on assessment of the Jordan's Principle in the Alberta region highlights how onerous the Jordan's Principle application process can be for applicants.[92] Requiring applicants to provide documentary evidence and particularize how a request aligns with substantive equality were identified as particularly burdensome, resulting in several complaints being treated as ineligible for consideration by the Department.[93] This was confirmed by our own analysis of data provided by ISC for the year 2019-2020, which showed that over 51% of Jordan's Principle requests in that year (32,587 out of 62,888) were not considered due to being assessed as submitted with insufficient information.[94] Finally, in interviews, Caring Society staff and lawyers for the complainants emphasized the crucial importance of oversight to ISC's approach to Jordan's Principle.

Early on in our research, we conducted a survey to gather further information about the current issues and needs for an accountability mechanism for Jordan's Principle. We received thirteen responses mostly from Jordan's Principle Navigators and a couple of Indigenous Services Canada Jordan's Principle National staff. Some challenges and barriers identified included: burdensome document requirements in the initial application and appeals process; lack of knowledge of the Indigenous context by ISC staff; high turnover of limited staff at ISC; failure of provincial governments coming to the table; timelines and delays; the perception that the current individual case-by-case process for Jordan's Principle fails to create broader and more meaningful change; the need for clear parameters and policy guidelines to assist service coordinators; ISC staff do not understand substantive equality and communities bear the burden of explaining the needs for substantive equality in their applications; lack of aging out of care supports; lack of consistency; and vague reasons for denials.

Canada has also shown ongoing resistance to reform of its funding approach to the FNCFS Program from one based on ad-hoc budget allocations to one that is needs-based, and informed by principles of self-government. Merely increasing funding for FNCFS services through annual budget allocations was found to be inconsistent with the Main Decision and the Tribunal ordered Canada in 2018 to develop an alternative system of funding based on needs assessments of Agencies and a cost-analysis of the real needs of First Nations agencies.[95] The Tribunal contemplated, however, that nation-to-nation self-government agreements over child welfare could be an alternative to Canada's FNCFS Program, however, it is clear that the funding of such self-government would need to reflect the principles set out in the Main Decision.[96] Details of long-term reform in relation to funding have yet to be released by Canada.

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[92] Vandna Sinha et al, "Substantive Equality and Jordan's Principle: Challenges and Complexities," (2021) 35 JLSP 21.
[93] *Ibid* at 33.
[94] Indigenous Services Canada, Deep Drive Jordan's Principle - 2020-09-22 PPT, at slides 21-22. There are similar slides in the 2020-21 Deep Dive PPT, but the information is not presented exactly in the same way as the previous year making comparison impossible. Sometimes products and service #s are shown instead of actual requests. For this reason, we were not able to provide a similar breakdown for 2020-21.
[95] See 2018 CHRT 4, *supra* note 88 at paras 402-412.
[96] *Ibid*.

As part of responding to the Main Decision, as well the Truth and Reconciliation Commissions' call to action for national child welfare legislation, Canada passed *An Act respecting First Nations, Inuit and Métis children, youth and families*, SC 2019, c 24 ("C92").[97] The law sets out minimum standards to be followed when an Indigenous child is involved in child apprehension matters, which overlays the various provincial child welfare laws.[98] It also recognizes Indigenous groups' inherent right to self-government in the area of child and family services and sets out a framework for how Indigenous governing bodies can pass their own laws.[99] C92 legislates Jordan's Principle in s. 9(3)(e):

> in order to promote substantive equality between Indigenous children and other children, a jurisdictional dispute must not result in a gap in the child and family services that are provided in relation to Indigenous children.

This was confirmed by the Quebec Court of Appeal in a recent reference decision on C92.[100] However, C92 remains unclear as to which level of government as between Canada and the provinces bears primary responsibility for funding compliance with national standards and self-government.[101] Canada could have chosen to clarify this issue in the legislation, but chose not to, raising fears that C92 will be used to perpetuate the same jurisdictional wrangling that has plagued this area for over 70 years.[102] This problem was also highlighted in the *QCCA C92 Reference*.[103] While C92 raises the prospect for the creation of a dispute resolution mechanism through regulation, we have yet to hear any further plans by Canada to implement such a mechanism.

Further, we have heard of some ISC staff saying that the Main Decision has no bearing on C92 issues, but we clearly believe this to be in error and demonstrative of a lack of real appreciation of the Main Decision, or the extent of Canada's obligations to conform with the right to substantive equality, statutory human rights and international law obligations in relation to Indigenous peoples.[104] In addition, there are concerns that the timeline for negotiating collaboration agreements under C92 (1 year) are unrealistic and may position communities to exercise jurisdiction without funding (which could be disastrous). We have heard issues of

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[97] Canada first announced its plans to pass legislation at an national emergency meeting on Indigenous child welfare: see John Paul Tasker, "Jane Philpott Unveils 6-Point Plan to Improve 'Perverse' First Nations Child Welfare System", CBC News (25 January 2018).
[98] SC 2019, c 24, ss 9-17.
[99] *Ibid* at ss 18-26.
[100] Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis, 2022 QCCA 185 ["QCCA C92 Reference"] at para 226.
[101] See, in particular, *supra* note 98 at s 20(2)(c).
[102] See Naiomi Metallic, Hadley Friedland, Aimée Craft, Jeffery Hewitt and Sarah Morales, "*An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*: Does Bill C-92 make the grade?," Special Feature for Yellowhead Institute, March 12, 2019; and Naiomi Metallic, Hadley Friedland and Sarah Morales, ""The promise and pitfalls of C-92: *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*," Special Feature for Yellowhead Institute, July 4, 2019.
[103] QCCA C92 Reference, *supra* note 100 at paras 271-277.
[104] The QCCA C92 Reference also acknowledged the clear relationship between the Main Decision, subsequent decisions of the Tribunal, and C92: see ibid at paras 146-164.

Indigenous Governing Bodies receiving conflicting information about negotiation terms from federal negotiators and being asked to sign confidentiality agreements, which raises issues of government transparency. The QCCA's suggested approach to negotiations and paramountcy around Indigenous law under C92, if it is upheld by the Supreme Court of Canada, will require education of provinces and others about their roles and limits on their powers, as well accessible ways to address potential disputes between Indigenous governments and intransigent provinces.[105] There are also significant needs for resources for carrying out education and capacity building around C92 more generally, including for communities, for ISC and CIRNAC staff, as well as those involved in the enforcement of child welfare laws and implementation on the national standards, such social workers, Crown lawyers, legal aid lawyers and judges.[106] It is surprising to us that, despite the stated importance of C92 by Parliament, Canada did not commit the same amount of resources for education and capacity building as it did for changes to the *Divorce Act*, or when the *Family Homes on Reserves and Matrimonial Interests or Rights Act* was rolled out with a Centre of Excellence.[107]

There also appears to be significant reluctance on the part of Canada to see the reform it needs to undertake to address long-standing systemic underfunding in services that affect long-term child and family well-being. It is clear from several statements from the Tribunal that Jordan's Principle is only intended as a temporary stop-gap measure to address gaps in underfunding and under-servicing in its services on the way to Canada overhauling these services to remove such gaps and inadequacy.[108] However, it is not at all clear that this is understood by the Department. Our concern is Canada simply seeing Jordan's Principle as akin to a program without addressing the systemic inequality that underlies the necessity for Jordan's Principle in the first place.

In their 2021 paper, Vandna Sinha, Colleen Sheppard et al., echo our concern. They characterize ISC's approach to Jordan's Principle as an individualistic, demand-driven process, and less as a requirement to ensure substantive and systematic equality in services and develop proactive policies and practices for securing equitable services for First Nations children and families. The authors describe how such an approach results in funding only being provided to First Nations individuals or communities with the capacity and wherewithal to make Jordan Principle requests, and needs are not being systematically assessed across

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[105] The QCCA, in the C92 Reference, struck ss 21-22 from C92 and said that, instead, issues of paramountcy between provincial and Indigenous laws were to be addressed through the s 35 Sparrow framework. This also imposes additional consultation and justification requirements on governments that may need to be adjudicated. The decision is currently on appeal to the Supreme Court of Canada.

[106] This observation is based on the sheer volume of unsolicited requests from all of these groups that the authors, the Caring Society, and affiliated lawyers, have received, and continue to receive for support filling these needs.

[107] In addition to continuing and public legal education presentation and webinars discussing and explaining the Divorce Act amendments, see for example: https://www.justice.gc.ca/eng/fl-df/cfl-mdf/dace-clde/index.html; https://www.justice.gc.ca/eng/fl-df/cfl-mdf/fam.html . The Centre of Excellence was in place from 2013 to March 2021 to support First Nations developing matrimonial property laws on reserve. For more information, see https://www.coemrp.ca/.

[108] See *Caring Society* 2016, *supra* note 1 at paras 362, 364, 374 and 391; 2017 CHRT 14 at paras 85 and 107; and 2020 CHRT 36, at para 12.

communities.[109] This is exacerbated by ISC's lack of transparency in publishing details of group requests made or approved by First Nations organizations and communities or the range of services or level of funding that First Nations can request.[110] The authors refer to this as a "project system" or "projectification" approach and argue it is especially inappropriate given the degree of systemic inequality First Nations face:

> This case by case approach to the implementation of Jordan's Principle can be described as what Tania Murray Li calls a "project system." In discussing this approach in relation to issues of rural development, she argues that the project system or "projectification" encourages people to think that a problem can be fixed without actually addressing the underlying processes that created the problem in the first place. Such an approach fails to make long-term systemic change, so when the time-bound project ends, the problems the projects were intended to address persist." …
>
> Under the demand-driven approach to Jordan's Principle, relief is contingent on the ingenuity, knowledge and ability of individual, community-based actors to make effective Jordan's Principle claims. Individuals or groups with identical needs may go unrecognized if they do not have the capacity to formulate Jordan's Principle requests, or if they fail to provide sufficient evidence of how the request is linked to substantive equality. …
>
> An individualistic, case-by-case approach to Jordan's Principle might be appropriate if First Nations children generally had access to equitable services. Exceptional, aberrant individual or group cases outside this norm of equitable services could be addressed through the Jordan's Principle claims process. However, the reality is that the problem of inequitable services for First Nations children living on reserves is persistent, systemic and impacts a wide range of health, social and education services. In such a context, the remedy of individual claims is a sorely inadequate means of addressing the challenge of larger systemic and structural problems.[111]

Building on the authors point about how inappropriate projectification can be in the context of systemic inequality of services to First Nations children and families, in our review of ISC Jordan's Principle data, we noted that for 2019-2020, 67% of individual requests and 87% of groups requests were within the normative standard of care, and in 2020-21, 51% of individual requests and 40% of groups requests were within the normative standard of care.[112] Services meeting "normative standard of care" are those that are readily available to children and families in the province of reference.[113] Thus, ISC's data reveals that a high degree of approved requests under Jordan's Principle were for services that are already provided to children within the province. Children and families in the province are not required to go through an extensive

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[109] Sinha et al., *supra* note 92 at 33.
[110] *Ibid* at 34.
[111] *Ibid*.
[112] Deep Drive Jordan's Principle - 2020-09-22 PPT, *supra* note 94 at slides 16-17; and Indigenous Service Canada, Deep Dive Jordan's Principle Q2 – 2021-05-04 at slides 25-26.
[113] See Standard Operating Procedures: Jordan's Principles (18 October 2019) at 23.

process similar to the Jordan's Principle request process in order to access such services. This sheds light on the degree of systemic inequality that continues to exist within ISC's system of essential services for First Nations. Further, future plans on the direction of Jordan's Principle put forward by ISC suggest a long-term vision of Jordan's Principle funding into the future (albeit administered by communities directly), as opposed to fixing the problems in existing programs and services. We believe there is a strong need for oversight of ISC to ensure they are not getting stuck in projectification, but in fact addressing and reforming all their programs and services that further the well-being of Indigenous children and suffer from underfunding and under-servicing.

The data on Jordan Principle requests suggests systemic inequality in a wide number of areas of ISC services from education, to health services (medical equipment and supplies, medical transportation, medical / nutritional supplements, mental wellness, oral health, orthodontics and vision care), child development, assisted living and respite, infrastructure, social assistance.[114] There are areas, such as with orthodontics and capital repairs and costs, that ISC has been reluctant to treat as falling within Jordan's Principle and intervention of the tribunal or the courts has been necessary.[115] The Caring Society relates there are certain areas, such as administration / governance costs, that ISC remains reluctant to fund pursuant to Jordan's Principle.

Even beyond the implications of the Main Decision, ISC should be striving to reform its services based on the commitments within *Department of Indigenous Services Act*, SC 2019, c 29, s 336 ("*DISA*"), which came into effect in July 2019. *DISA* replaced the old *Department of Indian Affairs and Northern Development Act*, RSC 1985, c I-6 and introduced some important standards that were absent from the old act. These include:

- Identifying the group the Department services as "Indigenous peoples" which is defined as having the same meaning as "Aboriginal peoples" within subsection 35(2) of the Constitution Act, 1982. Section 35(2) defines "Aboriginal peoples of Canada" as including the "the Indian, Inuit and Métis peoples of Canada."

- Listing the main activities and responsibilities to be undertaken by the Department. Section 6(2) of the Act states that "[t]he Minister shall ensure services with respect to … (a) child and family services; (b) education; (c) health; (d) social development; (e) economic development; (f) housing; (g) infrastructure; (h) emergency management; [and] (h.1) governance…".

- The preamble of DISA includes commitments by Canada to ensure its service standards are transparent, meets the needs of Indigenous group, consider the socio-economic gaps and negative social factors impacting Indigenous individuals in doing its work,

[114] Deep Drive Jordan's Principle - 2020-09-22 PPT, *supra* note 94 at slide 30.
[115] See *Shiner v Canada,* 2017 FC 515 on orthodontics, which was unsuccessful but resulted in a settlement that included a policy change that considers pain as a criteria for NIHB eligibility; and see August 26, 2021 Letter Decision, *supra* note 87 on capital services.

recognize and promote Indigenous ways of knowing, being and doing, and collaborate and cooperate with Indigenous peoples in its work.

- Section 7(a) of the Act sets out a requirement of the Minister to collaborate in the development, provision, assessment and improvement of the services listed at s 6(2).

In other words, *DISA* requires ISC to ensure that all of its services and programs are needs-based and address socio-economic gaps, and that reform of such programs be done in collaboration with Indigenous communities.[116] It is not clear to what extent *DISA* is being followed by the Department at this time. We believe there is a need for oversight of ISC for its compliance with *DISA*.

Finally, the *DISA* commits Canada to implementing the *United Nations Declaration on the Rights of Indigenous*, as does Canada's 2021 law, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, which affirms the Declaration as a universal human rights instrument with application to Canadian law. The Declaration contains several articles that ought to inform Canada's delivery of services to Indigenous peoples, including that Canada must take effective measures, and where appropriate, special measures to ensure the continuing improvement of Indigenous peoples' economic and social conditions.[117] We believe there is a need for oversight of ISC for its compliance with the Declaration and *UNDRIPA*.

d) Role of First Nations Caring Society since the Main Decision

Since the Main Decision, Dr. Blackstock and the Caring Society have been playing a crucial advocacy role in supporting families in seeking to access Jordan's Principle and substantive equality, informally providing oversight of ISC's implementation of the CHRT decisions, by bringing issues of non-compliance to the Tribunal's attention as well as continuing to publicly raise awareness of systemic discrimination against First Nations children and families. Further, by drawing on its network of lawyers who assist it on a *pro bono* basis, the Caring Society has engaged in strategic interventions such as intervening with ISC National Office staff to discuss matters on Jordan Principle files as well seeking judicial review of denials, for example, in the case of Josey and Stacy Shiner regarding denial of orthodontics. While this judicial review was unsuccessful, a settlement was reached which included a policy change that considers pain as a criteria for NIHB eligibility.[118] In the case of Carolyn Buffalo-Jackson and her son Noah, the Caring Society and a *pro bono* lawyer prevented a First Nations mother's human right complaint relating to her disabled son from being dismissed by the Canadian Human Rights Commission, leading to a settlement with ISC. In this particular case, Carolyn was both a lawyer and First Nation Chief and still faced significant barriers in navigating the Jordan's Principle and human

[116] See also Naiomi Metallic, ""Making the most out of Canada's new Department of Indigenous Services Act," Policy Brief for Yellowhead Institute, August 12, 2019.
[117] *United Nations Declaration on the Rights of Indigenous Peoples,* GA Res 61/295 (Annex), UN GAOR, 61st Sess, Supp No 49, Vol III, UN Doc A/61/49 (2008) 15 at art. 21.
[118] See *Shiner v Canada*, *supra* note 115.

rights system.[119] This and other stories of the Caring Societies' interventions provides compelling case-studies of the ongoing needs for advocacy vis-à-vis Canada when it comes to the need for services.

The Caring Society does not receive any funding from Canada but relies on fundraising to sustain itself. In carrying out its extensive advocacy, it relies on its small staff and the generosity of lawyers and other professionals who assist it in its work. The Society and its staff recognize that they cannot help all who need assistance and support and, in our conversations with them, have emphasized the need for formalized and funded advocacy services for First Nations children and families.

e) Role of the provinces

From the 1990s and onwards, some provinces amended their child welfare policies and legislation to attempt to accommodate Indigenous cultures and give some voice to Indigenous communities in apprehension matters. However, such changes were not universal and resulted in a patchwork of protections across the country.[120] This provided unequal protections to Indigenous children across the country until the coming into force of C92. When it comes to the provision of child and family services to First Nations, we are not aware of any provinces who were willing to provide funding to meet the child and family of First Nations children and families to address the shortfalls of the FNCFS Program between the 1990s and 2016.

More broadly, in relation to the provision of services to Indigenous people, despite some provinces endorsing Jordan's Principle (AB, SK, MB, ON, NB, NFLD), up to the present, there continues to be significant reluctance on the part of the provinces to provide services to Indigenous peoples, particularly First Nations living on reserve, although, constitutionally, there is nothing preventing them from doing so.[121] This is illustrated in the 2020 Manitoba Human Rights Panel decision of *Sumner-Pruden v. Manitoba*.[122] In this case, Manitoba's Human Rights Panel agreed that the province discriminated against a young First Nations man with multiple disabilities and his mother for delay, and often denial, of healthcare and related services based on their First Nations status and the fact they lived on reserve. The Panel found that the delays and denials were caused by the policies and practices arising from the exercise of concurrent jurisdiction between the province and federal government, and this amounted to adverse effects discrimination.[123] Importantly, the Panel also found that the province could not rely on

[119] Carolyn Buffalo, "Buffalo v Canada – My Family's Fight for the Right for Noah to ride a bus to school," PowerPoint Presentation, 2017.
[120] Metallic 2019 *supra* note 67 at 13-14 and Appendix B.
[121] See status report on provincial action on Jordan's Principle in Canadian Pediatric Society, "Are We Doing Enough? A status report on Canadian public policy and child and youth health," 2016 edition at 27. For a discussion of the concurrent jurisdiction between Canada and the province in matters of essential services, see Metallic in *Judicial Tales Retold*, *supra* note 72; see also Sébastien Grammond, "Federal Legislation on Indigenous Child Welfare in Canada" (2018) 28:1 J L & Soc Pol'y 132.
[122] *Sumner-Pruden v Manitoba* (2020), MHRC 15 LP 10.
[123] *Ibid* at paras 22-23.

jurisdictional arguments to justify the discrimination, noting, "The Canadian constitutional framework does not amount to a reasonable justification for the discriminatory treatment of the complainants."[124] Further illustrating provincial reluctance, Manitoba has appealed this ruling, continuing to maintain Canada's ability to fund and/or provide health and disability services on the First Nation constitutes a *bone fide* and reasonable cause for discrimination . This matter also further illustrates the need and importance of advocacy support services as the complainants in the case are represented by lawyers from the Public Interest Law Centre, and only citizens of Manitoba have access to this service.

We have also heard that some provinces have recently been denying funding services for urban Indigenous children in light of Canada's approach to Jordan's Principle since the Main Decision. In our discussion with ISC, Canada advised that it has yet to develop a system for negotiating reimbursement with the provinces in relation to services that Canada determines ought to be paid by provinces. These examples illustrate a further need to hold provinces more accountable to their substantive equality and Jordan's Principle obligations. The Assembly of Seven Generations report clearly emphasized that Indigenous youth and children deserve justice and reparations for the harms that continue to impact daily lives, and in this regard "Indigenous youth and children deserve accountability and responsibility from the federal government, as well as all levels of government."[125]

Beyond the provinces providing services, another area of needed oversight is in relation to those who enforce provincial child welfare laws–and now C92 as well–including agencies, government lawyers and judges, as well as those who represent parents and communities in child welfare proceedings, namely legal aid lawyers and members of the private bar. As noted earlier, there is a major need, especially with the coming into force of C92, for these actors to learn about their obligations under C92. More generally, there is a need to ensure that child welfare law enforcement is carried out appropriately with a knowledge and sensitivity to the history of residential schools and the overrepresentation of Indigenous children in state care through the Sixties Scoop and even up to the present. There are existing accountability bodies that already provide some oversight of child welfare enforcement in the provinces, but it is questionable whether these bodies provide sufficient attention to the challenges faced by Indigenous children and families. We explore this question further in the next section.

f) Conclusion

Addressing the causes of overrepresentation of Indigenous children in state care is a complex matter with deep systemic discrimination underlying it - many of the problems stem from Canada and the provinces' reluctance to prioritize and fund Indigenous children and families' needs. Canadian courts have done little to protect or vindicate these interests over the past 70 years. While courts provide some backstop on accountability issues, such as in matters of judicial review, generally, they lack the jurisdiction to address systemic discrimination

[124] *Ibid* at para 25.
[125] Assembly of Seven Generations, *supra* note 7 at p. 31.

complaints in the same way as human rights bodies or provide the types of systemic remedies that are needed to address long-standing systemic problems.[126]

Through the Main Decision and subsequent orders, the Canadian Human Rights Tribunal has been instrumental in holding the federal government accountable for systemic underfunding in the FNCFS Program and implementing Jordan's Principle. This is especially so because the Tribunal is remaining seized of its jurisdiction over the case until all outstanding remedial issues have been addressed. There will come a day, however, when the Tribunal will relinquish jurisdiction over the case. Given the very long history of systemic discrimination against Indigenous people by the government in Canada, particularly in the area of service delivery, we are not hopeful that this will signal the end of all such discrimination and believe it will be important to have alternative accountability mechanisms in place. Further, like the courts, the role of tribunals are reactive and not proactive. Tribunals and courts decide the matters in front of them based on evidence put forward by the parties. They cannot entertain or propose broader systemic solutions to problems. This is what fuels the need for consideration of other accountability mechanisms.

[126] See for example *Malone v Canada (AG)*, 2021 FC 127, where a child self-identified as Mi'kmaq Acadian with connections to the Mi'kmaq First Nations people flowing through their maternal side since 1700's was seeking judicial review of the ISC Jordan's Principle Appeals Committee's decision to deny him funding under Jordan's Principle on the basis that such funding was only available to First Nations children registered as Indians under the *Indian Act*. In denying the judicial review, the Federal Court was deferential to Canada's approach to eligibility criteria for Jordan's Principle without scrutinizing the systemic discrimination underlying such criteria. This is in stark contrast to the analysis of the Canadian Human Rights Tribunal on the issues of lack of Indian status and Jordan's Principle eligibility criteria in 2019 CHRT 7 (interim) and 2020 CHRT 36.

Part 2: What specific issues should be addressed by an accountability mechanism?

In undertaking our research, we learned there are several options and minute details to consider around different accountability mechanisms. It can be easy to get distracted by these. However, Linda Reif, author of *Ombuds Institutions, Good Governance and the International Human Rights System*, reminded us that the driving question in designing any accountability mechanism should be, "*What are the real accountability problems we want to address*?"

Based on the context and issues related in Part 1, we have identified ten different accountability problems that we strongly feel must be addressed in the context of ensuring the well-being of Indigenous children in Canada. We set these out below, explaining why these are crucial accountability needs that must be addressed. In the next section, we identify key features of effective accountability mechanisms and recommend three different accountability mechanisms that we believe can most effectively address these accountability needs if implemented together.

Need #1: Oversight of the current Jordan's Principle process at ISC

We heard very clearly from Caring Society staff and the lawyers who have been involved in the case that this has to be a key function of any accountability mechanism. We heard concerns about the design of the Jordan's Principle request process, inadequate funding to cover all costs related to the provision of child and family services, delays in process requests, inability to accommodate urgent and emergency cases, lack of transparency in decision-making and data collection, and more. In their 2021 article, Sinha et al. identify a number of short-term recommendations to improve the current Jordan's Principle process.[127] However, they also stress that ongoing, comprehensive assessment of Canada's commitment to Jordan's Principle is needed, including collection and independent analysis of data collected by ISC.[128] We agree.

At this time, given the deep systemic inequality in services faced by First Nations children, an effective Jordan's Principle process is necessary in order to meet the immediate needs of Indigenous children and families, and we believe that any body providing independent oversight and recommendations to ISC is the best way to ensure this. While ISC staff may be well-intentioned and committed to implementing the Tribunals orders, staff turnover is frequent, the legacy of systemic discrimination runs deep within ISC, challenges due to the confidential nature of Jordan's Principle requests, and concerns of retaliation when staff attempt to address systemic discrimination, all demonstrate the need for independent oversight by a body with expertise in the nature of systemic discrimination faced by Indigenous children and families is in order to ensure that mistakes of the past are not repeated.

[127] Sinha et al., *supra* note 92 at 42.
[128] *Ibid* at 24 and 41.

Need #2: Overseeing of ISC's long-term reform of CFS, including funding of agencies, as well as CIRNAC's funding and negotiation of self-government under C92

Understandably, given the immediate needs of First Nations children and families, a lot of the focus and attention since the Main Decision has been on effectively implementing Jordan's Principle. However, we cannot lose sight of the fact that one of the main orders from the Main Decision was for Canada to "REFORM" the FNCFS Program, or that much of the evidence in the case was about Canada knowingly underfunding the Program for over a decade.[129] There are few public details available about the plans for long term reform in relation to the FNCFS program. We are surprised that, almost six years since the Main Decision, there isn't more available. This indicates a strong need for an independent oversight of Canada in order to ensure that it follows through with long-term reform of the FNCFS Program.

The introduction of the C92 legislation was in response to addressing long-term reform of child welfare, and needs to be viewed as such.[130] If ISC and CIRNAC staff are denying any connection between the Main Decision and Canada's obligations in relation to C92, internal education and external accountability is needed. As noted early, the Tribunal clearly made a connection between long-term reform and self-government.[131] This means that the legal principles identified as applicable to long-term reform, such as Canada's key role in funding child welfare services on reserve, its fiduciary obligations to ensure the best interest of First Nations children and families,[132] as well as the requirement to ensure substantive equality in funding and services, are equally applicable to Canada's obligations to fund self-government under C92.

There have been concerns raised about Canada using the vague funding requirements in relation to self-government in C92 to sustain the same types of jurisdictional wrangling that has been harming Indigenous children and families for decades.[133] Accounts of Canada not being transparent or clear in its approach to funding negotiations, and requiring Indigenous governing bodies to sign confidentiality agreements only accentuate these concerns. For these reasons, we believe oversight of long-term reform over child welfare, including the implementation of C92, is a serious accountability need that must be addressed.

Need #3: Oversight of Canada's efforts addressing systemic inequality in services related to Indigenous children and families

As noted earlier, there appears to be significant reluctance on the part of Canada to see that long-term reform includes ending the long-standing systemic underfunding in its services that

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[129] *Caring Society* 2019, *supra* note 1 at para 463 and see also paras 267 and 335-339.

[130] Canada first announced its plans to pass legislation at an national emergency meeting on Indigenous child welfare - see note 97.

[131] This is particularly apparent in 2018 CHRT 4, *supra* note 88 at paras 407-412

[132] See *Caring Society, supra* note 1 at paras 90-110; and 2016 CHRT 10 at para 116.

[133] See "*An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*: Does Bill C-92 make the grade?," and "The promise and pitfalls of C-92: *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*," *supra* note 102.

affect long-term child and family well-being. This includes, but is not limited to, ISC's programming in education, to health services, child development, assisted living and respite, infrastructure, and social assistance. It is clear from the Main Decision and several subsequent orders from the Tribunal that eliminating systemic inequality in the services that affect First Nations children and families is the ultimate long-term objective of Jordan's Principle.[134]

We agree with Sinha et al. that Canada must be held accountable to achieving substantive equality in all services that affect long-term child and family well-being, not simply continuing to use Jordan's Principle as a stop gap measure.[135] Otherwise, as they observe, this will simply perpetuate 'projectification' of Jordan's Principle and not address its true purpose. In this regard, it will be crucial for Canada to see its obligation in relation to these services as providing substantive equality, not just ensure a comparable level to provincial services, as this was found to be discriminatory in the Main Decision. Further, the *Department of Indigenous Services Act* also requires Canada to provide services that, similarly, are needs-based and address socio-economic gaps faced by Indigenous groups.

Finally, there have been several reports, including from the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls that have made several recommendations for the elimination systemic inequality in service delivery in relation to Indigenous children and families. We believe that part of the oversight of Canada here could also include assessment of relevant recommendations that Canada has committed to implementing.

Need #4: Oversight of federal-provincial efforts at cooperation in relation to funding and servicing of Indigenous children and families

Jordan's Principle recognizes that jurisdictional disputes between the provincial and federal governments (as well as disputes between departments within governments) should not result in the delay or denial of services that an Indigenous child is entitled to. It is not just a resolution of Parliament; it has been recognized by the courts and by the Tribunal as a human rights principle, which has both a substantive equality right and jurisdictional dimension to ensure First Nations children and families don't bear the brunt of jurisdictional disputes.[136]

The government of first contact should pay first, with any disputes over who pays to be determined between the governments at a later time. Under Canadian constitutional principles, both the federal and provincial governments have the jurisdiction to provide services to

[134] See *Caring Society* 2016, *supra* note 1 at paras 362, 364, 374 and 391; 2017 CHRT 14 at paras 85 and 107; and 2020 CHRT 36 at para 12-14.
[135] Sinha et al., *supra* note 92 at 24.
[136] See *Pictou Landing Band Council v. Canada (Attorney General)*, 2013 FC 342 at 96-97; and see the Tribunal in CHRT 2020 36 at para 12, "Jordan's Principle is a human rights principle grounded in substantive equality … [i]t is part of the solution for remedying the discrimination found in [the Main Decision … [it] not limited to the child welfare program and instead addresses all inequalities and gaps in federal programs for First Nations children." See also Colleen Sheppard, "Jordan's Principle: Reconciliation and the First Nations Child," (2018) 27:1 Constitutional Forum 1.

Indigenous peoples. This is known as an area of 'concurrent jurisdiction.'[137] Jordan's Principle therefore mandates cooperation between the federal and provincial governments to ensure essential services are received by First Nations children and families and to work out who is responsible for funding what. However, there is currently little evidence that any such cooperation is occuring. ISC has advised that it is currently not pursuing provinces for reimbursement of any Jordan Principle expenses. While a handful of provinces have endorsed Jordan's Principle, few seem to be respecting it and most seem to still take the view that funding services to Indigenous children and families is Canada's sole responsibility.

While Canada seems to be carrying a majority of the responsibility for funding at this time (while it continues to be heavily scrutinized for compliance with the Tribunal's orders), we easily can imagine a future date where a different administration of the federal government may claim it has 'done its part' on Jordan's Principle and say it is time for the provinces to pull their weight. This would likely revive the old jurisdictional wrangling that has caused so much harm to Indigenous children and families for decades. There is a need for a body to oversee and monitor Canada and the provinces' efforts to cooperate on this key human rights issue, as well as make recommendations of legal principles and processes that can inform the cooperation between Canada and the provinces on the sharing of funding responsibilities over Indigenous services. Similar oversight is needed with respect to cooperation between Canada and the provinces in relation to funding of self-government and compliance with national standards under C92.

Need #5: Ongoing education to ISC, CIRNA, provincial DCS staff, provincial agencies, Social workers, Crown lawyers, legal aid lawyers, judges.

There are ongoing education needs to ensure that ISC and CIRNA staff, as well as various actors involved in the enforcement of provincial child welfare legislation and now C92. In order for there to be meaningful change, all of these actors need to properly understand the context of the systemic discrimination in services to Indigenous children and families that has resulted in the overrepresentation of Indigenous children in care, and how this relates to and impacts how these professionals carry out the functions of their position. As noted in the previous section, some of this education is currently not happening, or only on an *ad hoc* basis. A systematic approach to educating these individuals is needed.

There is also a strong need for Indigenous communities to receive education and capacity building to support their efforts to exercise jurisdiction in relation to child and family services, as well as understand their rights as set out in the minimum national standards under C92.

[137] For a discussion of the concurrent jurisdiction between Canada and the province in matters of essential services, see Metallic in *Judicial Tales Retold*, *supra* note 72; see also Sébastien Grammond, "Federal Legislation on Indigenous Child Welfare in Canada", *supra* note 121.

Need #6: Investigating and mediating individual complaints about provincial governments' funding failure to provide services to Indigenous children and families

As noted previously, many provinces are currently not meeting their obligations to provide services to Indigenous children and families. Most continue to take the position that this is the sole or primary responsibility of the government of Canada.[138] All provinces in Canada have Ombuds or Ombuds-like offices that could, in theory, investigate denial of services by provinces to Indigenous children and families. In practice, there is no evidence that provincial ombuds or child advocates are holding provinces accountable for their responsibilities to provide services to Indigenous children and families. This may either be because provincial ombuds offices' lack awareness of the provinces' obligations in this area, or because Indigenous families do not fit within their mandated criteria, or may not be aware of, or may not feel comfortable accessing, this avenue for accountability. In any event, this gap signals the need for some further accountability mechanisms to support Indigenous children and families vis-a-vis provinces.

Need #7: Investigating and mediating individual complaints about child welfare agencies' implementation of CFS laws and policies, including C92

Currently, NL, PEI, NB, MB, SK, AB, BC, YK and NU have child advocates offices charged with oversight of provincial child welfare services. In NS and ON, concerns about the conduct of child welfare authorities are dealt with by the provincial Ombuds office. In QC, such concerns are sent to Quebec's human rights commission.

Public inquiries in MB and BC called for child advocates offices to advocate for Indigenous parents and children in the child welfare system, and to monitor the actions of the child welfare authorities.[139] The 2019 Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls called for the urgent establishment of units with specialized mandates in relation to Indigenous children and youth within the offices of child advocates in each province.[140] Currently, the extent of prioritization of Indigenous children within child advocate offices across the country appears to be patchwork. Only MB, AB, PEI, YK and NU have explicit provisions on Indigenous children and families in their child advocate laws.[141] Only the websites of MB, BC, YK and NU suggest Indigenous issues are a focus of Child Advocate's work. Further, some provincial child advocates offices are more limited in the extent of own-motion or systemic inquiries they can undertake.[142]

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[138] See *Sumner-Pruden v Manitoba, supra* at note 122.

[139] See the Manitoba Justice Inquiry (1991), Chapter 14, and *British Columbia Children and Youth Review Final Report* (2006).

[140] MMIWG Final Report, *supra* note 73, Executive Summary, 2019, Call for Justice 12.9.

[141] Manitoba's *The Advocate for Children and Youth Act,* CCSM, c A6.7, s 8(2); Alberta's *Child and Youth Advocate Act*, SA 2011, c C-11.5, s. 9.4; Nunavut's *Consolidation of Representative for Children and Youth Act,* SNu 2013, c 27, ss 5 and 6(1)(a); Yukon's *Child and Youth Advocate Act,* SY 2009, c 1, ss 3, 4(5)(a), 13-14 and 17; Prince Edward Island's *Child and Youth Advocate Act*, RSPEI 1988, c C-4.3, s 12(1)(c).

[142] From our research, the child advocates in NL, NB, MB, for example, appear to have more limited jurisdiction over some types of complaints.

Particularly with the passage of C92, there is strong need to ensure provincial child welfare authorities across the country are adhering to the minimum standards in the new federal law, and to ensure more generally that these authorities are not contributing, through their actions or inaction, to the overrepresentation of Indigenous children in government care. It is not clear to us that this is a priority for most provincial child advocates (or ombuds) offices, which suggest the need for a further accountability mechanism to ensure the needs Indigenous children and families' for oversight of child welfare authorities are not falling through the cracks.

Need #8: Powers for enforceable orders against Canada for non-compliance with Jordan's Principle, substantive equality and other relevant laws and international requirements (C-92, *DISA*, UNDRIP, CRC, etc)

While we believe that having an accountability body to oversee, monitor and make recommendations to Canada on the provisions of services for Indigenous children and families is necessary (needs #1-6), we do not believe this is sufficient on its own to fully ensure accountability conditions under which Canada will make meaningful change.

While there is an important role for oversight and advice in accountability offered by bodies such as Ombuds and Child Advocates, these are circumstances that warrant stronger measures. In some countries that have faced extensive problems of political corruption, ombuds or commissions have been given enforcement powers in some cases.[143] While Canada does not face the challenges to democracy similar to those countries, we do not think it is an exaggeration to analogize the gravity of these problems to the extent of discrimination that Indigenous children and families have faced for decades. Canada's long history of systemic discrimination in relation to services resulting in the taking of thousands of children – called "one of the worst possible cases" of racial discrimination seen by the Tribunal[144] – as well as the intransigence the government has shown to change even following the *Caring Society* 2016 Main Decision, fully convinces us that enforcement powers must be a necessary last resort. As we stated at the outset, the overrepresentation of Indigenous children in state care and the federal government's role in this constitutes one of most serious, ongoing human rights violations in our country's history.

That said, we appreciate that it is not common within Canada to provide enforcement powers to ombuds-like bodies who primarily provide advisory functions.[145] Rather, as will be further developed below, what we envision is a 'layering' of accountability mechanisms through having both a National Indigenous Child and Family Advocate and Tribunal, the former providing ombuds-like oversight functions and the latter providing adjudication and having enforcement powers. The Advocate would have the power to investigate the implementation of Jordan's Principle and the substantive equality rights of Indigenous children and families' in relation to essential services, as well as CFS laws and policies, including C92. In addition to addressing

[143] See, for example, Reif *supra* note 3 at 556-557 (Ecuador Defensoría del Pueblo), and 646 (Kenya Commission on Administrative Justice).
[144] 2019 CHRT 39 at para 13, aff'd 2021 FC 969.
[145] Reif, *supra* note 3 at 24-26, 110, 243, 244, 748.

systemic and education issues, the Advocate would also assist Indigenous children and families resolve individual complaints through informal and confidential means. The Tribunal would have the jurisdiction to adjudicate individual, group, community and Advocate-initiated complaints in the same areas as noted above. We believe a dedicated Advocate and Tribunal is what will be most effective to bring real change to the long-standing discrimination and neglect of the needs of Indigenous children and families in Canada. The Tribunal would enforce Canada's substantive equality and statutory human rights obligations under domestic law (human rights legislation and the *Charter*), as well as its obligations under C92, *DISA*, the *UN Declaration* and *UNDRIPA*, as well as other international instruments such as the *Convention on the Rights of the Child*. Finally, it will be imperative that the Tribunal have strong remedial powers, including robust supervisory jurisdiction. Supervisory jurisdiction has been key to the Canadian Human Rights Tribunal ability to affect change in the *Caring Society* and something similar to take its place is necessary for when the Tribunal is no longer seized of the case.

Need #9: Powers for enforceable orders against provinces for non-compliance with Jordan's Principle, substantive equality against provinces and relevant laws and international requirements (C-92, UNDRIP, CRC, etc)

Similar to our conclusion in need #8, and building on our points discussed at needs #6-7, we believe the history of provincial neglect of Indigenous children and families needs justifies having a body that can also grant binding orders against the provinces for their failure to respect their obligations under both domestic and international instruments in relation to the Indigenous children and families.

Need #10: Formal advocacy for First Nations children, families and communities for government services and in child welfare matters

Indigenous children and their families experience significant barriers in accessing existing avenues to hold governments for violations of their rights to services. Barriers can include lack of awareness of avenues, lack of resources or capacity to advocate on their own behalf, fear of retaliation, language and literacy challenges, and more. The case of Carolyn and Noah Buffalo-Jackson, related earlier, shows that even where First Nations parents have a legal education and influence to advocate for their children, attempting to resolve disputes with Canada can be very challenging, as well as navigating the Canadian Human Rights Commission system.[146]

While the Caring Society and its network of *pro bono* lawyers have been supporting families and communities to the best of their ability in an *ad hoc* way and on a shoe-string budget, we believe there is a strong need for formal, funded advocacy to support Indigenous children and families in their disputes with both the federal and provincial governments over the provision of services to children and families, as well as with child welfare agencies in their enforcement of child welfare laws. Such supports should run the gamut from providing information to navigate the different avenues for recourse, to filling forms, letter writings and speaking on their behalf, to

[146] See "Buffalo v Canada – My Family's Fight for the Right for Noah to ride a bus to school," *supra* note 119.

pursuing Ombuds, Child Advocate, human rights challenges or judicial review. To our knowledge, most legal aid plans across the country, except for the Manitoba Public Interest Law Center, largely do not see their jurisdiction as extending to advocacy for pursuing denials and delay of services.

We would also see an important role for such advocates to represent parents, care providers and communities who now have a right to be represented, appear and make submissions in child welfare proceedings pursuant to the national standards in C92.[147] Except for parents, other care-givers and communities are not generally eligible for representation under most provincial legal aid plans, and so, without state-funded representation in these matters, their legal rights under C92 are rendered meaningless. Further, the guarantees of substantive equality in the exercise of the rights of children, their family members and communities under C92 suggest a positive obligation on governments to make legal services available (and Jordan's Principle provides a framework for determining who pays and reimbursement).

[147] *An Act respecting First Nations, Inuit and Métis children, youth and families, supra* note 98 ss 12-13.

Part 3: What does effective accountability look like?

Here, we set out and explain those common features we believe are necessary for the accountability mechanisms to have, and then we identify and explain three accountability mechanisms we have selected. It bears repeating that what effective accountability looks like is context-driven. Therefore, the history and needs identified in Part 1 and 2 drive our recommendations in this Part.

a) External accountability mechanisms

While there can be both internal and external forms of accountability (e.g., mechanisms within the department versus those arms-length and independent from it),[148] our recommendations focus on external mechanisms. Currently, there are no external non-judicial accountability mechanisms that apply to the work of ISC and CIRNAC.[149] While external accountability mechanisms, such as Ombud and Child Advocate offices exist within the provinces, it does not appear that most of these bodies see themselves as having a role in holding provincial authorities accountable for adequate services delivery to Indigenous children and families.

Our focus on external mechanisms are not intended to discourage Canada, particularly the staff of ISC, from developing internal mechanisms for accountability, such as staff training, internal audits, dispute resolution mechanisms, reporting, etc. ISC is already engaging in some of these activities, and it should continue to do so. Further actions that ISC could be taking include:

- Creating a Code of Ethics and Network Panel as a framework for funding community-based youth organizations that would inform the disbursements of any funds that implicate Indigenous youth, and the co-development of the Indigenous Youth Voice Government of Canada Fund;[150]

- Putting in place internal human rights champions who are responsible for engaging with service coordinators and Indigenous children, families and communities to review and evaluate ISC processes, including standing operating procedures and policies, and advocate for changes to ensure compliance with principles of substantive equality to those with the authority to make changes;

- Review all Jordan's Principle requests, including those with inadequate documentation, to identify where ISC can reduce demands for documentation to a minimal data set, particularly for services commonly approved or falling within the "normative standard of care." This may result in greater efficiency for ISC, and possibly lead to two streams of

[148] Kent Roach, "Models of Civilian Police Review: The Objectives and Mechanisms of Legal and Political Regulation of the Police," (2012) 61 *Crim Law Q* 29 at 71.
[149] Our research uncovered reference to an Ombudsman at the Department of Indian Affairs and Northern Development at some point, but no longer appears to exist. It was an internal body with only the softest type of ombuds powers: see Ombudsman for the Department of National Defense and the Canadian Armed Forces "The Way Forward – Action Plan for the Office of the Ombudsman" Jan 20, 1999, at p 21).
[150] Assembly of Seven Generations *supra* note 7 at 6.

claims (i.e. simple or complex; at or above normative standard of care), with documentation and process requirements that are proportional to the type of claim.[151]

- Reverse the onus of who has to establish how the requested service meets the standard of substantive equality, by requiring ISC staff to identify and give written reasons as to where and why they believe a specific request does not fall within that standard, prior to claimants ever being asked to explain how their request falls within this. This still addresses the issue but takes the burden off individual claimants and acknowledges it is ISC's responsibility to deliver services that meet the standard, not individuals to argue for their own substantive equality to ISC.
- Create and use confidential release forms, that, with the consent of Indigenous children and families, give their third party representatives access to information in order to advocate and support clarification, claims and/or appeals.
- Fund the advocates or lawyers who are supporting the ad hoc advocacy work of the Caring Society in the interim.

It is important to note that these actions do not replace the mechanisms we are proposing in this report. Nonetheless, they could and should be implemented in the interim while these mechanisms are being established. The long history of interjurisdictional wrangling and neglect by both Canada and the provinces leading to pervasive underfunding of services to Indigenous children and families, as well as continued resistance by Canada to implement the Tribunal's orders in the last six years, all make it clear to us that arms-length, external accountability mechanisms are necessary.

b) Legislated mechanisms, not simply created by the executive

To ensure the independence of these external accountability mechanisms, which is crucial for the same reasons as noted in the preceding section, we believe that these mechanisms must be legislated by Parliament and not simply be created by the executive.[152] Many of the external accountability mechanisms of the federal government tend to be created by the executive (the Governor in Council through orders in Council or through regulation). This can severely hamper the independence and powers of the accountability body. For example, the National Defence and Canadian Armed Forces Ombudsman, created by the executive, has been critiqued in several reports for having serious problems with its independence, ability to ensure confidentiality, ability to serve its constituents, operate effectively and fulfill its mandate.[153]

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[151] See also Sinha et al, *supra* note 92 at 42, who make several thoughtful recommendations for short-term reform to improve the Jordan's Principle request process.
[152] See Reif, *supra* note 3 at 344.
[153] Ombudsman for the Department of National Defense and the Canadian Armed Forces "The Way Forward – Action Plan for the Office of the Ombudsman" Jan 20, 1999, at 6, 11; André Martin, Ombudsman, "Overhauling Oversight: Ombudsman White Paper, March 30th, 2005, at 1, 13, 33; National Defence and Canadian Forces "The Case for a Permanent and Independent Ombudsman Office: The Defence Community Deserves No Less", March 2017 Report to the Minister of National Defence, at 8, 9, 10, 14, 15, 17, 18.

In our conversation with Professor Reif, an expert on human rights accountability mechanisms, she stressed that for effective independence from the government of the day, legislatures, and not executives, ought to be the ones to create accountability bodies, appoint their leadership, oversee the bodies' functions, and be the government entity receiving reports from the body.[154] Reif noted this has been a challenge for the federal government, pointing out that even the Canadian Human Rights Commission is not entirely independent from government, since its Executive Director is appointed by the Governor in Council. We agree with the Caring Society that it would be important for the selection of the leaders of our proposed accountability mechanisms to be arms-length from the executive. There are precedents of how this can work.[155]

As will be seen further below, we believe the three interconnected mechanisms we propose could be legislated within the same statute.

c) Mechanism with specific mandates relating to Indigenous children and families

There have been recent calls for the creation of accountability mechanisms on Indigenous issues that could potentially serve as accountability mechanisms to address the accountability needs identified in this report. However, we believe that the unparallelled gravity and longevity of the ongoing substantive equality and statutory human rights violations of Indigenous children and families requires the creation of mechanisms with specific mandates in relation to Indigenous children and families.[156]

The 2015 Report of the Truth and Reconciliation Commission recommended the creation of a National Council for Reconciliation to monitor, evaluate and report annually on Canada's progress on reconciliation, including implementation of the calls to action.[157] In Budget 2019, Canada announced $126.5 million in fiscal year 2020 to 2021 to establish a National Council for Reconciliation and endow it with initial operating capital.[158] Despite the TRC containing five calls to action on child welfare, our concern would be that the focus of the Nation Council on

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[154] See also Reif, *supra* note 3 at 179, 182, and 748.

[155] See for example, ss. 2(1)-(3) of Alberta's *Child and Youth Advocate Act*, *supra* note 141 , which requires the executive to appoint the Child and Youth Advocate based on the recommendation of the Legislative Assembly. Parliament's selection coud, in turn, be based on recommendations from Indigenous organizations, or possibly even elections for the role. An interesting model is the bylaws of the former Court Challenges Program, where members of the funding selection committee were elected by organizations representing equality-seeking advocacy groups and had to identify as a member of a group protected under section 15 of the *Charter*.

[156] See Reif, *supra* note 3 at 77, where Reif highlights the benefits of specific mandates to seriously prioritize addressing concerns for discrete vulnerable populations.

[157] TRC, *supra* note 65 at 215-219. In making this recommendation, the TRC noted Canada's poor record of accountability, and reconciliation, observing that Canada has long ignored its obligations and has breached and failed in its duty to do the work needed to revitalize its relationship with Indigenous peoples. However, the monitoring would go beyond the federal government and include all levels and sectors of Canadian society.

[158] CIRNAC website, "National Council for Reconciliation" under tab, "What's happening?" online: https://www.rcaanc-cirnac.gc.ca/eng/1524503926054/1557514163015.

Reconciliation would likely be too diffuse to provide the necessary attention to the accountability needs identified in Part 2. Further, it's not clear what kind of investigation, recommendation or enforcement powers, if any, a National Council would have, thus it likely would lack sufficient powers to be effective in the circumstances.

The 2019 Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls called for the creation of both a National Child and Youth Commissioner to strengthen the framework of accountability for the rights of Indigenous children in Canada, as well as National Indigenous and Human Rights Ombudsperson and a National Indigenous and Human Rights Tribunal.[159] The proposed scope and jurisdiction of these mechanisms by the National Inquiry was broad, suggesting these mechanisms could be designed to possess effective powers to hold governments accountable in the area of child welfare, Jordan's Principle and services for Indigenous children and families. Canada's June 2021 MMIWG National Action Plan has partly taken up this recommendation, identifying the creation of "an oversight body which represents the interests of families, survivors, and Indigenous communities by investigating and addressing mal-administration or a violation of rights" as a short-term priority that it will begin to implement.[160] This scope, however, appears focused on the interests of the families and communities of missing and murdered Indigenous women and girls. It therefore would not be sufficient to address the accountability needs identified in Part 2.

In June 2020, Senator Rosemary Moodie introduced Bill S-217, *An Act to establish the Office of Commissioner for Children and Youth in Canada* (which died on the order paper when the election was called in the summer of 2021).[161] The bill proposed the creation of an independent Commissioner to serve children and youth in Canada to promote, monitor and report on Canada's implementation of its obligation to advance the rights of children and youth, focusing on the best interests of the child. The bill was criticized by the Caring Society and other Indigenous advocates, as well as some First Nation Senators, for not being sufficiently focused on the needs of Indigenous children.[162] The bill provided, but did not mandate, the creation of an Assistant Commissioner on First Nations, Inuit and Metis children and youth matters. It also did not contemplate the Commissioner having any oversight and enforcement over legislation like C92 and *DISA*, or implementation by Canada of Jordan's Principle or substantive equality.

A report from the Assembly of Seven Generations also concluded that Bill S-217 did not meet Indigenous youth needs around accountability. The report suggests that Indigenous youth and children seemed to be an afterthought in the Bill. Other concerns raised include Bill S-217 providing the Commissioner insufficient powers to hold governments accountable. The Assembly of Seven Generations' report indicated that Indigenous youth want to have ongoing

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[159] MMIWG Final Report, *supra* note 73 Executive Summary, 2019, Call for Justice 12.9 and 1.7.
[160] Government of Canada, *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls, and 2SLGBTQQIA+ People*, June 3, 2021, at 28-29.
[161] Canada, Bill S-217, An Act to establish the Office of the Commissioner for Children and Youth in Canada, 1st Sess, 43rd Parl, 2020, cl ss 17-18 (first reading 16 June 2020) [Bill S-217].
[162] First Nations Caring Society, "Briefing Note: Bill S-217", June 2020. Senator Brian Christmas was particularly outspoken about his concerns about the bill.

conversations about accountability: regional conversations and to establish an ongoing network to share best practices and critical discussions on the topic of accountability.[163] On this point, the literature is clear that effective accountability mechanisms geared at children should be child and youth-informed.[164]

We agree with the Assembly of Seven Generations' report that, to address the long and ongoing history of discrimination faced by Indigenous children and families in Canada, effective accountability mechanisms have to be specifically focused on them. While there may be a need for a federal children's commission focused on the needs of other children (and our recommendations are not intended to dissuade Canada from taking other action on this front), no other group of children have been so detrimentally affected by Canada's exercise of jurisdiction over them. The context justifies an Indigenous-specific national child and family commissioner (or advocate).

d) Mechanisms with powers over all Indigenous children

We believe that effective accountability mechanisms must be focused on all Indigenous children and families, including First Nations (status and non-status), as well as Métis, and Inuit. While the FNFCS Program and the *Caring Society* decision focused on First Nations children (e.g., with Indian status) on reserve, we do not think the accountability needs discussed in this report are limited to status First Nations children and families on reserve.

The exclusion of non-status, Metis and Inuit children from the FNCFS program is a by-product of the same jurisdictional wrangling and discrimination that has preoccupied the federal and provincial governments for over 70 years. Canada did not discriminate between groups when it came to residential schools: Inuit and Metis children were forced to attend along with First Nations children.[165] However, after World War 2, Canada only begrudgingly accepted to provide services on reserves after much public pressure, and then provided inadequate services to First Nations.[166] Similarly, the provinces only begrudgingly provided services to Metis, non-status and off-reserve First Nations because Canada refused to, and were often similarly as neglectful as Canada in the delivery of services to these groups.[167] Due to a ruling from the

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[163] Assembly of Seven Generations, *supra* note 7.

[164] See Bendo *supra* note 33 at 6, 50, 64, 65, 93, 103 and 104; Ombudsman New South Wales "Youth Participation Information Sheet", at 2 and 3, notes the importance of youth participation at different levels and times; *Report of the United Nations High Commissioner for Human Rights on Access to justice for children*, OHCHR, 25th sess, Supp No 35, UN Doc A/25/35 (16 December 2013) at p. 4, 9, 12, 14-16 [OHCHR: Access to justice for children]; and Assembly of Seven Generations, *ibid* at p. 6-9, 26, 27, 31 notably, recognizing Indigenous youth participation as a fundamental right.

[165] See TRC, *Canada's Residential Schools: The Inuit and Northern Experience* (2015), and *Canada's Residential Schools: The Métis Experience* (2016).

[166] See Metallic 2019, *supra* note 67 at 8-11.

[167] *Sumner-Pruden, supra* note 122 and *Malone*, *supra* note 126 are both recent examples of this. See Constance MacIntosh, "Indigenous Mental Health: Imagining a Future Where Action Follows Obligations and Promises," (2017) 54 Alta LR 589; Josée Lavoie, "Medicare and the Care of First Nations, Métis and Inuit", (2018) 13 Health Economics, Policy and Law 280; UNICEF, "Aboriginal Children's Health: Leaving No Child Behind," (2009) online:

Supreme Court of Canada, the federal government was eventually forced to provide services to the Inuit, and then chose to do without a legislative framework and inadequately.[168]

In our view, only recommending accountability mechanisms for status First Nations children and families on reserve would be akin to reproducing the same jurisdictional neglect by Canada and the provinces that has been harming Indigenous children and families for decades. The Assembly of Seven Generations also acknowledged problems with the exclusion of Métis children from Jordan's Principle and Inuit Children First Initiative services.[169] Furthermore, decisions of the Supreme Court of Canada have now clearly confirmed that the federal jurisdiction over "Indians" includes First Nations, both status and non-status, Metis and Inuit peoples.[170] Due to ongoing discrimination through the second-generation cut-off rule in the *Indian Act*, since 1985, more and more First Nations are without status.[171] Recently Canada seems to have accepted its jurisdiction in relation to all three groups: *DISA* recognizes ISC's jurisdiction in relation to all three groups, and C92 extends the protections in the act to all Indigenous peoples.[172] Further, even the Tribunal in *Caring Society* has extended the protection of Jordan's Principle beyond status First Nations children living on reserve.[173] For all these reasons, we strongly feel that accountability should be extended to all Indigenous children and families.

We feel such an inclusive approach is necessary to ensure Indigenous children do not fall through jurisdictional cracks in the future. There are precedents in situations involving the human rights complaints of a subgroup of a larger equity-seeking group, where human rights tribunals have issued broader, more inclusive remedies to the larger equity-seeking group in order to effectively prevent future discrimination. For example, in the case of discrimination on the basis of mobility rights in accessing voting stations, the Canadian Human Rights Tribunal ordered the respondent, Elections Canada, to engage in greater consultation with voters with disabilities and disability groups (not just those with mobility disabilities) in order to prevent similar discriminatory practices in the future.[174] In another case involving discrimination on the basis of a person identifying as pangender for not having the ability to properly self-identify their gender on the provincial birth certificates, a Manitoba human rights panel ordered the government to revise its criteria for changing sex designation to include recognition of non-binary sex designations (not just for pangender peoples only).[175] Such an inclusive approach would prevent similar complaints of discrimination from other categories of non-binary persons in the future.

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https://www.unicef.ca/sites/default/files/imce_uploads/DISCOVER/OUR%20WORK/ADVOCACY/DOMESTIC/POLICY%20ADVOCACY/DOCS/Leaving%20no%20child%20behind%2009.pdf

[168] See *Reference as to whether "Indians" includes in s. 91 (24) of the B.N.A. Act includes Eskimo in habitants of the Province of Quebec,* [1939] SCR 104.

[169] Assembly of Seven Generations, *supra* note 7 at 15, graphic image.

[170] *Daniels v. Canada (Indian Affairs and Northern Development),* 2016 SCC 12.

[171] Stewart Clatworthy, The Changing Demography of First Nations Populations: Impacts of the 1985 Indian Act Amendment to the Rules Governing Indian Registration. Winnipeg: Four Directions Project Consultants, 2007.

[172] *Department of Indigenous Services Act,* SC 2019, c 29, s 336 at s 2; and *An Act respecting First Nations, Inuit and Métis children, youth and families*, *supra* note 98 s 2.

[173] See 2019 CHRT 7 (interim) and 2020 CHRT 36.

[174] *Hughes v. Elections Canada*, 2010 CHRT 4 at paras 79-80.

[175] *T.A. v Manitoba (Justice)*, 2019 MBHR 12 at para 71.

Inclusive is different from pan-Indigenous. Instead of treating all Indigenous peoples identically, as a pan-Indigenous approach seeks to do, an inclusive approach, while recognizing all Indigenous peoples are worthy of human rights protection, acknowledges there can be differences between different sub-groups that need to be accommodated. An inclusive approach does not prevent a distinctions-based approach when necessary or appropriate. For example, distinctions based on unique needs and the diverse legal traditions among Indigenous peoples may be appropriate to achieve equitable outcomes.

e) Mechanisms that bypass jurisdictional wrangling

Further developing a theme from the last section, we believe that effective accountability in the circumstances must challenge the conventional jurisdictional boundaries the federal and provincial governments have set for themselves. These are the same jurisdictional boundaries that have facilitated decades of neglect of the needs of Indigenous children and families.

In other words, we do not think it will be effective if the jurisdiction of a federal accountability body over Indigenous children and families is solely focused on the conduct of federal authorities, leaving the conduct of provincial authorities in relation to Indigenous children and families to provincial accountability bodies. This will stymie robust oversight, allowing the needs of some Indigenous children and families to fall through the cracks as they have for decades. They need to be addressed together, since it is the combined force of neglect, denials and delays from both the federal and provincial governments that is continuing to harm Indigenous children and families. The fact is that various federal and provincial actors operate within the complex matrix of essential service delivery and child welfare enforcement that affect the well-being of Indigenous children and families. Trying to separate out issues to be dealt with by different federal and provincial accountability mechanisms will only result in delays and denials of services that harm Indigenous children and families.

This issue can be illustrated by the example of an Indigenous child seeking to challenge a denial of the same service by both Canada and their home province as violating their right to substantive equality and Jordan's Principle. Under current law, it would be impossible for the child to bring a discrimination complaint against Canada and the province in the same forum. She would have to bring a complaint against Canada to the Canadian Human Rights Commission, and bring another complaint against the province to her provincial human rights commission.[176] She would face the same issue if she sought to judicially review the decisions of Canada and the province; Canada would have to be sued in Federal Court and the province sued in her provincial superior court.[177] These scenarios present risks of inconsistent legal

[176] This is because the jurisdiction of these tribunals is generally limited to the actions of the enacting government. However, it is possible for Canada to create a tribunal with jurisdiction over both federal and provincial action as we discuss below.

[177] Judicial review against Canada must be instituted in the Federal Court: *Federal Courts Act*, RSC 1985, c F-7, s 18. See also *Mousseau v. Canada (Attorney General)* (1993), 126 NSR (2d) 33 (NSCA), *Nolan v. Canada (Attorney General)*(1998), 155 DLR (4th) 728, and *Ochapowace Indian Band No. 71 v. Canada,* (1999) 167 Sask. R. 167

rulings, increased chances of appeals, delays and increased costs.[178] All of which is not in keeping with the spirit of Jordan's Principle that jurisdictional wrangling should not delay timely access to services by Indigenous children. As one of the pro bono lawyers for the Caring Society aptly put it: "Currently in Canada, there is a Jordan Principle problem with trying to vindicate Jordan's Principle."[179] Such a result is unacceptable in light of the long history of discrimination, delay and denial faced by Indigenous children and families. It is also unnecessary.

Under its jurisdiction under s. 91(24) of the *Constitution Act, 1982*, the federal government has the power to legislate in relation to Indigenous peoples in areas that would otherwise be regarded as areas of provincial jurisdiction. Such legislation can have incidental impacts on provinces.[180] Even legislative provisions that on their face encroach on provincial powers can be upheld so long as they are necessary to the effective functioning of the legislation.[181] This is all to say that Canada can pass legislation that would give an accountability body the power to investigate as well as make binding orders in relation to provincial authorities' actions in relation to Indigenous children and families. Historically, Canada has been reluctant to use its legislative powers to provide protection to Indigenous peoples from the provinces.[182] However, such action is in keeping with Canada's fiduciary and treaty obligations to Indigenous peoples, the Honour of the Crown and reconciliation.[183] With C92, however, Canada turned a page on that history by passing a federal law that has incidental impacts on the provincial powers over child welfare by legislating minimum standards. The Quebec Court of Appeal had no difficulty in concluding that this was within Canada's constitutional jurisdiction to legislate in relation to Indigenous people.[184] Canada did so because it recognized that the crisis of overrepresentation of Indigenous children in state care required such action.[185] The same reasoning applies in the

[178] The only time the child could get a definitive ruling where both the federal government and a province are joined to the matter is if the different cases simultaneously worked their way all the way to the Supreme Court of Canada and were joined there.
[179] Naiomi Metallic conversation with David Taylor, June 16, 2020.
[180] *Canadian Western Bank v Alberta*, 2007 SCC 22 at para 28; *British Columbia v Imperial Tobacco Canada Ltd.*, 2005 SCC 49 at para 28; *R v Morgentaler,* [1993] 3 SCR 463 at p 486.
[181] *General Motors of Canada Ltd. v. City National Leasing,* [1989] 1 SCR 641.
[182] See John Borrows, "Legislation and Indigenous Self-Determination in Canada and the United States" in Patrick Macklem & Douglas Sanderson, eds, From Recognition to Reconciliation: Essays on Constitutional Entrenchment of Aboriginal and Treaty Rights (Toronto: University of Toronto Press, 2016) 474.
[183] Borrows, *ibid*; see also Grammond, *supra* note 121.
[184] QCCA C92 Reference, *supra* note 100 at paras 313-355. The matter is now being appealed to the Supreme Court of Canada.
[185] See preamble of C92; see also Attorney General of Canada's Brief in Reference to the Court of Appeal of Quebec in Relation to An Act Respecting First Nations, Inuit and Métis Children, Youth and Families (500-09-0287151-196), dated April 1, 2021 at para. 47.

case of passing effective accountability mechanisms in the circumstances, and this is supported in legal scholarship.[186] There is also precedent for this internationally.[187]

f) Recommendations for Specific Accountability Mechanisms

We have identified 3 specific accountability mechanisms which could stand alone, but would most effectively safeguard the needs of Indigenous children and families if all 3 were enacted as interconnected mechanisms.

Based on the accountability needs identified in Part 2, and the principles we outlined above, we have identified three mechanisms that we believe will effectively address the government conduct that has contributed to the overrepresentation of Indigenous children in state care for decades. We believe that all 3 are necessary to achieve true accountability. Any of these three mechanisms, individually, could stand alone and would serve to provide greater protection of the rights of Indigenous children and families from the discrimination found in the *Caring Society* case by improving government accountability. However, none are sufficient, on their own, to address all of the identified accountability needs. Therefore, combining all three mechanisms would be the most effective way of preventing discrimination from continuing or re-emerging in the future.

First, we identify the mechanism and the accountability needs each would address. Following this, we explain our rationales for each mechanism, why we ruled out some other options, and what should be included in these mechanisms.

Note that we are not attempting to be exhaustive in setting out details for the mechanisms we propose. We believe there are several details about the proposed Advocate's Office and Tribunal, such as composition, qualifications, terms, staff, etc., that ought to be determined in future discussions and collaboration with Indigenous groups, including Indigenous children and youth, the Caring Society and the pro bono lawyers who have been supporting them. That said, when it comes to appointment criteria and the selection process, we agree with comments received from the Caring Society that it should be a priority for staff of these bodies to be diverse, knowledgeable about human rights and Indigenous child welfare issues, selected in a way that ensures their independence from the government, and for such details to be set out in the enabling legislation.[188]

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[186] Patrick Macklem has also argued that the federal government has the jurisdiction under s91(24) to establish an independent accountability body with the power to implicate provincial interests: see Patrick Macklem, Indigenous Difference and the Constitution of Canada (Toronto: University of Toronto Press, 2001) at 272-273; as see Borrows, *supra* note 182 and Grammond, *supra* note 121.

[187] See for example Reif, *supra* note 3 at 755, who discusses the prospect of national accountability bodies with jurisdiction over subnational governments and gives examples, such as Peru's *Defensoría del Pueblo* (at 588) and Namibia's Ombudsman (at 669).

[188] See, for example, *Human Rights Code*, RSO 1990, c H.19, ss. 27(3) and (4) on mandated composition requirements.

Our mandate did not include drafting of the enabling legislation for these mechanisms, though we have given some ideas for precedent clauses in what follows. These are based on our review of different child advocates and human rights commissions laws in the county. However, we suggest that in the actual development of the enabling legislation, further expert advice be sought to recommend specific statutory language.

Accountability Mechanism 1:

National Indigenous Child and Family Advocate
Need #1: Oversight of Canada's implementation of Jordan's Principle
Need #2: Oversight of Canada's long-term reform of child welfare, including C92 implementation
Need #3: Oversight Canada's implementation of substantive equality in relation to all services impacting on Indigenous Children and Families
Need #4: Oversight of Federal-Provincial cooperation in servicing Indigenous Children and Families
Need #5: Ongoing education for federal and provincial government actors involved in child welfare services
Need #6: Oversight of provincial governments implementation of substantive equality in relation to all services impacting on Indigenous Children and Families
Need #7: Oversight of child provincial welfare agencies, including their implementation of C92

Accountability Mechanism 2:

National Indigenous Child and Family Tribunal
Need #8: Enforce orders against Canada for non-compliance with Jordan's Principle, substantive equality and other relevant laws and international requirements (C-92, DISA, UNDRIP, CRC, etc)
Need #9: Enforce orders against provinces for non-compliance with Jordan's Principle, substantive equality against provinces and relevant laws and international requirements (C-92, UNDRIP, CRC, etc)

Accountability Mechanism 3:

National Legal Services for Indigenous Children and Families

Need #10: Formal advocacy for Indigenous children, families and communities for government services and in child welfare matters

(1) A National Indigenous Child and Family Advocate

The body that we feel would be most effective at addressing accountability needs #1-7 is a national Indigenous child and family advocate. Effectively, this would be based on the ombuds model of a child and youth advocate office, but also with specific jurisdiction to oversee governments' delivery of services to Indigenous children and families in accordance with Jordan's Principle, their right to substantive equality in statutory human rights instruments and other relevant laws and international requirements (C-92, DISA, UNDRIP, CRC, etc). This is because of the dual need for such a body to take a child and family centered approach on the one hand, and to also apply a substantive equality lens informed by both domestic and international human rights principles. The Advocate would also oversee governments' implementation of child welfare legislation and policy in relation to Indigenous children and families.

In discussions with ISC and the Caring Society early on in this project, the specific model of an ombudsperson was of interest. However, as we got further into our research, we reached the conclusion that the 'classic' ombuds model of it would not have the tools and powers necessary to address the accountability needs we have identified in this report. Most classic ombuds offices in Canada focus mainly on the function of a government's administrative systems and procedures, and generally do not consider matters from a human rights lens, which is imperative in the circumstances. Furthermore, most ombuds in Canada also have limited powers to make systemic inquiries, and they generally do not have a mandate for education. Nor do they generally have requirements to take a child-centered approach. The federal government has a number of specific ombuds, some are created pursuant to executive power. These have received critiques for lacking sufficient independence from the government and powers to make effective change.[189] In the circumstances, we do not think a classic ombuds is a sufficiently robust model, and this is why we recommend a child advocate (a form of a thematic ombuds).

In an earlier draft, we had called this mechanism a 'commission' as opposed to an 'advocate.' There is no magic in the name. As we note in our 'Primer on Accountability Mechanisms,' the concepts are largely synonymous, however, advocates usually have a more active role in defending the rights of children and youth than commissions/thematic ombuds offices might, given that children's rights are at stake. 'Advocate' more clearly also distinguishes this office from a human rights commission with a role in screening complaints, which, based on feedback we received from the Caring Society, is a concern about using 'commission.' We had always

[189] See our earlier note 153.

intended that this mechanism would be involved in 'soft advocacy' by assisting Indigenous children and families resolve individual complaints through informal and confidential means. Children advocate office's are typically staffed with trained social workers or other helping professionals who can intervene on children and youth' behalf within the system and help navigate processes.

Below, we set out the functions and powers we believe the Advocate should have in order to be effective.

Mandate

The mandate of the Advocate ought to reflect accountability needs #1-7, and it should specifically identify the assessment standards upon which the Advocate would scrutinize the conduct of governments. For both the federal and provincial governments this would include Jordan's Principle and substantive equality (protected under each government's human rights legislation and the *Charter*), C-92 and international instruments such as *United Nations Declaration on the Rights of Indigenous Peoples*, the *Conventions with Rights of the Child*, and the *Convention of Rights of Persons with Disabilities*. On top of this, ISC's conduct should also be assessed for compliance with its enabling statute, *DISA*. Language in the enabling legislation should convey that these instruments set the minimum standards that government decision-makers are expected to comply with in all circumstances. The mandates in PEI and Ontario's 2007 Child and Youth Advocate law provide a robust mandate for their advocate and this could be drawn upon for inspiration.[190]

Consistent with various human rights statutes, the mandate should also explicitly mention the Advocate's role to protect Indigenous children and families' right to substantive equality and statutory human rights, particularly in the delivery of government services. The protected grounds from discrimination should include all those listed in the *Canadian Human Rights Act*, but it will also be important particularize Indigenous origin (which is not mentioned in the *CHRA* but is viewed as included within 'ethnicity'), as well as the various subsets of Indigenous characteristics that government distinctions have often been based upon, such as being non-status, living off-reserve, being Inuit, being Metis, etc., in order to ensure that any actions based on such distinctions suggests *prima facie* discrimination.

Jurisdiction

As we have said before, when it comes to jurisdiction, the Advocate ought to be able to oversee not just the actions of the federal government, but also provincial governments in the delivery of services to Indigenous children and families, as well as oversee the actions of child welfare agencies. This would include FNCFS Agencies, as well as other agencies dedicated to providing services to Indigenous groups (Métis, Inuit and off-reserve First Nations), all of whom currently exercise jurisdiction delegated from the provinces. Our interest in overseeing

[190] See *Child and Youth Advocate Act,* RSPEI *supra* note 141 s 12; and *Provincial Advocate for Children and Youth Act,* 2007, SO 2007, c 9 s 16 [Ontario Advocate].

delegated Indigenous child welfare agencies lies mainly in the fact that such investigations will likely reveal problems with federal and provincial legal or funding frameworks that need to be addressed.

The question of whether the Advocate should oversee the child welfare systems of self-governing Indigenous Governing Bodies as these grow under C92 is more challenging. Of course, accountability of self-governing Indigenous groups is important, but accountability models should not be unilaterally imposed on Indigenous governing bodies. Moreover, the history reviewed in Part 1 reveals that the need for accountability at this time arises from the actions and inactions by federal and provincial governments, not Indigenous governing bodies. For this reason, we do not think the jurisdiction of the Advocate should automatically include jurisdiction over Indigenous governing bodies that become self-governing over child and family services. Recognizing the right to self-determination, an Indigenous governing body should be given the choice to opt-in to the accountability framework offered by the Advocate[191], or be left to develop its own.

On the question of the wisdom of duplicating some of the functions carried out by existing accountability bodies, as addressed in Part 1, we know that many provincial governments continue to refuse many services to Indigenous peoples despite Jordan's Principle, and that many actors within provincial child welfare systems are not aware of, and not adhering to the minimum standards in C92. It does not seem that the majority of provincial child advocates, ombuds or human rights commissions are holding provincial authorities sufficiently accountable when it comes to their obligations to Indigenous children and families. The Canadian Human Rights Commission is not mandated to focus on Indigenous child and family issues, nor to take a child-centered approach that employs 'soft advocacy'--that is, working with governments to resolve individual complaints through informal and confidential means.[192] Moreover, as noted in section 3(e) above, both the federal human rights commission and provincial accountability bodies lack the jurisdiction to consider complaints that involve both federal and provincial refusals of a service at once.

There is precedent in the non-Indigenous context for the creation of a federal accountability body that may duplicate some of the functions of an existing provincial accountability body, and

[191] See Reif, *supra* note 3 at 14; *Ombudsman Act*, RSY 2002, c. 163, s 11(5).

[192] On this, see Blackstock, *supra* note 75 at 297-298. See also the Summary Report of the 2013 and 2014 Aboriginal Women's Roundtable, "Honouring the Strength of Our Sisters: Increasing Access to Human Rights Justice for Indigenous Women and Girls," which highlights the challenges and barriers experienced by Indigenous peoples in accessing the CHRC, at 23, 27, 28, 31, 32, 34, 35, 36. There were recommendations made by Indigenous groups, after the repeal of s. 67 of the *Canadian Human Rights Act* to strengthen the legislative mandate of the CHRC in relation to Indigenous peoples, but this did not happen: see 2011 Report to Parliament - On The Readiness of First Nations Communities And Organizations To Comply With The *Canadian Human Rights Act*, Appendix C - Report of the Congress of Aboriginal Peoples. Further, the Commission's focus on Indigenous issues has waxed and waned over time. After repeal of s. 67 of the *CHRA*, the Commission had a National Aboriginal Initiative focused on Indigenous issues, however, this branch of the Commission was cut for budgetary reasons around 2015.

the Supreme Court had no issue with the prospect of these bodies operating concurrently.[193] Further, the legislation could be drafted such that, if another accountability body is effectively responding to a matter, the Advocate may decline to exercise jurisdiction.[194] The Advocate could also be mandated to provide outreach, education and coordination with provincial ombuds, child advocate and human rights commission to assist in their attempts to address matters relating to Indigenous children and families.

Types of investigation

All child advocates, ombuds and human rights commissions have the power to investigate individual complaints relating to their areas of jurisdiction. There is clearly a need for this in the context of the services provided by Canada and provinces to Indigenous children and families. We could also foresee individual complaints including group or community complaints, especially in relation to funding issues relating to both Jordan's Principle, as well as funding under C92. Jurisdiction over group complaints is made explicit in some accountability legislation, and we recommend similarly in the proposed Advocate legislation.[195] It would be best if the law clarified that groups can include Indigenous collectives, such as communities, Bands, tribal councils, and organizations.

Many accountability bodies also have the power to initiate own-motion investigations into matters, and we recommend this for the proposed Advocate. We also recommend that the statute provide clear language that the Advocate has the power to undertake systemic investigations, including the powers to carry out studies and research in support of systemic inquiries, as in the case of some existing statutes.[196] Related to systemic inquiries, a power to carry out studies and research on any relevant question under the advocate's jurisdiction, such as found in Quebec's child advocate laws, is important to specify.[197] The power to engage any persons having technical or specialized knowledge of any matter relating to the work of the Advocate's Officer to advise and assist the Advocate, such as found in the *Official Languages Act*, would further assist the proposed Advocate in making systemic inquiries.[198]

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[193] *Multiple Access Ltd. v. McCutcheon,* [1982] 2 SCR 161, involving a federal and Ontario's securities regulatory. The Court held that duplication of legislative regimes in areas of concurrent jurisdiction (double aspect) was acceptable, so long as there was no conflict or 'incompatibility' between the statutes, and this would be conceived of narrowly. In true cases of incompatibility, however, the federal legislation would be paramount.

[194] This could be modeled on the provision on s 41(1)(a) and (b) of the *Canadian Human Rights Act*, RSC 1985, c H-6 [CHRA], which give discretion to the Commission to decline dealing with a complain if the complainant has not exhausted other grievance procedure otherwise reasonably available, or the complaint is one that could be more appropriate dealt through another procedure.

[195] See, for example, *Charter of Human Rights and Freedoms,* CQLR, c C-12, s 74; and Saskatchewan's *Advocate for Children and Youth Act,* SS 2012, c A-5.4, s 14(2)(b).

[196] See *Saskatchewan Human Rights Code*, 2018, SS 2018, c S-24.2, s 24(h); Ontario Advocate, *supra* note 190 at s 16(1)(p); and *Child and Youth Advocate Act*, *supra* note 141 s 12(1).

[197] See *Youth Protection Act*, CQLR c P-34.1 s 23(f).

[198] *Official Languages Act*, RSC 1985, c 31 (4th Supp), s 52.

Investigative powers

The Advocate should have robust investigative powers to collect necessary information to effectively respond to the different types of complaints (individual, group, own-motion and systemic). In particular, we recommend that the Advocate have investigative powers similar to those of human rights commissions, including powers to make oral or written inquiries, demand the production of documents or records, and search any premises after applying for a warrant, and apply for enforcement of orders.[199] The investigative powers in Senator Moodie's proposed Bill S-217 would have given the proposed Commission all the powers of a commissioner appointed under Part II of the *Inquiries Act*, which covers most of the investigative powers above, so this may be a precedent worth considering.[200]

In terms of collection of data and systemic oversight of Canada's implementation of Jordan's Principle and CHRT's order to reform FNCFS, we agree with the Caring Society that it would be important to specify in the enabling legislation some types of data that it would be mandatory for the Advocate to collect and analyze. For example, this might include:

- Jordan's Principle decision-makers approval and denial rates, as well as number of requests deemed 'submitted with insufficient information'.
- Jordan's Principle decision-makers turn-around times.
- Jordan's Principle request by regions/communities.
- Disaggregated data by sub-group of Jordan's Principle requests by age, gender, disability as well as service/product/program types.[201]
- Identify gaps in services being addressed through Jordan's Principle.
- identify subgroups that are underrepresented in Jordan's Principle requests.
- The amount of funding being provided per capita through Jordan's Principle, and the variation in funding levels across provinces/territories and remote/rural/urban communities.
- Jordan's Principle appeal approval and denial rates.
- Jordan's Principle appeal turn-around times.
- Disaggregated data of complaints brought to the Advocate and Tribunal.

Further mandatory areas of data collection could be identified in discussions and collaboration with Indigenous groups, lawyers and experts in the area. Note that such a mandatory list should not preclude the Advocate from collecting other data they view as important to fulfilling their mandate, or to investigate specific complaints, and the legislation should also be clear on that.

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[199] CHRA, *supra* note 197 at s 43; *Human Rights Act*, RSPEI 1988, c H-12, s 23-24.

[200] Bill S-217, *supra* note 161.

[201] As recommended by Sinha et al., *supra* note 92 at 41, "The data needed is not simply the broad category of services being funded, such as "vision," but a specific description that supports examination of the existing policy framework, e.g., "second pair of glasses within a year, not covered by Non Insured Health Benefits (NIHB).""

We also agree with the Caring Society that, for the purposes of systemic oversight, there is value in listing issues or events that would create an obligation on provincial and federal government departments to report to the Advocate that would in turn trigger mandatory investigations by the Advocate. While this list is not exhaustive, examples of potential areas that could trigger investigations include:

- Jordan's Principle decision-makers with low approval rates.
- Jordan's Principle decision-makers with slow turnaround times.
- Jordan's Principle regions/communities with high and low request rates.
- Situations where there are a large number of requests from members of groups or for a specific service.

Such a list would benefit from further discussions and collaboration with Indigenous groups, lawyers and experts in the area.

Like with the powers of provincial child advocates, the Advocate should also be mandated to meet with children and youth and ensure their voices are heard in the investigation process. Helpful provisions to this effect are included in Newfoundland's *Child and Youth Advocate Act*, which calls for the Advocate to meet with children and youth and ensure their participation in decisions regarding services.[202]

We see real value-added in the model of a Child Advocate for engaging in 'soft advocacy' on behalf of Indigenous children and families. Advocate Offices employ trained social workers or other helping professionals who can intervene with government departments and agencies on behalf on children and youth and attempt to informally resolve their complaints.Thus, investigations should take place confidentially, as they do with child advocates and federal legislated ombuds,[203] in order to foster greater cooperation by government parties.[204] Confidentiality supports professionalism and diligence as it creates better access to information and gains the respect of senior government officials, which leads to opportunities for quick resolutions.[205] Further, confidentiality strengthens accessibility to the public,[206] independence,[207] trust, and confidence as well as protects from fears of reprisal.[208] The provisions in the (now repealed) Ontario *Provincial Advocate for Children and Youth Act* on confidentiality and privacy are a useful precedent to look to. However, this does not prevent public reporting by the Advocate, which we believe will be a crucial function of the Advocate in some cases, as we

[202] Newfoundland and Labrador's *Child and Youth Advocate Act*, SNL 2001, c C-12.01, s 15(1)(d)-(f).
[203] *Official Languages Act*, *supra* note 198 at ss 60, 71, and 72; *Corrections and Conditional Release Act*, SC 1982, c 20, s 182.
[204] Canadian Audit and Accountability Foundation "Establishing a First Nations Auditor General Research Paper" November 2017, 24.
[205] Marshall & Reif *supra* note 19 at 219-220.
[206] Greene *supra* note 24 at 21; National Aboriginal Initiative "Honouring the Strength of Our Sisters", *supra* note 192 at 38.
[207] Canadian Audit and Accountability Foundation *supra* note 204 at 24.
[208] "The Case for a Permanent and Independent Ombudsman Office…", *supra* note 153 at 34-35.

discuss below. In the Ontario legislation, for example, the individual's information can only be disclosed in a public report with consent, or otherwise anonymized.[209]

The proposed Advocate may require tools to encourage reporting of concerns by public servants and others and discourage any form of retaliation. The *Official Languages Act* contains a provision allowing the Commissioner to make a report to the Treasury Board of any belief of an individual being threatened, intimidated or discriminated against for making a complaint or giving evidence or assisting in an investigation under the *Act*.[210] The *Canadian Human Rights Act* also prohibits any form of retaliation and treats it as a form of discrimination that can be subject to a compensation order by the Canadian Human Rights Tribunal.[211] We believe that these sorts of protection against discrimination must be included in legislation for the proposed Advocate.[212]

Remedial powers

Commissions and child advocates do not typically possess remedial powers to make enforcement orders against government actors. By not giving these bodies enforcement powers, this allows them to instead investigate and seek to provide advice and recommendations to the government. The rationale is this will make government actors more amenable to cooperating and working with these bodies. We agree this should be the main function of the Advocate, however, as noted earlier in discussion of Need #8, this is why we are also recommending the creation of a Tribunal that can adjudicate matters when persuasion and advice are ineffective, as discussed further below.

The objective of the Advocate in cases of individual and group complaints should be to facilitate resolution, and like human rights commission and other child advocates, through informal and confidential means. Such methods for resolving disputes should draw on Indigenous laws and dispute resolution processes where possible. If complaints cannot be resolved internally, individuals or groups are free to pursue other modes of resolutions, including going to the proposed new Tribunal (or to existing methods for dispute resolution). We do not intend the Advocate's Office to 'gate-keep' individuals' or groups' access to the Tribunal or other forums. Typically, accessing options of dispute resolution through ombuds-functions does not prevent people from accessing other forums, and we do not intend to limit peoples' options with this mechanism. It is our hope that an individual or group might start with the Advocate to seek informal resolution or, at the least, obtain information to navigate their options, and possibly be connected with legal support if necessary (we explain this further below with our third mechanism, National Legal Services for Indigenous Children and Families). In other words, we

[209] Ontario Advocate, *supra* note 190 at ss 19-20.
[210] *Official Languages Act*, *supra* note 198 at s 62(2).
[211] CHRA, *supra* note 194 at ss 4, 14.1 and 53.
[212] Also see Samantha Feinstein et al "Are whistleblowing laws working? A global study of whistleblower protection litigation" which offers insight on whistleblower protections to safeguard against retaliation to ensure whistleblowers become essential players in fighting against government abuse of power at 13 - 19, 21 - 23, 25, 27, 65, 68-71.

see the Advocate as providing a "one stop shop" that can support Indigenous children, youth and their families in navigating the different accountability mechanisms that exist. Essential, we envision the Advocate receiving complaints and, based on its knowledge and experience, quickly assessing whether a complaint could be handled based on its relationships with the government actors (through 'soft advocacy') or, if the complaint is more complex or beyond their soft advocacy abilities, connecting the complainant with legal counsel to advise them on their options, including going to the Tribunal. The Advocate as a 'one stop shop' can help coordinate and ensure complaints are handled efficiently, as well as ensure that the Tribunal is not overwhelmed with complaints that could be more quickly handled through the soft advocacy.

The proposed Advocate would also have similar powers to provincial child advocates to make recommendations to the government. For example, Saskatchewan's child advocate can make recommendations on any matter concerning services provided to a child or group of children by the government, as well as on "any matter relating to the interests and well-being of children or youths who receive services from [the government]."[213] While such wide-discretion to make orders is important, it would be helpful for the enabling legislation to list examples of the types of recommendations the Advocate can make. For example,

- When data or investigations reveal bias in policies, process or staff members, recommendations for training or other corrective measures.
- Recommendations for government actors to take proactive measures, such as steps to ensure that Indigenous children and families are aware of their rights.
- Recommend policy or process changes to address systemic gaps or inequities, for example, driving a high level of Jordan's Principle requests.
- Recommend a comprehensive solution to avoid the case-by-case or a "projectification" approach to Jordan's Principle.

Such a list would not be intended to limit what the Advocate can recommend, but to allow Advocate staff, as well as government staff subject to Advocate oversight, to appreciate the Advocate's role and powers.

Further, if an investigation under the Advocate's jurisdiction reveals wrongdoing by a government actor (e.g., acting contrary to law, unreasonably, unjustly or based on a mistake of law or fact), we believe it would be important for the enabling legislation to specify, like in Saskatchewan, that the Advocate must report to the wrongdoing to the responsible minister or government service provider and may make recommendations that the Advocate considers appropriate.[214] The Advocate can also request the government entity who received the recommendation to provide notice within a specified time of the steps that it has taken to or propose action to give effect to the recommendation. If, within a reasonable time of the recommendation, no action is taken that seems to the Advocate to be adequate or appropriate, the Advocate may submit a report of the matter to the Cabinet, as well as mention the report in its annual report to the Legislative Assembly.[215] A very similar approach is found in Nunavut's

[213] Saskatchewan's *Advocate for Children and Youth Act, supra* note 195 at ss 14(2)(d) and (3)(b).
[214] *Ibid* at s 28.
[215] *Ibid* at s 29.

Children and Youth Act, except that a report shall also " include a description of the application, use or incorporation of Inuit culture and Inuit societal values in relation to the conduct of the review."[216] The federal Official Language Commissioner also has impressive escalation powers where its recommendations are not acted upon. If, after a reasonable time, the federal institution concerned has not acted on its recommendation, the Commissioner may transmit its report to Cabinet, following which, if no adequate and reasonable response is forthcoming in a reasonable time, the Commissioner may report to Parliament.[217] If no action is taken, the Commissioner can apply to Federal Court for remedy in relation to a complaint under the *Official Languages Act* with consent of the complainant.[218] We believe it would be important for the Advocate to have similar escalation powers up to Parliament, as well as to take issues to the proposed new Tribunal.

Beyond reports on specific complaints, human rights commissions and child advocates will normally have annual reporting requirements to the legislative branch on their activities for the year.[219] However, they are also empowered to make other or special reports commenting on any matter within the scope of its powers that they deem appropriate.[220] Finally, in addition to referring complaints to the federal court, the Official Language Commissioner also has the power to seek leave to intervene in any adjudicative proceedings relating to the status or use of English or French.[221] We believe these would all be important powers in the toolbox of the Advocate we are proposing.

Education

Human rights commissions and child advocates typically have specified powers to educate the public. Nova Scotia's human rights legislation calls on its commission to "develop a program of public information and education in the field of human rights." Alberta's child advocate law empowers its advocate to "promote the rights, interests, and well-being of children through public education."[222]

We believe that the proposed Advocate should have a significant mandate to promote human rights, particularly the right to substantive equality and Jordan's Principle, of Indigenous children and families, as well as their interests and well-being. We also believe the Advocate should more specifically have a mandate to educate both federal and provincial civil servants in these areas, as well as those other professionals who play a role in child welfare matters (judges, legal aid lawyers, etc.), including their obligation in relation to C92. The Advocate could also

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[216] *Consolidation of Representative for Children and Youth Act, supra* note 141 s 33(2) and see ss 33-34.
[217] *Official Languages Act*, *supra* note 198 at ss 63-65.
[218] Ibid at s 78(1)(a).
[219] CHRA*, supra* note 194 at s 44(3); see also Ontario Advocate, *supra* note 190 at s 21(1).
[220] CHRA*, ibid* at s 44(2); Ontario Advocate, *ibid* at 21(5); see also *Official Languages Act*, *supra* note 198 at s 67.
[221] *Official Languages Act*, *ibid* at s 78(3).
[222] Alberta's *Child and Youth Advocate Act, supra* note 141 ; see also Saskatchewan's *The Advocate for Children and Youth Act*, *supra* note 195 at s 14(2)(a); and Manitoba's *The Advocate for Children and Youth Act*, *supra* note 141 at s 12.

play a 'knowledge mobilization' role in terms of ensuring that standards and practices are consistently applied/understood throughout the various jurisdiction and country, and act as a resource for Indigenous nations and communities to facilitate learning from each other.

Other important provisions

Senator Moodie's proposed Bill S-217 included provisions in the mandate of the Commissioner to promote the collective rights of Indigenous peoples, encourage maintenance of connections to culture, families, lands, waters, language, songs and stories, as well as encourage the implementation of Indigenous laws.[223] It would be worthwhile to emulate such provisions in legislation for the Advocate we are proposing. However, any Indigenous Process designed for accountability purposes needs to recognize the diverse legal traditions among Indigenous Nations.

The Yukon *Child and Youth Advocate Act* includes provisions stipulating that the Advocate should have knowledge of First Nations culture, traditions and beliefs, as well as knowledge about child and youth development and disabilities affecting children and youth.[224] A similar provision can be found regarding the Advocate's knowledge of Inuit culture in Nunavut's Act.[225] Alberta's child advocate legislation requires the child advocate to maintain a roster of Indigenous, Métis, and Inuit advisors.[226]

(2) A National Indigenous Child and Family Tribunal

The Advocate we propose above will provide badly needed oversight over the federal and provincial governments and play an essential role in safeguarding the rights of Indigenous children and families. However, as important as it is, given that government intransigence on services for Indigenous children and families is an ongoing problem, the Advocate will be ineffective if its recommendations on individual and systemic discrimination are only ever advisory without the possibility of being enforced through binding orders on governments.

In the choice between escalation by the Advocate to courts (which is the option in the case of the Official Languages Commissioner[227]) versus specialized tribunal, in the circumstances, we believe a specialized tribunal with the ability to have more informal procedures and rules around evidence, as well as more robust remedial powers, is preferable. Courts in Canada do not have the power to consider substantive equality and statutory human rights violations.[228] At best, they can consider violation of s. 15 of the *Charter* against government authorities in the context of a judicial review. In judicial review, the conduct of governments is most often assessed on the basis of reasonableness in accordance with the government authorities' statutory

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[223] Bill S-217, *supra* note 161 at s 11(1)(o)-(q).
[224] Newfoundland and Labrador's *Child and Youth Advocate Act, supra* note 202 at ss 4(5).
[225] Nunavut's *Consolidation of Representative for Children and Youth Act, supra* note 141 at s 6(1)(a).
[226] Alberta's *Child and Youth Advocate Act, supra* note 141 at s 9.4.
[227] *Official Languages Act*, *supra* note 198 at s 78(1).
[228] See *Seneca College v. Bhadauria,* [1981] 2 SCR 181; and *Honda Canada Inc. v. Keays,* 2008 SCC 39.

objectives.[229] The nature of these proceedings often results in significant deference shown to governments. Further, the lack of legislative frameworks in the context of services to Indigenous peoples can further up the level of deference courts will show the government.[230] For all these reasons, we believe the creation of a specialized tribunal is important and would be the optimal venue to hear matters relating to Indigenous children and families. As noted earlier, however, we do not intend to limit individual or group complainants to the Tribunal and think they should be able to choose between it and existing forums. Below, we suggest ways to improve access to justice in existing forums. Given the long history of non-existent or ineffective options, we believe Indigenous children and families would benefit from more avenues for vindicating their rights to substantive equality, not less.

The Tribunal's jurisdiction would be in relation to the same laws falling within the Advocate's mandate. While we generally recommend a Tribunal that is focused on Indigenous Child and Family issues, there has been recommendations and ongoing advocacy for a broader National Indigenous and Human Rights Tribunal that can adjudicate the gamut of disputes between Indigenous peoples and governments based on their Aboriginal rights and human rights, including all those rights protected under the *United Nations Declaration on the Rights of Indigenous Peoples*.[231] While we feel strongly that the proposed Advocate should be focused specifically on Indigenous children and family issues, we are less concerned about the complaints from the Advocate going to a Tribunal with broader jurisdiction, so long as the Tribunal is focused only on Indigenous matters, can bind both the provinces and governments, and has a sufficiently flexible process and robust remedies. Further, it is likely that a Tribunal that can provide broad remedies in *all* areas of the Crown-Indigenous relationship will avoid any potential jurisdictional gaps.[232]

In section 3(e), we explained our reasoning for why using the Canadian Human Rights Tribunal would not be an effective forum to adjudicate the issue we have identified in this report, since it cannot hear matters that simultaneously involve the provinces. We also think that the legislation creating the Tribunal (potentially the same legislation creating the Advocate) should impose a greater emphasis on ensuring those who adjudicate matters at the Tribunal have expertise in the discrimination issues faced by Indigenous children and families. In general, the qualifications of adjudicators of the Tribunal, terms of office, and further details about the

[229] See *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65.
[230] See Promislow & Metallic, *supra* note 6 at 104-108; see also Yellowhead Institute, "Looking for Cash Back in the Courts" (2021), *supra* note 6.
[231] MMIWG Final Report*, supra* note 73, Executive Summary, Call for Justice 1.7; see also Inuit Tapiriit Kanatami Position Paper – Establishing an Indigenous Human Rights Commission through Federal UN Declaration Legislation (2021).
[232] In *Canada (AG) v First Nations Caring Society of Canada et al*, 2021 FC 969, at paras 241-258, Flavel J. underscored the importance of general and broad remedial jurisdiction in order to remedy past and prevent future discrimination in relation to First Nations chldren and families. Linda Reif also emphasizes the importance of accountability mechanisms having broad jurisdiction due to the multifaceted and interrelated nature of matters, particularly as it relates to human rights: see v *supra* note 3 at 27, 77, 149, 251- 252 and 755.

Tribunal ought to be determined in discussion and cooperation with Indigenous groups, including Indigenous children and youth, as mentioned earlier.

As for the powers of the Tribunal, in general, we recommend similar procedural and remedial rules as those of the Canadian Human Rights Tribunal, perhaps with some adaptation to further facilitate effective resolution of complaints in the circumstances, including the powers to order costs against governments.[233] To ensure that the substantive equality rights of Indigenous children and families are vindicated, we believe it would be important for the Tribunal's power to grant the remedial orders be mandatory where discrimination is established.[234] Further, given the importance that supervisory jurisdiction has played in the *Caring Society* case, the power of the Tribunal to exercise this remedy ought to be made explicit. We also agree with the suggestion of the Caring Society that it would be important for the Tribunal to have the power to grant interim orders and make summary decisions in situations where there is a clear human rights violation, or in urgent circumstances.[235] The ability to incorporate Indigenous laws and legal procedures into the process should be made explicit. It would also be desirable to design child-informed and child-friendly procedures.[236]

Further advice on the design of such a Tribunal ought to be sought from those parties and other lawyers who have been involved in the *Caring Society* case. The Tribunal should also be designed to lessen the grounds upon which its decision can be reviewed.

Finally, we strongly recommend that this new Tribunal not be included within the schedule of federal administrative tribunals falling under the *Administrative Tribunals and Support Services of Canada Act*, SC 2014, c 20, s 36 (*ATSSCA*). The management of facilities and support services for federal tribunals under the jurisdiction of the Administrative Tribunals Support Services of Canada has been criticized as compromising the independence of federal tribunals, particularly those involving Indigenous issues.[237] Because the need for independence from the federal government is crucial for the mechanisms proposed in this report, the proposed Tribunal should not be included in the *ATSSCA*.

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[233] See Blackstock, *supra* note 75 at 299-300 on the need for reform in this area, as well as other further details of access to justice problems within the current CHRT process.

[234] For an example of this language, see s. 37(2) of the *Human Rights Code*, RSBC 1996, c 210

[235] Further suggestions made by the Caring Society for consideration include a one-way cost regime as is the case in American civil rights legislation. This might be especially important given the Supreme Court of Canada's decision in *Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2011 SCC 53, that powers to award costs soul be made explicit for human rights tribunals.

[236] See OHCHR: Access to justice for children, *supra* note 164, for standards and good practices for childrens' access to justice; Commissioner for Children and Young People Western Australia "National Principles for Child Safe Organizations WA: Guidelines, November 2019; Australian Government National Office for Child Safety prepared by the New South Wales Ombudsman's Office "Complaint Handling Guide: Upholding the rights of children and young people" 2019; New South Wales Office of the Advocate for Children and Young People "NSW Strategic Plan for Children and Young People – Consultation Results Report" May 2016, and Assembly of Seven Generations, *supra* note 7.

[237] See letter, "Independence of Specific Claims Tribunal", to Ministers McKay and Valcourt from the Canadian Bar Association, February 8, 2015.

(3) National Legal Services for Indigenous Children and Families

In addition to the Advocate and Tribunal described above, as long as federal and provincial governments have power and control over services for Indigenous children and families, and particularly as long as processes to access essential services remain individualized, there will be a continued need for advocacy and legal services. Indigenous children and families require access to knowledgeable advocates and lawyers who can support them in their attempts to access substantive equality in services from the federal and provincial governments, and in their interactions with child welfare systems. The power imbalance between individual children and families and the state makes advocacy essential for upholding the right to substantive equality and statutory human rights. These are complex areas that are challenging even for well-connected lawyers to navigate, as the story of Carolyn Buffalo-Jackson illustrates.[238] The specialized advocacy and support the Caring Society's staff and network of pro bono lawyers can provide in a limited number of cases is clearly needed but needs to be regularized and government funded on a national scale.

ISC funds Jordan Principle service coordinators from First Nations organizations to help children and families navigate the Jordan's Principle process. This is some recognition that Indigenous families and children need particular support in accessing services from the federal government. These positions are a good start because they help families navigate the process, but they are not able to provide deeper advocacy and legal support, which is essential.

As discussed in relation to accountability need #10, Indigenous children and their families experience significant barriers in accessing existing avenues to hold governments for violations of their rights to services, and the Caring Society and their pro bono lawyers have been assisting them informally on a shoe-string budget. There is a need for state-funded legal and advocacy support to be provided to Indigenous children and families to address the discrimination and breaches of the *Canadian Human Rights Act* found by the Canadian Human Rights Tribunal and prevent further discriminatory practices in the future as well as realize their rights to substantive equality and statutory human rights under human rights law, C92, *DISA* and international human rights instruments. This should include funding supports to navigate the different avenues for recourse, to filling forms, letter writings and speaking on their behalf, to pursuing ombuds, child advocate, human rights challenges (before the federal or provincial human rights commission, or the new Tribunal we are proposing) or judicial review in the courts.

The Supreme Court of Canada has held that parents living in poverty who face the prospect of losing their children in child protection proceedings have a right to state-funding for legal counsel.[239] This is because the stress, stigma and disruption of family life caused by the prospect of having the state take one's child engages a parent's right to security under s 7 of the *Charter* and also violates the parent's right to fair hearing if they do not have the opportunity to present their case effectively. Three judges also said that because single mother's are

[238] See "Buffalo v Canada – My Family's Fight for the Right for Noah to ride a bus to school," *supra* note 119.
[239] *New Brunswick (Minister of Health and Community Services) v. G. (J.),* , [1999] 3 SCR 46.

disproportionately impacted by child welfare proceedings, this also engaged equality protections that informed a finding of a *Charter* violation.

Arguing from analogy, we can argue that lack of effective representation in procedures (Jordan's Principle requests) that may eventually result in child apprehension (and the link between denial of services and child apprehensions in the First Nations context has been established by the *Caring Society* case) violates s 7 of the *Charter.* Further, the MMIWG National Inquiry Report also suggested that interjurisdictional neglect, delays and denials of services constituted a s 7 *Charter* violation.[240] On top of this, there is a s. 15 equality rights dimension here given the Indigeneity of the claimants. In our view, there is a strong *Charter* case for effective legal representation in Jordan Principle matters.

With respect to child welfare hearings, provincial legal aid plans in Canada can represent parents in provincial child welfare matters, however, applying for legal aid and qualifying based on an increasingly narrow income and other criteria, creates another barrier for many families. Legal aid providers may not have the specialized knowledge necessary for adequate representation, or the case may simply not meet the criteria set for legal aid (i.e. in some provinces, legal aid can only act for a parent after apprehension of a child, so a Jordan's Principle appeal for medical equipment or in-home support won't meet the threshold for representation). In addition, Indigenous care providers and communities now have rights to participate in child welfare hearings under C92,[241] and, to our knowledge, they are likely not covered under legal aid plans. However, without legal representation, they are likely not able to participate meaningfully in these proceedings. Again, based on the above-noted Supreme Court decision, there is a strong *Charter* argument for state-funded representation. Furthermore, as noted earlier, the guarantees of substantive equality in the exercise of the rights of children, their family members and communities in C92 suggest a positive obligation on governments to fund legal representation. Where there is some overlap with provincial Legal Aid, as noted earlier, duplication of provincial mechanisms is not a barrier and there are ways for bodies with similar functions to cooperate with each other.

This could take different forms. Ontario has the Office of the Children's Lawyer that is an independent law office that operates out of the Ministry of the Attorney General.[242] While such a model has promise, in the circumstances, we believe legal services situated outside government would be preferable. The Caring Society also recommended the Ontario Human Rights Legal Support Center or Ontario Specialty clinics as potential structures to look at to inspire the governance of this service.

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[240] MMIWG Final Report*, supra* note 73 at 567.

[241] *An Act respecting First Nations, Inuit and Métis children, youth and families, supra* note 98 at ss 12-13.

[242] Ontario Government, Office of the Children's Lawyer, online: https://www.ontario.ca/page/office-childrens-lawyer

A model we find particularly promising is the Legal Representation for Child and Youth (LRCY) branch of Alberta's Office of the Child and Youth Advocate (OCYA).[243] Like other child advocate offices, the advocate office is precluded from acting as legal counsel in their role.[244] In general, this avoids blurring lines between the investigative and persuasive functions of advocates[245] and adversarial advocacy. To avoid this blurring, but also equip children and youth with needed legal supports, Alberta's *Child and Youth Advocate Act* also gives the advocate the power to appoint lawyers to represent children with respect to a variety of legal matters that affect children in the province.[246] Based on this, the OCYA created the LRCY. The LRCY does not provide legal advice *directly*, but instead receives referrals from young people, caseworkers, courts, parents, foster parents, other caregivers and concerned individuals, appoints lawyers from a roster, sets and monitors service standards for lawyers, and pays lawyers for services provided.[247] For lawyers to be considered for membership on the LRCY roster they must, be lawyers in the province in good standing, have practiced in Alberta in the area of Family Law/Child Protection for a minimum of five years, be willing to be bound by LRCY's expectations and services standards, and submit a completed application and any additional information requested by the LRCY Manager.[248]

We believe a similar dual model to the Advocates and the LRCY, coordinated from the proposed Advocate, would be effective for several reasons. First, we expect the proposed Advocate would become highly visible to Indigenous peoples, therefore having the Advocate be a 'one-stop-shop' for information, complaints, and legal referrals increases accessibility. Second, the referrals branch of the Advocate will benefit from the knowledge and expertise of staff at the Advocate and this should inform the development of representation expectations and standards of the Advocate, as well as development of the lawyers' roster. Third, by building this into the infrastructure of the proposed Advocate, this does not rely on uncoordinated provincial legal aid offices nor requires separate legislation for the creation of a new national legal aid entity. Building and maintaining a national roster of lawyers would create much needed capacity and expertise for effective advocacy in these complex, under-served legal areas. Finally, the Advocate could collect national data on common themes and regional differences in legal

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[243] Office of the Child and Youth Advocate Alberta website, "About Legal Representation for Children and Youth," online:https://www.ocya.alberta.ca/adult/what-we-do/legal-representation-lrcy/about-lrcy/

[244] Alberta's *Child and Youth Advocate Act, supra* note 141 at 9(2)(c) and 11.

[245] The persuasive function is cooperative and flexible, which fosters consensus decision-making that works to modify thinking and behaviour leading to long-term and widespread change, see Reif, *supra* note 3 at 24, 25, 26; and Chartrand, *supra* note 5 at p. 17, 18, 24, 25. This function is often accompanied by an investigative function that allows for a thorough investigation, consideration of all perspectives and analysis of all the issues that ultimately enables a more informed and reasoned approach to recommendations and decisions, see Reif, *supra* note 3 at p. 25, 49, 50. The inclusion of an adversarial function could significantly affect the strengths of these other functions.

[246] See Alberta's *Child and Youth Advocate Act, supra* note 141 at s 9(2)(c) and *Child and Youth Advocate Regulation*, Alta Reg 53/2012, s 1.1(1).

[247] See "About Legal Representation for Children and Youth," *supra* note 243.

[248] Office of the Child and Youth Advocate Alberta website, "How To Get On The Roster," online: https://www.ocya.alberta.ca/adult/what-we-do/legal-representation-lrcy/how-to-get-on-the-roster/

cases, which would in turn help identify inadvertent barriers, helpful solutions, educational needs and potential subjects for systemic policy reforms.

Recommendations

It is our conclusion that the history of overrepresentation of Indigenous children in state care, particularly the role of interjurisdictional wrangling between the federal and provincial governments over essential services to Indigenous children and families, which continues up to the present (see Part 1), creates accountability needs (see Part 2) which necessitate significant action to be taken by the government of Canada in order to create meaningful and effective accountability.

Primary Recommendation:

We recommend three mechanisms external to the government of Canada to ensure true accountability. We believe all three of these mechanisms must:

- Be set out in federal legislation and not simply created by the executive, in order to ensure independence from government and the greatest degree of oversight and accountability. Further, the three interconnected mechanisms we proposed could be addressed in one statute.

- Be specific to the interest and rights of Indigenous children and families (and not wrapped into a broader mechanism.

- Apply to all Indigenous children and families, not just First Nations on reserve (e.g., non-status First Nations, off-reserve, Métis and Inuit). Such an inclusive approach prevents repeating exclusions of the past. Instead of treating all Indigenous peoples identifically, as a pan-Indigenous approach seeks to do, an inclusive approach, while recognizing all Indigenous peoples are worthy of human rights protection, acknowledges there can be differences between different sub-groups that need to be accommodated.

- Apply to conduct of both federal and provincial governments, which Canada has the constitutional jurisdiction to legislate pursuant to s 91(24) of the *Constitution Act, 1982*.

The three mechanisms are:

1. A **National Indigenous Children and Families Advocate**, which would be based on the thematic ombuds model of a child and youth advocate office, but also with specific jurisdiction to oversee governments' delivery of services to Indigenous children and families in accordance with Jordan's Principle, their right to substantive equality in statutory human rights instruments and other relevant laws and international requirements (C-92, DISA, UNDRIP, CRC, etc), as well as implementation of child welfare legislation and policy. To be effective this Advocate should:

    a. Have oversight over:

        i. Canada's implementation of Jordan's Principle;

ii. Canada's long-term reform of child welfare, including C92 implementation;

iii. Canada's implementation of substantive equality in relation to all services impacting on Indigenous Children and Families;

iv. Federal-Provincial cooperation in servicing Indigenous Children and Families;

v. Education for federal and provincial government actors involved in child welfare services;

vi. Provincial governments' implementation of substantive equality in relation to all services impacting on Indigenous Children and Families; and

vii. Child provincial welfare agencies, including their implementation of C92 (not including self-governing Indigenous Governing Bodies except with their consent).

b. Assess governments' obligations in relation to Jordan's Principle and substantive equality (protected under each government's human rights legislation and the *Charter*), C-92 and international instruments such as United Nations Declaration on the Rights of Indigenous Peoples, the Conventions with Rights of the Child, and the Convention of Rights of Persons with Disabilities.

c. Scrutinizes governments' distinctions-based approach in relation to the need for equitable services on the grounds of the various subcategories of Indigeneity governments have relied on in the past to make distinctions (non-status, off-reserve, Metis, Inuit, etc.) as *prima facie* discrimination.

d. Have the power to investigate individual, group and community complaints, as well as institute own-motion investigations, including into systemic issues.

e. Have robust investigative powers to collect and compel necessary information from government parties to effectively respond to the different types of complaints as well as to be able to effectively conduct systemic oversight.

f. Conduct research and hire experts in conducting systemic inquiries.

g. Be mandated to meet with children and youth and ensure their voices are heard in the work of the Advocate's Office.

h. Attempt to facilitate resolution of complaints through informal and confidential means. Such methods for resolving disputes should draw on Indigenous laws and the dispute resolution processes where possible. This would not prevent reporting and recommendations.

i. Providing a "one stop shop" that can support Indigenous children, youth and their families in navigating the different accountability mechanisms that exist. This is not intended to limit peoples' options for resolving complaints through other mechanisms. It is our hope that an individual or group might start with the Advocate to seek informal resolution or, at the least, obtain information to navigate their options, and possibly be connected with legal support if necessary

(we explain this further below with our third mechanism, National Legal Services for Indigenous Children and Families).

j. Have the power to make recommendations to governments, and to escalate these recommendations to higher levels (up to and including the Tribunal) if recommendations are not reasonably acted upon.

k. Report annually to Parliament on its activities, as well as make special reports commenting on any matter within the scope of its powers that it deems appropriate.

l. Intervene in any adjudicative proceedings relating to the jurisdiction of the Advocate.

m. Educate the public and federal and provincial civil servants, and those involved in child welfare matters, about the right to substantive equality and Jordan's Principle, of Indigenous children and families, as well as their rights within child welfare matters, including under C92.

n. Play a 'knowledge mobilization' role in terms of ensuring that standards and practices are consistently applied/understood throughout the various jurisdiction and country, and act as a resource for Indigenous nations and communities to facilitate learning from each other.

o. Promote connections to culture, families, lands, waters, language, songs and stories, as well as encourage the implementation of Indigenous laws in the work of the Advocate.

Beyond these requirements, further details about the Advocate (composition, qualifications, terms, staff, etc.) ought to be determined in discussion and cooperation with Indigenous groups, including Indigenous children and youth, the Caring Society and the pro bono lawyers who have been supporting it. We further suggest that, in the actual development of the enabling legislation, further expert advice be sought to recommend specific statutory language.

2. A **National Indigenous Child and Family Tribunal** with the power to hear complaints (individual, group, community or systemic). To be effective, the Tribunal <u>should</u>:

a. Have the power to issue binding orders against both the federal and provincial governments and their public servants and agencies.

b. Have the powers to craft its own procedures and rules of evidence that are more flexible than the courts, including child-informed and child-friendly procedures, and the incorporation of Indigenous law and legal procedures into the process.

c. Be mandated to issue remedial orders where discrimination is established.

d. Have extensive remedial powers, including powers to grant interim orders and make summary decisions, as well as the power to exercise supervisory jurisdiction made explicit.

e. Be composed of adjudicators with expertise in the discrimination issues faced by Indigenous children and families.

Beyond these requirements, further details about the Tribunal (composition, qualifications, terms, staff, etc.) ought to be determined in discussion and cooperation with Indigenous groups, including Indigenous children and youth, including parties and lawyers that have been involved in the Caring Society case.

The creation of a Tribunal with a focus on Indigenous child and family issues is critical to support the work of the proposed Advocate. Should Canada eventually implement recommendations from the MMWIG National Inquiry and others to create a National Indigenous and Human Rights Tribunal, we think this body could equally support the work of the Advocate, so long as the Tribunal is focused only on Indigenous matters, can bind both the provinces and governments, and has a sufficiently flexible process and robust remedies. However, until such time as a National Indigenous and Human Rights Tribunal, there needs to be a National Indigenous Child and Family Tribunal.

Finally, to ensure the utmost independence from the federal government, the proposed Tribunal should not be included within the schedule of federal administrative tribunals falling under the *Administrative Tribunals and Support Services of Canada Act*, SC 2014, c 20, s 36

3. **National Legal Services for Indigenous Children and Families** to provide Indigenous children and families with state-funded access to knowledgeable lawyers who can support them in their attempts to access substantive equality in services from the federal and provincial governments, and in their interactions with child welfare systems. The power imbalance between individual children and families and the state makes advocacy essential for upholding substantive equality and human rights. To be effective, these services <u>should</u>:

    a. Include funding support from filling forms, letter writings and speaking on their behalf, to pursuing existing Ombuds, Child Advocate, human rights processes (before the federal or provincial human rights commission, or the new Tribunal we are proposing) or judicial review in the courts.

    b. Take the form of a legal referral service housed in the proposed Advocate (similar to the Legal Representation for Child and Youth branch of Alberta's Office of the Child and Youth Advocate). This includes:

        i. The Advocate's Office has the power to refer children and families to lawyers and appoint lawyers to represent them to access substantive equality in services from the federal and provincial governments, and in their interactions with child welfare systems.

        ii. The lawyers appointed would be from a roster maintained by the Advocate. To get on the roster, lawyers would have to meet standards

and expectations set by Advocate (e.g., practice experience, years at the bar of a province, knowledge of Indigenous communities, etc.).

Additional Recommendations:

We believe all three mechanisms we have outlined can and should be legislated within one federal statute.

This federal statute, and the details of these 3 mechanisms should be co-developed in partnership with the AFN, the Caring Society and the Assembly of Seven Generations, and with broad and robust consultation with Indigenous children, youth and families, knowledge holders across all regions of Canada.

In the interim, and in addition to this external mechanism, as discussed in more detail above in Part 3(a), we recommend the following internal steps that ISC could take immediately to address some of the ongoing issues:

- Continue and increase activities such as staff training, internal audits, dispute resolution mechanisms and reporting,
- Create a Code of Ethics and Network Panel[249] as a framework for funding community-based youth organizations,
- Put in place internal human rights champions who are responsible for engaging with service coordinators and Indigenous children, families and communities to review and evaluate ISC processes, and advocate for changes to ensure compliance with principles of substantive equality;
- Review all Jordan's Principle requests, including those with inadequate documentation, to identify where ISC can reduce demands for documentation to a minimal data set, particularly for services commonly approved or falling within the "normative standard of care.'
- Reverse the onus of who has to establish how the requested service meets the standard of substantive equality, by requiring ISC staff to identify and give written reasons as to where and why they believe a specific request does not fall within that standard, prior to claimants ever being asked to explain how their request falls within this.
- Create and use confidential release forms, that, with the consent of Indigenous children and families, give their third party representatives access to information in order to advocate and support clarification, claims and/or appeals; and
- Fund the advocates or lawyers who are supporting the ad hoc advocacy work of the Caring Society in the interim.

[249] See Assembly of Seven Generations, supra note 7 at 6, 7, 26.

Finally, to be clear that we are not proposing the 3 accountability mechanisms we have outlined to be exclusive mechanisms. We do not intend that once developed, Indigenous children, families and communities would be precluded from accessing the existing (albeit imperfect) infrastructure that we seek to supplement. Given the history of systemic discrimination against Indigenous children and families discussed in Part 1, we feel strongly that Indigenous children and families should have more avenues for vindicating their rights to substantive equality, not less. Accordingly, along with our recommendations above, we encourage Canada, in the enabling legislation to create the mechanisms below, to include the following provisions in order improve access to existing mechanisms:

- A provision giving courts hearing matters touching on Jordan's Principle or the substantive equality rights of Indigenous children and familes, the ability to address such discrimination. For example, section 46.1 of the *Ontario Human Rights Code* contains such a provision.[250]

- Even leaving aside the jurisdictional issues in judicially reviewing Jordan's Principle claims in Part 3(e) above, there remain several challenges for Indigenous children and families to bring successful judicial review proceedings in the courts. One challenge is lack of clear legislated references standards courts can use to review governments' interactions with Indigenous children.[251] While *DISA* and C92 now provide reference standards to applicable to some decision-makers, given the gravity of discrimination against First Nations' children in *Caring Society v. Canada,* a more universal standard, applicable to all decision-makers may be called for. This could be effectuated through a clause in the proposed legislation stating: "The best interests of the child must be the paramount consideration in all decisions impacting Indigenous children. The unique cultural, historical, and geographic strengths, needs and circumstances must be considered as part of the best interests of the child."

- To avoid closing any legal doors for potential complainants, including to existing human rights commission and tribunals, it would be important to include a specific provision to neutralize provisions commonly found in human rights statutes requiring the complainants to exhaust alternative grievances or review procedures reasonably available.[252] This provision could read as follows "Nothing in this Act shall be construed so as to abrogate or derogate from the rights provided for under the *Canadian Human Rights Act*, any provincial human rights statute or provincial child advocate or ombuds state." A similar provision appears in the *Canada Labour Code*.[253]

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[250] *Human Rights Code,* RSO 1990, c H.19, s. 46.1.
[251] See Promislow & Metallic, *supra* note 6 at 101-108; see also Naiomi Metallic, "Deference and legal frameworks not designed by, for or with us," Paul Daly - Administrative Law Matters, February 27, 2018.
[252] For example, s. 41(1)(a) of CHRA, supra note 194, states: "...the Commission shall deal with any complaint filed with it unless in respect of that complaint it appears to the Commission that (a) the alleged victim of the discriminatory practice to which the complaint relates ought to exhaust grievance or review procedures otherwise reasonably available;..."
[253]Canada Labour Code, RSC 1985, c L-2 at s. 123.1

Conclusion

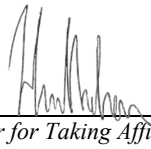
In identifying the accountability problems to be addressed by an accountability mechanism for this report, we have looked thoroughly at the context of a "one of the worst possible cases" of racial discrimination, that has deeply and irrevocably harmed multiple generations of Indigenous children and families. We have also reviewed features of effective accountability mechanisms that can contribute to the imperative work of bringing an end to these ongoing harms.

There has been progress, and genuine work toward internal, policy and even legislative reform. However, there is much work to be done and many of the reforms that Canada has unilaterally implemented have been inadequate to stymy ongoing substantive equality and statutory human rights violations. The vast majority of meaningful reforms to date have occurred since the Tribunal issued its 2016 Main Decision and retained supervisory jurisdiction.

There will come a day, when the Tribunal will relinquish jurisdiction over the case. Given the very long history of systemic discrimination against Indigenous people by the government in Canada, particularly in the area of service delivery, it will be important to have alternative accountability mechanisms in place. We have set out 3 that, together, we believe will practically address the accountability problems that have facilitated one of the worst possible cases of racial discrimination in Canadian history for over half a century. There are also internal steps ISC can take in the interim, and in addition, to external legislated accountability mechanisms.

The Assembly of Seven Generations report clearly emphasized that "Indigenous youth and children deserve accountability and responsibility from the federal government, as well as all levels of government." As Cindy Blackstock says, once we know better, we need to *do* better. We hope and believe a new and better chapter has begun and can be created for present and future generations. Accountability is an essential aspect of this. Indigenous children, youth and families deserve nothing less.

This is Exhibit "43" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

CALL FOR JUSTICE 1.7 FINAL REPORT

Prepared for The Honourable Gary Anandasangaree
Minister of Crown-Indigenous Relations
and Northern Affairs Canada

Ministerial Special Representative
Jennifer Moore Rattray, BA, MPA, ICD.D

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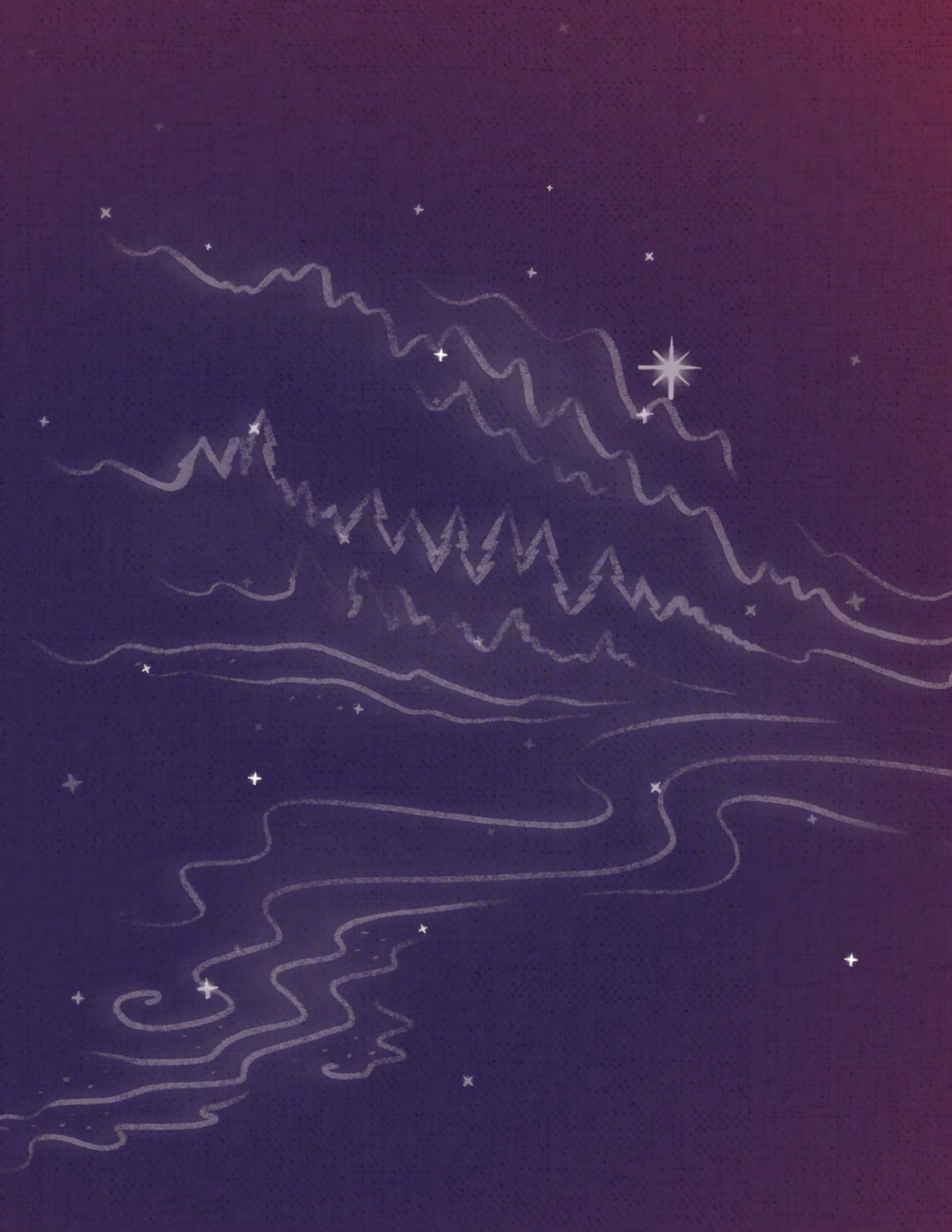

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INTRODUCTION

The National Inquiry into Missing and Murdered Indigenous Women and Girls published its Final Report in 2019, including 231 Calls for Justice intended to address the root causes that sustain violence against First Nations, Inuit, and Métis women, girls, two-spirit and gender-diverse people. As the National Inquiry emphasized,

"The steps to end and redress this genocide must be no less monumental than the combination of systems and actions that has worked to maintain colonial violence for generations."

Among them, Call for Justice 1.7 calls on the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal.

The Calls for Justice, more broadly, align with the stated principles articulated by the Government of Canada. As the Prime Minister of Canada, the Right Honourable Justin Trudeau, stated on National Indigenous Peoples Day in 2017:

"No relationship is more important to Canada than the relationship with Indigenous Peoples… We are determined to make a real difference in the lives of Indigenous Peoples – by closing socio-economic gaps, supporting greater self-determination, and establishing opportunities to work together on shared priorities."

In addition, the mandate letter[1] for the department of Crown-Indigenous Relations and Northern Affairs directing the Minister to implement the United Nations Declaration on the Rights of Indigenous Peoples and to work in partnership with Indigenous Peoples to advance their rights also notes that "reconciliation cannot come without truth and our Government will continue to invest in that truth. As Ministers, each of us has a duty to further this work, both collectively and as individuals."

Noting the **"profound systemic inequities and disparities that remain present in the core fabric of our society, including our core institutions,"** the mandate letter specifically identifies the implementation of the 2021 Federal Pathway to Address Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ People[2] and advancing the 2021 National Action Plan as key priorities.

In fulfilment of this mandate, in January of 2023, the Government of Canada organized an inaugural National Roundtable[3] of Indigenous Leaders and Representatives and Federal-Provincial-Territorial Ministers on Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ People. At the roundtable, the federal Minister of Crown Indigenous-Relations and Northern Affairs Canada (CIRNAC) announced the appointment of a Ministerial Special Representative to provide advice and recommendations on the implementation of Call for Justice 1.7, and specifically the creation of an Indigenous and Human Rights Ombudsperson.

The Ministerial Special Representative acknowledges the leadership of The Honourable Gary Anandasangaree, Minister of Crown-Indigenous Relations, who is responsible for carrying the work on Call for Justice 1.7 forward. The Ministerial Special Representative also acknowledges the leadership of The Honourable Marc Miller, former Minister of Crown-Indigenous Relations and current Minister of Immigration, Refugees and Citizenship, for recognizing the importance of and initiating the work on Call for Justice 1.7. Support from the Office of the Minister of Crown-Indigenous Relations and the department is also gratefully acknowledged, as is the dedication of the MMIWG Secretariat.

The Ministerial Special Representative reports directly to the Minister and is independent of the federal bureaucracy, with a mandate to meet with national and regional Indigenous organizations, as well as existing government accountability entities, federal government departments, and provincial and territorial lead departments for Missing and Murdered Indigenous Women, Girls, Two-Spirit and Gender-Diverse People (MMIWG2S+) to gather information and provide advice and recommendations on the way forward.

This report represents meetings, including engagements and validations with First Nations, Inuit, and Métis organizations and governments, Indigenous women's organizations, those dedicated to (MMIWG2S+), and urban, rural, and northern Indigenous organizations, all of which include families and survivors, to further explore the urgent need for, and implications deriving from, Call for Justice 1.7. Advice and recommendations on the creation of a National Indigenous and Human Rights Tribunal are outside the scope of the mandate of the Ministerial Special Representative.

As the engagements made clear, a new Indigenous-specific human rights institution is required to advance the fulfilment of the rights of First Nations, Inuit, and Métis Peoples, and specifically of Indigenous women, girls, and 2SLGBTQQIA+ (two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, plus the many other affirming ways people choose to self-identify) people, wherever they reside and regardless of status.

AN URGENT NEED FOR ACTION AND ACCOUNTABILITY

Family members who have lost loved ones and Indigenous advocates expressed very clearly throughout the National Inquiry and the engagement process on Call for Justice 1.7 that they believe there has been **little action compounded by a lack of accountability**. They have shared that striking committees does not constitute action. Continuous consultation does not constitute action. Words filled with good intentions do not constitute action. A recent comprehensive review of progress on the Calls for Justice by CBC[4] determined that **only two of 231 Calls for Justice are complete**, and more than 50 per cent have not been started. First Nations, Inuit, and Métis people reiterated throughout the engagement process that work on the remaining 231 Calls for Justice must begin, and not wait for Call for Justice 1.7 to be implemented.

The Royal Commission on Aboriginal Peoples,[5] Aboriginal Justice Inquiry,[6] Truth and Reconciliation Commission of Canada,[7] and National Inquiry[8] all speak in broad terms about systemic change and in some cases, more specifically about the need for accountability. The Aboriginal Justice Inquiry of Manitoba (AJI) was established in 1988 to inquire into the circumstances surrounding the murder of Helen Betty Osborne and the shooting of J.J. Harper by the Winnipeg Police Service. On the issue of accountability, the AJI noted that not only has the justice system failed Indigenous people – it has denied them justice at all. In the Royal Commission on Aboriginal People (RCAP), which reported in 1996, Commissioners noted the importance of rebalancing political and economic power to support reparation and accountability. More than 25 years since the RCAP released its report, calls for a separate Auditor-General responsible to Indigenous Peoples have not been fulfilled.

Amnesty International's 2004 report Stolen Sisters: A Human Rights Response to Violence and Discrimination against Indigenous Women in Canada,[9] and British Columbia's 2012 FORSAKEN - The Report of the Missing Women Commission of Inquiry,[10] are two reports foundational to documenting and raising awareness of the rights violations, discrimination, and violence that leads to Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People. In the final report of the Truth and Reconciliation Commission of Canada (TRC),[11] published in 2015, Survivors demanded accountability and issued 94 Calls to Action[12] – most of which, by external reporting and assessment, have not been fulfilled[13]. As a report[14] by the Yellowhead Institute has noted, "[H]ealing can only come after the truth, and justice and accountability for what happened to the children are essential to the process" (p. 39).

All of these reports, as noted in the National Inquiry's Interim Report, conclude that the solutions to ending violence must be led by self-determining Indigenous people, communities and Nations, and be inclusive of family members and survivors[15]. The Truths in these reports, including the final report of Quebec's Viens Commission[16], compels a legal responsibility to change – nothing less than transformational change – which includes structures to support accountability.

We need more than symbolism, we need structural change, enough is enough.

Work that directly responds to MMIWG2S+ is critical and we can no longer wait for systems change while Indigenous women continue to lose their lives. Immediate solutions must be implemented to mitigate this crisis.

THE CONTEXT FOR CALL FOR JUSTICE 1.7

Well documented gaps[17] in life expectancy, health outcomes, education, income, and almost every other metric are evidence that existing human rights protection mechanisms are not enough to protect the rights of First Nations, Inuit, and Métis Peoples, and specifically of Indigenous women, girls, and 2SLGBTQQIA+ people[18]. The issue of MMIWG2S+, reinforced by statistics from the Canadian Femicide Observatory for Justice and Accountability[19] at the University of Guelph and others, emphasizes the disproportionate nature of the violence. As these realities make clear, and as found by the National Inquiry into Missing and Murdered Indigenous Women and Girls,[20] racism, patriarchy, misogyny, and discrimination are entrenched in our systems and structures, and the cumulative effect is genocide.

The National Inquiry into Missing and Murdered Indigenous Women and Girls began its work in 2016, based in part on the TRC's Call to Action 41.2, which directed the federal government to establish a public inquiry into "the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls" given the "sweeping history" of violence noted in the TRC's Legacy volume. In tandem, decades of work by family members and survivors still searching for justice spurred the process that would unfold. The mandate of the National Inquiry was broad and complex, including reporting on the systemic causes of all forms of violence against Indigenous women and girls, including sexual violence, and examining the underlying social, economic, cultural, institutional, and historical causes that contribute to the ongoing violence experienced by First Nations, Inuit, and Métis women and girls in Canada.

Based on its Truth-Gathering process, which included nearly 3,000 people testifying and sharing their experiences through community hearings, statements, guided dialogues, the Legacy Archive, and via Parties with Standing, as well as dedicated workshops to co-develop Calls for Justice with those most impacted, the National Inquiry developed Call for Justice 1.7 because **families and survivors told the Inquiry that there was no simple, barrier-free, trauma-informed way for them to address inequities in government programs and services that result in rights violations**.

In response to the National Inquiry's Final Report, the Government of Canada prepared its own response: The Federal Pathway,[21] the government's contribution to the National Action Plan. It outlines the government's commitments to end violence against Indigenous women, girls, and 2SLGBTQQIA+ people. It identifies accountability as a key priority through health and justice.

As part of the larger whole, the Federal Pathway is intended to contribute to the 2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan, co-developed in collaboration with the National Family and Survivors Circle and contributing partners. This plan more directly addresses the importance of Call for Justice 1.7 and of accountability more generally. As an example, a pillar of the National Family and Survivors Circle is accountability to ensure that the recommendations and calls made over decades and by the National Inquiry are implemented in full. As noted in its preamble to this document, "The process and outcomes must have accountability mechanisms in place to measure transformative change."[22] Further, one of the central goals of the National Action Plan, as well as a listed short-term priority, includes **the development of a national Indigenous human rights accountability mechanism focused on Indigenous human rights** that include inherent, Treaty, and Constitutional rights, which also relates to Call for Justice 1.7. The National Action Plan calls for oversight bodies, such as an Indigenous Ombudsperson, Human Rights Tribunal, or civilian police oversight bodies

to represent the interests of families, survivors, and communities by investigating and addressing complaints of maladministration or violation of rights.

The MMIWG2S+ Urban Indigenous Action Group and the 2SLGBTQQIA+ Committee National Action Plans outline unique jurisdictional challenges including erasure of rights, along with opportunities and solutions in the urban context, which must be considered in the work of an Ombudsperson.

As previous work clearly asserts, this issue is both about accountability and about Indigenous and human rights. All human beings have **human rights**. First Nations, Inuit, and Métis Peoples also have inherent, collective **Indigenous rights** that flow from being the Original People of the land now known as Canada, and within these collective rights includes the legal acknowledgement of Indigenous women as individual rights holders. This includes the right to independence through self-determination in areas such as governance, land, resources, and culture. Indigenous rights, laws, and legal traditions are recognized by Section 35 of the Constitution Act, 1982[23] and repeatedly affirmed by the Supreme Court of Canada, as are Treaty rights.

Despite new and broader commitments such as the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA),[24] a legal source for the interpretation of the United Nations Declaration on the Rights of Indigenous Peoples within Canadian law, the rights of Indigenous peoples are not always recognized or respected by governments even with expensive, time consuming, legal action. Among its provisions, UNDA commits Canada to exploring, in consultation and cooperation with First Nations, Inuit, and Métis Peoples, measures related to monitoring, oversight, recourse, or remedy or other accountability measures that will contribute to the achievement of those objectives.

"Huge. 1.7 is just so big."

"This has the potential to alleviate suffering."

"A very good and reasonable option."

"History will make this right all the way."

CALL FOR JUSTICE 1.7

We call upon the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal.

The ombudsperson and tribunal must be independent of governments and have the authority to receive complaints from Indigenous individuals as well as Indigenous communities in relation to Indigenous and human rights violations, and to conduct thorough and independent evaluations of government services for First Nations, Inuit, and Métis people and communities to determine compliance with human and Indigenous rights laws.

The ombudsperson and the tribunal must be given sufficient resources to fulfill their mandates and must be permanent.

KEY MEETINGS AND ENGAGEMENTS

The scheduling of meetings and engagement began on April 3, 2023, and included primarily virtual discussions with **more than 600 people representing more than 125 organizations and governments** including national and regional Indigenous organizations, as well as a number of existing government accountability entities, federal government departments, and provincial and territorial MMIWG2S+ lead departments. An initial contact list was provided by the CIRNAC MMIWG Secretariat, and individuals and organizations were added as suggested by meeting participants, within the time constraints of the mandate.

The majority of meetings and engagements involved small groups of people to allow for substantive discussion lasting up to two and a half hours at a time. Initial meetings and engagements were followed by validation meetings with Indigenous organizations and governments to confirm and evolve the co-developed recommendations. Meetings with Indigenous organizations and governments included impacted family members.

All insights in this report come from the guidance and advice of families and survivors, and First Nations, Inuit, and Métis leaders and citizens who shared their time, their Truths, and their expectation that there will be accountability and change.

In addition, many people from non-Indigenous accountability entities and governments also generously shared their perspectives. The self-reflection, honesty, and desire to contribute to change is deeply valued and appreciated.

National Indigenous Organizations

- Assembly of First Nations – Women's Council
- Inuit Tapiriit Kanatami
- Métis National Council
- Native Women's Association of Canada and affiliated women's organizations
- Pauktuutit Inuit Women of Canada
- Infinity Women Secretariat
- National Association of Friendship Centres including representatives from the Friendship Centre network of centres and provincial-territorial associations
- Congress of Aboriginal Peoples
- 2 Spirits in Motion Society
- MMIWG2S+ Urban Action Group – National Action Plan
- National Family and Survivors Circle – National Action Plan including individual meetings with circle members
- 2SLGBTQQIA+ Committee – National Action Plan
- Les Femmes Michif Otipemisiwak

**preliminary meetings*

Regional Indigenous Organizations

**in alphabetical order*

- Aboriginal Women's Association of PEI
- Amautiit Nunavut Inuit Women's Association
- Assembly of First Nations Quebec – Labrador
- BC First Nations Leadership Council – BC Assembly of First Nations, First Nations Summit, Union of British Columbia Indian Chiefs
- BC MMIWG2S+ Coalition including representation from family members, Amnesty International, BC Assembly of First Nations, BC Coastal Health, BC Family Services, BC Federation of Labour, BC First Nations Justice Circle, BC Native Women's Association, Downtown Eastside Women's Centre, First Nations Summit, Native Courtworker and Counselling Association of BC, Tears to Hope Society, Union of British Columbia Indian Chiefs, Vancouver Aboriginal Community Policing Centre, and West Coast Leaf
- British Columbia Native Women's Association
- Downtown Eastside Women's Centre
- Esquao Institute for the Advancement of Aboriginal Women
- Giganawenimaanaanig Manitoba MMIWG2S+ Implementation Committee including representation from family members, City of Winnipeg, Infinity Women Secretariat, Ka Ni Kanichihk, Ma Mawi Wi Chi Itata Centre, Manitoba Keewatinowi Okimakanak, Manitoba Moon Voices, Province of Manitoba, Southern Chiefs' Organization, The Pas Family Resource Centre, Tunngasugit, University of Manitoba, and Wahbung Abinoonjiiag
- Indigenous Women of the Wabanaki Territories
- Inuvialuit Regional Corporation
- Manitoba Moon Voices Inc.
- Métis Nation of Alberta
- Métis Nation of BC
- Native Women's Association of the NWT
- Native Women's Shelter of Montreal
- New Brunswick Aboriginal Peoples Council
- Newfoundland and Labrador and Nunatsiavut regional MMIWG2S+ leaders including representation from family members, the AnânauKatiget Tumingit Regional Inuit Women's Association and Newfoundland Aboriginal Women's Network
- Ontario Native Women's Association
- Prince Edward Island regional MMIWG2S+ leaders including representation from the Mi'kmaq Confederacy of PEI and the Native Council of PEI
- Quebec Native Women / Femmes Autochtones du Quebec
- Saskatchewan regional Indigenous organizations and MMIWG2S+ leaders including representation from family members, Aboriginal Friendship Centres of Saskatchewan, Central Urban Métis Inc., Federation of Saskatchewan Indigenous Nations, Iskwewuk E-wichiwitochik (Women Walking Together), Métis Nation of Saskatchewan, Saskatchewan First Nations Women's Commission, and 2 Spirits in Motion
- Women of the Swift Flowing River Cultural Network Inc.
- Yukon regional MMIWG2S+ leaders including representation from family members, the Liard Aboriginal Women's Society, Yukon Advisory Council on Women's Issues, and Whitehorse Aboriginal Women's Circle
- 2SLGBTQQIA+ regional leaders including representation from the Edmonton 2 Spirit Society and the Manitoba Metis Federation Two-Spirit Michif Local

Accountability Entities

**in alphabetical order*

- Auditor General of Canada
- British Columbia Ombudsperson
- Canadian Association of Statutory Human Rights Agencies (Human Rights Commissioners and Commissions from 12 provinces and territories)
- Canadian Council of Parliamentary Ombudsman (Ombudspersons from 12 provinces and territories)
- Canadian Human Rights Commission
- Chief Coroners and Medical Examiners from across Canada
- Civilian Review and Complaints Commission for the RCMP
- Federal Ombudsperson for Victims of Crime
- Forum of Canadian Ombudsman (membership includes a broad range of Ombudspersons from across Canada)
- Indigenous Services Canada Internal Ombudsperson
- Manitoba Ombudsman
- Ontario Chief Coroner

Federal Government Departments and Entities

**in alphabetical order*

- Assistant Deputy Minister Steering Committee on MMIWG 2SLGBTQQIA+
- Correctional Service Canada – Indigenous Corrections
- Crown-Indigenous Relations and Northern Affairs Canada
- Indigenous Services Canada
- Justice Canada – Indigenous Rights and Reconciliation
- MMIWG2S+ Federal-Provincial-Territorial Working Group
- Public Safety Canada
- RCMP Indigenous Policing and Crime Prevention

Provincial and Territorial Government MMIWG2S+ Lead Departments and Councils (as identified by provinces and territories)

**in alphabetical order*

- Alberta – Minister of Indigenous Relations and Director of Indigenous Relations
- Alberta Premier's MMIWG2S+ Advisory Council
- British Columbia – Assistant Deputy Minister of Community Safety and Assistant Deputy Minister of Crime Prevention and Justice Services
- Manitoba – Minister of Families, Minister of Housing, Addictions and Homelessness, and Deputy Minister of Indigenous Reconciliation and Northern Relations
- New Brunswick – Acting Assistant Deputy Minister of Women's Equality
- New Brunswick Advisory Committee on Violence Against Indigenous Women, Girls and 2S+ People
- Newfoundland and Labrador – Assistant Deputy Minister Justice and Public Safety
- Northwest Territories – Deputy Secretary to Cabinet
- Nova Scotia – Office of L'nu Affairs and Intergovernmental Affairs
- Nunavut – Minister of Family Services, Status of Women, Homelessness and Poverty Reduction
- Ontario – Minister of Community and Children, Assistant Minister of the Office of Women's Social and Economic Opportunity, Assistant Deputy Minister of the Office of Women's Issues, Assistant Deputy Minister of Indigenous Affairs and staff
- Ontario Indigenous Women's Advisory Council – Anishinabek Nation, Association of Iroquois and Allied Indians, Chiefs of Ontario, Independent First Nations, Nishnawbe Aski Nation, Ontario Federation of Indigenous Friendship Centres, Ontario Native Women's Association, Ontario Office of Women's Social and Economic Opportunity Province of Ontario, and Six Nations of the Grand River

- Prince Edward Island – Executive Council Office Indigenous Relations Secretariat
- Quebec – Indigenous Affairs Secretariat and Office of the Minister Responsible for First Nations and Inuit Relations
- Saskatchewan – Assistant Deputy Attorney
- Yukon – Minister responsible for Women and Gender Equity and Women and Gender Equity Directorate
- Yukon Advisory Committee Accountability Forum on MMIWG2S+
- Yukon Advisory Council on Women's Issues – MMIWG2S+ family representative, Liard Aboriginal Women's Society, Minister responsible for Women and Gender Equity, Yukon Aboriginal Women's Council, Yukon First Nations, and Whitehorse Aboriginal Women's Circle

Legal and Rights Experts

- Mrs. Sophie Marchildon, LLB., LLM, Administrative Judge and Mediator at the Canadian Human Rights Tribunal
- Indigenous legal scholars

Other

- Presentation to the Standing Senate Committee on Indigenous Peoples (APPA)
- National Council of Women of Canada

** a small number of organizations did not respond to invitations to meet*

“We are not being taken seriously. It is frustrating, insulting, and exhausting.

If women go missing, generations are wiped out.”

As those engaged through this process made clear, Indigenous people in Canada, and Indigenous women, girls, and 2SLGBTQQIA+ people are living in a **state of emergency**. Indigenous women, girls, two-spirit, and gender-diverse people continue to go missing and are murdered in an unabated and ongoing epidemic of violence. The root causes of these murders and disappearances, as identified in the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, include unresolved intergenerational and multigenerational trauma, social and economic marginalization, a lack of will by governments resulting in maintaining a status quo that includes system racism and oppression, and the denial of the expertise and agency of Indigenous women, girls, and 2SLGBTQQIA+ people. **As such, the work to better support safety and to provide mechanisms through which rights violations can be pursued is urgent.**

> **“As women, it is astonishing how we are treated. How our voices are still not heard, how we are ignored. If women were not standing here today, there would be no men, no children.**
>
> **The ongoing failure of systems to protect Indigenous women has resulted in violence continually being perpetuated against them. This violence illustrates the consequences of what happens when there are not adequate, Indigenous women-led responses for Indigenous women's safety.”**

KEY INSIGHTS

The Origins and Function of an Ombudsperson

An Ombudsperson, also sometimes called an Ombudsman, Citizens Representative, or Protecteur du Citoyen, is someone who receives, investigates, reports on, and helps to resolve complaints and determine compliance with principles of fair and reasonable treatment by orders of government including determining consistency with human rights laws.

The concept originated in Sweden more than 200 years ago and there are Ombudspersons[25] with statutory mandates for all Canadian provinces and two of three territories, some cities, and some specific federal areas of responsibility. In addition, there are non-statutory Ombudspersons for some banks, some colleges and universities, and a handful of other organizations. While the size of an Ombuds Office varies greatly, usually Ombudspersons have trained staff who work for them, including intake specialists, investigators, researchers, mediators, and lawyers.

There are currently no Ombudspersons with Indigenous-specific mandates to safeguard Indigenous rights, despite the significant and well-documented disparities between Indigenous and non-Indigenous peoples in Canada.

As engagement participants made clear, an Ombudsperson is not an Indigenous construct and its role will need to be co-created to respond to First Nations, Inuit, and Métis rights and priorities, rather than remain based on the colonial system model. If this is done well and appropriately, many First Nations, Inuit, and Métis engagement participants believe this Indigenous and Human Rights Ombudspersons model can lead transformative change.

In one of the early engagements, a Knowledge Keeper spoke of the sweetgrass braid teaching. It is not just the braiding that makes it strong, but the finishing, and if the braid is not tied properly, it will unravel and come apart.

First Nations, Inuit, and Métis engagement participants stated throughout the engagement and validation process that it is our role and our responsibility to come together and ensure that this work is finished properly and in a good way, so there is accountability, justice, safety, healing, and ultimately peace. It is critical to have government accountability and it is the clear responsibility of all governments to act on all the Calls for Justice. It is a sacred responsibility, so engagement participants ask that we bring our good minds together.

Confronting Rights Violations

As noted in the National Inquiry's Principles for Change, through which all Calls for Justice should be interpreted, Indigenous women, girls, and 2SLGBTQQIA+ people are holders of inherent Indigenous rights, constitutional rights, and international and domestic human rights, and many Indigenous Peoples in Canada are also rights holders under various Treaties, land claims, and settlement agreements. Human and Indigenous rights obligations arise from international and domestic human and Indigenous rights laws, including the Charter, the Constitution, and the Honour of the Crown.

As such, and as noted within the National Inquiry's Final Report, "All actions and remediation to address root causes of violence must be human and Indigenous rights-based with a focus on substantive equality for Indigenous Peoples." Further, First Nations, Inuit, and Métis women and 2SLGBTQQIA+ people, who also suffer from layers of systemic misogyny, paternalism, and gender discrimination that compound the challenges they may face, should be included and centred in considerations around substantive equity.

Rights concerns were raised repeatedly by First Nations, Inuit, and and Métis participants througout the engagement process on Call for Justice 1.7, in reference to considering the potential scope and function of an Ombuds Office. Participants shared the following, requesting that these concerns inform the priorities of the Ombudspersons and their offices.

The Right to Health and Wellness

Participants cited numerous concerns around the right to health and wellness, taking a holistic view that links the right to health and wellness to the right to culture.

Concerns expressed included:

- Racism, and fear of going to the hospital
- Mental wellness and the lack of high quality, culturally safe addiction services
- The patchwork of healing services and a call to reinstate the Aboriginal Healing Foundation
- The importance of addressing health outcome disparities, and inadequate health care infrastructure in Indigenous communities
- Ongoing challenges and disparities within the Non-Insured Health Benefits Program and the structural inequity evident by the disparity between NIHB travel rates and other federal rates for programs that primarily serve non-Indigenous people
- The centrality of language and culture as medicine, and the lack of equitable funding to support First Nations, Inuit, and Métis languages when compared with colonial languages

"You lose a part of your being if culture and language are gone."

The Right to Justice

As reflective of the perspectives received from both urban and rural participants and from those engaged from all distinctions, access to justice remains a fundamental issue facing many Indigenous women and 2SLGBTQQIA+ people, with particular impacts, as well, on First Nations, Inuit, and Métis youth.

Concerns expressed included:

- Quality of policing, racism, and the over and under policing of Indigenous people and communities
- Systemic issues within the justice system, including but not limited to overcrowding in prisons and lack of supports during incarceration

"See how Creator has worked here. People have been praying for this... for change. We are not alone, the spirits of our Ancestors can come and help us bring our good minds together."

- The need for a new classification of offender under the criminal code related to definitions of dangerous offenders that better reflect the realities of Indigenous women's experiences of intimate partner violence and family violence
- Expanded access to legal aid and to Gladue, and the lack of culturally appropriate legal services
- The need for greater access to legal resources and assistance, particularly in cases involving rights violations
- The priority to establish Indigenous death review committees and to conduct more inquests into cases of violence against Indigenous women, girls, and 2SLGBTQQIA+ people

"The police could not find anything because they did not look."

The Right to Safety, Security, and Protection

For many who shared their stories and perspectives, the fundamental rights associated with ongoing searches for loved ones must be included in the scope of an Ombuds Office, to reflect the lack of recourse that often exists for those not properly supported in their right to safety, security, and protection.

Concerns expressed included:

- Better missing persons legislation and the establishment of a national Red Dress Alert to notify the public when an Indigenous woman, girl, or 2SLGBTQQIA+ person goes missing
- Services and supports to find those who are missing, including searching known locations such as landfills for the sacred remains of women
- Services and supports for the children left behind when a woman is murdered or goes missing
- Interjurisdictional issues that allow predators in positions of authority to move from one jurisdiction to another to avoid consequences

"Indigenous women, girls, and 2SLGBTQQIA+ people should not have to negotiate their safety to get their basic needs met."

The Right of Families to Stay Together in the Best Interests of the Child

As noted in many instances, the importance of keeping families together and its link to more positive outcomes for First Nations, Inuit, and Métis children, are key considerations in framing the mandate or focus of an Indigenous Ombuds Office.

Concerns expressed included:

- The disruption of the sacred bond with families and the devastating impact of birth alerts due to the lack of investment in families that would prevent apprehension
- The lack of preparation for aging out of the child welfare system

The Right to Housing

As the housing crisis in Canada has accelerated, Indigenous people are often most impacted. As participants shared, a safe place to call home for Indigenous women, girls, and 2SLGBTQQIA+ people remains an important priority for recourse and accountability.

Concerns expressed included:

- The shortage of safe, affordable places to live including the critical need for transitional housing
- The lack of shelters in rural and remote communities
- Human trafficking in the shelter sector

> We have nowhere to turn.

The Right to Social Services and Dignity

As many documented during the National Inquiry and in other forums since, including during the engagements that informed this report, Indigenous women, girls, and 2SLGBTQQIA+ people require structural change that will ensure human dignity and access to services, and recourse mechanisms under which they can appeal when these rights are not respected.

Concerns expressed included:

- The call for basic income and economic empowerment to counter state manufactured poverty
- Systemic underfunding and the chronic lack of investment in First Nations, Inuit, and Métis people and communities, in particular Indigenous women's organizations and 2SLGBTQQIA+ organizations; participants highlighted the number of pilot projects and noted the pilot model as well as project-based funding are not sustainable and will not achieve change
- Significant barriers such as navigating federal websites and extended and expensive multi-hour phone holds to speak to federal public servants, for example when requesting an update on a status card renewal or application; status card service delivery times are officially 8 – 12 weeks, but can take up to 6 months, while passport application service delivery standards are between 10 and 20 business days
- Jurisdictional wrangling that denies rights to First Nations, Inuit, and Métis people in myriad ways

"Poverty is criminalized in the city."

The Right to Education

As is clear from available data, alongside the firsthand accounts of those engaged during this process and through other truth-sharing mechanisms, the right to education remains unrealized for many First Nations, Inuit, and Métis children. The ability to appeal matters related to rights violations in the area of access to education or to funding is a key priority for accountability.

Concerns expressed included:

- The challenges of poor quality education due to underfunded schools that serve Indigenous children and youth, and the significant impact of racism within educational systems on gradutation rates, future employment and the social determinants of health
- The need to honour Indigenous rights to culturally relevant and respectful education, including land-based instruction

The Right to Our Sacred Lands, Waters and Treaty Rights

As central to wellbeing and health, to cultural rights, and to human dignity, access to sacred lands, waters and to Treaty rights are an important part of the function of defending rights.

Concerns expressed included:

- Challenges around land ownership, resource extraction, and land dispossession
- Ongoing water quality issues and general infrastructure needs in First Nations, Inuit, and Métis communities
- The need to finally and fully honour the Treaties

A Focus on Important Gaps and Challenges

Throughout the engagement process, First Nations, Inuit, and Métis participants identified several key gaps and challenges in the defence of their rights in Canada.

These included:

- There is **no category of rights complaint specific to Indigenous Peoples** in Canada. This is a failure to acknowledge First Nations, Inuit, and Métis identity as grounds for human rights complaints, not to mention the intersectional systems of oppression when identifying as female and Indigenous, as two-spirit and Indigenous, or as transgender and Indigenous.
- There is no independent place to make a complaint about most federal government services as there is **no overarching federal Ombudsperson** of general jurisdiction over federal government services. There is no independent oversight of Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada, two departments that exist to serve Indigenous Peoples. While there are a number of accountability mechanisms in Canada, including human rights commissions and tribunals, provincial and territorial ombudspersons, and others with very specific or limited mandates, they are not well known or accessible to most First Nations, Inuit, and Métis people and there is little knowledge and expertise on Indigenous rights or laws including Treaty rights within existing mechanisms.
- There is **significant mistrust** in governments and affiliated authorities. There is an understandable skepticism that these authorities will uphold Indigenous and human rights, in the context of the legacy of residential schools and day schools, the Sixties Scoop, and ongoing child welfare and MMIWG2S+ crises.
- The existing mechanisms rarely reflect Indigenous people within their organizations and not at senior levels meaning there is **little representation**. While organizations are each at different points on the spectrum, some appear not to have adopted a trauma-informed approach, few offer the support of Elders and Knowledge Keepers, and many are not yet culturally safe. This reality is often compounded by a **lack of knowledge** about First Nations, Inuit, and Métis Peoples and Canada's colonial history, and by a **lack of lived experience** for staff within government and affiliated authorities. While there is a need to build and support capacity within existing non-Indigenous institutions and entities, due to systemic and structural issues and entrenched behaviors, existing accountability entities are not enough to assure First Nations, Inuit, and Métis rights.
- There is a **lack of timeliness** with some accountability mechanisms, and delays can discourage the filing of a complaint when recourse can take not days or weeks but months and even years. In some cases **significant resources** – both time and money – are required to successfully participate, including at times the need to hire a lawyer. This acts as a barrier to access for First Nations, Inuit, and Métis people.
- There are in many cases the **absence of monitoring, investigative, and enforcement tools**. And often, in part due to under-resourcing, the existing mechanisms are inherently reactive, and not proactive.
- There can also be **significant jurisdictional issues**. A mechanism is needed that can address rights violations wherever they occur and there is precedent – the National Inquiry was an example of Canada and the provinces and territories coming together to agree on a shared priority.

Improving Existing Accountability Mechanisms

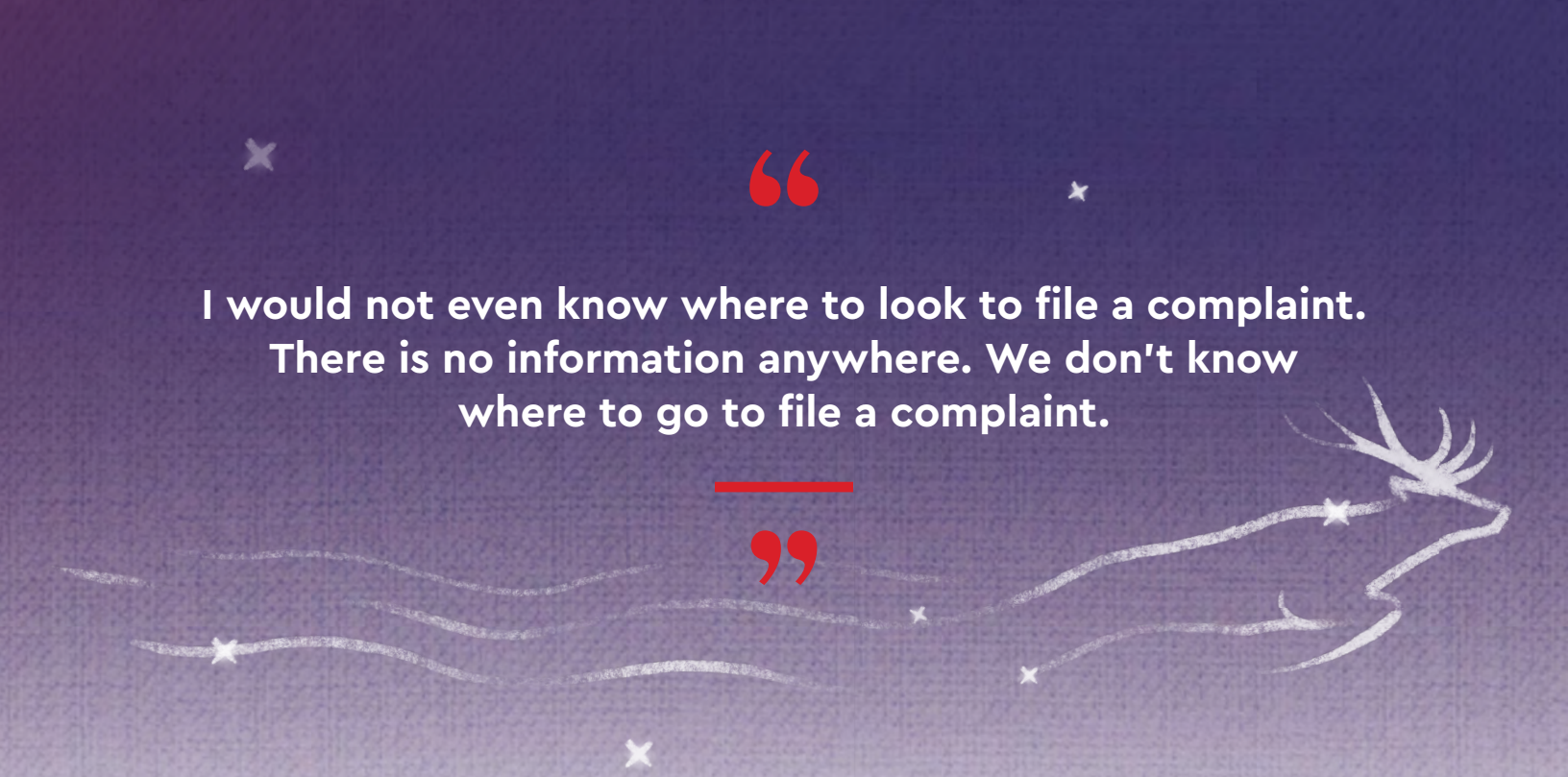
While participants emphasized the need for an Indigenous-focused mechanism, they also raised the importance of continuing to improve the mechanisms that already exist, through building trust and better meeting the needs and reflecting the diversity of First Nations, Inuit, and Métis citizens and communities. Participants suggested that the National Indigenous and Human Rights Ombuds Offices could provide training to other accountability entities so that they better serve Indigenous people.

Advice to existing accountability entities included:

1. Keep **families at the heart** of any process and allocate resources to allow families and communities to fully participate in processes, such as inquests;
2. **Prioritize the safety** of Indigenous women, girls, and 2SLGBTQQIA+ people and the culturally grounded supports and services required for healing and prevention of future loss of life;
3. **Create safe processes** and review internal processes to minimize the recounting of traumatic experiences;
4. **Reduce bureaucratic hurdles** and barriers in all ways, including supporting access through a broad range of technologies such as phone, email, and text, and by extending hours to weekends and evenings and reducing any unnecessary paperwork;
5. Increase staffing levels to **reduce the backlog** of cases and delays where they exist and improve response times, and in doing so increase representation and ensure that First Nations, Inuit, and Métis people are represented within every accountability entity, organization, and government department in meaningful numbers at all levels in an environment that does not require Indigenous staff to leave their Indigeneity at the door;
6. Mandate and **resource public education and awareness** about Indigenous and human rights and increase awareness of the existence of accountability entities;
7. **Commit to improve the collection and dissemination of data on First Nations, Inuit, and Métis identity and gender identity** on intake to be able to track, through an evidence-based lens, how needs are being met or not met and changes over time, while working to support Indigenous-led data collection and analysis within the context of Indigenous Data Sovereignty, through funding and support for First Nations, Inuit, and Métis statistical capacity;
8. **Increase knowledge of First Nations, Inuit, and Métis laws**, and interpret all Canadian laws in light of the United Nations Declaration on the Rights of Indigenous Peoples, specifically:

   Article 22

   - 1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
   - 2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.
9. **Build relationships, credibility, and trust**, work in respectful service, recognize systemic racism, look for every potential opportunity, and co-develop solutions in true partnership with First Nations, Inuit, and Métis people and families; and
10. **Acknowledge that change is needed and make it an organizational priority** to collaboratively transform, be open to learning, and practice cultural humility.



> I would not even know where to look to file a complaint. There is no information anywhere. We don't know where to go to file a complaint.

RECLAIMING POWER AND PLACE: RECOMMENDATIONS TO CENTRE THE PRIORITIES OF RIGHTS-HOLDERS

Unanimously, Indigenous participants engaged in discussions around Call for Justice 1.7 identified the need for additional accountability mechanisms. However, all participants stressed that getting the details right around the implementation of Call for Justice 1.7 will determine the success of the Ombudspersons and their offices. The creation of National and Regional Indigenous and Human Rights Ombudspersons needs to be Indigenous led and firmly grounded in the rights and priorities of First Nations, Inuit, and Métis people.

> **"Do not make this an ivory tower, brown people to do a white man's job to maintain colonial systems."**

Participants expressed that Canada has an opportunity to bring Call for Justice 1.7 to life in a way that is credible, brave, and proactive.

The following recommendations were raised through the engagement process by participants as a way to ensure that colonial constructs do not impede the functions of this new office.

However, as the Commissioners of the Mass Casualty Commission noted in Volume 6 of their Final Report[26] which addresses implementation barriers, "the gap that has often arisen between recommendations for change and action for change has prompted some to question whether the word "recommendation" carries an adequate sense of urgency, necessity, or even mandatory compliance." Therefore, the following recommendations should be understood as urgent actions, with the single most critical action being to **move forward with haste to create a new Indigenous and Human Rights accountability entity**.

Overarching Recommendations

Recommendation: A National and Regional Scope

- Indigenous engagement participants developed the concept of **four National Indigenous and Human Rights Ombudspersons, one First Nations, one Inuit, one Métis, and one urban Indigenous**. The four Ombudspersons will respect and reflect distinctions, while working together in one office in the National Capital Region to protect and defend all Indigenous and human rights.
- Further, there must be **regional offices in each province and territory** led by a Regional Ombudsperson. These 13 offices will ensure that the regional diversity of First Nations, Inuit, and Métis cultures, languages, customs, practices, protocols, and legal traditions throughout Canada are reflected. **The 13 Regional Ombudspersons and their offices should collaborate with and work for all Indigenous peoples within their region and report to the National Indigenous and Human Rights Ombudspersons**, who will in turn work with, support, and be accountable for the work of the Regional Ombudspersons.
- To be more present and to build relationships, each regional office will require a **mobile or 'pop up' presence** that can continuously travel within each region, to receive complaints, provide **education and awareness of rights** and rights workshops, and ensure the offices are truly accessible.

> **"The idea of regional offices is the right way to think about this. People do not know their rights."**

Recommendation: Establishing the Foundations

- The National and Regional Indigenous and Human Rights Ombudspersons shall have **jurisdiction over all federal departments, agencies, boards, commissions, and other bodies** including any parent Crown Corporation, and any wholly-owned subsidiary of such a corporation, within the meaning of section 83 of the Financial Administration Act[27].
- **Federal legislation** will be required and a draft legislative framework will be provided based on this report to support the co-development process. Federal legislation will allow for complaints to be received related to federal departments, agencies, boards, commissions, and other federal bodies.
- Where there are existing agents of parliament with **concurrent jurisdiction**, such as the Office of the Federal Ombudsperson for Victims of Crime or the Correctional Investigator of Canada, complainants may choose the accountability entity they prefer.
- Indigenous engagement participants noted that **Call for Justice 1.7 calls on the federal, provincial, and territorial governments** to work in partnership with Indigenous peoples to establish an Ombudsperson and a Tribunal, and that the Calls for Justice define "all governments" as federal, provincial, territorial, municipal, and Indigenous governments and related entities. Following successful implementation of the National and Regional Ombuds Offices related to federal jurisdiction, the federal, provincial, and territorial governments are encouraged to work together in the spirit and intent of Call for Justice 1.7 to coordinate alternative options for corresponding provincial and territorial action that could include:
    - Provincial/territorial legislation empowering existing provincial/territorial Ombudspersons to enter into agreements with the National and Regional Indigenous and Human Rights Ombudspersons to receive complaints on behalf of the other ombudsperson and to exchange information, including personal information, so as to provide a reciprocal "No Wrong Door" service.
    - Establishment of a dedicated Indigenous Deputy Ombudsperson or Indigenous liaisons within existing provincial/territorial Ombuds Offices, such as is the case with the British Columbia Ombudsperson[28].

Recommendation: Supporting Choice

- **Indigenous knowledge and worldviews must be foundational** throughout the development of the Ombudspersons and their offices, including Indigenous ways of being, knowing, and storytelling. Each office should open **guided by Elders and Knowledge Keepers** and respecting protocols, spiritual and cultural practices, and bundles of the Nations and communities of the region.
- A First Nations, Inuit, or Métis complainant who believes their rights are being violated can bring their complaint forward to the Office of the Indigenous and Human Rights Ombudsperson in their region. The intake staff will make the complainant aware of all of the options, including other existing accountability entities such as provincial and territorial Ombuds Offices where appropriate, as well as health supports. **The complainant will then be able to make the best choice for themselves**, selecting one accountability mechanism at a time, and returning to others at a later date if needed. This model of choice **empowers individuals and communities** and there is precedent already for choice, and existing overlap currently in Canada.

Recommendation: The Appointment Process

- **Selection of the four National Indigenous and Human Rights Ombudspersons should be made by Indigenous people via a selection body of First Nations, Inuit, and Métis leaders** that includes representation from MMIWG2S+ families, Indigenous women's organizations, Indigenous 2SLGBTQQIA+ organizations, elected national Indigenous organizations, and national urban Indigenous organizations. The selection body should be co-led by an Indigenous woman and an Indigenous 2SLGBTQQIA+ person.
    - The selection body should be comprised of no more than **13 representatives**, and there should be a minimum of three First Nations, three Inuit, and three Métis members. Each must be decision makers on behalf of their representative bodies.
    - **Each member must commit to working in good faith and in a spirit of collaboration and consensus**, always remembering that selecting the National Ombudspersons is a sacred responsibility.
    - The selection body will recommend **four people**, one for each of the four positions, and an all-party committee of Parliament will recommend to Parliament that the individuals be appointed by resolution of the House of Commons.
- The four National Ombudspersons should **report directly to First Nations, Inuit, and Métis people and to Parliament**, and not to a Minister, given that the Ombudspersons will have investigatory authority over all federal departments.
- **Selection of 13 Regional Indigenous and Human Rights Ombudspersons** should be made by regional selection bodies of First Nations, Inuit, and Métis leaders living within each province and territory, that includes at least one of the National Ombudspersons, with representation from MMIWG2S+ families and regional organizations, regional Indigenous women's organizations, regional Indigenous 2SLGBTQQIA+ organizations, regional urban Indigenous organizations, and elected regional Indigenous organizations (provincial/territorial organizations). Each selection body should be co-led by an Indigenous woman and an Indigenous 2SLGBTQQIA+ person.
    - The selection body should be comprised of no more than 13 representatives who are representative of the Indigenous people of the region. They must be decision makers on behalf of their Indigenous representative bodies.
    - Each member must commit to working in good faith and in a spirit of collaboration and consensus, always remembering that selecting the Regional Ombudspersons is a sacred responsibility.
    - Each of the 13 regional selection bodies will recommend one person, and an all-party committee of Parliament will recommend to Parliament that the individuals be appointed by resolution of the House of Commons.
- The Regional Ombudspersons and their offices will reflect the Territories they reside within and the people of the province or territory within which they are located, ensuring appropriate protocols and practices are respected.
- The **terms** of the National and Regional Ombudspersons should be five years with one option for reappointment. To avoid all terms expiring at the same time, the second term for the National Ombudspersons should be staggered for reappointments of 3, 4, 5 and 6 years, and for the second term of the 13 Regional Ombudspersons a similar staggered protocol should be developed.
- The National and Regional Ombudspersons positions **must not be vacant**. One year before the mandate of an Ombudsperson expires, or as soon as an impending vacancy is known if it is less than one year, a selection committee shall be convened to begin the search process.
- There should be a mid-term review for all Ombudspersons conducted by the respective hiring selection bodies. There must be a **mechanism to remove** an Ombudsperson who is not fulfilling their mandate.
- A **rigorous vetting process** will confirm the Indigenous identity of all Ombudspersons and of the Indigenous individuals, organizations, and governments involved in the selection process to avoid identity fraud.

Recommendation: A Mandate that Supports Justice

- The Ombudspersons should **triage, navigate, investigate, mediate, monitor, protect and promote rights** and as required recommend changes to legislation, policy, practice, procedure, and/or other corrective actions to prevent future rights violations. **Transformational change will require a whole-of-government approach** by all federal departments, agencies, boards, commissions, and other bodies including any parent Crown Corporation.
    - An Indigenous **MMIWG2S+ Senior Specialist and a 2SLGBTQQIA+ Senior Specialist** must be present within the national and regional offices. Among other responsibilities, these positions will focus on improving the criminal justice system's response to MMIWG2S+ cases.
    - **Indigenous dispute resolution models**, including mediation, restorative justice and talking circles should be offered at all stages of the process.
    - In a latter phase when the **Tribunal** is established, matters that the Ombudspersons are not able to resolve in an appropriate amount of time should be referred to a Tribunal, that would include binding orders such as costs against governments.
- **Call for Justice 1.10** can be placed within the accountability mandate of the National Indigenous and Human Rights Office and the office can report annually to Parliament on the implementation of the National Inquiry's Calls for Justice.
- All laws and human rights standards must be interpreted in light of the **United Nations Declaration on the Rights of Indigenous Peoples**, the United Nations Declaration on the Rights of the Child, the federal act, and respective provincial and territorial acts, as well as **Indigenous legal traditions** including oral histories, as per Call for Justice 1.2(v). The Ombudspersons should consider all relevant Indigenous and human rights legislation.
- Future **UNDA reporting** could be incorporated within the mandate of the National Indigenous and Human Rights Office with the office reporting annually to Parliament on the implementation of the federal act and action plan.
- Due to anticipated uptake and to avoid the challenges in successfully standing up inquiries and commissions, **implementation should be phased** but within strict timelines which will require dedicated focus early in 2024 on co-developed legislation based on the draft legislative framework that aligns with this report.
    - The National Ombudspersons should be appointed as soon as possible and by December 31, 2024, and the 13 Regional Ombudspersons should be appointed within the following six months and by June 30, 2025. The national and regional offices should be staffed and open no less

than six months after the appointment of the Regional Ombudspersons and by December 31, 2025.

- Development, implementation, and phasing must be clearly communicated via a public web site and updated on a regular and ongoing basis.

- Indigenous engagement participants stated that **collective rights are missing** from accountability mechanisms currently in place and that as per Call for Justice 1.7, **standing should be given to communities, settlements, Nations, tribal councils, Indigenous organizations and Indigenous women's organizations** to bring complaints forward. This aligns with the United Nations Declaration on the Rights of Indigenous Peoples.

  - Indigenous engagement participants remind us of our collective responsibility to each other, and that victims are not always able to advocate for themselves. Where victims of a rights violation choose, they should be able to nominate at intake or at any stage of the process an individual or a collective, such as an Indigenous government or organization, to go through the process on their behalf. Indigenous governments and organizations must receive the necessary funding to assume this new responsibility.

- The Ombudspersons should have a **'duty to refer' mandate**, so that people needing help are referred to services and supports, including health supports, and not left without assistance.

- Legislation should include the ability to **conduct joint investigations** with other accountability entities, and a **public education** mandate.

Recommendation: Ombuds Responsibilities, Powers, and Independence

- The Ombudspersons and offices must be **legislated**. The legislation should include **'own motion' powers**, and in this way the Ombudspersons can be proactive and examine systemic issues before they become a crisis.

- The Ombudspersons must have strong **investigative powers** similar to those of provincial and territorial Ombudspersons. This includes the power to compel the production of records, including records that are otherwise not releaseable under access to information legislation. In carrying out their investigation of a federal public authority under their jurisdiction, the Ombudspersons should have authority to interview, including

> **Combining traditional Indigenous governance with the oversight functions of an Ombuds Office can help strike a balance between respecting cultural values and ensuring accountability within a contemporary legal and administrative context.**

under oath, professionals, and others including representatives of institutions that have histories of perpetuating rights violations against Indigenous people. Ombudspersons must have sufficient power and authority to carry out their mandate effectively, alongside checks and balances that mitigate the risk of potential abuses. Balancing power dynamics and preventing abuses of power are crucial to promoting healthy and equitable relationships between systems and citizens.

- The Ombudspersons must have **strong enforcement powers** to compel witnesses and documents or records, including making it an offense to obstruct, with penalties for non-compliance. The Ombudspersons must have public reporting powers should recommendations not be acted upon, and once the Tribunal is established, may at their discretion seek enforcement through the Tribunal.
- **Independence** from government is critical for the function of the Ombuds Offices and to gain trust. The Ombudspersons must be truly independent so that there is no perception that decision making is impacted by politics. The Ombuds Offices must be arm's length in nature from government, akin to the Office of the Auditor General and the Parliamentary Budget Officer. Consideration should be given to the 'Venice Principles' regarding Ombudspersons, the United Nations resolution on Ombudspersons, and other international legal principles that ensure independence.
- A legislative, policy, and resource **framework** should reflect the National Inquiry's **Principles for Change** that includes substantive equality and a decolonizing approach, the involvement of families and survivors, and Indigenous-led solutions and services that recognize distinctions, are cultural safety, and trauma-informed.
- **Remedies** may include recommendations by the Indigenous and Human Rights Ombudspersons to change policy, practice, procedure, legislation and / or other corrective action to prevent future rights violations.

Recommendation: Reflecting on Governance

- A **National Ombuds Council** should be incorporated formally into the legislation. The Council should walk in both worlds and incorporate traditional Indigenous governance principles with board responsibilities under Canadian law and include MMIWG2S+ families, Indigenous women's organizations, Indigenous 2SLGBTQQIA+ organizations, elected national Indigenous organizations, and national urban Indigenous organizations, and appointments should be made following a robust appointment process by the National Selection Committee without the need to be affiliated, politically or otherwise.
  - There should be four **youth seats** on the National Ombuds Council, for a First Nations youth, an Inuit youth, a Métis youth, and an urban Indigenous youth. Youth for this purpose is defined as 18 – 29 years of age.
  - **Regional Ombuds Councils** should guide and support each Regional Ombudsperson, with National Ombuds Council members sitting as members of the Regional Ombuds Council that corresponds with their Territory. Representation should be ensured through a robust appointment process led by the Regional Selection Committee without the need to be affiliated, politically or otherwise, and include representation from MMIWG2S+ families and regional organizations, regional Indigenous women's organizations, regional Indigenous 2SLGBTQQIA+ organizations, regional urban Indigenous organizations, and elected regional Indigenous organizations (provincial/territorial organizations). Youth should sit on each Regional Ombuds Council, and in this case youth is defined as 16–29 years of age.
  - The Councils should meet no more than nine times a year and no less than four times a year, and the **terms** of Council members should be staggered.

- **Elders and Knowledge Keepers Advisory Circles** should be created for each Ombudsperson's Office and should be incorporated formally into the legislation to advise and support each office and as a way to draw on First Nations, Inuit, and Métis diversity and wisdom, rooted in Indigenous values. Recognition of Indigenous people living in community and in urban, rural, and northern environments is required to ensure systems reflect these experiences. Ombudspersons must have the ability to create specialized, topic-specific advisory circles with specific subject matter expertise if needed, including youth advisory circles.
- The governance structure and Ombuds Offices need to be non-patriarchal and non-binary in nature from inception, and **fully inclusive of 2SLGBTQQIA+ people**. This is essential, as the traditional role of 2SLGBTQQIA+ people is to see a variety of perspectives and bring balance.
- The Ombuds Offices, Councils, and Circles must be **inclusive of families and survivors, women, urban Indigenous, Indigenous 2SLGBTQQIA+ people, and persons with disabilities**. There should be gender parity and inclusion in the composition of all staff and members of related Councils, and Circles.
- Each member of the Ombuds Councils and Circles as well as the selection bodies must commit to working in **good faith and in a spirit of collaboration and consensus**, and a conflict resolution process will be identified to ensure a safe and healthy environment that respects the sacredness of the responsibility. There must be a **mechanism to remove** Council and Circle members who do not consistently attend meetings or are not working collaboratively and fulfilling their mandates.

Recommendation: Resourcing for Success

- The National Indigenous and Human Rights Ombudspersons and Office must be appropriately resourced with **adequate and permanent funding**, recognizing historic and ongoing systemic discrimination in funding and as per Calls for Justice 1.7 and 1.3. Permanent means on going and in perpetuity, and not time limited.
    - **Core operational requirements** should be fully funded beyond legal, investigative and research teams, financial services, human resources including training and professional development, communications, and information technology. Core funding must include honoraria for Council and Circle members and Elders and Knowledge Keepers, as well as the cost of specialized mediators and facilitators and an internal health support team, cultural needs including medicines and ceremony, translation and interpretation, and child care and local transportation to support individuals in making a complaint.
    - **Indigenous procurement** from authenticated First Nations, Inuit and Métis businesses must be considered in all circumstances and purchases.
- **Budgetary independence** from the executive branch of government is to be assured by the Ombudspersons presenting their budget request to a Parliamentary Committee each fall for the following fiscal year. The Parliamentary Committee shall publish a report with the recommended budget and the Minister of Finance shall provide for that amount in the subsequent budget.
- The Ombuds Offices should have the resources to provide **accessible timely services, including timelines established in legislation for government responses**. Sustainable core funding will help to avoid the backlogs experienced at some accountability entities.

- The offices need to be resourced to be **responsive** so they can provide **specialized mediators and facilitators** and support families and survivors when making a complaint and connect them to resources in the community. This acknowledges the need for resourcing existing systems to support the work of the Ombudspersons and the need for partnerships with existing agencies to support First Nations, Inuit, and Métis women and their families.
- The offices should be held to service standards including quality assurance.

- Full funding for the National and Regional Offices must include **sustainable and adequate operating dollars** and funding for the renovation, or where required construction, of **dedicated facilities** in storefront locations that are highly visible. This will avoid the need to compete for funding or for space within facilities and will allow for affirming and accessible Indigenous space.
  - Space and mediation rooms should be designed by First Nations, Inuit, and Métis people and honour and respect Indigenous cultural practices, fully accommodating ceremonies and protocols such as smudging, prayers, and the lighting of the qulliq.
- The Ombuds Office requires funding for high quality, **accurate data** systems to research, analyze, scrutinize, and ultimately make sound evidence-based decisions that allow relevant and targeted actions. The data should be desegregated and clear, reported regularly and publicly, and accessible so that it drives attention to rights violations. A national database is critical for staff and policy makers to examine trends or patterns of complaints with a whole-of-Canada view. National data should highlight and ultimately address regional disparities and measure transformative change.
  - The Ombudspersons should be charged with the **responsibility of collecting and tracking data specific to MMIWG2S+** and human trafficking as well as other data sets that impact women and 2SLGBTQQIA+ people across all jurisdictions. This data collection can establish a **national database on MMIWG2S+** at the National Indigenous and Human Rights Ombuds Office and include gender-based data on the scope and prevalence of violence. Aggregate data should be available to the public to ensure progress can be tracked as a further accountability mechanism.
  - **Call for Justice 1.10** can be incorporated within the National Indigenous and Human Rights Ombuds Office with the office reporting annually to Parliament on the implementation of the National Inquiry's Calls for Justice.
  - **Future UNDA reporting** can also be incorporated within the National Indigenous and Human Rights Ombuds Office with the office reporting annually to Parliament on the implementation of the federal Act and action plan.

Recommendation: Welcoming Our Relatives

- The Ombuds Offices must be **barrier-free and accessible** with services available in Indigenous languages including written materials. Contacting the office should be simple, including access by phone, email, text and other technologies as they develop. Intake should require support for any paperwork. Mobile or pop up locations should also be similarly resourced.
- Intake should be **warm and welcoming** with staff to walk with individuals and families through the process, interpreting technical language. Intergenerational trauma is not well understood and so services should be person-centred and trauma-informed and avoid **any unnecessary retelling of traumatic experiences**, with wrap around supports available through Indigenous organizations that are also appropriately funded, as per Call for Justice 1.3, 1.8, and 2.3.
- **Portability of rights** means that any First Nations, Inuit, or Métis person can access the Ombudsperson's Office in the region within which they reside and receive service. The protocols and practices of **each Nation and peoples** regardless of where they reside must be respected.

> If the support is not there to go through the process, then you just drop it.

- The Ombuds Offices must have **safe reporting mechanisms** that can be accessed anonymously and confidentially, so that rights defenders are not targeted and do not suffer retaliation.
- National and Regional Offices should be **open extended weekday hours and on weekends**, to meet the needs of First Nations, Inuit, and Métis citizens.
- There should be **no statute of limitations on filing a complaint**, appreciating that it can take years to work through trauma and be able to come forward. However, it is understood that on occasion Ombudspersons may not be able to investigate a matter that is too old to reasonably and reliably investigate.

Recommendation: Hiring and Staffing

- The Ombudspersons must be **Indigenous, well respected, trusted, and people of integrity**. The successful candidates should be **culturally grounded**, while understanding that colonial systems and structures such as the residential and day schools, Sixties Scoop, and child welfare system stole culture and traditional knowledge from generations of First Nations, Inuit, and Métis people.
- The hiring process must be **transparent** and based on work history, accomplishments, skills, and qualifications, including a track record of creating systemic and structural change. While knowledge of Indigenous and human rights is required, the Ombudspersons need not be legal scholars. Both formal and informal education must be respected.
- In addition to expertise in Indigenous and human rights, the Ombuds Office should be staffed by individuals with expertise in fairness and natural justice, program and service analysis, and Indigenous evaluation and methodologies, and with knowledge of key areas including health; mental wellness and addictions; policing and the justice system; social services including child and family services; domestic and family violence, and sexual violence; housing; education; and disability. **Lived experience and fluency in an Indigenous language should be an asset** in hiring.
- The National Ombuds Office must include **broad representation from each region** and ensure that Indigenous women and 2SLGBTQQIA+ people are well represented. As broad regional representation is valued, consideration should be given to remote work where possible and as necessary and if operational requirements can be met.
- The Ombuds Offices should select, hire, and train staff, instead of receiving support services from the Administrative Tribunals Support Service of Canada. Training should include Indigenous gender-based analysis as well as support for staff wellness including strategies to mitigate vicarious trauma. A conflict resolution process will be identified to ensure a safe and healthy work environment.
  - Security checks including child abuse and vulnerable persons checks must be satisfied before hiring, and members of a regulated profession must be in good standing.
  - A rigorous vetting process will confirm Indigenous identity.

Recommendation: Transparency and Reporting to Support Transformation

- The four National Ombudspersons must prepare a **joint annual report** to Indigenous leadership, rights bodies, and peoples, to the Auditor General of Canada, and to Parliament that includes a report from each region. The annual report will be reflective of national as well as key regional issues, data, and recommendations, and will track progress to date. The report must be available in Indigenous languages. The annual report and all special reports should, by statute, be automatically referred to a Parliamentary Committee for consideration and hearings.
- An Ombudsperson may make a special report on any urgent matter that in the opinion of that Ombudsperson should not be deferred to the next annual report.
    - Annual and special reports should be referred to the **United Nations** (UN), including the UN Special Rapporteur on the Rights of Indigenous Peoples, the UN Special Rapporteur on Violence Against Women and Girls, the UN Special Rapporteur on Trafficking in Persons, and the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, as well as other international human rights bodies such as the Organization of American States and the contemplated Canadian Ambassador on Indigenous Relations.
- The four National Ombudspersons must produce an **annual plain language report card**, including changes made and who or what was held accountable. The report card must be available in Indigenous languages and include an information graphic.
- The Ombudspersons in each region should hold an annual **Accountability Forum** similar to those hosted by the Yukon Advisory Committee, to share the progress and provide opportunity for leaders to respond directly to questions from First Nations, Inuit, and Métis citizens and others.
- There must be systemic accountability interwoven into all processes of the Ombudspersons and their offices, to ensure that the intersectional issues that impact the safety of Indigenous women, girls, and 2SLGBTQQIA+ people are addressed in a meaningful, transparent, and accountable way.

NEXT STEPS: 'THIS IS ALL OUR BUSINESS'

2024 will mark the fifth anniversary of the National Inquiry's final report and Calls for Justice, and nine years since the Truth and Reconciliation Commission of Canada called for a public inquiry into the causes of, and remedies for, the disproportionate victimization of Indigenous women and girls in Call to Action 41. Call for Justice 1.7 is a foundational remedy, and honouring families and survivors means implementing it before another year goes by.

Through engagement around Call for Justice 1.7, First Nations, Inuit, and Métis engagement participants stressed that a **systemic response is required** as Canada is in a state of systemic failure when it comes to Indigenous Peoples. While Call for Justice 1.7 is being implemented, work must proceed concurrently on all Calls for Justice. **The dedication to implementing the Calls for Justice needs to be parallel to federal, provincial, and territorial responses to the recent pandemic, with the same rigor, speed, and urgency.**

Moving Forward on Implementation

To take the next step in this work, the Government of Canada has already established specific budget investments. Minus expenditures made in 2023–24 the allocations committed stand at:

- $1.6 million over two years, starting in 2023–24, to support the Ministerial Special Representative appointed to provide advice and recommendations on the creation of an Indigenous and Human Rights Ombudsperson (Call for Justice 1.7).
- $2.2 million over two years, starting in 2023–24, to establish an oversight mechanism to monitor and report on the progress for implementation (Call for Justice 1.10).
- $2.5 million over five years, starting in 2023–24, to facilitate and coordinate work on advancing the National Action Plan by establishing a standing Federal-Provincial-Territorial-Indigenous table on Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ People. This table is a specific forum to take action on areas of shared roles and responsibilities regarding Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ People, including prioritizing discussion on how to launch a "Red Dress Alert".
- $95.8 million over five years, starting in 2023–24, and $20.4 million ongoing to help Indigenous families access information about their missing and murdered loved ones, and to enhance victim services. This funding would renew existing programming and expand it to include support for families of 2SLGBTQI+ Indigenous victims who are men.
- Other committed resources include $2.2 billion provided over five years, starting in 2021–22, and $160.9 million ongoing, announced in Budget 2021,[29] to accelerate work on the National Action Plan in response to the National Inquiry's Calls for Justice and the Truth and Reconciliation Commission's Calls to Action.

Suggested Implementation Timeline

By March 31, 2024:

- CIRNAC to establish an Implementation Committee and begin to develop a reporting schedule to publicly communicate via a dedicated web page that is easily discoverable. The Implementation Committee should be comprised of senior federal public servants from key departments and representation from elected national Indigenous organizations, MMIWG2S+ families, Indigenous women's organizations, Indigenous 2SLGBTQQIA+ organizations, and national urban Indigenous organizations.
    - The Implementation committee should be co-chaired by an Indigenous committee member and a senior CIRNAC federal public servant at the level of an Assistant Deputy Minister or above.
    - There should be a minimum of three First Nations, three Inuit, and three Métis non-government members who are senior decision makers on behalf of their representative bodies.
- Via roundtables beginning in March, co-develop legislation over a three month period of time supported by the draft legislative framework with suggested representation from organizations and entities that have generously engaged to date. Prepare to introduce Bill in House of Commons.
- Respecting process, CIRNAC to bring this report to the Assembly of First Nations through the Permanent Bilateral Mechanism, the Inuit Tapiriit Kanatami through the Inuit Crown Partnership Committee, and the Metis National Council through the Permanent Bilateral Mechanism.
- Implementation Committee to develop a budget to prepare to submit, modelling the request on the budgets of existing provincial and territorial Ombuds Offices and existing federal accountability entities such as the Canadian Human Rights Commission.
- Begin engagement on the development of a National Indigenous and Human Rights Tribunal, per engagement feedback on Call for Justice 1.7.

By June 30, 2024:

- Government introduces Bill in House of Commons.
- CIRNAC to establish the National Selection Committee that can be comprised of First Nations, Inuit, and Métis people members of the Implementation Committee and begin to accept applications for the four National Ombudspersons positions with the support of Indigenous executive search professionals.
- Implementation Committee to communicate implementation progress via a public website.

By December 31, 2024:

- National Selection Committee to select and send recommendations to Parliament to appoint the four National Ombudspersons.
- National Selection Committee and National Ombudspersons to develop the National Ombuds Council for appointment by the CIRNAC Minister. It is anticipated that members of the National Selection Committee may transition to become members of the National Ombuds Council.
- CIRNAC to establish 13 Regional Selection Committees with support of National Selection Committee and National Ombudspersons.
- National Ombudspersons to begin internal policy development and hiring of staff with a priority focus on CEO and human resource professionals to assist with the hiring processes for the National and Regional Ombuds Offices.
- National Ombudspersons with support of CIRNAC and federal government to begin to identify office space in the National Capital Region and each province and territory.

By June 30, 2025:

- Regional Selection Committees with National Ombudsperson representation to select the 13 Regional Ombudspersons and work with the National Ombudspersons to send recommendations to Parliament to have them appointed.
- Continue hiring national staff including a Call for Justice 1.10 Unit to monitor progress on the National Inquiry's Calls for Justice, and potentially an UNDA Unit. Begin hiring regional staff.
- Regional Selection Committee and Regional Ombudspersons to develop Regional Ombuds Councils with the support of the National Ombudspersons.
- National Ombudspersons to develop National Elders and Knowledge Keepers Advisory Circle, and National and Regional Ombudspersons to develop Regional Elders and Knowledge Keepers Advisory Circles.

By December 31, 2025:

- National and Regional Offices staffed and open.
- Following successful implementation of the National and Regional Ombuds Offices specific to federal areas of jurisdiction, the federal, provincial, and territorial governments are encouraged to work together in the spirit and intent of Call for Justice 1.7 to coordinate alternative options for corresponding provincial and territorial action.

IN CONCLUSION

The creation of Indigenous and Human Rights Ombudspersons is an opportunity to begin to address inequities in government programs and services that lead to Indigenous and human rights violations. Accountability, substantive equality, systemic change, and restorative justice are principles that can be embedded in the Indigenous-led, decolonized, culturally safe and trauma-informed work of the Ombudspersons.

Call for Justice 1.7 comes out of the National Inquiry into Missing and Murdered Indigenous Women and Girls and the testimony and Truths of families and survivors. Indigenous women, girls, and 2SLGBTQQIA+ people have the right to live in safety and peace. Indigenous people have the right to live in a more equitable Canada. Indigenous and Human Rights Ombudspersons are a necessary step in response to a national crisis of gaps and inequities that have existed since Confederation. There is much work to be done, and an ambitious schedule has been laid out.

"Call for Justice 1.7 makes a tremendous amount of sense. An important idea, long overdue"

Traditionally the Haudenosaunee used belts made of wampum to mark agreements and conditions between peoples. The Indigenous and Human Rights Ombudspersons and their offices can be a bridge, a two-row wampum, to link two worlds and two world views. The Métis infinity symbol also reflects the joining of two cultures.

This is the opportunity to use a non-Indigenous tool, the concept of an Ombudsperson, to develop a decolonial accountability entity that can truly walk in both worlds.

Indigenous engagement participants suggested that the implementation of Call for Justice 1.7 begin in ceremony to reset and renew Canada's relationship with First Nations, Inuit, and Métis peoples. This can start to chart a new path for a Canada, strengthened by a foundation of Indigenous and human rights, with fairness and substantive equality for all.

2024 can be the year when faith is honoured and hope is realized.

This report concludes with a reminder expressed by an engagement participant about the fragile nature of trust, and the expectations around Call for Justice 1.7:

> **Not great faith, but great hope.**

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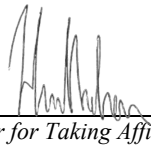
This is Exhibit "44" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Indigenous Centered Conflict Resolution Processes in Canada

Nisha Sikka, George Wong, and Catherine Bell

I. Introduction

This paper discusses dispute resolution systems in Canada that are designed to implement Indigenous laws and values. It draws largely on models from First Nation contexts and publicly available material. It is the second of two papers on methods for conflict resolution in First Nation communities prepared for the Centre of Excellence for Matrimonial Real Property.[1] Not intended as an exhaustive review, it provides examples of a wide variety of First Nation approaches to conflict resolution operating in Canada. We begin with a general discussion of Indigenous legal traditions and approaches to conflict resolution. This is followed by examples that draw on Indigenous and Canadian dispute resolution values and processes operating at the community level in matrimonial real property and other family contexts as well as under the *First Nations Lands Management Act*.[2]

II. Indigenous Legal Traditions and Conflict Resolution

"Indigenous legal traditions" is a phrase adopted by the Law Commission of Canada and Indigenous Legal scholars to describe a body of Indigenous law including "Aboriginal dispute resolution systems" and "governance process."[3] Legal principles and values these traditions frequently embody include: respect, restitution, reconciliation, responsibility and connection with natural and spiritual environments, Creator and community. However,

> while there is often a strong emphasis on some of these concepts, they are not idealized, simple, or stand-alone responses to harms and conflicts. Every Indigenous legal tradition [has]… nuanced and robust understandings of what implementation of these principles entail, each legal order has a much broader repertoire of principled

[1] See also Rebecca Ratcliffe & Catherine Bell, "Conflict Resolution Practices in Canada" (2014) also posted on this website.
[2] SC 1999, c. 24 [*First Nations Land Management Act*].
[3] Andrée Lajoie, "Introduction: Which Way Out of Colonialism?" in Law Commission Canada, ed, *Indigenous Legal Traditions* (Vancouver: UBC Press, 2007) 3 at 3 [Law Commission Canada].

> legal responses and resolutions to harm and conflict to draw as factual situations warrant.[4]

Indigenous laws are reflected in stories, oral traditions, practices and other lived experiences of Indigenous peoples. They also exist as broad legal principles derived from and reflecting societal values. For example, laws, practices and processes articulated in *Book One of the Statutes of the Carcross Tagish First Nation (*CTFN) are based on core virtues or values that flow from CTFN stories, traditions, and practices.[5] *Book One* and the CTFN Constitution are the primary sources for developing and interpreting CTFN laws. Among the core virtues is respect. A "fundamental principle of survival that comes from timeless wisdom," it is considered "a core law."[6] Respect includes caring about people and treating them with dignity, to "treat everyone how you want to be treated."[7] Practicing respect engages other virtues such as acceptance, obedience, patience, and diligence. Diligence includes "attention and care legally expected or required of a person" and " being respectful of your place, your role, and your responsibilities in the community and to honour these by constantly striving to achieve the best for all in every aspect of our lives."[8] Not surprisingly, this law permeates throughout all aspects of Carcross/Tagish law and that of other Yukon First Nations, including CTFN family law and negotiated legal regimes with Canadian governments.[9] Other virtues informing CTFN legal traditions include the capacity to love, selflessness, courage, knowledge, compassion, honesty and integrity in relationships.[10]

These core values are aimed at establishing conditions necessary to live in harmony, respect differences, promote the well-being of individuals, families and the community, and resolve disputes in ways that promote better relationships. *The Boy Who Shot the Star*

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[4] Hadley Friedland, *IBA Accessing Justice and Reconciliation Project: Final Report* (4 February 2014), online: Accessing Justice and Reconciliation Project <http://indigenousbar.ca/indigenouslaw/wp-content/uploads/2013/04/iba_ajr_final_report.pdf> at 8 [Friedland].
[5] Carcross/Tagish First Nation, *Statutes of Carcross/Tagish First Nation Book One Traditional Beliefs and Practices: Our Place, Our Responsibilities (Draft)*, online: Carcross/Tagish First Nation <http://www.ctfn.ca/documents/doc_download/80-book-one-doc> at 54 [*Carcross*].
[6] *Ibid* at s 3.4.1 .
[7] *Ibid.*
[8] *Ibid.*
[9] An example is found in the objectives of Chapter 13, the heritage chapter of the *Umbrella Final Agreement* which emphasizes "respect for Yukon Indian values and culture" and consistency "with the values of Yukon Indian People." Council for Yukon Indians, *Umbrella Final Agreement* (29 May 1993), online: Aboriginal Affairs and Northern Development Canada <https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/al_ldc_ccl_fagr_ykn_umb_1318604279080_eng.pdf> at 121.
[10] *Carcross*, *supra* note 5 at s 3.4.

reproduced in *Book Two: Government of Carcross/Tagish Traditional Family Beliefs and Practices* (and appended to this paper) is an example of how some foundational laws, values and processes are reflected in stories and oral traditions.[11] The teachings from this story are explained as follows:

> Stories say different things to different people. At different times new things will be found in the same story. All traditional stories are rich, magically full of lessons, insights and meaning. Each will take what they need from a story. Here are some insights about our values that can be taken from this story.
>
> This story speaks of loyalty, of connection to family and home, and of how harmony in our lives can be broken by speaking disrespectfully of others.
>
> The story demonstrates the harm in resorting to anger and revenge when we are hurt or suffer loss. Shooting arrows at the moon did not save a friend, but taking risks, persevering through great difficulties and seeking the helping hands of others did save a friend.
>
> Focussing on what is most important to our hearts brings us back to our family, to those we love, and to the life that is most important to us. We come home safely when we concentrate on what is most important to us, and act on our values.
>
> Opening ourselves in a good way to the lessons life provides about acting on our values lies at the core of all stories.[12]

1. Accessing Justice and Reconciliation Project

Two important themes about Indigenous legal traditions around conflict resolution emerge from research conducted by the Accessing Justice and Reconciliation Project [AJR].[13] Under the direction of Indigenous legal scholar Dr. Val Napoleon, the AJR is a recent collaboration between the University of Victoria Faculty of Law Indigenous Law Research Clinic, the Indigenous Bar Association, and the Truth and Reconciliation Commission, funded by the Ontario Law Foundation. The goal of the AJR research project on conflict resolution was to

> better recognize how Indigenous societies used their own legal traditions to successfully deal with harms and conflicts between and within groups and to identify

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[11] Carcross/Tagish First Nation, *Statutes of Carcross/Tagish First Nation Book Two: Government of Carcross/Tagish Traditional Family Beliefs and Practices* (January 29, 2006), online: Carcross/Tagish First Nation <www.ctfn.ca/documents/doc_download/42-family-act-2010> at s 1. The story, The Boy Who Shot The Star, was shared by an Elder in John R Swanton, *Tlingit Myths and Texts* (Washington: Government Printing Office, 1909) at 209 and retold in Mary Pelton & Jacquelle DiGennaro, *Images of a People –Tlingit Myths and Legends* (Englewood: Libraries Unlimited, 1992) at 113.

[12] *Ibid* at s 2.

[13] Friedland, *supra* note 4 at 3.

> and articulate legal principles that could be accessed and applied today to work toward healthy and strong futures for communities.[14]

Applying a similar method to that adopted by lawyers to identify legal principles in Canadian court decisions, researchers on the AJR project analyzed publicly available materials, stories and oral traditions of partner First Nation communities in collaboration with Elders and other knowledgeable people from those communities.[15] Their research revealed two important themes about dispute resolution:

> *(1) There is no 'one size fits all' approach within or among Indigenous legal traditions. There are a wide variety of principled legal responses and resolutions to harm and conflict available within each legal tradition.*[16]
>
> ...
>
> *(2) Indigenous legal traditions reveal both consistency and continuity over time, and responsiveness and adaptability to changing contexts.*[17]

For example, in the Mi'kmaq legal tradition, *abeksikdawaebegik* (reconciliation) and *abeksikdewapan* (responsibility) are core values.[18] They promote the taking of responsibility by those that cause harm by, for instance, offering restitution and empathy to victims.[19] Cree legal tradition emphasizes healing of the offender, but may also use principles of separation "to keep others safe," while "acknowledging responsibility," undertaking "re-integration," and learning from the consequences.[20] The Tsilhqot'in legal tradition emphasizes "maintaining individual and community safety."[21] In their tradition, separating offenders from the community and deterrence were used to help in achieving this goal.[22] Healing, in the Tsilhqot-in tradition, is a "preferable resolution," but separation may be helpful in achieving healing by "creating space for the wrongdoer to reflect and change the thinking and behaviour that led to the harm in the first place."[23]

The AJR's review of Anishinabek legal traditions also illustrates the theme of consistency and continuity. It reveals a consistent legal principle that community participation in

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[14] *Ibid* at 2.
[15] See *ibid* at 5 for a list of partner communities.
[16] *Ibid* at 3.
[17] *Ibid*.
[18] *Ibid* at 8.
[19] *Ibid*.
[20] *Ibid* at 9, citing *Accessing Justice and Reconciliation Project: The Cree Legal Traditions Report* (2013) [unpublished] at 31-37.
[21] *Ibid* at 10.
[22] *Ibid*.
[23] *Ibid*.

decision making is central to determining how serious harms to a community are addressed.[24] Who decides and how the collective decision is made depends on the nature of the dispute. Decision makers may include a small, directly affected group, such as a family harmed by someone's actions, or extend to the entire community, including outside experts depending on the harm in issue.[25] In 2003, the 39 communities of the Anishinabek Nation began developing current processes for conflict resolution operating in their communities as part of their self-government negotiations.[26] After engaging in extensive consultation with Anishinabek citizens along with one national and four regional processes, processes that engage tribunal, mediation and Circle decision making were developed within Anishinabek territory.[27] Elaborated on later in this paper, these processes are grounded in seven Anishinabek grandfather teachings, involve community members and those affected by the conflict in decision making, and seek to restore relationships.[28]

Diversity and consistency are also demonstrated in the examples below. Although Indigenous legal traditions have been undermined, many persist or are in the process of revival and revitalization. Like other systems of law, they are dynamic - evolving and adapting over time to internal and external influences. We begin with a discussion of two examples of Indigenous approaches to collective decision making and conflict resolution used to address a wide range of disputes, including property disputes. Aspects of these processes are common to many Indigenous legal traditions including Circle discussions, ceremony, performance, listening and witnessing. This is followed by an overview of dispute resolution services and models from across Canada that draw on both western and Indigenous legal traditions to resolve family, land and matrimonial property disputes implemented through negotiated agreements or federal legislation such as the *Family Homes on Reserves and Matrimonial Interests or Rights Act*[29] and

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[24] *Ibid* at 13.
[25] *Ibid*.
[26] Canada, Canadian Human Rights Commission, *A Toolkit for Developing Community-based Dispute Resolution Processes in First Nations Communities*, online: National Aboriginal Initiative <http://www.doyouknowyourrights.ca/sites/nai-ina/files/pdf/toolkit_trousse-eng.pdf> at 40 [Canadian Human Rights Commission].
[27] *Ibid* at 40-41.
[28] See Anishnabek Nation, "Appeals and Redress Part 1 of 2" (Union of Ontario Indians: Nipissing First Nation, 2008) (video), online: Youtube <https://www.youtube.com/watch?v=tHlAO0CA_xo> [Anishnabek Nation, Appeals and Redress Part 1 of 2]. See also discussion in Sikka, Wong & Bell, *infra*.
[29] *Family Homes on Reserves and Matrimonial Interests or Rights Act,* SC 2013, c 20.

First Nations Land Management Act.[30] The approach we use to describe these processes is informed by the AJR project and seeks to answer one or all of the following questions:

1. What are the key characteristics of the decision-making/problem-solving processes, including: (a) who are the authoritative decision makers? (b) what procedures or processes are involved in determining a legitimate response or resolution to conflict?
2. What principles govern responses to conflict?
3. What principles govern individual and collective responsibilities and expectations?[31]

2. Stó:lō Healing and Peacemaking Circles

Stó:lō approaches to conflict resolution are grounded on the principle that their programs be supported by the Stó:lō people and be based on Stó:lō "culture, customs, and traditions"[32] - principles that reflect their aspirations for self-determination by giving themselves and their legal institutions more meaningful roles in the justice system. For the Stó:lō, self-determination and justice are about being held responsible in a variety of ways.

> In general terms, a person who has caused harm is given the opportunity to take responsibility within a forum that focuses on maintaining family ties and community connections. All of this occurs within a context in which community takes responsibility for dealing with the troubles that exist among its people and in its external relations with other communities.[33]

The goal is to restore the community to harmony rather than just on punishing the offender.

The Indigenous language of the Stó:lō is *Xwélmexwqel* or *Halq'eméylem*.[34] The Stó:lō believe that their essence as a people is embodied in their language and so it is important to use it as much as possible.[35] Use of their language in conflict resolution and describing their conflict resolution systems also helps ground the discussion in their worldview and away from responding only to demands and judicial processes of the Canadian justice system. Language is also important when describing their justice system. For example, referring to Stó:lō justice

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[30] *First Nations Land Management Act*, *supra* note 2.
[31] Friedland, *supra* note 4 at 7.
[32] Ted Palys & Wenona Victor, ""Getting to a Better Place": Qwi:qwelstóm, the Stó:lō, and Self-Determination" in Law Commission Canada, ed, *supra* note 3, 12 at 18.
[33] *Ibid*.
[34] *Ibid* at 19.
[35] *Ibid*.

programs as “alternative” and the Canadian criminal justice system as “mainstream” can de-legitimize the justice system of the Stó:lō and reinforce colonial relationships.[36] Stopping the use of such terms in their justice programs was a “small decolonizing step.”[37]

As Stó:lō Nation legal traditions do not have a word for “justice,” Stó:lō Elders created the word, *Qwi:qwelstóm kwelam t’ ey* (*qwi:qwelstóm*) - roughly translated as, “they are teaching you, moving you toward the good” - to describe program initiatives developed with the assistance of Wenona Victor in the late 1990s.[38] It is a concept of “justice” centered upon the family and reflects a way of life that focuses on relationships and the interconnectedness of all life.[39] It has four key elements: “the role of Elders; the role of family, family ties, and community connections; teachings; and spirituality.”[40]

Qwi:qwelstóm is "accountable to two main bodies within the Stó:lō Nation governance structure: the House of Justice and the Elders council for Q*wi:qwelstóm*."[41] It is concerned largely with matters that Canadian law would characterize as criminal. The House of Justice provides the mandate for the program and the Elders Council looks after the day-to-day operations.[42] *Qwi:qwelstóm* accepts referrals from "the RCMP (pre-charge), Crown counsels, (post charge), probation officers (pre-sentence), community members, self-referrals from the ones harmed or those causing harm” and government departments such as the Department of Fisheries and Oceans, and the Ministry of Children and Family Development.[43] It also has a role in resolving conflicts internally between community members and between community members and institutional employees such as school staff.[44]

The Stó:lō have two basic criteria for participation:

> First, the person who has done the harm must be taking responsibility for his or her behaviour. Second, all relevant persons, particularly those who have been harmed are fully informed of the Qwi:qwelstóm process and are offered the opportunity to participate when they are ready.[45]

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[36] *Ibid*.
[37] *Ibid*.
[38] *Ibid* at 20.
[39] *Ibid*.
[40] *Ibid* at 21.
[41] *Ibid*.
[42] *Ibid*.
[43] *Ibid* at 24.
[44] *Ibid* at 29.
[45] *Ibid* at 25.

When asked to participate in a Circle, participants are also asked to "come prepared to share all four sacred parts of being...the physical, the mental, the emotional, and the spiritual."[46] Preparation for a Circle engages the person's mental, physical, emotional and spiritual lives.[47] Not only are participants asked to come physically ready to participate by being "well-rested, fed, and drug- and alcohol-free for at least four days prior to the Circle date" but they are also asked to be mentally ready by coming to the Circle with "a strong mind, in order to make best use of the words that will be shared."[48] Preparing for participating in a Circle may depend on whether the Circle is a "healing or a peacemaking Circle" since in healing Circles the focus is "almost exclusively on restoring balance to an individual(s)" where a peacemaking Circle focuses mostly on gaining an "understanding by all Circle participants regarding a specific incident."[49]

Acceptance is determined on a case by case basis depending on a range of factors such as the "remorse (level of awareness) of the person who caused the harm," "the community's willingness to deal with the person" and the "resources available to the person(s) who caused the harm, the person(s) harmed, and family members" to handle the situation.[50] If the people involved in the conflict are in the midst of their own "journey of healing" then the "thoughts and opinions of the harmed person(s)" and the "positive actions the wrongdoer has taken" are also considered.[51]

At the centre of the *Qwi:qwelstóm kwelam* program are healing and peacemaking Circles and the S*mómíyelhtel*, a group of community members who organize and lead restorative Circles. They undergo extensive training on traditional Circle processes and other "Aboriginal justice initiatives, fetal alcohol syndrome, restorative justice and conflict resolution."[52] They organize and lead the Circles, inform participants of expectations, document the proceedings and, when necessary, the resolution.[53] They are free to use their own personal style when leading the Circle but have "guiding principles to follow."[54] These principles include "building relations

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[46] *Ibid* at 28.
[47] *Ibid* at 30.
[48] *Ibid* at 28.
[49] *Ibid* at 29.
[50] *Ibid* at 25.
[51] *Ibid* at 25-26.
[52] *Ibid* at 26.
[53] *Ibid*.
[54] *Ibid*.

and resolving conflict “in a good way,”" reconnecting "family members to their extended family and to their community," encouraging participants to bring Elders to share in the Circle, and focusing on being responsible and working on the self.[55]

Qwi:qwelstóm offers healing and peacemaking Circles at four times during the prosecuting process: "to replace the trial process, to make a sentencing recommendation, to assist with reintegrating Aboriginal people who have been incarcerated back into their communities, and/or to develop a healing plan to be part of sentencing and/or probation orders."[56] However, it also uses these processes to “assist with family disputes, custody concerns and divorce settlements” and to improve relations between other parties to disputes.[57] As elaborated below under the heading “B.C. Circle and Family Group Conferencing Models,” the Circle process has also been adapted to bring together extended family in child welfare matters to learn from teachings of Elders and develop family plans. Peacemaking Circles share some characteristics with Euro-Canadian mediation processes and healing Circles with transformative mediation and counseling sessions. Mediation and peacemaking seek to achieve better understanding among those affected by the conflict and to seek solutions that address all concerns. Healing Circles share these features and are also focused on restoring balance and harmony to individuals and relationships harmed by past and present events.[58]

Participants in the Circle vary depending on the nature of the dispute but always include the S*mómíyelhtel*, the parties involved in the dispute, and at least one Elder.[59] Each participant is asked to bring an Elder from their family.[60] Circles are rescheduled if an Elder is not able to attend.[61] Elders have a special role because they are accorded respect by Stó:lō people, “really listen and come without their own agenda.”[62] They "know how each person is tied to the community," bring spiritual guidance to the process, and their advice is generally well accepted by Circle participants.[63]

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[55] *Ibid* at 26-27.
[56] *Ibid* at 29.
[57] *Ibid*.
[58] *Ibid*.
[59] *Ibid*.
[60] *Ibid* at 26.
[61] *Ibid* at 29-30.
[62] *Ibid* at 30.
[63] *Ibid.*

Extended family is also important to the process. The Stó:lō consider cousins as siblings and do not "place distance between family" as non-Indigenous peoples might in the case of extended family by using words such as "step," "in-law," and "half."[64] People are often introduced to each other in the community in terms of their family connections. These connections are reinforced in the Circle process, providing greater incentive to listen and change.[65] Names and connections come with responsibility and those who have gone through naming ceremonies to receive ancestral names may be "stripped…until they show they can carry it with responsibility and respect."[66] Connection to family in Stó:lō culture makes it easier for a wrongdoer to face a stranger in a courtroom than to sit in an intimate Circle with family they love and respect and acknowledge how they harmed them.[67]

All participants are encouraged to be kind, respectful and acknowledge the courage it takes to ask for help and to change.[68] They are expected to "share all four sacred parts of being, namely, the physical, the mental, the emotional, and the spiritual."[69] Involvement in the process calls for full participation through "actively listening, verbally sharing or both."[70] Participants are expected to be mentally strong enough to hear what may be difficult to hear and to extrapolate the good from what is being said.[71] Sharing emotions is also encouraged.[72]

Circle processes are highly spiritual and sacred to the Stó:lō. "[A]ll of life is best understood in terms of a Circle" and Circle work has "the power to protect and to heal."[73] The Circle process "creates space for Elders and invaluable teachings" they have to share and a forum for community members to relate in a "safe and non-confrontational" way.[74] It is a way for people to connect with Elders, family and ancestors. Each session "always starts and finishes with a prayer."[75] This is usually conducted by the Elder and is done to "ground the participants

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[64] *Ibid*.
[65] *Ibid*.
[66] *Ibid*.
[67] *Ibid* at 31.
[68] *Ibid* at 26-27.
[69] *Ibid* at 28.
[70] *Ibid.*
[71] *Ibid.*
[72] *Ibid.*
[73] *Ibid*.
[74] *Ibid* at 29.
[75] *Ibid* at 32.

and acknowledge Stó:lō ancestors."[76] Sometimes a meal is shared to further promote closeness and a feeling of well-being.[77]

Receiving and sharing teachings is an important part of the Circle process and establishing one's identity and sense of self-worth.[78] Tools used to help to facilitate this include a talking piece, sacred and unique to each S*móyelhtel*.[79] It is given to him or her by family relations to represent their ability "to bring people together "in a good way."[80] It is treated with respect by all participants and only the person holding it may speak. This enables speakers to proceed at their own pace, uninterrupted, slows the pace of discussion and ensures that nobody speaks out of turn.[81] It also reminds the speaker to speak truthfully and from the heart – an "'I' frame of reference that personalizes the interactions in the Circle."[82]

3. Gitanyow Legal Order and the Feast System

Ceremony, images, language, music, telling, performing and witnessing also have a significant role in many Indigenous legal systems and dispute resolution processes. For example, under Gitanyow law, the "highest legal and political unit is the House group" (matrilineal family lineage group).[83] Each house continues to evidence its territory, familial property and political authority through a sophisticated interweaving of song, performance, verbal record and images witnessed at feasts or potlatches by chiefs and members of other houses.[84] A unique set of crest images (*ayuks*) on blankets, rattles, poles and other regalia, as well as hereditary names of honoured ancestors, legends, songs, dances, secret words, ceremonial prerogatives and other intangibles belong to each House and are held by the Chief on their behalf.[85]

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[76] *Ibid.*
[77] *Ibid*.
[78] *Ibid* at 31.
[79] *Ibid.*
[80] *Ibid*.
[81] *Ibid*.
[82] *Ibid* at 31-32.
[83] Richard Overstall, in consultation with Val Napoleon & Katie Ludwig, "The Law is Opened: The Constitutional Role of Tangible and Intangible Property in Gitanyow" in Catherine Bell & Val Napoleon, eds, *First Nations Cultural Heritage and Law Case Studies, Voices and Perspectives* (Vancouver: UBC Press, 2008) 92 at 94 [Overstall].
[84] *Ibid.*
[85] *Ibid* at 101.

Godfrey Good is *Gwinu,*[86] a Gitanyow hereditary chief. As a chief he is expected to remain visible by wearing his chief's regalia and participating in feasts and to maintain a moral code so as not to disgrace his name through negligent or selfish behaviour.[87] In describing the legal order applicable to a Chief's holding of house possessions, he describes it as "automatic," deliberative, communal and witnessed by chiefs today as it was in the past.[88] When the Gitanyow stop following these legal traditions, "they will cease to be the Gitanyow people and will be something else."[89] The legal and political significance of these legal traditions are "constitutional" in the sense that they are about more than creating clear rules to govern relationships and disputes.[90] Rather, Gitanyow "centrally define themselves as a people who follow these laws."[91] Good explains that the law is not just a set of rules to resolve conflicts:

> When a chief dies, this is when the law is opened. It is automatic. No one can break the law when a chief dies. The chiefs will gather, have a feast and decide what to do. The law is the same today…
>
> When a chief dies, the law happens automatically. It is in the feast hall that the business is taken care of. If the law is not followed properly, the chiefs will ask why and state that it is not right. The law of our people is very good.[92]

Telling of *adaawk*, (formal oral history) is fundamental to transmission of laws and clarification of rights and responsibilities.[93] While crests represent important events that occur in the history of a House, these events are more fully recorded in the *adaawk*. *Adaawk* are sung or repeated orally but in some instances the telling of *adaawk* has also been recorded orally, visually and in writing.[94] Hereditary chiefs have a responsibility to pass on the *adaawk* and members of the House have a responsibility "to listen and to witness."[95] The chief has the responsibility of "telling the truth" and the listeners are responsible for understanding what they

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[86] *Ibid* at 96. *Gwinu* means "to ask for something" and this meaning is acted out in a "naxnox" or spirit dance by its bearer (*Ibid* at 103).
[87] *Ibid* at 98.
[88] *Ibid* at 96.
[89] *Ibid at 97.*
[90] *Ibid.*
[91] *Ibid*.
[92] *Ibid* at 96.
[93] *Ibid* at 104.
[94] *Ibid* at 110.
[95] *Ibid* at 109.

have heard.[96] They may be called "mediators" if there is disagreement or misunderstanding within the House.[97] For example, "by listening at the feast, a person becomes familiar with the geographic place names" and territories associated with different Houses as the

> traditional way of showing ownership to land is to repeat the *adaawk* [and] share it with other chiefs. All present at the feast will hear and be witness. The guest chiefs will respond. They will affirm the *adaawk* or they will state it is not correct.[98]

Adaawk and *naxnox* (spirit dance, performance) are also associated with specific objects (e.g. masks) and crest images.[99] For example, Robert Good (Sindihl) tells an *adaawk* associated with *Simgyak*, a bird's head mask with a small human figure inside the beak, used in a *naxnox*.[100] In the *adaawk*, the small human figure is a "higher power that descended from the heavens and speaks through the bird's mouth."[101] It tells the chief of the House of Luuxhon to fish at a certain site. The "spirit of the place (*spanaxnox*) gives the House Chief permission to use the site" and is the underlying legal authority for ownership and use of the fishing site by the House.[102]

Disputes sometimes arise between Houses and members concerning House property, such as unauthorized use of crest images.[103] Authentication of the use of the symbol according to aboriginal legal traditions anticipates the affected House groups host a feast, and invite chiefs to attend along with "others with an interest in the crest being displayed."[104] There is also a broader application of this approach to other disputes and Nations through intermarriage. However the centrality of the feast, telling and witnessing to articulate law and applying it to the resolution of a wider range of disputes depends in part on whether the feast system continues to be recognized and reinforced as an effective and workable system for clarifying laws and resolving disputes within a particular community and beyond members of a particular House and collective property.[105]

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[96] *Ibid*.
[97] *Ibid*.
[98] *Ibid* at 104.
[99] *Ibid* at 103.
[100] *Ibid*.
[101] *Ibid*.
[102] *Ibid*.
[103] *Ibid* at 106.
[104] *Ibid* at 107.
[105] *Ibid;* See e.g. Val Napoleon, "Looking Beyond the Law: Questions about Indigenous Peoples' Tangible and Intangible Property," in Catherine Bell & Robert Paterson, eds., *Protection of First Nations Cultural Heritage: Laws Policy and Reform* (Vancouver: UBC Press, 2009) 370 at 385.

III. Hybrid Models Drawing on Indigenous and Euro-Canadian Traditions

The following section provides an overview of dispute resolution processes that draw on Indigenous and Euro-Canadian legal traditions and dispute resolution processes. These processes include adaptations of mediation and tribunal processes, dispute resolution committees and collaborative decision-making.[106]

1. Ridgewood

In 1992, the Ridgewood Foundation for Community-Based Conflict Resolution was founded in order to develop, promote, and enhance Indigenous community-based conflict resolution "through foundational and principled best practices, process design and training."[107] Though it is no longer active due to the death of its founder,[108] the Ridgewood Foundation provided training and services to various groups including First Nations, government, police, community developers and professionals. The training was informed by a principled approach to dispute resolution based on interest based negotiation skills training. The training sessions formed part of a seven-day schedule designed to expose parties to negotiation processes while "equaliz[ing] the power imbalance between parties such as a First Nations community and the federal government."[109] Sessions were interactive and engaging "with the use of role playing while conveying principles of education on the ADR process, such as negotiation or mediation."[110] Following the negotiation training sessions, the affected parties prepared to negotiate actual conflicts with which they were involved.[111] Such training is now offered through other Indigenous conflict resolution programs such as those offered by the Indigenous Leadership and Management Programs offered by the Banff Center in Alberta.

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[106] For more examples and elaboration of these processes see Ratcliffe & Bell, *supra* note 1.
[107] Jo-Ann EC Greene, *Towards Resolving the Division of On-Reserve Matrimonial Real Property Following Relationship Breakdown: A Review of Tribunal, Ombuds and Alternative Dispute Resolution Mechanisms* (2003), online: Aboriginal Affairs and Northern Development Canada <http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/adr_1100100032666_eng.pdf> at 24 [Greene].
[108] Ridgewood Foundation, *Community-Based Conflict Resolution* (2007), online: Ridgewood Foundation <http://rpbirt.com/ridgewood/ridgewoodtrust/index.htm>.
[109] Greene, *supra* note 106 at 24.
[110] *Ibid.*
[111] *Ibid*.

Jo- Ann Greene has suggested this process might be adaptable to matrimonial real property disputes.[112] Applicable aspects include:

- It provides training in the process and skills for an equitable negotiation session;
- It is principled negotiation with emphasis on reaching an amicable agreement;
- It allows attention to cultural/identity issues, even those that may be deep-rooted, to be explored during negotiation; and
- It encourages full participation by the parties by paying attention to the environment in which the negotiation process occurs.[113]

Another benefit of the Ridgewood process is its focus on identifying and addressing the reasons and feelings underlying the conflict. Within First Nation and other communities "deep-rooted internalized feelings are often attached to the conflict."[114] The Ridgewood process facilitates the consideration and resolution of such feelings in order to prevent "derailment of the process."[115] This is crucial in that the process may collapse if the resolution of such concerns is inadequate, since any trust developed will disappear.[116]

However, Greene also points out some of the limitations of applying this model to matrimonial property disputes. For instance, one person in the relationship may generate the majority of the income and as a result, have more resources at his or her disposal to influence or "coerce outcomes"[117] by threatening litigation. Power issues are particularly prominent in families that experience domestic violence. For these reasons involvement of a third party or other process for addressing power imbalances is often needed to ensure fair and enduring resolution to such disputes.

2. Treaty Four

Established in 1999, the Treaty Four Governance Institute is "part of the Treaty Four Governance Model that promotes self-determination, self-government and the development of governance capacity."[118] It provides "advice to First Nations on the function & development of

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[112] *Ibid*.
[113] *Ibid* at 25.
[114] *Ibid*.
[115] *Ibid*.
[116] *Ibid*.
[117] *Ibid* at 24. For further discussion see also Ratcliffe & Bell, *supra* note 1.
[118] *Greene, supra* note 106 at 32.

constitutions, laws [and] policies" as well as development and training for treaty wide and community level dispute resolution.[119] In October of 2000, it adopted a policy, "to provide a mechanism whereby the First Nation can resolve community disputes…by proceeding through mediation, and adjudication if necessary, all the time drawing upon the mediation and peacemaking traditions of the Nation."[120] The Treaty Four Governance Institute has since incorporated mediation, as the first level in settling disputes, and adjudicative mechanisms, as the second level in resolving disputes. It also established the Treaty Four Administrative Tribunal (Tribunal) to "adjudicate disputes involving the application of First Nation law within Treaty Four territory. In order for the Tribunal to assert its jurisdiction, the First Nation law must designate the Tribunal as the dispute resolution mechanism to use."[121] It is intended to be available when disputes cannot be resolved at the community level through other processes.

Tribunal members are selected from the 34 First Nations of Treaty four and do not participate in resolution of conflicts from their own community.[122] The Treaty Four Governance Institute is responsible for developing and training Tribunal members, including in First Nation community based laws. The Tribunal was initially developed in response to the following needs identified by community members:

- Internal appeals seen as biased and ineffective
- External systems are too distant and inefficient
- Dispute resolution is a key component to all governance developments
- Desire to incorporate "traditional" principles and practices in settling disputes
- Improve quality of life (by settling disputes)[123]

The process followed incorporates Canadian administrative tribunal laws designed to ensure procedural fairness as well as ceremonial practice and respect for First Nations law and legal process. It involves five stages: "determination of Treaty Four jurisdiction" "pre-hearing stage," "the hearing," "decision writing" and "after the decision."[124] Lawyers for both disputing parties may be present but are precluded from actively participating and cross examination is

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[119] Treaty Four Governance Institute, "The Treaty Four Justice System: Alternative Dispute Resolution Projects", online: Treaty Four Governance Institute <http://www.docstoc.com/docs/163155616/The-Treaty-Four-Justice-System--Alternative-Dispute-Resolution-Projects> [Treaty Four Governance Institute].
[120] *Ibid.*
[121] Canadian Human Rights Commission, *supra* note 26 at 64.
[122] *Ibid.*
[123] Treaty Four Governance Institute, *supra* note 118.
[124] *Ibid*.

limited. The primary purpose of the Tribunal is to make findings of fact and settle disputes through the application of First Nations law. But the Tribunal may also make non-binding recommendations on possible ways to resolve the conflict,[125] suggest "recommendations on the development [and] implementation of First Nation law and policy," and issue "interim orders or injunctions during the course of its' proceedings."[126] While recommendations of the tribunal are non-binding, "the agreement to participate in the adjudicative process amounts to consenting to the binding Tribunal decision."[127]

3. Siksika Nation

In Alberta, the *Aiskapimohkiiks* Program was developed as a community-based justice program in order to "assist all Siksika Nation members to resolve disputes."[128] The *Aiskapimohkiiks* Program seeks to divert cases from formal adjudication, "thereby achieving maximum self-determination while restoring independence, solidarity, unity, peace and harmony."[129] The *Aiskapimohkiiks* process involves two-phases: mediation and arbitration and endeavors to incorporate Blackfoot traditions, values and customs.[130] The first phase, "*Aiipohtsiniimsta*," utilizes mediation. The second phase, "*Aiskapimohkiiks*," relies on arbitration if the parties are unable to settle their dispute during the first phase. A three-member tribunal comprised of an Elder, a member of the Siksika community and an independent Chairperson, conducts the arbitration. The A*iskapimohkiiks* Program also involves an Elders Advisory Committee.[131]

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[125] Canadian Human Rights Commission, *supra* note 26 at 65.
[126] Treaty Four Governance Institute, *supra* note 118.
[127] Greene, *supra* note 106 at 34.
[128] Department of Justice, "Location of Aboriginal Justice Strategy Programs in Canada," (online): Department of Justice <http://canada.justice.gc.ca/eng/fund-fina/acf-fca/ajs-sja/cf-pc/location-emplace/ab.html> [Department of Justice].
[129] *Ibid*.
[130] See Ratcliffe & Bell, *supra* note 1, for further discussion of Blackfoot legal traditions in dispute resolution.
[131] Department of Justice, *supra* note 127.

IV. Hybrid Models Directed at Matrimonial Property Disputes

1. Six Nations of Grand River

The matrimonial law of the Six Nations of Grand River community provides for mandatory real property mediation.[132] An exemption from this process is possible in situations where domestic violence is present or if parties agree "there is no reasonable chance for reconciliation."[133] Third party mediators are drawn from the community, and if necessary, given training in mediation.[134]

Section 8.2 of *A Law Concerning Matrimonial Real Property* sets out the purpose of the mediation, the process of selecting a mediator, and the steps that will happen leading up to and after the mediation.

> The mediator will be appointed by an Iroquois Tribunal Judge from a roster of trained mediators identified from within the community. Rules and procedures for mediation will be developed by the Office of the Iroquois Tribunal. Once engaged, the mediator will confer with the parties, and with the children, if the mediator considers it appropriate to do so, and will give their best effort to obtain an agreement between the parties. Success or failure to come to agreement will be reported to the Six Nations – Iroquois Dispute Resolution Tribunal. A mediated agreement will be registered.[135]

The tribunal is anticipated to be the final decision-maker with regards to matrimonial real property disputes, but with a right to appeal in certain circumstances to an Iroquois appellate body.[136] It is anticipated the tribunal will hold hearings in the communities where the dispute is located and apply local matrimonial real property law.[137] It will be comprised of community members from Iroquois communities in Ontario and Quebec: the Six Nations of Grand River, Mohawk Council of Akwesanse and Mohawks of Kahnawà:ke.[138] Section 9.1 of the *Law*

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[132] Six Nations of the Grand River Elected Council, *A Law Concerning Matrimonial Real Property* (18 January 2011, amended 19 August 2012), online: Six Nations Council <http://www.sixnations.ca/MRPLawNovember2012.pdf> at s 8.1 [Six Nations of the Grand River, *Law Concerning Matrimonial Real Property*].
[133] *Ibid.*
[134] *Ibid.*
[135] *Ibid.*
[136] Six Nations of the Grand River Elected Council, *Six Nations of the Grand River - Iroquois Matrimonial Real Property Tribunal Process* (18 January 2011, amended 19 August 2012), online: Six Nations Council < http://www.sixnations.ca/MRPLawNovember2012.pdf> at s.15 (regulations to *A Law Concerning Matrimonial Real Property*) [Six Nations of the Grand River, *Tribunal Process*].
[137] Six Nations of the Grand River, *Law Concerning Matrimonial Real Property, supra* note 131 at s 9.2.
[138] *Ibid* at s 9.1.

Concerning Matrimonial Real Property states that each of these will appoint three tribunal judges creating a roster of nine tribunal judges in total. Only three of the nine, one from each community and at least one from the community where the disputants reside, will sit to hear a case.[139] The process anticipates that expenses for the tribunal will be shared among the Iroquois communities and that the three communities will develop matrimonial real property laws that are "similar and have core [Iroquois] elements."[140] Although the tribunal will follow rules of administrative justice applicable to Canadian tribunals, as much as possible the dispute resolution will be "based on traditional approaches, such as those used in Justice Sentencing Circles."[141]

At the time of writing this paper, Six Nations was the only Iroquois community that enacted matrimonial real property laws and as such, its law anticipates Six Nations will operate the tribunal alone with three judges from that community until other Iroquois matrimonial real property laws are in place.[142] The traveling nature of the tribunal will not be implemented until all three communities have appointed their respective judges.[143] Six Nations has also developed a regulation to govern the tribunal process.[144] The regulation emphasizes that the Tribunal's remedies and processes must comply with the "Matrimonial Real Property laws of Six Nations of the Grand River and other member communities of the Iroquois Caucus, who have an Matrimonial Real Property Law" and be "fair, just and equitable."[145] It also sets minimum standards for member qualifications, which include impartiality and being of good character and reputation.[146] Members cannot be related by blood or marriage to each other, or to anyone whose case "is subject of a review, decision or an Iroquois which is before the tribunal."[147] Members appointed to the tribunal will serve for an indefinite period of time although their position is subject to review by their respective Council after five years.[148] If a case involves "culture, tradition, heritage and language," then the tribunal may need input from the Elders.[149] In such a

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[139] *Ibid* at ss 9.1-9.3.
[140] *Ibid* at s 9.3.
[141] *Ibid*.
[142] *Ibid* at s 9.1.
[143] *Ibid* at ss 9.1-9.2.
[144] Six Nations of the Grand River, *Tribunal Process*, *supra* note 135.
[145] *Ibid* at s 1.2.
[146] *Ibid* at s 3.1.
[147] *Ibid*.
[148] *Ibid* at s 5.
[149] *Ibid* at s 11.

case, "any person who is an Elder of Six Nations of the Grand River has the right to give relevant input at the request of either spouse."[150]

To commence a tribunal proceeding, a written and signed application must be submitted to the Office of the Registrar along with proof of service on any named Respondents.[151] The anticipated process for the tribunal hearing is as follows:

a. Opening and closing prayer;
b. Acknowledge people present;
c. States rules of procedure to be used;
d. Deal with any preliminary objections concerning jurisdiction, irregularities, service and any other preliminary matters of a material nature;
e. The Applicant presents his or her case and calls witnesses;
f. Each Respondent has the opportunity to cross examine the witness of the Applicant;
g. At the conclusion of the case of the Applicant, each Respondent shall present their evidence and call witnesses;
h. All other parties have the opportunity to cross examine the Witnesses of the Respondent(s);
i. Re-examinational and rebuttal evidence is at the discretion of the Iroquois Tribunal Panel;
j. At the conclusion of the case each party shall be given the opportunity to provide argument;
k. The Hearing can be adjourned from time to time;
l. The Hearing is concluded when the Iroquois Tribunal declares the Hearing as concluded.[152]

The process also requires all witnesses to provide testimony under oath or by way of affirmation and hearings will generally be open to the public unless the tribunal determines protection of privacy is required.[153] Hearings may be completed or terminated in any of the following circumstances: the rendering of a decision of the panel, if the parties have settled, "if the applicant withdraws the notice of proceeding," if the parties agree to terminate the hearing or if the tribunal considers continuation of the hearing to be unnecessary.[154] Tribunal decisions can be appealed to the Iroquois Tribunal Appeal Body which will include one of the original members who heard the dispute.[155] The appeal must be premised on an error in the application of

[150] *Ibid.*
[151] *Ibid* at s 10.
[152] *Ibid* at s 13(1).
[153] *Ibid* at ss 13(2)-13(3).
[154] *Ibid* at s 14.
[155] *Ibid* at s 15.

relevant Iroquois matrimonial real property laws.[156] The appeal body has the authority to award costs to either party and such costs will usually be awarded if an appeal is deemed "frivolous or vexatious."[157] If an individual fails to comply with a decision rendered by the tribunal, the tribunal may also order costs, or engage the assistance of the Six Nations Government or a Compliance Officer, where one exists, to enforce the decision.[158]

2. Beecher Bay First Nation

Beecher Bay First Nation matrimonial real property law requires parties to participate in mediation if they are unable to successfully negotiate and conclude an Interspousal Contract with regards to the division of matrimonial real property upon relationship breakdown.[159] An Interspousal Contract refers to "an agreement entered into between Spouses who are married to each other or intend to marry" or "a Separation Agreement entered into between Spouses who are married to each other and are living separate and apart":

> ...made in writing, signed by the Spouses and witnessed, in which they agree on their respective rights and obligations under the marriage or on separation, with respect to the possession or division of Interests in Beecher Bay First Nation Land.[160]

The Council of Beecher Bay First Nation are responsible for developing the policy and procedures for mediation and maintaining a roster of mediators after consultation with the Elders Advisory Council and the Lands Management Advisory Committee.[161] The roster must "include one or more Elders who are qualified to apply the traditional laws and customers of the Big House of the Beecher Bay First Nation [and] available to assist Spouses in resolving disputes."[162]

Spouses may jointly or independently initiate mediation. If mediation is initiated independently, the initiating spouse is required to file a Notice of Request for Mediation with the

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[156] *Ibid*.
[157] *Ibid*.
[158] *Ibid* at s 17.
[159] Beecher Bay First Nation, *Beecher Bay First Nation Matrimonial Real Property Act*, online: First Nations Land Management Resource Centre < http://www.labrc.com/wp-content/uploads/2014/03/Beecher_Bay_Matrimonial_Law.pdf> at s 14.
[160] *Ibid* at s 5(j).
[161] *Ibid* at s 15.
[162] *Ibid.*

Lands Manager and serve it on the other party.[163] Once the Lands Manager has been notified that the spouse has been served, the Notice of Request for mediation is delivered to the Land Management Advisory Committee.[164] Within thirty days the Lands Manager must schedule the mediation.[165] This time period may be extended at the request of the spouses or if the Lands Manager is unable to arrange for a qualified mediator within the required time period.[166] Ten or more days prior to the commencement of the mediation, the Lands Manager must serve a Notice of an Appointment for Mediation upon both spouses and the Lands Management Advisory Committee.[167] Spouses who have been served are required to attend mediation[168] and the mediation will be conducted expeditiously and in confidence.[169] If mediation is successful, a Separation Agreement is drafted.[170] The mediator is responsible for notifying the Lands Manager, who will then inform the Lands Management Advisory Committee.[171] If the mediation process is unsuccessful, the mediator must issue a confidential report outlining the unresolved issues to each spouse and the Lands Manager.[172]

3. Opaskwaya Cree Nation and Mississaugas of Scugog Island First Nation

Similar processes to those adopted by Beecher Bay First Nation are adopted by several other communities including the: Chippewas of Georgina Island First Nation, Lheidli T'enneh First Nation, Matsqui First Nation, McLeod of Lake Indian Band, Muskoday First Nation, Nipissing First Nation, and Opaskwaya Cree Nation.[173] However, the Opaskwaya Cree Nation does not mandate mediation. According to their matrimonial real property law mediation is an option that either party can arrange prior to seeking formal adjudication through the Canadian courts.[174] The Mississaugas of Scugog Island First Nation's process is mandatory, but the

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[163] *Ibid* at ss 18, 20.
[164] *Ibid* at s 22.
[165] *Ibid* at s 23.
[166] *Ibid* at s 24.
[167] *Ibid* at s 25.
[168] *Ibid* at s 26.
[169] *Ibid* at ss 27, 28.
[170] *Ibid* at s 29.
[171] *Ibid* at s 31.
[172] *Ibid* at s 32..
[173] "Matrimonial/Spousal/Family Property Laws" (2014), online: First Nations Land Management Resource Centre <http://www.labrc.com/resources/matrimonialspousalfamily-property-laws/>.
[174] Opaskwaya Cree Nation, *Spousal Interest Land Law* (2006), online: First Nations Land Management Resource Centre <http://www.labrc.com/wp-content/uploads/2014/03/OCN-Spousal-Interest-Land-Code-law-2006-001.pdf> at s 10.2.

spouses may choose the mediator.[175] If the spouses cannot agree on a mediator, the Band Council will choose a suitable mediator.[176] Regardless of the outcome of the mediation, in all of the aforementioned First Nations, Council provides a certificate to the parties confirming compliance with the mediation requirement.[177] An alternative process, such as formal adjudication, may not be pursued unless such a certificate can be produced.[178]

4. Kitslas and Westbank First Nations

Both the Kitselas First Nation and the Westbank First Nation require mediation before formal adjudication of matrimonial property disputes.[179] Under the Kitselas First Nation's process, either spouse may initiate mediation by providing a written request to the British Columbia Mediator Roster Society.[180] If the disputing spouses do not agree upon a mediator within fourteen days of the initial request, the British Columbia Mediator Roster Society, at the request of either spouse, will appoint one.[181] Furthermore, within fourteen days of the appointment of a mediator, each spouse is required to provide the mediator with a written summary outlining all relevant facts and issues.[182] The mediator is then required to provide copies of the summaries to the other party while determining the suitability of the parties for mediation. The mediator may refuse to mediate if he/she determines that the process will be unsafe for one or both spouses.[183] The mediation may be conducted "in joint meetings or private caucus" and the mediator may "determine his/her own rules and procedures applicable to the conduct of the mediation in accordance with the BC Mediation Roster Society standards."[184]

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[175] Mississaugas of Scugog Island First Nation, *Matrimonial Real Property Law*, online: First Nations Land Management Resource Centre <http://www.labrc.com/resources/matrimonial spousalfamily-property-laws/> at s 13(d).
[176] *Ibid.*
[177] See e.g *ibid* at s 22.
[178] *Ibid* at s 23.
[179] Kitselas First Nation, *Kitselas Family Property Law* No 2009-1, online: First Nations Land Management Resource Centre < http://www.labrc.com/wp-content/uploads/2014/03/Kitselas_Family_Property_Law_2009-1Final_draft.pdf> at s 7.2 [*Kitselas Family Property Law*]; Westbank First Nation, *Westbank First Nation Family Property* Law No 2006-02, online: First Nations Land Management Resource Centre <http://www.labrc.com/wp-content/uploads/2014/03/Westbank_Family_Property_Law.pdf> at s 7.2 [*Westbank First Nation Family Property Law*].
[180] *Kitselas Family Property Law, ibid* at s 6.1.
[181] *Ibid* at s 6.3.
[182] *Ibid* at s 6.5.
[183] *Ibid* at s 6.6.
[184] *Ibid* at s 6.7.

Parties may attend mediation in the presence or absence of legal counsel and have a duty to attend upon receiving a notice of appointment.[185] All statements made in the course of mediation are confidential unless the mediator is concerned for the safety of a child.[186] If the parties successfully reach an agreement through mediation, after advising the parties to seek independent legal advice, the mediator or a lawyer will draft a separation agreement for the spouses to sign.[187] The mediator is required to prepare a report if he/she deemed mediation to be an unsuitable dispute resolution process, if a spouse refused to attend or if the mediation did not result in an agreement.[188] In that event, the report is to be sent to both spouses and may be submitted to the Court in order to prove that mediation has occurred.[189] Furthermore, a spouse may commence further alternative dispute resolution processes in relation to matters that do not concern First Nations land.[190] The Westbank First Nation adopts the same process.[191]

5. Skawahlook First Nation

The Skawahlook First Nation community provides "justice assistance" to disputing spouses.[192] Qwi:Qwelstom refers to "justice" and is based on traditional dispute resolution techniques.[193] This form of mediation requires "affected family and community members to discuss what has happened and to reach an agreement on how best to repair harm and restore balance and harmony."[194] If mediation is successful, the chair is required to provide a copy of the agreed upon Domestic Contract to the Lands Manager, who is responsible for notifying the Lands Advisory Committee.[195] If mediation is unsuccessful and domestic contract cannot be achieved, the chair must deliver a confidential report to the spouses and the Lands Manager (if the report is oral, the Lands Manager must reduce is to writing and it must be initialed by the

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[185] *Ibid* at ss 6.8, 6.9.
[186] *Ibid* at ss 6.11, 6.12.
[187] *Ibid* at s 6.13.
[188] *Ibid* at ss 6.14, 6.15.
[189] *Ibid* at s 6.16.
[190] *Ibid* at s 6.18.
[191] *Westbank First Nation Family Property Law*, *supra* note 178 at ss 6.1-6.18.
[192] Skawahlook First Nation, *Skawahlook First Nation Spousal Property Law*, online: First Nations Land Management Resource Centre <http://www.labrc.com/wp-content/uploads/2014/03/Skawahlook_Spousal_Property_Law.pdf> at Part 3.
[193] *Ibid.*
[194] *Ibid*.
[195] *Ibid* at s 14.

chair).[196] Spouses may then apply to the Court for adjudication and resolution. A spouse may commence further alternative dispute resolution processes in relation to matters that do not concern First Nations land.[197]

6. Tsawout First Nation

The Tsawout First Nation encourages spouses to resolve property disputes "through cooperative discussion or through mediation or other alternative dispute resolution" [198] prior to applying to the court for formal adjudication.[199] Spouses may apply to the court provided reasonable efforts have been made in order to resolve the dispute.[200] The burden is on the person opposing the application to court to demonstrate that reasonable efforts have not been made through alternative dispute resolution.[201] This approach is also adopted by the Tzeachten First Nation.[202]

7. Anishinabek Nation (Union of Ontario Indians)

The Anishinabek Nation, which was incorporated in 1949 as the Union of Ontario Indians, represents 39 First Nations in Ontario. In 2003, the Anishinabek Nation began looking into creating community-based dispute resolution processes.[203] While engaging in self-government negotiations, they began crafting the processes after receiving funding.[204] The Anishinabek Nation has established dispute resolution systems to govern disputes including matrimonial real property, education and governance.[205]

From the start, the Anishinabek Elders Council was involved in the four regional workshops and the "wrap-up conference" that played a role in building the processes, bringing "a

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[196] *Ibid* at ss 15, 16.
[197] *Ibid* at s 17.
[198] Tsawout First Nation, *Tsawout First Nation Smeli (Matrimonial) Real Property Law* No 01-2012, online: First Nations Land Management Resource Centre <http://www.labrc.com/wp-content/uploads/2014/03/Tsawout-Matrimonial-Real-Property-Law-No_01-2012.pdf> at s 5.1.
[199] *Ibid* at s 5.3.
[200] *Ibid* at s 5.3(1).
[201] *Ibid* at s 5.3(2).
[202] Tzeachten First Nation, *Tzeachten First Nation Matrimonial Real Property Law* No 09-03, online: First Nations Land Management Resource Centre <http://www.labrc.com/wp-content/uploads/2014/03/Tzeachten_Matrimonial_Real_Property_Law.pdf> at ss 6.1-6.4.
[203] Canadian Human Rights Commission, *supra* note 26 at 76.
[204] *Ibid* at 40.
[205] Anishinabek Nation, "Appeals and Redress", online: Anishinabek Nation < http://www.anishinabek.ca/roj/appeals-and-redress.asp> [Anishinabek Nation, Appeals and Redress].

strong source of Traditional Knowledge to help solidify the Anishinabek Nation's understanding of dispute resolution."[206] With the hopes of incorporating the Anishinabek citizens' views on the issue of dispute resolution, the workshops helped to strengthen the communities' support in starting and shaping such a process.[207] During 2004-2005, another set of workshops and a second conference occurred, this time focusing on discussions about "external dispute resolution processes" such as dispute resolution panels and the Commission's process.[208]

Some of the communities are very small, with populations no larger than a couple hundred. For those communities, it would be difficult for it to have its own process.[209] Thus, the decision was that there would be "one national and four regional dispute resolution processes in the Anishinabek territory."[210] The regional processes are aimed at dealing with regional challenges or disputes.[211] The types of disputes that may be considered by the Anishinabek Nation Tribunal and Commission are varied and include those that "concern the entire nation, [disputes] between First Nations, governance and administration of First Nations, Election Codes, Constitutions, matrimonial real property, citizenship, etc."[212] Moreover, "First Nations, citizens, and non-members of the Anishinabek Nation" may utilize the Anishinabek Nation Tribunal and Commission.[213]

Between 2005-2008, the structures, policies and practices of the four Dispute Resolution Commissions and the Anishinabek Nation Tribunal and Commissions were determined.[214] All five Commissions ultimately rely on several alternative dispute resolution processes including sharing Circles, mediation and dispute resolution panels.[215]

The processes draw on the traditional values and dispute resolution processes of the communities.[216] Respect is paid to the 7 grandfather teachings: wisdom (nbwaakawin), love (zaagidwin), respect (mnaadendmowin), bravery (aakdehewin), honesty (gwekwaadziwin),

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[206] Canadian Human Rights Commission, *supra* note 26 at 40.
[207] *Ibid*.
[208] *Ibid*.
[209] *Ibid* at 41.
[210] *Ibid.*
[211] Anishinabek Nation, Appeals and Redress Part 1 of 2, *supra* note 28.
[212] Anishinabek Nation, Appeals and Redress, *supra* note 204.
[213] *Ibid.*
[214] *Ibid.*
[215] *Ibid.*
[216] Appeals and Redress Part 1 of 2, *supra* note 28.

humility (dbaadendiziwin) and truth (debwewin).[217] The processes arise from models that are "culturally appropriate" to the community and designed by the communities, resulting in a greater understanding of what the process represents.[218] The appeals and redress system that was created involves community members by having them sit on the committees and respects community individuality by providing for the procedures to be shaped to fit the particular community's tradition or desired system.[219] Some of the goals in the processes are to keep relationships[220] and to be fair, neutral, and confidential.[221]

One of the processes is the sharing Circle service. In this process, an Elder or member of the committee works with the parties involved in a dispute in a voluntary, informal process where they can discuss the dispute and explore how the dispute arose, the effects that have flowed from the dispute, an how it may be resolved.[222] This process encourages the community and the person to take ownership of the act or harm.[223]

Another process is mediation. Here, a trained community member acts as a mediator to lead a voluntary mediation.[224] The process allows the parties to voice their concerns and empowers the individuals to consider what they, and their communities, can do to move forward from the dispute.[225]

Lastly, there is the dispute resolution panel service, which is typically used where mediation or sharing Circles may not work well for the parties or where the parties would like a decision made.[226] Typically, three community members, who are trained in hearing evidence, sit on a panel and hear the parties.[227] In cases where the community panel members may be in conflict with the dispute or parties, a panel member may be brought in from another community.[228] The panel is given the authority to hear evidence, make recommendations, and to

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[217] *Ibid.*
[218] Anishinabek Nation, "Appeals and Redress Part 2 of 2" (Union of Ontario Indians: Nipissing First Nation, 2008) (video), online: Youtube <http://www.youtube.com/watch?v=p2FaHsCT6aU> [Appeals and Redress Part 2 of 2].
[219] Appeals and Redress Part 1 of 2, *supra* note 28.
[220] Appeals and Redress Part 2 of 2, *supra* note 217.
[221] Appeals and Redress Part 1 of 2, *supra* note 28.
[222] *Ibid.*
[223] *Ibid.*
[224] Appeals and Redress Part 2 of 2, *supra* note 217.
[225] *Ibid.*
[226] *Ibid.*
[227] *Ibid.*
[228] *Ibid.*

make a final decision.[229] The overall goal of the processes is to promote the upkeep of relationships and to avoid situations that can divide people or communities.[230]

In March 2007, the Grand Council, Chiefs in Assembly of the Union of Ontario Indians passed a draft version of matrimonial real property legislation in principle. The Anishinabek Nation subsequently passed the law in June 2007.[231] In terms of enactment, in 2010, the Grand Council, Chiefs in Assembly passed a plan to develop and implement various regulations that will "give effect" to the matrimonial real property law.[232] The division and distribution process for matrimonial real property in the event of marital breakdown must be initiated through an application.[233] Ultimately, the law states that its purpose "is to promote the best interests, protection, and well being of members, citizens, and non-members who reside within First Nations of the Anishinabek Nations, regarding the division and distribution of matrimonial real property."[234]

V. Hybrid Models Directed at Family Disputes

Although not directed at matrimonial real property, these processes draw on Indigenous and Canadian legal traditions and can be adapted to address other family disputes, including matrimonial real property disputes.

1. Nishnawbe Talking Circles

In 1990, the Nishnawbe-Aski Legal Services Corporation was tasked by the Chiefs of Treaty Nine to establish alternative justice services for its community members. The process, called "the Talking Together Program was created in 2002 to address the child welfare needs of 51 First Nations communities in the Nishnawbe-Aski Nation (NAN) territory."[235] More specifically, the program works with on- and off-reserve NAN First Nations children who have

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[229] *Ibid.*
[230] *Ibid.*
[231] Anishinabek Nation, "Matrimonial Real Property", online: Anishinabek Nation <http://www.anishinabek.ca/roj/matrimonial-real-property.asp>.
[232] *Ibid.*
[233] *Ibid.*
[234] *Ibid.*
[235] Nishnawbe-Aski Legal Services, "Talking Together", online: Nishnawbe-Aski Legal Services <http://www.nanlegal.on.ca/article/talking-together-126.asp>.

been apprehended and their families.[236] Talking Together utilizes a restorative, Circle approach "to bring participants together to discuss family problems in a non-judgmental way."[237] The Circle is comprised of family members, workers, agency representatives and community Elders.[238] In the Circle, participants examine the ramifications of the issues experienced by a particular family.[239] "If an agreement is reached, it is used as the basis for the Plan of Care, and filed with the Court."[240] Ultimately the purpose of the Talking Together initiative is to strengthen the family unit.[241]

2. Mikmaw Family Group Conferencing

Commencing in 2005, the Mi'kmaw Family and Children Services Agency developed Family Group Conferencing, "which is a culturally aligned strategy for family healing that uses a healing Circle format to assist families in open protection cases, cases before the courts, children in care and kinship placement in foster care and adoption."[242] As explained in our discussion of BC Initiatives below, Family Group Conferencing is a phrase used to describe a participatory process used in New Zealand and adapted in Canada. Here it often takes the form of Circle decision making processes for conflict resolution in accordance with many First Nation legal traditions. The Agency offers Mi'kmaw families the opportunity to engage kinship networks for child placement as opposed to foster care or family court.[243] Family Group Conferencing has expanded and presently receives referrals from the Family Support Department and the various Family and Community Healing Centres.[244] One reason it has expanded is, as the Mi'kmaw Family and Children Services Agency indicates, it:

> very much resembles the healing Circle and the talking Circles of [Mi'kmaw] culture. For many Mi'kmaq and other Aboriginal people the Circle is a powerful symbol of connectivity and completeness. The healing Circle / talking Circle has long been a place where everyone is equal, where all can have a say. It is a healing Circle where the heart can be unburdened, and words of consolation can be

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[236] *Ibid.*
[237] *Ibid*.
[238] *Ibid.*
[239] *Ibid.*
[240] *Ibid*.
[241] *Ibid*.
[242] L. Jane McMillan, *Addressing Mi'kmaq Family Violence* (May 2011), online: Tripartite Forum <http://www.tripartiteforum.com/downloads/x/Tripartite%20Family%20Violence.pdf> at 166.
[243] *Ibid.*
[244] *Ibid* at 167.

> freely spoken. Everyone in the Circle has a piece of truth and everyone's contribution is intended to make it whole.[245]

3. B.C. Circle and Family Group Conferencing Models

In 2004, 2006 and 2008, the British Columbia Ministry of Children and Family Development provided significant funding to the Law Foundation of British Columbia for the purposes of expanding alternative dispute resolution processes with respect to child protection, particularly in the Aboriginal context.[246] There are eleven participating agencies that have implemented various "collaborative decision-making" (CDM) processes including family group conferencing, traditional decision-making and hybrid models.[247] Some of these are discussed below.

Family group conferencing was originally used to describe a process used in New Zealand where families, service providers and other professionals engage in collaborative decision-making. It was "developed in response to the need for a culturally sensitive, family-based approach to the care of Maori children, who, like Aboriginal children in BC, were disproportionately over-represented in the country's foster care system."[248] This model is premised on the notion of collective responsibility and involves the child, immediate and extended family members and community members (as identified by the family) in the development of a plan of care.[249] An "underlying assumption of the [Family Group Conferencing] process is that the family itself is best able to understand and articulate its strengths, challenges, resources and supports, [and] therefore plans created by the family have a higher probability of success."[250]

A family group conference facilitator or coordinator is responsible for assisting families in identifying and inviting appropriate individuals to the conference. Such conferences are ultimately designed to enhance and augment a particular family's support network.[251] Traditional decision-making processes also involve Elder wisdom and knowledge. They also generally

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[245] *Ibid*.
[246] Leanne Harder, *Report of Aboriginal Child Welfare Collaborative Decision-Making Models* (2009), online: Law Foundation of British Columbia <http://www.lawfoundationbc.org/wp-content/uploads/Report-of-Collaborative-Decision-Making-Models.pdf> at 1 [Harder].
[247] *Ibid.*
[248] *Ibid* at 40.
[249] *Ibid* at 40-43.
[250] *Ibid* at 1.
[251] British Columbia, "Collaborative Planning and Decision-Making in Child Welfare", online: British Columbia <http://www.mcf.gov.bc.ca/child_protection/mediation.htm>.

commence and close with a prayer. If the Circle format is employed, there are typically "four rounds: introduction/role identification; issue articulation; family planning; finalization of the plans and/or check in. Teachings are shared by those with influence and authority in the meeting - often Elders."[252] The individuals that comprise the Circle develop resolutions and as such, "the individuals are the Circle and are encouraged to take responsibility of the resolution."[253] Multiple meetings may be required in order to reach a resolution.[254]

(a) *Carrier Sekani Family Services Society*

The Carrier Sekani Family Services Society utilizes traditional decision-making regarding child welfare disputes. A Family Justice Facilitator (Facilitator) is responsible for arranging all pre-meeting and meeting details in addition to ensuring the safety of all participants.[255] Usually the Facilitator meets with the social worker prior to contacting the parents and arranging the pre-meeting. During the pre-meeting, the Facilitator is responsible for assisting participants to articulate and express their concerns and gauging relationship dynamics between participants.[256] Many individuals are invited to participate including children, siblings, parents, Elders, extended family members and Clan members depending on the families' preferences.[257]

The process is "child centered and ensures that the child's voice is included."[258] The Facilitators, which are "primarily of Carrier Sekani heritage," generally "have a variety of qualifications and experience" with many holding a social work degree or similar education.[259] He or she typically conducts an individual orientation with each participant, including service providers, to discuss various issues and concerns prior to the meeting.[260] The Facilitator, or if the family elects, Elders, share teachings from both Western and Indigenous traditions: "participants teach each other informally by relating their own similar personal experiences."[261] Once the

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[252] Harder, *supra* note 245 at 6-7.
[253] *Ibid* at 7.
[254] *Ibid*.
[255] *Ibid* at 12.
[256] *Ibid* at 11.
[257] *Ibid* at 10.
[258] *Ibid*.
[259] *Ibid*.
[260] *Ibid* at 11.
[261] *Ibid* at 12.

family hears all protection and welfare concerns, they develop a plan and reduce it to writing.[262] Depending on the nature of the case, the social worker may have ultimate decision-making responsibility.[263] The family and the social worker review the final agreement, which must outline the manner in which it is to be executed and evaluated, and sign it accordingly.[264] A date for a review meeting must be scheduled, usually three months after the plan is finalized and subsequent meetings may be arranged depending on the plans progress to account for any issues and revisions.[265]

(b) *Haida Child and Family Services Society*

Pursuant to Haida culture and values, "disputes are typically resolved by consulting Elders, matriarchs, or "aunties." In the event of a concern about a child, a community member will approach one of the people previously mentioned and ask for their assistance to intervene."[266] The Coordinator is responsible for inviting participants according to the families' wishes and will contact all identified family members, community members, the social worker and all other professionals involved.[267] On occasion, some professionals have been precluded from participating in the Circle "because the family does not want them there."[268] The Coordinator also outlines the structure and purpose of the meeting during the pre-meeting stage. During this stage participants will be asked to articulate "what they want for the child."[269]

The meeting is often initiated by an opening prayer and "always with a song."[270] Elders and cultural support people "may share teachings."[271] The Circle provides all participants with an "equal opportunity to speak."[272] While the family is responsible for developing a plan, it is subject to social worker approval.[273] The meeting concludes with "a final round of the Circle where participants are asked to say one thing each found significant. Then there are closing

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[262] *Ibid* at 13.
[263] *Ibid* at 12.
[264] *Ibid* at 13.
[265] *Ibid*.
[266] *Ibid* at 14.
[267] *Ibid* at 15.
[268] *Ibid*.
[269] *Ibid*.
[270] *Ibid* at 16.
[271] *Ibid*.
[272] *Ibid.*
[273] *Ibid.*

prayers and music."[274] In terms of accountability, the Coordinator conducts approximately three follow-up meetings for each conference, which is monitored by the social workers and any other appropriate professionals.[275]

(c) *Kla-how-eya Aboriginal Centre*

The Kla-how-eya Aboriginal Centre engages a hybrid process that is primarily child-focused.[276] During the pre-meeting stage, the family determines who to invite to the Circle with the support of two Facilitators.[277] The Facilitators explain the process to the family, discuss potential options for resolution including the benefits of the Circle process, and advise the social worker required to consent to any plans developed by the family.[278] A four round talking Circle is then utilized, which typically commences with a smudge and a prayer.[279] The four rounds of the talking Circle are as follows: role/relationship identification, issue identification, family planning, and formalization of plans.[280] Elders are available to provide "support and recommendations from a neutral, community point of view" as requested.[281] The meeting ends with "a final round to debrief the process and acknowledge the relationships built."[282] Food is served to encourage sharing and relationship building, while also celebrating the commitments contained in the plan.[283] Another meeting and/or Circle may be arranged if necessary.[284]

(d) *Northwest Inter-Nation Family and Community Services Society*

Northwest Inter-Nation Family and Community Services Society also employs a hybrid process. The Coordinator is required to determine "who should be invited" to the meeting "based on discussions with the parents, children (12 years and older) and other family members" during the pre-meeting phase.[285] The actual meeting is often opened with a prayer, if the family

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[274] *Ibid*.
[275] *Ibid*.
[276] *Ibid* at 25-27.
[277] *Ibid* at 27.
[278] *Ibid.*
[279] *Ibid* at 28.
[280] *Ibid.*
[281] *Ibid.*
[282] *Ibid* at 29.
[283] *Ibid.*
[284] *Ibid*.
[285] *Ibid* at 32.

requests, and is facilitated by the Coordinator.[286] Traditional teachings are discussed and "taking into account everyone's different perspective, [the Coordinator] facilitates some mutual understanding by assisting some parties to understand each other in individual meetings and within the [Family Group Conferencing] meeting."[287] During the introductions, participation is encouraged through the use of flip charts titled "Hopes," "Strengths," and "Issues/Concerns."[288] The Circle process then commences and all participants are permitted to speak.[289] The affected family is responsible for developing their own plan although it must be approved by the Delegated Agency.[290] Once a plan has been agreed on, the Coordinator formalizes it, a plan-monitoring schedule is developed, and the Coordinator's role concludes.[291] Within three to six months of the formalization of the agreement, a Family Group Conference Evaluator will also follow-up with the family in order to gauge progress.[292]

(e) *Nuu-chah-nulth Tribal Council*

The Nuu-chah-nulth Tribal Council relies on a traditional approach in settling child welfare and safety disputes that maintains: "opportunities for change and growth start with the basic precepts of traditional family as the support system and strength to begin the healing of the self."[293] The process includes as many family and community members as possible and preparation for the main meeting involves several "cultural preparation and cleansing ceremonies."[294] The Coordinator is responsible for explaining the process to participants and encouraging them to consider traditional teachings and "to use those teachings or to seek out Elders who will counsel them as to their family practices."[295] The Coordinator also arranges one-on-one meetings in order to empower individuals to actively participate.[296] The family conference meeting starts with an opening prayer and the Coordinator establishing guidelines

[286] *Ibid* at 33.
[287] *Ibid*.
[288] *Ibid*.
[289] *Ibid.*
[290] *Ibid.*
[291] *Ibid.*
[292] *Ibid*.
[293] *Ibid* at 37.
[294] *Ibid.*
[295] *Ibid.*
[296] *Ibid.*

and encouraging all participants to express views, opinions and concerns.[297] All family members who participate are equally responsible for the development and execution of a plan.[298] Once consensus is reached, the family and the social worker file any and all necessary paperwork.[299] Follow-up meetings are arranged to measure progress and make adjustments.[300]

(f) *Squamish Nation*

The alternative dispute resolution processes developed by the Squamish draw on traditional teachings and the Circle format. Proceedings are initiated by a social worker who meets with the Coordinator/facilitator (facilitator) to discuss agency concerns and objectives for the affected family.[301] The social worker and the family identify individuals they believe will contribute positively to the Circle.[302] The Circle begins with a prayer by an Elder, family member or community member.[303] "[T]eachings are shared about local history, Squamish laws, protocols, customs and the significance of these are explained. There is a respectful acknowledgment of the family's strengths and their value to the community."[304] The facilitator encourages and supports participants to express their views while explaining the Circle process.[305]

During "private family time," the family develops a resolution plan based on the information presented and issues addressed in the Circle.[306] The final agreement is formalized in the full Circle after the family's plan has been considered and accepted by the social worker.[307] The Circle concludes with "a blessing and closing comments by an Elder, community member, or family member."[308] The facilitator, "one month after a Circle and three months thereafter for a period of up to 18 months, "is responsible for interviewing at least three people from each Circle in order to determine the executions and ramifications of the plan.[309] If deemed necessary, the

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[297] *Ibid* at 38.
[298] *Ibid*.
[299] *Ibid* at 39.
[300] *Ibid*.
[301] *Ibid* at 47-48.
[302] *Ibid* at 47.
[303] *Ibid* at 49.
[304] *Ibid*.
[305] *Ibid.*
[306] *Ibid.*
[307] *Ibid.*
[308] *Ibid.*
[309] *Ibid.*

facilitator may arrange a follow-up Circle provided the social worker and the family approve.[310]

(g) *Sto:lo Nation*

The Sto:lo Nation promotes a traditional decision-making model in which ancestral teachings are relied upon in order to resolve child welfare issues.[311] A Family Justice Worker, who often conducts home visits and pre-meetings in order to establish a relationship with the affected family, is responsible for facilitating the Circle and is appointed within one to two days of receipt of a request for service.[312] At the request of Sto:lo Elders, children presently are not permitted to attend any meetings or conferences.[313] Ultimately the Circle provides a safe forum for the discussion of concerns and possible solutions. Prior to attending the Circle, individuals must refrain from substance use for at least four days.[314] Elders attend the Circle with no prior knowledge of the conflict in order to ensure that they "come in with no pre-judgment or pre-solutions to [the] conflict."[315] Their role is to support the family and provide traditional guidance based on oral teachings.[316]

The 'Smoyelhtel' guides the Circle through several processes including: opening prayer, rules, introductions, explanation of the conflict, resolution development, check-ins and a closing prayer.[317] The Family Justice Worker then assists the affected parties in establishing a written implementation plan.[318] Once the Circle is completed and resolutions are established, "the file remains open for up to two months."[319] The Family Justice Worker is responsible for following up with the family through personal contact to inquire into whether additional support is required approximately one month after resolutions are developed, depending on the plan that was set up.[320] If necessary, "the file will remain open for another two to four weeks" prior to its closing.[321] Ultimately the length of time required to execute the plan varies on a case-by-case,

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[310] *Ibid*.
[311] *Ibid* at 50.
[312] *Ibid* at 51.
[313] *Ibid.*
[314] *Ibid.*
[315] *Ibid*.
[316] *Ibid.*
[317] *Ibid* at 52. Smoyelhtel is defined as the "one who guides the Circle."
[318] *Ibid*.
[319] *Ibid* at 53.
[320] *Ibid.*
[321] *Ibid.*

Circle-by-Circle basis.[322]

VI. Conflict Resolution and the *First Nations Land Management Act*

Several First Nations have developed alternative dispute resolution processes under the *First Nations Land Management Act*. While these processes do not currently apply to the resolution of matrimonial real property disputes, similar models can be utilized and in some instances are being adapted. Signatories to this Act include the Aitchelitz, Beausoleil, Buffalo Point, Haisla Nation, Long Plain, Mashteuiatsh, Membertou, Miawpukek, One Arrow, Shushwap, Skowkale, St. Mary's, Stz'uminus, Tsuu T'ina, Williams Lake Indian Band and Yakweakwioose First Nations.[323] Some examples of dispute resolution processes adopted under the Act follow.

1. Long Plain First Nation

The Long Plain First Nation has established, under the *Long Plain First Nation Land Code*, a dispute resolution process that can handle disputes around "interests and rights in Lands."[324] Informal discussions are the first stage of resolving the dispute[325] and if those fail the parties can then move through the following ordered stages of dispute resolution: "facilitated discussions," appeal, or as a final option, Court adjudication.[326] The Long Plain Land Authority, developed to manage lands, is responsible for creating and maintaining a list of possible "appeal panelists from among Eligible Voters, who have relevant knowledge and experience to serve on the Appeal Panel for facilitated discussions and appeals."[327] Sections 41 and 42 detail the facilitated discussion and appeal stages of the process, where the same panel acts as facilitators and as an appeal panel. When a dispute arises and an Appeal Panel is required, the Chief and

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[322] *Ibid*.
[323] Canada, Aboriginal Affairs and Northern Development Canada, "The Harper Government Announces 18 New Entrants to the First Nations Land Management Regime″ (23 January 2012), online: Aboriginal Affairs and Northern Development Canada < https://www.aadnc-aandc.gc.ca/eng/1327272437069/1327272513464>.
[324] Long Plain First Nation, *Long Plain First Nation Land Code* (draft as of 29 January 2014), online: Long Plain First Nation <http://www.longplainfirstnation.ca/Land%20Code/files/Land%20Code%207th%20Draft%20Feb%2010.pdf> at s 38.
[325] *Ibid* at s. 38.3.
[326] *Ibid* at s 38.4
[327] *Ibid* at s 39.1.

Council appoint an "appropriate number of panelists from the roster to serve in the facilitated discussion and appeal stages."[328] A party seeking the resolution of a dispute is required to file a written notice of appeal with the Land Authority.[329] Within fifteen business days the Land Authority must deliver a report to the Chief and council outlining the dispute, pursuant to section 41.1 of the *Land Code*. Within five business days, the Chief and Council establish the panel under section 41.2. Under section 41.3, the panel must then convene as facilitators within five business days. And if the parties are unable to reach consensus through facilitated discussion, the appeals stage is triggered.[330]

The Appeal Panel may confirm, reverse, substitute or refer a decision.[331] The decisions of the Appeal Panel must be reduced to writing[332] by the Chair and are "binding and shall be final except for review by a court of competent jurisdiction."[333] While this process does not apply to housing allocations or the settlement of matrimonial real property disputes,[334] s. 37.1 indicates that Council is responsible for developing and implementing a "spousal property law" applicable upon marital breakdown to "the use, occupancy and possession" and "the division of interests" in First Nation land. Such laws must ensure each spouse has "an equal right to possession" and "an undivided half interest in their matrimonial home," cannot "discriminate on the basis of sex" and must limit those entitled to hold a permanent interest in land to members.[335]

2. Beausoleil First Nation

Beausoleil First Nation has established a similar process in their draft *Land Code*. Citizens are required to "use best efforts to prevent disputes from arising and … consider the use of dispute resolution processes at the earliest possible stage of any conflict."[336] The four stage process for land disputes includes: negotiation, facilitated discussions, mediation and "final arbitration by the Dispute Resolution Panel."[337] An individual seeking assistance must file

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[328] *Ibid* at s 41.2.
[329] *Ibid* at s 40.
[330] *Ibid* at s 41.5.
[331] *Ibid* at s 42.1.
[332] *Ibid* at s 42.4.
[333] *Ibid* at s 42.5.
[334] *Ibid* at s 40.4.
[335] *Ibid* at s 37.4.
[336] Beausoleil First Nation, *Beausoleil First Nation Land Code* (draft as of 16 June 2014), online: Beausoleil First Nation <http://www.chimnissing.ca/landsdocs/LAND-CODE-DRAFT-JUNE2014.pdf> at s 42.1.
[337] *Ibid* at s 43.1.

written notice of the dispute.[338] All individuals involved must be: "treated fairly," "given a full opportunity to present their case" and "given reasons for a decision made."[339] Section 43.4 provides that a notice of termination will issue if it is determined that facilitated discussions or mediation are unsuccessful in resolving the dispute. In that case, the dispute may then progress to "the next stage of the dispute resolution process or to final arbitration."[340]

The Roster Panel is comprised of twenty panelists at most,[341] and is appointed by the Beausoleil First Nation Council.[342] Certain persons are precluded from being on the panel. In order to avoid conflicts of interest, "no Council member, or employee of Beausoleil First Nation or person already serving on another board, body, or committee related to Beausoleil First Nation" is permitted to be on the roster.[343] The panel to hear the dispute is made up of three panelists selected from the roster panel. To select the panel, each party is permitted to select a panelist, with the third being selected by "the rest of the panel."[344] However, all three panelists may, alternatively, be selected by the roster panel.[345] This three person Dispute Resolution Panel may confirm, reverse, substitute or refer a decision.[346] The Dispute Resolution Panel may also "direct an action be taken or ceased," make orders,[347] and make recommendations.[348] "Decisions of the Dispute Resolution Panel must be in writing" and provided to all parties of the proceeding within fourteen days of the decision date, if they so ask.[349] Decisions of the Panel are binding, but can be reviewed on application by the Federal Court's Trial Division.[350]

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[338] *Ibid* at s 43.2.
[339] *Ibid* at s 43.6.
[340] *Ibid* at s 43.4.
[341] *Ibid* at s 44.1
[342] *Ibid* at s 44.3.
[343] *Ibid* at s 44.2.
[344] *Ibid* at s 46.2.
[345] *Ibid*.
[346] *Ibid* at s 47.1.
[347] *Ibid.*
[348] *Ibid* at s 47.2.
[349] *Ibid* at s 47.5.
[350] *Ibid* at s 47.6.

3. Haisla First Nation

The Haisla Nation Land Code was ratified in 2014[351] and relies on informal discussions, mediation and arbitration in the resolution of land-based conflicts. The Haisla Nation mandates "wherever possible, a dispute in relation to the Nation's Land must be resolved through informal discussion by the parties to the dispute."[352] If informal discussions are unsuccessful, the parties may attempt mediation, with a mediator selected from the British Columbia Mediator Roster Society.[353] If the parties are unable to agree on a mediator, they may request that the Society appoint a mediator or they may select any other mutually agreed upon mediator.[354] If mediation fails, then the parties may apply to the British Columbia Arbitration and Mediation Institute in order to commence arbitration proceedings.[355] The rules of the British Columbia Arbitration and Mediation Institute govern the arbitration process.[356] The process is not currently available for determining housing allocations.[357]

4. Stz-uminus First Nation

Similarly, the Stz'uminus First Nation employs informal discussions, mediation and arbitration in order to settle land-based disputes.[358] If parties are unable to resolve their dispute through informal discussions, mediation may be pursued.[359] The parties may jointly appoint a mediator or may request that the Lands Advisory Board Resource Centre do so.[360] If mediation is unsuccessful, the parties may seek arbitration. The same appointment process that governs the mediation also governs the arbitration.[361]

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[351] "Ratification Vote Results" (28 June 2014), online: Haisla First Nation <http://hfn-elections.ca/>.
[352] Haisla First Nation, *Haisla Nation Land Code* (draft as of May 2013), online: Haisla First Nation <http://www.haisla.ca/wp-content/uploads/2013/07/Haisla%20Land%20Code%20Draft%202.pdf> at s 31.1.
[353] *Ibid* at s 33.1.
[354] *Ibid*.
[355] *Ibid* at s 34.1.
[356] *Ibid* at s 34.2.
[357] *Ibid* at s 32.2.
[358] Stz'uminus First Nation, *Stz'uminus First Nation Land Code* (25 July 2013), online: Oyster Bay Development < http://coastsalishdevcorp.com/userfiles/FINAL_LandCode.pdf>.
[359] *Ibid* at s 42.1.
[360] *Ibid.*
[361] *Ibid* at s 43.1.

VII. Conclusion

This paper considered examples of a wide assortment of First Nation approaches to dispute resolution in Canada. The discussion opened with a general overview of many Indigenous legal traditions and processes to resolve conflict. Next, the discussion shifted to looking at numerous examples of dispute resolution processes operating on a community level that draw on both Indigenous and Canadian dispute resolution processes and values. This review is not comprehensive, but illustrates the variety of dispute resolution processes and the commonalities that are shared in the dispute resolution models.

Several themes emerge. Cooperation appears to be an important part of many of the processes and traditions considered here. Family and tradition are also frequently identified as important factors in many of the dispute resolution processes. In the examples considered, panels of multiple members, mediation, informal discussions and Circle processes are more commonly employed as first resorts to dispute resolution rather than the relatively more adversarial processes of litigation or formal negotiation.

Considering the interplay of Indigenous legal traditions with the processes to dispute resolution and the models that have been developed in many communities, a number of other themes may be identified. Responsibility, community, respect and discussion make frequent appearances as principles that are incorporated into these processes. For example, Norman Arnold Yellowman, from the Aamjiwnaang First Nation and part of the Anishinabek Nation Youth Council described how the sharing Circle process developed by the Anishinabek Nation can give the participants a chance to see "what love is, especially coming from a community based approach."[362] He went on to explain that the involvement of the Elders and that leadership can bring a realization to the participant about their importance in the community.[363]

But, important to remember is that though some themes or commonalities have been suggested here, "there is no 'on size fits all' approach" that can be applied to all Indigenous legal traditions or community processes.[364] Instead, there are a "wide variety of principled legal responses and resolutions to harm and conflict available within each legal tradition."[365]

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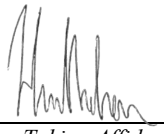
[362] Appeals and Redress Part 1 of 2, *supra* note 28.
[363] *Ibid.*
[364] Friedland, *supra* note 4 at 3.
[365] *Ibid*.

This is Exhibit "45" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Ontario Association of Children's Aid Societies

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

2025 *Pre-Budget Submission*

JANUARY 24, 2025

Priority Areas for Action

- **Strengthen social infrastructure in communities across the province** so community-based organizations and service providers have capacity to meet the needs of children, youth, and families and effectively work in partnership to deliver integrated, wraparound supports, services, and treatment**.**

- **Ensure children, youth, and families presenting with complex needs (i.e., social, emotional, developmental, mental health and addictions, etc.) have access to highly specialized, intensive services, supports, and treatment and/or out-of-home care and live-in treatment** tailored to their unique needs.

- **Bring greater financial stability and sustainability to the Ontario child welfare sector by modernizing the funding formula** so that it aligns with service principles and best practices (i.e., early intervention, prevention, continued connections to kin, culture, and community) integral to delivering improved, equitable outcomes and responds to regional realities.

- **Prioritize family- and community-based placements** by ensuring kin and alternate caregivers receive adequate financial assistance, have timely access to local supports, services, and treatment, and receive care in a way that is culturally relevant, responsive, and identity-affirming.

- **Support youth receiving supports and services from a child welfare agency as they transition to independence** by continuing to fully fund *Ready, Set, Go* and improving access to integrated youth services in communities across the province.

About the Ontario Association of Children's Aid Societies

The Ontario Association of Children's Aid Societies (OACAS) is a provincial membership organization representing 47 of Ontario's 50 mandated children's aid societies and Indigenous Child and Family Well-Being Agencies, as well as 2 pre-mandated Indigenous Child and Family Well-Being Agencies. We support members by providing practice tools, educational and training opportunities, as well as communication and advocacy supports to help bring positive change to the Ontario child welfare system and deliver improved, equitable outcomes for children, youth, and families.

Introduction

The OACAS 2025 Pre-Budget Submission is informed by feedback from our members and youth with lived experience in the Ontario child welfare system. Many thanks to everyone who shared their reflections and insights.

Children's aid societies and Indigenous Child and Family Well-Being Agencies (child welfare agencies) are part of the network of community-based organizations and service providers that promote the health, well-being, and safety of children, youth, and families across the province. Child welfare agencies do not just provide protection services; they also work closely with organizations and service providers in their communities, as well as kin and alternate caregivers, to facilitate crisis intervention, early intervention, prevention-focused, and out-of-home care.

The work of child welfare agencies requires communities with robust resources and integrated systems of care that are ready to wrap around children, youth, and families so they have access to the right care, at the right time, close to home. Unfortunately, timely and equitable access to community-based care is lacking in communities across the province.

Gaps and barriers to culturally relevant, responsive, and identity-affirming supports and services at the community level are acutely felt by Indigenous, Black, racialized, and 2SLGBTQ+ children, youth and families, including those presenting with complex needs (i.e., social, emotional, developmental, mental health and addictions, etc.) and living in poverty. There are also regional barriers to care; children, youth, and families living in Northern, rural, and remote parts of Ontario face unique challenges in accessing services, supports, and treatment close to home.

Child welfare agencies are deeply concerned by the inadequate access to community-based care in Ontario given the scope of their work. They are seeing the impact on the children, youth, and families they support; challenges are deepening, and more and more families are escalating to the point of crisis. Further, they are facing significant economic hardships and human resource challenges as they strive to fill systemic gaps and remove barriers to care in the broader social services sector.

OACAS and our members remain committed to working in partnership with the Ontario government to promote the health, well-being, and safety of children, youth, and families across the province and bring positive change to systems serving children, youth, and families, including child welfare. Together, we can work towards actionable solutions so that children, youth, and families receive the right care, at the right time, close to home.

Priority Areas for Action & Recommendations

Strengthen social infrastructure in communities across the province so community-based organizations and service providers have capacity to meet the needs of children, youth, and families and effectively work in partnership to deliver integrated, wraparound supports, services, and treatment.

Children, youth, and families across Ontario are facing significant challenges amidst a period of heightened economic vulnerability. High inflation rates over the past few years have increased the cost of basic needs, such as housing, food, and healthcare. Though the inflation rate has come down, the cost of living has not, and families are having a tough time making ends meet.

Community-based organizations and service providers play a vital role in supporting children, youth, and families facing challenges. They make up the backbone of social infrastructure in Ontario by delivering programs focused on health and well-being and addressing poverty and its interconnected challenges like food insecurity, affordable housing, employment, education, and so on.

Sadly, community-based organizations and service providers are struggling to keep up with the increased demand for support. Up against worsening economic hardships linked to outdated approaches to funding and a shortage of human

resources, they are cutting back programs and services to cope; waitlists for existing programs are growing and the number of closures is climbing.[1]

Child welfare agencies are deeply concerned by the increasingly frail state of social infrastructure in Ontario given the scope of their work. Most families receiving services from their local child welfare agency are not cases of extreme abuse or neglect. They are families facing challenges like poverty, unemployment, inadequate housing, and intimate partner and gender-based violence or systemic racism.

Agencies work tirelessly to ensure children, youth, and families remain connected while providing them with short- or long-term support. In 97% of investigations, children and youth remain at home with their families while receiving services.[2] Agencies achieve this by working in close partnership with local partners and service providers, as well as kin and alternate caregivers, to facilitate crisis intervention and ongoing early intervention and prevention-focused care. The capacity of agencies to ensure children, youth, and families thrive and stay together is directly impacted by the availability of resources in their communities.

Unfortunately, for many agencies, they face a scant, siloed, and splintered landscape of supports and services in their communities. For some agencies, the services, supports, and/or treatment they need are simply not available. For others, there are lengthy waitlists, insufficient resources (i.e., funding, staff), or exclusionary eligibility criteria that frustrate access to the right care, at the right time, close to home.

Inadequate access to care has a profound impact on the children, youth, and families that agencies support. When families do not have timely access to supports, services, and treatment needs deepen and demands on community-based organizations, including child welfare agencies, intensify as they strive to keep up with families facing increasingly complicated challenges.

Gaps and barriers to culturally relevant, responsive, and identity-affirming supports, services, and treatment at the community level are acutely felt by Indigenous, Black, racialized, and 2SLGBTQ+ children, youth, and families, including those presenting

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[1] Ontario Nonprofit Network. *2024 State of the Sector Survey Report.* 2024. https://theonn.ca/wp-content/uploads/2024/10/2024-ONN-Survey-Policy-Report-1.pdf.

[2] Fallon, B., Filippelli, J., Lefebvre, R., Joh-Carnella, N., Trocmé, N., Black, T., … Stoddart, J. (2020). *Ontario Incidence Study of Reported Child Abuse and Neglect-2018 (OIS-2018).* Toronto, ON: Child Welfare Research Portal.

with complex needs (i.e., social, emotional, developmental, mental health and addictions, etc.) and living in poverty.

There are also regional barriers to care for children, youth, and families living in Northern, rural, and remote parts of the province due to longstanding disparities in social infrastructure. Many families must travel long distances to receive care exclusively offered in other parts of the province; this comes with unique economic hardships and challenges. For example, loss of income due to absences from work so they can travel and transportation costs.

Inadequate access to inclusive community-based supports, services, and treatment exacerbates existing inequities and disparities in outcomes linked to systems of power, privilege, and oppression. Culturally relevant, responsive, and identity-affirming approaches to service delivery are central to health and overall well-being; such approaches to service delivery ensure children, youth, and families feel truly supported as they navigate challenges.

The Ontario government can help by strengthening social infrastructure through the 2025 Budget. We recommend that the province:

- **Work across ministries to make targeted investments in community-based organizations and service providers across the province in the social services sector to build their capacity to meet the needs of children, youth, and families and effectively work in partnership to deliver integrated, wraparound supports, services, and treatment.**

  We urge Ontario to make targeted investments in community-based organizations and service providers delivering early intervention and prevention-focused programs related to health and well-being, mental health and addictions, child and family services, child development and rehabilitation, food insecurity, affordable housing, employment, poverty reduction, crisis intervention and intimate partner and gender-based violence.

  A portion of targeted investments should be earmarked for organizations and service providers delivering supports, services, and treatment tailored to the unique needs of Indigenous, Black, racialized, and 2SLGBTQ+ children, youth, and families.

- **Work across ministries to develop a strategy to modernize and maintain social infrastructure in Northern, rural, and remote parts of the province so children, youth, and families have access to the right services, at the right time, close to home.**

  The strategy should include strategic investments to address disparities in resources and barriers to care. A portion of investments should be earmarked to ensure Indigenous, Black, racialized, and 2SLTBQ+ children, youth, and families living in in Northern, rural and remote parts of the province have timely access to culturally relevant, responsive, and identity-affirming supports, services, and treatment

Ensure children, youth, and families presenting with complex needs (i.e., social, emotional, developmental, mental health and addictions, etc.) have access to highly specialized, intensive services, supports, and treatment and/or out-of-home care and live-in treatment tailored to their unique needs.

Over the past ten years, the number of protection cases, investigations transferred to ongoing service, and children in care has decreased. These broad trends reflect the successful efforts of agencies to prioritize early intervention and prevention-focused care outlined in the previous section. Though service volumes are declining as more and more children remain at home with their families while receiving services, workloads have not decreased, nor have they become easier to manage as agencies contend with increasingly complicated cases.

Child welfare agencies are supporting more and more families with children presenting with complex needs (i.e., social, emotional, developmental, mental health and addictions, etc.) and filling systemic gaps. Most often, they are working with families who have reached a breaking point and feel they have nowhere else to turn after being unable to access highly specialized, intensive supports, services, and treatment or out-of-home care or live-in treatment in their community. For other families, they have reached an acute point of crisis where there is not a protection concern, but a safety concern and their child can no longer remain at home.

Access to highly, specialized, intensive supports, services, treatment and out-of-home care and live-in treatment comes with its own unique challenges for Indigenous, Black, racialized, and 2SLGBTQ+ children, youth and families, as well as

those living in poverty due to systems of power, privilege, and oppression. There are limited options for culturally relevant, responsive, and identity-affirming care. Regional disparities in resources also frustrate timely access to care for children, youth, and families living in Northern, rural, and remote parts of the province.

Access to Highly Specialized, Intensive Supports, Services, and Treatment focused on Early Intervention and Prevention

Families seeking support from their local child welfare agency hope that the agency will not have to confront the same barriers to highly specialized, intensive supports, services, and treatment focused on early intervention and prevention. However, child welfare agencies encounter the very same challenges that families do. Agencies also face long waitlists, inadequate resources (i.e., funding, staff without adequate education/training), exclusionary eligibility criteria, and regional disparities in resources.

In 2023, the Ontario government invested $97 million over three years to support the Extensive Needs Service pilot program (ENS program) at three major hospitals in Toronto, Hamilton, and Oshawa to help improve access to highly specialized, intensive care early on. This type of programming goes a long way to ensure children, youth, and families receive the right care, at the right time, close to home. Ultimately, such programming helps families from reaching a breaking point or acute point of crisis by ensuring challenges do not deepen and intensify. Early intervention and prevention-focused care can be truly transformative for a young person with complex needs and change their path, as well as their caregivers.'

We commend the Ontario government for making this initial investment in 2023 and recently supporting the expansion of the ENS program in the Durham Region. We encourage the province to continue to build on these efforts to improve access to highly specialized, intensive supports and services early on at the community level through the 2025 Budget.

Access to Highly Specialized, Intensive Out-of-Home Care & Live-in Treatment

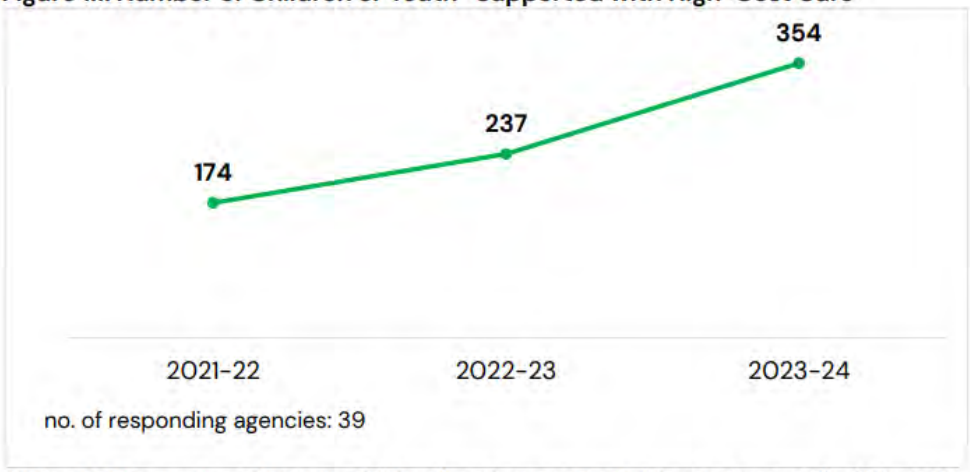
OACAS and our members also recommend that the government take steps to improve access to care and treatment outside of the home. There is a critical role for the province to play in improving access to non-profit out-of-home care and live-in treatment. There are simply not enough providers and, when there is capacity, organizations often deny referrals and/or placement requests from

agencies. They often cite exclusionary admission criteria (i.e., high risk behavior, recent self-harm, substance use, severe/complex personality disorder, etc.) or inadequate resources (i.e., funding, staff without adequate education/training).

When child welfare agencies can secure an out-of-home placement or access to a live-in treatment program, they are often high-cost due to expensive per diems and special rate agreements. Preliminary data from 39 of 47 designated member agencies has revealed the number of children and youth requiring high-cost care in out-of-home settings has doubled, increasing from 174 in 2021-22 to 354 in 2023-24. Boarding costs have risen accordingly, up from $48.3 million in 2021-22 to $107.4 million in 2023-24. Many children requiring high-cost care present with complex needs.

The Landscape of High-Cost Care

Figure 1.1: Number of Children or Youth* Supported with High-Cost Care



*Refers to the number of **unique** children/youth supported with per diem and/or SRA costs (i.e., a child or youth supported with both per diem and SRA costs is counted as one)

Organizations and service providers delivering for-profit out-of-home care and live-in treatment seem to be aware of the limited options agencies face. This reality is leveraged against agencies, and it appears to be common practice among for-profit organizations and service providers to only accept referrals from agencies willing to pay the highest price.

In dire circumstances where agencies are not able to secure appropriate out-of-home care or live-in treatment, they are forced to explore alternative settings like hotels, motels, offices, and trailers. These are temporary housing options of last resort that quickly become expensive. When a child welfare agency is forced to use these settings, they put in place a harm reduction approach to promote the health

and safety of the young person; this includes the highest level of supervision and support possible. Agencies sometimes hire third party vendors and/or reallocate their own staff to provide round-the-clock care, which comes with significant expenditures.

These temporary housing options have a profound impact on children, youth, and families. Though they receive the highest level of supervision and support, they are not receiving supports, services, and treatment that will truly meet their needs. Hotels, motels, offices, and trailers are not designed to function as care settings and direct service staff are not always able to provide highly specialized, intensive care. More and more direct service staff are leaving the workforce or taking sick leave, citing physical and psychological safety risks.

The capacity of child welfare agencies to access highly specialized, intensive supports, services, and treatment, as well as out-of-home care and live-in treatment close to home, is directly tied to the options available to them. Agencies are committed to ensuring young people receive care that centres their safety, health, and well-being. Many agencies are filling systemic gaps and removing barriers to care and, in the process, facing significant economic hardships and human resource challenges that threaten their financial stability and sustainability.

Through the Ontario 2025 Budget, we recommend that the province:

- **Continue to invest in non-profit community-based organizations and service providers delivering highly specialized, intensive supports, services, and treatment so children, youth, and families presenting with complex needs have access to care tailored to their unique needs, early on and closer to home.**

  When investing in non-profit community-based organizations and service providers, we encourage the Ontario government to remain mindful of the distinct needs of Indigenous, Black, racialized, and 2SLGBTQ+ children, youth, and families presenting with complex needs. It is essential to support predictable, sustainable programming that is culturally relevant, responsive, and identity-affirming.

- **Examine and respond to administrative barriers that frustrate access to Complex Special Needs (CSN) funding.**

Accessing CSN funding is challenging and cumbersome for families with complex needs; administrative barriers can delay access to critical financial assistance and, in turn, highly specialized, intensive supports, services, and treatment. Agencies encounter the same challenges when attempting to access CSN funding; in dire circumstances, placements are lost due to administrative delays.

- **Invest in non-profit community-based organizations and service providers delivering out-of-home care and live-in treatment so that they have adequate resources (i.e., funding, staff with adequate education/training) to support children, youth, and families presenting with complex needs, closer to home.**

  Ontario must ensure they invest in non-profit community-based organizations and service providers delivering care that is inclusive. Indigenous, Black, racialized, and 2SLGBTQ+ children, youth, and families require access to care that is culturally relevant, responsive, and identity-affirming.

- **Continue to support child welfare agencies in managing economic hardships linked to high-cost out-of-home care and live-in treatment, including care for children and youth presenting with complex needs.**

Bring greater financial stability and sustainability to the Ontario child welfare sector by modernizing the funding formula so that it aligns with service principles and best practices (i.e., early intervention, prevention, continued connections to kin, culture, and community) integral to delivering improved equitable outcomes and responds to regional realities.

Though strengthening social infrastructure and addressing systemic gaps and barriers to care in the broader social services sector would relieve financial pressures, there are additional steps the Ontario government can take to address the economic hardships many agencies are facing. To start, we recommend that the Ontario government develop a modern child welfare funding formula.

The current child welfare funding formula does not align with service principles and best practices, like intervening early and focusing on prevention or promoting

improved, equitable outcomes through continued connections to kin, culture, and community through family- and community-based placements (i.e., kin service, kin care, customary care, family-based foster care).

For example, the current funding formula allocates more funding if an agency has more children or youth in care. Though the funding formula *should* account for the number of children and youth in care, it must also factor in costs associated with early intervention and prevention-focused care. This work is labour intensive and time consuming. It involves working closely with families to identify kin and alternate caregivers and working in partnership with kin and alternate caregivers to ensure they are adequately supported (i.e., coordinating financial assistance, facilitating access to local supports, services, and treatment).

Kin and alternate caregivers play a vital role in supporting children, youth, and families and ensuring improved, equitable outcomes. Broad kin networks are directly linked to better outcomes and positively contribute to the well-being of children, youth, and families interacting with the Ontario child welfare system.

Additionally, the current child welfare funding formula is not responsive to different regional realities and distributes funding inequitably. Agencies in Northern, rural, and remote parts of the province, many of whom are Indigenous Child and Family Well-Being Agencies, have different core operating costs given the typically larger geographic areas they serve. These child welfare agencies are also less likely to have access to robust social infrastructure; meaning they face increased demand for their supports and services and must stretch their resources even further to fill systemic gaps driven by significant regional disparities in resources.

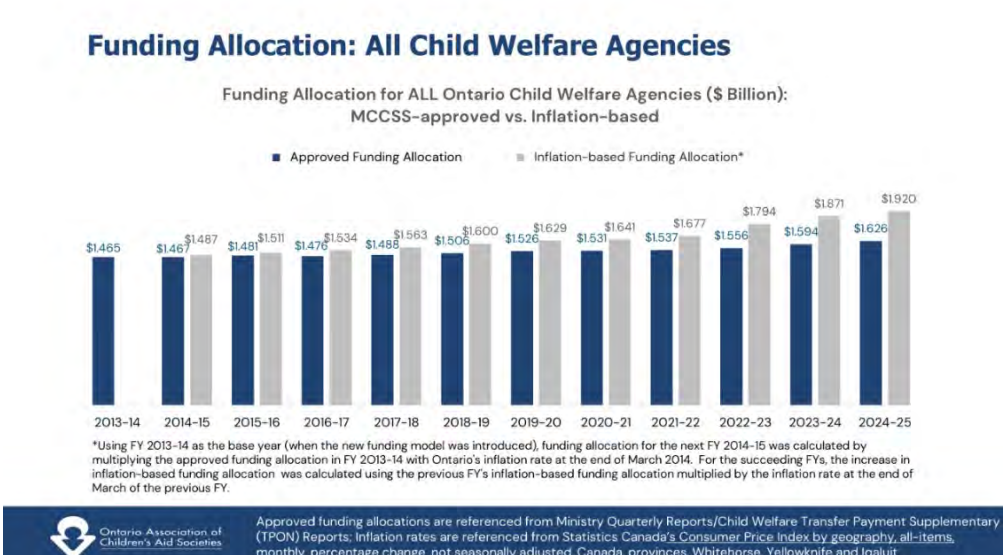
Developing a modern funding formula that aligns with service principles and best practices (i.e., early intervention, prevention, continued connections to kin, culture, and community) and factors in regional realities would promote greater stability and sustainability across agencies, as well as drive improved, equitable outcomes. However, it is also essential to ensure that an updated funding formula is flexible enough to keep up with legislative and regulatory changes and inflationary pressures.

The current child welfare funding formula is not responsive to the changing care landscape in Ontario. It has not kept pace with legislative and regulatory amendments and how they have significantly impacted service delivery, expenditures, and operational costs. For example, in 2018, Ontario increased the age

of protection to include all children under the age of 18 years and introduced Voluntary Youth Services Agreements (VYSAs). Child welfare agencies are required to provide the full range of services to 16- and 17-year-olds that are available to younger children, including coordinating alternative living arrangements for those who are unable to remain at home. Supporting more young people, and for longer, has come with costs.

It is important to keep in mind that some legislative and regulatory amendments have also come with human resource costs. For example, as part of their efforts to implement the Ontario Child Welfare Redesign Strategy, the Ontario government introduced the *Quality Standards Framework*. The legislative and regulatory changes have transformed day-to-day service delivery by introducing more administrative tasks and responsibilities. More direct service staff are needed to lead implementation and ensure workloads remain manageable so direct service staff can form meaningful, impactful relationships with children, youth, and families.

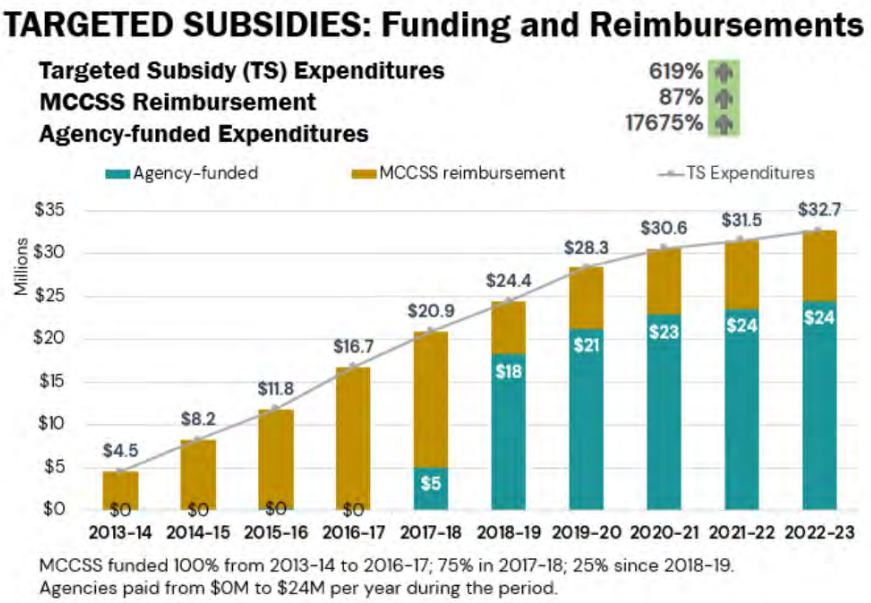
OACAS and our members support the Ontario government's efforts to improve the lived experiences of children, youth, and families interacting with the Ontario child welfare system through legislative and regulatory reform. However, it is essential to ensure that the approach to funding aligns with these efforts and responds to their impact on service delivery.



Finally, the current funding formula has not kept pace with inflationary pressures. Inflation may have come down, but prices have not; agencies are grappling with

increased operational costs and economic pressures that undermine their financial stability and sustainability.

The Ontario government can also help promote financial stability by ensuring child welfare agencies receive predictable, sustainable funding. It is difficult for child welfare agencies to successfully engage in long-term fiscal planning when funding is unpredictable or changes without sufficient notice; for example, the province has decreased its share of funding for targeted subsidies. Ten years ago, the Ministry of Children, Community and Social Services (the Ministry or MCCSS) funded 100% of targeted subsidies; agencies now cover 75%. To successfully manage their budgets and plan, predictability is essential.



To bring greater financial stability and sustainability to child welfare agencies, we recommend that the Ontario government:

- **Develop a modern child welfare funding formula that aligns with service principles and best practices (i.e., early intervention, prevention, continued connections to kin, culture, and community) integral to improved, equitable outcomes and responds to regional realities.**

- **Ensure child welfare agencies have access to predictable, sustainable funding so they can successfully engage in long-term fiscal planning.**

Prioritize family- and community-based placements by ensuring kin and alternate caregivers receive adequate financial assistance, have timely access to local supports, services, and treatment, and receive services in a way that is culturally relevant, responsive, and identity-affirming.

Kin are individuals who have a relationship with a young person or family. This may include biologically related kin, members of cultural communities, or individuals with other social, emotional, or community connections, such as teachers, coaches, or neighbors.

Alternate caregivers are relatives or community members who provide living arrangements for children and youth when necessary. It is an umbrella term used by many child welfare agencies to describe the broad spectrum of individuals who sometimes partner with child welfare agencies to provide family- and community-based placement options, such as kin service, kin care, customary care, and family-based foster care.

Kin and alternate caregivers ensure children receive care that is culturally relevant, responsive, and identity-affirming. They promote a strong sense of self and belonging by supporting a child or young person in maintaining connections to broader kin and community networks, as well as their culture. Culturally relevant, responsive, and identity-affirming care is central to delivering improved, equitable outcomes for children and youth, particularly for Indigenous and Black children and youth who have been and continue to be overrepresented in Ontario's child welfare system.

A young person is typically placed with a kin or alternate caregiver on an urgent basis; meaning, kin and alternate caregivers suddenly find themselves in a new role they did not plan or prepare for. Kin and alternate caregivers account for 45% of family- and community-based out-of-home care placements. As they welcome a child into their home, kin and alternate caregivers require timely access to community-based supports and services to meet the young person's unique needs.

Amidst the persisting housing and cost-of-living crisis in Ontario, it is more important than ever to ensure kin and alternate caregivers have access to adequate resources related to health, mental health and addictions, housing, childcare and early childhood education, and so on. Child welfare agencies across the province are

facing a shrinking pool of kin and alternate caregivers. Many caregivers do not have the financial flexibility or physical space to welcome a young person into their home. For example, available family-based foster homes affiliated with child welfare agencies in Ontario have dropped by over 35% since 2020.

We urge the province to ensure kin and alternate caregivers have access to adequate resources so they can readily and sustainably support a child or young person.

Through the Ontario 2025 Budget, we recommend that the Ontario government:

- **Increase the Ontario Works Temporary Care Assistance and Ontario Child Benefit to align with the current cost-of-living and inflationary pressures.**

- **Modernize financial assistance available to kin and alternate caregivers (i.e., kin service, kin care, customary care, family-based foster caregivers) to ensure all caregivers have access to equitable, sustainable funding that aligns with the current cost-of-living and inflationary pressures.**

- **Make targeted investments to improve access to community-based supports, services, and treatment so that children and youth, as well as the kin and alternate caregivers who support them, receive the right care, at the right time, close to home.**

  Priority areas of investment include health and well-being, mental health and addictions, child and family services, childcare and early child education, child development and rehabilitation, food insecurity, affordable housing, employment, poverty reduction, crisis intervention and intimate partner and gender-based violence.

  A portion of targeted investments should be earmarked for organizations and service providers delivering supports and services tailored to the unique needs of Indigenous, Black, racialized, and 2SLGBTQ+ children, youth, and families.

There are additional steps the Ontario government can take to prioritize family- and community-based placements. This includes continuing to support initiatives focused on building capacity in the child welfare sector to deliver supports and services in a way that is culturally relevant, responsive, and identity-affirming.

OACAS commends the province for their continued support of the One Vision One Voice (OVOV) program. OVOV is central to addressing anti-Black racism and supporting improved, equitable outcomes for Black children, youth, and families interacting with Ontario's child welfare system. OVOV provides tools and resources, as well as training, collaboration, and education opportunities, for child welfare agencies that help agencies build on promising practices and deliver services in a way that is holistic and centers identity.

Black children, youth, families, kin, and alternate caregivers have shared they experience disparities when interacting with the Ontario child welfare system. This includes being treated differently than their white counterparts, poorer outcomes, and not receiving services in a way that is inclusive or affirming. Further, Black families have shared they are dehumanized, judged, and punished, especially when experiencing vulnerability. Addressing these disparities is vital to ensuring kin and alternate caregivers feel truly supported when working with child welfare agencies to provide kin service, kin care, or family-based foster care.

We are also grateful for Ontario's investment of $822, 399 to help develop new, inclusive, and gender-affirming services and supports that improve outcomes for 2SLGBTQ+ children, youth, and families involved with the child welfare system. We strongly urge the government to continue to fund this work beyond 2025. An increasing number of 2SLBGTQ+ children and youth, especially trans and non-binary young people, are interacting with child welfare agencies due to a lack of support and identity rejection in their home and communities. It is vital children and youth receive services in a way that is inclusive and affirming, including those in family- and community-based placements.

In the Ontario 2025 Budget, we recommend that the province:

- **Provide ongoing funding for OVOV so they can continue to develop and promote tools and resources, as well as training and education opportunities, designed to advance promising practices and policies in the child welfare sector as it relates to culturally relevant, responsive, and identity-affirming care.**

- **Provide ongoing funding for the 2SLGBTQ+ Initiative so they can continue to develop and promote tools and resources designed to improve**

outcomes for 2SLGBTQ+ children, youth, and families interacting with the Ontario child welfare system.

Adequately support youth receiving supports and services from a child welfare agency as they transition to independence by continuing to fully fund *Ready, Set, Go* and improving access to integrated youth services in communities across the province.

OACAS is grateful for the province's efforts to help youth better prepare for and transition to independence through the *Ready, Set, Go* program (RSG or the program) launched in 2023. The decision to expand the scope of eligibility for the program (i.e., from 21 to 23 years old) and the investment of $170 million over three years to support its implementation are commendable. RSG will help young people build on their unique strengths and skills and address disparities in outcomes.

Disparities in outcomes for children and youth receiving services from a child welfare agency compared to their peers are well documented; it includes high rates of leaving high school or post-secondary early, under- or unemployment, mental health challenges and substance misuse, and precarious housing. Though OACAS and our members trust RSG will have a positive impact, we remind the province that this program alone cannot guarantee improved, equitable outcomes. There is more work ahead.

Through engagement sessions with young people with lived experience, we heard about the importance of a whole-of-government approach to meeting the needs of young people transitioning from care. Youth called on the province to work across ministries to ensure each young person has access to housing and employment, as well as culturally relevant, responsive, and identity-affirming community-based supports, services, and treatment related to health, mental health, education, and so on, including those living in Northern, rural, and remote parts of the province. Youth signaled that supports and services must be flexible and low barrier.

Young people with lived experience emphasized that systems of care must be well integrated so the transition to independence is not as stressful or overwhelming. Youth pointed out that wraparound supports and services require organizations in the child and youth services sector to be well resourced (i.e., funded, staffed) so young people can form stable, meaningful relationships with direct service staff who will help them navigate this critical period of transition.

To ensure young people successfully navigate the transition to independence, OACAS recommends that the Ontario government make key investments through Budget 2025. We suggest that the province:

- **Fully fund *Ready, Set, Go* beyond three years and make investments that will increase the number of Youth in Transition Workers and Education Liaisons so young people have timely access to integrated, wraparound supports and services.**

  Increasing the number of Youth-in-Transition Workers and Education Liaisons is essential to promoting improved, equitable outcomes. Under *Ready, Set, Go*, agencies are connecting with young people earlier to help them plan and prepare for their transition to independence; as a result, they require partners at the community level ready to come to the table and help ensure young people receive connected, consistent care as they plan for their future.

- **Continue to invest in and support community-based organizations and service providers delivering integrated youth services related to health, mental health, education, employment, housing, and recreation.**

  There is a need for programs specifically designed to support young people transitioning to independence. For instance, service models that offer a holistic range of wraparound supports and services focused on health, mental health, education, employment, housing, recreation, and continued life-skills development.

Conclusion

Child welfare agencies are integral members of the network of community-based organizations and service providers that promote the health, well-being, and safety of children, youth, and families across the province. They work closely with local organizations and service providers, as well as kin and alternate caregivers, to support families facing challenges.

The work of child welfare agencies requires well-resourced communities with integrated systems of care ready to truly meet the needs of children, youth, and families, regardless of where they live or how complex their needs may be.

Unfortunately, persisting systemic gaps and barriers to care frustrate timely, equitable access to community-based care across the province.

Gaps and barriers to care are acutely felt by Indigenous, Black, racialized, and 2SLGBTQ+ children, youth, and families, including those presenting with complex needs (i.e., social, emotional, developmental, mental health and addictions, etc.) and living in poverty. There are also regional barriers to care; children, youth, and families living in Northern, rural, and remote parts of Ontario face unique challenges in accessing services, supports, and treatment in their communities.

Child welfare agencies are deeply concerned about the inadequate access to community-based care. The challenges children, youth, and families are facing are deepening and cases are growing more and more complicated. Further, they are facing significant economic hardships and human resource challenges as they strive to tackle systemic gaps and barriers to care.

OACAS and our members remain committed to working in partnership with the Ontario government alongside provincial partners, community-based organizations, and service providers to bring positive change to systems of care supporting children, youth, and families. Together, we can identify actionable solutions to ensure children, youth, and families have access to the right care, at the right time, close to home.

Recommendations

- Work across ministries to make targeted investments in community-based organizations and service providers across the province in the social services sector to build their capacity to meet the needs of children, youth, and families and effectively work in partnership to deliver integrated, wraparound supports, services, and treatment.

- Work across ministries to develop a strategy to modernize and maintain social infrastructure in Northern, rural, and remote parts of the province so children, youth, and families have access to the right services, at the right time, close to home.

- Continue to invest in non-profit community-based organizations and service providers delivering highly specialized, intensive supports, services, and treatment so children, youth, and families presenting with complex needs have access to care tailored to their unique needs, early on and closer to home.

- Examine and respond to administrative barriers that frustrate access to Complex Special Needs (CSN) funding.

- Invest in non-profit community-based organizations and service providers delivering out-of-home care and live-in treatment so that they have adequate resources (i.e., funding, staff with adequate education/training) to support children, youth, and families presenting with complex needs, closer to home.

- Continue to support child welfare agencies in managing economic hardships associated with high-cost out-of-home care and live-in treatment, including care for children and youth presenting with complex needs.

- Develop a modern child welfare funding formula that aligns with service principles and best practices (i.e., early intervention, prevention, continued connections to kin, culture, and community) integral to improved, equitable outcomes and responds to regional realities.

- Ensure child welfare agencies have access to predictable, sustainable funding so they can successfully engage in long-term fiscal planning.

- Increase the Ontario Works Temporary Care Assistance and Ontario Child Benefit to align with the current cost-of-living and inflationary pressures.

- Modernize financial assistance available to kin and alternate caregivers (i.e., kin service, kin care, customary care, family-based foster caregivers) to ensure all caregivers have access to equitable, sustainable funding that aligns with the current cost-of-living and inflationary pressures.

- Make targeted investments to improve access to community-based supports, services, and treatment so that children and youth, as well as the kin and alternate caregivers who support them, receive the right care, at the right time, close to home.

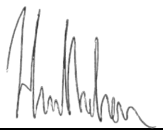
- Provide ongoing funding for OVOV so they can continue to develop and promote tools and resources, as well as training and education opportunities, designed to advance promising practices and policies in the child welfare sector as it relates to culturally relevant, responsive, and identity-affirming care.

- Provide ongoing funding for the 2SLGBTQ+ Initiative so they can continue to develop and promote tools and resources designed to improve outcomes for 2SLGBTQ+ children, youth, and families interacting with the Ontario child welfare system.

- Fully fund *Ready, Set, Go* beyond three years and make investments that will increase the number of Youth in Transition Workers and Education Liaisons so young people have timely access to integrated, wraparound supports and services.

- Continue to invest in and support community-based organizations and service providers delivering integrated youth services related to health, mental health, education, employment, housing, and recreation.

This is Exhibit "46" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Ontario Human Rights Commission
Commission ontarienne des droits de la personne
Ontario

Chapter 9 - Accountability and monitoring mechanisms: gaps in data management, performance review, and public transparency

From Impact to Action: Final report into anti-Black racism by the Toronto Police Service

As detailed in Chapter 8, it is critical that the TPSB and TPS have a clear and distinct policy and procedure on racial profiling. While this is an important step to fight discrimination, more is required. For policies and procedures to make real change, there must be strong accountability mechanisms in place to monitor and analyze their effect.

Accountability and monitoring mechanisms ensure that organizations effectively:

- collect objective data about their practices
- discuss and analyze the data in a transparent manner, and

- act in response to that analysis.

Data collection is a key component of an effective accountability system. The TPS must appropriately and effectively collect data related to racial profiling and discrimination from a variety of sources. The collection and resulting data must be transparent and available to the public.

Senior TPS officers and the TPSB must review and analyze the data to fulfill their supervisory and oversight functions. As reflected in our recommendations, there must be independent analysis and evaluation of the data to inform the TPS and TPSB about events, trends, and issues within the community and their impact on the effectiveness of police services.

Where the data indicate progress, the contributing factors should be recognized and applied more broadly. Similarly, where the data suggest concerns, the TPSB and TPS senior officers must respond quickly to address them and do so effectively.

Turning to accountability more broadly, when officers are found to have engaged in discriminatory behaviour (whether through data analysis or otherwise), there must be a consequence. If officers can engage in racial profiling and/or discrimination with impunity, then the policies and procedures are meaningless, and the relationship between the TPS and Black communities will not improve. The absence of appropriate discipline, when warranted, helps perpetuate patterns of racism and misconduct, and contributes to the mistrust of police among Black people.

The OHRC finds that there are significant gaps in the TPS and TPSB's accountability mechanisms in relation to anti-Black racism, racial profiling, and racial discrimination.

Data collection systems

Prior to 2019, the TPS and TPSB did not implement data collection systems or compile or analyze existing data to identify, monitor, and address racial profiling or racial discrimination of Black people – despite many documented concerns about anti-Black racism and recommendations to collect race-based data.[1]

In September 2019, after having conducted significant community engagement on race-based data collection, the TPSB adopted its Policy on Race-Based Data Collection, Analysis and Public Reporting (RBDC Policy). The policy requires the police to collect data on an individual's race in a wide variety of interactions, including stops, questioning and searches, Use of Force Reports, and charges, arrests, and discrete interactions between an individual and an officer that lead to a "decision that determines an outcome for the individual."[2]

On January 1, 2020, the TPS began collecting race-based data on Use of Force Reports and strip searches in line with Phase 1 of the RBDC Policy.[3]

On January 1, 2021, the TPS began collecting race-based data on arrests, apprehensions, releases and youth diversions under Phase 2 of the RBDC Policy.[4]

In June 2022, the TPS released its analysis on race, use of force, and strip searches.[5]

These are significant steps forward. However, some limitations in the TPS's data collection need to be addressed. In particular, the scope of the Phase 2 data collection is too narrow.

Scope of Phase 2 data collection

As noted above, Phase 2 began in January 2021 with the collection of data in apprehensions, arrests, charges, releases, and youth

diversion. However, Phase 2 does not include data collection for all stops,[6] in particular:

- investigative detentions
- protective searches (formerly Level 1 searches),[7] and
- frisk searches (formerly Level 2).[8]

Phase 2 data collection also does not include all use-of-force incidents. Specifically, it does not include use of force resulting in physical injury that does not require medical attention.

The OHRC notes that the TPS's analysis of race-based data on use of force included "persons in crisis calls for service," but does not appear to broadly capture whether the person involved had a noted history of mental health issues or was perceived to have a mental health disability.[9]

The community chairs of the Mental Health and Addictions Advisory Panel (MHAAP) suggested that race-based data be collected from crisis services providers from the Community Crisis Support Services Pilot. They also stressed the importance of collecting race-based and mental health data to examine intersectionalities (e.g., in conducted energy weapon use and *Mental Health Act* apprehensions).[10]

In September 2021, the TPS advised it was working on updating its systems' capacity and resource workflow to collect stop data, including both traffic and pedestrian stops, and lower-level uses of force.[11]

The scope of data collection should be expanded. The current scope is too narrow and does not address longstanding concerns about systemic anti-Black racism, racial profiling, and racial discrimination in all stops and all uses of force. Nor does it allow for sufficient monitoring and accountability.[12]

There must be human rights-based data collection, analysis, and public reporting on the full range of police–civilian interactions, including all stop and search activities, traffic and pedestrian stops that do not result in formal action, charges, arrests, releases, and use of force.[13]

This expansion is consistent with the intent of the TPSB's RBDC Policy, and the *Anti-Racism Act*. It is also supported by the TPA465F[14] and the Information and Privacy Commissioner (IPC).[15]

Race-based data should be collected when people are not charged, and where criminal incidents are "cleared otherwise" as defined in the Uniform Crime Reporting (UCR) Survey. "Cleared otherwise" means there was a criminal offence and a chargeable suspect, but the suspect was ultimately processed by other means. For example, the police may have decided not to charge, or diverted the case through an alternative mechanism, or charged under a regulatory statute instead of the *Criminal Code*.

Race-based data collection by the TPS on "cleared otherwise" cases will provide greater insight into the use of TPS discretion and how discretion is exercised.

This broader scope of data collection should be implemented not only by the TPS, but across Ontario. A province-wide approach to comprehensive data collection, analysis, and public reporting is important. Consistent with the OHRC's *Framework for change to address systemic racism in policing*, the TPSB should urge the provincial government to mandate province-wide race-based data collection, analysis, and reporting across the spectrum of officer activities, including all stop and question practices, charges and arrests, and uses of force.[16]

For the OHRC's recommendations for data collection, analysis, and public reporting, see Recommendations 52–60.

Early intervention systems and the use of race-based data for officer accountability

Early intervention systems (EIS) – also known as early warning systems – involve a data-driven management process. EIS allow supervisors to identify officers who engage in problematic behaviour, and to intervene through counselling, education, and additional training.

EIS have been identified as a positive strategy for reducing or preventing racial profiling, by using race-based data to alert supervisors to potential racial profiling and racial discrimination by individuals and platoons/units/divisions.

The idea behind EIS is that officers may not recognize problematic behaviour unless it is identified and brought to their attention by supervisors. Once identified, officers have the ability to improve their performance and correct the conscious or unconscious behaviour, such as racially biased traffic enforcement.[17]

EIS can review trends in officers, partnerships, units, and geographic areas to identify issues and inform improvements through policy changes, supervision, education and training, and accountability.[18]

EIS have been recommended as a promising practice by the International Association of Chiefs of Police, the U.S. Department of Justice, and many policing experts.470F[19] In the United States, approximately 65% of police agencies with 250 or more officers had an EIS as of September 30, 2007.[20]

The TPS and EIS

In 2013, the *Police and Community Engagement Review* (PACER Report)472F[21] recommended the implementation of EIS related to bias and racial profiling.[22]

The PACER Report also recommended that the TPS should:

> Proactively design and conduct unit level reviews of performance trends and indicators that may relate to systemic and/or individual bias, prejudices and/or racial profiling. This may be accomplished by comparative analysis of Officers and unit performance. Recognizing such analysis does not in itself indicate bias-based policing, the trend indicator should be utilized as part of a more comprehensive analysis of the individual or unit level performance to ensure consistency with the unit and Service priorities.

The report further recommended that the TPS Professional Standards Unit "develop new risk thresholds specifically designed and implemented with respect to bias and racial profiling," and "design and conduct reviews at both the Unit and Professional Standards Unit level, examining all ranks of the Service to proactively assess and address Officer performance trends and indicators that may relate to bias, prejudices and/or racial profiling."[23]

As of 2020, the development of new risk thresholds was still in progress,[24] and there appear to have been no further developments since that time.

The TPS previously implemented a limited form of EIS in 2008, which has since been updated and revised.[25] However, at time of writing, the EIS does not include race-based data.[26] The performance indicators do not appear to capture bias, prejudice, or racial profiling, but do include complaints.[27]

In August 2020, the TPSB adopted the 81 recommendations from its report on *Police Reform in Toronto: Systemic Racism, Alternative Community Safety and Crisis Response Models and Building New Confidence in Public Safety (Police Reform* Report).[28]

Recommendation 45 directed the Chief to report by November 2020 on:

a. How the TPS identifies police officers who are repeated subjects of conduct complaints or negative findings by the courts, or those who disproportionately use force, even where no specific instance amounts to allegations of misconduct;
b. How identified officers are monitored for compliance with TPS policy and procedure and receive additional training where necessary; and
c. How the TPS determines what other interventions are appropriate or required for officers that are identified as part of the service's efforts as per a) and b).

On November 4, 2020, then-Interim Chief James Ramer presented his report to the TPSB. The report confirmed that the EIS performance indicators do not include indicators of racial discrimination or racial profiling by individual officers and platoons/units/divisions, and important and related indicators described in detail in the OHRC's recommendations in this report.480F[29]

It is imperative that the TPS fully adopt a comprehensive EIS that includes indicators of racial discrimination/profiling.

For the OHRC's recommendations for effective EIS, see Recommendations 65, 66, 67, and 95.

EIS and officer discipline

Although not intended to be disciplinary, EIS do not preclude discipline for individuals' repeated negative behaviour. For example, the LAPD has disposition options for interventions that include no action, commendation, informal meeting, training, modified field duties, directed health and wellness referral, notice to correct, and a complaint.[30]

Discussions at the OHRC policy roundtable also supported using race-based data for remedial or disciplinary purposes.[31]

TPS objections to the use of such data to investigate individual misconduct are not sustainable. On June 15, 2022, then-Interim Chief Ramer stated that the "privacy commission" and the *Anti-Racism Act* require that race-based data be anonymized and therefore prevent the TPS from investigating individual officer conduct.[32] However, the IPC of Ontario stated:[33]

Based on the information available to date, it is our view that neither the [*Municipal Freedom of Information and Protection of Privacy Act*] nor the [*Anti-Racism Act*] prevent police service boards or police services from using race-based data or employee information to supervise, discipline, train, or monitor police divisions.[34]

Indeed, the Data Standards for the Identification and Monitoring of Systemic Racism created under the *Anti-Racism Act* specifically contemplates that the failure to monitor the impact of discretionary decision-making may itself constitute a form of systemic racism where it leads to significant racially inequitable outcomes.[35]

However, the TPSB's RBDC Policy prohibits race-based data from being used for performance management.[36] Therefore, the TPS and TPSB have been unable to effectively identify, monitor, or address racial profiling or racial discrimination by individual officers.

On June 22, 2022, the TPSB passed a motion:

1. Directing the Chief of Police to assess how the Service's approach to race-based data collection and analysis can be modified to enhance the Service's ability to identify, investigate and address specific instances of potential inequitable policing, including with respect to Use of Force, strip searches and other interactions, and to report back to the Board by Q4 2022 with the results of this assessment and any next steps, as well as areas for consultation with the Police and Community Engagement Review, other community stakeholders, and the Toronto Police Association; and
2. Directing the Executive Director and Office of the Police Services Board to undertake a review of the Board's Race-Based Data

> Collection, Analysis and Public Reporting Policy, in consultation with the Board's Anti-Racism Advisory Panel, key stakeholders and community partners, and to report back to the Board by Q2 2023 concerning any suggested revisions to the Policy, and in particular, revisions that relate to the Chief of Police's assessment in item 1.[37]

However, in his April 28, 2023 update to the TPSB on these and several other motions related to the RBDC Policy, Police Chief Myron Demkiw noted that "The challenge is that attempting to identify trends based on too little information (too few data points using the Use of Force report alone) is an unreliable means of indicating bias or … identifying a pattern of racism or racial bias." He further stated:

> The early risk intervention process involves identifying use of force trends that can be used to initiate a broader review, leveraging body-worn and in-car camera systems, notes, and other reports such as complaints data. As there are now mandatory reviews of this nature, the amount of information available about an incident is increasing. It is in this mandatory review that the appropriateness of the intervention and any indication of racism or bias can be determined. Conversation in the town halls centres on making the process more transparent and robust; ensuring events are captured; and on actions the Service should take in the event of an abuse of authority.[38]

While mandatory reviews of body-worn and in-car camera systems, notes, and other reports such as complaints data are critical, it is not clear at this time how they will be incorporated as data that can be used in an EIS for performance management. Based on concerns that there are not enough data points in use-of-force reports, the EIS should incorporate indicators of racial discrimination or racial profiling by individual officers and platoons/units/divisions, and other related indicators, which are currently missing.

The April 28, 2023 update did not address the second item from the TPSB's motion.

Issues with performance analysis and management of police services, including EIS, exist across Ontario, a fact appropriately

recognized by the TPSB. On June 22, 2022, the TPSB passed a further motion to:

> Request that the Ministry of the Solicitor General create a new Adequacy and Effectiveness Standard, under the *Community Safety and Policing Act*, 2019, that mandates a consistent approach to performance analysis and management of police services that is designed to identify inequitable policing, including in relation to Use of Force, and which includes an early-warning system [EIS] built to identify instances where systemic bias may be operating, and a requirement that supervisory staff take appropriate action.[39]

The OHRC agrees that a province-wide approach to EIS informed by race-based data is required. Consistent with the OHRC's *Framework for change to address systemic racism in policing*, the TPSB should urge the provincial government to mandate the implementation of EIS consistent with its recommendations.

In his April 28, 2023 update on this motion, Chief Demkiw stated that the TPS had "engaged with the Province to improve and introduce enhanced use-of-force reporting requirements that support identifying and addressing systemic patterns and trends to advance racial equity in policing."[40] He also noted that the provincial government indicated its intention to convene a working group to develop an anti-racism strategy for policing in Ontario, which includes discussions of priority areas for race-based data collection and reporting.

In addition, following the implementation of the updated Use of Force Report, a Race-Based Data Working Group was formed by the Ontario Association of Chiefs of Police, and discussions around how the Ministry of the Solicitor General would be involved were ongoing.[41]

The OHRC looks forward to the results of the TPS's engagement with the Province to improve and introduce enhanced reporting requirements that lead to a consistent province-wide approach to an EI system.

For the OHRC's recommendations on the use of race-based data in EIS and officer discipline, see Recommendations 61, 68, and 69.

Body-worn cameras

Between February 2015 and March 2016, the TPS conducted a body-worn camera (BWC) pilot project.[42]

On August 18, 2020, the TPSB approved a contract to roll out BWCs to all front-line officers. The TPSB directed the Chief to ensure that BWCs were not deployed fully to all front-line members until the Board approved a BWC policy and the relevant Service Procedures had been developed and/or amended to ensure consistency with the Board policy.[43]

On November 24, 2020, the TPSB passed a Policy on Body Worn Cameras. The purpose of the policy includes enhancing the commitment to anti-racist, bias-free service delivery by the TPS. It also directs the Chief of Police to establish a framework for reviewing the recordings by supervisors on a regular basis to, among other things, identify and address evidence of explicit or implicit bias and discrimination.495F[44]

By the end of 2021, 2,111 BWCs were deployed to front-line officers, which amounted to 92% of front-line officers.[45]

In June 2022, the TPSB directed the Chief of Police to:

Implement mandatory reviews by supervisors of body-worn camera footage and in-car camera system footage for all Use of Force incidents, as contemplated by the new Service Procedure, and to initiate a disciplinary investigation where excess force is deemed to have potentially occurred.[46]

On July 6, 2022, the TPS issued a Procedure 15-20, Body Worn Camera. It requires that supervisors review a video from each BWC-equipped police officer a minimum of once per month and conduct regular random reviews of videos to:

- Ensure officers are using the BWC in accordance with the law and BWC training;
- Determine if any additional training is required;
- Identify material that may be appropriate for training; and
- Comply with section 15 of the Board Policy on Body Worn Cameras.[47]

Section 15 of the Board Policy on Body Worn Cameras states:

The Chief of Police, in consultation with the Information and Privacy Commissioner of Ontario and other relevant stakeholders, will develop Procedure(s) that:

15. Establish a framework for reviewing of recordings by supervisors on a regular basis to:

a. Ensure compliance with Procedures;
b. Identify and address evidence of explicit or implicit bias and discrimination; and
c. Determine the need for additional training or other measures.

The IPC's BWC Model Governance Framework also supports regular (e.g., monthly and annual) and event-based audits of BWC records to assess compliance with all applicable laws, policies, procedures, and professional standards, including those related to discrimination and the use of force.[48]

Concerns

The OHRC has maintained that BWCs can be an important tool for accountability, if their use is accompanied by robust procedures.

However, the OHRC has also heard the concerns raised by Black communities and others that BWCs do not capture a complete and accurate visual or audio record of what may have transpired in individual cases.

Recent studies have called into question the utility of BWCs because they often present only one perspective of an interaction or incident.[49] Specifically, BWCs record from the officer's perspective, and officers have been trained to narrate events while they are being recorded, which can present a skewed version of events. For example, yelling at a suspect to "stop resisting" may mislead one to believe an individual was resisting when they were not.[50]

We have also heard directly from Black people that BWCs will not prevent the deaths of Black persons by the police, and that more meaningful action is necessary.

Given the concerns, it is important that the use of BWCs be properly monitored and supervised. BWCs can be a helpful tool to learn about officer conduct and, where appropriate, enhance officer accountability for misconduct.

The OHRC recommends that supervisors review the BWC footage of ***all*** use-of-force incidents. In conducting these reviews, supervisors should consider additional information, including data from use-of-force reports (if completed), injury reports, subject and witness officer notes, and other relevant reports. The supervisor should also assess whether there was a credible, non-discriminatory explanation for the use of force.[51]

BWCs and the mug shot database

The OHRC is concerned about using footage from BWCs in conjunction with the TPS mug shot database and facial recognition technology. Its use in these circumstances could exacerbate existing racial disparities in the criminal justice system.

The Chief Information Officer of the TPS explained that the use of facial recognition together with BWCs is rare. He maintained that the combined use would only arise in circumstances where a crime was captured on a BWC, but the suspect was not captured or identified. In such circumstances, the footage from the BWC could be entered into the mug shot database to see if they could identify the suspect.[52]

Although the combined use of BWC footage and the mug shot database may be rare, there must be a comprehensive consultation and study of the various human rights, due process, officer accountability, and public access and privacy implications of deploying these technologies together.

If the TPSB and TPS continue to allow BWC footage to be used in conjunction with the mug shot database, the OHRC supports the recommendation from the Canadian Civil Liberties Association (CCLA) that a dedicated consultation, privacy impact, and human rights impact assessment be undertaken.

Similarly, the IPC recommended that police services not adopt biometric technology (including facial recognition) in conjunction with BWCs until a full risk assessment is completed and the IPC is consulted.[53]

For the OHRC's recommendations regarding BWCs, see Recommendations 70 and 71.

Performance management systems, including supervision and discipline

The TPS currently uses the Uniform Performance Appraisal and Development Plan as its performance management system. Officers are assigned a rating by their next-level supervisor under several categories of evaluation, including:

- human rights
- personal qualities
- technical skills
- core competencies.

Former Deputy Chief responsible for Human Resources Command, Barbara McLean, stated that the next-level supervisor:

… reviews calls, work, [and] assess[es] things like complaints and training. A lot of it is observation, being around them in the workplace. That gets translated. So, there's that assessment and room for comments by their supervisor. An active participation is what is expected from the supervisor.[54]

Evaluation of the human rights category is unclear and limited. It includes whether the officer:

- has attended and/or completed human rights training as required
- shows knowledge and understanding of the *Ontario Human Rights Code* and human rights issues as they apply to policing
  - examples include but are not limited to knowledge of racial profiling, racial bias in policing, racism, sexual harassment, sexism, ageism), and

- delivers policing services in a fair, respectful, and unbiased manner.[55]

Unfortunately, the TPS Uniform Performance Appraisal and Development Plan has not prevented systemic racial discrimination against Black people, as described throughout the Inquiry's report. Indeed, under the TPSB's RBDC Policy, race-based data are prohibited from being used for performance management.

The OHRC believes that the TPSB should immediately amend this policy to permit the use of race-based data in performance management. Similarly, the TPS should provide more explicit direction to supervisors on assessing compliance with anti-racism

and anti-discrimination policies, procedures, and practices when evaluating officer performance.

In its 2020, *Police Reform* Report, the TPSB proposed changes to the performance management system. The TPSB directed the Chief to:

> Develop and implement a formal annual performance review process for uniformed Service Members, in consultation with any relevant experts, that will assist in identifying the strengths and areas for improvement of each police officer, and which will include an individualized annual performance plan that identifies the education, training and experiences to be completed in the coming year in order to build on their identified strengths and address their identified areas for improvement.[56]

However, the proposed changes do not provide specific guidance to address anti-Black racism, racial profiling, or racial discrimination.

The TPSB's implementation dashboard for the recommendation does not describe how officers will be evaluated in relation to anti-Black racism, racial profiling, or racial discrimination. Nor does it indicate related qualitative or quantitative measures. The dashboard states that the new performance review process:

> Provides performance evaluation to members based on the responsibilities of their roles and the competency behaviors tied to their level of leadership in the Service. Members will be required to examine the responsibilities of their roles and share:
>
> - the "what" of what they delivered, and
> - the manner in which they delivered it, the "how".[57]

Any new performance management system must include a meaningful review of officers' performance in human rights, including anti-Black racism, racial profiling, or racial discrimination. An officer's act of racial discrimination should be included in their evaluation and lead to progressive discipline, up to and including dismissal, where warranted.

Dr. Wortley stated, "any anti-racism policy is doomed to failure unless specific accountability mechanisms are put into place." He encouraged specific disciplinary consequences for personnel found guilty of racial bias, and a policy that would hold supervisors accountable for the racially biased behaviour of those under their supervision.[58]

This approach is broadly supported and has been endorsed by at least 22 community and advocacy groups.[59]

For the OHRC's recommendations on performance management, supervision and discipline, see Recommendations 74, 75, and 76.

Accountability mechanisms

Third-party findings

The OHRC identified eight Human Rights Tribunal of Ontario (HRTO) and court decisions between 2009 and 2017 that found that Black people were the victims of racial profiling or racial discrimination by TPS officers.[60] These cases involved multiple officers, and the misconduct included unnecessary stops, searches, charges, arrests, and the use of force. The HRTO and courts also found instances of biased and untrustworthy testimony from some of the officers.

This Inquiry revealed that none of the officers who were found to have engaged in racial profiling or discrimination by the HRTO were subjected to any formal discipline by the TPS. None were the subject of Notices of Hearing or brought before the TPS Disciplinary Tribunal under the *Police Services Act*.

TPS mechanisms to track cases

The OHRC asked the TPS why none of these cases was the subject of a Notice of Hearing or proceeded to a TPS Disciplinary Tribunal. The TPS advised that it could not provide an explanation for individual cases because of the statutory confidentiality provisions in the *Police Services Act*.[61]

However, the evidence examined by the OHRC demonstrated that the TPS has no formal mechanism to track, review, or act upon adverse findings of racial profiling and/or discrimination against officers by the HRTO or the courts.

TPSB mechanisms to track cases

The TPSB has a statutory responsibility to establish guidelines for dealing with complaints and to review the Chief's administration of the complaints system. This includes internal complaints.[62]

Notwithstanding this responsibility, it appears that like the TPS, the TPSB does not have any formal mechanism to track individual cases where racial profiling or discrimination is found, or how many TPS officers are disciplined for racial profiling or racial discrimination.[63] The TPSB advised the OHRC that it:

Does not have a system for monitoring every decision of the criminal courts, many of which are not reported, to identify cases where there have been findings of Charter violations by TPS officers.

However, the Board Office has established a system where reported decisions identifying issues of a systemic nature that involve the Board or the Service are identified and brought to the Board's attention.

On occasion, a criminal decision involving the TPS will also come to the Board Office's attention through legal counsel. These may include *Charter* breach cases. In most cases, these cases come to the Board's attention because legal counsel has identified it as a decision

that substantially alters the law of policing, could have impact on police governance or affect the public's trust in policing. In such cases, the Board's lawyers will bring the case to the attention of the Board's Executive Director [and] Chief of Staff, and a report may be prepared for the Board where appropriate. In other circumstances, the Board's Executive Director & Chief of Staff may raise the matter with the Chief or Chief's Office for further exploration, and then, if appropriate, discussion with the Board.[64]

The TPSB also advised the OHRC that it receives monthly reports from the Chief on officer discipline, which summarize the disposition of cases investigated and prosecuted under Part V of the *Police Services Act*, and "where particular systemic or other issues arise or are identified with the administration of the complaints system, the Board addresses them on a case-by-case basis."[65]

However, if cases are not investigated or prosecuted under the *Police Services Act*, they will not come to the attention of the TPSB.

To promote a service environment free of racial profiling and racial discrimination, the TPS and TPSB should take proactive steps to ensure officer accountability following decisions of the HRTO, courts or tribunals. Proactive steps should include an automatic investigation by Professional Standards when the HRTO or a court finds that an officer engaged in racial profiling or racial discrimination, regardless of whether the officer's conduct was the subject of the litigation.

Where the investigation reveals racial profiling or discrimination, the TPS must ensure there are appropriate transparent and meaningful consequences consistent with progressive discipline, up to and including dismissal.

The TPS should:

- determine the race of the alleged victim in allegations of officer misconduct
- investigate potential racial profiling or discrimination in all allegations of officer misconduct that involve Black people as victims, and

- identify tribunal/court decisions with findings of racial profiling or discrimination by officers (whether or not the officer's conduct was the subject of the litigation), and include them in an EIS and in performance management.

SIU investigations

SIU investigations are required whenever an officer is involved in an incident that results in death, serious bodily harm, or allegations of sexual assault.

When the SIU is notified of such an incident, the Chief of Police of the relevant police Service is also required to conduct an investigation. The purpose of the Chief's investigation is to review the policies or services provided by the Service and the conduct of its police officers.

The SIU is required to report the result of its investigation to the Attorney General, and notify the Chief of Police that they have done so. The SIU letter to the Chief of Police usually identifies any concerns about the conduct of the officer(s).

Within 30 days of receiving the SIU letter, the Chief of Police is required to report the findings of its internal investigation and any action taken or recommended to the Board.[66]

The OHRC identified 27 cases[67] where the SIU flagged problematic conduct in its letter to the Chief. None of them resulted in a hearing before the TPS Disciplinary Tribunal.

The OHRC is concerned by the lack of accountability where issues of potential misconduct are raised in SIU letters to the Chief. This is consistent with an observation by former TPSB Chair, Dr. Alok Mukherjee, in his book *Excessive Force*:

> In reality, these reviews follow the letter rather than the spirit of the law. They are largely paper exercises involving the checking off of a bunch of boxes in a report to the board to say that the officer complied with policies, procedures and training; that the equipment used was also in compliance; and that there were no conduct issues. When the SIU says it had no reason or lack sufficient grounds to lay [criminal] charges, the Chief's review invariably repeats that conclusion. To me, the review is a classic example of how the systems of accountability put in place by law are manipulated to protect police interest.[68]

The absence of TPS Disciplinary Tribunal hearings where the SIU identified problematic behaviour is symptomatic of a larger problem. Police officers are rarely disciplined for misconduct. According to a report by the CBC, only 1% of complaints made to the Office of the Independent Police Review Director (OIPRD) about Toronto police officers between 2014 and 2019 has led to a disciplinary hearing.[69]

The lack of transparency is also concerning in that the complaints investigated by the OIPRD and the TPS (internally) investigated appear to be resolved informally by the TPS, and remain confidential. As noted in the OHRC's *Framework for change to address systemic racism in policing*:

The *Police Services Act*'s current confidentiality provisions prevent the public from knowing when and whether an officer was subject to some form of discipline for engaging in racial profiling, racial discrimination or other police misconduct. Only decisions from police service disciplinary tribunals are not confidential. This severely undermines public confidence in a system that must be transparent and grounded in the values espoused by the *Human Rights Code*.

The TPS must establish a process to fully investigate misconduct flagged by the SIU about racial profiling or racial discrimination. The TPS procedures should require the Chief or their designate to investigate each issue of problematic conduct the SIU Director raises in letters to the Chief. The Chief should report publicly to the TPSB on the findings and outcome of these investigations, subject to the confidentiality provisions of the *Police Services Act*.

The TPSB should also review the SIU letter and the findings of the Chief's internal investigation. The TPSB acknowledged that comparing these reports would:

- assist in the Board's oversight role
- allow the Board to ask questions where the SIU identifies potential misconduct
- allow the Board take appropriate policy action where potential systemic issues are identified.[70]

In his interview with the OHRC, SIU Director Joseph Martino stated that these recommendations made sense and he did not take issue with them.[71]

For the OHRC's recommendations regarding the SIU, see Recommendations 105, 106 and 107.

Tracking disciplinary decisions

The OHRC did not find any publicly available information on the number of officers disciplined for racial profiling, discrimination, or harassment as a result of a *Police Services Act* disciplinary hearing.

The OHRC asked the TPS for the relevant statistics. However, the TPS could not confirm whether, since 2010, the TPS Disciplinary Tribunal has found that any officers engaged in racial profiling, discrimination, or harassment. This suggests that the TPS does not track Disciplinary Tribunal findings for cases where officers have been found to have engaged in racial discrimination or racial profiling.

The TPS stated that it was unable to provide an answer on relevant statistics without reviewing all disciplinary tribunal decisions since 2010 and that it was unable to undertake the labour-intensive task of sorting, scanning and vetting TPS Disciplinary Tribunal decisions. The TPS noted that the OHRC could make a request to the Tribunal Office for these decisions.[72] The TPS also stated that the system for TPS

complaints and reports of investigation is not designed to capture an individual's specific race.[73]

The TPS did confirm that from 2017 - 2020, there has only been one internal or public complaint alleging anti-Black racism in service delivery that the TPS has substantiated.[74]

This low number is concerning because of the evidence of systemic anti-Black racism, racial profiling, and racial discrimination detailed in the Inquiry's reports. This raises a real concern that incidents of anti-Black racism are not being captured and/or investigated by the TPS.

For the OHRC's recommendations on accountability, see Recommendations 76 and 77.

Transparency and accountability in discipline

Police services should promote greater accessibility and understanding of police discipline by routinely collecting and publishing information about allegations of police misconduct, the results of investigations into them, and disciplinary outcomes. This transparency is important for reassuring communities that the police are serious about investigating and punishing misconduct by their officers.[75]

The OHRC joins community agencies and the IPC in their support for greater transparency by police services. During this Inquiry, the IPC advised the OHRC that:

Public trust in policing requires a strong commitment to transparency through … the proactive disclosure of de-identified information and other information capable of informing the public about critical police decisions, activities, and practices, including in relation to the effectiveness of oversight and disciplinary systems. Therefore, the IPC would welcome recommendations, including any necessary legislative amendments, to increase proactive disclosure

of statistical, anonymized or de-identified data, as long as it does not involve personal information. Public reporting of this nature would support the public's ability to hold police agencies to account by helping the public better understand how policing is being conducted and the extent to which reform efforts are progressing.[76] Notably, the lack of transparency in police discipline is not limited to the TPS. A province-wide approach to transparency in police discipline is an important requirement. Consistent with the OHRC's *Framework for change to address systemic racism in policing*, the TPSB should urge the provincial government to amend the *Police Services Act* and/or the *Community Safety and Policing Act*, 2019 to include a requirement for greater transparency in police discipline.[77]

For the OHRC's recommendations regarding transparency, see Recommendations 72, 73, 78, 79 and 82.

Community oversight

Community can and should play an integral role in policing oversight, whether that comes in the form of consultations, ongoing working groups or committees, and/or integrated positions in policing services. However, this oversight must not be in name or appearance alone. Rather, community involvement in policing activities should carry weight, and community recommendations should be implemented and properly evaluated by an external party.

Community oversight should also be properly resourced so that community members are not expected or required to meet onerous time and work requirements without appropriate compensation.

Police and Community Engagement Review

In 2012, the TPS established the Police and Community Engagement Review (PACER) committee "to assess and address issues of racial

profiling and bias in community engagements (at both the individual and systemic levels) to enable the delivery of bias-free police services."[78]

PACER's vision was to establish the TPS as "a world leader in bias-free service delivery." PACER's work included a "comprehensive review of Service governance, business processes, and the culture of policing[,]" and resulted in 31 recommendations.[79]

In 2013, the Committee released the *PACER Report: Phase II – Internal Report & Recommendations*, which recognized that:

To properly evaluate the success of the recommendations presented in this report requires a formal and impartial third party to design and oversee the evaluation project. The Key Performance Indicators (KPIs) of the evaluation must be filtered through an objective lens that ensures they accurately assess the outcomes of the recommendations.[80]

In response to PACER, the TPS entered into partnership with the Center for Policing Equity (CPE) and Dr Phillip Goff to evaluate the implementation of the recommendations in the PACER Report. Dr. Goff's final report was due on March 31, 2017. However, the evaluation was never completed. In its 2018 update on the PACER recommendations, the TPS stated that the CPE's policy assessment is "ongoing."[81]

The TPS advised the OHRC that they have not had contact with the CPE since January 2020, at which time CPE advised that there is no timeline for the completion of this report.[82] In other words, there was no independent evaluation to determine whether the PACER recommendations were implemented and what if any change resulted from their implementation.

It is concerning that implementation of some recommendations remain pending at time of writing this report – ten years following the release of the PACER Report. It is also concerning that the TPS has failed to follow through with an independent evaluation of its

implementation of the recommendations. This demonstrates a lack of accountability. As noted above, community involvement is an important part of policing, but only if it is taken seriously, and any resulting recommendations are implemented with external evaluation of progress and effectiveness.

Anti-Racism Advisory Panel

The Andrew Loku inquest jury recommended that the TPSB:

Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.[83]

In 2018, the TPSB formed the Anti-Racism Advisory Panel (ARAP) to advise the TPSB on its role in "overseeing and monitoring the response to and implementation of the recommendations directed both to the Toronto Police Service and to the Toronto Police Services Board, by the jury in the Inquest into the Death of Andrew Loku."[84]

The terms of reference for the ARAP were to establish a monitoring framework for the TPSB to use to assess the response to and implementation of the inquest recommendations, "including the creation of key benchmarks and performance indicators addressing each recommendation."[85]

The TPSB selected applicants with lived experience and a background in anti-racism, anti-Black racism, mental health and addictions, as well as people familiar with the issues raised at the Loku inquest.[86]

On August 18, 2020, ARAP became a permanent advisory committee of the TPSB. Its role is to "advise and support the Board in relation to policing and racism, anti-Black racism and anti-Indigenous racism," which includes:

- identifying current issues relating to racism, anti-Black racism, anti-Indigenous racism and policing, including developing and/or recommending policies, strategies, and action plans for approval by the TPSB
- monitoring the implementation of Toronto Council's Action Plan to Confront Anti-Black Racism
- monitoring the implementation of the Board's RBCD Policy, including reviewing the data analysis and any interventions developed by the TPS to address racial disparities for feedback and recommendations for enhancement
- monitoring the implementation of the recommendations from the Andrew Loku inquest through the monitoring framework previously developed by ARAP
- reviewing the development and implementation of all TPS training and offering recommendations for enhancement, including training on anti-racism
- monitoring the implementation of the 81 recommendations in the TPSB's *Police Reform* Report.[87]

ARAP was involved in a number of important issues, including assisting with drafting the RBDC Policy for the Board and the development of a framework to monitor the implementation of the Loku inquest recommendations.[88] The monitoring framework established performance targets and benchmarks that the TPSB and TPS could use to measure implementation of the Loku inquest recommendations, and hold themselves accountable.[89]

ARAP did not review the "means of implementation" of the Loku recommendations. For example, ARAP did not review any training programs or procedures that were developed or revised in response to the jury recommendations.[90] Whether that was the result of a lack of resources or a narrow mandate, this is an important missed step in ensuring that the recommendations were effectively implemented.

Among other things, this highlights the need for ARAP to be empowered and resourced adequately, including compensating its members for their time and work similar to the civilian members of the TPSB. It also highlights the need for independent monitoring of the implementation of any recommendations. The OHRC recommends that the TPSB provide ARAP with additional resources to take on an expanded role that would include assisting with the implementation of the OHRC's recommendations.

ARAP is a novel and commendable approach that brings together community members, academics, and police Service members to develop police governance policy. The OHRC also recognizes the important role that should be played by ARAP members in the robust approach to implementation discussed later in this chapter

For the OHRC's recommendations on community oversight, see Recommendations 2, 3, 70(b), 85, and 86.

Independent monitoring and enforceability

For decades, members of Black communities in Toronto have raised alarms about anti-Black racism, both individual and systemic, within the TPS and the TPSB. Multiple reviews and reports have confirmed the existence of anti-Black racism, and recommended changes to TPSB policies and TPS practices and procedures to eliminate racial profiling and discrimination.

The TPS recently acknowledged the existence of anti-Black racism. This acknowledgement is an important and welcome development.

The TPS has also implemented some of the recommendations and made some improvements.

However, the required progress has been slow and insufficient.

The TPS and TPSB systems have not provided effective monitoring and accountability for anti-Black racism, racial profiling, and racial discrimination against Black people. There are few examples of officers being evaluated, investigated, or disciplined for racial profiling or discrimination. There has been structural impunity for systemic racism within the TPS and TPSB.

Not surprisingly, the outcomes for Black people have not changed.

The TPS and TPSB have demonstrated that they alone cannot assess, monitor, and change their systems to eliminate anti-Black racism, which is why the OHRC recommends that the Inquiry's recommendations be independently monitored and legally binding.

Independent monitoring and effective and expeditious legally binding enforcement measures are necessary to help restore trust among Black communities. They provide communities with mechanisms for input, monitoring and transparency, and accountability.

Community stakeholders such as the Black Legal Action Centre (BLAC) and Canadian Association of Black Lawyers (CABL) support legally binding enforcement measures, given their concerns about the ability of the TPS and TPSB to address systemic racism using traditional measures such as non-binding recommendations, or directions from the TPSB.[91]

Similarly, the IPC recognized:

the importance of an approach to rights protection that, whenever possible, is informed by meaningful public engagement, supported by effective enforcement mechanisms, and capable of producing concrete results that can be assessed and verified by an independent and expert reviewer in a transparent manner. A commitment to such an approach by the Board and the Service could play a significant role in helping build citizen trust in policing.[92]

Legally binding measures between parties can take various forms. In Ontario for example, the OHRC has previously entered into a model of enforcement, known as a consent order.[93] This is an agreement between parties, made legally binding by filing it with the HRTO. Recently the OHRC and the Peel Regional Police Service entered into a Memorandum of Understanding which built in an agreement to ultimately file a consent order with the HRTO.

Another model of legally binding enforcement is arbitration. In the current context, this would involve an agreement in which disputes over implementation of the OHRC's recommendations would be addressed through binding arbitration. This, too, can represent an alternative to potentially lengthy contested legal proceedings. This model gives the TPS, TPSB, and the OHRC input to select the final arbiter, which can facilitate the timeliness of resolutions to any matter in dispute.

The OHRC's inquiry has confirmed that Black communities have little confidence in a process that does not result in accountability for the TPS and TPSB. Legally binding measures are an important step in building confidence in policing and promoting a fundamental shift in practices and culture.

For the OHRC's recommendations on independent monitoring and enforceability, see Recommendations 1, 2, 4, 5, 50, 51, 85, and 86.

Chapter 9 Endnotes

[1] See Appendix 6 – Historical timeline of racial profiling and racial discrimination of Black persons by the TPS, OHRC initiatives related

to the TPS, and the OHRC's work on racial discrimination in policing.

2 TPSB, Policy on Race-Based Data Collection, Analysis and Public Reporting (19 September 2019), online: https://www.tpsb.ca/policies-by-laws/board-policies/177-race-based-data-collection-analysis-and-public-reporting.

3 TPSB, "Minutes of Virtual Public Meeting: September 17, 2020" (17 September 2020), Report of Chief Ramer regarding "Toronto Police Service Board's Race-based Data Collection, Analysis and Public Reporting Policy – Quarterly Progress Update on Implementation – Third Quarter" (6 August 2020) at 54, online (pdf): https://tpsb.ca/jdownloads-categories/send/32-agendas/635-setpember-17-2020-agenda.

4 TPSB, "Minutes of Virtual Public Meeting: June 24, 2021" (24 June 2021), Report of Chief Ramer regarding "Toronto Police Services Board's Race-Based Data Collection (R.B.D.C.), Analysis and Public Reporting Policy – Progress Update on Implementation" (15 June 2021) at 260, online (pdf): https://tpsb.ca/jdownloads-categories/send/32-agendas/694-2021-06-24-agendaNULL; Letter from the TPS to the OHRC re OHRC Inquiry into Racial Profiling Benchmarking Data and Phase II Race Based Data Collection (8 September 2021); Toronto Police Service, *Race & Identity Based Data Collection Strategy: Understanding Use of Force & Strip Searches in 2020 – Detailed Report* (June 2022) at 10, online (pdf): www.tps.ca/media/filer_public/93/04/93040d36-3c23-494c-b88b-d60e3655e88b/98ccfdad-fe36-4ea5-a54c-d610a1c5a5a1.pdf.

5 TPS, *Race & Identity Based Data Collection Strategy: Understanding Use of Force & Strip Searches in 2020 – Detailed Report* (June 2022), online (pdf): www.tps.ca/media/filer_public/93/04/93040d36-3c23-494c-b88b-d60e3655e88b/98ccfdad-fe36-4ea5-a54c-d610a1c5a5a1.pdf.

6 Letter from Chief Commissioner Chadha to Chief Ramer re Toronto Police Service Consultation with the Ontario Human Rights Commission on Race-Based Data Collection (25 January 2021); TPSB, "Minutes of Virtual Pubic Meeting: June 24, 2021" (24 June 2021), Report of Chief Ramer regarding "Toronto Police Services Board's

Race-Based Data Collection (R.B.D.C.), Analysis and Public Reporting Policy – Progress Update on Implementation" (15 June 2021) at 260, online (pdf): https://tpsb.ca/jdownloads-categories/send/32-agendas/694-2021-06-24-agenda. See for example, TPSB, "Minutes of Virtual Public Meeting: September 17, 2020" (17 September 2020), Report of Chief Ramer regarding "Toronto Police Service Board's Race-based Data Collection, Analysis and Public Reporting Policy – Quarterly Progress Update on Implementation – Third Quarter" (6 August 2020) at 54, online (pdf): https://tpsb.ca/jdownloads-categories/send/32-agendas/635-setpember-17-2020-agenda; Toronto Police Services Board, "Minutes of Virtual Public Meeting: December 15, 2020" (15 December 2020), Report of Chief Ramer regarding "Recommendation #73 – Status of Implementation of the Race-Based Data Collection, Analysis and Reporting Policy and Analysis of Gaps with the OHRC's Recommendations" (3 November 2020), online (pdf): https://www.tpsb.ca/jdownloads-categories/send/32-agendas/653-december-15-2020-agenda.

7 A Protective search is "used generally during Investigative Detention and involves a limited search of a person who has been detained by policy when there is reasonable belief the person poses a safety risk. The scope of the search is limited to exterior patting of clothing such as pockets, waistband or areas that may reasonably conceal such items as weapons or implements that may be used as weapons, usually with open hands to maximize the ability to detect weapons through clothing. This search may also be described as a 'safety search', as that is the purpose and objective." Toronto Police Service, *Procedure 01-02 Search of Persons* (24 November 2021), online (pdf): https://www.tps.ca/media/filer_public/a0/f9/a0f91c6c-e992-4036-badb-1f14fe1a6980/8e76ce5e-27b3-465d-b31a-60e580a1de8a.pdf.

8 A Frisk search is "used generally for Search Incident to Arrest and means a more-thorough search that may include emptying and searching pockets as well as removal of clothing, which does not expose a person's undergarments, or the areas of the body normally covered by undergarments. The removal of clothing such as belts, footwear, socks, shoes, sweaters, extra layers of clothing, or the shirt of a male would all be included in a Frisk search. A Frisk search may

be commenced in the field and concluded at the station." Toronto Police Service, *Procedure 01-02 Search of Persons* (24 November 2021), online (pdf): https://www.tps.ca/media/filer_public/a0/f9/a0f91c6c-e992-4036-badb-1f14fe1a6980/8e76ce5e-27b3-465d-b31a-60e580a1de8a.pdf.

9 For example, see OHRC, *A Disparate Impact: Second interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service, Use of Force by the Toronto Police Service Report* (Toronto: OHRC, 2020) at 109-110, online (pdf): https://www.ohrc.on.ca/sites/default/files/Use%20of%20force%20by%20the%20TPS%20report%20%28updated%20January%202023%29.pdf; TPS, Race & Identity Based Data Collection Strategy: Understanding Use of Force & Strip Searches in 2020 – Detailed Report (June 2022), "Appendix A: Action Plan" at 92, online: www.tps.ca/media/filer_public/93/04/93040d36-3c23-494c-b88b-d60e3655e88b/98ccfdad-fe36-4ea5-a54c-d610a1c5a5a1.pdf.

10 OHRC interview of Steven Lurie and Jennifer Chambers (Community Co-Chairs of MHAAP) (9 June 2022).

11 Letter from the TPS to the OHRC re OHRC Inquiry into Racial Profiling Benchmarking Data and Phase II Race Based Data Collection (8 September 2021).

12 Letter from Chief Commissioner Chadha to Chief Ramer re Toronto Police Service Consultation with the Ontario Human Rights Commission on Race-Based Data Collection (25 January 2021).

13 For example, see U.S. Department of Justice Civil Rights Division, *Investigation of the Ferguson Police Department* (4 March 2015) at 91–92, online (pdf): https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf; Consent Decree between the United States (i.e. the DOJ) and the City of Ferguson (April 2016) at 102, 103, 108–115 online (pdf): https://www.justice.gov/d9/ferguson_consentdecree_4-19-16.pdf Consent Decree between the United States (i.e., the DOJ), the Mayor and City Council of Baltimore and the Police Department of

Baltimore City (January 2017) at 28-30, 67 and 72–74 online (pdf): https://www.justice.gov/opa/file/925056/download

14 OHRC Roundtable interview with the TPA (10 November 2022).

15 Information and Privacy Commissioner of Ontario, "Additional comments and recommendations on the OHRC's draft recommendations to eliminate racial profiling and racial discrimination of Black persons by the Toronto Police Service" (10 November 2022).

16 OHRC, *Framework for change to address systemic racism in policing* (29 July 2021) at number 2, online: www.ohrc.on.ca/en/framework-change-address-systemic-racism-policing.

17 Institute on Race and Justice, Northeastern University, *Promoting Cooperative Strategies to Reduce Racial Profiling*, COPS Evaluation Brief No 1 (Washington, D.C.: Office of Community Oriented Policing Services, U.S. Department of Justice, 2008) at 7, online: https://www.ojp.gov/ncjrs/virtual-library/abstracts/promoting-cooperative-strategies-reduce-racial-profiling.

18 Christi Guillon & William King, "Early intervention systems for police: a state-of-the-art review" (2020) 43:4 *Policing: An Intl J* 643 at 644.

19 Christi Guillon & William King, "Early intervention systems for police: a state-of-the-art review" (2020) 43:4 *Policing: An Intl J* 643 at 644.

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> Confidentiality
>
> 95 Every person engaged in the administration of this Part shall preserve secrecy with respect to all information obtained in the course of his or her duties under this Part and shall not communicate such information to any other person except,
>
> (a) as may be required in connection with the administration of this Act and the regulations;
>
> (b) to his or her counsel;
>
> (c) as may be required for law enforcement purposes; or
>
> (d) with the consent of the person, if any, to whom the information relates.

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63 Responses of the TPSB to written questions at 78 and 81, asked under s. 31(7)(c) of the *Human Rights Code*, RSO 1990, c H19. Further, according to the TPSB, to the extent that the TPSB considers the specifics of a civil or criminal case, its discussions would be confidential due to solicitor-client privilege or the statutory confidentiality provisions of the *Police Services Act*, RSO 1990, c P15.

64 Responses of the TPSB to written questions at 84, asked under s. 31(7)(c) of the *Human Rights Code*, RSO 1990, c H19.

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where the SIU has been notified. O Reg 267/10 was revoked on December 1, 2020. The *Special Investigations Act*, 2019, SO 2019, c 1 Sch 5 and O Reg 268/10 came into effect on the same day. Section 32 of O Reg 268/10 states that the chief of police shall "cause an investigation to be conducted into any incident involving a police officer in the chief's police force that becomes the subject of an investigation by the SIU Director[.]" The purposes of the investigation are the same as under O Reg 267/10.

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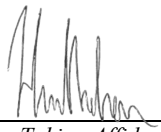
Ontario Human Rights Commission
Commission ontarienne des droits de la personne
Ontario

This is Exhibit "47" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Anti-Racism & Organizational Change: A Guide for Employers

The Canadian Human Rights Commission is Canadas national human rights institution. The Commission helps ensure that everyone in Canada is treated fairly, no matter who they are.

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> “Canadians have the right to be treated fairly in workplaces free from discrimination, and our country has laws and programs to protect this right.” Department of Canadian Heritage[Footnote 1]

> “As we focus on combatting racism, it is not sufficient to simply equip ourselves with knowledge and tools. We must take action in ways we know will be meaningful in addressing all barriers and disadvantages.” - Ian Shugart, Former Clerk of the Privy Council and Secretary to the Cabinet, 2021[Footnote 2]

Introduction

Today, Canadian workplaces are not the same as they were in March 2020. Recent incidents have

had an impact on Canadian society with shocking reminders of Canada's ongoing history of racism. Whether it was the discovery of burial grounds on Residential School sites or continued anti-Black and anti-Asian expressions of racism, including violent attacks – these incidents have triggered a resurgence of demands for society and its institutions to develop, adopt and act on anti-racism initiatives that are comprehensive and sustainable, ensuring employers in all sectors take leadership to address the past and recent history of racism in Canada.

The increasing numbers of Indigenous, Black and other racialized people in Canada makes it more important now than ever before for employers to consider the well-being of employees from all backgrounds. This is both a pressing moral and legal issue and, while engaging in anti-racism work is important in any time, it is critical now that we are seeing a gradual transition to post-pandemic workplace environments that are changing based on the following factors:

- Canada's current shift towards a "proactive compliance approach to human rights protection" means **more responsibility for employers** to counteract and actively prevent racial discrimination.[Footnote 3]
- The racial reckoning of **2020 has shifted conversations about equality**. Across all sectors, Canadian employers recognized that efforts towards racial equity were critical, central, and ur-

gent. A flood of anti-racism statements was released, town halls convened, and training sessions held. But a year later, there was not much measurable change, which has reduced many employees' trust.[Footnote 4] [Footnote 5]

- Many Canadian **employers are facing the challenge of managing the return to a physical workplace** and/or a dispersed workforce when many are still working from home. It has been reported that in particular racialized employees have negative expectations for a return to the office because of previous experiences of racial discrimination and/or exclusion now combined with personal and/or racial trauma and higher awareness of workplace racism.[Footnote 6] [Footnote 7] [Footnote 8]
- There is greater recognition that there are differences in the expressions and impact of racism on different racialized groups – therefore, a need for specific strategies and actions to address them. The release of **disaggregated racialized workforce data** (breakdown by racialized groups)[Footnote 9] suggest such approaches are needed to make sure that anti-racism initiatives address the different challenges faced by the different racialized groups in the workplace.[Footnote 10]
- Changing demographics indicate that the growth of Indigenous, Black and other racialized population groups will continue to exceed the average annual growth for the Canadian population as a whole.[Footnote 11] [Footnote 12] [Footnote 13] According to the population projections from Statistics Canada, about 2 in 5 Canadian will be part of a racialized group in 2041, accounting for 38.2% to 43.0% of the Canadian population, compared to 22% in 2016.[Footnote 14]

This situation has created growing awareness that the experiences during the last several years can

and should be the reason for employers to actively support and advance anti-racism in the workplace and ensure organizational goals of equity, diversity, and inclusion are set within an anti-racism framework.

For the public sector, this was recognized in the Clerk of the Privy Council's 2021 Call to Action[Footnote 15] for federal employers and leaders across the Public Service to take decisive action for change and set specific requirements for documentation and reporting.[Footnote 16] And – relevant for all sectors – the legislation to ensure equal opportunities for employees from under-represented groups (Employment Equity Act) is "heading for its most significant overhaul since its introduction 35 years ago."[Footnote 17] [Footnote 18]

> "The disruption and trauma of the past year have created a once-in-a-generation opportunity to redesign working models from the ground up—with principles of diversity, equity and inclusion placed at the center [...]." - S. Subramanian and T. Gilbert[Footnote 19]

It is clear that the time to advance anti-racism, equity and inclusion in the workplace is now. The question many employers have asked is how. In response to that question, this guide has been created to support public, private and not-for-profit sector employers who are looking for tools to

educate effectively, create relevant strategies and implement short-and long-term measures to offer a workplace that is inclusive and equitable for employees of all Indigenous, Black and other racialized backgrounds, and that has measures in place designed to **prevent or to interrupt *any* display of racist behaviours or actions**.

In this guide, the focus on racialization and racism (including its intersections with other grounds of discrimination, e.g., gender, disability, religion)[Footnote 20] does not suggest that other issues around discrimination have not arisen, continued, or worsened in Canada in the past years. But comprehensive human rights protection comes from comprehensively addressing each of the grounds defined in the Human Rights Act; and the Canadian Human Rights Commission is recognizing that by developing a series of employer tools. While these tools will focus on different human rights grounds, they are all based on the same **fundamental understanding that Human Rights grounds must be seen and treated as interconnected** and that actions to address them must be well-planned, resourced and sustainable.

Given these issues, the purpose of this guide is to provide information and practical suggestions for employers looking for guidance on how to approach anti-racism in their actions and planning in

today's changing workplaces. To do so, this document is divided into the following sections:

1. **Leadership for Implementing Anti-Racism Initiatives.** This section addresses the important role an organization's leadership can and must exhibit to fully support the design, development and implementation of a comprehensive approach to anti-racist organizational change;
2. **Promoting Anti-Racism in the Workplace.** This section discusses the importance of using common language, raising awareness and communications across the organization, and conducting an organizational review of policies and procedures;
3. **Sustaining Anti-Racism in the Workplace.** This section discusses the importance of workplace culture and norms that support the ongoing understanding and implementation of anti-racism efforts;
4. **Human Resources Strategies to Support Anti-Racism in the Workplace.** This section addresses the steps that are integral to supporting the recruitment, selection and advancement of Indigenous, Black and other racialized peoples as well as setting a framework for and providing both mandatory and optional education/training programs;
5. **Anti-Racism and the Procurement of Goods and Services.** This section addresses the importance of upholding anti-racism values and practices when engaging external contractors and service providers with an emphasis on those led by Indigenous, Black and other racialized peoples as well as those who are implementing anti-racism policies;
6. **Anti-Racism Action Planning and Assessing Results.** This section discusses the importance of taking a measured strategic approach to

planning, developing, implementing anti-racism initiatives and tracking their outcomes;
7. **Closing Thoughts.** This section addresses the steps employers can take to acknowledge the importance of anti-racism with the aim of publicly supporting such work and noting its critical function in developing inclusive workplaces and influencing social values; and
8. **Bibliography of Useful Resources.** This section provides references to resources noted in the preceding sections as well as an annotation of resources from various organizations, including statutory human rights agencies, the public service and not-for-profit sector, educational institutions and other organizations.

Each section begins with a brief summary of background information, then makes suggestions and recommendations for steps to take and provides additional resources available for more in-depth information. The flow of the topics reflects steps along an organizational change journey, but each section can be read as stand-alone, based on where your organization is on that journey.

This guide concludes with closing thoughts on the role public, private and not-for-profit organizations can take to impact public awareness on the importance of anti-racism, thereby, encouraging greater public awareness and creating social environment that is understanding and supportive of anti-racism in all sectors of society.

This is then followed up with a section identifying organizations that are engaged in good practices

regarding the implementation of anti-racism work.

This guide is not a policy statement or action plan for addressing racism in the workplace. Rather, it is designed to assist employers in developing their own action and implementation plans to address their organization's specific needs and priorities.

The resources in this guide are applicable for all employers and those tasked with implementing anti-racism measures – be it in the public, private or not-for-profit sector.[Footnote 21]

1. Leadership for Implementing Antiracism Initiatives

Within the context of *Section 15 of the Canadian Charter of Rights and Freedoms*, which addresses substantive equality, an inclusive culture requires active management and **deliberate leadership to drive vision and the appropriate resource allocation**. This goes beyond the moral imperative: It is simply a necessity in order to take full advantage of the skills and experience Canada's increasingly diverse workforce offers, and in order to engage, nurture, and retain those who drive organizational excellence. In doing so, leadership will need to acknowledge that diversity exists within Indigenous, Black and other racialized communities and should, therefore, undertake a disaggregated lens

to the diversity within each of these communities.[Footnote 22]

As a consequence, inclusive leadership has become a "unique and critical capability"[Footnote 23] for employers: Leadership must contribute to a culture of inclusion. That means visibly and consistently demonstrated leadership engagement and support is needed for long-term success. In large organizations, leadership will also need to ensure alignment with the corporate antiracist vision throughout all levels of management, which means paying attention not only to policies, but to formal and informal practices and decision-making processes. This will help both eliminate systemic discrimination and promote accountability across job functions and seniority levels.

How can it be achieved? Corporate Leadership can establish and promote vision and values by:

- communicating commitment to develop and implement anti-racism initiatives that address governance and operations, including decision-making and provision of programs and services, as well as leadership modeling anti-racist attitudes and behaviours;
- under-taking a comprehensive anti-racism organizational review and embedding anti-racism in organizational policies, procedures and structures, including education/training, employment as well as programs and services;
- establishing and collaborating effectively with an Indigenous and anti-racism committee of staff supportive of such an initiative; and

- allocating sufficient resources, including retention of an internal and/or external resource(s) to support and guide the change process.

Several areas are critical to address for this to be successful in an organization, and actions in these areas will decide the role and the influence Indigenous, Black and other racialized employees have in an organization, as employees, decision-makers, contract service providers, and clients and/or service recipients. These areas are:

- Strong, clear and consistent leadership guided by the values and principles discussed in this resource; and
- Involving Indigenous, Black and other racialized staff in creating the relevant policies and procedures at all levels of the organization.

This is particularly important given the intersections between racialization and other social identities that have been the target of discrimination. The notion of 'intersectionality' has been defined by legal scholar Kimberle Crenshaw in 1989. Her concern in defining this term was to demonstrate ways that various forms of oppression combine with racism, and why it is important to acknowledge and address those lines of intersection.

> "The concept of intersectionality describes the ways in which systems of inequality based on gender, race, ethnicity, sexual orientation, gender identity, disability, class and other forms of discrimination "intersect" to create unique dy-

> namics and effects. For example, when a Muslim woman wearing the Hijab is being discriminated, it would be impossible to dissociate her female* from her Muslim identity and to isolate the dimension(s) causing her discrimination. “All forms of inequality are mutually reinforcing and must therefore be analysed and addressed simultaneously to prevent one form of inequality from reinforcing another. For example, tackling the gender pay gap alone – without including other dimensions such as race, socio-economic status and immigration status – will likely reinforce inequalities among women.”[Footnote 24]

This is important for organizations to address in taking leadership in implementing anti-racism change work. It is also very important for organizational leadership to note that the guidance provided in this document can be used to address other issues where discrimination is evident whether based on faith, gender, gender identity and sexual orientation.

As is noted in the Ontario Human Rights Commission’s **Policy and guidelines on racism and racial discrimination** *“Racial discrimination can be impacted by related Code grounds such as colour, ethnic origin, place of origin, ancestry and creed. In addition, race can overlap or intersect with other grounds such as sex, disability, sexual orienta-*

tion, age and family status to create unique or compounded experiences of discrimination."[Footnote 25]

This understanding of the ways in which racism can overlap or intersect with other grounds is also reflected in the Government of Canada's Anti-Racism Strategy, which includes colonialism, anti-Black racism, anti-Asian racism, Islamophobia and Antisemitism in its discussion of key terminology.

2. Promoting Anti- Racism in the Workplace: Finding Common Language

The racial and cultural diversity of Canadian workplaces is reflected in the difference in language we use when addressing racial identities, racism, and the many components of anti-racism work. Even commonly used words hold different meanings for different people, and this can cause confusion and potentially conflict when addressing topics related to race and (anti-)racism in the workplace.

There are no universally accepted definitions of many terms related to racism and anti-racism. Therefore, it is important for organizations to establish a shared understanding and a shared vocabulary within the organization before having these conversations.

This section provides a list of some of the most comprehensive glossaries of terms which will be

useful for employers who want to start or expand the conversation about anti-racism in their organization and in doing so want to make sure that the language is consistent and inclusive, particularly given that the use of language on this subject is still evolving, and any glossary will need to be reviewed and updated on an ongoing basis. Here are a couple of examples to illustrate this point:

- The use of the term “Aboriginal” is limited today, although it was previously used in the same way as “Indigenous” is today.[Footnote 26] Generally, non-Indigenous persons should find out which terminology a specific Indigenous group or individual prefers, and then use that consistently.[Footnote 27]
- The fairly new term “Latinx” is not universally used in the population for whom it was created but is frequently used in advocacy.[Footnote 28] [Footnote 29]
- Also, the categories for racialized groups are changing over time. Statistics Canada therefore provides a detailed Population Group Reference Guide for each census, which can also be helpful for employers.[Footnote 30]

For further resources please click here.

2.1 Raising Awareness:

Public awareness of racism in past and present Canadian society has increased, along with public support to eliminate racism in society.[Footnote 31] In the last two years, anti-racism work across sectors has gained momentum, and the results are renewed efforts to embed antiracist values, strate-

gies and initiatives into the foundations of workplaces.

But when speaking to individual employees during organizational consultations, it often becomes clear that there is not enough awareness of

- how certain practices can put specific racialized groups at a disadvantage;
- what kind of behaviours would actually fall in the category of “racist’; and
- how the specific set of circumstances that enable (systemic, intended and/or unintended) racist behaviours or practices in an organization can be changed by the organizational leadership.

To increase awareness and appreciation of the many forms in which racism may materialize in an organization means building a foundation on which an inclusive and actively anti-racist workplace culture can be built.

Given the shift in Canadian demographics, some employers may think that diverse, inclusive and anti-racist organizations will just happen naturally. But an organization that is not only diverse but also **fundamentally inclusive, equitable and actively anti-racist doesn’t just happen; it is the consequence of deliberate, and sustained efforts**. For example, an organization can have racial diversity among employees throughout the ranks but still be non-equitable and non-inclusive in its work-

place culture, operational practices and even policies.

For further resources please click here.

2.2 Communications:

Employees at all levels must be made aware and kept informed of the corporate vision and agenda as it relates to antiracism, and this must be communicated through a clear and consistent set of messages that are endorsed by leadership (and/or board, if that is applicable). Important success factors include:

- Transparency and touch points: Sharing not only an action plan but regular scheduled progress updates that include what actions have been taken, what effects they have had to date, and what the next steps and desired outcomes are for these steps
- Ensuring communications are inclusive of and sensitive to individuals from diverse communities (for example subjects and images in organizational newsletters, when announcing days of significance, etc.)
- Devising communication plans and strategies to effectively communicate commitment and progress reports within the organization and externally (for example website, emails, social media)
- Keeping it top of mind by having anti-racism work as an agenda item at key meetings and retreats.

2.3 Organizational Review and Engagement:

Any organization taking on anti-racism work should consider it important to do three things:

- identify any element/trace of racism in its policies, practices (e.g., programs and services) and governance;
- eliminate any element/trace of racism in its policies, practices and governance; and
- remedy all elements/traces of racism in its policies, practices and governance.

Engaging in anti-racism work begins with an assumption that there are likely barriers in place that limit and/or deny access by Indigenous, Black and other racialized peoples to the organization's employment, decision-making and/or programs and services. As such, one of the most important actions for an organization to take is to involve its staff, decision-makers, service recipients and the public in a review of its policies, programs and procedures. This is done to ensure all of the organization's functions and guiding principles are examined through an anti-racism lens. In this context, the organization's leadership initiates a process to review these core principles and activities and does so involving its staff, board of directors and service recipients.

Following a comprehensive organizational review, the development of equity, diversity and inclusion and anti-racism (EDI AR) policies and procedures can provide the benchmarks needed to guide organizations in their development and implementa-

tion of plans to advance anti-racism. They require the following:

- A Statement of Commitment.
- Definitions of key terms that are consistent with human rights, addressing non-discrimination/harassment and anti-racism.
- Clearly defined mandate/s for all committees or advisory groups that will work in this space.
- Organization-wide, racially and culturally diverse employee-driven committee (in case of a national organization, regional diversity would also need to be considered as well) that will provide input and feedback on all policies and procedures related to equity, inclusion, and anti-racism.
- Onboarding and training for all employees within the organization on anti-racism policies and procedures to ensure they are clearly communicated so that employees have realistic expectations of what is meant, how things will be done, how they can become involved, etc.
- Community consultation if an organization's work is in/for the community (for example, cultural organizations, non-profit and certain government agencies). A group of respected advisors from the Indigenous, Black or other racialized communities in question should be engaged to provide input and feedback on planned initiatives and implementation processes with impact on the community.
- Recognition of Days of Significance (religious holidays, cultural events and celebrations, public holidays) that may be observed by employees:[Footnote 32]
    - For Canadian employers, this includes heeding the Truth and Reconciliation Commission of Canada's Calls to Action[Footnote 33] and to recognize the First Nations', Métis', and Inuit peoples' right to

practice and teach their spiritual traditions and customs.
    - Accommodation requests will differ– it may be a full day off, or time off during a day, or modification of an employee's work schedule for specific days.
    - Accommodation offers will differ between organizations depending on the company's policy, the employee's benefits plan, or a collective agreement (for example, whether they are based on two or three religious holidays, whether there is the option for additional unpaid leave for this purpose, or whether flexible scheduling options are possible).

There are several steps which can be taken to do this, including:

- having the organization's senior leadership, including its board of directors, make a firm commitment to supporting this work;
- engaging with an internal and/or external resource(s) who can facilitate the organization's review process, i.e., an Equity/Diversity/Inclusion/Antiracism Task Group (EDI AR). This provides expertise to the process to ensure that a thorough review is taken, discussed and steps identified to eliminate and remedy their impact;
- establishing an internal team of staff from Indigenous, Black and other racialized backgrounds, as well as others who are supportive of this initiative. This team can serve as the organization's internal feedback loop and connections with a broader pool of staff. Such a team can give input to the review as well as share communications on this from leadership to all staff. However, to ensure this staff team is able to engage effectively in this initiative, it will be

essential for the employer to ensure they have adequate time and resources to do so;
- establishing an external advisory group of Indigenous, Black and other racialized peoples, as well as others who are supportive of this initiative. This group can provide an external perspective to the process, identify issues that their communities face as it relates to the organization and provide information and access points for the organization to communicate to diverse communities.

For the organization to effectively choose whom to involve as staff and/or external supports, it will be useful to set criteria for the selection process, promote the opportunity widely and have a team to review applications. It will be essential to inform all potential applicants of the time required, the competencies needed and, in the case of staff, how they will be accommodated in terms of their day-to-day work.

3. Sustaining Anti- Racism in the Workplace: Changing Conversations & Cultures

The last few years have seen numerous publications on the issue of anti-racism, and the importance of integrating principles of racial equity and anti-racism into an organization's work and operations. But less is available on the details of how to achieve this. Therefore, this guide is designed to provide and summarize current good practices, as well as recommendations and resources for the application in the workplace.

This is offered to address operational and workplace culture and to provide information on useful practices for organizations to implement and sustain anti-racism initiatives and how organizations can support, connect and build on relationships with their Indigenous, Black and other racialized employees. To do this effectively, it is important to understand workplace norms in order to shift workplace systems and culture.

As Marie-Claude Landry, the former Chief Commissioner of the Canadian Human Rights Commission, has put it:

> The key to the success of this work is that it be never-ending.
>
> It must be continuous, it must be evergreen, and it must be sustainable.[Footnote 34]

3.1 Understanding Workplace Norms:

In addition to the formal policies and procedures discussed above, it is equally important that we consider the unspoken workplace norms and cultural practices and their influence.

This may include assessing the following:

- Organizational code of conduct or corresponding policies to ensure that all relevant documents reflect principles of equity, inclusion and anti-racism.
- Interaction styles (peers, supervisors, senior management) and communication styles for not

only accuracy but also demonstrating thoughtfulness and respect.

- Cultural competencies – for example:
  - How are issues related to race discussed at meetings, for example of organization's committees, educational sessions and retreats?
  - What are the work styles that are valued in your organization, and are unspoken expectations that work styles expected from certain demographic groups?
  - Are days of cultural and/or religious significance as they intersect with racialization and racism considered when allocating resources or planning a project/program?

3.2 Shifting Workplace Systems and Culture:

Given the scope and potential impact of any comprehensive anti-racism plan, it is important that employees (in particular Indigenous, Black and other racialized employees) believe in the goal and have positive expectations of the outcomes. A successful implementation of equity, inclusion and anti-racism initiatives requires trust. To earn it, leadership as well as senior management must have demonstrated their capabilities as well as their caring ("benevolence")[Footnote 35] and integrity.

For maintaining changes and improvements long-term, a culture and framework of accountability is needed. For example, performance evaluations should include an assessment of a manager or employee's responsibilities related to the equity, inclusion and anti-racism initiatives. The princi-

ples of equity, inclusion and anti-racism should shape decision-making and culture.

> The Canadian Human Rights Commission has produced two discussion papers – on Systemic Racism and on Religious Intolerance – to increase understanding of these important issues. This Guide should be read in conjunction with those tools.

When your organization assesses this, it is also important to look at whether the impact of any observed and addressed racially discriminatory behaviour had been different for one group compared to another – that might be different racialized groups being treated differently, or racially discriminatory behaviours that affect more racialized women than men ("intersectionality").[Footnote 36]

Especially in large and long-established organizations, there may be challenges and resistance when the planned changes include restructuring of workplaces, the promotion of new social norms in the organization, monitoring during implementation, and last not least, mandatory education and training, particularly during the implementation phase/s of an anti-racism action plan. It is therefore helpful to be proactive and monitor

- Non-harassment/violence prevention actions, including actions to address *Subtle Acts of Exclusion* (aka micro-aggressions)
- Adherence to workplace Code of Conduct

- Demographics across job levels: How diverse are middle and senior management?
- Turnover for Indigenous, Black and other racialized employees (comparing across job levels)
- Participation levels from these communities in key organizational activities, for example strategic planning and ongoing involvement in EDI AR policy, procedures, programs and services review and communications on these.

4. Human Resources Strategies

Your human resources department will be responsible for operationalizing organizational values and principles related to equity, inclusion and anti-racism.

To ensure that the organization's workforce reflects the diversity of the community requires to not only attract diverse job candidates but also to ensure the organization is prepared to ensure that they can flourish. This means not only promoting employment opportunities through channels that reach a diverse target audience but also having equitable interview practices, providing professional development opportunities and having an effective mentoring program and succession planning approach.

4.1 Recruitment

To identify recruitment strategies, the Human Resources department will need to know the racial/cultural composition of the current workforce. Therefore, the first step has to be an organi-

zational workforce “census” and breaking down the data by racial/cultural groups to compare representation across levels of seniority, and across departments. There are now several efforts underway to not only identify the various Indigenous, Black and other racialized peoples in Canada but to go beyond the homogenizing categories identified in many policies and procedures that address “visible minorities” and “Indigenous peoples” as if they are the same.[Footnote 37]

Next steps could include:

- Seeking workforce availability information for the organization’s sector and using this to compare with the organization’s own representation of Indigenous, Black and other racialized communities.
- Establishing strategies to attract the desired candidates and using networks within Indigenous, Black and other racialized communities to promote employment opportunities.
- Highlighting the organization’s commitment to anti-racism in recruitment and promotional materials.
- Involving individuals from Indigenous, Black and other racialized communities in the recruitment process where this is possible based on the team in question.
- Participating in public and private sector programs to connect with students from Indigenous, Black and other racialized communities.
- Conducting an employment systems review.

4.2 Interviewing Practices

The successful completion of an interview can open the door to a career - it may even change a life. Therefore, the interview process must be a fair and unbiased instrument based on occupational requirements, designed to measure the required competencies of all candidates.

This can be done by:

- Having agreed-upon job descriptions and weighted selection criteria related to the job requirements;
- Reviewing interview questions through an EDI AR lens to ensure standard approaches and the same set of non-biased questions are used for all candidates;
- Providing clear descriptions of the organization's expectations and clarifying the decision-making process for candidate selection;
- Probing on alignment of values:
    - Using an interview format that probes cognitive and behavioural competencies so as to assess broader range of candidates' capacities as well as understanding and education/training on human rights and anti-racism;
    - Educating those involved in interviewing on these matters;
- Promoting and providing reasonable accommodation for those who may require it, i.e., persons with disabilities and of diverse faiths;
- Ensuring interviews provide enough time for all candidates to bring forward their strengths;
- Involving individuals from Indigenous, Black and other racialized communities in the interview process; and
- Ensuring that interviewers of a candidate arrive at decisions independently - for example, each

interviewer has to assess candidates' interviews separately and rate them online, before discussing the results of individual scoring in a group.

4.3 Professional Development, Education and Training:

One of the key indicators of anti-racism is for public and private sector organizations to have the faces, voices and cultures of individuals from Indigenous, Black and other racialized communities represented at leadership level. To achieve that, employees from all racial backgrounds need to have opportunities for desired professional development so that they can advance based on their full potential.

For example, to prevent perceptions of manager's bias, manager-nominated access should not be the only option to access professional development. Multiple options should be provided, including mentorships, secondments, access to non-advertised positions, etc. To do this, it is essential that managers establish specific plans to support the development and advancement of Indigenous, Black and other racialized employees.

As well, education and training help develop and maintain a common understanding of:

- what an organization's equity, inclusion and anti-racism initiatives want to achieve;
- why this is relevant for this specific workplace;

- why this offers benefits for all (for example, inclusive interaction styles and avoiding acts of exclusion/microaggressions improve all team member's work-related quality of life); and
- what will be expected from staff, managers, HR, and leadership.

Therefore, training must be planned systematically and must be aligned with an organization's action plan, so that it can support the implementation step by step. Of course, that does not exclude the addition of unplanned events if an opportunity presents itself (for example, to engage a specific speaker, or to respond to a specific event).

The first question when planning equity, inclusion and anti-racism training is usually: Should it be mandatory? The answer depends on the content.

Types of training that should be mandatory and participation documented include:

- Leadership training designed for executives, directors, managers and staff with supervisory and/or team leader responsibilities to:
  - Advance inclusive leadership strategies
  - Advance ability to create effective organization wide anti-racism action plans
- Management training designed to:
  - Prevent/eliminate bias from work assignments, eligibility for professional development, and/or performance evaluations
  - Ensure that all managers are aware of accountability measures
- HR staff training designed to:
  - Foster cultural competence, for example, to ensure that HR staff have awareness, sen-

sitivity and appreciation of other cultures and know how to interrupt bias in themselves and others
    - Support race-based data collection and comparison between racialized groups recognizing that the workplace experience is not the same for all racialized groups,[Footnote 38]
- Staff training designed to:
    - Introduce key ideas and language of inclusion and anti-racism
    - Ease conversations about race ("First, do no harm")
    - Help employees avoid bias and acts of exclusion ("microaggressions") and to employ actions within the context of **Subtle Acts of Exclusion**[Footnote 39] in daily interactions
    - Understand Intersectionality and the relationship of racism to other "-isms" (sexism, homophobia, ableism, etc.)
    - Support becoming better allies through self-awareness education/training

Types of training that should be **not mandatory** include:

- Information on history or customs related to specific cultures, for example on Days of Significance
- Information on latest demographic changes in Canada
- Lunch and Learn Speaker series

Other considerations when planning training include:

- **Avoiding "education fatigue":** Whatever training is offered (or mandatory to attend) must be relevant to the specific workplace and have practi-

cal value. Sessions don't necessarily have to be stand-alone events – for example, they could be combined with or integrated into department- or task-specific skills training or professional development sessions.

- **Avoiding extra burden on racialized employees:** Anti-racism training should not just assume that racialized employees want to share personal experience and stories. Unless they express interest or suggest it, they should not be asked to support a training session, or lead a discussion centered around their identity. Educating others about topics related to experiences of discrimination or disadvantage can be mentally exhausting and for some quite distressing.
- **Finding the right training provider/s:** Given the flood of anti-racism training programs/sessions that have been developed and offered in the last two years, it is a challenge to choose programs or education providers, and it is different for each industry and sector. The Human Rights Commissions in each Canadian province and territory as well as recognized local anti-racism organizations (for example, the City of Toronto's Confronting Anti-Black Racism (CABR) Unit, Colour of Poverty Coalition, and the Federal Government Anti-Racism Secretariat, will be able to provide support. Also, the end of this Guide, resources by sector are provided that can help guide the decision-making.

For further resources, please click here.

4.4 Mentoring:

Mentoring provides opportunities for junior or newly hired employees to learn from senior staff in the organization. In mentoring relationships, knowledge, skills as well as the organizational val-

ues and culture are transferred. Mentorship programs have been especially successful in increasing both promotion and retention rates of racialized employees and increasing the rate of racialized representation at manager level.[Footnote 40]

Public and private sector organizations can support this by:

- Establishing plans to provide meaningful opportunities that can lead advancement for Indigenous, Black and other racialized peoples.
- Setting selection criteria for those to be mentored with anti-racism considerations included, e.g., knowledge of Indigenous, Black and other racialized peoples and how their lived experience impacts on the employers programs, services, staffing, and relationships with these communities.
- Monitoring mentoring program through an intersectional lens – avoiding that for example, specific racial groups are underrepresented (based on their percentage in the organization's workforce), that Indigenous and/or racialized women might be underrepresented, that racialized employees with disabilities are underrepresented, etc.
- Providing introductory education for potential mentors and mentees, so that they have a clear understanding of the relationship and of their responsibilities to each other and to the organization. Ineffective mentoring can be damaging, as can "over-mentoring" that creates an unrealistic workload.
- Ensuring that the mentee's direct supervisor is informed and supportive.
- Providing opportunities for individuals from Indigenous, Black and other racialized commu-

nities to discuss their cultural background and values and what they may add to the organization – for example in “reverse mentorship” relationships which can help senior staff and leadership understand issues and barriers potentially faced by their Indigenous, Black and other racialized employees.

4.5 Performance Development and Appraisal:

Within the context of implementing anti-racism, it is both important to support professional development for all staff, particularly for Indigenous, Black and other racialized employees, and to hold staff accountable for implementation. This can be done through performance development and appraisal that provides:

- A framework for all staff to understand their roles and responsibilities for implementing the organization’s anti-racism actions;
- Support to developing the required competencies, knowledge and skills, to be successful on this;
- Support to and understanding of the value of the lived experiences of Indigenous, Black and other racialized staff, in particular, in contributing to the organization’s anti-racism actions;
- A regular system of assessment of each staff’s actions that contribute to the organization’s anti-racism actions as well as methods of accountability; and
- A framework for the organization to regular assess and act upon the professional development needs of the organization’s staff as a whole and/or by department, division, unit.

While performance development and appraisal has traditionally been understood as a matter for individual employee support, it is also critical for the organization to assess the aggregate of identified staff needs for professional development through this process and, based on this, develop and implement actions to support both individual employees and the organization in the implementation of anti-racism actions.

5. Procurement of Goods and Services

An inclusive approach to procurement of goods and services with the goal of supplier diversity is an important component of organizational anti-racism efforts.

Inclusive procurement means eliminating potential barriers for qualified suppliers from underrepresented or marginalized groups to register as suppliers and to access contract opportunities. Employers who want to engage diverse[Footnote 41] external supplier companies owned[Footnote 42] and operated by people who are Indigenous, Black, people of colour, or other marginalized people can seek support from:

- the wide range of diverse business associations in Canada, e.g., Black Business and Professionals Association, Canadian Aboriginal and Minority Supplier Council, and
- the member organizations of the Supplier Diversity Alliance Canada (SDAC), which provide certification for diverse suppliers[Footnote 43]

To ensure the impact can be measured, organizations need to collect data from potential and current suppliers. This can be done by inviting suppliers to:

- advise if their company has been certified as diverse supplier by a certifying council such as the members of the Supplier Diversity Alliance Canada (SDAC, mentioned above);
- self-identify if their business is owned and operated by Indigenous, racialized, women, persons with disabilities or other marginalized people; and
- confirm that their company policies are addressing EDI AR and that employees have received information/education on these policies.

All suppliers should be made aware of the contracting organization's efforts to advance EDI AR, of the importance of shared values in contracting assignments (bidding process as well as single sourcing process). Potential suppliers should receive the relevant hiring company's policies addressing EDI AR. Needless to say, that alignment is particularly important if an employer is engaging external recruiters when looking for new employees.

Not all suppliers will be in a position to have such policies in place and/or to provide education/training to its employees – for example, very small owner-operated companies or very specialized niche suppliers. However, it is still important that the supplier agrees in writing to adhere

to the hiring company's policies and procedures. Managers who are engaging suppliers will then be responsible for reporting promptly if a supplier's conduct or behaviour is not adherent to EDI AR related policies and procedures.

The specifics should be described in a policy document and confirmed with the supplier in writing (for example, in a Memorandum of Understanding).

Importantly, inclusive procurement is about adding opportunity and benefits for both suppliers and employers by:

- creating economic opportunities for suppliers from marginalized people and groups; and
- widening the range of sourcing options for companies looking for the best supplier for a job.

As well, organizations seeking diverse suppliers should consider developing a roster of suppliers and give thought to rotating contracts between eligible suppliers of goods and services that meet appropriate criteria and contract specifications.

For further resources, please click here.

6. Action Planning And Assessing Results:

As is likely evident from the sections outlined above, developing and implementing an EDI AR program is quite challenging as it is comprehen-

sive, sensitive, critical and will take time, e.g., to engage the workforce, secure expertise, involve external resources and to connect/communicate with program/service users and the public. This may seem like an impossible task; however, a strategic approach is required, and a clear road map set out that identifies:

- goals and objectives;
- timeframes for actions;
- who is responsible for implementation;
- the resources needed to support this;
- what the potential outcomes might be;
- how the actions will be assessed during implementation; and
- how progress will be evaluated over a 3–5-year timeframe of implementation.

Once an organization makes a formal commitment to implementing an anti-racism initiative, it is important that its leaders are accountable to ensuring the initiative runs well and achieves its intended results. This is a step-by-step process that should be assessed annually to decide whether or where the implementation plan needs to be adjusted.

This assessment requires clear indicators, timelines, and mechanisms of accountability. It also requires the collection and tracking of data, including race-based employee information. In the public sector, this is now required and is permissible under federal human rights law.[Footnote 44] Collecting data for a purpose consistent with the Canadian

Human Rights Act[Footnote 45] *is* permitted, and it is aligned with Canada's federal Employment Equity Act (Section 15)[Footnote 46] and Canada's Charter of Rights and Freedoms.[Footnote 47]

A comprehensive assessment should answer the following questions:

- Have the organization's leaders committed to specific anti-racism goals and has this become part of their formal strategic plan?
- Who is responsible for leading the implementation?
- How frequent and in-depth was the consultation with racialized employees and/or stakeholders?
- How frequent, in-depth and customized was training/education provided? What was mandatory?
- How was progress monitored and communicated?

For each of those areas, a clear and consistent framework should include:

1. What was the intended outcome (goal)?
2. What is the evaluation question?
3. What would be signs of progress?
4. Who (person, stakeholder group, department) or what (documents, procedures) should be consulted to find out?
5. What is the result of that consultation - the actual outcome?

For further resources, please click here.

7. Closing Thoughts

No two organizations will have the same starting point on the pathway to create an equitable, inclusive and anti-racist workplace. Knowing your organization's starting point based on current data and evidence is the first step – not gathering those data at the beginning can lead to missteps later on (communications that don't resonate with your employees, training programs that are not well received, etc.).

And like all organizational change work, the path is not a straight one but a cycle of regular assessment and adjustments, for example by re-prioritizing actions or re-allocating resources. Anti-racism is about remaining actively engaged, and has to be part of strategic planning cycles.

Public and private sector employers play a role in our communities. This is an important consideration as these employers can contribute to shaping public opinion. As such, it is very important for organizations involved in antiracism efforts to consider the impact they can have individually and/or in concert with other organizations. For example, after the release of the Truth and Reconciliation Commission's (TRC) report and after the murder of George Floyd in 2020, many public and private sector organizations put out statements in support of the TRC's recommendations and of Black Lives Matter's calls for justice and an end to violence against Black bodies. For any organization who

wants to engage in anti-racism work (or advance the work they are already doing), making such a statement in a sincere, sensitive and timely manner and followed by measurable actions sends a strong message to its employees, its service and program users, and the public about the importance of Indigenous, Black and other racialized peoples and the need for justice and security in their lives.

And in this work, it is important to understand that this is a process and a journey for everyone involved:

> "You don't need to be free of racism to be an anti-racist. Anti-racism is the commitment to fight racism wherever you find it, including in yourself. And it's the only way forward."
>
> - Ijeoma Oluo

8. Resources by Subject

Glossary of Terms

Raising Awareness:

Inclusive Leadership and Organizational Culture:

Procurement

Collecting race-based data

Evaluation

Intersectionality

- United Nations Committee on the Elimination of Racial Discrimination. General

Recommendation No. 25 on Gender Related Dimensions of Racial Discrimination. A/55/18. Annex V. March 20, 2000.

9. Resources by Sector

Needless to say, there are significant differences between sectors with regards to governance, obligations and organizational priorities. Therefore, the resources for further reading provided in this section have been divided by sector.

9.1 Provincial & Territorial Human Rights Agencies

While not all provincial offices provide in-depth anti-racism resources for employers, it is important for employers to know that customized information can always be provided upon request (special programs/event requests).

For a list of the provincial and territorial human rights agencies, see the Canadian Association of Statutory Human Rights Agencies: https://cashra.ca/contact-a-commission/.

9.2 Public Service Sector

A lot of antiracism work has been going on in this space. We mentioned early the Clerk of the Privy Council's 2021 Call to Action[Footnote 49] for leaders across the Public Service to take decisive action for change and set specific requirements for documentation and reporting.[Footnote 50] Further, the legislation to ensure equal opportunities for employees from under-represented groups (Employment

Equity Act) is “heading for its most significant overhaul since its introduction 35 years ago.”[Footnote 51] [Footnote 52] thus, a growing number of antiracism resources have been made available by and for the Public Service Sector.

9.3 Community and registered non-profit organizations

Over the last two years, Canadian non-profit organizations have stated or reasserted their commitment to incorporating equity, inclusion and antiracism within their programming, governance, recruitment/hiring process and employee training. The focus will of course be different and depend on the organization’s mandate and mission.

9.4 Educational Institutions as Workplace

On December 18, 2020, the Commissioner of the Ontario Human Rights Commission took the unusual step to publish her Open Letter[Footnote 54] and thus, publicly calling Ontario academic institutions to account for failing to ensure that their equity policies have adequate impact in addressing discrimination and racism. She stated that “universities and colleges must take a hard and unflinching look at the ways their policies, practices, and attitudes perpetuate discrimination.”

The pandemic was by no means the first instance of the issue of racism at Canadian, colleges and Universities being raised within Canada’s postsecondary institutions.[Footnote 55] Some institutions had

seen multiple reports on the matter commissioned and recommendations subsequently not implemented.

However, the pandemic was a watershed moment that revealed the degree of racist incidents and discriminatory impact of campus structures and procedures.[Footnote 56] Consequently, a number of post-secondary institutions are currently planning and implementing measures designed to create significant structural change. The rise in demand for expertise in developing and implementing anti-racist strategies in the workplace has even led to academic programs developed specifically for this area.

Please note that given the longer history of on-campus anti-racism work in the US compared to Canada, this section includes American resources.

9.5 Labour Organizations

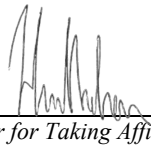
A number of Canadian unions have in recent years undergone equity audits and developed anti-racism strategies; understanding that that a labour movement cannot hope to remain relevant and to achieve social and economic justice when racial inequities continue to persist. Therefore, those unions are engaging as organizations in efforts to advance the priorities of Black, Indigenous, and racialized workers, be it through advocacy, education or at the bargaining table with the goal to

make the fight against racism a priority at the and "build [...] an anti-racist labour movement".[Footnote 57]

9.6 Continuing Education Programs

The rise in demand for expertise in developing and implementing anti-racist strategies in the workplace has led to programs developed specifically for this area.

This is Exhibit "48" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

JUST SOCIETIES

Health Equity and Dignified Lives

Revised edition

Executive Summary of the Report of the Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas

PAHO Pan American Health Organization World Health Organization Americas

INSTITUTE of HEALTH EQUITY

JUST SOCIETIES

Health Equity and Dignified Lives

Executive Summary of the Report of the Commission of the Pan American Health Organization on Equity and Health Inequalities in the Americas

PAHO Pan American Health Organization World Health Organization Americas

INSTITUTE of HEALTH EQUITY

Washington, D.C.
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This Executive Summary of the Report was prepared by the Institute of Health Equity, University College London (UCL), on behalf of the Commission

www.instituteofhealthequity.org

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1. INTRODUCTION AND CONCEPTUAL FRAMEWORK

COMMISSION ON EQUITY AND HEALTH INEQUALITIES IN THE AMERICAS

The Americas—North, Central, South America, and the Caribbean—are remarkable in their diversity. These lands, which the World Health Organization (WHO) designates as one of six global "regions," contain some of the richest individuals and countries in the world, some of the poorest, and much in between. Within the Region of the Americas are tiny island states with small populations, and populous countries of vast land mass, with the different challenges that brings.

The Region includes people who enjoy substantial privileges, and others who face severe human rights violations by reason of their socioeconomic position, ethnicity, gender, sexual orientation, disability status, or being migrants. Each of these factors, alone or in combination, can contribute to marked inequalities in health within and among countries in the Americas. Insofar as systematic inequalities in health are avoidable by reasonable means, they are unfair—and hence inequitable. Putting them right is a matter of social justice.

It is to address these health inequities that the Commission on Equity and Health Inequalities in the Americas was set up by the Director of the Pan American Health Organization (PAHO), Dr. Carissa Etienne. The PAHO Equity Commission's starting point is that health is an end in itself. It is a worthwhile goal for individuals and for communities. Certainly, there are good instrumental reasons for improving health: good health may be a route to individuals enjoying flourishing and productive lives; a healthier population may make economic sense for a country. But that is not our central concern.

> Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of fundamental human rights, the right to dignity and a decent life.
>
> **Nelson Mandela,**
> **"Make Poverty History" speech, London, 2005**

Health is more than a means to some other end. Health is a state that is much valued and cherished and is part of a world view, common in the Americas as elsewhere, that human well-being is an end in itself. Better health and greater health equity will come when life chances and human potential are freed, to create the conditions for all people to achieve their highest possible level of health and to lead dignified lives.

The evidence we bring together here demonstrates that much of ill health is socially determined. The reason that life expectancy for a woman in Haiti is a little less than 66 years while for a woman in Canada it is 84 (*1*) is not because Haitian women are biologically different from Canadian women, but because of the conditions in which each is born, grows, lives, works, and ages. Similarly, in Chile, the fact that a man with a low educational level can expect to live 11 years fewer than a man with university education is mostly the result of the social determinants of health (*1*). As we shall show, initiatives on education and social inclusion, for example, will have health and other societal benefits.

The effect of social determinants of health is seen at the beginning of life (*2*). In most countries in the Americas, the chance of a child dying before the age of 5 is strongly linked with parents' income—the lower the income, the higher the mortality (*3*). In Guatemala, for example, in 2014, the under-5 mortality rate was 55 in 1,000 births in the poorest fifth of families, and 20 per 1,000 in the richest fifth. In nearby Colombia, by contrast, in 2015, the under-5 mortality in the richest fifth was less than 5 in 1,000 (*4*). This shows what should be achievable. Across the Americas, children's lifelong development and outcomes in education, income,

health, and well-being remain closely aligned with parents' situations.

There is increased evidence and awareness that good health requires not only access to health care, but also action on the social determinants of health. Indeed, so close is the relationship between features of society and health that, we argue, health and health equity represent important markers of societal progress. A society that meets the needs of its members, in an equitable way, is likely to be a society with a high level of population health and relatively narrow health inequities.

In addition to the challenge of addressing great social and economic inequalities, the PAHO Equity Commission's work has identified climate change, environmental threats, relationship with land, and the continuing impact of colonialism, racism, and the history of slavery as critical factors slowing progress toward the goal for people in the Region to lead a dignified life and enjoy the highest attainable standard of health.

The aim of the PAHO Equity Commission is to provide a better understanding of these challenges as well as make proposals for effective action to address them. We build on the foundations laid by the Commission on Social Determinants of Health (CSDH) (*5*). In the decade that followed the CSDH report *Closing the Gap in a Generation*, countries in the Americas have been active in taking forward initiatives, and our examples for action come from these countries.

The PAHO Equity Commission has partnered with 15 countries as this work has proceeded. There is also action at subnational level. In the United States of America, for example, many cities have embraced a social determinants of health approach.

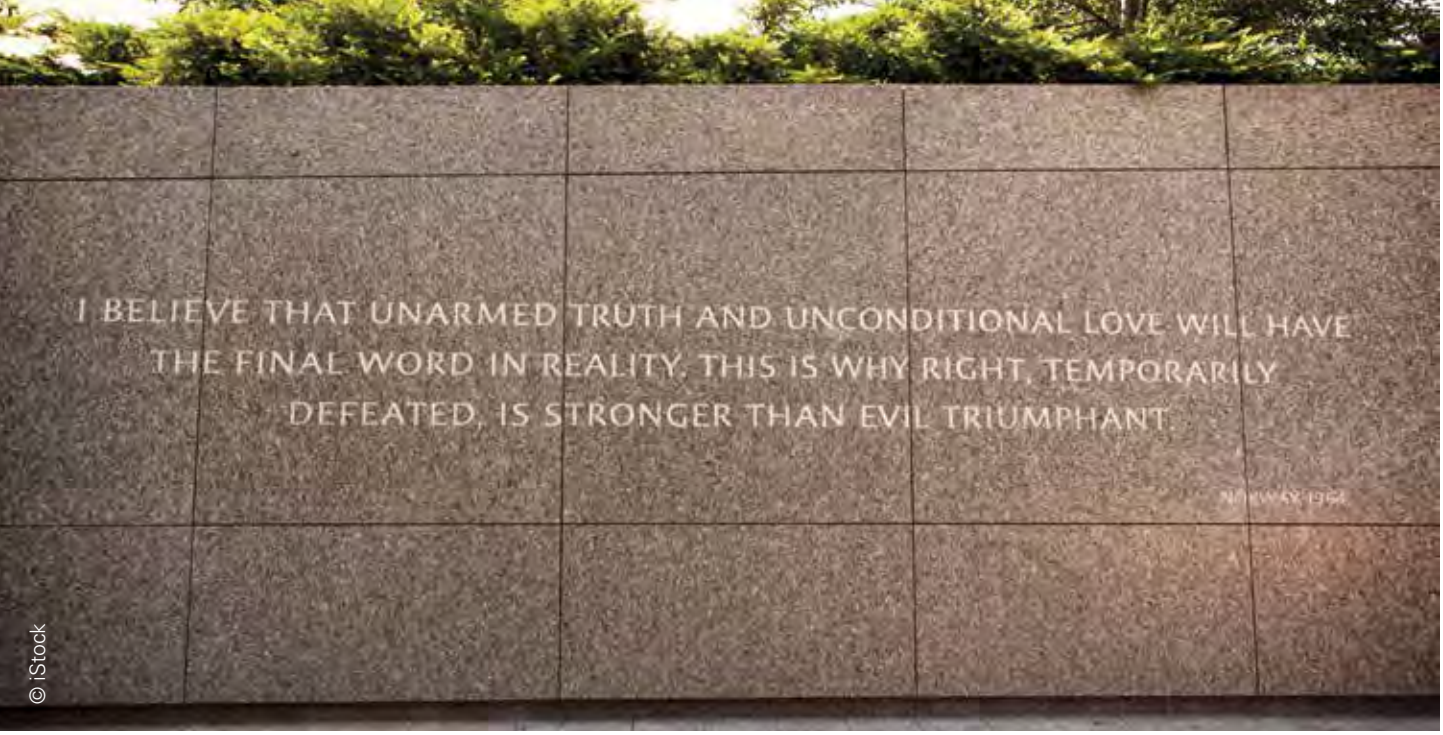
It is an important moment to publish this report. Inequality dominates the Americas. This is true for socioeconomic inequality, but also inequalities between Indigenous and non-Indigenous peoples; between people of African descent and those of European origin; between genders; between disabled and nondisabled people; between people of different sexual orientations; and between migrants and nonmigrants. Too much inequality damages social cohesion and leads to unfair distribution of life chances and to health inequalities. Yet at the same time, there is great interest in health in the Americas, and the Region has been at the forefront of acknowledging the human right to the highest attainable standard of health, with the majority of countries signing international protocols on economic, social, and cultural rights. Implementation of the recommendations of these agreements is the challenge for leaders—political, professional, and community.

We seek to engage governments, civil society, and academics not only in the health sector but across all the societal domains that influence health equity. The Sustainable Development Goals (SDGs) clearly recognize that societal success is multifaceted: economic success is but one, somewhat limited, measure of a society's progress. While only one of the SDGs is explicitly related to health, evidence shows that most of the other 16 do have an influence on health and health equity (*6*).

We recognize that achieving health equity in some areas will require tackling unfavorable politics, the undue priority of economics over human rights, conflict, climate change, and corruption. However, we are not rendered hopeless in the face of these challenges, because we have seen meaningful change despite great barriers. The report highlights examples of

> Social injustice is killing on a grand scale.
>
> **WHO Commission on Social Determinants of Health. *Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health. Final Report*, 2008**

> Injustice anywhere is a threat to justice everywhere.
>
> **Martin Luther King, Jr. Letter from a Birmingham jail, 16 April 1963**



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Martin Luther King Jr. Memorial, Washington, D.C., USA

governments making a difference, civil society and professional organizations implementing evidence-informed strategies, and citizens engaging in social movements and community-building actions to achieve change. We have evidence to support our judgment that achieving health equity is a realistic goal.

> Peace cannot exist without justice, justice cannot exist without fairness, fairness cannot exist without development, development cannot exist without democracy, democracy cannot exist without respect for the identity and worth of cultures and peoples.
>
> **Rigoberta Menchú,**
> **Nobel Peace Prize recipient 1992**

Taking action: Learning from the Civil Rights Movement in the United States

The PAHO Equity Commission met with leaders of the Civil Rights Movement in the city of Atlanta, Georgia, to learn from them about how to achieve major political and social change.

Points of learning the Commission took away:

- We must target the social determinants of health equity, such as jobs, education, income, and safety.
- We must be willing to confront discrimination in these areas, even at the risk of "redemptive suffering," in the words of Martin Luther King, Jr.[1]
- Like Rosa Parks of the Montgomery, Alabama, bus boycott, "we must have a made-up mind"—a determination within ourselves.[2]

We must always engage the community in our efforts and keep this engagement throughout.

Sources: [1] King ML, Jr. "The rising tide of racial consciousness," Address at the Golden Anniversary Conference of the National Urban League [speech]. 6 September 1960, New York.
[2] Burks M. Trailblazers: women in the Montgomery bus boycott. In: Crawford VL, Rousse JA, Woods B, Butler BN, editors. Women in the Civil Rights Movement. New York: Carlson Publishing; 1990: 71–84.

CONCEPTUAL FRAMEWORK

The PAHO Equity Commission's conceptual framework, shown in Figure 1.1, summarizes our approach to both analyzing the evidence and formulating recommendations. It is the organizing framework for our report. The structural drivers are dealt with in Section 3, recommendations to improve equity in the conditions of daily life are laid out in Section 4, and recommendations for governance arrangements are given in Section 5.

The framework is based on the Commission on Social Determinants of Health (CSDH) conceptual framework (*5*), but goes beyond it in important ways. There is an emphasis on "structural racism," colonialism, and importance of relationships to land. It is consistent with the SDGs, but with greater emphasis on the environment and climate change. There is a more explicit focus on human rights, and greater focus on inequities according to gender, ethnicity, sexual orientation, life stage, and disability. The PAHO Equity Commission also recognizes the interrelations among these factors, with an emphasis on leading a dignified life as a desired outcome—aligned with greater health equity.

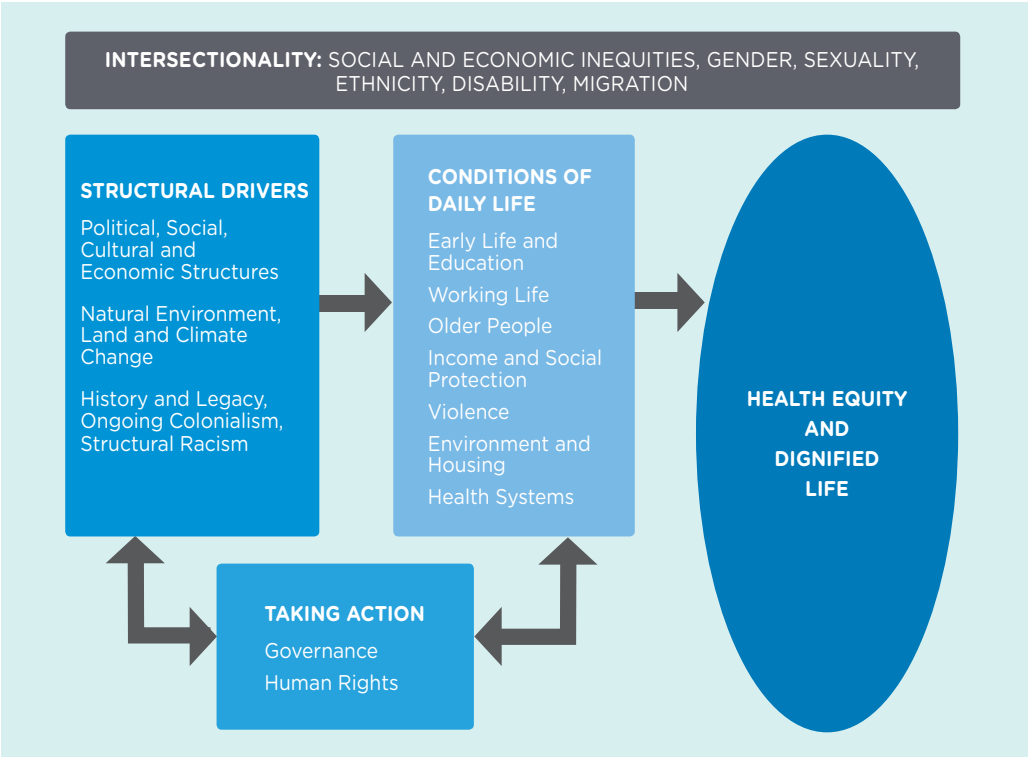
STRUCTURAL DRIVERS OF HEALTH INEQUITIES

Political, social, cultural, and economic structures

The way markets operate, the role of the public sector, and economic inequalities are structural drivers of inequities in the conditions of daily life, mostly produced or modified by political choices.

The global financial crisis of 2007–2008 and its aftermath exposed the limits of unfettered markets. A move toward market fundamentalism downplayed the importance of the public sector and fostered growing economic inequality (*7*).

Figure 1.1.
Conceptual framework



Evidence assembled for the PAHO Equity Commission points to the importance of a vibrant and invigorated public sphere. A successful private sector is the complement to investment in the public good.

Economist Anthony Atkinson reported that when respondents in the United States of America and Europe were questioned on what they considered to be the "greatest danger in the world," concerns about inequality outweighed all other dangers (*8*). Few would deny the importance of equality of opportunity, but great inequalities of income and wealth tilt the playing field. The evidence clearly shows that these big inequalities limit opportunities for the next generation. This is referred to as the intergenerational transmission of inequities.

A second and related reason for the public's concern about inequality is that it questions the legitimacy of society. If society is seen to work in the interest of the few, extremes of inequality are inconsistent with a functioning democracy. Those who are rich may question why they should pay taxes to support the poor. Those who are disadvantaged perceive the palpable unfairness of life chances for the few but not the rest. Unaddressed inequality can create the conditions for societal dysfunction and instability. Third, highly unequal societies are associated with social evils, such as ill health and crime. Central to the ill-health effect of inequality are both poverty and relative disadvantage.

We highlight that Indigenous peoples and people of African descent in the Americas are subject to multiple disadvantages that damage their health. But within all groups of people of the Region there are social gradients in health. When people are classified by their level of education, income, or wealth, or by the social level of their neighborhood, the higher the socioeconomic position, the better their health. This social gradient runs all the way from the top to bottom of society. Dealing with it implies not only reducing poverty but also reducing relative disadvantage by improving society as a whole. Such improvement will entail action on structural drivers. It will also require social policies and programs devoted to reducing the damaging effects of inequities in power, money, and resources.

To deal with the whole social gradient in health, the review of health inequalities in England titled *Fair Society, Healthy Lives* introduced the concept of "proportionate universalism." The aim was to have universal services applied to all and to distribute effort and resources proportionate to need (*9*). We have highlighted the importance of meeting the needs of Indigenous peoples and people of African descent in the Americas. That will be done partly through proportionate universalism, by redressing the underfunding and neglect of services for Indigenous peoples and people of African descent, but also by recognizing the physical, emotional, spiritual, and cognitive health domains of all people in the Region.

History and legacy, ongoing colonialism, and structural racism

A key conclusion of the CSDH was that inequities in power, money, and resources are fundamental drivers of inequities in the conditions of daily life, which, in turn, drive health inequities (*3*). One major source of such inequity is colonialism: it is intrinsic to the history of the Americas.

There are between 45 and 50 million Indigenous peoples living in Central America, South America, and the Caribbean, representing approximately 13 percent of the total population. In the United States of America, approximately 5.2 million persons identify as American Indian or Alaskan Native, and in Canada 1.4 million identify as Indigenous (*10*). Indigenous peoples presenting to the PAHO Equity Commission made clear that the continuing effects of colonialism contribute to the depth and scope of health inequities affecting Indigenous peoples, and across generations.

> Blatant colonialism mutilates you without pretense: it forbids you to talk, it forbids you to act, it forbids you to exist. Invisible colonialism, however, convinces you that serfdom is your destiny and impotence is your nature: it convinces you that it's not possible to speak, not possible to act, not possible to exist.
>
> **Eduardo Galeano, *The Book of Embraces***

There are approximately 200 million people of African descent in the Americas (including the United States of America and Canada) (*1*). Their history is characterized by slavery, colonialism, racism, and discrimination, the effects of which are active in the present day (*4*). Such structural racism drives inequities in the conditions of daily life for people of African descent.

To address the health disadvantage of Indigenous peoples and people of African descent in the Americas, we need to bring together the social determinants framework, the disadvantages of daily life, and an approach that includes ending discrimination and racism, promotes self-determination, and improves support for relationships with the land, while recognizing obligations to ancestors and future generations. We see self-determination as central to this and as mediating the effect of social determinants on health equity. There will be other pathways, such as the effects of environment and material deprivation, but self-determination and living a dignified life are of vital importance to creating the kind of society that will lead to health equity.

Natural environment, land, and climate change

Climate change demands urgent change in the way societies function and the ways in which States cooperate. Such changes must respect equity and health equity. Damage to the natural environment is also a major threat to the land and its people, with significant adverse impacts on health equity. Redressing both of these threats must be done in a spirit of justice.

Effective health equity analysis of these threats to the lives of Indigenous people, and any interventions, must take account of their distinct symbiotic relationship with the land and the environment. The issue of land tenure rights also needs to be addressed—it affects all marginalized people throughout the Americas.

CONDITIONS OF DAILY LIFE

The conditions in which people are born, grow, live, work, and age are fundamental to the lives they are able to lead. We lay out the evidence to show in detail how each of the domains that affect daily life—early years and education, decent work, dignified aging, income and social protection, environmental and housing conditions, violence, and the health system—also affect health equity and the ability to lead a dignified life. These domains are affected by the structural drivers described above.

INTERSECTIONALITY

PAHO's four cross-cutting themes of gender, ethnicity, equity, and human rights are central to the report. Socioeconomic position, gender, disability, and ethnicity are all bases of discrimination that profoundly impact health outcomes in the Americas. Central to the work of the PAHO Equity Commission is the recognition that multiple disadvantage can adversely increase experience of the social determinants of health. The Commission has considered disadvantages related to gender and ethnicity, and the intersection of detriment caused by poverty, disability, sexual orientation, and gender identity. Attending to life stage is important since children and older people can experience health inequity differently and often at deeper levels than other age groups. Human rights instruments and mechanisms have identified all these characteristics as giving rise to, or exacerbating, human rights violations.

TAKING ACTION: GOVERNANCE FOR HEALTH EQUITY

Governance arrangements

Governance systems determine who decides on policies, how resources are distributed across society, and how governments are held accountable. Governance for health equity through action on social determinants requires, at a minimum, adherence to the United Nations Development Programme's principles of good governance: legitimacy and voice, clear direction and vision, measurable performance, accountability, and fairness (*11*). But it also requires whole-of-government and whole-of-society approaches to reducing inequities (*12*). Such approaches require new forms of leadership that shift the allocation of power and weaken centralized, top-down decision-making structures. Many of the factors that shape the patterns and magnitude of health inequities within a country lie beyond the direct control of ministries of health and require increased involvement of local people and communities in defining problems and generating and implementing solutions.

Governance for health equity requires accountability. To achieve this, it is necessary to monitor health and its social determinants in a transparent way. While reliable data on demographic trends and morbidity and mortality are available in some countries, in most countries there is a lack of health information broken down by ethnicity, disability, or socioeconomic position, such as income, employment status, and education. This is a significant weakness for addressing health inequities, and it limits monitoring of interventions and policies.

Human rights

The law is a counterbalance to political power, and legal redress provides a vital pathway to correct policies and practices that result in or deepen health inequities. Human rights standards and commitments "strengthen the diagnosis of injustice of differences in health outcomes due to social and political factors" (*13*). The strong focus on accountability in human rights requires effective and timely redress of violations, as well as effective measures to prevent recurrence and to bolster a human-rights enabling environment (*14*).

Observance of human rights, including taking positive measures for the most disadvantaged, is fundamental to creating conditions to ensure that all persons can live a dignified life as individuals and as members of their communities and societies.

HEALTH EQUITY AND A DIGNIFIED LIFE

The actions captured by our conceptual framework are aimed at achieving greater health equity and opportunity for a dignified life. Creating the conditions for a dignified life builds on the concept of empowerment, which was emphasized by the CSDH. Empowerment potentially has three dimensions: material, psychosocial, and political. In a number of its decisions, the Inter-American Court of Human Rights has developed the concept of *vida digna*—a dignified life. The Court has emphasized that the right to life must include the right to "not be prevented from having access to the conditions that guarantee a dignified existence" (*15*).

Dignified life incorporates the principle of self-determination and the ability to envisage and seek to realize one's life project, which includes the right to pursue the options people feel are best, of their own free will, in order to achieve their ideals (*16*). This approach to autonomy and a life lived with dignity draws on Amartya Sen's concept of capabilities (*17*). Freedom to live a life one has reason to value is at the heart of Sen's capabilities.

CONSISTENCY WITH OTHER APPROACHES TO GLOBAL HEALTH

The PAHO Equity Commission builds on, and is complementary to, three other dominant strands in global health.

First, the PAHO Equity Commission endorses the strong push by WHO and others toward universal health coverage (UHC). Universal access to health care should be a feature of all societies. But inequities in access to health care are not the prime cause of inequities in health. Countries such as Canada and the United Kingdom, with their universal access to health care, still have health inequities. These can be attributed to the structural drivers and conditions of daily life. Lack of access to care when people get sick compounds the problem. That said, there is a clear intersection between social determinants of health and universal health coverage, or its lack. In many countries, lack of money, marginal status, remote location, and cultural barriers can all be reasons for lack of access to care; they are also social determinants of health.

We endorse the approach taken by PAHO that an important component of universal health coverage is to incorporate the essential public health functions. Also, countries across the Region have signed up to and agreed on PAHO-led resolutions, many of which are important in fostering greater health equity. We draw attention to these in boxes throughout this summary, along with relevant SDGs and other international agreements.[1]

Second, prevention of communicable diseases is still a major priority for the Region of the Americas. At its most basic, lack of access to clean water and sanitation are significant causes of ill health. Our perspective is to address the "causes of the causes": the reasons why known policies and interventions that would improve health are denied to some groups in society.

[1] The documents cited in the Relevant International Agreement boxes are listed at the end of the References section.

Third, there is a most welcome worldwide initiative on noncommunicable diseases (NCDs). Part of this movement is oriented to access to care, and part to prevention. Objectives of WHO's Global Action Plan for the Prevention and Control of NCDs include improvements in known risk factors or causes: diet, smoking, obesity, lack of physical activity, and abuse of alcohol (*18*). Our focus is on the "causes of the causes"—the social determinants of these unhealthy behaviors. Therefore, the recommendations of the PAHO Equity Commission will support the Global Action Plan on NCDs.

Social determinants also act through psychosocial pathways. For example, stress has direct effects on both mental and physical health (*3*).

RELEVANT INTERNATIONAL AGREEMENTS

Plan of Action on Health in All Policies (PAHO Resolution CD53.R2 [2017])

2. HEALTH INEQUALITIES BETWEEN COUNTRIES IN THE AMERICAS

There have been many improvements in health across the Americas in recent years. Since 2003, life expectancy has improved by two years in the United States of America and Canada and by four years in Latin America and the Caribbean (LAC) (*19*). Infant mortality has dropped by 42 percent in LAC since 2003 and maternal mortality by 32 percent since 2000 (while essentially staying constant in Canada and the United States of America) (*1*).

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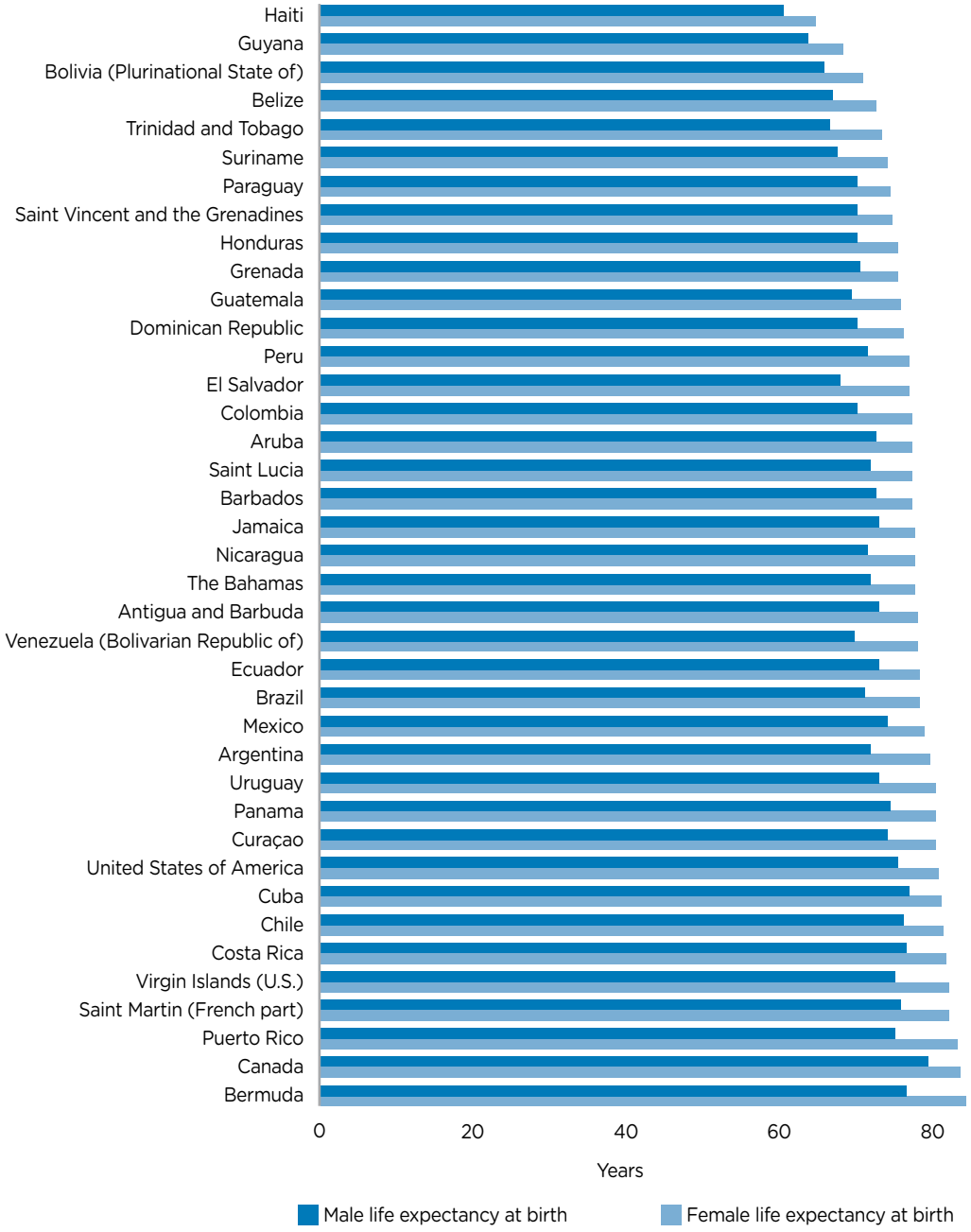
Father with his baby sitting in a house destroyed by the Haiti earthquake of 2010, Croix-des-Bouquets, Haiti

However, as with other regions in the world, profound inequalities in health remain. Within all countries in the Americas, those with higher levels of income or educational attainment experience better conditions of daily life and live longer, healthier lives than others.

The difference in life expectancy among the countries in the Region was more than 19 years in 2016, as shown in Figure 2.1. In every country, women live longer than men.

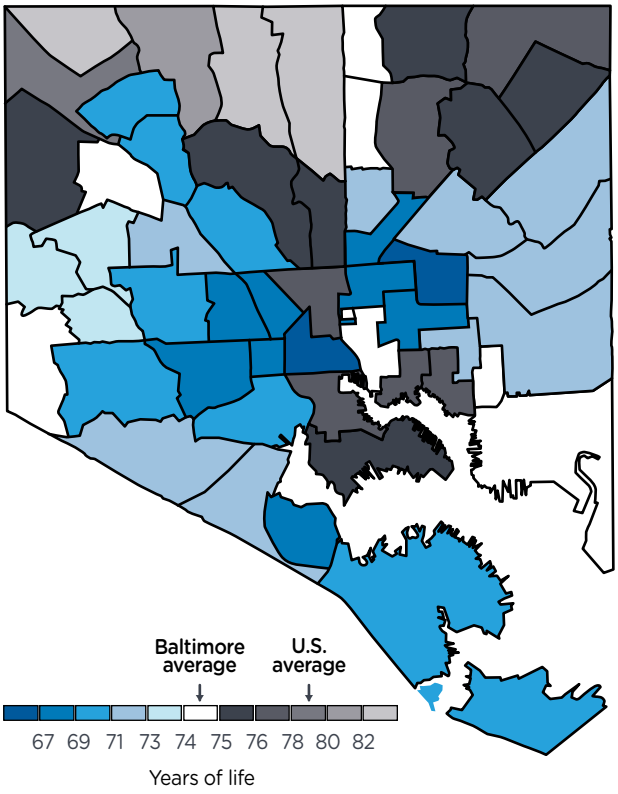
Within countries, health inequalities are even greater, and they are closely related to gender, Indigenous and African-descent identity, educational attainment, income and wealth,

Figure 2.1.
Life expectancy at birth, by sex, Region of the Americas, 2016



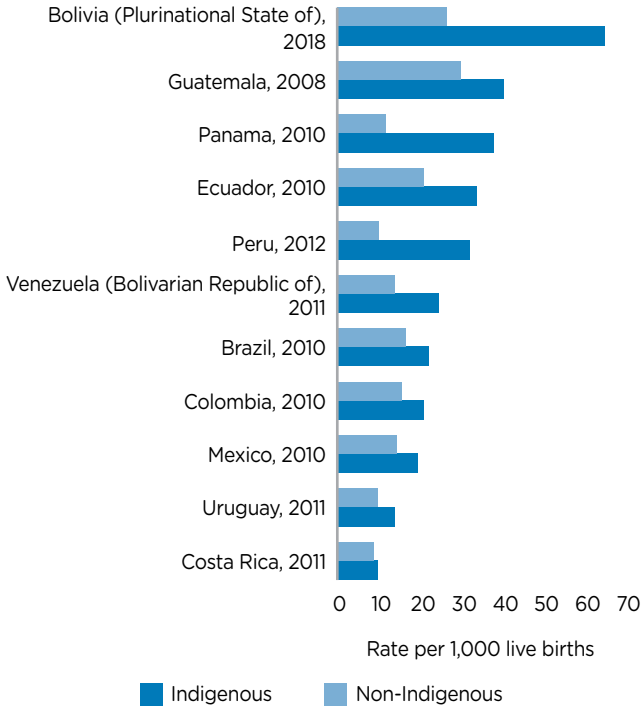
Source: World Bank. Databank. World development indicators [Internet]. Available from: https://data.worldbank.org.

Figure 2.2.
Life expectancy by neighborhood, Baltimore, Maryland, USA, 2014



Source: Ingraham C, Washington Post. 14 Baltimore neighborhoods have lower life expectancies than North Korea [Internet]; 30 April 2015. Available from: https://www.washingtonpost.com/news/wonk/wp/2015/04/30/baltimores-poorest-residents-die-20-years-earlier-than-its-richest/.

Figure 2.3.
Under-5 mortality rates by Indigenous identity, for Latin American countries with comparable data, 2012 or latest available



Source: Economic Commission for Latin America and the Caribbean. Social panorama of Latin America 2016. Santiago: ECLAC; 2017. Available from: https://www.cepal.org/en/publications/41599-social-panorama-latin-america-2016.

disabilities, sexuality, and the intersections among these (*20, 21*).

Stark inequalities can exist even within small geographic areas. In the U.S. city of Baltimore in 2014, there was a 19-year gap in life expectancy between the most disadvantaged neighborhoods and the wealthiest, as shown in Figure 2.2 (*20*).

Despite improvements in early years and maternal health outcomes, stark inequalities remain. A key indicator is the mortality rate for children under 5 years of age, which shows higher levels among the poor than for the rich, and a social gradient running from the richest fifth (quintile) to the poorest. Under-5 mortality is higher among children of Indigenous people than among non-Indigenous people across all countries shown (Figure 2.3).

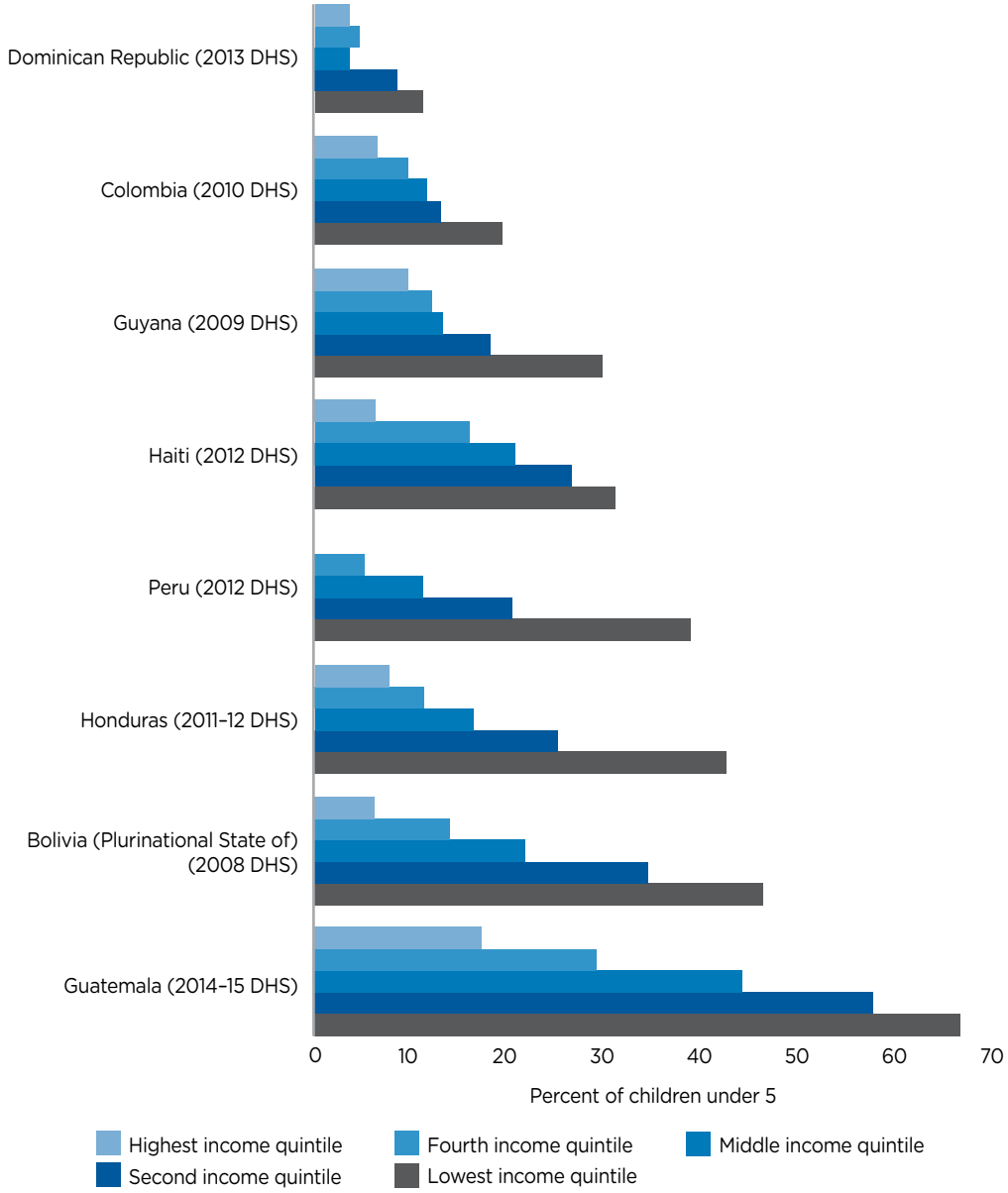
Stunting is prevalent in Latin America, and there are inequalities in rates within and among countries related to levels of education and income (*22*). Stunting mainly, but not exclusively, affects low-income children, children of mothers with low levels of education, and Indigenous children (Figure 2.4).

There are marked and persistent inequalities in rates of adolescent fertility related to socioeconomic position and Indigenous and African-descent identity. Women in the richest quintile have lower rates of adolescent pregnancies and births than poorer groups. Adolescent pregnancy and birth carry risk for both mothers and children, including higher levels of maternal and under-5 mortality (*23*).

There are large differences in rates of disability across the Region, although direct comparisons are

Figure 2.4.

Rates of stunting in children under 5, by income, selected countries in Latin America and the Caribbean with comparable data available, 2015 or latest available year



Source: Data from United States Agency for International Aid. DHS STATcompiler [Internet]; 2018. Available from: https://dhsprogram.com/data/STATcompiler.cfm.

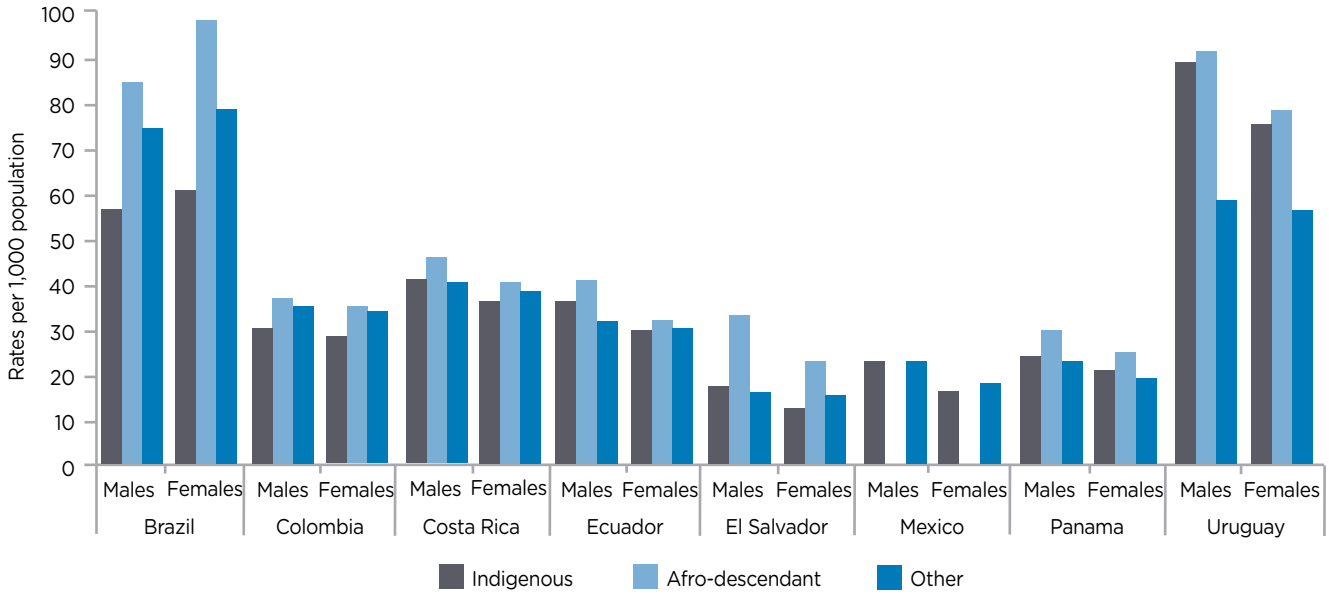
Note: DHS = Demographic and Health Survey.

problematic, as countries use different definitions of disability and monitoring is generally weak (*24*). There are also significant differences in disability rates within countries (Figure 2.5). The highest rates are for people of African descent, and are associated with gender and socioeconomic position. In all countries for which data are available, those with incomplete primary education had higher rates of disability than those with higher levels of education.

Structural inequalities in the determinants of health contribute to inequalities in the incidence and prevalence of mental illness and inequalities in access to effective mental health treatment. Such inequalities are seen among different ethnic

Figure 2.5.

Disability rate in the population aged 0–18, by sex, Indigenous and African-descent identity, countries with comparable data, 2011 or latest available



Source: Economic Commission for Latin America and the Caribbean. Social panorama of Latin America 2012. Santiago: ECLAC; 2013. Available from: https://repositorio.cepal.org/handle/11362/1248.

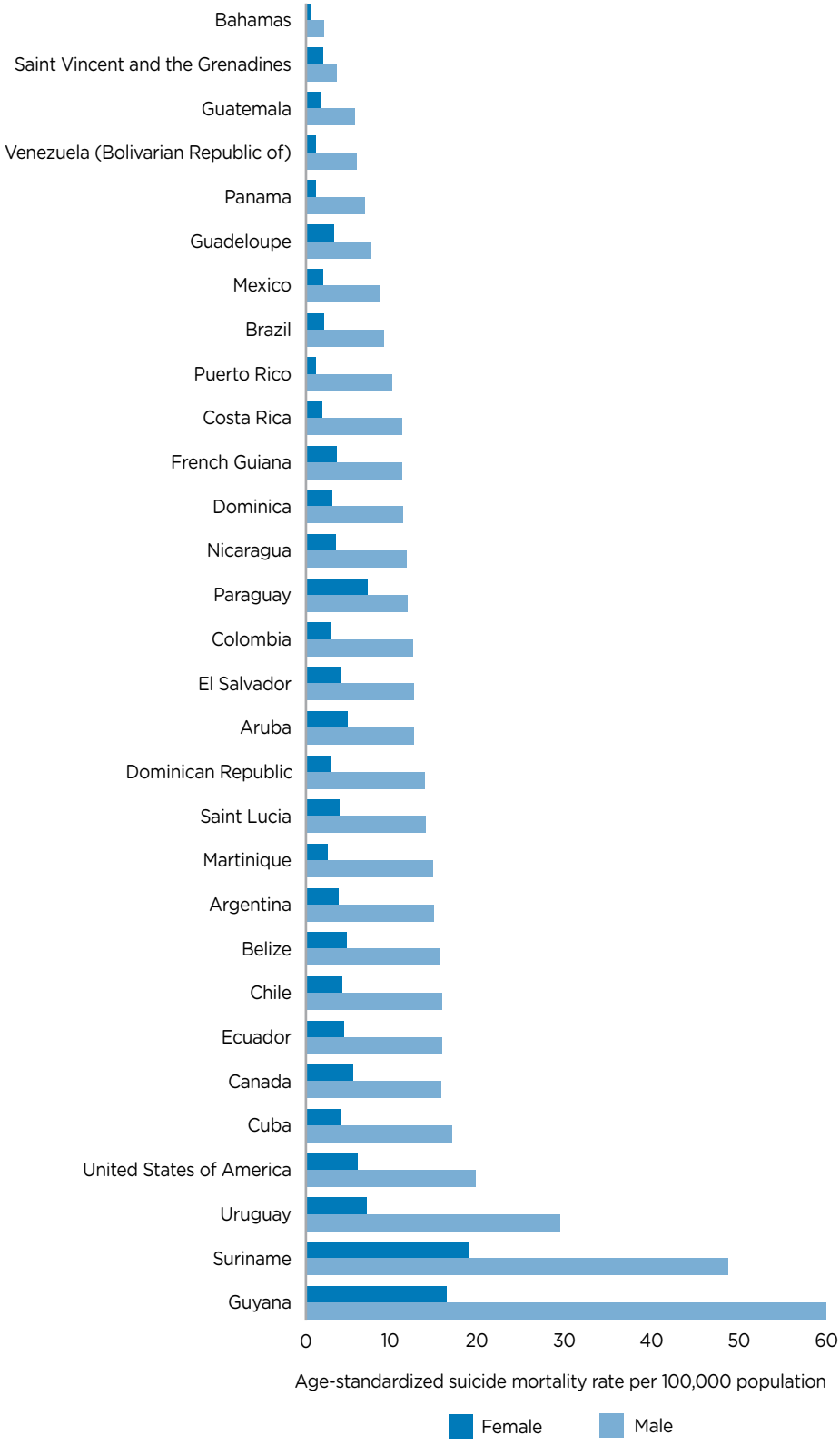
groups in the Americas, as well as different socioeconomic groups, and between men and women (*4*). People with poor mental health are at increased risk of other illnesses, injury, and premature death (*3*).

While not all mental illness leads to suicide, and not all suicide relates to mental illness, suicide is one possible outcome of mental illness (*25*).

Figure 2.6 shows the rates of suicide in the Region.

In the United States of America between 1999 and 2014, suicide rates rose significantly for poorer White men and women and for American Indian and Alaskan natives (*25*, *26*). In Canada, the suicide rate for First Nations males aged 15–24 is four times higher than that of non-Indigenous young people (*27*).

Figure 2.6.
Death rate from suicide, by sex, Region of the Americas, 2016



Source: Pan American Health Organization. PLISA Health Information Platform for the Americas. Core indicators [Internet]; 2018 [cited 7 Nov 2018]. Available from: http://www.paho.org/data/index.php/en/indicators/visualization.html.

RELEVANT INTERNATIONAL AGREEMENTS

Sustainable Development Goals

Goal 3. Ensure healthy lives and promote well-being for all at all ages

PAHO Resolutions

Sustainable Health Agenda for the Americas 2018–2030 (CSP29.R2 [2017])
Health of Migrants (CD55.R13 [2016])
Plan of Action on Mental Health (CD53.R7 [2014])
Health, Human Security, and Well-being (CD50.R16 [2010])
Policy on Ethnicity and Health (CSP29.R3 [2017])
Plan of Action on Disabilities and Rehabilitation (CD53.R12 [2014])

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Young mother in traditional Mayan dress nursing her baby while selling crafts, Chichicastenango, Guatemala

3. STRUCTURAL DRIVERS: INEQUITIES IN POWER, MONEY, AND RESOURCES

RECOMMENDATION 1.
ACHIEVING EQUITY IN POLITICAL, SOCIAL, CULTURAL, AND ECONOMIC STRUCTURES

Political, social, cultural, and economic forms of power have become more concentrated across the Americas (*28*). That concentration, and the deterioration of the Region's position in the global economy, are driving profound structural and health inequities.

In many countries in the Region, national and international economic forces have undermined economic growth, equity, and stability. Parts of the Americas are in economic crisis, and the poorest bear the brunt—both in terms of reduced employment opportunities and lower wages, and reduced expenditure on social protection policies.

Progressive fiscal policy is critically important to improving health equity. Monetary policy, social protection spending, and tax systems should aim to be redistributive, designed progressively to improve the standard of living of communities and populations most at risk of poor outcomes, and to provide them with essential services.

PRIORITY OBJECTIVES	ACTIONS
1A. Implement progressive fiscal policy to improve health equity	• Identify equity impacts of fiscal policies and adapt them to promote health equity • Strengthen international cooperation to stop exploitation of tax havens • Reinforce the financial safety net of the Region
1B. Ensure a flourishing public realm and reinforce the role of the State in provision of services	• Develop approaches to increase political empowerment based on ECLAC's Horizons 2030 agenda for equity and the recommendations of the Oslo Commission (*29*) • Challenge the presumption that markets are the most effective ways to deliver public services • Reinforce the role of the State in regulating public services
1C. Urgently address corruption to reduce its threat to health equity	• Implement Transparency International's recommendations to reduce corruption (*30*) • Strengthen the institutions involved in the detection, investigation, and prosecution of corruption-related crimes • Lift political immunity for corruption-related cases • Strengthen police investigative capacity, reinforce internal disciplinary measures, and establish permanent accountability mechanisms for the police • Create accessible, anonymous reporting channels for whistleblowers that genuinely protect them from all forms of retaliation

Homeless man rests in front of a bank offering home loans, Great Barrington, USA

In many areas of fiscal policy, currently this is not the case. For example, pension policy can be regressive when government subsidies for pensions are available only to those in formal employment, excluding unemployed people and people in informal employment. In many countries, tax and benefit systems are regressive: the wealthier pay less in taxes proportionate to their income than the poorest do.

Across the Region, many countries have retreated from involvement in provision of services, and private sector provision has replaced government provision. However, public goods are not always best delivered by markets, and private sector provision often worsens inequities in access to essential quality services. Public investment in education, research and development, health, infrastructure, and many other essential services is vital for a flourishing, healthy society.

Greater political accountability could help, with people actively participating in democratic governance to enable a flourishing public realm and support good health. Without this, political and economic accountability will be undermined (*29*, *31*).

Corruption and tax avoidance blight efforts to reduce economic and social inequalities. Multinationals use tax havens to avoid paying tax in many countries. Individuals move money around to avoid paying tax, or do not declare income and assets. National economies lose resources to invest in communities most at risk of poor health and other negative outcomes.

RECOMMENDATION 2.
PROTECTING THE NATURAL ENVIRONMENT, MITIGATING CLIMATE CHANGE, AND RESPECTING RELATIONSHIPS TO LAND

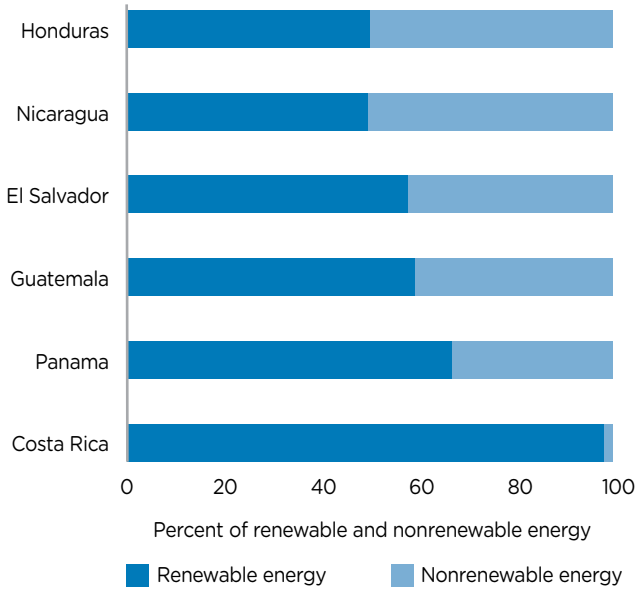
Environmental threats commonly have a stark equity dimension: socially disadvantaged people are disproportionately affected by environmental degradation and climate change (*9*). Experience shows that environmental shocks and extreme natural events become disastrous for disadvantaged people (*32*). It is important to ensure that actions aimed at mitigation and adaptation to climate change do not have adverse impacts on health equity. Land and land rights play a vital role in enabling people to lead flourishing lives, and environmental justice must be central to development (*33, 34*).

Unsustainable development, and particularly climate change, increases the risk, the severity, and the vulnerability of people and ecosystems to harm that will damage health and well-being. Climate change is one dimension of unsustainability; others include ignoring resource limitations, threatening biodiversity and soil health, and polluting and damaging life-sustaining ecosystems. Decreasing these environmental risks will be good for both average health and well-being, and for flattening the socioeconomic gradient, as each affects poorer people and communities most.

Development of renewable energy throughout the Region is necessary; it is currently underdeveloped in many countries (Figure 3.1). A notable exception is Costa Rica, where energy is produced almost entirely from renewable sources.

PRIORITY OBJECTIVES	ACTIONS
2A. Mitigate and adapt to climate change to support health equity	• Transfer fossil fuel subsidies to incentivize development and use of renewable energy • Improve preparedness for, and response to, extreme weather events to reduce health inequities • Abide by the Paris Agreement on climate change and the relevant SDGs (*35*) • Ensure the role of the private sector in innovation as part of promoting environmental protection and mitigation of climate change
2B. Minimize environmental harm from resource extraction industries and agriculture	• Protect biodiversity for soil health and healthy ecosystems • Develop and enforce regulations over extractive and agricultural industries to minimize environmental and health damage
2C. Enact policies that protect and support the relationship of Indigenous peoples to the land and make progress in attainment of land tenure for marginalized communities	• Respect and affirm the distinct relationship between Indigenous peoples and the land • Include people of African descent and Indigenous communities in decisions and actions that affect their land • Establish mechanisms and legislation for formalizing occupation and tenure of inhabitants living in informal settlements

Figure 3.1.
Energy generation mix, Central America, 2016



Source: Economic Commission for Latin America and the Caribbean. Statistics and indicators: environmental [Internet]; 2019. Available from: http://estadisticas.cepal.org/cepalstat/portada.html?idioma=english.

A common factor to all forms of land degradation is the depletion of soil and the reduction of biodiversity. Fertilizer use per hectare has intensified in Latin America, and there has been a dramatic increase in the intensive use of pesticides.

Vast tracts of forested area have been lost in Latin America and the Caribbean: approximately 100 million hectares between 1990 and 2014 (*36*). Parts of Latin America and the Caribbean have high rates of desertification. The UN International Fund for Agricultural Development estimates that 50 percent of agricultural land in LAC will be subject to desertification by 2050.

Many Indigenous communities across the Region live and adhere to sustainable environmental practices that balance people and environments, with a strong focus on protecting the earth and consideration of future generations. However, expansion of agriculture and resource extraction into the lands of Indigenous peoples is causing displacement of these populations from lands where they have lived for centuries, as well as environmental degradation. This, in turn, creates and compounds health inequities.

RELEVANT INTERNATIONAL AGREEMENTS

Plan of Action for Disaster Risk Reduction 2016–2021 (PAHO Resolution CD55.R10 [2016])
Strategy and Plan of Action on Climate Change (PAHO Resolution CD51.R15 [2011])
Coordination of International Humanitarian Assistance in Health in Case of Disasters (PAHO Resolution CSP28.R19 [2012])

Example actions to improve environmental conditions and reduce use of nonrenewable energy

Canada

- The federal government will deliver on its commitment of Can$ 2.65 billion by 2020, to help the poorest and most vulnerable countries mitigate and adapt to the adverse effects of climate change.
- The province of Alberta has committed to end emissions from coal-fired electricity generation and replace it with 30 percent renewable energy by 2030.
- The off-grid community of Ramea in Newfoundland and Labrador host the Ramea Wind-Hydrogen-Diesel Energy Project, one of the first projects in the world to integrate power generation from wind, hydrogen, and diesel in an isolated electricity system.[1]

Costa Rica

The country has set itself the target of being carbon-neutral by 2021 and in 2016 achieved over 300 consecutive days of energy produced entirely from renewable sources. The government announced new measures to protect 340,000 hectares of forest in a move to become the first country to negotiate the sale of forestry carbon credits.[2]

Sources: [1] Climate Action Tracker. Canada country summary [Internet]; 30 November 2018 [cited 30 Jan 2019]. Available from: https://climateactiontracker.org/countries/canada/.
[2] Climate Action Tracker. Costa Rica country summary [Internet]; 29 November 2018 [cited 30 Jan 2019]. Available from: https://climateactiontracker.org/countries/costa-rica/.

The first principle of the United Nations Framework Convention on Climate Change (UNFCCC) is protecting "...the climate system for the benefit of present and future generations of humankind, on the basis of equity."

United Nations Framework Convention on Climate Change. Paris Agreement [Internet]; 2015. Available from: https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

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Painted flag on tree uprooted by Hurricane Maria, San Juan, Puerto Rico

RECOMMENDATION 3.
RECOGNIZE AND REVERSE THE HEALTH EQUITY IMPACTS OF ONGOING COLONIALISM AND STRUCTURAL RACISM

Throughout the Americas, colonialism, slavery, and attendant racism have been catastrophic for people's life chances and health, especially for Indigenous peoples and those of African descent. Their manifestations and effects persist today.

Indigenous peoples worldwide are more likely to be poor and to live in deeper levels of poverty than non-Indigenous people, due to the pervasive effects of colonialism (*37*). The poverty trend is apparent even in wealthy countries in the Americas. For example, in Canada, over 60 percent of children living on First Nations reserves live in poverty, compared with 18 percent for all children (*38*).

PRIORITY OBJECTIVES	ACTIONS
3A. Act to address the philosophy, culture, policies, and practices that flow from historic and current colonialism	• Include people of African descent and Indigenous communities in law-making, service design and provision, and other decisions that affect their lives • Improve disaggregated data collection and include input of Indigenous peoples and people of African descent in research to define problems and solutions • Ensure people of all ethnicities have equitable access to public services that contribute to health equity, and that the spending on services is equitable
3B. Ensure people of African descent and Indigenous peoples are free to live dignified lives, including through affirmation of their distinct rights	• Recognize spatial, cultural, social, and intergenerational inequalities as a human rights issue for all ethnic groups • Governing entities are to recognize and be accountable for the distinct rights of people of African descent and abide by the tenets of the UN International Decade for People of African Descent • All States are to codify the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) into domestic legislation, policies, and practices, ensuring Indigenous peoples have the resources and opportunities necessary to exercise the full enjoyment of their rights
3C. Undertake positive measures to address systematic racism	• Address racism through public education, including in government, civil society, and schools • Review existing legislation, policies, and services to identify and redress activities that perpetuate racism • Develop and support effective and independent domestic and inter-American mechanisms to address cases of systemic and individual discrimination • Governments should endorse the UNDRIP position affirming that Indigenous people are equal to all other people, while recognizing the right of all people to be different, to consider themselves different, and to be respected as such

Across the Region, similar problems apply to people of African descent. In 2016, the Brookings Institution reported that in the United States of America in 2000 the median Black household had an income that was 66 percent of the median White household income. By 2015, that figure had fallen to 59 percent (*39*).

The combined effect of colonial practices has been to dismiss Indigenous self-determination over lands, resources, law, and governance, and disrupt (and in some cases, eradicate) Indigenous cultures, languages, and oral histories, while ingraining multigenerational trauma.

Decolonization requires a change in the structures and in the philosophy, policies, and practices that flow from colonialism. An important effect or indeed intentional mechanism of colonialism that reinforces inequality is the mental construction of colonialism that supposes the superiority of one race over the others. This attitude translates into exclusionary actions for reasons of race and origin, whether by action or omission.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) centers Indigenous peoples' rights to self-determination as a fundamental right and a necessary antecedent for the restoration of land and resource rights and the full enjoyment of human rights (*40*).

Most countries have some government mechanism for the promotion of racial equality or for Afro-descendant affairs. However, experience reveals weaknesses in these mechanisms, which, added to their limited resources, slows the possibilities of implementing actions to progress the guarantee of the rights of people of African descent.

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Protest against the demarcation of Indigenous lands, São Paulo, Brazil

The UN General Assembly in its resolution 68/237 proclaimed the International Decade for People of African Descent (2015–2024), with the theme "People of African descent: recognition, justice and development." The Decade is an opportunity to underline the important contribution made by people of African descent and to propose concrete measures to promote equality and to combat discrimination of any kind (*41*).

Other key milestones for action against discrimination of people of African descent in the Americas are the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (*42*) and the Inter-American Commission on Human Rights' report, "The situation of people of African descent in the Americas" (*43*).

PAHO's resolution titled Health of the Indigenous Peoples in the Americas (CD47.R18 [2006]) resolves to strengthen evidence-based decision-making and monitoring capacities in the Region on Indigenous people's health issues (*44*).

Example actions to reduce racial and ethnic inequalities and deconstruct ongoing colonialism and racism

Affirmative actions: These have been implemented mainly in the field of education and the labor market. Experience shows that, maintained over time, these actions have excellent results.[1]

- In 2005 in the **Plurinational State of Bolivia,** the Ministry of Education granted 20 percent of the existing annual quotas in teacher training for secondary schools to Indigenous and Afro-Bolivian people, without an entrance examination.
- In 2003, **Brazil** established quotas for Afro-descendant students (40 percent).
- In **Brazil**, the policy for the entry of youths of African descent to universities showed a significant reduction in ethnic-racial inequality in income in the period 2004–2014.
- In 1996, **Colombia** established the fund for loans for Afro-Colombian students with limited economic resources and good academic performance in 1996.
- In 2009, **Ecuador** assured access to public positions in government for Afro-Ecuadorians, in proportion to their population.
- In 2005, the **Bolivarian Republic of Venezuela** established scholarship quotas for Afro-descendant youths in training and professional institutes.

Honoring Nations (United States of America): An awards program that identifies and shares examples of outstanding tribal governance that demonstrate the importance of self-governance. Honoring Nations upholds the principle that tribes themselves hold the key to positive social, political, cultural, and economic prosperity—and that self-governance plays a crucial role in building and sustaining strong, healthy Indian nations.[2]

Jordan's Principle: In Canada, Jordan River Anderson from Norway House Cree Nation spent over two years unnecessarily in the hospital as different levels of Canada's government argued over payment for his at-home care because he was First Nations. Jordan died never having left the hospital. Jordan's Principle is named in his memory and ensures First Nations children can access all public services without discrimination.[3] It passed in the House of Commons in 2007, but it took another 11 years and four legal orders before the Canadian government began to implement it.[4,5]

Sources: [1] Inter-American Commission on Human Rights. The situation of people of African descent in the Americas. Washington, D.C.: Organization of American States; 2011. Available from: http://www.oas.org/en/iachr/afro-descendants/docs/pdf/AFROS_2011_ENG.pdf.
[2] Harvard Project on American Indian Development. About Honoring Nations [Internet]; 2019. Available from: https://hpaied.org/honoring-nations.
[3] Jordan's Principle Working Group. Without delay, denial or disruption: ensuring First Nations Children's Access to Equitable Services through Jordan's Principle. Ottawa: Assembly of First Nations; 2015.
[4] Canadian Human Rights Tribunal. First Nations Child and Family Caring Society of Canada and Assembly of First Nations v. Attorney General of Canada. Ottawa: Canadian Human Rights Tribunal; 2017.
[5] Pictou Landing Band Council v. Canada (Attorney General), 2013 Federal Court 342, Federal Court of Canada (Mandamin J), April 4, 2013.

4. CONDITIONS OF DAILY LIFE

People in the Americas want the basic everyday things that enable them to have reasonable, dignified lives. This includes having control over their reproductive and sexual activities; good maternity and postnatal services; a good start in life for their children, including good health and quality early-child development; a good education that gives their children skills and enhances their life chances; decent work that promotes, not harms, health; conditions that enable older people to live lives of dignity and independence; enough money to live on; a cohesive living environment without threat of violence; safe and affordable housing with clean water and sanitation; and access to health care that supports health as well as treats ill health.

Achieving these conditions will also contribute significantly to a flourishing, well-organized, secure, and productive society. But access to all of these necessary resources is unequally distributed and a major contributor to health inequities. Without them, the goal of living a life of dignity will be unachievable.

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Young pineapple vendor in La Romana, Dominican Republic

RECOMMENDATION 4.
EQUITY FROM THE START: EARLY LIFE AND EDUCATION

Child survival is paramount, but so too is the quality of early child development. A good start in life leads to better health and well-being in later life. It is during pregnancy, birth, and childhood that the foundations of greater health equity are laid.

Inequalities in maternal and babies' health, and experiences in the early years and schooling, relate directly to inequalities in a range of later life outcomes, including health. Fundamental to achieving equity in this period is reducing social and economic inequality (see Priority Objectives 1A, 1B, and 1C), which leads to profound social, economic, gender, and ethnic inequalities in health and development. There are, in addition, specific actions that can be taken. These include access to contraception, ante- and postnatal care, and safe abortion. We place particular emphasis on increasing breastfeeding and child nutrition, the impacts of which are felt throughout life. The early period of life is critical for initiating and inheriting parents' trajectories of inequality but is also the period where these inequalities can be most effectively disrupted and reduced.

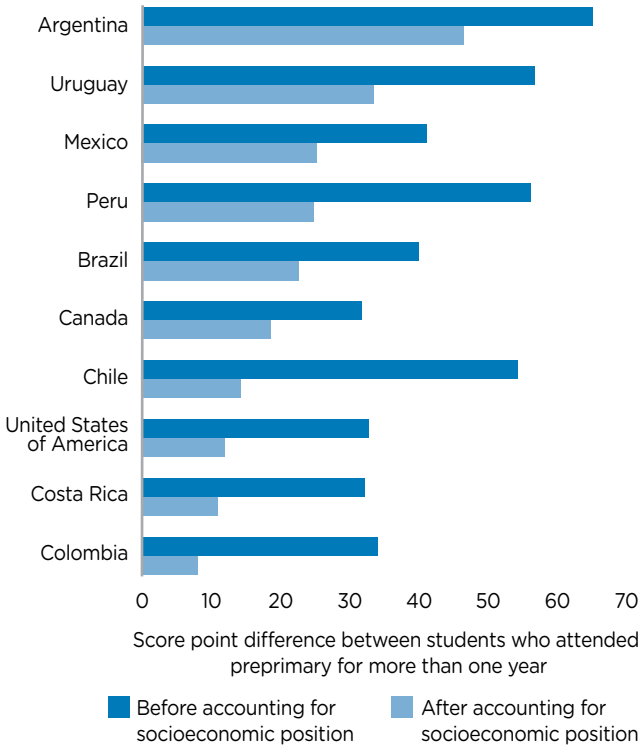
PRIORITY OBJECTIVES	ACTIONS
4A. Ensure good maternal and child health and optimal nutrition	• Increase access to modern contraception, including for young adolescents, and to safe abortion • Extend pre- and postnatal care services for those most at risk of poor outcomes • Improve adherence to WHO guidelines on breastfeeding and child and maternal nutrition, with a focus on poor and rural communities • Introduce programs to provide nutrition for low-income families • Provide financial and social support for low-income families, including extension of successful conditional cash transfer schemes
4B. Support good early-child development	• Increase and rebalance public funding so that more is invested in preprimary and primary education and development • Expand access to good-quality, culturally appropriate early-years programs with focus on reducing inequalities in participation • Adopt and meet international children's rights obligations, including taking effective positive measures to ensure the full enjoyment of rights by Indigenous, African-descent, and disabled children
4C. Reduce inequities in completion of secondary education	• Build on improvements to primary education participation, ensuring all young people in the Region complete good-quality secondary education • Expand conditional cash transfer schemes supporting children to stay in secondary education • Ensure that comprehensive sexuality education is taught in all secondary schools • Drive forward education reforms improving quality in secondary education, ensuring teachers have sufficient skills and qualifications

The Region of the Americas has made progress, particularly in relation to reducing maternal and infant mortality and improving access and equity in primary education. However, profound inequalities related to socioeconomic position, ethnicity, and disability remain, and, in some cases, have widened, particularly for secondary education.

In Latin America and the Caribbean, 43 percent of children live in households that have less than 60 percent of the median income, nearly double the percentage of adults generally (24 percent). The United States of America has similar child poverty rates to Mexico and Chile and considerably higher child poverty rates than the OECD 37-country average (*45*). Children in the bottom income decile in Canada live in families where the income is 53 percent lower than for the average child, while income inequality has increased and the rate of child poverty has persisted (*46*).

Good-quality preprimary education is an important way to improve educational attainment and participation and hence to reduce inequalities in health and improve other social and economic outcomes, such as employment and income, with effects throughout life. To illustrate this importance, Figure 4.1 shows the score-point difference in mathematics performance between students who reported that they had attended preprimary school for one year or more and those who had not attended preprimary school, after accounting for socioeconomic status (*47*). The latter is important, because in most countries, children from poorer households, who might benefit the most, are less likely to attend preschool.

Figure 4.1.
Difference in mathematics performance at age 15, by attendance at preprimary school for one year or more, before and after accounting for socioeconomic status, countries in the Americas participating in the PISA survey, 2012



Source: Organisation for Economic Cooperation and Development. Programme for International Student Assessment, PISA database – Table II.4.12 [Internet]; 2012. Available from: http://www.oecd.org/pisa/data/.

RELEVANT INTERNATIONAL AGREEMENTS

Plan of Action for the Prevention of Obesity in Children and Adolescents (PAHO Resolution CD53.R13 [2014])

Strategy and Plan of Action for Integrated Child Health (PAHO Resolution CSP28.R20 [2012])

Across the Region, much progress has been made toward achieving universal access to good-quality primary education. Universal participation and attainment levels in secondary education have not seen the same levels of investment, focus, or improvements, and profound inequalities persist. These are closely related to socioeconomic position, parental levels of education, ethnic identity, gender, disability status, and rural residence.

Indigenous women have the lowest rates of secondary school attendance across the Region, and women of African descent also have particularly low rates of school completion. In all countries, children with disabilities have significantly lower completion rates than non-disabled children.

RELEVANT INTERNATIONAL AGREEMENTS

PAHO Resolutions

Plan of Action on Adolescent and Youth Health (CD49.R14 [2009])

Regional Strategy for Improving Adolescent and Youth Health (CD48.R5 [2008])

Sustainable Development Goals

Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Convention on the Rights of the Child

Article 28 states that every child has the right to an education, that primary education must be free, and that different forms of secondary education must be available to every child (United Nations, 1989).

Youth playing soccer, Morro da Mineira favela, São Paulo, Brazil

RECOMMENDATION 5. **DECENT WORK**

The transition from school to work, the quality of working life, and the nature of employment contracts are all important determinants of health. The concept of a decent job is foundational and must be spread to those currently not in formal work. Work is essential to relieving poverty and creating opportunities for human flourishing.

Across the Region, there are profound inequalities between ages 16 and 65, the stage in life during which people are working, family-building, and caring for older relatives. Some of these inequalities relate to earlier life inequalities, in education and training, and some are generated during this phase of life. All of them have profound implications for health inequities.

DECENT QUALITY WORK

Working an excessive number of hours can be damaging for physical and mental health and well-being, and for work-life balance, interaction with children, and levels of community participation. In most countries in the Americas, employees work more than eight hours per day.

In some countries in the Region, there are relatively high levels of fatal occupational injuries, with rates reaching approximately 8 fatal injuries per 100,000 total injuries a year. The actual numbers may be higher, as there is likely to be underreporting or inadequate monitoring systems. Rates among migrant workers are higher than the average for countries (*50*).

PRIORITY OBJECTIVES	ACTIONS
5A. Improve access to decent jobs and conditions at work, including for people in informal and domestic labor sectors	• Governments to regulate employers to meet International Labour Organization (ILO) conventions and provide decent jobs • Governments to formalize informal work and ensure those jobs meet ILO standards for decent jobs, especially in relation to ILO Convention 189 on domestic workers (*48*) and SDG 8.7 (*49*) • Develop and implement legislation that requires minimum standards for safety, and ensure these are upheld • Develop and implement standards for work stress, working hours, holidays, and management practices • Allow and support the development of unionization—including in the informal sector • Reduce child labor through protecting and ensuring rights of the child • Develop and implement minimum wage policies to reduce in-work poverty
5B. Support unemployed people through active labor market programs and social protection systems	• Reduce rates of young people not in employment, education, or training, especially women of African descent and Indigenous peoples • Institute active labor market programs • For countries with limited social protection coverage of unemployment, increase length of time support is available and ensure that the self-employed are covered
5C. Reduce gender inequalities in access to work, pay, and seniority	• Strengthen legislation and regulation to ensure gender equity in employment • Achieve SDG 5 on gender equality and empowering all women and girls • Develop effective systems for monitoring gender equity in employment • Support cultural shifts in gender equity, including holding employers accountable for gender differentials in employment rates, pay, and seniority

> "Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns and organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men."
>
> International Labour Organization. Decent work [Internet]. Geneva: ILO. Available from: https://www.ilo.org/global/topics/decent-work/lang--en/index.htm.

There are many studies linking psychosocial stress at work with poor health outcomes. A recent systematic review looked at the empirical studies conducted in Latin America assessing the association of psychosocial stress at work and health using the Effort–Reward Imbalance model. It found that there is evidence from a range of countries, settings, and methods supporting the association between work stress and poor health (*51*).

INFORMAL LABOR, DOMESTIC WORKERS, AND OTHER GROUPS OF WORKERS AT RISK

Informal labor includes work either without a contract or with no security or guarantee of employment or income, no employer-provided social protection such as sick pay, or no legal protections. It is a risk to health and health equity.

There are high rates of informal labor in Latin America and the Caribbean, particularly among women. In Bolivia (Plurinational State of), Guatemala, Paraguay, and Peru, employment outside the formal sector constitutes 70 percent or more of the total employed (*4*, *52*).

Domestic work is undervalued, poorly remunerated, and mainly carried out by women and girls, many of whom are migrants, people of African descent, or members of disadvantaged communities (*4*, *23*).

CHILD LABOR

The Americas has the third-highest burden of child labor of any region in the world. Boys are more likely to undertake child labor than girls and perform a higher proportion of the most hazardous work. Child labor is detrimental to health, removes children from full-time education, and often results in the child's separation from their family and community (*53*).

MIGRANT WORKERS

In 2013, Northern America (Canada and the United States of America) as a broad subregion had the world's highest share of migrant workers, at 25 percent (*54*). Migrants often depend on the most dangerous, insecure types of work and have no formal protections.

UNEMPLOYMENT

Long-term unemployment and job insecurity are damaging to health. There are clear inequalities in rates of unemployment and poor-quality employment related to socioeconomic position,

RELEVANT INTERNATIONAL AGREEMENTS

ILO Convention 189 sets a minimum age for domestic workers, guarantees the right to freedom of association and freedom from all forms of abuse, harassment and violence, and makes special provisions related to migrant workers (International Labour Organization, 2011)

SDG Target 8.7 highlights the need to take immediate and effective measures to eradicate forced labor, end modern slavery and human trafficking, secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all its forms.

gender, ethnicity, and disability status. Men and women from less educated and more deprived areas are more likely to be unemployed; working in unsafe, unregulated occupations; and outside formal employment.

In the United States of America, Native Americans have the highest rates of unemployment, followed by African-Americans and Hispanics. In most countries in the Americas, any government unemployment assistance is time-limited, and in many countries, there is no government assistance during unemployment. The ILO has estimated that if there were a 25 percent reduction in the gender employment gap by 2025, it would increase gross domestic product (GDP) in Latin America and the Caribbean by 4 percent, and in Canada and the United States of America by 2 percent (*55*).

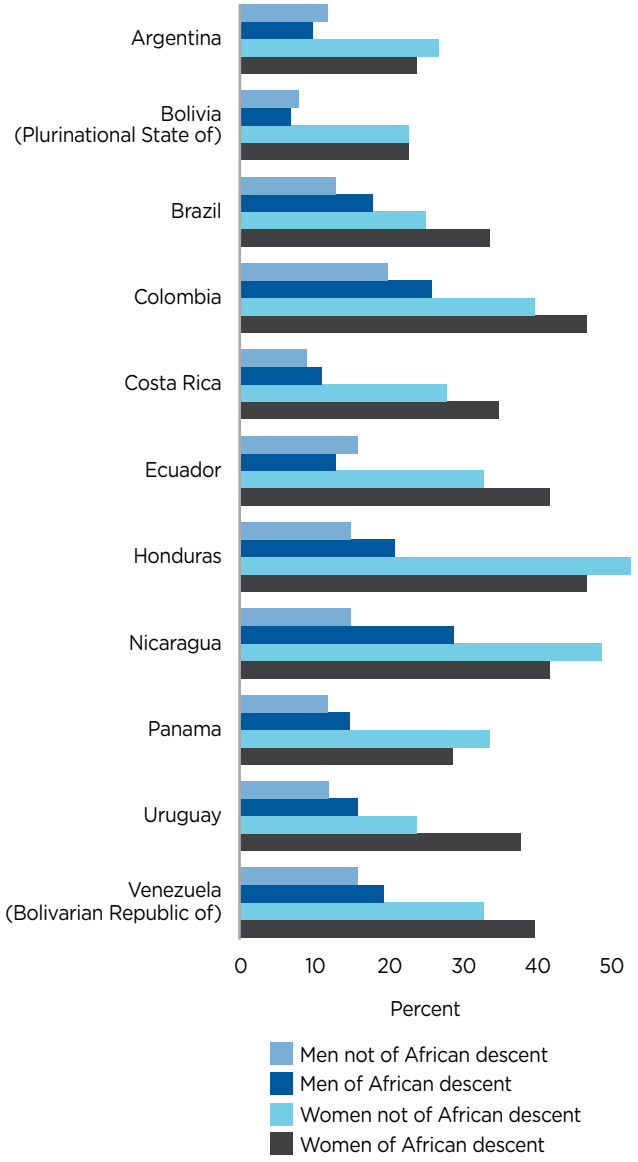
THOSE NOT IN EMPLOYMENT, EDUCATION, OR TRAINING

Throughout the Americas, women are more likely than men not to be in education, employment, or training. In most countries in the Region, but not all, women of African descent are the group most likely not to be in employment or education (Figure 4.2). Native Americans also have the highest percentages of young people not in formal training or in work (*56*).

IN-WORK POVERTY AND PAY GAPS

For many people in the Region, being employed is no guarantee of being lifted out of poverty, since wages are too low. There is wide variation across the Region in levels of poverty for employed people. In Costa Rica, less than 1 percent of those in work are recorded as being in poverty, while figures for Haiti are 22 percent among women and 18 percent among men (*57*). Since it was first instituted in 1938 to protect workers from in-work poverty, the federal minimum wage in the United States of America has established a floor for wages. While not every worker is eligible, it provides a minimum of earnings for the lowest-paid workers. However, despite some recent increases in state minimum wages, minimum wages at the federal and most state levels are still below the peak of its real value in 1968 and are in decline (*58*).

Figure 4.2.
Young people aged 15 to 29 years who are not in employment or education, by African-descent identity and gender, Latin American countries with comparable data, 2012 or latest available year



Source: Adapted from Economic Commission for Latin America and the Caribbean. Social panorama of Latin America 2016. Santiago: ECLAC; 2017. Available from: https://www.cepal.org/en/publications/41599-social-panorama-latin-america-2016, on the basis of special processing of census microdatabases using REDATAM 7.

Note: The non-African-descent population does not include people who self-identify as Indigenous or whose ethnic/racial status is unknown.

RELEVANT INTERNATIONAL AGREEMENTS

Plan of Action on Workers' Health (PAHO Resolution CD54.R6 [2015])

Workers, most of whom are women and girls, manually extracting minerals from salt basins, Maras, Peru

Examples of successful programs and policies to improve conditions during working life

Active labor market programs (ALMPs)

These government-funded programs designed to help people find work have been implemented in the United States of America since the 1960s and 1970s, and in Latin America and the Caribbean since the 1990s. ALMPs are found to be more effective among those in long-term unemployment.[1]

Chile Joven program, Chile

This program has been effective in increasing employment chances for women and in causing some increases in earnings and job quality.[2]

Unionization

There is evidence that unionization is associated with higher wages. There are other benefits. A 2011 study in Chile showed that nearly three-quarters of unionized women have some form of health insurance, compared to less than half of non-unionized women.[3]

Prospera Mexico (previously *Oportunidades*)

Prospera is a conditional cash transfer (CCT) program that has contributed to a reduction in child labor outside the household, particularly for boys. Studies have shown a 14 percent reduction in children's work time outside the household, coupled with more time allocated to school-related chores.[4]

Sources: [1] Economic Commission for Latin America and the Caribbean. Statistical yearbook of Latin America and the Caribbean 2011. Santiago: ECLAC; 2011. Available from: https://www.cepal.org/en/publications/926-anuario-estadistico-america-latina-caribe-2011-statistical-yearbook-latin-america.
[2] United Nations Educational, Scientific and Cultural Organization. Chile Joven, job training programs in Latin America [Internet]; 2016. Available from: https://unevoc.unesco.org/go.php?q=Promising+practices+Archives&id=6.
[3] International Labour Organization. The future of work we want: the voice of youth and different perspectives from Latin America and the Caribbean. ILO Technical Reports, 2017/7. Lima: ILO Regional Office for Latin America and the Caribbean; 2017. Available from: https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_567273.pdf.
[4] World Bank. A model from Mexico for the world [Internet]; 19 November 2014 [cited 7 Dec 2018]. Available from: http://www.worldbank.org/en/news/feature/2014/11/19/un-modelo-de-mexico-para-el-mundo.

RECOMMENDATION 6. **DIGNIFIED LIFE AT OLDER AGES**

Older age is no longer an afterthought. It characterizes the present and future of the populations of the Americas, which have the fastest-growing population of older people globally. It is estimated that by 2050, approximately 25 percent of the population of Latin America and the Caribbean will be aged 60 years or more (*59*). Fulfilling the right to live a dignified life in older age is central to reducing health inequities in the Region.

Inequities in older people's health and well-being relate to differences in conditions experienced earlier in the life course, as set out in Recommendations 4 and 5, as well as to conditions in older age covered here.

Societies where older people's contributions are valued and where older people continue to live active and engaged lives are healthier and enjoy higher levels of well-being. Social isolation causes ill health, and social isolation of older people is increasing as a result of changing family structures and urban design. There are inequalities in risk of social isolation related to income, education level, physical and mental health, and gender (in later life, men tend to be more socially isolated than women). Evidence shows that keeping socially, physically, and mentally active can extend the age at which cognitive decline develops and the age of developing dementia (*60*). Although the direction of causation is disputed, there is sufficient evidence to support active aging to reduce cognitive decline.

Older people of lower socioeconomic position are more likely to live in poor-quality housing and environments that are not conducive to social integration, exercise, mobility, or preventing ill health (*61*).

There are wide inequalities in income and poverty levels in later life, related to earlier life socioeconomic position, gender, and ethnicity. For instance, in the United States of America, up to 19

PRIORITY OBJECTIVES	ACTIONS
6A. Create conditions for active and engaged aging, with society valuing contributions of older people	• Local government and civil society to create conditions in communities that encourage physical and mental activity and reduce social isolation • Develop multisector partnerships that facilitate housing, environment, and transportation systems, such as "age-friendly cities," which meet older people's social, economic, health, and mobility needs
6B. Increase provision of pensions through government subsidies, particularly for those most at risk of having no income in later life	• Develop and extend noncontributory pensions to ensure coverage of those outside contributory schemes • Develop minimum income standards for older people and, for those below the threshold, provide support through pensions and other social protection mechanisms • Ensure that pensions and social protection schemes have a particular focus on women, people of African descent, and Indigenous peoples
6C. Increase the focus of health care systems on prevention and promotion of healthy, active aging	• Develop multisector partnerships, including the health care system and civil society, to support prevention and health improvement • Ensure appropriate continuity of care between hospitals and communities • Support families to care for elderly relatives, including through provision of leave for families

percent of older African-Americans and 18 percent of older Hispanics live in poverty, compared with an estimated 9 percent of older White Americans (*62*).

Across the Region, there are relatively low levels of government support for care and income support for older people. Most pensions are contributory, thus only available to those in secure employment. In Latin America and the Caribbean, only 40 percent of older people receive a pension (*4*).

Figure 4.3 shows that in four Latin American countries, non-Indigenous men had the highest rates of pension coverage in 2014, and Indigenous women had the lowest. For all groups, pension coverage was closely related to education level.

In most countries of the Americas, there is no paid leave available to care for elderly parents, with the exceptions of Canada, El Salvador, Nicaragua, and Peru (*63*). Unpaid leave is available in the United States of America. Women account for 90 percent of all unpaid care providers and often cut back on paid work to provide care (*60*). In a study of caregivers in one city of the Dominican Republic, 43 percent of them showed symptoms of depression and anxiety and a two-fold increased risk of heart disease and injuries compared with noncarers (*64*).

Prevention services should be a core part of a health system approach that is aligned with the needs of older people and that focuses on protecting health as well as treating ill health. However, data from the United States of America show that even when these preventive services are available, there are significant inequalities related to ethnicity, levels of education, and gender in relation to uptake (*62*).

RELEVANT INTERNATIONAL AGREEMENTS

PAHO Resolutions

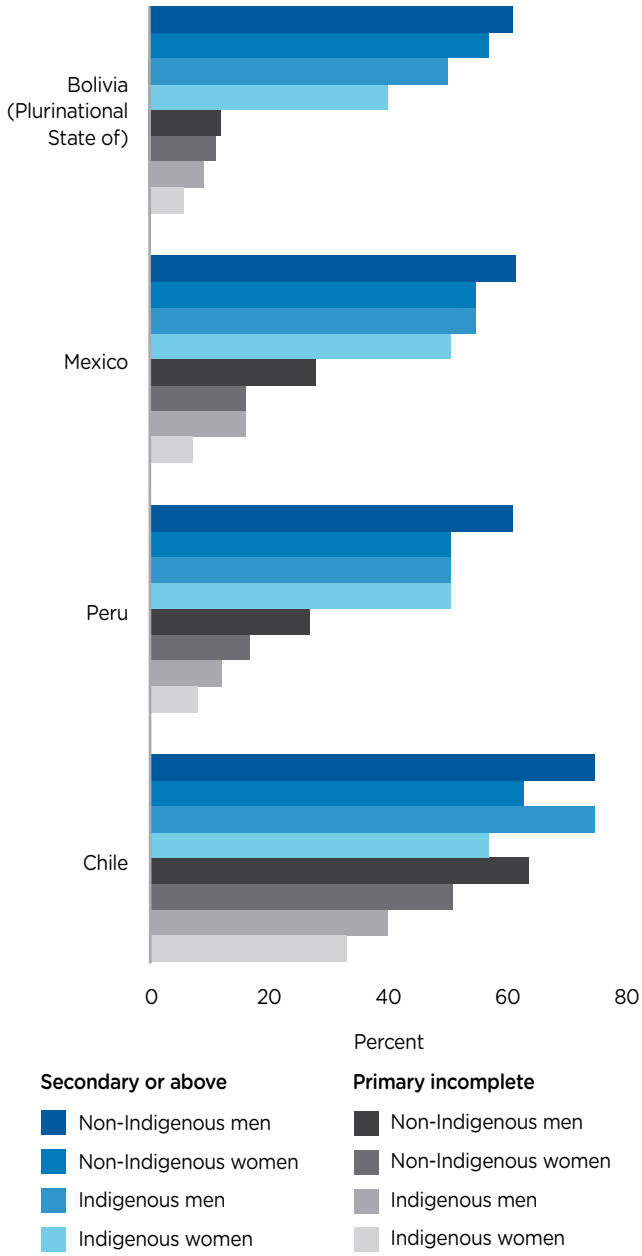
Strategy and Plan of Action on Dementias in Older Persons (CD54.R11 [2015])

Plan of Action on the Health of Older Persons, Including Active and Healthy Aging (CD49.R15 [2009])

Organization of American States

Inter-American Convention on Protecting the Human Rights of Older Persons (2015)

Figure 4.3.
Percent of adults aged 65 and over receiving a pension, by sex, Indigenous identity, and education level, four Latin American countries with comparable data, 2014



Source: Based on data from Economic Commission for Latin America and the Caribbean. The social inequality matrix in Latin America. Santiago: ECLAC; 2016. Available from: https://repositorio.cepal.org/bitstream/handle/11362/40710/1/S1600945_en.pdf.

Residents sitting on a bench in the Plaza de Armas, Arequipa, Peru

Examples of successful programs at older ages

Education in earlier years

If the United States of America were to increase expenditure on education and incapacity to the levels of the OECD country with the maximum expenditures, life expectancy in the United States of America would increase to 80.12 years, a gain of 0.168 years.[1]

Pension provision

Pension systems have an important role in alleviating old-age poverty—and countries with high levels of coverage are able to eradicate poverty to varying degrees among the elderly. The strongest impact in the Region occurs in Brazil: while just under 4 percent of Brazilians older than 60 are poor, 48 percent of them would be poor if they did not have pensions (keeping other factors constant).[2]

Age-friendly cities

These are city-wide programs, mostly run at municipal level, that prioritize and support active healthy aging, combined with enhanced support for those who need additional support and care. Older people are involved in the development of strategies and implementation of programs.[3]

Programs to support physical and mental activity for older people

In the United States of America, a study showed that following a regular, balanced, moderate exercise program for an average of 2.6 years reduced the risk of major mobility disability by 18 percent in an elderly vulnerable population.[4]

Sources: [1] Reynolds MM, Avendano M. Social policy expenditures and life expectancy in high-income countries. Am J Prev Med. 2018 Jan;54(1):72–9.

[2] Organisation for Economic Cooperation and Development; Inter-American Development Bank; World Bank. Pensions at a glance: Latin America and the Caribbean. Washington, D.C.: OECD; 2014. Available from: http://www.oecd.org/publications/oecd-pensions-at-a-glance-pension-glance-2014-en.htm.

[3] World Health Organization. Global age-friendly cities project [Internet]; 2018. Available from: https://www.who.int/ageing/projects/age_friendly_cities/en/.

[4] Pahor M, Guralnik JM, Ambrosius WT, Blair S, Bonds DE, Church TS, et al. Effect of structured physical activity on prevention of major mobility disability in older adults: the LIFE study randomized clinical trial. JAMA. 2014 Jun;311(23):2387–96.

RECOMMENDATION 7.
INCOME AND SOCIAL PROTECTION

Not having the minimum income for healthy living is a key driver of health inequity. Many of our recommendations relate exactly to the aim of everyone having enough money to lead a dignified life. Here, we list further specific recommendations.

Although levels of extreme poverty have fallen across the Region, high levels of poverty remain, and in many countries, poverty is increasing as economies struggle and inequalities widen. The share of national income for the bottom 20 percent varies from 2 percent of national income to 7 percent, with the majority between 3 and 5 percent. An ILO report discusses the universal social protection required to achieve the Sustainable Development Goals (*65*).

Income inequality is high across the Region. Comparing the wealthiest quintile with the poorest quintile, the ratio is 15 or higher in 9 of the 27 countries presented in Figure 4.4.

Children are usually the poorest age group in societies. The average rate of destitution in 18 countries in Latin America and the Caribbean for children was 21 percent, in comparison with 11.5 percent in adults in 2014 (*28*). The rates of children in poverty in the United States of America in 2016 among non-Hispanic Whites and Asians and Pacific Islanders was 12 percent, while Black or African-American or American Indian children had nearly three times that rate, at 34 percent (*66*).

WAGES AND POVERTY

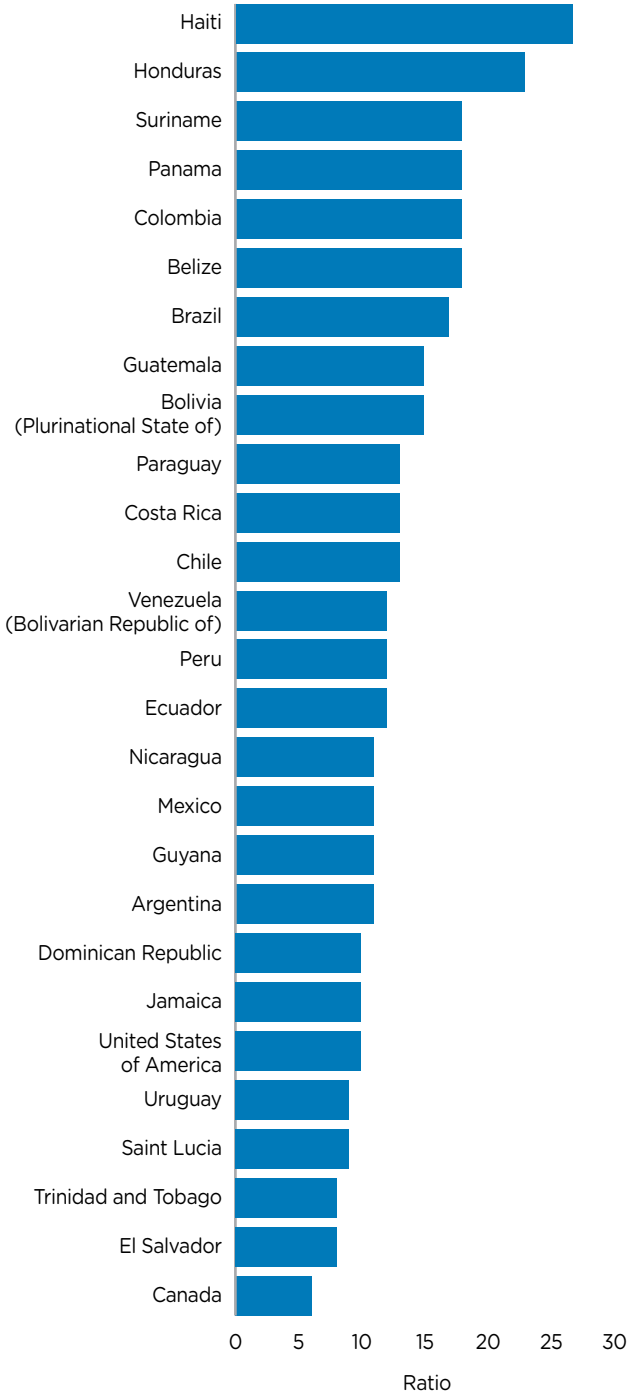
Wage growth in Latin America and the Caribbean has been consistently below the world average, and since 2014 it has been negative. There is considerable scope to implement mandatory minimum wages, although only in the formal sector. This would reduce in-work poverty. Other measures are necessary for those who are unemployed or economically inactive.

INCOME INEQUALITIES RELATED TO GENDER, ETHNICITY, AND DISABILITY

Between the ages of 20 and 59, women are overrepresented in the lowest two income quintiles in countries from Latin America and the

PRIORITY OBJECTIVES	ACTIONS
7A. Implement a minimum social protection floor	• Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable, to achieve SDG 1.3
7B. Reduce poverty through social protection policies and other initiatives	• Protect against unaffordable, out-of-pocket health care expenditure (SDG 3.8.2) through support for health care and through financial support for individuals • Develop monitoring systems and other evidence to inform development of progressive policies, with particular regard to those groups currently excluded • Build on successful elements of conditional cash transfer schemes to ensure extreme poverty and hunger are eliminated
7C. Establish support for unpaid caring roles	• Support development of government and employer benefits for those with caring responsibilities

Figure 4.4.
Ratio of top income quintile to lowest quintile (highest 20 percent/lowest 20 percent) in the Americas, 2012 or latest available year



Source: World Bank. Databank. World development indicators [Internet]. Available from: https://data.worldbank.org.

Caribbean by up to 40 percent, as compared with men (*4*).

Across the Americas, average income is lowest for Indigenous populations, followed by people of African descent (*67*). In the United States of America between 1995 and 2015, the median incomes of Asian and White people were higher than that of Hispanic and Black people (*68*).

Across the Region, people with disabilities earn less than people without disabilities. In Canada in 2012, persons aged 25 to 44 years old with disabilities had 57 percent of the income reported by those without disabilities (*69*).

The intersections among disability, gender, and ethnicity are apparent in relation to income and poverty rates. In the United States of America, older women with a disability were more likely than their male counterparts to be in poverty (15 percent for women and 9 percent for men) (*70*).

SOCIAL PROTECTION SYSTEMS

Social protection systems have a clear and substantial impact on poverty and income inequality, boost educational attainment, improve nutrition, reduce social conflict, and increase economic productivity. Social protections have direct and indirect impacts on health inequities and reduce gender and ethnic inequities. These have been outlined in priority objectives and actions in Recommendations 4, 5, 6, 8, and 10.

Effective social protection coverage in the Americas stands at around 67 percent of the population, falling below coverage in Europe and Central Asia, where it stands at 84 percent (*28*). Despite recent efforts in building comprehensive social protection systems, challenges remain in the provision of universal coverage.

There is a divergence in coverage levels between the United States of America and Canada, and Latin America and the Caribbean. Canada and the United States of America tend to have higher coverage rates, based on their higher level of economic development and social investment, but in the United States of America one in four people do not have access to any kind of social protection. In the Plurinational State of Bolivia and in Colombia, 60 percent of the population is still unprotected (*4*).

Brazil: Social protection and conditional cash transfer programs (CCTs)

The number of people living below the national poverty line in Brazil declined from 44 million in 2000 to 17.9 million in 2014, and the Gini coefficient declined from 59 to 51.3 over the same period.[1]

Over this period, Brazil invested significantly in social protection and public services. Actions included increasing the minimum wage and public expenditure on health, education, and other social services, and extending non-contributory pensions for rural informal sector workers and other disability payments. CCT programs have been consolidated and expanded in the form of the *Programa Bolsa Família* (Family Allowance Program), targeted at extremely poor households and poor parents with children living at home. In 2010, the *Bolsa Família* CCT program covered 12.8 million families, more than 51 million people. The overall cost of noncontributory cash transfers in Brazil is approximately 2.5 percent of GDP.[2]

The Zero Hunger strategy was introduced in 2003 and combined with others in 2011 to form the Strategy to Eradicate Extreme Poverty by 2014, the narrative of which stresses social justice, dignity, and rights for the most deprived groups in the population.[2]

The overall effect of these programs was to reduce poverty and inequality among their respective target groups: children, adolescents, and pregnant and breastfeeding women.

Sources: [1] World Bank. Poverty and Equity Data Portal [Internet]; [accessed 12 July 2018]. Available from: http://povertydata.worldbank.org/poverty/country/BRA.
[2] Holmes R, Hagen-Zanker J, Vandemoortele M. Social protection in Brazil: impacts on poverty, inequality and growth. Development progress. London: Overseas Development Institute; 2011. Available from: https://www.odi.org/publications/5477-brazil-social-protection-development-progress.

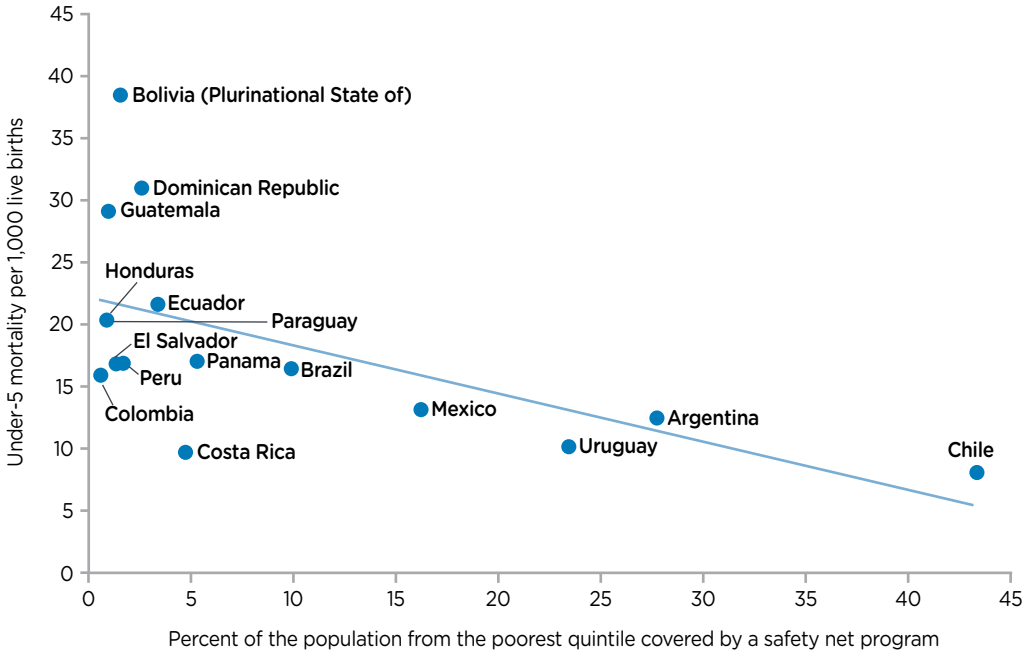
Between 2000 and 2014, Brazil increased investment in social protection in cash benefits and public services (*4*).

Countries with higher social expenditure aimed at the lowest income quintile had lower under-5 mortality rates than those that spent less on this group, as shown in Figure 4.5.

The objective of the joint United Nations Social Protection Floor Initiative is to ensure a basic level of social protection and a decent life as a necessity and an obligation under human rights instruments (*71*). The ILO defines social protection floors as "nationally defined sets of basic social security guarantees that should ensure, as a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level" (*72*). In addition, SDG 1.3 specifically refers to meeting social protection floors. Universal social protections include maternity and child support, unemployment protections, sickness protections, disability protections, pensions, and access to health care throughout life.

Thirty-three countries in the Americas have ratified the International Covenant on Economic, Social and Cultural Rights, which provides that States recognize the right of everyone to social security, including social insurance. This right "plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion" (*73*).

Figure 4.5.
Under-5 mortality rate by percent of the poorest quintile covered by a safety net program, selected countries in Latin America and the Caribbean, 2017 or latest available year



Source: World Bank. Databank. World development indicators [Internet]. Available from: https://data.worldbank.org.

Example of a social protection program to reduce poverty and income inequalities: Argentina

Argentina budgeted for an increase in its social protection function in 2017 to take it up to 12 percent of GDP, with plans to maintain and expand various cash transfer programs (such as the universal child allowance and family allowances) and to create a program of historical redress for retirees and pensioners.

RECOMMENDATION 8.
REDUCING VIOLENCE FOR HEALTH EQUITY

Latin America and the Caribbean are home to less than 9 percent of the world's population, yet 33 percent of the world's homicides take place there (*1*). The highest rates occur in the 15–29 age group. As in other regions, gender-based violence is of great and continuing concern.

GENDER-BASED VIOLENCE

Gender-based violence includes violence against women, including femicide, as well as intimate partner (IP) violence, sexual harassment, sexual assault and exploitation, violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, and obstetric violence.

There are high rates of femicide in the Americas. Latin America and the Caribbean is the most violent region in the world for women (*74*). In 2014, rates of violence experienced by women during their lifetime reached 64 percent in the Plurinational State of Bolivia, the highest in the Region of the Americas; Canada had the lowest rate, at 6 percent (*75*). In 2011 in the United States of America, 19 percent of women had been raped at some time in their lives, and 44 percent experienced sexual violence other than rape (*76*). Between 2003 and 2012, approximately one-third of female homicide victims in the United States

PRIORITY OBJECTIVES	ACTIONS
8A. Eliminate gender-based violence, especially that affecting women and girls	• Develop education programs in school, community, and workplace settings to prevent gender-based violence in schools and at places of employment • Empower women through education and financial independence • For women who have experienced violence, provide protection and support for them and their children to reduce exposure to violence and reduce femicide • Provide information, education, and appropriate punitive arrangements for men who commit violence against women
8B. Reduce structural violence, focusing on those most at risk	• Institute controls on the availability of weapons, particularly firearms • Improve environmental conditions and safe public spaces, particularly in areas with high crime rates • Improve or create statistical systems to register all forms of violence, disaggregated by indicators of social and economic position, gender, and ethnicity • Implement evidence-based interventions to reduce gang violence
8C. Eradicate institutional and political violence	• Eliminate all forms of political violence, including violence to migrants through separation of families, violation of women, and attacks on journalists and on candidates in election processes • Develop information systems to document discrimination in the criminal justice system and hold institutions accountable • Recognize mass incarceration as a determinant of health • Develop and incorporate protocols to care for victims of violence, including sexual, psychological, and physical violence, and develop policies on proportionate use of force by institutional work forces

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Rally for national plan to end violence against women, Parliament Hill, Ottawa, Canada

of America died at the hands of an intimate partner (*26*). Disabled women are subject to even higher levels of violence, and in many cases their disabilities are caused by violence (*77*).

Across the Region, violence against women is widely accepted and tolerated, including by women themselves (*75*).

LGBTI people suffer high levels of violence. Gender identity and sexuality-based hate crimes made up about 21 percent of hate crimes reported by law enforcement in 2013 in the United States of America (*78*). The Inter-American Court of Human Rights' first report on the rights of LGBTI persons in 2015 highlighted the pervasive violence against LGBTI persons (*79*).

Violence against women and the Inter-American convention on the prevention, punishment and eradication of violence against

Women (Belém do Pará convention)

A UN report notes that 24 of the 33 countries in Latin America and the Caribbean have laws against domestic violence, but only nine of them have passed legislation that tackles a range of forms of other violence against women, in public or in private.[1] This is in spite of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, which established that women have the right to live a life free of violence and that violence against women constitutes a violation of human rights and fundamental freedoms.[2]

Sources: [1] Carvalho L. No form of violence against women and girls should be tolerated: end the culture of tolerance of violence against women, end impunity. UN Women Regional Office for the Americas and the Caribbean [Internet]; 29 May 2016 [accessed 4 March 2018]. Available from: http://lac.unwomen.org/en/noticias-y-eventos/articulos/2016/05/statement-luiza.

[2] Organization of American States. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belém do Pará" [Internet]; 2014. Available from: http://www.oas.org/juridico/english/treaties/a-61.html.

Unsafe abortion can also be considered a form of gender-based violence. There are six countries in Latin America and the Caribbean where abortion is prohibited altogether: Dominican Republic, El Salvador, Haiti, Honduras, Nicaragua, and Suriname. Abortions are permitted only to save the life of the pregnant woman in Antigua and Barbuda, Brazil, Chile, Dominica, Guatemala, Mexico, Panama, Paraguay, and Venezuela (Bolivarian Republic of). During 2010–2014, only approximately one in four abortions in Latin America and the Caribbean were safe. In 2014, at least 10 percent of all maternal deaths in Latin America and the Caribbean resulted from unsafe abortion (*80*).

PATTERNS OF VIOLENCE

There are profound inequalities in violence by ethnicity, socioeconomic position, and gender, which are related to cultural, socioeconomic, and political factors, and also result from racism, the drug trade, criminal organizations, and human trafficking.

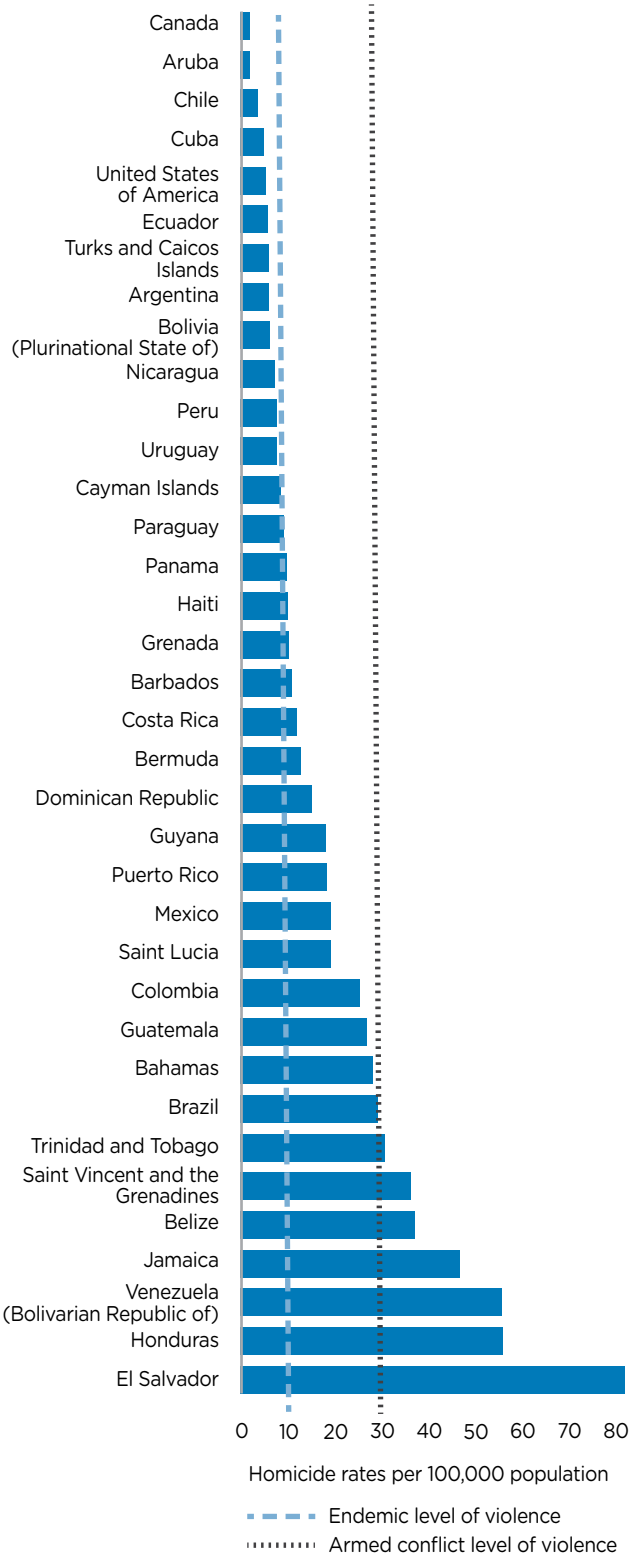
Figure 4.6 shows the homicide rates in 2016 for countries in the Americas. WHO follows the United Nations Office on Drugs and Crime (UNODC) in considering a rate of 10 homicides per 100,000 inhabitants or higher to be characteristic of endemic violence, and a rate of 30 homicides per 100,000 or higher as an armed conflict level of violence (*81*). Several countries have surpassed this conflict level of violence threshold. By way of contrast, the average homicide rate of Scandinavian countries is just under 1 death per 100,000 of the population (*82*).

Young men are disproportionately the perpetrators and the victims of violent crime in the Region, and compared with other regions, the Americas have the highest male homicide and femicide rates.

Honduras had the highest homicide rate in the Region in 2012. Rates of homicide and violence in the Region are higher for people of African descent. Central America experienced a declining homicide rate from 1995 to 2004, followed by a marked increase from 2007, related to drug trafficking and high levels of organized crime (*83*).

In the United States of America in 2015, of all homicides (5.5 per 100,000) a high proportion were committed using a firearm (4 per 100,000). The age-

Figure 4.6.
Homicide rates for countries in the Americas, 2016



Source: World Bank. Databank. World development indicators [Internet]. Available from: https://data.worldbank.org.

Note: Armed conflict level of violence defined according to the United Nations Office on Drugs and Crime (UNODC).

adjusted homicide rate for non-Hispanic Blacks (22.8 per 100,000) was approximately eight times the rate for non-Hispanic Whites (2.9 per 100,000), and four times the rate for Hispanics (5.3 per 100,000) (*84*).

Native American and Alaskan Native persons surveyed were more likely to have been violently victimized in the previous 12 months, as compared with the rest of the population (*85*).

INSTITUTIONAL VIOLENCE

Institutional violence refers to violence from social and State institutions, including selective incarceration and selective detention based on migrant status, ethnicity, and socioeconomic position.

Across the Region of the Americas, there are high levels of incarceration, and in many cases this incarceration is related to ethnicity. In some countries, there are also punitive institutional practices and high levels of political violence. Mass incarceration is likely to damage the health of individuals, families, and communities (*86*).

Police asking for bribes is associated with a 17 percentage point increase in the probability of experiencing some form of crime in Latin America and the Caribbean (*30*).

Examples of actions to reduce violence

Violence against women

- In Peru, the introduction of violence prevention and care centers for women has reduced the likelihood of domestic violence.[1]
- In Brazil in 2006, the effect of community campaigns targeting young men had positive changes in reducing violence against women.[1]
- In Ecuador, a cash, food, and voucher program targeting women in relationships decreased sexual violence by 6 percent in 2013.[1]

Education-based interventions

- Good-quality schooling and education help prevent crime and reduce homicide rates. A one-year increase in the average education level reduces state arrest rates by 15 percent in the United States of America.[2]
- The 15-year follow-up of the Nurse–Family Partnership in the United States of America showed strong significant positive effects on children's criminal and antisocial behavior.[3]
- Lengthening the school day from a half to full day in Chile (in 2011) reduced youth crime.[4]
- Educational workshops held for young men in public schools in Chile produced significant changes on the acceptance of violence as a conflict-resolution mechanism.[4]

Income

- A 2012 study estimated that a conditional cash transfer program in São Paulo, Brazil, led to a reduction in crime of almost 8 percent in school neighborhoods.[5]

Sources: [1] Jaitman L, Guerrero-Compean R. Promoting evidence-based crime prevention policies in Latin America and the Caribbean. Transl Crimin. 2015;9:14–9.

[2] Atienzo EE, Baxter SK, Kaltenthaler E. Interventions to prevent youth violence in Latin America: a systematic review. Int J Public Health. 2017;62(1):15–29.

[3] Miller TR. Projected outcomes of nurse-family partnership home visitation during 1996–2013, United States. Prev Sci. 2015;16(6):765–77.

[4] Berthelon ME, Kruger DI. Risky behavior among youth: incapacitation effects of school on adolescent motherhood and crime in Chile. J Public Econ. 2011;95(1–2):41–53.

[5] Murray J, Cerqueira DR, Kahn T. Crime and violence in Brazil: systematic review of time trends, prevalence rates and risk factors. Aggress Violent Behav. 2013;18(5):471–83.

[6] Camacho A, Mejia D. The externalities of conditional cash transfer programs on crime: the case of Familias en Acción in Bogota. Working paper. Bogota: Universidad de los Andes; 2013. Available from: http://siteresources.worldbank.org/EXTLACOFFICEOFCE/Resources/870892-1265238560114/ACamacho_Oct_2013.pdf.

(continued on next page)

Examples of actions to reduce violence (*continued*)

- Familias en Acción helped to reduce crime in Colombia, with robberies and car thefts declining by 7.2 percent and 1.3 percent, respectively.[6]

Regeneration

- The physical and social integration of informal urban neighborhoods in Medellin, Colombia, may have contributed to a steep decline in homicide rates (66 percent) in intervention neighborhoods.[7]

Policing

- Research in Brazil has found that the integration of police force operations leads to increased efficacy and reductions in crime.[8]

Sources: [7] Cerdá M, Morenoff JD, Hansen BB, Tessari Hicks KJ, Duque LF, Restrepo A, Diez-Roux AV. Reducing violence by transforming neighborhoods: a natural experiment in Medellin, Colombia. Am J Epidemiol. 2012 May 15;175(10):1045–53.

[8] Stelko-Pereira AC, Williams LCA. Evaluation of a Brazilian school violence prevention program: (Violência Nota Zero). Pensam Psicol. 2016;14:63–76.

RELEVANT INTERNATIONAL AGREEMENTS

Strategy and Plan of Action on Strengthening the Health System to Address Violence against Women (PAHO Resolution CD54.R12 [2015])

Preventing Violence and Injuries and Promoting Safety: A Call for Action in the Region (PAHO Resolution CD48.R11 [2008])

RECOMMENDATION 9. **IMPROVING ENVIRONMENT AND HOUSING CONDITIONS**

As well as broader issues of environment and climate change, the dwellings, environments, and communities in which people live and work are vital for health and health equity.

The Americas is the most urbanized region in the world and unplanned urban migration is continuing. The proportion of the population living in cities in Latin America and the Caribbean increased from 40 percent in the 1950s to 80 percent in 2016 (*87*). Growth is mostly now occurring in medium- and small-sized urban areas, boosted by people migrating to seek better opportunities, and those being forced out of rural areas as their land is turned over to large agricultural businesses and resource extraction industries.

For many, migration to urban areas results in extreme poverty and living in large slum areas in temporary, poor-quality housing with minimal services, including lack of sewerage and access to safe drinking water.

There are large inequalities among countries regarding the proportion of populations living in slums: it is approximately 70 percent in Haiti, whereas Suriname and Costa Rica have very low levels (*1*). In cities, informal settlements

PRIORITY OBJECTIVES	ACTIONS
9A. Develop and implement national planning strategies for sustainable rural and urban development	• Develop national urban and rural strategies that plan along four dimensions: economic performance, social conditions, sustainable resource use, and finance and governance • Build capacity and resources for local implementation, including multistakeholder governance arrangements • Develop standards to ensure good-quality, environmentally sustainable development • Balance development of rural and urban areas to reduce unplanned settlements
9B. Set and achieve environmental standards and upgrade poor-quality environments and housing	• Develop standards for universal basic services that cover housing, food, health care, education, transport, and communications • Ensure universal provision of safe water, sanitation, and electricity • Government financial support for upgrading poor-quality housing, including through civil society and private sector and community partnerships • Reduce air pollution through managed, clean transportation systems, reducing car use, and regulating pollutant emissions • Improve sustainable transportation infrastructure and systems and access to employment and services for deprived and rural areas • Ensure universal access to the internet • Meet SDGs 6, 7, and 11
9C. Ensure security of land tenure in informal settlements and other environments	• Establish legislation and mechanisms for formalizing land tenure for inhabitants living in informal settlements

Modern buildings and stilt houses on the Guamá River, Belém, Brazil

mean that inhabitants do not have security of land tenure, can be removed from their dwellings, and do not have access to essential services or social protections. There are clear health and other impacts resulting from this lack of land tenure.

Inequalities in environmental and living conditions and access to services across the Region drive inequalities in health. Poor performance on the following environmental determinants compound the risk to health and affect Indigenous communities disproportionately (*88*):

- Decent-quality, affordable housing in safe places with security of tenure;
- Access to safe drinking water, modern sanitation services, and sustainable waste disposal systems;

RELEVANT INTERNATIONAL AGREEMENTS

Strategy and Plan of Action on Urban Health (PAHO Resolution CD51.R4 [2011])

Sustainable Health Agenda for the Americas 2018–2030 (PAHO Resolution CSP29/6, Rev. 3 [2017])

Sustainable Development Goal 11 refers to slums and informal settlements. It aims to "make cities and human settlements inclusive, safe, resilient and sustainable." Within that goal is the target by 2030 to "ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums."

United Nations Development Programme. Sustainable Development Goals [Internet]; [accessed 27 June 2018]. Available from: http://www.undp.org/content/undp/en/home/sustainable-development-goals.html.

- Access to electricity and the internet;
- Effective, affordable public transportation systems to access to employment, educational opportunities, community facilities, healthy food, and other services;
- Clean air, water, and soil; and
- Access to green spaces and areas for physical activity.

All these and associated issues require long-term investment and coordinated, strategic planning at national level to reduce unplanned development and development of slums, but most countries do not have national urban planning strategies.

National and local planning strategies should be developed on principles of good governance, balanced national economic and environmental strategies, and integrated system and service planning. Brazil, for example, has a Ministry of Cities.

ACCESS TO IMPROVED SANITATION AND DRINKING WATER

In Latin America and the Caribbean, improved sanitation coverage in rural areas increased from 36 percent to 64 percent between 1990 and 2015 (*89*). However, there remain large inequalities among and within countries in the region. Open defecation is most common in rural areas of South America and the Caribbean (*90*).

There is a wealth gradient in many countries in access to improved drinking water. A higher percentage of population in rural areas with access to improved water facilities is closely associated with lower maternal mortality and under-5 mortality across the Region. In every country, Indigenous communities have lower levels of access. In Canada in 2016, there were 100 long-term advisories to boil drinking water and 47 short-term advisories in First Nations communities. Current spending levels will only address 50–70 percent of need despite the Canadian government's promise to end all boil-water advisories by 2021 (*91*).

Water pollution disproportionately affects poorer, Indigenous, and African-descent communities—as do land and air pollution.

AIR POLLUTION

Air pollution in the Americas causes as many as 93,000 deaths annually from cardiopulmonary disease, 13,000 deaths from lung cancer, and 58,000 years of life lost due to acute respiratory infections in children under 4 years of age (*92*). Studies in the Region have shown that exposure to air pollution is unequally distributed: poorer communities suffer most, and children in particular (*93*).

There are large differences in disability-adjusted life years (DALYs) attributable to ambient air pollution, as shown in Figure 4.7. For example, in Bolivia (Plurinational State of), Guyana, and Haiti, DALYs per 100,000 of the population were between 1,000 and 1,499 in 2012, while in Canada and the Unites States, these remained below 299 during the same period.

Progress in reducing air pollution in the United States of America appears to have slowed, and in Latin America and the Caribbean, pollution continues to worsen (*94*).

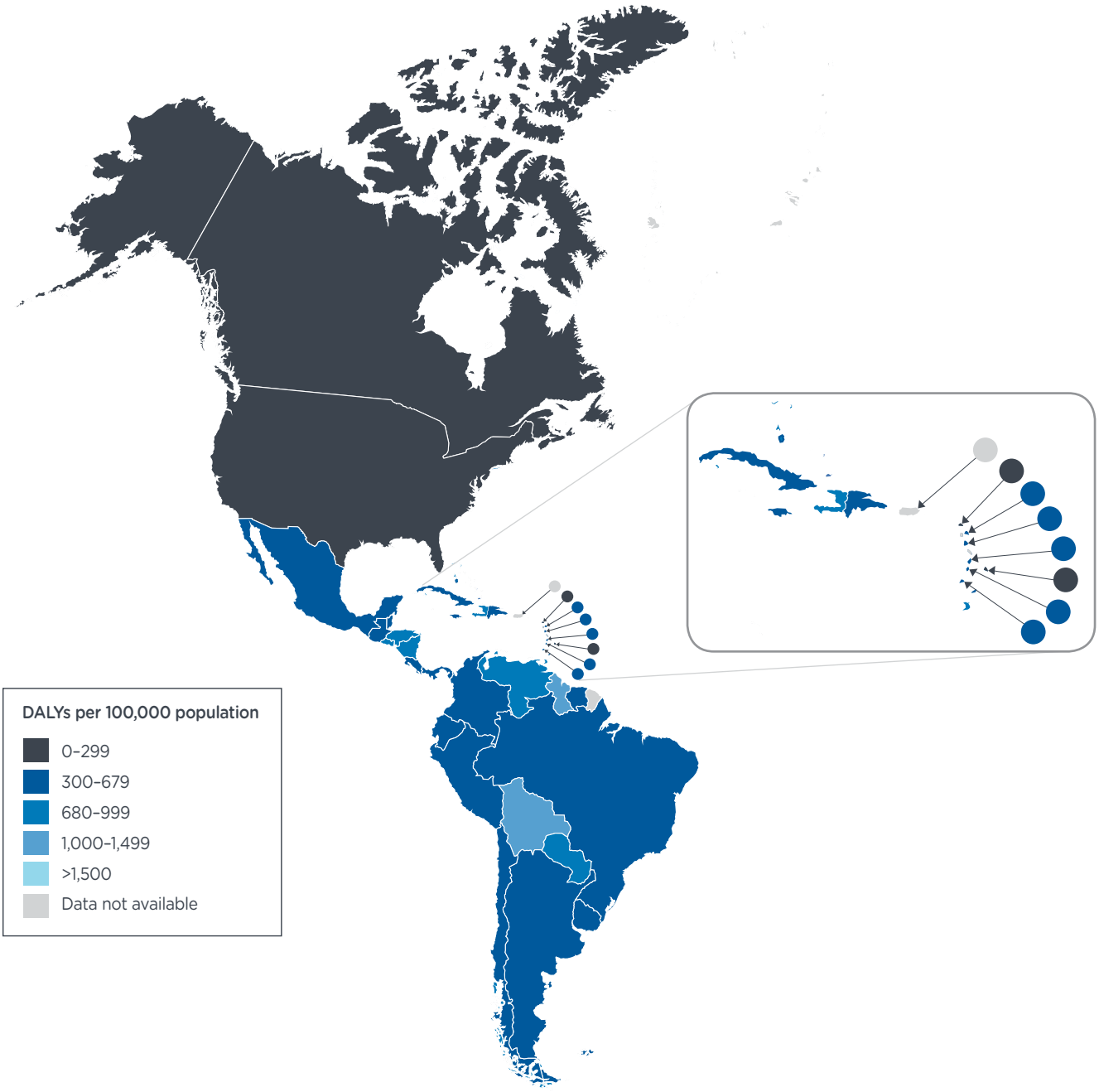
HOUSING CONDITIONS AND ACCESS

Currently, one in three families in Latin America and the Caribbean, 59 million people, live in dwellings that are either unsuitable for habitation or are built with poor materials and lack basic infrastructure services (*95*). Housing conditions relate closely to health: poor-quality housing, overcrowding, and insecurity of occupancy and tenure are important drivers of physical and mental ill health across the Region.

Housing is unaffordable to much of the population in the Region. More than 50 percent of families in Latin America's biggest cities cannot afford to buy a formal dwelling using their own means (*88*). In the United States of America, the physical segregation of the poor and less poor is increasing (*87*).

Figure 4.7.

Age-standardized disability-adjusted life years (DALYs) lost per 100,000 population that are attributable to ambient air pollution, Region of the Americas, 2012



Source: World Health Organization. Ambient air pollution: a global assessment of exposure and burden of disease. Geneva: WHO; 2016. Available from: https://apps.who.int/iris/bitstream/handle/10665/250141/9789241511353-eng.pdf?sequence=1.

Examples of successful interventions to improve environmental conditions

Housing

The *Piso Firme* Program in Mexico, begun in 2000, demonstrated the benefits that targeted upgrades, such as concrete flooring, can provide for the urban poor. As a result of the program, poorer communities in Mexico had relatively high rates of finished floors. Also, there were 13 percent fewer episodes of diarrhea and a 20 percent reduction in anemia, and communication skills improved by 30 percent.[1]

Patrimonio Hoy and Self-Help Housing in Mexico help low-income families form self-financing groups. They expedited the homebuilding process in many slums from 1988 onward and reduced costs by 30 percent.[2]

Formal land tenure

An evaluation in Buenos Aires, Argentina, in 2010 showed that families that received a formal land title substantially increased housing investments and reduced overcrowding.[3]

The Prime project [*Proyecto Prime*] upgraded settlements in Medellín, Colombia, by promoting citizen participation, helping with home improvement, and promoting the legalization of tenure.[3]

Water and sanitation

The Favela Bairro program in Brazil significantly increased the availability of services such as water and sanitation from 1996 to 2007; the results also showed that the program had a small but statistically significant impact on school attendance among those aged 5–20 years old.[4]

Urban planning and transportation

The *Trans Milenio* Bus Rapid Transit in Bogotá, Colombia (2000) connected low-income neighborhoods, and, by 2006, traffic had decreased by 89 percent and carbon dioxide emissions dropped by 40 percent.[5]

The WHO-led Healthy Cities program supports cities to improve health through development of positive environments, provision of basic sanitation and hygiene needs, and access to health care. Programs are unique to each city, but all involve multistakeholder partnerships and the involvement of citizens.[6]

Sources: [1] Economic Commission for Latin America and the Caribbean. The United Nations regional commissions and the 2030 Agenda for Sustainable Development: moving to deliver on a transformative and ambitious agenda. Santiago: ECLAC; 2015. Available from: https://repositorio.cepal.org/handle/11362/38959.

[2] Peters A, Schmidt J. CEMEX Patrimonio Hoy: providing integral housing solutions for low-income families. Case study [Internet]; 2014. Available from: http://endeva.org/wp-content/uploads/2015/08/bcta_casestudies_cemex_ph_final.pdf.

[3] Jaitman L. Urban infrastructure in Latin America and the Caribbean: public policy priorities. Latin Amer Econ Rev. 2015;24(1):13.

[4] Lonardoni F. From mass public housing to a twin-track approach. In: Magalhães F, editor. Slum upgrading and housing in Latin America. Washington, D.C.: Inter-American Development Bank; 2016: 31–59. Available from: https://publications.iadb.org/en/publication/12558/slum-upgrading-and-housing-latin-america.

[5] United Nations Human Settlements Programme. The state of Latin American and Caribbean cities 2012: towards a new urban transition. New York: UN Habitat; 2012. Available from: https://unhabitat.org/books/state-of-latin-american-and-caribbean-cities-2/.

[6] World Health Organization. Types of healthy settings: healthy cities [Internet]; [cited 13 Jul 2018]. https://www.who.int/healthy_settings/types/cities/en/.

RECOMMENDATION 10. **EQUITABLE HEALTH SYSTEMS**

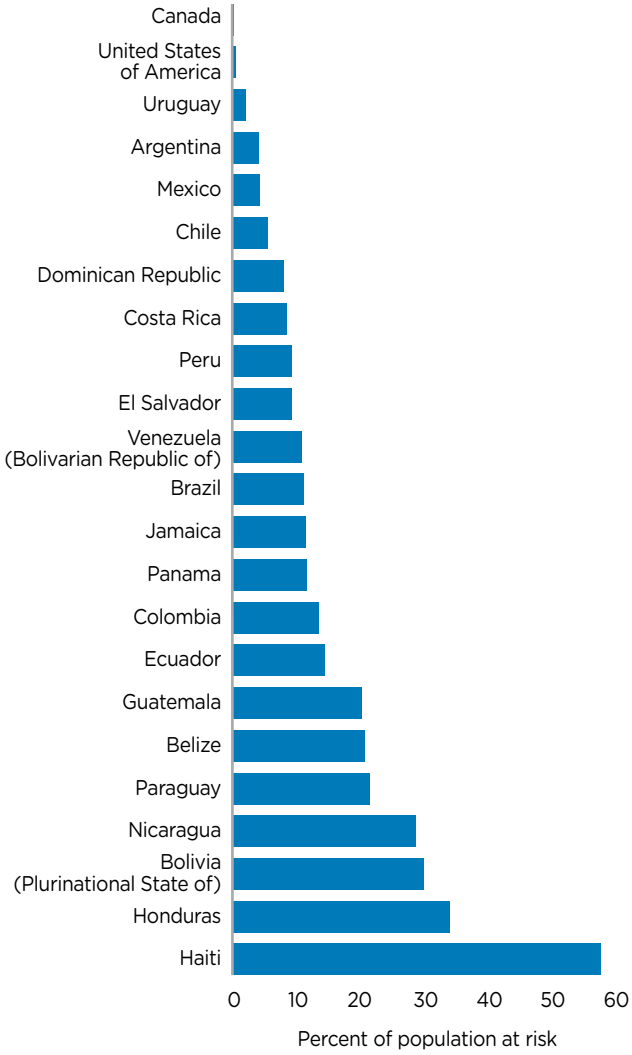
The PAHO Equity Commission is focused on the social determinants of health in the Americas, but health systems are crucial to greater health equity, too. Social determinants can exert a powerful influence on access to and quality of care, and universal access to quality care is an absolute necessity. Health systems can also address the causes of ill health, as well as treating them when they occur.

Universal health coverage is a key component of the right to health and is a prerequisite to equity in resources and health. Across the Region, there are high degrees of socioeconomic and ethnic inequities in access to health care resulting from the cost of services and, in some countries, the inadequacy of provision, particularly in rural areas and informal settlements (*28*).

The proportion of people in Latin America and the Caribbean who are at risk of expenditure on surgical care—defined as direct out-of-pocket payments for surgical and anesthesia care—leading to impoverishment has declined in recent years, from almost 20 percent in 2003, but still stands at approximately 11 percent of the total population in Latin America and the Caribbean (*1*). However, in some LAC countries, the proportion of people at risk of impoverishment as a result of expenditure on surgical care is much higher than that 11-percent value (Figure 4.8). The risk of having to make catastrophic payments for medical care is also

PRIORITY OBJECTIVES	ACTIONS
10A. Develop universal health systems and ensure access to health care, regardless of ability to pay	• Follow WHO universal health care recommendations and guidelines, and ensure compliance with the right to highest attainable standard of health, as recognized in international human rights law • Achieve SDG 3.8 by providing universal health care, including financial risk protection as well as access to safe, effective, quality, affordable essential medicines and vaccines for all
10B. Health systems should focus on protecting and improving physical and mental health, meeting essential public health functions	• Public health and health care systems to work together with other sectors, including communities, to ensure interventions are undertaken to improve conditions of daily life • Establish health system performance assessments of the 11 public health functions developed by PAHO *(96)* • Universal health systems should monitor access and outcome inequities—drawing on the right to health—and aim to eliminate and not exacerbate health inequities
10C. Health systems should focus on social and economic drivers of health-related behaviors, mental health, and suicide	• Health systems should build public and system understanding that health behaviors and mental health are influenced by structural drivers and conditions of daily life • Health professionals should work as national and local advocates for improvement of individual and community conditions, and providing treatment for patients • Include in health professional education and training how to understand and take action on the social determinants, and how to refer patients to support to improve their conditions of daily life

Figure 4.8.
Percent of the population at risk of impoverishment due to expenditure for surgical care, countries in the Americas with comparable data available, 2017



Source: World Bank. Databank. World development indicators [Internet]. Available from: https://data.worldbank.org.

correlated with under-5 mortality rates in countries in the Americas.

DEVELOPMENT OF HEALTH SYSTEMS: FOCUS ON HEALTH IMPROVEMENT

There is great scope for health care systems to broaden their approach to health and strengthen health improvement, enabling people to maintain good health as well as treating ill health. Currently, in most health care systems, this approach is underdeveloped. Meeting the essential public health functions would provide a firm basis for action.

Improving health requires health care organizations, the health care work force, public health systems, and partners to influence the conditions of daily life, through action with patients and community organizations, and in their role as employers and community leaders. There is much that health professionals can do. On an individual basis, health professionals can refer patients to available support for housing, financial support, access to benefits, and social protections. At a community level, health professionals can be advocates for action to protect and improve health: through effective transportation systems, reducing pollution, protecting natural environments, and fostering social integration. At a national and international level, health professionals can influence governments and international approaches—arguing for Health in All Policies (HiAP) approaches and more equitable policies, as well as supporting more access to affordable health care systems (*97*).

In turn, health care organizations can use their local assets—buildings, expertise, and knowledge of population health—to develop healthy local employment practices as well as support for civil society (*97*).

Prevention services—screening and vaccination—are frequently hard to access or unaffordable for many at-risk communities. With prevention services in the United States of America, data show that there are clear inequities in access that are related to ethnicity and socioeconomic position (*98*). Risky health behaviors are related to socioeconomic position and gender.

Throughout the Americas, being male and poor increases the likelihood of harmful alcohol consumption, smoking, and drug misuse.

RELEVANT INTERNATIONAL AGREEMENTS

Strategy on Human Resources for Universal Access to Health and Universal Health Coverage (PAHO Resolution CSP29.R15 [2017])

Resilient Health Systems (PAHO Resolution CD55.R8 [2016])

Strategy for Universal Access to Health and Universal Health Coverage (PAHO Resolution CD53.R14 [2014])

Men and women of all ages using public exercise equipment, Copacabana Beach, Rio de Janeiro, Brazil

Examples of successful health system programs

In **Brazil,** community health workers have been working for over 20 years, serving 54 percent of the population. Since their introduction, Brazil has seen significant health improvements and a reduction in health inequity, which researchers have attributed to the program. Improvements include a reduction in infant mortality and in hospitalizations. There have been improvements in the uptake of screening, breastfeeding, antenatal care, and immunizations, and reductions in mental health problems.[1]

In **Canada,** researchers sought to document the relationship that local access to primary care and measures of community control have with the rates of hospitalizations for First Nations on-reserve populations. The study found that the longer community health services have been under community control, the lower the hospitalization rate in the area.[2]

In **Cuba,** at the Latin America School of Medicine, preference is given to applicants who are from lower socioeconomic groups and/or people of color who show the most commitment to working in disadvantaged communities; 80 percent of graduates end up working in poor rural communities.[3]

In the **United States of America,** the Baylor Health Care System (Dallas,Texas) established an Office of Health Equity in 2006 with the purpose of reducing variations in health care access, care delivery, and health outcomes that arise from race and ethnicity, income and education, age and gender, and other personal characteristics (for example, primary language skills). The health care organization has redeveloped programs and improved outreach in services where inequities have been identified.[4]

In North Carolina, USA, a multiagency partnership was set up in 2011 to address the relatively high long-term unemployment rate of the local, rural population by training them to join the health care work force. Projections suggest that 25 percent or more will gain employment upon successful workforce training.[5]

Sources: [1] Wadge H, Bhatti Y, Carter A, Harris M, Parston G, Darzi A. Brazil's family health strategy: using community health workers to provide primary care. Case study. New York: The Commonwealth Fund; 2016. Available from: https://www.commonwealthfund.org/sites/default/files/documents/___media_files_publications_case_study_2016_dec_1914_wadge_brazil_family_hlt_strategy_frugal_case_study_v2.pdf.
[2] Lavoie JG, Forget EL, Prakash T, Dahl M, Martens P, O'Neil JD. Have investments in on-reserve health services and initiatives promoting community control improved First Nations' health in Manitoba? Soc Sci Med. 2010;71(4):717–24.
[3] Reed G. Cuba answers the call for doctors. Bull World Health Organ. 2010;88(5):325–6.
[4] Mayberry RM, Nicewander DA, Qin H, Ballard DJ. Improving quality and reducing inequities: a challenge in achieving best care. Proc (Bayl Univ Med Cent). 2006;19:103–18.
[5] Garrison HG, Heck JE, Basnight LL. Optimal care for all: the critical need for clinician retention in rural North Carolina. North Carolina Med J. 2018;79(6):386–9.

RECOMMENDATION 11. **GOVERNANCE ARRANGEMENTS FOR HEALTH EQUITY**

Experience shows that committed governments can make significant progress on addressing social determinants of health equity through their policies and actions. These policies and actions can be at the level of local government, national government, or transnational organizations. Action needs to be taken across the whole of government, not just by the health sector. Civil society also has an important role to play in achieving more equitable, dignified lives for people, with better health.

PRIORITY OBJECTIVES	ACTIONS
11A. Make health equity a key indicator of societal development and establish mechanisms of accountability	• All government ministries, not just health ministries, to work toward improving health and reducing health inequities by taking action on the social determinants of health • Establish cross-government mechanisms and develop strategic plans for improving health equity • Undertake health equity assessments of all policies and develop policies to amplify action on health equity • Develop public, national plans of action for health inequities and incorporate local government, communities, and cross-sector approaches, including the private sector
11B. The whole of government—including legislature, judiciary, and executive—to take responsibility for ensuring equity in all policies	• Involve the different sectors and levels of governance in creating and sustaining political support for health equity as a societal good • Strengthen the coherence and resourcing of actions among sectors and public, private, and voluntary stakeholders to redress the current patterns and magnitude of health inequities
11C. Develop and ensure the involvement of wider society—including civil society and communities—in setting priorities and policies for achieving health equity	• Make intelligence and data on health equity and social determinants accessible within the public domain, locally and nationally • Promote transparent, public reporting of actions and progress through a comprehensive monitoring system for health equity and social determinants • Provide support for local people and communities to participate in local decision-making and develop solutions that inform policies and investments at local and national levels • Strengthen the capacity of nongovernmental organizations and local authorities in their use of participatory planning methods that improve health and reduce social inequities • Take positive measures to support children's rights to participate in matters affecting them, including in public education, legal proceedings, and advocacy to achieve health equity

Community meeting, Port-au-Prince, Haiti

Governance systems determine who decides on policies, how resources are distributed across society, and how governments are held accountable. Governance for health equity through action on social determinants requires, at a minimum, adherence to the UNDP principles of good governance—legitimacy and voice, clear direction and vision, measurable performance, accountability, and fairness (*99*). But it also requires whole-of-government and whole-of-society approaches to reducing inequities based on "smart governance" principles—of collaboration, citizen engagement, regulation and persuasion, use of independent agencies and expert bodies, adaptive policies, resilient structures, and foresight (*12*).

Governance for health equity also requires new forms of leadership that shift the allocation of power toward communities and support a move toward decentralized decision-making systems involving local communities and that strengthen coherence between sectors and stakeholders.

THE RIO POLITICAL DECLARATION ON SOCIAL DETERMINANTS OF HEALTH

A key step in implementing a social determinants approach to health inequities globally was the adoption of the priorities outlined in the Rio Political Declaration on Social Determinants of Health, in 2011 (*100*). The five priority areas were:

1. Better governance for health and development;
2. Promotion of participation in policy-making and implementation;
3. Further reorientation of the health sector toward reducing health inequities;
4. Strengthening global governance and collaboration; and
5. Monitoring progress and increasing accountability.

It is necessary to make each of these appropriate for different country and locality contexts.

HEALTH IN ALL POLICIES (HiAP)

The HiAP approach to public policy can provide a basis for addressing the need for coherent concrete action across government to improve health (*101*). While the health sector commonly serves a central role, HiAP systematically takes into account the health implications of decisions across sectors and improves the accountability of policymakers for health impacts at all levels of policy-making. It includes an emphasis on the health consequences of public policies, including promoting health equity as a societal goal.

A cautionary note: a review of past HiAP approaches showed that intersectoral action appears to have been used most often to address downstream and midstream determinants of health, such as behaviors, with action on the "causes of the causes" occurring less often (*102*).

THE SURINAME EXPERIENCE OF IMPLEMENTING HEALTH IN ALL POLICIES (HiAP) TO ADDRESS THE SOCIAL DETERMINANTS OF HEALTH

Under the leadership of the Ministry of Health and with support from PAHO, the government of Suriname implemented a "Quick Assessment of the Social Determinants of Health" to understand the underlying causes of major health problems and associated health inequities in the country. The assessment of available data found that the social determinants are predominately geographical location, socioeconomic position, population group, and gender. These findings were used to establish eight country-specific areas of action. Suriname's experience demonstrates the success of taking on an intersectoral approach to health and highlights the strong links between the social determinants of health and HiAP.

Pan American Health Organization. Health in All Policies in the Americas. Health in All Policies approach: quick assessment of health inequities [Internet]; 2015. Available from: http://saludentodaslaspoliticas.org/en/experiencia-amp.php?id=29.

Suriname provides an example of taking forward a social determinants approach to health equity as part of HiAP.

A whole-of-government approach goes further than HiAP (*103, 104*). In addition to having explicit recognition of health in all policy formulation, a whole-of-government approach is aligned more strongly with the holistic approach of the 2030 Agenda for Sustainable Development (*6*). Governments can make progress by ensuring health equity in all policies as part of a whole-of-government approach.

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SUSTAINABLE DEVELOPMENT GOALS

In 2015, countries adopted a set of goals to end poverty, protect the planet, and ensure prosperity for all as part of a global sustainable development agenda. They may not have been formulated with health as a specific goal—they did not take the HiAP approach—but achieving the following SDGs will have profound impacts on achieving greater health equity:

Goal 1. End poverty in all its forms everywhere

Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture

Goal 3. Ensure healthy lives and promote wellbeing for all at all ages

Goal 4. Ensure inclusive and quality education for all and promote lifelong learning

Goal 5. Achieve gender equality and empower all women and girls

Goal 6. Ensure access to water and sanitation for all

Goal 8. Promote inclusive and sustainable economic growth, employment and decent work for all

Goal 10. Reduce inequality within and among countries

Goal 11. Make cities inclusive, safe, resilient and sustainable

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Goal 17. Revitalize the global partnership for sustainable development

To make progress toward achieving the SDGs, it is necessary to develop governance arrangements, including legislation and regulations, to strengthen joint accountability for equity—across sectors and decision-makers, and within and outside of government (*12*). These include:

- Mechanisms that actively promote involvement of local people and stakeholders in problem definition and solution development;
- Ensuring regular joint review of progress, which fosters common understanding and commitment to delivering shared results; and
- Using evidence to ensure policies address the main causal pathways and are capable of adapting over time.

MONITORING

Integral to good governance is the transparent monitoring of performance—to allow access to information and inform debate nationally with communities and others on achievements and challenges, including through the use of local intelligence.

Measurement of trends is also needed to track the consequences of policy decisions on inequities in health (*105*). For this to be sustainable, infrastructure support is required for successful monitoring in terms of both information technology and capacity-building.

From a social determinants and health equity perspective, monitoring of performance and trends requires disaggregated data. While reliable data on demographic trends and morbidity and mortality are available in some countries (as illustrated in Section 2), in most countries there is a lack of health information broken down by ethnicity or socioeconomic position indicators. This is a significant weakness in developing effective policies to address health inequities.

Case study: key indicators, Canada 2016–2017

In the report titled *Key Health Inequalities in Canada: A National Portrait*, a number of key indicators are identified as providing a baseline for monitoring (see Table 4.1). These indicators were analyzed by each of the following social stratifiers, where feasible:

- Sex/gender
- Indigenous identity
- Cultural/racial background
- Sexuality
- Functional health
- Participation and activity limitation
- Immigrant status
- Income
- Education
- Employment
- Occupation
- Material and social deprivation
- Urban/rural residence

Source: Public Health Agency of Canada; Pan-Canadian Public Health Network. Key health inequalities in Canada: a national portrait [Internet]; 2018. Available from: https://www.canada.ca/en/public-health/services/publications/science-research-data/key-health-inequalities-canada-national-portrait-executive-summary.html.

DISAGGREGATION OF DATA

The ways in which different groups are affected by and react to policies and social change vary systematically. As indicated above, it is important to disaggregate indicators based on actual or proxy measures both of social groups and changes over time. Crucially, the list of SDG indicators starts with a paragraph about disaggregation inspired by the Addis Ababa Action Agenda (*106*), which reads:

> Sustainable Development Goal indicators should be disaggregated, where relevant,

Table 4.1.
Baseline list of key indicators, Canada, 2016–2017

Health outcomes	Life expectancy and mortality	• Life expectancy at birth (ecological level) and health-adjusted life expectancy at age 18 years (individual level) • Infant mortality—weight > 500 grams • Unintentional injury mortality—all ages
	Mental illness	• Intentional self-harm/suicide—all ages • Mental illness hospitalization age 15+ years
	Self-assessed health	• Perceived mental health—fair or poor, age 18+ years
	Cause-specific outcomes	• Arthritis age 18+ years • Asthma age 18+ years • Diabetes—excluding gestational, age 18+ years • Disability age 18+ years • Lung cancer incidence • Obesity—age 18+ years • Oral health—no ability to chew age 18+ years • Tuberculosis
Health determinants (daily living conditions)	Health behaviors	• Alcohol use—heavy drinking • Smoking—age 18+ years
	Physical and social environment	• Core housing need • Exposure to second-hand smoke at home age 18+ years
Health determinants (structural drivers)	Social inequities	• Food insecurity—household • Working poor
	Early childhood development	• Vulnerability in early childhood development ages 5–6 years

Source: Public Health Agency of Canada; Pan-Canadian Public Health Network. Key health inequalities in Canada: a national portrait [Internet]; 2018. Available from: https://www.canada.ca/en/public-health/services/publications/science-research-data/key-health-inequalities-canada-national-portrait-executive-summary.html.

by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics, in accordance with the Fundamental Principles of Official Statistics (General Assembly resolution 68/261) (*107*).

The most promising way forward appears to be to align indicators, as far as possible, to the Rio Political Declaration on Social Determinants of Health (*100*) and to those indicators recommended for monitoring progress on key SDGs that are relevant to health equity. Indicators should be suitably disaggregated to reveal whether or not there is a narrowing of social inequity in society.

CAPACITY-BUILDING

Delivery of the 2030 Agenda for Sustainable Development requires considerable capacity-building in skills and substantial cultural change in organizations at national, local, and community level.

The health sector has a critical role in cross-government action, as advocates for making health equity a government priority and for leveraging change. It has a key role in leading and influencing public opinion. But this will only be effective if there is the capacity in other sectors—legislatures, government ministries, local government, NGOs, civil society, communities—to address the challenges posed by intersectoral action on the "causes of the causes."

RECOMMENDATION 12.
FULFILLING AND PROTECTING HUMAN RIGHTS

Human rights laws can be powerful tools, both for building awareness and consensus around shared values and for guiding analysis and strengthening measurement and accountability of human rights and health equity (*108*).

The human right to health is an "inclusive right" that extends beyond access to health care or physical health. Good governance can build on key human rights actions that:

- Require equity in social conditions, as well as in other modifiable determinants of health
- Underpin the right to a standard of living adequate for health
- Improve the distribution of the determinants of opportunities to be healthy, across the whole population

The United Nations Declaration on the Rights of Indigenous Peoples places peoples' rights to self-determination as a fundamental and inherent right and a necessary antecedent for the restoration of land and resource rights and the full enjoyment of human rights (*40*).

PRIORITY OBJECTIVES	ACTIONS
12A. Strengthen rights relating to social determinants of health as aspects of the right to health and to a dignified life	• Develop further the UN Committee on Economic, Social and Cultural Rights' principles and recommendations on rights relating to social determinants of health • Increase consideration of social determinants of health by the Inter-American Human Rights System and other human rights bodies in monitoring compliance with the right to health and a dignified life • Strengthen the human rights perspectives of international health organizations, including WHO
12B. Strengthen accountability for social determinants of health as an aspect of the right to health and to a dignified life	• Expand the training of judges on the inclusion of social determinants of health as being within the scope of the right to health, and on the interdependence of other rights and the concept of a dignified life • Expand the training of public officials and leaders, including officials in health systems, on the full accountability required by human rights commitments, in particular relating to disadvantaged populations • Strengthen reporting on social determinants of health to the UN Committee on Economic, Social and Cultural Rights • Strengthen access to justice and access to remedies for human rights violations related to the right to health and its social determinants
12C. Strengthen protection against all forms of discrimination in all spheres, including responsiveness to multiple forms of discrimination	• Strengthen legal protections and remedies against all forms of discrimination in public and private spheres • Integrate nondiscrimination principles into all public policies and services and ensure adequate data collection to monitor equality and nondiscrimination

RELEVANT HUMAN RIGHTS APPROACHES AND MECHANISMS

UN human rights system

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

International Covenant on Economic, Social and Cultural Rights (1966)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)

Convention on the Rights of the Child (1989)

Convention on the Rights of Persons with Disabilities (2007)

United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295 [2007])

United Nations. Proclamation of the International Decade for People of African Descent (A/RES/68/237 [2013])

Inter-American system: the Inter-American Court of Human Rights

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) (1994)

Inter-American Convention on Protecting the Human Rights of Older Persons (2015)

5. CONCLUSIONS

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The PAHO Equity Commission was set up to address health inequities—those systematic inequalities in health among social groups that are judged to be unfair. We have set out recommendations with priority objectives and, associated with these, specific actions to achieve this. We start with the premise that health is an end in itself, a worthwhile goal for individuals and for communities. Achieving this for all requires social justice. A society that meets the needs of its members, in an equitable way, is likely to be a society with a high level of population health and relatively narrow health inequities.

Our perspective is to address the "causes of the causes": the reasons why known interventions that would improve health are denied to some groups in society. The roots of the current inequities lie in the very structures of society—the distribution of power, money, and resources—and colonial attitudes and attitudes toward gender that are the past and present realities of the the Region of the Americas.

Public action is necessary to create the conditions for people to lead a dignified life, characterized by self-determination, recognizing the indivisibility, interrelatedness, and interdependence of civil, political, economic, social, cultural, and Indigenous rights. We have highlighted that health inequities are not a matter of "them and us," the excluded and non-excluded, but to varying degrees affect everyone in society—this is the social gradient in health. But the most vulnerable suffer multiple disadvantages. For this reason, action on the social determinants of health is necessary for everyone, but so too is action to meet the distinctive needs and aspirations of people whose lives are most affected by exclusion, discrimination, and disadvantage.

Human rights laws can be powerful tools to strengthen these principles, not only by contributing toward building awareness and consensus around shared values, but also by guiding analysis and strengthening measurement and accountability of both human rights and health equity.

Through the Sustainable Development Goals, countries have agreed to mobilize efforts over the next 15 years to end all forms of poverty, fight inequalities, and tackle climate change, while ensuring that "no one is left behind." As part of this process, each country should review the priority objectives, as set out by this Commission, adapt them to their specific context, and identify the resources, legislative changes, and capacity-building needed to take forward the specific actions. The achievement will be more just societies in which all people are enabled to lead dignified lives and in which health equity is a realizable goal.

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In the last decades, health in the Region of the Americas has improved dramatically, yet many people are being left behind. PAHO has established the Commission on Equity and Health Inequalities in the Americas to analyze the impact of drivers influencing health, while proposing actions to improve inequalities in health.

According to the evidence presented in this summary, much of ill health is socially determined. Factors such as socioeconomic position, ethnicity, gender, sexual orientation, disability status, being a migrant—alone or in combination—can contribute to marked inequalities in health on life. The analysis also reveals that other structural factors, such as climate change, environmental threats, and one's relationship with the land, as well as the continuing impact of colonialism and racism, are also slowing progress towards a dignified life and enjoying the highest attainable standards of health. Furthermore, the impact of daily life conditions shows that the effect of inequalities is seen at the start of life.

The summary provides examples of successful policies, programs, and actions implemented in countries and presents 12 recommendations to achieve health equity, calling for coordinated actions among local and national governments, transnational organizations, and civil society to jointly address the social determinants of health.

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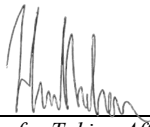
This is Exhibit "49" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Statement of Apology – to former students of Indian Residential Schools

The treatment of children in Indian Residential Schools is a sad chapter in our history.

For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities. In the 1870s, the federal government, partly in order to meet its obligation to educate Aboriginal children, began to play a role in the development and administration of these schools. Two primary objectives of the Residential Schools system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, "to kill the Indian in the child". Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country.

One hundred and thirty-two federally-supported schools were located in every province and territory, except Newfoundland, New Brunswick and Prince Edward Island. Most schools were operated as "joint ventures" with Anglican, Catholic, Presbyterian or United Churches. The Government of Canada built an educational system in which very young children were often forcibly removed from their homes, often taken far from their communities. Many were inadequately fed, clothed and housed. All were deprived of the care and nurturing of their parents, grandparents and communities.

First Nations, Inuit and Métis languages and cultural practices were prohibited in these schools. Tragically, some of these children died while attending residential schools and others never returned home.

The government now recognizes that the consequences of the Indian Residential Schools policy were profoundly negative and that this policy has had a lasting and damaging impact on Aboriginal culture, heritage and language. While some former students have spoken positively about their experiences at residential schools, these stories are far overshadowed by tragic accounts of the emotional, physical and sexual abuse and neglect of helpless children, and their separation from powerless families and communities.

The legacy of Indian Residential Schools has contributed to social problems that continue to exist in many communities today.

It has taken extraordinary courage for the thousands of survivors that have come forward to speak publicly about the abuse they suffered. It is a testament to their resilience as individuals and to the strength of their cultures. Regrettably, many former students are not with us today and died never having received a full apology from the Government of Canada.

June 11, 2008

The government recognizes that the absence of an apology has been an impediment to healing and reconciliation. Therefore, on behalf of the Government of Canada and all Canadians, I stand before you, in this Chamber so central to our life as a country, to apologize to Aboriginal peoples for Canada's role in the Indian Residential Schools system.

To the approximately 80,000 living former students, and all family members and communities, the Government of Canada now recognizes that it was wrong to forcibly remove children from their homes and we apologize for having done this. We now recognize that it was wrong to separate children from rich and vibrant cultures and traditions, that it created a void in many lives and communities, and we apologize for having done this. We now recognize that, in separating children from their families, we undermined the ability of many to adequately parent their own children and sowed the seeds for generations to follow, and we apologize for having done this. We now recognize that, far too often, these institutions gave rise to abuse or neglect and were inadequately controlled, and we apologize for failing to protect you. Not only did you suffer these abuses as children, but as you became parents, you were powerless to protect your own children from suffering the same experience, and for this we are sorry.

On behalf of the Government of Canada
The Right Honourable Stephen Harper,
Prime Minister of Canada

The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country. There is no place in Canada for the attitudes that inspired the Indian Residential Schools system to ever again prevail. You have been working on recovering from this experience for a long time and in a very real sense, we are now joining you on this journey.

The Government of Canada sincerely apologizes and asks the forgiveness of the Aboriginal peoples of this country for failing them so profoundly.

In moving towards healing, reconciliation and resolution of the sad legacy of Indian Residential Schools, implementation of the Indian Residential Schools Settlement Agreement began on September 19, 2007. Years of work by survivors, communities, and Aboriginal organizations culminated in an agreement that gives us a new beginning and an opportunity to move forward together in partnership. A cornerstone of the Settlement Agreement is the Indian Residential Schools Truth and Reconciliation Commission. This Commission presents a unique opportunity to educate all Canadians on the Indian Residential Schools system. It will be a positive step in forging a new relationship between Aboriginal peoples and other Canadians, a relationship based on the knowledge of our shared history, a respect for each other and a desire to move forward together with a renewed understanding that strong families, strong communities and vibrant cultures and traditions will contribute to a stronger Canada for all of us.

Présentation d'excuses aux anciens élèves des pensionnats indiens

Le traitement des enfants dans ces pensionnats est un triste chapitre de notre histoire.

Pendant plus d'un siècle, les pensionnats indiens ont séparé plus de 150 000 enfants autochtones de leurs familles et de leurs communautés. Dans les années 1870, en partie afin de remplir son obligation d'instruire les enfants autochtones, le gouvernement fédéral a commencé à jouer un rôle dans l'établissement et l'administration de ces écoles. Le système des pensionnats indiens avait deux principaux objectifs : isoler les enfants et les soustraire à l'influence de leurs foyers, de leurs familles, de leurs traditions et de leur culture, et les intégrer par l'assimilation dans la culture dominante. Ces objectifs reposaient sur l'hypothèse que les cultures et les croyances spirituelles des Autochtones étaient inférieures. D'ailleurs, certains cherchaient, selon une expression devenue tristement célèbre, « à tuer l'Indien au sein de l'enfant ». Aujourd'hui, nous reconnaissons que cette politique d'assimilation était erronée, qu'elle a fait beaucoup de mal et qu'elle n'a aucune place dans notre pays.

Cent trente-deux écoles financées par le fédéral se trouvaient dans chaque province et territoire, à l'exception de Terre-Neuve, du Nouveau-Brunswick et de l'Île-du-Prince-Édouard. La plupart des pensionnats étaient dirigés conjointement avec les Églises anglicane, catholique, presbytérienne ou unie. Le gouvernement du Canada a érigé un système d'éducation dans le cadre duquel de très jeunes enfants ont souvent été arrachés à leurs foyers et, dans bien des cas, emmenés loin de leurs communautés. Bon nombre d'entre eux étaient nourris, vêtus et logés de façon inadéquate. Tous étaient privés des soins et du soutien de leurs parents, de leurs grands-parents et de leurs communautés. Les langues et les pratiques culturelles des Premières nations, des Inuits et des Métis étaient interdites dans ces écoles. Certains de ces enfants ont connu un sort tragique en pension et d'autres ne sont jamais retournés chez eux.

Le gouvernement reconnaît aujourd'hui que les conséquences de la politique sur les pensionnats indiens ont été très néfastes et que cette politique a causé des dommages durables à la culture, au patrimoine et à la langue autochtones. Bien que certains anciens élèves aient dit avoir vécu une expérience positive dans ces pensionnats, leur histoire est de loin assombrie par les témoignages tragiques sur la négligence, l'abus émotif, physique et sexuel d'enfants sans défense, et ainsi que la séparation de leurs familles et communautés impuissantes.

L'héritage laissé par les pensionnats indiens a contribué à des problèmes sociaux qui persistent dans de nombreuses communautés aujourd'hui.

Il a fallu un courage extraordinaire aux milliers de survivants qui ont parlé publiquement des mauvais traitements qu'ils ont subis. Ce courage témoigne de leur résilience personnelle et de la force de leur culture. Malheureusement, de nombreux anciens élèves ne sont plus des nôtres et sont décédés avant d'avoir reçu des excuses du gouvernement du Canada.

Le gouvernement reconnaît que l'absence d'excuses a nui à la guérison et à la réconciliation. Alors, au nom du gouvernement du Canada et de tous les Canadiens et Canadiennes, je me lève devant vous, dans cette chambre si vitale à notre existence en tant que pays, pour présenter nos excuses aux peuples autochtones pour le rôle joué par le Canada dans les pensionnats indiens.

Aux quelque 80 000 anciens élèves toujours en vie, ainsi qu'aux membres de leurs familles et à leurs communautés, le gouvernement du Canada admet aujourd'hui qu'il a eu tort d'arracher les enfants à leurs foyers et s'excuse d'avoir agi ainsi. Nous reconnaissons maintenant que nous avons eu tort de séparer les enfants de leur culture et de leurs traditions riches et vivantes, créant ainsi un vide dans tant de vies et de communautés, et nous nous excusons d'avoir agi ainsi. Nous reconnaissons maintenant qu'en séparant les enfants de leurs familles, nous avons réduit la capacité de nombreux anciens élèves à élever adéquatement leurs propres enfants et avons scellé le sort des générations futures, et nous nous excusons d'avoir agi ainsi. Nous reconnaissons maintenant que, beaucoup trop souvent, ces institutions donnaient lieu à des cas de sévices ou de négligence et n'étaient pas contrôlées de manière adéquate, et nous nous excusons de ne pas avoir su vous protéger. Non seulement vous avez subi ces mauvais traitements pendant votre enfance, mais, en tant que parents, vous étiez impuissants à éviter le même sort à vos enfants, et nous le regrettons.

Le fardeau de cette expérience pèse sur vos épaules depuis beaucoup trop longtemps. Ce fardeau nous revient directement, en tant que gouvernement et en tant que pays. Il n'y a pas de place au Canada pour les attitudes qui ont inspiré le système de pensionnats indiens, pour qu'elles puissent prévaloir à nouveau. Vous tentez de vous remettre de cette épreuve depuis longtemps, et d'une façon très concrète, nous vous rejoignons maintenant dans ce cheminement.

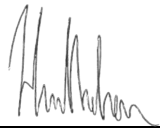
Le gouvernement du Canada présente ses excuses les plus sincères aux peuples autochtones du Canada pour avoir si profondément manqué à son devoir envers eux, et leur demande pardon.

Entrée en vigueur le 19 septembre 2007, la Convention de règlement relative aux pensionnats indiens s'inscrit dans une démarche de guérison, de réconciliation et de règlement des tristes séquelles laissées par les pensionnats indiens. Des années d'efforts de la part des survivants, des communautés et des organisations autochtones ont abouti à une entente qui nous permet de prendre un nouveau départ et d'aller de l'avant en partenariat. La Commission de vérité et de réconciliation est au cœur de la Convention de règlement. La Commission constitue une occasion unique de sensibiliser tous les Canadiens et Canadiennes à la question des pensionnats indiens. Il s'agira d'une étape positive dans l'établissement d'une nouvelle relation entre les peuples autochtones et les autres Canadiens et Canadiennes, une relation basée sur la connaissance de notre histoire commune, sur un respect mutuel et sur le désir de progresser ensemble, avec la conviction renouvelée que des familles fortes, des communautés solides et des cultures et des traditions bien vivantes contribueront à bâtir un Canada fort pour chacun et chacune d'entre nous.

le 11 juin 2008

Au nom du gouvernement du Canada
le très honorable Stephen Harper,
premier ministre du Canada

This is Exhibit "50" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Rome Declaration 2023
Statement

Safeguarding Seven Generations
in times of Food, Social, and Ecological Crisis

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We, the **Indigenous Youth**, hailing from the seven socio-cultural regions of the world: (i) Africa; (ii) Asia; (iii) North America; (iv) Central, South and Caribbean America; (v) the Arctic; (vi) the Pacific; and (vii) Central and Eastern Europe, Central Asia, Transcaucasia, Russian Federation; gathered from 16 to 20 October 2023 at the Food and Agriculture Organization of the United Nations (**FAO**) headquarters in Rome for the second session of the biennial United Nations Global Indigenous Youth Forum (**UNGIYF**); and present the **2023 Rome Declaration – on Safeguarding Seven Generations**, to the world.

On this second session of the UNGIYF, we acknowledge the Global Indigenous Youth Caucus (**GIYC**) for their collaboration with the World Reindeer Herders Association and FAO to bring this to fruition.

We are the voices of the Indigenous Youth who participated in the UNGIYF both in person and virtually. We represent at least 95 Indigenous Nations around the world and bring with us our historical processes. We are also Indigenous Peoples who come from over 54 different countries from the seven socio-cultural regions of the world.

Indigenous Youth advocated for the creation of the UNGIYF. We collaborated with FAO to create what is the only high-level forum for the voices of Indigenous Youth to be heard directly at the United Nations, to engage directly with Member States, and be our platform to raise our concerns, make recommendations, and advocate on those matters that affect us.

Through this second session of the UNGIYF, we have raised our voices on the perspectives, concerns, challenges, and priorities to make proposals for safeguarding a sustainable, self-sufficient, and resilient Indigenous Peoples' food and knowledge systems for at least the next seven generations.

We are the future of Mother Earth because her challenges are our challenges; our role, our leadership, and our traditional knowledge are key to addressing the current crisis that she, all forms of life, and humanity face.

Mother Earth is being damaged, her ability to feed people and sustain life is at risk by the continuity of a social, political, and economic system, which perpetuates industrial production, deforestation, water extraction, soil pollution, and exploitation of the world's biodiversity. This way of food production has damaged Mother Earth, which is particularly felt by Indigenous Peoples, because the direct impacts have been on our traditional lands and waters, our forests, our rivers, our ecosystem, the very thing that grounds our identity—the symbiosis between our peoples and our traditional territories.

Even though we, Indigenous Peoples, are the custodians and protectors of 80% of the world's biodiversity; those who drive scientific endeavour and the development of policy, continue to diminish and disregard Indigenous Peoples' important role in the process; we are exploited, and our traditional food and knowledge systems taken advantage of.

These are systems that can be a gift for the world to help revolutionise the way we tackle the challenge of ending world hunger, and healing Mother Earth.

We, the Indigenous Youth, are the product of our ancestors; our ancestors who endured colonisation, violence, exploitation, dispossession, displacement, marginalization, and discrimination.

We, the Indigenous Youth, are the present, and the future, the action that the world needs to take in order to face this crisis, to return to peace, harmony, involves reconciliation, recognition, and reparation of the intergenerational damage that has been faced by our Indigenous Peoples globally.

The way humanity is producing and consuming food is leading us to catastrophe. Indigenous Peoples' food and knowledge systems are the engine of the transformations that we all need and truly aspire to.

We are here for the future of the next generations because the pain has not stopped us and we come to build as we have done for centuries to heal ourselves, heal Mother Earth and humanity. Our food and knowledge systems are sustainable, resilient, wise, harmonious, and equitable.

We have lived and experienced firsthand the pain of modern genocide, green colonialism, and the development of extractive capitalism, and we know that these damages are irreversible. We, Indigenous Youth, are the protectors and safeguards of the next seven generations. We are the seeds of change. But we need the right conditions to thrive.

Today we reaffirm that the rights of Indigenous Youth are linked to the collective rights of our peoples who have a deep relationship with our territories, ecosystems, ancestral knowledge, and spirituality, which have an intrinsic connection with our food and knowledge systems, and which are an essential part of our identities.

We recognize the intergenerational efforts to create spaces for dialogue with Member States and United Nations agencies; the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the Rights of Indigenous Peoples. We also urge you to continue working closely for the next generations and the future of life and Mother Earth.

We belong to the generation at risk by the actions of current and past actors, but at the same time, we are the generation that can contribute to ensuring there are seven more generations to come. We, Indigenous Youth, are the nexus between the past and the future, we strive to become good ancestors and custodians, we can help the world construct a better future.

So, on this day, gathered here in Rome for the second session of the biennial United Nations Global Indigenous Youth Forum, we ask the world to listen to our messages, our recommendations, our demands, and to ask for your support to implement the actions that will allow us to have a future for all.

We seek your support so that we all may flourish in reconciliation and healing of the wounds and sufferings that our last seven generations have endured, to offer a more prosperous future to the next seven generations to come.

On commitments – We are the next generation

Our knowledge as Indigenous Peoples is essential for the transformation of food systems, but it is in danger. Our grandfathers and grandmothers, repositories of millennial knowledge, are slowly disappearing as well as our cultures and languages. We are prepared to overcome the challenges of knowledge and language transmission. Indigenous Youth have the unique ability to navigate different worlds at the same time. We can merge the ancestral and the own with what is said modern. But we need the right policies to support us in the process of safeguarding, reviving and strengthening the world's oldest, most sustainable, efficient and necessary knowledge. This is why:

- We demand that Member States, United Nations Agencies and decision makers assume the responsibility that corresponds to them and do not miss the opportunity to protect humanity and the planet.

- We remind you that we have seven years left before talking about the achievement of the SDG goals, we are far behind because there is still a long way to go to improve access and engagement to training, innovation, new technologies, adaptation and mitigation mechanisms, and agendas.

- We demand justice, reparation and restoration for historical and intergenerational damages, recognizing the value of our knowledge and wisdom, custom and languages, including our food systems and the territories where life flourishes.

- We demand the creation of specific funds for the preservation of our sustainable and resilient Indigenous Peoples' food and knowledge systems and support innovation and knowledge projects for Indigenous Youth and their holistic perspective, urging that these funds reach the direct hands of Indigenous Peoples.

On responsibility - Mother Earth is hurt and angry

We, Indigenous Youth, are the first to experience and most affected to the impacts of the damage inflicted on Mother Earth but we are also her advocates and protectors. The effects of climate change is how Mother Earth communicates her discontent and frustration about how her children mistreat her. The acceleration of these changes, coupled with biodiversity loss, puts even the most resilient in our food and knowledge systems at risk. Actions must be taken to sustainably preserve what the seven future generations have lent us. This is why:

- We urge Member States to recognize that adequate food is intrinsically linked to the regulation of Indigenous Peoples' territories, traditional knowledge, peace and security.

- We urge Member States to implement regulations and programs for biodiversity conservation with the leadership and meaningful participation and engagement of Indigenous Peoples, including initiatives to protect bees and other pollinators, endangered terrestrial and aquatic species that are the foundation of our food systems.

- We urge countries to take all necessary measures to curb greenhouse gas emissions in order to prevent the worst effects of climate change and recall that all parties gathered at COP 28 and CBD 16, must commit to courageous plans that ensure no further jeopardization of food systems, biodiversity and knowledge of Indigenous Peoples.

- To the United Nations Entities to create a program for Indigenous Youth on food systems in relation to the challenges and exposure to violence, damage, and trauma due to the loss of biodiversity in their lands and territories.

On the Claims - Modern Genocide Must Cease

The use of toxic, agrochemicals, particularly pesticides, poisons our forests, rivers, waters, and communities. Our lifelines are being cut off. We are facing a modern genocide. These practices not only affect Indigenous Youth, but all of humanity and the future of Mother Earth. We continue to face the desire to be exterminated. Extractive industries, such as oil exploitation and mining, destroy our territories and pollute our waters, our air, our food and our soil. This is why:

- We denounce the lack of attention to the risks we live today and those that the next seven Indigenous and non-Indigenous generations will face due to the uncontrolled use of pesticides and other chemicals, poisons of modernity.

- We propose to FAO the creation of a high-level consultative body, which includes representatives of Indigenous Youth, to guide the monitoring and regulation of the use of pesticides, agrochemicals, toxics, and any other substance that contributes to the genocide of our Peoples and the life of our territories.

- We urge Member States and industries to implement free, prior, and informed consent especially when our right to a healthy life is at risk, as well as the capacity of our food and knowledge systems to generate food sustainably for current and future generations.

On Actions – Stop Green Colonialism and Extractivism in the Name of Development

The so-called green or sustainable solutions to climate change are detrimental to us, they are false alternatives and a form of green colonialism because as they advance on our territories, it destroys and affects our lives and all the forms of life that inhabit there. Green colonialism including food colonialism has the potential to disrupt the ability of Indigenous Youth to preserve their intergenerational food and knowledge systems. Certain initiatives, projects, products, and policies perceived as "sustainable" could be detrimental to us.

We, the Indigenous Youth, are the heirs of hundreds of years of suffering caused by colonialism. This is why:

- We demand that any decision in the name of development or implementation of the so-called sustainable-green solutions that may affect Indigenous Peoples and Indigenous Youth in any way and that drives the phenomenon of "green colonialism" including “food colonialism” must be stopped immediately.

- We demand that before implementing any green or sustainable solution that involves our territories, knowledge or ways of life, our right to free, prior, and informed consultation is implemented.

- We urge Member States and United Nations agencies to commit to repairing the damage caused by intergenerational trauma and renewed violence caused by green colonialism, which also permeates our food systems.

- We urge Member States to regulate any projects that affect, or have the potential to adversely affect, Indigenous Peoples' food and knowledge systems.

- We urge the world to reformulate the narratives of "green colonialism" along with “food colonialism” and false solutions that exclude the needs and violate the rights of Indigenous Peoples, increasing inequality gaps, violence and generating conditions of marginalization.

On the demands – Our territories must be free of violence

Our territories are our home and without them, we risk losing our food and knowledge systems that are key for future generations, Indigenous and non-indigenous Peoples. The lack of opportunities, discrimination, the presence of organized crime, armed groups or war zones in our territories. Food insecurity increases, violence continues to cause displacement, poverty and, finally, the abandonment and loss of our food and knowledge systems. All this distances Indigenous Youth from our ancestral knowledge. This is why:

- We urge UN agencies to create a programme on food systems for Indigenous Youth. The programme should focus on the challenges and exposure to conflict, violence, damage and trauma caused by biodiversity loss in Indigenous Peoples’ lands and territories.

- We recommend that Member States, United Nations agencies and research centres establish professional capacity-building programmes aimed at providing Indigenous Youth with decent employment conditions. This would allow them to remain key actors for change.

- We urge Member States to act on protecting Indigenous Women, Indigenous Children, Indigenous Youth and Indigenous Persons belonging to sexual minorities because they are most affected in areas of conflict and land grabbing. The Member States must create programs to support Indigenous women, children and youth to strengthen their capacities, and improve living and job conditions while ensuring their basic rights are first guaranteed.

About the Urgencies-Our food, our health and mental health

Ultra-processed foods are invading our territories and displacing our traditional diets, corrupting our food and knowledge systems and thereby affecting our physical, spiritual and mental health. We, Indigenous Youth, hold the key to our health in our hands. However, external forces continue to jeopardize our food and knowledge systems, damaging our identity relations, affecting our physical, mental and spiritual health.

Safeguarding the knowledge that has kept our ancestors healthy, recognizing the potency of our food systems is the way to provide healthy living for the next seven future generations, and continuing our balanced and medicinal diets, to reduce the negative effects we face.

We know that talking about the future must include respect for our food and our food systems, for the preservation of life. This is why:

- We demand the implementation of specific policies for the responsible labelling of ultra-processed foods. These should warn of potential negative health effects and allow food traceability.

- We demand the creation of mechanisms of social responsibility, accountability, transparency, and democratic behaviours for the industries that produce ultra-processed foods and thus repair or stop the damages that ultra-processed foods may cause.

- We demand the recognition, strengthening and visibility towards Indigenous Peoples' and Community Conserved Areas and Territories (ICCAs) and the movement to foster food sovereignty throughout the world through knowledge sharing and enhanced mutual support.

- We recommend that Indigenous Peoples' organizations, Member States, United Nations agencies and other key actors strengthen the visibility and defend Indigenous Peoples' food and knowledge systems, recipes, ingredients, cooking, and production methods while respecting our intellectual property rights and knowledge systems.

- We urge Member States, governments, academia, society, and key actors to recognize our contribution to healthy diets and respect the nutritional value, establishing legal mechanisms for their protection as heritage and collective memory of Indigenous Peoples.

- We demand that governments recognize that our systems are healthy and sustainable, strengthening the inclusion of Indigenous Peoples' knowledge by investing in our science so that our communities are self-sufficient, but also contributing to food security challenges.

- We urge Member States to include Indigenous Peoples' Food, Culture and Knowledge Systems as a key part of their school curricula at all levels and strengthen our relationship of identity and thereby guarantee the rights of Indigenous children and food and strengthen the economies of Indigenous Peoples.

About Respect- Stop biopiracy and intellectual property

We are a product of biodiversity and knowledge. But these two elements are being stolen from us. The disrespectful and unauthorized appropriation and looting of genetic material, knowledge and any other form of biopiracy related to Indigenous Peoples' food and knowledge systems must cease immediately. Any form of usurpation and theft is unacceptable. Indigenous Peoples' knowledge is crucial to overcoming multiple crises, but it is paramount to respect it, along with its protectors for generations to come. This is why:

- We demand that Member States, United Nations Agencies and decision-makers guarantee our intellectual property rights, the protection of our genetic resources and the patenting of our Indigenous food and knowledge systems.

- We urge WIPO to enhance the participation and capacity building of Indigenous Youth for defensive protection of our intergenerational knowledge, genetic resources, and heritage.

- We urge academia and research to also respect and enforce our intellectual property rights and that any research or findings involving Indigenous Peoples, their territories, knowledge, and food systems, be within a framework of the right to self-determination and prior, free, and informed consultation.

- We urge academia to recognize the value and contribution of the wisdom and knowledge of Indigenous Peoples and adequately support Indigenous Peoples' knowledge and food systems, for the construction of mechanisms for reparation and restoration of damages in

the instances in which Indigenous Peoples have been affected and their intellectual property rights have been violated.

- We urge that all research materials should indicate proper authorship highlighting the level of participation and honorship of Indigenous Peoples.

We thank FAO, the follow-up of the recommendations and collaboration for the implementation of the biennial UN Global Indigenous Youth Forum, the Global Declaration of Indigenous Youth on Sustainable and Resilient Food Systems, the launch of the campaign "My food vision is...", and specific actions for Indigenous Youth, in almost a decade of collaboration with the Global Indigenous Youth Caucus.

We value the efforts and participatory accompaniment of the World Reindeer Herders Association, Nomad Indigenous FoodLab, who claim and highlight the innovation of Indigenous Peoples' food and knowledge systems.

We recognize the commitment of the Indigenous Peoples' Food Systems Coalition and the Global-Hub on Indigenous Peoples' food systems to promote the protection and strengthening of Indigenous Peoples' knowledge and food systems for the benefit of all humanity.

It is the 45% of Indigenous Youth from the seven socio-cultural regions of the 476 million Indigenous Peoples in the world who must bear the weight of responsibility for the catastrophe that is approaching for future generations, in the face of the emergency of leaving no one behind in goals that can hardly be achieved in seven years in the vision of the 2030 agenda.

This situation is unacceptable, and we urge the world to be part of the solutions for reconciliation and reparation of the damages that are reflected in natural disasters, which continue to impede basic needs such as food.

Therefore, we encourage the entities of the United Nations, IFAD, FAO and WHO, UNESCO, UNICEF, WFP, UNEP, to also come and join us, and in the future host the secretariat of the UNGIYF forum, within the framework of leaving no one behind and fulfilling the promised commitments, in an articulated and collaborative manner.

In reaffirming the echo of the voices of the seven regions, in the words of one of many stories, we quote one of the sisters who could not attend the forum because she lives in conflict, "we cannot achieve peace when there is hunger and food insecurity".

We cannot be the seeds of change and transformation of food systems if they do NOT listen to the Messages of Mother Earth and that of the voices of Indigenous Youth.

Rome Declaration 2023
Policy Recommendations

Safeguarding Seven Generations
in times of Food, Social, and Ecological Crisis

*****

We, the **Indigenous Youth**, hailing from the seven socio-cultural regions of the world: (i) Africa; (ii) Asia; (iii) North America; (iv) Central, South and Caribbean America; (v) the Arctic; (vi) the Pacific; and (vii) Central and Eastern Europe, Central Asia, Transcaucasia, Russian Federation; gathered from 16 to 20 October 2023 at the Food and Agriculture Organization of the United Nations (**FAO**) headquarters in Rome for the second session of the biennial United Nations Global Indigenous Youth Forum (**UNGIYF**); and present the **2023 Rome Declaration - Policy Recommendations** to the United Nations Organs, Agencies, Funds, and Organisations, to Civil Organisations and to Indigenous Peoples.

The UNGIYF is the result of nearly a decade of collaboration between the Global Indigenous Youth Caucus (**GIYC**) and FAO. The fruits of this collaboration can be summarized as follows:

- In April 2017, a preparatory meeting was hosted at the FAO headquarters, bringing together 14 Indigenous Youth representing the GIYC and the seven socio-cultural regions of the world to prepare the first Rome Declaration (2017).

- In May 2017, the GIYC presented the Rome Declaration to the United Nations Permanent Forum on Indigenous Issues (**UNPFII**). The United Nations Department of Economic and Social Affairs made a recommendation to FAO to support the collaboration between Indigenous Youth and FAO.

- In October 2017, Indigenous Youth representing the GIYC met at the FAO headquarters to develop the initial terms of reference for the creation of the biennial United Nations Global Indigenous Youth Forum.

- In 2021, the inaugural session of the biennial UN Global Indigenous Youth Forum was held in an online format due to the restrictions of the global COVID-19 pandemic. This resulted in the "Rome Declaration (2021) on Sustainable and Resilient Food Systems".

- In October 2022, on the sidelines of the World Food Forum, a delegation of GIYC leaders met at FAO headquarters in Rome and launched the campaign "My Food Vision is…" with the aim of recognizing, respecting, and protecting Indigenous Peoples' food and knowledge systems.

After a long journey, today we, Indigenous Youth, gather at the Second Session of the biennial United Nations Global Indigenous Youth Forum to discuss the future of our food and knowledge systems. We are here to ensure that our voices and knowledge are heard and listened to.

In addition to our 2023 Rome Declaration on Safeguarding Seven Generations, we make the following policy recommendations:

Global and Public Policy

1. We **recommend** the International Fund for Agricultural Development (IFAD), the World Health Organization (WHO), UN International Children's Emergency Fund (UNICEF), World Food Program (WFP), UN Environment Programme (UNEP) and United Nations Education, Scientific and Cultural Organization(UNESCO) to join us on this journey by assisting in hosting the Secretariat for the UNGIYF. We acknowledge the importance of coordinated collaboration and cooperation of the various United Nations organs, agencies, funds, and organisations, when engaging with Indigenous Youth. We recognise the model that has been developed between the GIYC and the FAO has been one of genuine collaboration and best practice. We encourage others to do the same, and support similarly.

2. We **recommend** FAO update the Policy on Indigenous and Tribal Peoples in consultation with Indigenous Peoples, ensuring there is appropriate representation of Indigenous women and Indigenous Youth within the framework of free, prior, and informed consent.

3. We **recommend** FAO, IFAD, WHO, UNESCO, WFP, UNEP, the Indigenous Peoples' Food Systems Coalition (IPFSC), and Member States recognise and strengthen the role of Indigenous Peoples' Food and Knowledge Systems towards achieving food security and sustainability of Indigenous Peoples and the world. We further urge you to join the campaign of the Indigenous Youth "My vision for food is…".

4. We **recommend** that Member States, the WHO, and FAO implement monitoring and accountability policies in respect of food industries, specifically in relation to responsible labelling of processed foods. Our concerns are about the potential negative effects on the health of food, and if necessary, propose a mechanism for repairing damage.

5. We **recommend** the Special Rapporteur on the Right to Food (**SRRF**) and the Special Rapporteur on the Rights of Indigenous Peoples (**SRIP**) to investigate the effect of displacement of traditional diets of Indigenous Peoples, the effects of ultra-processed foods on the health of Indigenous Peoples, youth, and children; and to make recommendations to Member States and appropriate UN organs, agencies, organisations, and funds.

6. We **recommend** the School Fund Coalition (**SFC**) and the IPFSC work collaboratively to create School Feeding Programs ensuring an intercultural perspective. We further recommend that the SFC include representation of Indigenous Peoples in any steering committee or governing body to ensure respectful and meaningful participation of Indigenous Peoples.

7. We **recommend** the Codex Alimentarius Committee (**CAC**) to collaborate with the IFSC and the Indigenous Peoples Global Food Systems Centre (**IPGFSC**) to incorporate and develop research that focuses on Indigenous Peoples' food systems and knowledge and explore their potential to contribute to food security.

8. We **recommend** the FAO and WHO Panel of Experts on Pesticide Management to create a high-level consultative body with representatives of Indigenous Peoples (ensuring representation of women and youth along with sexual minorities) to guide the control of excessive and harmful use of pesticides, agrochemicals, and toxicants, that contribute to the genocide of Indigenous Peoples and the biodiversity of the planet.

9. We **recommend** the Special Rapporteur on the Right to Food, Human Rights and the Environment, the Special Rapporteur on the Toxic Substances, and the Special Rapporteur on the Rights of Indigenous Peoples to investigate, report and make recommendations on the effect of toxic pesticides that are used in agriculture and food systems.

10. In the framework of the Water Decade, we **recommend** UNESCO, FAO, UNFCCC, UNEP, and other organisations to recognise the rights of Indigenous Peoples in water, and recognise its value in its different forms not only as a resource, but the inherent connection it has to identify, culture, and food systems. We further recommend the development mechanisms that strengthen and guarantee the right to water and territories of Indigenous Peoples.

11. We **recommend** the Convention on Biological Diversity to guarantee the participation of Indigenous Youth in its formal processes.

12. We **recommend** there be effective representation of Indigenous Peoples in all the various UN Organs, Agencies, Funds and Organisations, that are particularly concerned with food systems (such as WIPO, FAO, UNESCO, UNACD, WHO, WFP, IFAD,UNAOC), where there are no representatives (e.g. Focal Points), that these are addressed urgently. There should be appropriate representation of Indigenous Youth and for this we recommend the establishment of a Global Indigenous Youth Caucus secretariat with a specific governing structure, membership, and engagement processes.

13. We **recommend** UNESCO to create guidelines for Member States to formulate and implement intercultural educational curricula at all levels, to respect and include the knowledge and languages of Indigenous Peoples, and to promote and strengthen the rights of Indigenous Peoples.

14. We **recommend** UNESCO to work with Member States and the Inter-Agency and Support Group of Indigenous Peoples promote the institutionalization at the international and country level of research programs led by Indigenous Peoples and with Indigenous Peoples, from legal framework, on issues that affect their rights and their health and that of their territories, For example, climate change observatories, studies on the physical and mental health status of Indigenous Youth, the nutritional value of their food, among others.

15. We **recommend** UNESCO to incorporate Indigenous Youth perspectives on Indigenous worldviews as part of its global action plan for the International Decade of Indigenous Languages and to join the campaign "My food vision is…", and the promotion of information in our languages.

16. We **recommend** IFAD, FAO, WFP and the other UN bodies within the Inter-Agency and Support Group of Indigenous Peoples to create a financing fund for different policies and projects that support Indigenous Youth and Children in matters of food, physical and mental health and sustainability. This fund should be designed and coordinated with the Global Indigenous Youth Caucus.

17. We **recommend** the protection of the data of Indigenous People, its usage and the purpose to ensure that the interests of Indigenous Peoples' knowledge systems are not misused, and manipulated.

18. We **recommend** WIPO to create capacity building programs so that Indigenous Youth and children have the necessary tools and know the mechanisms for a preventive protection of intergenerational knowledge and wisdom, of our genetic resources, heritage and economic development.

19. We **recommend** WIPO, UNESCO and FAO to create guidelines for the certification and labelling of products derived from the Food and Knowledge Systems of Indigenous Peoples and that allow respect for the intellectual property of Indigenous Peoples, give them the control and access to markets and be compensated for any use of their products from a legal framework.

20. We **recommend** FAO, WTO and other international regulatory bodies to guarantee 'Right to Price' or 'Right to Fair Market' on products produced by Indigenous People so that they can control, regulate, and decide on their own produce for fair profits in a globalised market.

21. We **recommend** the WHO to create guidelines that incorporate the process of access with regards to traditional medicine of Indigenous Peoples and recommend knowledge-based and culturally relevant public health policies of Indigenous Peoples.

22. We **recommend** WHO, UNICEF and the Special Rapporteur on the Rights of Indigenous Peoples to carry out a study on the status and determinants of the physical, spiritual and mental health of Indigenous Youth and children in the context of climate change, migration and conflict worldwide in order to make specific recommendations to Member States in order to address these problems.

23. We **recommend** UN Women, the Special Rapporteur on the Rights of Indigenous Peoples and the Special Rapporteur on violence against women and girls to conduct studies on the rule of law of Indigenous women, girls and sexual minorities within a framework of food security, climate crisis, conflict and forced displacement to make recommendations to Member States on actions to address gender equality and equity challenges.

<u>Member States</u>

24. We **recommend** Member States to recognize Indigenous Peoples, and adopt ILO Convention 169 and the Declaration on the Rights of Indigenous Peoples, as well as other mechanisms of rights achieved, in the vision of achieving the right to food.

25. We **recommend** that Member States implement educational curricula on the right to food to promote healthy and culturally relevant food that promotes and strengthens the right to food of Indigenous children in connection with their cultural identity, strengthening and basing on the food and knowledge systems of Indigenous Peoples.

26. We **recommend** Member States to implement responsible regulatory policies on ultra-processed foods that affect public health and contribute to the increase in non-communicable diseases (cancer, diabetes, among others).

27. We **recommend** Member States to recognize and include within their national development plans and food policies the role of Indigenous Peoples, their food and knowledge systems for food security and invest in funds that strengthen their food sovereignty and self-sufficiency and their contribution to national food security.

28. We urgently **recommend** that Member States join the Indigenous Peoples' Food Systems Coalition to respect and strengthen Indigenous Peoples' food and knowledge systems in collaboration with Indigenous Peoples and other key actors.

29. We **recommend** Member States to establish policies or amend existing legislation to regulate and reduce toxic and agricultural chemicals that pollute soil, air, water and the environment and have a negative effect on biodiversity, human and planetary health.

30. We **recommend** Member States and national research institutions to create monitoring observatories in collaboration and with the free, prior and informed consent of Indigenous Peoples, to investigate the effects associated with the promotion and use of monocultures, toxins and pesticides in agriculture, ultra-processed crops, climate change, among others, on the physical and mental health of Indigenous Peoples and on the health of their territories.

31. We **recommend** Member States, academic and research institutions to create or strengthen research institutions and initiatives in common agreement with Indigenous Peoples, respecting prior, free and informed consultation, to document their food and knowledge systems, which allow them to be rescued, conserved and strengthened in follow-up to scale them at the local, national and global levels for their "game-changer nature".

32. We **recommend** Member States to institutionalize and recognize within Educational Policies the spaces for co-creation of alternative knowledge that are essential for the transmission, revitalization and conservation of the knowledge of Indigenous Peoples and especially seeking the elderly and women as holders of that traditional knowledge and wisdom.

33. We **recommend** Governments to create investment and innovation funds with proper monitoring process and mechanisms in collaboration with Indigenous Peoples to develop technologies and initiatives that meet their needs, enable them to improve their food systems to achieve food self-sufficiency and create resilient food systems and communities.

34. We **recommend** Governments to establish policies of fair trade and investment funds that support processes of certification, labelling and traceability of products derived from the food systems of Indigenous Peoples that respect their intellectual property but also allow economic incentives and connect them with markets to improve their quality of life from a legal framework.

35. We **recommend** that national governments create initiatives for the preservation of genetic resources in situ and ex situ of Indigenous Peoples from a framework of law respecting free, prior and informed consultation to safeguard the wealth and knowledge of Indigenous Peoples.

36. We **recommend** governments to establish food value chains that strengthen and prioritize Indigenous Peoples' Food Systems, strengthening them through technologies and connecting them with local markets to promote local, sustainable and responsible consumption.

37. We **recommend** governments to recognize the land and water tenure rights of Indigenous Peoples so that they can continue to practice and maintain the practices that make them self-sufficient, sustainable and custodians of the biodiversity of the planet.

38. We **recommend** governments to implement policies that protect the rights of Indigenous children, youth, women and sexual minorities in a context of climate change, violence, conflict and migration so that their rights to food and an environment free of violence are guaranteed.

39. We **recommend** governments ensure that any project implemented in Indigenous Peoples' territories is always in compliance with the free, prior and informed consultation of Indigenous Peoples and that labels or narratives of sustainable or green alternatives do not violate or override the rights of Indigenous Peoples.

40. We **recommend** that governments create policies and funds for the physical, spiritual and mental health care of children, youth and Indigenous Peoples from a framework of cultural relevance and ideally strengthen the training of Indigenous professionals who can meet these demands.

Indigenous Peoples and their Organisations

41. We **recommend** Indigenous organizations locally to join the Indigenous Food Systems Coalition to work collectively to rescue and strengthen our Indigenous food and knowledge systems.

42. We **recommend** Indigenous and non-indigenous organizations, in recognition of the valuable contribution of Indigenous food systems, to carry out awareness and dissemination campaigns that highlight the importance of the right to food and sensitize society to violations of this right, particularly in Indigenous Peoples' communities.

43. We **recommend** Indigenous Youth and organizations to continue making visible their good practices of mitigation, innovation and resilience to the effects on their Indigenous food systems.

44. We urge to promote educational curricula in collaboration with Indigenous elders, women and scholars to support the transmission of traditional knowledge and wisdom from older to younger generations, recognizing the importance of reciprocity and fostering cultural heritage.

45. We encourage Indigenous Peoples' organizations and leaders to remain strong in the challenge in reformulating the narratives of "green and food colonialism" and false solutions that are exclusive to the needs of Indigenous Peoples, which have increased inequality gaps and generated conditions of marginalization.

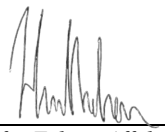
46. We urge Indigenous Youth, organizations and allies to continue encouraging the creation of community gardens for the exchange of knowledge, wisdom and the promotion of native plants that improve soil quality and biodiversity

47. We urge Indigenous Youth to continue to encourage and organize the creation of festivals and spaces dedicated to sharing and promoting the value of Indigenous food systems, highlighting their cultural and environmental importance.

48. We urge authorities, organizations, and the community at large to support the creation and distribution of cooking manuals that promote the use of Indigenous ingredients and traditional food preparation techniques.

49. We urge local governments to develop plans together with Indigenous Peoples including Indigenous Youth for the protection of ecosystems found in the seven socio-cultural regions (communities, pastoral, those that interact with different forms of water status and others).

This is Exhibit "51" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Truth and Reconciliation
Commission of Canada

Truth and Reconciliation Commission of Canada: Calls to Action

Truth and Reconciliation Commission of Canada: Calls to Action

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2015

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Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

Child welfare

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
    i. Monitoring and assessing neglect investigations.
    ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
    iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
    iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
    v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
    i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
    ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
    iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

Education

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.

9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:

    i. Providing sufficient funding to close identified educational achievement gaps within one generation.

    ii. Improving education attainment levels and success rates.

    iii. Developing culturally appropriate curricula.

    iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.

    v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.

    vi. Enabling parents to fully participate in the education of their children.

    vii. Respecting and honouring Treaty relationships.

11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.

12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

Language and culture

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

    i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.

    ii. Aboriginal language rights are reinforced by the Treaties.

    iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.

    iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.

    v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.

16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.

17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

Health

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.

21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.

23. We call upon all levels of government to:

    i. Increase the number of Aboriginal professionals working in the health-care field.

    ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.

    iii. Provide cultural competency training for all health-care professionals.

24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Justice

25. We call upon the federal government to establish a written policy that reaffirms the independence of the Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.

27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.

30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.

31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.

34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

    i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.

    ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.

    iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.

    iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.

38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

    i. Investigation into missing and murdered Aboriginal women and girls.

    ii. Links to the intergenerational legacy of residential schools.

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

Canadian Governments and the *United Nations Declaration on the Rights of Indigenous People*

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Royal Proclamation and Covenant of Reconciliation

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.

ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:

    i. Reaffirmation of the parties' commitment to reconciliation.

    ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.

    iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

    iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

    v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.

    vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius,* and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

Settlement Agreement Parties and the *United Nations Declaration on the Rights of Indigenous Peoples*

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:

    i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.

    ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

    iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.

    iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.

49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

Equity for Aboriginal People in the Legal System

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.

52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:

    i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.

    ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

National Council for Reconciliation

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:

    i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.

    ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.

    iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

    iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.

55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

    i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.

    ii. Comparative funding for the education of First Nations children on and off reserves.

    iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

    iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

    v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.

    vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.

    vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.

56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

Professional Development and Training for Public Servants

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Church Apologies and Reconciliation

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.

59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.

60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.

61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:

    i. Community-controlled healing and reconciliation projects.

    ii. Community-controlled culture- and language-revitalization projects.

    iii. Community-controlled education and relationship-building projects.

    iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

Education for reconciliation

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:

    i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.

    ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.

    iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.

    iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.

63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:

    i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.

    ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.

    iii. Building student capacity for intercultural understanding, empathy, and mutual respect.

    iv. Identifying teacher-training needs relating to the above.

64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

Youth Programs

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

Museums and Archives

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.

68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.

69. We call upon Library and Archives Canada to:

    i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joinet-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.

    ii. Ensure that its record holdings related to residential schools are accessible to the public.

    iii. Commit more resources to its public education materials and programming on residential schools.

70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

    i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joinet-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.

    ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

Missing Children and Burial Information

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.

72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.

73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.

74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.

75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:

    i. The Aboriginal community most affected shall lead the development of such strategies.

    ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.

    iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

National Centre for Truth and Reconciliation

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

78. We call upon the Government of Canada to commit to making a funding contribution of $10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

Commemoration

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:

    i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.

    ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

    iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.

82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.

83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

Media and Reconciliation

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:

    i. Increasing Aboriginal programming, including Aboriginal-language speakers.

    ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.

    iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:

    i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.

    ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.

86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.

Sports and Reconciliation

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.

88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.

89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.

90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:

    i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.

    ii. An elite athlete development program for Aboriginal athletes.

    iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.

    iv. Anti-racism awareness and training programs.

91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

Business and Reconciliation

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

    i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

    ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.

    iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Newcomers to Canada

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

> I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

Truth and Reconciliation Commission of Canada

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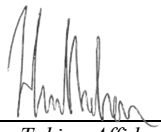
Website: www.trc.ca

This is Exhibit "52" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

unicef
for every child

In Focus:
Access to justice for children

Helping children and families hold those who violate their rights to account

OCTOBER 2024

unicef
for every child

Access to justice for children is not only a specific human right, it is also a crucial way to uphold all the other rights that should be guaranteed for every child, from access to health care and education to protection from violence.

Across Europe and Central Asia, however, access to justice for children is obstructed by systems that fail to recognize their rights or to act in their best interests. Attitudes within justice systems make it difficult – or even unacceptable – for children to come forward, speak out and demand their right to justice.

Full access to justice for every child could, however, generate a powerful 'triple win' that benefits entire communities and nations, as well as children themselves:

- it would reinforce human rights
- it would reinforce the rule of law
- it would support sustainable development by upholding and enforcing the full range of rights for every child to ensure their health, development, well-being and inclusion.

In Europe and Central Asia, as elsewhere around the world, UNICEF champions access to justice for all children whose rights are violated. We advocate for effective child-friendly justice systems across the region that enable children to come forward when their rights have been violated, that prioritize the child's best interests, and that use child detention and other custodial measures only as a measure of last resort.

Cover image: © UNICEF/UN0214613/ Babajanyan VII Photo
Aliya, 13, walks with her classmates in Aktau, Kazakhstan. Aliya is a survivor of domestic violence and receives support from a UNICEF-backed crisis centre to help her and her siblings overcome their distress and trauma. *March 2018.*

01
Key facts

Children from poor family backgrounds receive less information than others about their rights, are less likely to seek redress and have greater difficulties in paying for lawyers, court fees and transportation.

The disruption of being heavily involved in the criminal justice system can undermine a child's ability to reach key developmental milestones – with potentially lifelong consequences.

Children with disabilities may lack the communication aids and targeted support that would make it possible for them to participate in justice processes, while children from ethnic minorities, including Roma, experience stigma.

60%

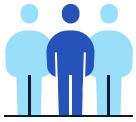
UNICEF's work in Europe and Central Asia contributed to a 60% decrease in the number of children in detention between 2006 and 2012, according to a 2015 independent evaluation on juvenile justice in the region.

Adolescent boys are more likely to be in juvenile detention facilities or to come into conflict with the law than adolescent girls. However, while there are fewer girls in the justice system, there are also fewer services and female police officers to meet their needs.

82%

In Albania and North Macedonia, the number of children in pretrial detention decreased by 82% between 2011 and 2018, and in Montenegro, there were no children in pre- or post-trial detention as of 2018.

02
Key policy frameworks



SUSTAINABLE DEVELOPMENT GOALS (2015)

SDG 16
Peace, justice and strong institutions

Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

Below: © UNICEF/Kosovo

Children at an educational correction facility in Lipjan, Kosovo[1] take part in a life skills session – part of an UPSHIFT programme that equips children in conflict with the law with essential skills, and supports their inclusion and integration into society when they finish serving their sentences. *February 2024.*

1 All references to Kosovo should be understood to be in the context of United Nations Security Council resolution 1244 (1999)

Convention on the Rights of the Child (1989)

- **Article 3:** In all actions concerning children undertaken by courts of law, the best interests of the child shall be a primary consideration.
- **Article 12:** Children have the right to be heard in judicial and administrative proceedings affecting them.
- **Article 37:** No child shall be deprived of liberty unlawfully or arbitrarily. Children deprived of liberty have the right to legal assistance and to challenge their detention.
- **Article 40:** Every child accused of or convicted of breaking the law has the right to be treated in a manner that safeguards their sense of dignity and worth.

03
Challenges

For some children in Europe and Central Asia, the pursuit of justice remains hampered by a **lack of access to equitable and adequate child-friendly justice systems**, including a lack of specialized lawyers, prosecutors, judges and courts that are equipped to make decisions that are in children's best interests. This is particularly true for children who have complex emotional and behavioural needs and those who are under the minimum age of criminal responsibility (MACR).

As well as those in conflict with the law – and at risk of detention – there are the children who need access to justice when rights are denied, including their right to an education because of their disability or ethnicity, and children living in poverty who miss out on the social benefits to which they are entitled. They include children who face violence at home, but also those who are separated needlessly from families that could stay together with the right support.

Few children know about their right to redress, let alone how to claim that right. And even if children have this information, they may struggle to navigate their way through the justice system without specialized support.

Marginalized children lack information and redress

Across Europe and Central Asia, children who are already disadvantaged are far more likely than other children to have their rights violated. But they are also far less likely to seek – or find – support from the justice system. Children from poor family backgrounds, for example, receive less information than others about their rights, are less likely to seek redress and have greater difficulties in paying for lawyers, court fees and transportation. Children with disabilities lack the communication aids and targeted support that would make it possible for them to participate in justice processes, while children from ethnic minorities, including Roma, experience stigma.

In parts of the region, girls are more isolated than boys and, therefore, receive less information, while social norms make it even less acceptable for them to come forward in cases of abuse.

Children deprived of liberty face severe risks

Marginalized children are more likely to be placed in detention – too often the end result of a history of exclusion and a lack of effective child protection services to address family problems. Children who come into conflict with the law may be seen as less 'deserving' than others, with their individual circumstances rarely taken into account. Most children under arrest in the region have been accused of petty or non-violent offences, and some are placed in 'protective custody,' even though depriving children of their liberty should always be the very last resort.

Adolescent boys are more likely to be in juvenile detention facilities or to come into conflict with the law than adolescent girls. However, while there are fewer girls in the justice system, there are also fewer services and female police officers to meet their needs.

All children under arrest or in detention are at risk of severe rights violations, including violence and even torture, with few opportunities to report these violations to authorities. Children living behind closed doors, away from their families and often without external oversight, are among the most isolated young people in society, and completely dependent on the goodwill of those in charge.

Children deprived of liberty – whether they are in residential care or detention – have few ways to speak out about or report any abuses, and gross under-reporting means that their situation is invisible. The chances of their reintegration into the community after such experiences are slim, increasing the risk that they will face sustained poverty and exclusion.

Although the total number of children in detention dropped by almost 60 per cent in 11 countries and territories across the region between 2006 and 2012, the full picture regarding child victims and child witnesses is unclear, as data systems rarely – if ever – capture their stories.

BOX 1

Children under the Minimum Age of Criminal Responsibility (MACR)

Children under the minimum age of criminal responsibility (MACR) have complex emotional and behavioural needs and need special support and protection. Their offending behaviour is often linked to other problems in their lives, and research shows that they often lack the maturity to understand the consequences of their actions because their ability to plan, reason and control their impulses is not yet fully developed.

These children often fall outside the criminal justice system, and are often labelled as 'delinquent' or 'anti-social'. They may face punitive measures that can include deprivation of liberty in so-called 'special' schools, residential care or psychiatric institutions.

Children under the MACR who are exploited by criminal adults should always be seen as victims and need immediate and effective care, as well as protection from further exploitation. They are entitled to the same rights as other child victims and witnesses of crime, including access to justice.

The MACR in Europe and Central Asia is generally 14 years, which is in line with international standards. However, there are persistent challenges in addressing the needs of children under this age who are accused of crimes. UNICEF has developed guidance to help governments in the region establish a systematic response based on 10 action points. These include the responsibility of the child justice system to refer such children immediately to the social welfare system; ensuring that they are never deprived of their liberty; and supporting measures to prevent family separation, prioritizing family-based alternative care where necessary.

UNICEF'S GOAL

UNICEF is committed to securing equitable access to justice for all children, whether they are offenders, victims, witnesses or children claiming their rights to services.

We welcome the new and stronger child-friendly approaches to justice that are being developed across the region, characterized by a focus on all children – boys and girls – caught up in the justice system. And we advocate for tailored responses for every child whose rights are violated. These include children accused of crimes, for whom loss of liberty should be the last resort and full rehabilitation into society the ultimate aim.

04
UNICEF's work for children

UNICEF is the region's **leading advocate for equitable access to justice** for all children whose rights are being violated. We believe that the best way to guarantee children's access to justice is to adapt justice and social welfare systems to their rights and needs. We advocate for strong legal aid systems that ensure children and families know their rights, and that offer pathways to justice.

We support the provision of **tailored responses** for children accused of crimes. Our work includes support for legislative and policy reform and the development of alternatives that have helped to reduce the number of children in detention.

UNICEF's determination to reduce the rates and length of juvenile detention has helped to narrow the equity gap in juvenile justice. Our work contributed to the 60 per cent fall in the number of children in detention between 2006 and 2012, according to a 2014 independent evaluation of progress on juvenile justice in the region.

Our support focuses, in particular, on prevention, diversion, child-friendly procedures, and alternatives to detention and the deprivation of liberty.

Prevention

Prevention is the most effective way to reduce crime rates, and benefits children, families, communities and society as a whole. We support the prevention that builds a protective environment for every child by tackling the root causes of crime, such as poverty, homelessness, domestic violence and family crises, to make crimes less likely. And we support targeted help for children and families identified as being at risk of coming into conflict with the law, as well as tailored programmes for children who are already involved in the child justice system to prevent reoffending.

Diversion

We advocate for and support diversion measures that deal with children in conflict with the law without resorting to formal judicial proceedings or formal trials, and that include the referral of children to community-based organizations, services, programmes or activities. Such measures avoid the stigma of conviction and criminal records, reduce pre-trial detention, yield better long-term results for children and for public safety, and are cost-effective.

Above: © UNICEF/Tajikistan/Ruziev

R.R. 17, walks through a park in Dushanbe, Tajikistan. With little support from his community, and facing the challenges of stigma after being released from a detention facility, R.R. is now taking part in a support programme run by UNICEF that provides him with the guidance, education and psychosocial support he needs to rebuild his life and reintegrate into society. *November 2022.*

BOX 2

In Georgia, diversion is a turning point for Mariam

Mariam went into the shop to look for a birthday present for a classmate, "but nothing I could afford seemed to be good enough; she always looks perfect." On the spur of the moment, the 16-year-old hid a bracelet under her sweater – and was caught immediately. Facing severe consequences, Mariam's first and only contact with Georgia's justice system was to be a turning point in her life.

That was when she first heard the term 'diversion'. This alternative to criminal proceedings in the juvenile justice system is prioritized for children who commit offences under Georgia's Juvenile Justice Code. UNICEF and the European Union have supported the Diversion and Mediation Programme in Georgia since its launch in 2010 and it has, to date, diverted around 5,600 children and young people from criminal proceedings.

Because it was her first offence, and because she showed deep remorse, she was enrolled in the diversion programme, where social workers helped her to understand her behaviour. Art therapy helped her with her emotional struggles, and she learned how to better navigate life's daily challenges.

Social workers who match diverted children with activities that interest them noticed her love of reading. As a result, Mariam worked as a volunteer for a month at the Sulakauri Publishing House – a member of the Business Advisory Council for Children created by UNICEF. This gave her a sense of community membership.

"I didn't feel like a 'diverted child' at all," she says. "Every time I came to work, I felt like a member of the team." As a result of her six months in the diversion programme, Mariam reset her priorities and learned to be more open about her feelings with friends and family. She is now studying for her university entrance exams.

"I learned that no one is immune to mistakes, and you have to take responsibility for your own mistakes," she says. "I can now focus on my future, education, and career."

Below: © UNICEF/Geo-2023/Blagonravova

Mariam tried to take a bracelet from a shop in Tbilisi. It resulted in her first and only contact with the justice system and marked a critical turning point in her life. *December 2023.*

> I learned that no one is immune to mistakes, and you have to take responsibility for your own mistakes, I can now focus on my future, education, and career.
>
> **Mariam**
> Georgia

Child-friendly legal procedures

UNICEF works with authorities across the region to adapt justice systems so they are age-appropriate and empowering for children. This work includes training professionals, such as police officers, social workers, judges and lawyers in child-friendly case management so that decisions are made in the best interests of each child. We also support investment in alternatives to intimidating court experiences, such as interventions by Ombudsman's offices, as a way to resolve legal disputes. Our work has, for example, included the development of 12 guidelines for child-friendly legal aid for children, aimed at lawyers, paralegals and other legal practitioners who represent children in civil, criminal, administrative and restorative justice proceedings. These guidelines range from acting in a child's best interests to keeping children safe.

Alternatives to child detention and the deprivation of liberty

Detaining children is never in their best interests, given its harmful effects on their development and reintegration. UNICEF works to end child detention through reforms that strengthen child protection services, promote non-custodial measures, and provide better post-release support.

Children should remain with their parents or caregivers while they are waiting to be charged or tried if possible, and non-custodial alternatives to post-trial detention should provide community-based options for the supervision and rehabilitation of children found guilty of a criminal offence. Potential alternatives include participation in community-based programmes, restorative justice programmes, drug or alcohol treatment, counselling or attendance at day centres. This is no 'easy ride': the aim is to hold children accountable, help them change their behaviour and become productive, law-abiding citizens.

BOX 3

Preventing the detention of refugee children in Poland

In Poland, the first 160 judges have been trained to prevent the detention of refugee children, including those who have fled from Ukraine, by the National School of Judiciary and Prosecution, with the support of the UNICEF Refugee Response Office in Poland and the Ministry of Justice. The project, launched in March 2023, includes training on alternative measures to detention for foreign minors, in line with the recommendations of the UN group on children deprived of liberty, which aims to eliminate the detention of children for migration reasons.

Almost 4,000 people have, to date, participated in the training, including prosecutors, legal advisors, court guardians and the 160 judges.

"This is an important step towards ensuring justice and protection for children with migration experience, who are among the most vulnerable groups of children" says Milena Harizanova from the UNICEF Refugee Response Office in Poland. "This project not only educates, but also builds a solid foundation for a more empathetic and understandable justice system for all children in Poland, regardless of where they come from."

This support to the Polish justice system has been funded by donors from around the world, including the Bureau of Population, Refugees, and Migration of the U.S. Department of State.

> "This is an important step towards ensuring justice and protection for children with migration experience, who are among the most vulnerable groups of children.
>
> **Milena Harizanova**
> UNICEF Refugee Response Office

05
Call to action

While the number of children in detention in Europe and Central Asia has fallen, there is a long way to go before every child has equitable access to the justice that allows them to claim their rights. While countries in the region are at different stages on this issue, those that already see juvenile detention as a last resort are well-placed to take the lead on full access to justice for all children, including those seeking justice; those involved in judicial proceedings as victims, witnesses and offenders; and those participating in civil or administrative justice processes.

With the right resources, UNICEF can do even more to support the adaptation of police and court proceedings to the needs of children, expand education on child rights, and ramp up our work on legal aid and social support for children and their families. As the leading UN agency for children working on this issue across the region, UNICEF is well-placed to help ensure that the rights of children are upheld in justice systems across Europe and Central Asia.

Image: ©UNICEFGeorgia

An illustration from a video about a special service centre for child survivors of sexual violence in Georgia. Children who have survived such violence often go through processes to bring the perpetrators to justice that can add to their pain by making them relive their experiences over and over again. These processes are now changing in Europe and Central Asia, with the support of UNICEF and its partners. New approaches aim to protect children from re-traumatization, bringing the investigation of the crime and support for the child together in one child-friendly space. Trained professionals from different areas – from police officers to child welfare and protection professionals – work together on each case, putting the best interest of the individual child front and centre. Barnahus centres, for example, are warm and welcoming spaces where children can testify without having to set foot in a court or see the perpetrator. Here, a trained psychologist will take their statement just once, and share it with the other professionals working on the case. *2021.*

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October 2024

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for every child

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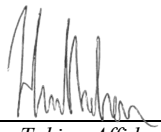


Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

WHAT IS A CHILD RIGHTS IMPACT ASSESSMENT?

Impact assessment

Impact assessment is the systematic analysis of the potential changes positive or negative, intended or not, direct or indirect, short-term or long-term, in people's lives brought about by a given decision or action.

Child rights impact assessment (CRIA) is, in the simplest terms, a tool for decision-making in the best interests of children. CRIA is a systematic process or methodology of ensuring children's best interests and the potential impacts of policy change upon them are considered in the policy-making process. CRIA involves examining a proposed law or policy, administrative decision or action in a structured manner to determine its potential impact on children or a specific group of children, and whether it will effectively protect and implement the rights set out for children in the Convention on the Rights of the Child. Potential impacts may be positive or negative, intended or not, direct or indirect, short or long-term. A CRIA should be undertaken whenever there are new policies, proposed legislation, regulations or budgets being adopted, or other administrative decisions at national, provincial/territorial, and local levels that can have an impact on children. In this context, it will generally be used more in the consideration of impacts on children as a group, and – with an equity filter – on specific groups of children, rather than on individual children. It uses the framework of the Convention on the Rights of the Child and its Optional Protocols as a lens: considering the full scope of rights, the core principles, and also the Concluding Observations from the country's progress reports.

Scope of the CRIA methodology

DONNEZ

It would be impossible to carry out a CRIA on every legislative or policy decision across the government that might have an effect on children. Instead, CRIA should be carried out on those decisions that are likely to have a significant impact on children, including both those that directly concern children – such as criminal justice, immigration or child health policy – and those that may have a more indirect impact where children are not obvious stakeholders – such as macroeconomic policy reform that will have an impact on family incomes.

Three steps for carrying out an ex-ante CRIA

The CRIA process should be simple enough to be useful and in repeated use, and detailed enough to be meaningful. There are three basic steps to carrying out an effective CRIA:

Step One: Selection, Screening and Scoping

Step Two: Assessment

Step Three: Communication

Selection, screening and scoping

This step is used to identify what could be assessed and what will be assessed. It would also include an initial screening of the measure to be assessed to identify what particular rights and issues may be affected that should be looked at in more depth during the assessment phase.

Recognizing that the Convention covers a wide range of rights that may seem overwhelming, the process can use a well-accepted consolidated version of the articles as a first step, for the screening process, to identify what groups of rights are relevant (i.e., "clusters" of rights that the government uses when reporting to the UN Committee on the Rights of the Child) Back to Top

ssessment

The analysis of the law, policy or regulation seeks to identify potential impacts on children, based on input from a number of sources: academic literature and studies that identify impacts on children in the area under assessment, input from experts (including from children and civil society), relevant jurisprudence, and the Concluding Observations from the UN Committee on the Rights of the Child as appropriate. Depending on the time frame and depth of the analysis, different tools can be used for the assessment ranging from checklists to more detailed modelling of potential impacts on children. Assessment will also include engaging with relevant government departments that have a responsibility for this area of policy. The assessment should explicitly address the four core principles of the Convention – non-discrimination, the best interests of the child, child survival and development, and the need to elicit and give due consideration to the views of children (articles 2, 3, 6 and 12), and the other relevant articles of the Convention identified during the screening process. The CRIA analysis should be used to formulate recommendations (in partnership with key departments and/or levels of government involved in the development and implementation of the policy), setting out potential amendments, enhancements and alternative policies to address any concerns that have arisen through the CRIA process.

The UNICEF *Implementation Handbook for the Convention on the Rights of the Child* is an extremely valuable reference as it explains each of the articles in clear and accessible language, using jurisprudence and other guidance from the UN Committee on the Rights of the Child to show how the Convention can be realized in practical terms. The Handbook is used by the European Union for legislative screening. Back to Top

Communication

Publicizing and communicating the CRIA, its results and recommendations is essential to inform the decision-making process, to encourage ownership of the results of the impact assessment and to enable transparency. This communication can be internal or external to government depending on the point in time in the decision-making process.

An *ex ante* CRIA can also serve as important input into designing a monitoring and evaluation process for the relevant law or policy. Monitoring should

identify whether the projected impacts did in fact have the effects identified, identify unforeseen impacts, etc. Back to Top

DONNEZ

ABONNEZ-VOUS À NOTRE LISTE DE DIFFUSION

Inscrivez-vous pour recevoir des mises à jour par courriel sur le travail de l'UNICEF pour chaque enfant. Apprenez-en plus sur les programmes de l'UNICEF, soyez parmi les premiers à être informés des interventions d'urgence de l'organisme, et découvrez comment vous pouvez venir en aide aux enfants. Vous pouvez vous désabonner en tout temps.

*Prénom**

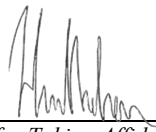
*Nom**

*Adresse de courriel**

Téléphone

S'ABONNER

This is Exhibit "54" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494WN

United Nations E/C.12/CAN/CO/6

Economic and Social Council

Distr.: General
23 March 2016

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the sixth periodic report of Canada*

1. The Committee on Economic, Social and Cultural Rights considered the sixth periodic report of Canada on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/CAN/6) at its 6th and 7th meetings (E/C.12/2016/SR.6-7), held on 24 and 25 February 2016, and adopted the following concluding observations at its 20th meeting, held on 4 March 2016.

A. Introduction

2. The Committee welcomes the sixth periodic report submitted by the State party and the supplementary information provided in the replies to the list of issues (E/C.12/CAN/Q/6/Add.1). The Committee also welcomes the oral replies provided by the high-level delegation.

B. Positive aspects

3. The Committee welcomes the State party's ratification of the Convention on the Rights of Persons with Disabilities, in 2010.

4. The Committee notes with appreciation the measures taken by the State party to enhance the promotion and protection of economic, social and cultural rights, including:

(a) The repeal of section 67 of the Canadian Human Rights Act in 2008, thus enabling people to file complaints with the Canadian Human Rights Commission regarding discrimination resulting from the application of the Indian Act;

(b) The restoration of the Interim Federal Health Program in December 2015 for certain categories of refugees and asylum seekers that had been eliminated in 2012;

(c) The State party's decision in 2015 to establish a national inquiry into murders and disappearances of indigenous women and girls;

(d) The State party's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (2007);

* Adopted by the Committee at its fifty-seventh session (22 February-4 March 2016).

Please recycle

(e) The State party's commitment to reinstate the long-form census and the launch of the new Canadian Survey on Disability;

(f) The recent appointment of the new federal Cabinet, in which 50 per cent of new ministers are women and 17 per cent are "visible minorities".

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee is concerned that, despite certain promising developments and the Government's commitment to review its litigation strategies, economic, social and cultural rights remain generally non-justiciable in domestic courts. The Committee is also concerned at the limited availability of legal remedies for victims in the event of a violation of Covenant rights, which may disproportionately impact disadvantaged and marginalized groups and individuals, including homeless persons, indigenous peoples and persons with disabilities.

6. **The Committee recommends that the State party take the legislative measures necessary to give full effect to the Covenant rights in its legal order and ensure that victims have access to effective remedies. The Committee recommends that the State party implement its commitment to review its litigation strategies in order to foster the justiciability of the economic, social and cultural rights. The State party should engage civil society and organizations of indigenous peoples in that revision, with a view to broadening the interpretation of the Canadian Charter of Rights and Freedoms, notably sections 7, 12 and 15, to include economic social and cultural rights, and thus ensure the justiciability of Covenant rights. The Committee also recommends that the State party improve human rights training programmes in order to ensure better knowledge, awareness and application of the Covenant, in particular among the judiciary and law enforcement and public officials. The Committee refers to its general comments No. 3 (1990) on the nature of States parties' obligations and No. 9 (1998) on the domestic application of the Covenant.**

Intergovernmental arrangements under the federal system

7. The Committee welcomes the reassurance provided by the State party that its federal structure may enhance implementation through local and regional accountability measures and notes that the State party has referred in its common core document to section 36 of the Constitution Act, 1982 in that context. The Committee is concerned, however, that funding and other agreements with provinces, territories and municipalities do not establish responsibilities for the implementation of Covenant rights at the different levels.

8. **The Committee recommends that economic, social and cultural rights be incorporated into intergovernmental agreements and enabling legislation for municipalities, and that transfer of payments take into due account compliance with Covenant rights.**

Maximum available resources

9. The Committee is concerned about stagnation in the levels of social spending as a share of gross domestic product. The Committee is also concerned at the low levels of corporate tax rates if compared with other rich countries, and about the disproportionate impact of austerity measures introduced in a number of provinces on disadvantaged and marginalized groups and individuals (art. 2 (1)).

10. **The Committee recommends that the State party increase national spending to guarantee Covenant rights so as to achieve the progressive realization of economic, social and cultural rights. The Committee urges the State party to adopt and implement a tax policy that is adequate and socially equitable and improves tax collection, so as to ensure the mobilization of resources sufficient for implementing economic, social and cultural rights, with special attention paid to disadvantaged and marginalized individuals and groups. In that regard, the Committee encourages the State party to collect disaggregated data based on the prohibited grounds of discrimination. The Committee recommends that the State party monitor closely the introduction of austerity measures by provinces and ensure that they do not undermine the minimum core content of all the Covenant rights, and that such austerity measures are not discriminatory and are temporary, necessary and proportionate. The Committee refers the State party to the letter sent by the Committee's Chairperson on austerity measures to all States parties on 16 May 2012.**

Official development assistance

11. The Committee is concerned about the level of official development assistance (0.24 per cent of gross national income).

12. **The Committee recommends that the State party raise the official development assistance level so as to meet the internationally recognized target of 0.7 per cent of gross national income, and pursue a human rights-based approach in its development cooperation policy.**

Free, prior and informed consent of indigenous peoples

13. The Committee is concerned that the right to free, prior and informed consent of indigenous peoples to any change to their lands and territories is not adequately incorporated in domestic legislation and not consistently applied by the State party. The Committee, while acknowledging the State party's statement that this issue will be revised by the new Government, remains concerned about the lack of formal mechanisms and processes that enable meaningful consultation with indigenous peoples, particularly in the context of the operation of extractive industries.

14. **The Committee recommends that the State party fully recognize the right to free, prior and informed consent of indigenous peoples in its laws and policies and apply it in practice. In particular, it recommends that the State party establish effective mechanisms that enable meaningful participation of indigenous peoples in decision-making in relation to development projects being carried out on or near their lands or territories. The Committee also recommends that the State party effectively engage indigenous peoples in the formulation of legislation that affects them.**

Business and economic, social and cultural rights

15. The Committee is concerned that the conduct of corporations registered or domiciled in the State party and operating abroad is, on occasion, negatively impacting on the enjoyment of Covenant rights by local populations. The Committee is also concerned about the limited access to judicial remedies before courts in the State party by victims and that existing non-judicial remedial mechanisms, such as the Office of the Extractive Sector Corporate Social Responsibility Counsellor, have not always been effective. The Committee is further concerned about the lack of impact assessments explicitly taking into account human rights prior to the negotiation of international trade and investments agreements.

16. **The Committee recommends that the State party strengthen its legislation governing the conduct of corporations registered or domiciled in the State party in their activities abroad, including by requiring those corporations to conduct human rights impact assessments prior to making investment decisions. It also recommends that the State party introduce effective mechanisms to investigate complaints filed against those corporations, and adopt the legislative measures necessary to facilitate access to justice before domestic courts by victims of the conduct of those corporations. The Committee further recommends that the State party ensure that trade and investment agreements negotiated by Canada recognize the primacy of its international human rights obligations over investors' interests, so that the introduction of investor-State dispute settlement procedures shall not create obstacles to the full realization of Covenant rights.**

Non-discrimination

17. The Committee is concerned that social condition is not included among the prohibited grounds of discrimination in the Canadian Human Rights Act (art. 2).

18. **The Committee recommends that the State party include social condition among the prohibited grounds of discrimination in the Canadian Human Rights Act, and in the provincial human rights acts, as necessary. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Indigenous peoples

19. The Committee is concerned, in spite of the pledge made by the State party to address the situation of indigenous peoples, about the persisting socioeconomic disparities between indigenous and non-indigenous peoples, and by disparities in relation to poverty prevalence and access to basic rights, including housing, education and health-care services. The Committee is also concerned about the decrease in the already insufficient funding allocated to indigenous peoples living both on and off reserves, a situation which is further exacerbated by the jurisdictional disputes between federal and provincial governments on funding to indigenous peoples (art. 2 (2)).

20. **The Committee recommends that the State party, in consultation with indigenous peoples:**

(a) **Implement and strengthen its existing programmes and policies to improve the enjoyment of Covenant rights by indigenous peoples;**

(b) **Increase federal and provincial funding to indigenous peoples commensurate to their needs, and work out solutions to ensure coordinated and accountable implementation of indigenous peoples' rights by all jurisdictions;**

(c) **Implement the recommendations put forward by the Special Rapporteur on the rights of indigenous peoples following his mission to Canada in 2013 (see A/HRC/27/52/Add.2);**

(d) **Promote and apply the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples;**

(e) **Consider ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

Equality between women and men

21. The Committee is concerned at the discrimination against women in the State party in many areas of economic, social and cultural rights. In particular, it is concerned that, owing to women's primary role as caregivers in the family, women are overrepresented in part-time work and in low-paid sectors, thus perpetuating the gender segregation in the workplace and the gender wage gap. The Committee is further concerned about the remaining gender-based discriminatory provisions in the Indian Act concerning Indian status classification (art. 3).

22. **The Committee recommends that the State party develop and implement a comprehensive national gender equality policy to address the structural factors leading to gender inequality, in close cooperation with provinces and territories, as well as in consultation with civil society organizations. The Committee also recommends that the State party:**

(a) **Effectively implement and improve existing legislation on equal pay between men and women, at provincial and territorial levels, including the adoption of effective enforcement mechanisms, and include temporary special measures such as quotas;**

(b) **Repeal the remaining discriminatory provisions in the Indian Act;**

(c) **Pursue its commitment to provide affordable childcare services across the country so as to assist parents to balance family and employment responsibilities;**

(d) **Adopt targeted measures to increase access to social assistance and employment opportunities for women with disabilities;**

(e) **Intensify its efforts to eliminate the gender-role stereotypes and prejudices, including through awareness-raising campaigns.**

Unemployment

23. The Committee is concerned that certain disadvantaged and marginalized groups and individuals continue to be disproportionately affected by unemployment, including persons with disabilities, African-Canadians, the youth, recent immigrants, minorities and indigenous peoples (art. 6).

24. **The Committee recommends that the State party step up its efforts to address unemployment faced by disadvantaged and marginalized groups and individuals. The Committee also recommends that the State party strengthen the enforcement and monitoring of the Employment Equity Act and take all appropriate measures to strengthen and expand its coverage. The Committee further recommends that the State party take measures to ensure the adoption of employment equity legislative and policy measures in all jurisdictions, in collaboration with provinces and territories.**

Minimum wage

25. While noting that the minimum wage has been adjusted in all provinces during the period under review, the Committee is concerned that in all provinces it remains inadequate and falls short of living costs (art. 7).

26. **The Committee recommends that the State party ensure that the minimum wage is increased in all jurisdictions and adjusted and regularly indexed to the cost of living, so as to allow a decent living for all workers and their families.**

Just and favourable conditions of work

27. The Committee welcomes the changes introduced to the Live-In Caregiver Program. It remains concerned, however, that certain categories of foreign workers, including temporary and seasonal migrant workers, are vulnerable to exploitation by employers, especially as their work permit is tied to a specific employer (art. 7).

28. **The Committee recommends that the State party step up its efforts to prevent labour exploitation of temporary and seasonal migrant workers, among others by increasing inspection visits, improving regulation of recruitment agencies and replacing the employer-specific work permit with a type-of-work permit. The Committee refers to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Social security

29. The Committee is concerned at the inadequate social assistance rates in all provinces and for all households and at the lack of accountability provisions in the Federal Social Transfer. The Committee is also concerned about the existence of clawback provisions in some jurisdictions that allow deducting of child benefits from social assistance benefits. Furthermore, the Committee expresses its concern at recent amendments to Bill C-43 which allow provinces to deny access to social assistance by refugee claimants and other persons without permanent status in Canada (art. 9).

30. **The Committee recommends that the State party ensure that social assistance rates are increased in all provinces to levels that allow a decent living for beneficiaries and their families so as to ensure an effective income safety net. The State party should also integrate accountability provisions in the Federal Social Transfer as a means to allow monitoring of how the funds are allocated to social assistance benefits. Furthermore, the State party is requested to ensure that all clawback provisions in provincial jurisdictions are repealed and the recent amendments introduced to Bill C-43 reviewed, with a view to ensuring that refugee claimants and other persons without permanent status in Canada can access social assistance without discrimination.**

Employment insurance

31. The Committee is concerned about the decrease in the number of the unemployed who are eligible for employment insurance, as well as at the insufficient levels of those benefits. In particular, the Committee expresses its concern at the stringent conditions for qualifying for employment insurance and that some workers are often unable to access employment insurance benefits following the termination of their work contract (art. 9).

32. **The Committee recommends that the State party revise the eligibility thresholds for and amounts of employment insurance, with a view to ensuring that all workers, including part-time and temporary foreign workers, can access adequate employment insurance benefits without discrimination.**

Violence against women

33. The Committee is concerned about the persistence of violence against women in the State party, which is particularly prevalent among indigenous women and girls and further exacerbated by the economic insecurity of women. The Committee is also concerned that, in some cases, owing to the inadequacy and insufficient number of shelters, combined with women's inability to afford housing and the inadequate social assistance, women victims of violence are unable to escape violent situations (arts. 10 and 11).

34. **The Committee recommends that the State party address violence against women and girls in a holistic manner. Inter alia, the State party is encouraged to study the link between poverty, ethnic origin and vulnerability to violence and take effective measures aimed at preventing and eradicating violence against women and girls. The Committee also recommends that the State party step up its efforts to protect victims of violence, including by ensuring the availability of a sufficient number of adequate shelters for victims of violence, as well as long-term housing solutions and adequate social assistance.**

Children in foster care

35. The Committee is concerned at the higher likelihood that indigenous children be placed in childcare institutions, which is further exacerbated by the inadequate funding for child welfare services to indigenous peoples living on reserves. The Committee is also concerned that African-Canadian children are overrepresented in childcare institutions (art. 10).

36. **The Committee recommends that the State party:**

(a) **Review and increase its funding to family and child welfare services for indigenous peoples living on reserves and fully comply with the decision of the Canadian Human Rights Tribunal (January 2016) concerning the provision of family child welfare services to First Nations children and families living on reserves;**

(b) **Implement the recommendations of the Truth and Reconciliation Commission (2015) with regard to the Indian Residential Schools;**

(c) **Take effective measures to address the root causes of overrepresentation of African-Canadian children in care institutions.**

Poverty

37. Considering the advanced level of development of the State party, the Committee is concerned about the significant number of people living in poverty. It is further concerned that indigenous peoples, persons with disabilities, single mothers and minority groups continue to experience higher rates of poverty and at the limited effectiveness of measures taken to address that issue (art. 11).

38. **The Committee recommends that the State party take all measures necessary to combat poverty more effectively while paying particular attention to groups and individuals who are more vulnerable to poverty. The Committee recommends that the State party, in collaboration with provinces, territories and indigenous peoples and consultation with civil society organizations, implement a human rights-based national anti-poverty strategy, which includes measureable goals and timelines, as well as independent monitoring mechanisms. The Committee further recommends that the State party ensure that provinces and territories' anti-poverty policies are human rights-based and aligned with the national strategy.**

Right to housing

39. The Committee is concerned about the persistence of a housing crisis in the State party. It is particularly concerned at: (a) the absence of a national housing strategy; (b) the insufficient funding for housing; (c) the inadequate housing subsidy within the social assistance benefit; (d) the shortage of social housing units; and (e) increased evictions related to rental arrears (art. 11).

40. **The Committee urges the State party to develop and effectively implement a human-rights based national strategy on housing and ensure that all provincial and**

territorial housing strategies are aligned with the national strategy. In the light of its general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions, the Committee recommends that the State party:

(a) **Progressively increase federal and provincial resources allocated to housing and reinforce the housing subsidy within the social assistance benefit so as to be commensurate with living costs;**

(b) **Take effective measures to substantially increase the availability of social and affordable housing units;**

(c) **Regulate rental arrangements with a view to ensuring that tenants enjoy the right to affordable and decent housing and are not vulnerable to forced evictions or homelessness;**

(d) **Ensure that its legislation on forced evictions is compatible with international norms, particularly with respect to its obligation to ensure that no persons find themselves homeless or victims of other human rights violations due to evictions, and that compensation or alternative accommodation is provided to victims.**

Homelessness

41. The Committee is concerned at the increasing number of homeless persons in the State party, the lack of adequate measures to prevent homelessness, the shortage of adequate emergency shelters and the existence of anti-camping and other by-laws that penalize homeless persons in some jurisdictions (art. 11).

42. **The Committee recommends that the State party adopt a national strategy on homelessness to examine the root causes of the increase in the number of homeless persons and collect data on the extent of homelessness, disaggregated by geographic location, ethnicity, sex and social condition, and to combat homelessness. The Committee also recommends that the State party take effective measures to ensure the availability of adequate emergency shelters throughout the country and repeal provincial by-laws that penalize homeless persons for finding solutions necessary for their survival and well-being.**

Adequate standard of living

43. The Committee is concerned that indigenous peoples, notably the Inuit and First Nations, encounter poor housing conditions, including overcrowding, which generate, among other issues, health challenges for the communities concerned. The Committee is also concerned at the restricted access to safe drinking water and to sanitation by the First Nations, as well as the lack of water regulations for the First Nations living on reserves (art. 11).

44. **The Committee urges the State party to intensify its efforts to address the indigenous peoples' housing crisis, in consultation with indigenous governments and organizations. The Committee also urges the State party to live up to its commitment to ensure access to safe drinking water and to sanitation for the First Nations while ensuring their active participation in water planning and management. In doing so, the State party should bear in mind not only indigenous peoples' economic right to water but also the cultural significance of water to indigenous peoples.**

Housing for persons with disabilities

45. The Committee is concerned that persons with psychosocial and intellectual disabilities continue to be placed in care institutions due to a lack of adequate housing for

them. It is also concerned by the increased rate of incarceration of these persons and the excessive use of solitary confinement (arts. 11 and 12).

46. **The Committee recommends that a disability perspective is integrated in all housing plans and policies at all levels. To that end, the Committee recommends that the State party increase the availability of affordable and social housing units for persons with psychosocial and intellectual disabilities, as well as community-based services. The Committee also recommends that the State party ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

Right to food

47. The Committee welcomes the information provided by the delegation on the development of a national food policy. The Committee remains concerned, however, at the rates of food insecurity in the State party, the increased reliance on food banks, particularly in northern Canada, and the deficiencies of the Nutrition North Canada food programme (art. 11).

48. **The Committee recommends that the State party take effective measures to address the recommendations put forward in the report of the Special Rapporteur on the right to food following his mission to Canada in 2012 (see A/HRC/27/52/Add.2). The Committee recommends that the State party ensure the food policy is human rights-based and is developed in close collaboration with provinces, territories and indigenous peoples, as well as in consultation with civil society organizations. The Committee recommends that the State party pay particular attention to addressing food insecurity in northern Canada, and take effective measures to protect access to traditional food. To that end, the State party is encouraged to review the Nutrition North Canada programme, giving due attention to the necessary transparency and accountability provisions, and to extend the programme's coverage so as to reach those most affected by food insecurity.**

Right to health

49. The Committee is concerned that undocumented immigrants in the State party are denied access to health care. The Committee is also concerned that drug users face barriers in access to health-care services due to stigma and the punitive approach of the 2007 National Anti-Drug Strategy, which has had negative consequences on the health of drug users and discriminatory effects on disadvantaged and marginalized groups and individuals, such as African-Canadians, indigenous peoples and women (art. 12).

50. **The Committee recommends that the State party ensure access to the Interim Federal Health Program without discrimination based on immigration status, in line with the Human Rights Committee's recommendation of 2015 (see CCPR/C/CAN/CO/6, para. 12). The Committee also recommends that the State party ensure that its national drug law and the National Anti-Drug Strategy incorporate a public-health approach and be harm-reduction-based, and take effective measures to facilitate access to appropriate health care, psychological support services and rehabilitation for drug users.**

Sexual and reproductive health rights

51. The Committee welcomes the information provided by the delegation on measures taken to facilitate access to legal abortion services. It remains concerned, however, at disparities in access to such services and to affordable contraceptives (art. 12).

52. **The Committee recommends that the State party ensure access to legal abortion services in all provinces and territories. The Committee also recommends**

that the State party ensure that physicians' conscientious objection does not impede women's access to legal abortion services. The Committee also recommends that affordable contraceptives be made accessible and available to all, and in particular those living in remote areas and those living in poverty. The Committee refers to its general comment No. 22 (2016) on the right to sexual and reproductive health.

Climate change and environmental protection

53. The Committee is concerned that climate change is negatively affecting the enjoyment of Covenant rights by indigenous peoples. The Committee is also concerned that regulations governing environmental protection have been weakened in recent years, notably by the enactment of the Budget Bill C-38 (2012) and in the context of extractive industries (art. 12).

54. **The Committee recommends that the State party address the impact of climate change on indigenous peoples more effectively while fully engaging indigenous peoples in related policy and programme design and implementation. The Committee also recommends that the State party ensure that the use of non-conventional fossil energies is preceded by consultation with affected communities and impact assessment processes. It also recommends that the State party pursue alternative and renewable energy production. The Committee recommends that the State party further strengthen its legislation and regulations, in accordance with its international human rights obligations, and ensure that environmental impact assessments are regularly carried out in the context of extractive industry activities.**

Right to education

55. The Committee is concerned by the continuous lower educational and academic achievements of indigenous and African-Canadian children. The Committee is particularly concerned by the latter's high dropout rates at all school levels. The Committee is also concerned about reported barriers for children whose parents have no legal status in accessing schooling (arts. 13).

56. **The Committee recommends that the State party reinforce its efforts to address the long-standing issues faced by indigenous and African-Canadian children in accessing and completing primary and secondary school. In doing so, the Committee recommends that the State party develop interventions, in consultation with the affected communities, aimed at combating school dropout, including by putting an end to the unnecessary measures of expelling and suspending pupils. The Committee further recommends the State party ensure access to free compulsory schooling for all children without discrimination.**

Post-secondary education

57. The Committee is concerned at the increasing tuition fees in post-secondary education, combined with decreasing governmental funding, which disproportionately impacts students and families with low income and indigenous peoples (art. 13).

58. **The Committee recommends that the State party take steps to increase the budget allocated to publicly funded post-secondary education system, with a view to facilitating access to higher education to everyone regardless of their socioeconomic or ethnic background.**

Cultural rights

59. The Committee is concerned that many indigenous languages are endangered, despite some measures taken. It is also concerned about the inadequate funding for and

promotion of African art and culture, which adds to the structural discrimination faced by that group in the enjoyment of economic, social and cultural rights in the State party (art. 15).

60. **The Committee recommends that the State party step up the efforts needed to promote the preservation and use of indigenous languages, including by ensuring that provinces and territories teach and use indigenous language at schools, where appropriate. The Committee recommends that the State party promote and increase the funding to the art and culture of African-Canadians and, to that end, use the International Decade for People of African Descent, proclaimed by General Assembly, as a vehicle to promote and protect the human rights of that group.**

D. Other recommendations

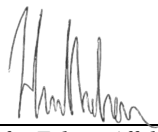
61. **The Committee encourages the State party to ratify the Optional Protocol to the the International Covenant on Economic, Social and Cultural Rights.**

62. **The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights, in order to facilitate the assessment of progress achieved by the State party in the compliance of its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).**

63. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society at national, provincial and territorial levels, particularly among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee also encourages the State party to engage non-governmental organizations and other members of civil society in the process of consultation at the national level prior to the submission of its next periodic report.**

64. **The Committee requests the State party to submit its seventh periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 March 2021. It also invites the State party to update its common core document, as necessary and in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).**

This is Exhibit "55" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

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GENERAL COMMENT No. 11 (2009)

Indigenous children and their rights under the Convention

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COMMITTEE ON THE RIGHTS OF THE CHILD

GENERAL COMMENT No. 11 (2009)

Indigenous children and their rights under the Convention

Introduction

1. In the preamble of the Convention on the Rights of the Child, States parties take "*due account of the importance and cultural values of each people for the protection and harmonious development of the child*". While all the rights contained in the Convention apply to all children, whether indigenous or not, the Convention on the Rights of the Child was the first core human rights treaty to include specific references to indigenous children in a number of provisions.

2. Article 30 of the Convention states that "*In those States in which ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language.*"

3. Furthermore, article 29 of the Convention provides that "*education of the child shall be directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin*".

4. Article 17 of the Convention also makes specific mention as States parties shall "*encourage the mass media to have particular regard for the linguistic needs of the child who belongs to a minority group or who is indigenous*".

5. The specific references to indigenous children in the Convention are indicative of the recognition that they require special measures in order to fully enjoy their rights. The Committee on the Rights of the Child has consistently taken into account the situation of indigenous children in its reviews of periodic reports of States parties to the Convention. The Committee has observed that indigenous children face significant challenges in exercising their rights and has issued specific recommendations to this effect in its concluding observations. Indigenous children continue to experience serious discrimination contrary to article 2 of the Convention in a range of areas, including in their access to health care and education, which has prompted the need to adopt this general comment.

6. In addition to the Convention on the Rights of the Child, various human rights treaties, have played an important role in addressing the situation of indigenous children and their right not to be discriminated, namely, the International Convention on the Elimination of All Forms of Racial Discrimination, 1965, the International Covenant on Civil and Political Rights, 1966, and the International Covenant on Economic, Social and Cultural Rights, 1966.

7. The International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989 contains provisions which advance the rights of indigenous peoples and specifically highlights the rights of indigenous children in the area of education.

8. In 2001, the United Nations Commission on Human Rights appointed a Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, subsequently confirmed by the Human Rights Council in 2007. The Council has requested the Special Rapporteur to pay particular attention to the situation of indigenous children and several recommendations included in his annual and mission reports have focused on their specific situation.

9. In 2003, the United Nations Permanent Forum on Indigenous Issues held its second session on the theme indigenous children and youth and the same year the Committee on the Rights of the Child held its annual Day of General Discussion on the rights of indigenous children and adopted specific recommendations aimed primarily at States parties but also United Nations entities, human rights mechanisms, civil society, donors, the World Bank and regional development banks.

10. In 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples which provides important guidance on the rights of indigenous peoples, including specific reference to the rights of indigenous children in a number of areas.

Objectives and structure

11. This general comment on the rights of indigenous children as provided for by the Convention on the Rights of the Child draws on the legal developments and initiatives outlined above.

12. The primary objective of this general comment is to provide States with guidance on how to implement their obligations under the Convention with respect to indigenous children. The Committee bases this general comment on its experience in interpreting the provisions of the Convention in relation to indigenous children. Furthermore, the general comment is based upon the recommendations adopted following the Day of General Discussion on indigenous children in 2003 and reflects a consultative process with relevant stakeholders, including indigenous children themselves.

13. The general comment aims to explore the specific challenges which impede indigenous children from being able to fully enjoy their rights and highlight special measures required to be undertaken by States in order to guarantee the effective exercise of indigenous children's rights. Furthermore, the general comment seeks to encourage good practices and highlight positive approaches in the practical implementation of rights for indigenous children.

14. Article 30 of the Convention and the right to the enjoyment of culture, religion and language are key elements in this general comment; however the aim is to explore the various provisions which require particular attention in their implementation in relation to indigenous children. Particular emphasis is placed on the interrelationship between relevant provisions, notably with the general principles of the Convention as identified by the Committee, namely, non-discrimination, the best interests of the child, the right to life, survival and development and the right to be heard.

15. The Committee notes that the Convention contains references to both minority and indigenous children. Certain references in this general comment may be relevant for children of minority groups and the Committee may decide in the future to prepare a general comment specifically on the rights of children belonging to minority groups.

Article 30 and general obligations of States

16. The Committee recalls the close linkage between article 30 of the Convention on the Rights of the Child and article 27 of the International Covenant on Civil and Political Rights. Both articles specifically provide for the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language. The right established is conceived as being both individual and collective and is an important recognition of the collective traditions and values in indigenous cultures. The Committee notes that the right to exercise cultural rights among indigenous peoples may be closely associated with the use of traditional territory and the use of its resources.[1]

17. Although article 30 is expressed in negative terms, it nevertheless recognizes the existence of a "right" and requires that it "shall not be denied". Consequently, a State party is under an obligation to ensure that the existence and the exercise of this right are protected against their denial or violation. The Committee concurs with the Human Rights Committee that positive measures of protection are required, not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party.[2]

18. In this context, the Committee also supports the Committee on the Elimination of Racial Discrimination in its call upon States parties *to recognize and respect indigenous distinct cultures, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation*.[3]

19. The presence of indigenous peoples is established by self-identification as the fundamental criterion for determining their existence.[4] There is no requirement for States parties to officially recognize indigenous peoples in order for them to exercise their rights.

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[1] Human Rights Committee, general comment No. 23 on article 27, CCPR/C/Rev.1/Add.5, 1994, paras. 3.2, 7. Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 4.

[2] Human Rights Committee, general comment No. 23 on article 27, CCPR/C/Rev.1/Add.5, 1994, para. 6.1.

[3] Committee on the Elimination of Racial Discrimination, general recommendation No. 23 on Indigenous Peoples, 1997, contained in A/52/18, Annex V.

[4] ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries No. 169, article 1 (2).

20. Based on its reviews of States parties reports, the Committee on the Rights of the Child has observed that in implementing their obligations under the Convention many States parties give insufficient attention to the rights of indigenous children and to promotion of their development. The Committee considers that special measures through legislation and policies for the protection of indigenous children should be undertaken in consultation with the communities concerned[5] and with the participation of children in the consultation process, as provided for by article 12 of the Convention. The Committee considers that consultations should be actively carried out by authorities or other entities of States parties in a manner that is culturally appropriate, guarantees availability of information to all parties and ensures interactive communication and dialogue.

21. The Committee urges States parties to ensure that adequate attention is given to article 30 in the implementation of the Convention. States parties should provide detailed information in their periodic reports under the Convention on the special measures undertaken in order to guarantee that indigenous children can enjoy the rights provided in article 30.

22. The Committee underlines that cultural practices provided by article 30 of the Convention must be exercised in accordance with other provisions of the Convention and under no circumstances may be justified if deemed prejudicial to the child's dignity, health and development.[6] Should harmful practices be present, inter alia early marriages and female genital mutilation, the State party should work together with indigenous communities to ensure their eradication. The Committee strongly urges States parties to develop and implement awareness-raising campaigns, education programmes and legislation aimed at changing attitudes and address gender roles and stereotypes that contribute to harmful practices.[7]

General principles
(arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

23. Article 2 sets out the obligation of States parties to ensure the rights of each child within its jurisdiction without discrimination of any kind. Non-discrimination has been identified by the Committee as a general principle of fundamental importance for the implementation of all the rights enshrined in the Convention. Indigenous children have the inalienable right to be free from discrimination. In order to effectively protect children from discrimination, it is a State party obligation to ensure that the principle of non-discrimination is reflected in all domestic legislation and can be directly applied and appropriately monitored and enforced through judicial and administrative bodies. Effective remedies should be timely and accessible. The Committee highlights that the obligations of the State party extend not only to the public but also to the private sector.

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[5] ILO Convention No. 169, articles 2, 6, 27.

[6] UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 7.

[7] CRC, general comment No. 4 on Adolescent Health, 2003, para. 24.

24. As previously stated in the Committee's general comment No. 5 on general measures of implementation, the non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified. Addressing discrimination may furthermore require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes.[8]

25. The Committee, through its extensive review of State party reports, notes that indigenous children are among those children who require positive measures in order to eliminate conditions that cause discrimination and to ensure their enjoyment of the rights of the Convention on equal level with other children. In particular, States parties are urged to consider the application of special measures in order to ensure that indigenous children have access to culturally appropriate services in the areas of health, nutrition, education, recreation and sports, social services, housing, sanitation and juvenile justice.[9]

26. Among the positive measures required to be undertaken by States parties is disaggregated data collection and the development of indicators for the purposes of identifying existing and potential areas of discrimination of indigenous children. The identification of gaps and barriers to the enjoyment of the rights of indigenous children is essential in order to implement appropriate positive measures through legislation, resource allocation, policies and programmes.[10]

27. States parties should ensure that public information and educational measures are taken to address the discrimination of indigenous children. The obligation under article 2 in conjunction with articles 17, 29.1 (d) and 30 of the Convention requires States to develop public campaigns, dissemination material and educational curricula, both in schools and for professionals, focused on the rights of indigenous children and the elimination of discriminatory attitudes and practices, including racism. Furthermore, States parties should provide meaningful opportunities for indigenous and non-indigenous children to understand and respect different cultures, religions, and languages.

28. In their periodic reports to the Committee, States parties should identify measures and programmes undertaken to address discrimination of indigenous children in relation to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Discrimination, Xenophobia and Related Intolerance. [11]

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[8] CRC, general comment No. 5 on General Measures of Implementation, 2003, para. 12.

[9] Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 9.

[10] Ibid., para. 6.

[11] Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 12.

29. In the design of special measures, States parties should consider the needs of indigenous children who may face multiple facets of discrimination and also take into account the different situation of indigenous children in rural and urban situations. Particular attention should be given to girls in order to ensure that they enjoy their rights on an equal basis as boys. States parties should furthermore ensure that special measures address the rights of indigenous children with disabilities.[12]

Best interests of the child

30. The application of the principle of the best interests of the child to indigenous children requires particular attention. The Committee notes that the best interests of the child is conceived both as a collective and individual right, and that the application of this right to indigenous children as a group requires consideration of how the right relates to collective cultural rights. Indigenous children have not always received the distinct consideration they deserve. In some cases, their particular situation has been obscured by other issues of broader concern to indigenous peoples, (including land rights and political representation).[13] In the case of children, the best interests of the child cannot be neglected or violated in preference for the best interests of the group.

31. When State authorities including legislative bodies seek to assess the best interests of an indigenous child, they should consider the cultural rights of the indigenous child and his or her need to exercise such rights collectively with members of their group. As regards legislation, policies and programmes that affect indigenous children in general, the indigenous community should be consulted and given an opportunity to participate in the process on how the best interests of indigenous children in general can be decided in a culturally sensitive way. Such consultations should, to the extent possible, include meaningful participation of indigenous children.

32. The Committee considers there may be a distinction between the best interests of the individual child, and the best interests of children as a group. In decisions regarding one individual child, typically a court decision or an administrative decision, it is the best interests of the specific child that is the primary concern. However, considering the collective cultural rights of the child is part of determining the child's best interests.

33. The principle of the best interests of the child requires States to undertake active measures throughout their legislative, administrative and judicial systems that would systematically apply the principle by considering the implication of their decisions and actions on children's rights

[12] Convention on the Rights of Persons with Disabilities, preamble. United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295, articles 21, 22.

[13] UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 1.

and interests.[14] In order to effectively guarantee the rights of indigenous children such measures would include training and awareness-raising among relevant professional categories of the importance of considering collective cultural rights in conjunction with the determination of the best interests of the child.

The right to life, survival and development

34. The Committee notes with concern that disproportionately high numbers of indigenous children live in extreme poverty, a condition which has a negative impact on their survival and development. The Committee is furthermore concerned over the high infant and child mortality rates as well as malnutrition and diseases among indigenous children. Article 4 obliges States parties to address economic, social and cultural rights to the maximum extent of their available resources and where needed with international cooperation. Articles 6 and 27 provide the right of children to survival and development as well as an adequate standard of living. States should assist parents and others responsible for the indigenous child to implement this right by providing culturally appropriate material assistance and support programmes, particularly with regard to nutrition, clothing and housing. The Committee stresses the need for States parties to take special measures to ensure that indigenous children enjoy the right to an adequate standard of living and that these, together with progress indicators, be developed in partnership with indigenous peoples, including children.

35. The Committee reiterates its understanding of development of the child as set out in its general comment No. 5, as a "holistic concept embracing the child's physical, mental, spiritual, moral, psychological and social development".[15] The Preamble of the Convention stresses the importance of the traditions and cultural values of each person, particularly with reference to the protection and harmonious development of the child. In the case of indigenous children whose communities retain a traditional lifestyle, the use of traditional land is of significant importance to their development and enjoyment of culture.[16] States parties should closely consider the cultural significance of traditional land and the quality of the natural environment while ensuring the children's right to life, survival and development to the maximum extent possible.

36. The Committee reaffirms the importance of the Millennium Development Goals (MDGs) and calls on States to engage with indigenous peoples, including children, to ensure the full realization of the MDGs with respect to indigenous children.

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[14] CRC, general comment No. 5 on General Measures of Implementation, 2003, para. 12.

[15] Ibid.

[16] UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 8.

Respect for the views of the child

37. The Committee considers that, in relation to article 12, there is a distinction between the right of the child as an individual to express his or her opinion and the right to be heard collectively, which allows children as a group to be involved in consultations on matters involving them.

38. With regard to the individual indigenous child, the State party has the obligation to respect the child's right to express his or her view in all matters affecting him or her, directly or through a representative, and give due weight to this opinion in accordance with the age and maturity of the child. The obligation is to be respected in any judicial or administrative proceeding. Taking into account the obstacles which prevent indigenous children from exercising this right, the State party should provide an environment that encourages the free opinion of the child. The right to be heard includes the right to representation, culturally appropriate interpretation and also the right not to express one's opinion.

39. When the right is applied to indigenous children as a group, the State party plays an important role in promoting their participation and should ensure that they are consulted on all matters affecting them. The State party should design special strategies to guarantee that their participation is effective. The State party should ensure that this right is applied in particular in the school environment, alternative care settings and in the community in general. The Committee recommends States parties to work closely with indigenous children and their communities to develop, implement and evaluate programmes, policies and strategies for implementation of the Convention.

Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)

Access to information

40. The Committee underlines the importance that the media have particular regard for the linguistic needs of indigenous children, in accordance with articles 17 (d) and 30 of the Convention. The Committee encourages States parties to support indigenous children to have access to media in their own languages. The Committee underlines the right of indigenous children to access information, including in their own languages, in order for them to effectively exercise their right to be heard.

Birth registration, nationality and identity

41. States parties are obliged to ensure that all children are registered immediately after birth and that they acquire a nationality. Birth registration should be free and universally accessible. The Committee is concerned that indigenous children, to a greater extent than non-indigenous children, remain without birth registration and at a higher risk of being stateless.

42. Therefore, States parties should take special measures in order to ensure that indigenous children, including those living in remote areas, are duly registered. Such special measures, to

be agreed following consultation with the communities concerned, may include mobile units, periodic birth registration campaigns or the designation of birth registration offices within indigenous communities to ensure accessibility.

43. States parties should ensure that indigenous communities are informed about the importance of birth registration and of the negative implications of its absence on the enjoyment of other rights for non-registered children. States parties should ensure that information to this effect is available to indigenous communities in their own languages and that public awareness campaigns are undertaken in consultation with the communities concerned.[17]

44. Furthermore, taking into account articles 8 and 30 of the Convention, States parties should ensure that indigenous children may receive indigenous names of their parents' choice in accordance with their cultural traditions and the right to preserve his or her identity. States parties should put in place national legislation that provides indigenous parents with the possibility of selecting the name of their preference for their children.

45. The Committee draws the attention of States to article 8 (2) of the Convention which affirms that a child who has been illegally deprived of some or all of the elements of his or her identity shall be provided with appropriate assistance and protection in order to re-establish speedily his or her identity. The Committee encourages States parties to bear in mind article 8 of the United Nations Declaration on the Rights of Indigenous Peoples which sets out that effective mechanisms should be provided for prevention of, and redress for, any action which deprives indigenous peoples, including children, of their ethnic identities.

Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

46. Article 5 of the Convention requires States parties to respect the rights, responsibilities and duties of parents or where applicable, the members of the extended family or community to provide, in a manner consistent with the evolving capacities of all children, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention. States parties should ensure effective measures are implemented to safeguard the integrity of indigenous families and communities by assisting them in their child-rearing responsibilities in accordance with articles 3, 5, 18, 25 and 27 (3) of the Convention.[18]

47. States parties should, in cooperation with indigenous families and communities, collect data on the family situation of indigenous children, including children in foster care and adoption processes. Such information should be used to design policies relating to the family environment

[17] UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 9.

[18] Recommendations of CRC Day of General Discussion on the Rights of Indigenous Children, 2003, para. 17.

and alternative care of indigenous children in a culturally sensitive way. Maintaining the best interests of the child and the integrity of indigenous families and communities should be primary considerations in development, social services, health and education programmes affecting indigenous children.[19]

48. Furthermore, States should always ensure that the principle of the best interests of the child is the paramount consideration in any alternative care placement of indigenous children and in accordance with article 20 (3) of the Convention pay due regard to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. In States parties where indigenous children are overrepresented among children separated from their family environment, specially targeted policy measures should be developed in consultation with indigenous communities in order to reduce the number of indigenous children in alternative care and prevent the loss of their cultural identity. Specifically, if an indigenous child is placed in care outside their community, the State party should take special measures to ensure that the child can maintain his or her cultural identity.

Basic health and welfare
(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

49. States parties shall ensure that all children enjoy the highest attainable standard of health and have access to health-care service. Indigenous children frequently suffer poorer health than non-indigenous children due to inter alia inferior or inaccessible health services. The Committee notes with concern, on the basis of its reviews of States parties' reports, that this applies both to developing and developed countries.

50. The Committee urges States parties to take special measures to ensure that indigenous children are not discriminated against enjoying the highest attainable standard of health. The Committee is concerned over the high rates of mortality among indigenous children and notes that States parties have a positive duty to ensure that indigenous children have equal access to health services and to combat malnutrition as well as infant, child and maternal mortality.

51. States parties should take the necessary steps to ensure ease of access to health-care services for indigenous children. Health services should to the extent possible be community based and planned and administered in cooperation with the peoples concerned.[20] Special consideration should be given to ensure that health-care services are culturally sensitive and that information about these is available in indigenous languages. Particular attention should be given to ensuring access to health care for indigenous peoples who reside in rural and remote areas or in areas of armed conflict or who are migrant workers, refugees or displaced. States parties should furthermore pay special attention to the needs of indigenous children with disabilities and ensure that relevant programmes and policies are culturally sensitive.[21]

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[19] Ibid.

[20] ILO Convention No. 169, article 25 (1, 2).

[21] CRC, general comment No. 9 on The Rights of Children with Disabilities, 2006.

52. Health-care workers and medical staff from indigenous communities play an important role by serving as a bridge between traditional medicine and conventional medical services and preference should be given to employment of local indigenous community workers.[22] States parties should encourage the role of these workers by providing them with the necessary means and training in order to enable that conventional medicine be used by indigenous communities in a way that is mindful of their culture and traditions. In this context, the Committee recalls article 25 (2) of the ILO Convention No. 169 and articles 24 and 31 of the United Nations Declaration on the Rights of Indigenous Peoples on the right of indigenous peoples to their traditional medicines.[23]

53. States should take all reasonable measures to ensure that indigenous children, families and their communities receive information and education on issues relating to health and preventive care such as nutrition, breastfeeding, pre- and postnatal care, child and adolescent health, vaccinations, communicable diseases (in particular HIV/AIDS and tuberculosis), hygiene, environmental sanitation and the dangers of pesticides and herbicides.

54. Regarding adolescent health, States parties should consider specific strategies in order to provide indigenous adolescents with access to sexual and reproductive information and services, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted infections (STIs). The Committee recommends States parties to take into account its general comments No. 3 on HIV/AIDS and the rights of the child (2003) and No. 4 on adolescent health (2003) for this purpose.[24]

55. In certain States parties suicide rates for indigenous children are significantly higher than for non-indigenous children. Under such circumstances, States parties should design and implement a policy for preventive measures and ensure that additional financial and human resources are allocated to mental health care for indigenous children in a culturally appropriate manner, following consultation with the affected community. In order to analyse and combat the root causes, the State party should establish and maintain a dialogue with the indigenous community.

Education
(arts. 28, 29 and 31 of the Convention)

56. Article 29 of the Convention sets out that the aims of education for all children should be directed to, among other objectives, the development of respect for the child's cultural identity, language and values and for civilizations different from his or her own. Further objectives

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[22] ILO Convention No. 169, article 25 (3).

[23] United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295, articles 24, 31.

[24] CRC, general comment No. 3 on HIV/AIDS and the Rights of the Child, 2003 and general comment No. 4 on Adolescent Health, 2003.

include the preparation of the child for responsible life in a free society, in the spirit of understanding peace, tolerance, equality of sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin. The aims of education apply to education for all children and States should ensure these are adequately reflected in the curricula, content of materials, teaching methods and policies. States are encouraged to refer to the Committee's general comment No. 1 on the aims of education for further guidance.[25]

57. The education of indigenous children contributes both to their individual and community development as well as to their participation in the wider society. Quality education enables indigenous children to exercise and enjoy economic, social and cultural rights for their personal benefit as well as for the benefit of their community. Furthermore, it strengthens children's ability to exercise their civil rights in order to influence political policy processes for improved protection of human rights. Thus, the implementation of the right to education of indigenous children is an essential means of achieving individual empowerment and self-determination of indigenous peoples.

58. In order to ensure that the aims of education are in line with the Convention, States parties are responsible for protecting children from all forms of discrimination as set out in article 2 of the Convention and for actively combating racism. This duty is particularly pertinent in relation to indigenous children. In order to effectively implement this obligation, States parties should ensure that the curricula, educational materials and history textbooks provide a fair, accurate and informative portrayal of the societies and cultures of indigenous peoples.[26] Discriminatory practices, such as restrictions on the use of cultural and traditional dress, should be avoided in the school setting.

59. Article 28 of the Convention sets out that States parties shall ensure that primary education is compulsory and available to all children on the basis of equal opportunity. States parties are encouraged to make secondary and vocational education available and accessible to every child. However, in practice, indigenous children are less likely to be enrolled in school and continue to have higher drop out and illiteracy rates than non-indigenous children. Most indigenous children have reduced access to education due to a variety of factors including insufficient educational facilities and teachers, direct or indirect costs for education as well as a lack of culturally adjusted and bilingual curricula in accordance with article 30. Furthermore, indigenous children are frequently confronted with discrimination and racism in the school setting.

60. In order for indigenous children to enjoy their right to education on equal footing with non-indigenous children, States parties should ensure a range of special measures to this effect. States parties should allocate targeted financial, material and human resources in order to implement policies and programmes which specifically seek to improve the access to education for indigenous children. As established by article 27 of the ILO Convention No. 169, education programmes and services should be developed and implemented in cooperation with the peoples

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[25] CRC, general comment No. 1 on the Aims of Education, 2001.

[26] ILO Convention No. 169, article 31, United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295, article 15.

concerned to address their specific needs. Furthermore, governments should recognize the right of indigenous peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples.[27] States should undertake all reasonable efforts to ensure that indigenous communities are aware of the value and importance of education and of the significance of community support for school enrolment.

61. States parties should ensure that school facilities are easily accessible where indigenous children live. If required, States parties should support the use of media, such as radio broadcasts and long distance education programmes (internet-based) for educational purposes and establish mobile schools for indigenous peoples who practice nomadic traditions. The school cycle should take into account and seek to adjust to cultural practices as well as agricultural seasons and ceremonial periods. States parties should only establish boarding schools away from indigenous communities when necessary as this may be a disincentive for the enrolment of indigenous children, especially girls. Boarding schools should comply with culturally sensitive standards and be monitored on a regular basis. Attempts should also be made to ensure that indigenous children living outside their communities have access to education in a manner which respects their culture, languages and traditions.

62. Article 30 of the Convention establishes the right of the indigenous child to use his or her own language. In order to implement this right, education in the child's own language is essential. Article 28 of ILO Convention No. 169 affirms that indigenous children shall be taught to read and write in their own language besides being accorded the opportunity to attain fluency in the official languages of the country.[28] Bilingual and intercultural curricula are important criteria for the education of indigenous children. Teachers of indigenous children should to the extent possible be recruited from within indigenous communities and given adequate support and training.

63. With reference to article 31 of the Convention, the Committee notes the many positive benefits of participation in sports, traditional games, physical education, and recreational activities and calls on States parties to ensure that indigenous children enjoy the effective exercise of these rights.

Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Children in armed conflict and refugee children

64. Through its periodic reviews of States parties' reports, the Committee has concluded that indigenous children are particularly vulnerable in situations of armed conflict or in situations of internal unrest. Indigenous communities often reside in areas which are coveted for their natural

[27] ILO Convention No. 169, article 27.

[28] ILO Convention No. 169, article 28.

resources or that, because of remoteness, serve as a base for non-State armed groups. In other situations, indigenous communities reside in the vicinity of borders or frontiers which are disputed by States.[29]

65. Indigenous children in such circumstances have been, and continue to face risks of being, victims of attacks against their communities, resulting in death, rape and torture, displacement, enforced disappearances, the witnessing of atrocities and the separation from parents and community. Targeting of schools by armed forces and groups has denied indigenous children access to education. Furthermore, indigenous children have been recruited by armed forces and groups and forced to commit atrocities, sometimes even against their own communities.

66. Article 38 of the Convention obliges States parties to ensure respect for the rules of humanitarian law, to protect the civilian population and to take care of children who are affected by armed conflict. States parties should pay particular attention to the risks indigenous children face in hostilities and take maximum preventive measures in consultation with the communities concerned. Military activities on indigenous territories should be avoided to the extent possible, the Committee recalls article 30 of the United Nations Declaration on the Rights of Indigenous Peoples in this regard.[30] States parties should not require military conscription of indigenous children under the age of 18 years. States parties are encouraged to ratify and implement the Optional Protocol on the Involvement of Children in Armed Conflict.

67. Indigenous children who have been victims of recruitment in armed conflict should be provided with the necessary support services for reintegration into their families and communities. Consistent with article 39 of the Convention, States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of exploitation, abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment or armed conflicts. In the case of indigenous children, this should be done giving due consideration to the child's cultural and linguistic background.

68. Indigenous children who have been displaced or become refugees should be given special attention and humanitarian assistance in a culturally sensitive manner. Safe return and restitution of collective and individual property should be promoted.

Economic exploitation

69. Article 32 of the Convention provides that all children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. In addition, ILO Convention No. 138 (Minimum Age Convention) and Convention No. 182 (Worst Forms of Child Labour Convention) set parameters for

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[29] UNICEF Innocenti Digest No. 11, Ensuring the Rights of Indigenous Children, 2004, p. 13.

[30] United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295, article 30.

distinguishing child labour that needs abolition, on the one hand, and acceptable work done by children, including such activities that allow indigenous children to acquire livelihood skills, identity and culture, on the other. Child labour is work that deprives children of their childhood, their potential and dignity and that is harmful to their physical and mental development.[31]

70. Provisions in the Convention on the Rights of the Child refer to the use of children in illicit production and trafficking of drugs (art. 33), sexual exploitation (art. 34), trafficking in children (art. 35), children in armed conflicts (art. 38). These provisions are closely related to the definition of the worst forms of child labour under ILO Convention No. 182. The Committee notes with grave concern that indigenous children are disproportionately affected by poverty and at particular risk of being used in child labour, especially its worst forms, such as slavery, bonded labour, child trafficking, including for domestic work, use in armed conflict, prostitution and hazardous work.

71. The prevention of exploitative child labour among indigenous children (as in the case of all other children) requires a rights-based approach to child labour and is closely linked to the promotion of education. For the effective elimination of exploitative child labour among indigenous communities, States parties must identify the existing barriers to education and the specific rights and needs of indigenous children with respect to school education and vocational training. This requires that special efforts be taken to maintain a dialogue with indigenous communities and parents regarding the importance and benefits of education. Measures to combat exploitative child labour furthermore require analysis of the structural root causes of child exploitation, data collection and the design and implementation of prevention programmes, with adequate allocation of financial and human resources by the State party, to be carried out in consultation with indigenous communities and children.

Sexual exploitation and trafficking

72. Articles 34 and 35 of the Convention with consideration to the provisions of article 20, call on States to ensure that children are protected against sexual exploitation and abuse as well as the abduction, sale or traffic of children for any purposes. The Committee is concerned that indigenous children whose communities are affected by poverty and urban migration are at a high risk of becoming victims of sexual exploitation and trafficking. Young girls, particularly those not registered at birth, are especially vulnerable. In order to improve the protection of all children, including indigenous, States parties are encouraged to ratify and implement the Optional Protocol on the sale of children, child prostitution and child pornography.

73. States should, in consultation with indigenous communities, including children, design preventive measures and allocate targeted financial and human resources for their implementation. States should base preventive measures on studies which include documentation of the patterns of violations and analysis of root causes.

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[31] ILO, Handbook on Combating Child Labour among Indigenous and Tribal Peoples, 2006, p. 9.

Juvenile justice

74. Articles 37 and 40 of the Convention ensure the rights of children within, and in interaction with, State judicial systems. The Committee notes with concern that incarceration of indigenous children is often disproportionately high and in some instances may be attributed to systemic discrimination from within the justice system and/or society.[32] To address these high rates of incarceration, the Committee draws the attention of States parties to article 40 (3) of the Convention requiring States to undertake measures to deal with children alleged as, accused of, or recognized as having infringed the penal law without resorting to judicial proceedings, whenever appropriate. The Committee, in its general comment No. 10 on children's rights in juvenile justice (2007) and in its concluding observations, has consistently affirmed that the arrest, detention or imprisonment of a child may be used only as a measure of last resort.[33]

75. States parties are encouraged to take all appropriate measures to support indigenous peoples to design and implement traditional restorative justice systems as long as those programmes are in accordance with the rights set out in the Convention, notably with the best interests of the child.[34] The Committee draws the attention of States parties to the United Nations Guidelines for the Prevention of Juvenile Delinquency, which encourage the development of community programmes for the prevention of juvenile delinquency.[35] States parties should seek to support, in consultation with indigenous peoples, the development of community-based policies, programmes and services which consider the needs and culture of indigenous children, their families and communities. States should provide adequate resources to juvenile justice systems, including those developed and implemented by indigenous peoples.

76. States parties are reminded that pursuant to article 12 of the Convention, all children should have an opportunity to be heard in any judicial or criminal proceedings affecting them, either directly or through a representative. In the case of indigenous children, States parties should adopt measures to ensure that an interpreter is provided free of charge if required and that the child is guaranteed legal assistance, in a culturally sensitive manner.

77. Professionals involved in law enforcement and the judiciary should receive appropriate training on the content and meaning of the provisions of the Convention and its Optional Protocols, including the need to adopt special protection measures for indigenous children and other specific groups.[36]

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[32] CRC, general comment No. 1 on Children's Rights in Juvenile Justice, 2007, para. 6.

[33] Ibid. para. 23.

[34] Recommendations of Day of General Discussion on the Rights of Indigenous Children, 2003, para. 13.

[35] United Nations Guidelines for the Prevention of Juvenile Delinquency, "the Riyadh Guidelines", 1990.

[36] CRC, general comment No. 1 on Children's Rights in Juvenile Justice, 2007, para. 97.

States parties' obligations and monitoring of the implementation of the Convention

78. The Committee reminds States parties that ratification of the Convention on the Rights of the Child obliges States parties to take action to ensure the realization of all rights in the Convention for all children within their jurisdiction. The duty to respect and protect requires each State party to ensure that the exercise of the rights of indigenous children is fully protected against any acts of the State party by its legislative, judicial or administrative authorities or by any other entity or person within the State party.

79. Article 3 of the Convention requires States parties to ensure that in all actions concerning children, the best interests of the child shall be a primary consideration. Article 4 of the Convention requires States parties to undertake measures to implement the Convention to the maximum extent of their available resources. Article 42 sets out that States parties are further required to ensure that children and adults are provided information on the principles and provisions of the Convention.

80. In order to effectively implement the rights of the Convention for indigenous children, States parties need to adopt appropriate legislation in accordance with the Convention. Adequate resources should be allocated and special measures adopted in a range of areas in order to effectively ensure that indigenous children enjoy their rights on an equal level with non-indigenous children. Further efforts should be taken to collect and disaggregate data and develop indicators to evaluate the degree of implementation of the rights of indigenous children. In order to develop policy and programming efforts in a culturally sensitive manner, States parties should consult with indigenous communities and directly with indigenous children. Professionals working with indigenous children should be trained on how consideration should be given to cultural aspects of children's rights.

81. The Committee calls for States parties to, when applicable, better integrate information in their periodic reports to the Committee on the implementation of indigenous children's rights and on the adoption of special measures in this regard. Furthermore, the Committee requests States parties to strengthen efforts to translate and disseminate information about the Convention and its Optional Protocols and the reporting process among indigenous communities and children, in order for them to actively participate in the monitoring process. Furthermore, indigenous communities are encouraged to utilize the Convention as an opportunity to assess the implementation of the rights of their children.

82. Finally, the Committee urges States parties to adopt a rights-based approach to indigenous children based on the Convention and other relevant international standards, such as ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples. In order to guarantee effective monitoring of the implementation of the rights of indigenous children, States parties are urged to strengthen direct cooperation with indigenous communities and, if required, seek technical cooperation from international agencies, including United Nations entities. Empowerment of indigenous children and the effective exercise of their rights to culture, religion and language provide an essential foundation of a culturally diverse State in harmony and compliance with its human rights obligations.

This is Exhibit "56" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

United Nations CRC/C/GC/26

Convention on the Rights of the Child

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Committee on the Rights of the Child

General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change*

I. Introduction

1. The extent and magnitude of the triple planetary crisis, comprising the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children's rights globally. The unsustainable extraction and use of natural resources, combined with widespread contamination through pollution and waste, have had a profound impact on the natural environment, fuelling climate change, intensifying the toxic pollution of water, air and soil, causing ocean acidification and devastating biodiversity and the very ecosystems that sustain all life.

2. The efforts of children to draw attention to these environmental crises created the motivation and were the momentum behind the present general comment. The Committee benefited immeasurably from the contributions of children at its 2016 day of general discussion on children's rights and the environment. A diverse and dedicated children's advisory team, comprising 12 advisors of between 11 and 17 years of age, supported the consultation process undertaken for the general comment, with 16,331 contributions from children, from 121 countries, through online surveys, focus groups and in-person national and regional consultations.

3. The children consulted reported on the negative effects of environmental degradation and climate change on their lives and communities. They asserted their right to live in a clean, healthy and sustainable environment: "The environment is our life." "Adults [should] stop making decisions for the future they won't experience. [We] are the key means [of] solving climate change, as it is [our] lives at stake." "I would like to tell [adults] that we are the future generations and, if you destroy the planet, where will we live?!"[1]

4. Child human rights defenders, as agents of change, have made historic contributions to human rights and environmental protection. Their status should be recognized, and their demands for urgent and decisive measures to tackle global environmental harm should be realized.

5. While the present general comment is focused on climate change, its application should not be limited to any particular environmental issue. New environmental challenges may arise in the future, for example, those linked to technological and economic development and social change. States should ensure that the present general comment is widely disseminated to all relevant stakeholders, in particular children, and is made available in multiple languages and formats, including age-appropriate and accessible versions.

* Adopted by the Committee at its ninety-third session (8–26 May 2023).

[1] See https://childrightsenvironment.org/reports/.

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A. Child rights-based approach to environmental protection

6. The application of a child rights-based approach to the environment requires the full consideration of all children's rights under the Convention on the Rights of the Child and the Optional Protocols thereto.

7. In a children's rights-based approach, the process of realizing children's rights is as important as the result. As rights holders, children are entitled to protection from infringements of their rights stemming from environmental harm and to be recognized and fully respected as environmental actors. In taking such an approach, particular attention is paid to the multiple barriers faced by children in disadvantaged situations in enjoying and claiming their rights.

8. A clean, healthy and sustainable environment is both a human right itself and necessary for the full enjoyment of a broad range of children's rights. Conversely, environmental degradation, including the consequences of the climate crisis, adversely affects the enjoyment of these rights, in particular for children in disadvantaged situations or children living in regions that are highly exposed to climate change. The exercise by children of their rights to freedom of expression, peaceful assembly and association, to information and education, to participate and be heard and to effective remedies can result in more rights-compliant, and therefore more ambitious and effective, environmental policies. In this way, children's rights and environmental protection form a virtuous circle.

B. Evolution of international law on human rights and the environment

9. The Convention explicitly addresses environmental issues in article 24 (2) (c), by which States are obliged to take measures to combat disease and malnutrition, taking into consideration the dangers and risks of environmental pollution, and under article 29 (1) (e), by which they are required to direct the education of children to the development of respect for the natural environment. Since the adoption of the Convention, growing acceptance has emerged of the wide-ranging interconnections between children's rights and environmental protection. Unprecedented environmental crises and the resulting challenges for the realization of children's rights require a dynamic interpretation of the Convention.

10. The Committee is mindful of efforts of relevance to its interpretation, including: (a) the recognition of the human right to a clean, healthy and sustainable environment by the General Assembly[2] and the Human Rights Council;[3] (b) the framework principles on human rights and the environment;[4] (c) the existing and evolving norms, principles, standards and obligations under international environmental law, such as the United Nations Framework Convention on Climate Change and the Paris Agreement; (d) the legal developments and jurisprudence at the regional level recognizing the relationship between human rights and the environment; and (e) the recognition of some form of the right to a clean, healthy and sustainable environment in international agreements, the jurisprudence of regional and national courts, national constitutions, laws and policies by a vast majority of States.[5]

C. Intergenerational equity and future generations

11. The Committee recognizes the principle of intergenerational equity and the interests of future generations, to which the children consulted overwhelmingly referred. While the rights of children who are present on Earth require immediate urgent attention, the children constantly arriving are also entitled to the realization of their human rights to the maximum extent. Beyond their immediate obligations under the Convention with regard to the environment, States bear the responsibility for foreseeable environment-related threats

[2] General Assembly resolution 76/300.
[3] Human Rights Council resolution 48/13.
[4] A/HRC/37/59, annex.
[5] See A/HRC/43/53.

arising as a result of their acts or omissions now, the full implications of which may not manifest for years or even decades.

D. Objectives

12. In the present general comment, the Committee aims to:

(a) Emphasize the urgent need to address the adverse effects of environmental degradation, with a special focus on climate change, on the enjoyment of children's rights;

(b) Promote a holistic understanding of children's rights as they apply to environmental protection;

(c) Clarify the obligations of States to the Convention and provide authoritative guidance on legislative, administrative and other appropriate measures to address environmental harm, with a special focus on climate change.

II. Specific rights under the Convention as they relate to the environment

13. Children's rights, like all human rights, are indivisible, interdependent and interrelated. Some rights are particularly threatened by environmental degradation. Other rights play an instrumental role in safeguarding children's rights in relation to the environment. The right to education, for example, is a right that has both dimensions.

A. Right to non-discrimination (art. 2)

14. States have an obligation to effectively prevent, protect against and provide remedies for both direct and indirect environmental discrimination. Children in general, and certain groups of children in particular, face heightened barriers to the enjoyment of their rights, due to multiple and intersecting forms of discrimination; such grounds include those specifically prohibited under article 2 of the Convention and the "other status" referred to in the article. The impact of environmental harm has a discriminatory effect on certain groups of children, especially Indigenous children, children belonging to minority groups, children with disabilities and children living in disaster-prone or climate-vulnerable environments.

15. States should collect disaggregated data to identify the differential effects of environment-related harm on children and to better understand intersectionalities, paying special attention to groups of children who are most at risk, and to implement special measures and policies, as required. States must ensure that all legislation, policies and programmes that deal with environmental issues are not intentionally or unintentionally discriminatory towards children in their content or implementation.

B. Best interests of the child (art. 3)

16. Environmental decisions generally concern children, and the best interests of the child shall be a primary consideration in the adoption and implementation of environmental decisions, including laws, regulations, policies, standards, guidelines, plans, strategies, budgets, international agreements and the provision of development assistance. Where an environmental decision may have a significant impact on children, conducting a more detailed procedure to assess and determine children's best interests that provides opportunities for their effective and meaningful participation, is appropriate.

17. Determining the best interests of the child should include an assessment of the specific circumstances that place children uniquely at risk in the context of environmental harm. The purpose of assessing the best interests of the child shall be to ensure the full and effective enjoyment of all rights, including the right to a clean, healthy and sustainable environment.

States should not only protect children against environmental harm, but also ensure their well-being and development, taking into account the possibility of future risk and harm.[6]

18. The adoption of all measures of implementation should also follow a procedure that ensures that the best interests of the child are a primary consideration. A child rights impact assessment should be used to evaluate the environmental impact of all implementation measures, such as any proposed policy, legislation, regulation, budget or other administrative decision concerning children, and should complement ongoing monitoring and evaluation of the impact of measures on children's rights.

19. Potential conflicts of the best interests of the child with other interests or rights should be resolved on a case-by-case basis, carefully balancing the interests of all parties. Decision makers should analyse and weigh the rights and interests of all those concerned, giving appropriate weight to the primacy of the best interests of the child. States should take into account the possibility that environmental decisions that seem reasonable individually and on a shorter timescale can become unreasonable in aggregate and when considering the full harm that they will cause to children throughout their life courses.

C. Right to life, survival and development

20. The right to life is threatened by environmental degradation, including climate change, pollution and biodiversity loss, which are closely linked to other fundamental challenges impeding the realization of this right, including poverty, inequality and conflict. States should take positive measures to ensure that children are protected from foreseeable premature or unnatural death and threats to their lives that may be caused by acts and omissions, as well as the activities of business actors, and enjoy their right to life with dignity.[7] Such measures include the adoption and effective implementation of environmental standards, for example, those related to air and water quality, food safety, lead exposure and greenhouse gas emissions, and all other adequate and necessary environmental measures that are protective of children's right to life.

21. The obligations of States under article 6 of the Convention also apply to structural and long-term challenges arising from environmental conditions that may lead to direct threats to the right to life and require taking appropriate measures to tackle those conditions, for example, the sustainable use of resources needed for covering basic needs and the protection of healthy ecosystems and biodiversity. Special measures of protection are needed to prevent and reduce child mortality from environmental conditions and for groups in vulnerable situations.

22. Environmental degradation increase children's risk of facing grave rights violations in armed conflict due to displacement, famine and increased violence. In the context of armed conflict, States should prohibit the development or retention of, and ensure the clean-up of areas contaminated by, unexploded ordnance and residue of biological, chemical and nuclear weapons, in line with international commitments.

23. Environmental degradation jeopardizes children's ability to achieve their full developmental potential, with implications for a wide range of other rights under the Convention. The development of children is intertwined with the environment in which they live. The developmental benefits of a healthy environment include those linked to opportunities to experience outdoor activities and to interact with and play in natural environments, including the animal world.

24. Younger children are particularly susceptible to environmental hazards due to their unique activity patterns, behaviours and physiology. Exposure to toxic pollutants, even at low levels, during developmental windows of increased vulnerability can easily disrupt the maturational processes of the brain, organs and the immune system and cause disease and impairments during and beyond childhood, sometimes after a substantial latency period. The

[6] General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, paras. 16 (e), 71 and 74.

[7] Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 62.

effects of environmental contaminants may even persist in future generations. States should consistently and explicitly consider the impact of exposure to toxic substances and pollution in early life.

25. States should recognize each stage of childhood, the importance of each stage for subsequent stages of maturation and development and children's varying needs at each stage. To create an optimal environment for the right to development, States should explicitly and consistently consider all factors required for children of all different ages to survive, develop and thrive to their fullest potential and design and implement evidence-based interventions that address a wide range of environmental determinants during the life course.

D. Right to be heard (art. 12)

26. Children identify environmental issues as being highly important to their lives. Children's voices are a powerful global force for environmental protection, and their views add relevant perspectives and experience with respect to decision-making on environmental matters at all levels. Even from an early age, children can enhance the quality of environmental solutions, for example, by providing invaluable insights into issues such as the effectiveness of early warning systems for environmental hazards. Children's views should be proactively sought and given due weight in the design and implementation of measures aimed at addressing the significant and long-term environmental challenges that are fundamentally shaping their lives. Creative means of expression, such as art and music, may be used by children to participate and express their views. Additional support and special strategies may be required to empower children in disadvantaged situations, such as children with disabilities, children belonging to minority groups and children living in vulnerable areas, to exercise their right to be heard. The digital environment and tools can enhance consultations with children and expand their capacity and opportunities to be effectively engaged in environmental matters, including through collective advocacy, if carefully used, with due attention given to challenges regarding digital inclusion.[8]

27. States must ensure that age-appropriate, safe and accessible mechanisms are in place for children's views to be heard regularly and at all stages of environmental decision-making processes for legislation, policies, regulations, projects and activities that may affect them, at the local, national and international levels. For free, active, meaningful and effective participation, children should be provided with environmental and human rights education, age-appropriate and accessible information, adequate time and resources and a supportive and enabling environment. They should receive information about the outcomes of environment-related consultations and feedback on how their views were taken into account and have access to child-sensitive complaint procedures and remedies when their right to be heard in the environmental context is disregarded.

28. At the international level, States, intergovernmental organizations and international non-governmental organizations should facilitate the involvement of children's associations and child-led organizations or groups in environmental decision-making processes. States should ensure that their obligations concerning children's right to be heard are incorporated into international environmental decision-making processes, including in negotiations and the implementation of instruments of international environmental law. Efforts to enhance youth participation in environmental decision-making processes should be inclusive of children.

E. Freedom of expression, association and peaceful assembly (arts. 13 and 15)

29. Children across the world are taking action, individually and collectively, to protect the environment, including by highlighting the consequences of climate change. States shall respect and protect children's rights to freedom of expression, association and peaceful

[8] General comment No. 25 (2021) on children's rights in relation to the digital environment, paras. 16 and 18.

assembly in relation to the environment, including by providing a safe and enabling environment and a legal and institutional framework within which children can effectively exercise their rights. Children's rights to freedom of expression, association and peaceful assembly shall not be subjected to restrictions other than those imposed in conformity with the law and that are necessary in a democratic society.

30. Children who exercise their right to freedom of expression or engage in protests on environmental matters, including children environmental human rights defenders, often face threats, intimidation, harassment and other serious reprisals. States are required to protect their rights, including by providing a safe and empowering context for initiatives organized by children to defend human rights in schools and other settings. States, State actors, such as the police, and other stakeholders, including teachers, should receive training on children's civil and political rights, including measures to ensure that children can enjoy them safely. States must take all appropriate measures to ensure that no restrictions other than those that are provided by law and that are necessary are imposed on forming and joining associations or taking part in environmental protests. Laws, including those relating to defamation and libel, should not be abused to suppress children's rights. States should adopt and implement laws to protect child human rights defenders in accordance with international human rights standards. States should provide effective remedies for violations of children's rights to freedom of expression, peaceful assembly and association.

31. States should foster, recognize and support the positive contribution of children to environmental sustainability and climate justice, as an important means of civil and political engagement through which children can negotiate and advocate for the realization of their rights, including their right to a healthy environment, and hold States accountable.

F. Access to information (arts. 13 and 17)

32. Access to information is essential for enabling children and their parents or caregivers to comprehend the potential effects of environmental harm on children's rights. It is also a crucial prerequisite for realizing the rights of children to express their views, to be heard and to effective remedy regarding environmental matters.

33. Children have the right to access to accurate and reliable environmental information, including about the causes, effects and actual and potential sources of climate and environmental harm, adaptive responses, relevant climate and environmental legislation, regulations, findings from climate and environmental impact assessments, policies and plans and sustainable lifestyle choices. Such information empowers children to learn what they can do in their immediate environment related to waste management, recycling and consumption behaviours.

34. States have an obligation to make environmental information available. Dissemination methods should be appropriate to children's ages and capacities and aimed at overcoming obstacles, such as illiteracy, disability, language barriers, distance and limited access to information and communications technology. States should encourage the media to disseminate accurate information and materials regarding the environment, for example, measures that children and their families can take to manage risks in the context of climate change-related disasters.

G. Right to freedom from all forms of violence (art. 19)

35. Environmental degradation, including the climate crisis, is a form of structural violence against children and can cause social collapse in communities and families. Poverty, economic and social inequalities, food insecurity and forced displacement aggravate the risk that children will experience violence, abuse and exploitation. For example, poorer households are less resilient to environment-related shocks, including those caused or exacerbated by climate change, such as rising sea levels, floods, cyclones, air pollution, extreme weather events, desertification, deforestation, droughts, fires, storms and biodiversity loss. The financial hardships, food and clean water shortages and fragile child protection systems brought about by such shocks undermine families' daily routines, place

an extra burden on children and increase their vulnerability to gender-based violence, child marriage, female genital mutilation, child labour, abduction, trafficking, displacement, sexual violence and exploitation and recruitment into criminal, armed and/or violent extremist groups. Children must be protected from all forms of physical and psychological violence and from exposure to violence, such as domestic violence or violence inflicted on animals.

36. Investment in children's services can considerably reduce the overall environmental risks faced by children worldwide. States should adopt cross-sectoral measures to address the drivers of violence against children linked to environmental degradation.

H. Right to the highest attainable standard of health (art. 24)

37. The right to health includes the enjoyment of a variety of facilities, goods, services and conditions that are necessary for the realization of the highest attainable standard of health, including a healthy environment. This right is dependent on and is indispensable to the enjoyment of many other rights under the Convention.

38. Environmental pollution is a major threat to children's health, as explicitly recognized in article 24 (2) (c) of the Convention. However, in many countries, pollution is often overlooked and its impact underestimated. Lack of potable water, inadequate sanitation and household air pollution pose serious threats to children's health. Pollution associated with past and present industrial activities, including exposure to toxic substances and hazardous waste, presents more complex threats to health, often resulting in effects long after exposure.

39. Climate change, biodiversity loss and the degradation of ecosystems are obstacles to the realization of children's right to health. These environmental factors often interact, exacerbating existing health disparities. For example, rising temperatures caused by climate change increase the risk of vector-borne and zoonotic diseases and concentrations of air pollutants that stunt brain and lung development and exacerbate respiratory conditions. Climate change, pollution and toxic substances all represent key drivers of the alarming loss in biodiversity and the degradation of ecosystems on which human health depends. Specific effects include reductions in microbial diversity, which is critical to the development of children's immune systems, and the increasing prevalence of autoimmune diseases, with long-term effects.

40. Air and water pollution, exposure to toxic substances, including chemical fertilizers, soil and land degradation and other types of environmental harm increase child mortality, especially among children under 5 years of age, and contribute to the prevalence of disease, impaired brain development and subsequent cognitive deficits. The effects of climate change, including water scarcity, food insecurity, vector-borne and waterborne diseases, the intensification of air pollution and physical trauma linked to both sudden- and slow-onset events, are disproportionately borne by children.[9]

41. Another concern is children's current and anticipated psychosocial and mental health conditions caused by environmental harm, including climate change-related events. The clear emerging link between environmental harm and children's mental health, such as depression and eco-anxiety, requires pressing attention, both in terms of response and prevention programmes, by public health and education authorities.

42. States should integrate measures to address environmental health concerns relevant to children into their national plans, policies and strategies relating to both health and the environment. Legislative, regulatory and institutional frameworks, including regulations dealing with the business sector, should effectively protect children's environmental health where they live, study, play and work. Environmental health standards should be consistent with the best available science and all relevant international guidelines, such as those established by the World Health Organization, and be strictly enforced. The obligations of

[9] For example, Intergovernmental Panel on Climate Change, Sixth Assessment Report, Summary for Policymakers, figure SPM.1, The data show the disproportionate, cumulative and long-term effects of climate change on people born in 2020.

States under article 24 of the Convention also apply when developing and implementing environmental agreements to address transboundary and global threats to children's health.

43. The right to health includes access for children affected by environmental harm to high-quality public health and health-care facilities, goods and services, and particular attention should be given to underserved and hard-to-reach populations and to delivering high-quality prenatal maternal health care nationwide. Facilities, programmes and services should be equipped to respond to environmental health hazards. Health protection also applies to the conditions that children need to lead a healthy life, such as a safe climate, safe and clean drinking water and sanitation, sustainable energy, adequate housing, access to nutritionally adequate and safe food and healthy working conditions.

44. The availability of high-quality data is crucial for adequate protection against climate and environmental health risks. States should assess the local, national and transboundary health effects of environmental harm, including the causes of mortality and morbidity, while taking into consideration the entire life course of children and the vulnerabilities and inequalities that they face at each life stage. Priority concerns, the impacts of climate change and emerging environmental health issues should be identified. In addition to data collected through routine health information systems, research is required, for example, for longitudinal cohort studies and studies of pregnant women, infants and children that capture risks at critical windows of development.

I. Right to social security and adequate standard of living (arts. 26 and 27)

45. Children have the right to a standard of living adequate for their physical, mental, spiritual, moral and social development. A clean, healthy and sustainable environment is a prerequisite for the realization of this right, including to adequate housing, food security and safe and clean drinking water and sanitation.[10]

46. The Committee underlines that the rights to adequate housing, food, water and sanitation should be realized sustainably, including with respect to material consumption, resource and energy use and the appropriation of space and nature.

47. Exposure to environmental harm has both direct and structural causes and exacerbates the effects of multidimensional child poverty. In the environmental context, social security, as guaranteed under article 26 of the Convention, is particularly relevant. States are urged to introduce features into social security policies and social protection floors that provide children and their families with protection against environmental shocks and slow-onset harms, including from climate change. States should strengthen child-centred poverty alleviation programmes in the areas that are most vulnerable to environmental risks.

48. Children, including displaced children, should have access to adequate housing that conforms to international human rights standards. Housing should be sustainable and resilient and should not be built on polluted sites or in areas facing a high risk of environmental degradation. Homes should have safe and sustainable sources of energy for cooking, heating, lighting and appropriate ventilation and be free from mould, toxic substances and smoke. There should be effective management of waste and litter, protection from traffic, excessive noise and overcrowding and access to safe drinking water and sustainable sanitation and hygiene facilities.

49. Children should not be subject to forced evictions without prior provision of adequate alternative accommodation, including relocation linked to development and infrastructure projects addressing energy and/or climate mitigation and adaptation action. Child rights impact assessments should be a prerequisite for such projects. Particular attention should be paid to preserving the traditional land of Indigenous children and protecting the quality of

[10] Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water, para. 3; and Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, para. 48.

the natural environment for the enjoyment of their rights, including their right to an adequate standard of living.[11]

50. In situations of cross-border displacement and migration linked to climate-related and environment-related events and related to armed conflict situations, the Committee underlines the importance of international cooperation and the obligation of States to undertake all appropriate legislative, administrative and other measures to ensure the rights under the Convention for all children within their jurisdiction, without discrimination. Relevant authorities should consider the risk of children's rights violations caused by the impacts of environmental degradation, including climate change, when deciding upon admission and when reviewing claims for international protection, in particular given, for example, the particularly serious consequences for children of the insufficient provision of food or health services. States should not deport children and their families to any place where they would face a real risk of grave violations as a result of the adverse effects of environmental degradation.

J. Right to education (arts. 28 and 29 (1) (e))

51. Education is one of the cornerstones of a child rights-based approach to the environment. Children have highlighted that education is instrumental in protecting their rights and the environment and in increasing their awareness and preparedness for environmental damage; however, the right to education is highly vulnerable to the impact of environmental harm, as it can result in school closures and disruptions, school dropout and the destruction of schools and places to play.

52. Article 29 (1) (e) of the Convention, requiring that the education of a child be directed to the development of respect for the natural environment, should be read in conjunction with article 28, to ensure that every child has the right to receive an education that reflects environmental values.[12]

53. A rights-based environmental education should be transformative, inclusive, child-centred, child-friendly and empowering. It should pursue the development of the child's personality, talents and abilities, acknowledge the close interrelationship between respect for the natural environment and other ethical values enshrined in article 29 (1) of the Convention and have both a local and global orientation.[13] School curricula should be tailored to children's specific environmental, social, economic and cultural contexts and promote understanding of the contexts of other children affected by environmental degradation. Teaching materials should provide scientifically accurate, up-to-date and developmentally and age-appropriate environmental information. All children should be equipped with the skills necessary to face expected environmental challenges in life, such as disaster risks and environment-related health impacts, including the ability to critically reflect upon such challenges, solve problems, make well-balanced decisions and assume environmental responsibility, such as through sustainable lifestyles and consumption, in accordance with their evolving capacities.

54. Environmental values should be reflected in the education and training of all professionals involved in education, encompassing teaching methods, technologies and approaches used in education, school environments and preparing children for green jobs. Environmental education extends beyond formal schooling to embrace the broad range of lived experiences and learning. Exploratory, non-formal and practical methods, such as outdoor learning, are a preferred way of delivering this aim of education.

55. States should build safe, healthy and resilient infrastructure for effective learning. This includes ensuring the availability of pedestrian and biking routes and public transportation to school and that schools and alternative learning facilities are located at safe distances from sources of pollution, flooding, landslides and other environmental hazards, including

[11] General comment No. 11 (2009) on Indigenous children and their rights under the Convention, paras. 34 and 35.

[12] General comment No. 1 (2001) on the aims of education, para. 13.

[13] Ibid., paras. 2, 12 and 13.

contaminated sites, and the construction of buildings and classrooms with adequate heating and cooling and access to sufficient, safe and acceptable drinking water[14] and sanitation facilities. Environmentally friendly school facilities, such as those with lighting and heating sourced from renewable energy and edible gardens, can benefit children and ensure compliance by States with their environmental obligations.

56. During and after water scarcity, sandstorms, heatwaves and other severe weather events, States should ensure physical access to schools, especially for children in remote or rural communities, or consider alternative teaching methods, such as mobile educational facilities and distance learning. Underserved communities should be prioritized for the climate-proofing and renovation of schools. States should ensure alternative housing for displaced populations as soon as possible to ensure that schools are not used as shelters. When responding to emergencies caused by severe weather events in areas already affected by armed conflict, States should ensure that schools do not become targets for armed groups' activity.

57. States should recognize and address the disproportionate indirect and knock-on effects of environmental degradation on children's education, paying special attention to gender-specific situations, such as children leaving school due to additional domestic and economic burdens in households facing environment-related shocks and stress.

K. Rights of Indigenous children and children belonging to minority groups (art. 30)

58. Indigenous children are disproportionately affected by biodiversity loss, pollution and climate change. States should closely consider the impact of environmental harm, such as deforestation, on traditional land and culture and the quality of the natural environment, while ensuring the rights to life, survival and development of Indigenous children. States must undertake measures to meaningfully engage with Indigenous children and their families in responding to environmental harm, including harm caused by climate change, taking due account of and integrating concepts from Indigenous cultures and traditional knowledge in mitigation and adaptation measures. While children in Indigenous communities face unique risks, they can also act as educators and advocates in applying traditional knowledge to reduce the impact of local hazards and strengthen resilience, if this knowledge is passed on and supported. Comparable measures should be taken regarding the rights of children belonging to non-Indigenous minority groups whose rights, way of life and cultural identity are intimately related to nature.

L. Right to rest, play, leisure and recreation (art. 31)

59. Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy and physical, social, cognitive and emotional strength and skills. Play and recreation contribute to all aspects of learning, are critical to children's holistic development[15] and afford important opportunities for children to explore and experience the natural world and biodiversity, benefiting their mental health and well-being and contributing to understanding, appreciation and care for the natural environment.

60. Conversely, unsafe and hazardous environments undermine the realization of the rights under article 31 (1) of the Convention and are risk factors for children's health, development and safety. Children need inclusive spaces for play that are close to their homes and free from environmental hazards. The impacts of climate change exacerbate these challenges, while climate change-related stress on household incomes may reduce children's available time for, and ability to engage in, rest, leisure, recreation and play.

[14] Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002), paras. 12 (c) (i) and 16 (b).

[15] General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, paras. 9 and 14 (c).

61. States shall take effective legislative, administrative and other measures to ensure that all children, without discrimination, are able to play and engage in recreational activities in safe, clean and healthy environments, including natural spaces, parks and playgrounds. In public planning, in rural and urban settings, children's views should be given due weight and the creation of environments promoting their well-being should be prioritized. Consideration should be given to: (a) providing access, by means of safe, affordable and accessible transportation, to green areas, large open spaces and nature for play and recreation; (b) creating a safe local environment that is for free play, free from pollution, hazardous chemicals and waste; and (c) undertaking road traffic measures to reduce pollution levels near households, schools and playgrounds, including through the design of zones in which children playing, walking and cycling have priority.

62. States should introduce legislation, regulations and guidelines, accompanied by necessary budgetary allocations and effective monitoring and enforcement mechanisms, to ensure that third parties comply with article 31 of the Convention, including by establishing safety standards for all toys and play and recreational facilities, in particular concerning toxic substances, in urban and rural development projects. In situations of climate change-related disasters, measures should be taken to restore and protect these rights, including through the creation or restoration of safe spaces and by encouraging play and creative expression to promote resilience and psychological healing.

III. Right to a clean, healthy and sustainable environment

63. Children have the right to a clean, healthy and sustainable environment. This right is implicit in the Convention and directly linked to, in particular, the rights to life, survival and development, under article 6, to the highest attainable standard of health, including taking into consideration the dangers and risks of environmental pollution, under article 24, to an adequate standard of living, under article 27, and to education, under article 28, including the development of respect for the natural environment, under article 29.

64. The substantive elements of this right are profoundly important for children, given that they include clean air, a safe and stable climate, healthy ecosystems and biodiversity, safe and sufficient water, healthy and sustainable food and non-toxic environments.[16]

65. Towards the realization of this right for children, the Committee considers that States should immediately take the following action:

(a) Improve air quality, by reducing both outdoor and household air pollution, to prevent child mortality, especially among children under 5 years of age;

(b) Ensure access to safe and sufficient water and sanitation and healthy aquatic ecosystems to prevent the spread of waterborne illnesses among children;

(c) Transform industrial agriculture and fisheries to produce healthy and sustainable food aimed at preventing malnutrition and promoting children's growth and development;

(d) Equitably phase out the use of coal, oil and natural gas, ensure a fair and just transition of energy sources and invest in renewable energy, energy storage and energy efficiency to address the climate crisis;

(e) Conserve, protect and restore biodiversity;

(f) Prevent marine pollution, by banning the direct or indirect introduction of substances into the marine environment that are hazardous to children's health and marine ecosystems;[17]

[16] See A/74/161, A/75/161, A/76/179, A/HRC/40/55, A/HRC/46/28 and A/HRC/49/53.

[17] Convention for the Protection of the Marine Environment of the North-East Atlantic, art. 2.2 (a).

(g) Closely regulate and eliminate, as appropriate, the production, sale, use and release of toxic substances that have disproportionate adverse health effects on children, in particular those substances that are developmental neurotoxins.[18]

66. Procedural elements, including access to information, participation in decision-making and child-friendly access to justice, with effective remedies, have equal importance to the empowerment of children, including through education, to become agents of their own destiny.

67. States should incorporate children's right to a clean, healthy and sustainable environment into their national legislation and take adequate measures to implement it in order to strengthen accountability. This right should be mainstreamed across all decisions and measures concerning children, including policies related to education, leisure, play, access to green spaces, child protection, children's health and migration, and national frameworks for the implementation of the Convention.

IV. General measures of implementation (art. 4)

A. Obligation of States to respect, protect and fulfil children's rights

68. States must ensure a clean, healthy and sustainable environment in order to respect, protect and fulfil children's rights. The obligation to respect children's rights requires States to refrain from violating them by causing environmental harm. They shall protect children against environmental damage from other sources and third parties, including by regulating business enterprises. States parties are also under the obligation to prevent and remediate the impacts of environmental hazards on children's rights, even where such threats are beyond human control, for example, by establishing inclusive early warning systems. States must take urgent steps to fulfil their obligation to facilitate, promote and provide for the enjoyment by children of their rights, including their right to a clean, healthy and sustainable environment, such as by transitioning to clean energy and adopting strategies and programmes to ensure the sustainable use of water resources.

69. States have a due diligence obligation to take appropriate preventive measures to protect children against reasonably foreseeable environmental harm and violations of their rights, paying due regard to the precautionary principle. This includes assessing the environmental impacts of policies and projects, identifying and preventing foreseeable harm, mitigating such harm if it is not preventable and providing for timely and effective remedies to redress both foreseeable and actual harm.

70. States are also obliged to respect, protect and fulfil children's rights that are exercised in relation to the environment. The obligation to respect rights requires that they refrain from any action that would limit children's right to express their views on matters relating to the environment and from impeding access to accurate environmental information, and protect children from misinformation concerning environmental risks and from the risk of violence or other reprisals. The obligation to fulfil rights requires that States combat negative societal attitudes to children's right to be heard and to facilitate their meaningful participation in environmental decision-making.

71. States must take deliberate, specific and targeted steps towards achieving the full and effective enjoyment of children's rights related to the environment, including their right to a healthy environment, including through the development of legislation, policies, strategies or plans that are science-based and consistent with relevant international guidelines related to environmental health and safety and by refraining from taking retrogressive measures that are less protective of children.

72. States are obliged to devote financial, natural, human, technological, institutional and informational resources to realize children's rights in relation to the environment to the

[18] See A/HRC/49/53.

maximum extent of their available resources and, where needed, within the framework of international cooperation.[19]

73. Subject to any obligations under international law, including those contained in multilateral environmental agreements to which they are party, States retain discretion in arriving at a reasonable balance between determining the appropriate levels of environmental protection and achieving other social goals in the light of available resources. Nevertheless, such leeway is limited by the obligations of States under the Convention. Children are far more likely than adults to suffer serious harm, including irreversible and lifelong consequences and death, from environmental degradation. Given their heightened duty of care, States should therefore set and enforce environmental standards that protect children from such disproportionate and long-term effects.[20]

74. States should ensure the collection of reliable, regularly updated and disaggregated data and research on environmental harm, including the risks and actual impacts of climate change-related harm on children's rights. They should include longitudinal data on the effects of environmental harm on children's rights, in particular on health, education and standard of living at different ages. Such data and research should inform the formulation and evaluation of environmental legislation, policies, programmes and plans at all levels and must be made publicly available.

B. Child rights impact assessments

75. All proposed environment-related legislation, policies, projects, regulations, budgets and decisions, and those already in force, require vigorous children's rights impact assessments, in accordance with article 3 (1) of the Convention. States should require the assessment, both before and after implementation, of the possible direct and indirect impact on the environment and climate, including the transboundary, cumulative, and both production and consumption effects, on the enjoyment of children's rights.

76. Whether child rights impact assessments are included within the framework of an environmental or integrated impact assessment, or carried out as a standalone assessment, they should incorporate a special regard for the differential impact of environmental decisions on children, in particular young children and other groups of children most at risk, as measured against all relevant rights under the Convention, including short-, medium- and long-term, combined and irreversible impacts, interactive and cumulative impacts and impacts in the different stages of childhood. For example, States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions.

77. Child rights impact assessments should be undertaken as early as possible in the decision-making process, at crucial stages of decision-making and in follow up to the measures taken. Such assessments should be conducted with the participation of children and due weight should be given to their views and those of thematic experts. The findings should be published in child-friendly language and in the languages that children use.

C. Children's rights and the business sector

78. Businesses have the responsibility to respect children's rights in relation to the environment. States have the obligation to protect against the abuse of child rights by third parties, including business enterprises.[21]

79. Business activity is a source of significant environmental damage, contributing to child rights abuses. Such damage results, for example, from the production, use, release and disposal of hazardous and toxic substances, the extraction and burning of fossil fuels,

[19] General comment No. 19 (2016) on public budgeting for the realization of children's rights, para. 75.
[20] A/HRC/37/58, paras. 56 and 57.
[21] General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, paras. 28, 42 and 82.

industrial air and water pollution and unsustainable agriculture and fishing practices. Businesses contribute significantly to greenhouse gas emissions, which adversely affect children's rights, and to short- and long-term infringements of their rights linked to the consequences of climate change. The impacts of business activities and operations may undermine the ability of children and their families to adapt to the impacts of climate change, for example, where land has been degraded, thereby exacerbating climate stress. States should strengthen the realization of children's rights by sharing and making accessible existing technologies and exerting influence on business operations and value chains to prevent, mitigate and adapt to climate change.

80. States have obligations to provide a framework to ensure that businesses respect children's rights through effective, child-sensitive legislation, regulation, enforcement and policies and remedial, monitoring, coordination, collaboration and awareness-raising measures. States should require businesses to undertake child rights due diligence procedures to identify, prevent, mitigate and account for their impact on the environment and children's rights. Such due diligence is a risk-based process that involves focusing efforts where the risks from environmental damage are severe and likely to materialize, paying special attention to the risk exposure of certain groups of children, such as working children. Immediate steps should be taken in the event that children are identified as victims to prevent further harm to their health and development and to adequately and effectively repair the damage done in a timely and effective manner.

81. The Committee recommends the development by businesses, in partnership with stakeholders, including children, of due diligence procedures that integrate children's rights impact assessments into their operations. Marketing standards should ensure that businesses do not mislead consumers, in particular children, through practices of green-washing or green-sheening, by which businesses falsely portray efforts to prevent or mitigate environmental harm.

D. Access to justice and remedies

82. Effective remedies should be available to redress violations and promote social justice.[22] Despite children having been at the vanguard of several environmental and climate change cases and their recognition under the Convention as rights holders, children, due to their status, encounter barriers to attaining legal standing in many States, thereby limiting their means of asserting their rights in the environmental context.

83. States should provide access to justice pathways for children, including complaint mechanisms that are child-friendly, gender-responsive and disability-inclusive, to ensure their engagement with effective judicial, quasi-judicial and non-judicial mechanisms, including child-centred national human rights institutions, for violations of their rights relating to environmental harm. This includes removing barriers for children to initiate proceedings themselves, adjusting the rules of standing and empowering national human rights institutions with mandates to receive complaints from children.

84. Mechanisms should be available for claims of imminent or foreseeable harms and past or current violations of children's rights. States should ensure that these mechanisms are readily available to all children under their jurisdiction, without discrimination, including children outside their territory affected by transboundary harm resulting from States' acts or omissions occurring within their territories.

85. States should provide for collective complaints, such as class action suits and public interest litigation,[23] and extend the limitation periods regarding violations of children's rights due to environmental harm.

86. The complexity of cases involving environmental harm due to transboundary effects, causation and cumulative impacts necessitates effective legal representation. Litigation is

[22] General comment No. 5 (2003) on general measures of implementation of the Convention, para. 24; and International Covenant on Civil and Political Rights, art. 2 (3).

[23] General comment No. 16 (2013), para. 68; and general comment No. 25 (2021), para. 44.

often a lengthy process, and supranational bodies generally require the exhaustion of domestic remedies prior to filing a complaint. Children should have access to free legal and other appropriate assistance, including legal aid and effective legal representation, and be provided the opportunity to be heard in any judicial or administrative proceedings affecting them. States should consider additional measures to lower the costs for children seeking remedies, for example, through protection from adverse cost orders, to limit the financial risk to children who bring cases in the public interest regarding environmental matters.

87. To enhance accountability and promote children's access to justice in environmental matters, States should explore options for shifting the onerous burden of proof from child plaintiffs to establish causation in the face of numerous variables and information deficits.

88. Children may face particular difficulties in obtaining remedies in cases involving business enterprises that may be causing or contributing to abuses of their rights, especially concerning transboundary and global impacts. States have an obligation to establish non-judicial and judicial mechanisms to provide access to effective remedies for abuses of children's rights by business enterprises, including as a result of their extraterritorial activities and operations, provided that there is a reasonable link between the State and the conduct concerned. In line with international standards, businesses are expected to establish or participate in effective grievance mechanisms for children who have been victims of such abuses of their rights. States should also ensure the availability of regulatory agencies, monitor abuses and provide adequate remedies for violations of children's rights related to environmental harm.

89. Appropriate reparation includes restitution, adequate compensation, satisfaction, rehabilitation and guarantees of non-repetition, with regard to both the environment and the children affected, including access to medical and psychological assistance. Remedial mechanisms should consider the specific vulnerabilities of children to the effects of environmental degradation, including the possible irreversibility and lifelong nature of the harm. Reparation should be swift, to limit ongoing and future violations. The application of novel forms of remedy is encouraged, such as orders to establish intergenerational committees, in which children are active participants, to determine and oversee the expeditious implementation of measures to mitigate and adapt to the impacts of climate change.

90. Access to applicable international and regional human rights mechanisms should be available, including through ratification of the Optional Protocol on a communications procedure. Information about such mechanisms and how to use them should be made widely known to children, parents, caregivers and professionals working with and for children.

E. International cooperation

91. States have an obligation to take action, separately and jointly, through international cooperation, to respect, protect and fulfil children's rights. Article 4 of the Convention emphasizes that the implementation of the Convention is a cooperative exercise for the States of the world,[24] and the full realization of children's rights under the Convention is in part contingent upon how States interact. Climate change, pollution and biodiversity loss clearly represent urgent examples of global threats to children's rights that require States to work together, calling for the widest possible cooperation by all countries and their participation in an effective and appropriate international response.[25] The obligations of international cooperation of each State depends in part on its situation. In the context of climate change, such obligations are appropriately guided by taking into account the historical and current emissions of greenhouse gases and the concept of common but differentiated responsibilities and States' respective capabilities, in the light of different national circumstances,[26] while requiring the provision of technical and financial assistance from developed States to

[24] General comment No. 5 (2003), para. 60.

[25] United Nations Framework Convention on Climate Change, preamble; and Human Rights Council resolutions 26/27 and 29/15.

[26] United Nations Framework Convention on Climate Change, preamble and art. 3 (1); Paris Agreement, art. 2 (2); and Human Rights Council resolutions 26/27 and 29/15.

developing States consistent with article 4 of the Convention. States should engage in international cooperation to ensure the conformity of standards for developing and implementing children's rights and environmental due diligence procedures.

92. In general, developed States have committed to supporting action to address the intersecting global environmental challenges in developing countries by facilitating the transfer of green technology and contributing to financing environmental measures, in line with internationally agreed climate and biodiversity finance goals. The Convention should be a core consideration in global environmental decisions, including in States' international mitigation, adaptation and loss and damage strategies. [27] The environment-related programmes of donor States should be rights-based, while States that receive international environmental finance and assistance should consider allocating a substantive part of that aid specifically to child-focused programmes. Implementation guidelines should be reviewed and updated to take into account the child rights obligations of States.

93. States should ensure that environmental measures supported by international environmental finance mechanisms and international organizations respect, protect and proactively seek to fulfil children's rights. States should integrate standards and procedures to assess the risk of harm to children into the planning and implementation of new environment-related projects and take measures to mitigate the risks of harm, in compliance with the Convention and the Optional Protocols thereto. States should cooperate to support the establishment and implementation of procedures and mechanisms to provide access to effective remedies for violations of children's rights in this context.

94. States should cooperate in good faith in the establishment and funding of global responses to address environmental harm suffered by people in vulnerable situations, paying particular attention to safeguarding the rights of children in the light of their specific vulnerabilities to environment-related risks and addressing the devastating impact of both sudden- and slow-onset forms of climate disruption on children, their communities and their nations. States should cooperate to invest in conflict prevention and efforts to sustain peace that will positively contribute to mitigating any environmental harm to children that could result from armed conflict and should consider the views of children in peacemaking and peacebuilding.

V. Climate change

A. Mitigation

95. The Committee calls for urgent collective action by all States to mitigate greenhouse gas emissions, in line with their human rights obligations. In particular, historical and current major emitters should take the lead in mitigation efforts.

96. Insufficient progress in achieving international commitments to limit global warming exposes children to continuous and rapidly increasing harms associated with greater concentrations of greenhouse gas emissions and the resulting temperature increases. Scientists warn about tipping points, which are thresholds beyond which certain effects can no longer be avoided, posing dire and uncertain risks to children's rights. Avoiding tipping points requires urgent and ambitious action to reduce atmospheric concentrations of greenhouse gases.

97. Mitigation objectives and measures should be based on the best available science and be regularly reviewed to ensure a pathway to net zero carbon emissions at the latest by 2050 in a manner that prevents harm to children. The Intergovernmental Panel on Climate Change has illustrated that it is imperative to accelerate mitigation efforts in the near term, to limit the temperature increase to below 1.5°C above pre-industrial levels, and that international cooperation, equity and rights-based approaches are critical to achieving ambitious climate change mitigation goals.[28]

[27] United Nations Framework Convention on Climate Change, art. 4 (5); and Paris Agreement, art. 9 (1).

[28] See https://www.ipcc.ch/assessment-report/ar6/.

98. When determining the appropriateness of their mitigation measures in accordance with the Convention, and also mindful of the need to prevent and address any potential adverse effects of those measures, States should take into account the following criteria:

(a) Mitigation objectives and measures should clearly indicate how they respect, protect and fulfil children's rights under the Convention. States should transparently and explicitly focus on children's rights when preparing, communicating and updating nationally determined contributions.[29] This obligation extends to other processes, including biennial transparency reports, international assessments and reviews and international consultations and analyses;[30]

(b) States have an individual responsibility to mitigate climate change in order to fulfil their obligations under the Convention and international environmental law, including the commitment contained in the Paris Agreement to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels by 2030.[31] Mitigation measures should reflect each State party's fair share of the global effort to mitigate climate change, in the light of the total reductions necessary to protect against continuing and worsening violations of children's rights. Each State, and all States working together, should continuously strengthen climate commitments in line with the highest possible ambition and their common but differentiated responsibilities and respective capacities. High-income States should continue to take the lead by undertaking economy-wide absolute emission reduction targets, and all States should enhance their mitigation measures in the light of their different national circumstances in a manner that protects children's rights to the maximum possible extent;[32]

(c) Successive mitigation measures and updated pledges should represent the efforts of States in a progression over time,[33] keeping in mind that the time frame for preventing catastrophic climate change and harm to children's rights is shorter and requires urgent action;

(d) Short-term mitigation measures should take into consideration the fact that delaying a rapid phase out of fossil fuels will result in higher cumulative emissions and thereby greater foreseeable harm to children's rights;

(e) Mitigation measures cannot rely on removing greenhouse gases from the atmosphere in the future through unproven technologies. States should prioritize rapid and effective emissions reductions now in order to support children's full enjoyment of their rights in the shortest possible period of time and to avoid irreversible damage to nature.[34]

99. States should discontinue subsidies to public or private actors for investments in activities and infrastructure that are inconsistent with low greenhouse gas emission pathways, as a mitigation measure to prevent further damage and risk.

100. Developed States should assist developing countries in planning and implementing mitigation measures, in order to help children in vulnerable situations. The assistance could include providing financial and technical expertise and information and other capacity-building measures that specifically contribute to the prevention of harm to children caused by climate change.[35]

[29] Paris Agreement, art. 4 (2).
[30] Ibid., art. 14 (4).
[31] Ibid., art. 2 (1) (a); and *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019), para. 10.6. See also *Sacchi et al. v. Brazil* (CRC/C/88/D/105/2019), *Sacchi et al. v. France* (CRC/C/88/D/106/2019) and *Sacchi et al. v. Germany* (CRC/C/88/D/107/2019) and *Sacchi et al. v. Turkey* (CRC/C/88/D/108/2019).
[32] Paris Agreement, art. 4 (4).
[33] Ibid., arts. 3 and 4 (3).
[34] United Nations Framework Convention on Climate Change, arts. 4 (1) (h)–(j) and (2) (b); and Paris Agreement, preamble and arts. 4 (8), 12 and 13.
[35] Paris Agreement, art. 13 (9).

B. Adaptation

101. Since climate change-related impacts on children's rights are intensifying, a sharp and urgent increase in the design and implementation of child-sensitive, gender-responsive and disability-inclusive adaptation measures and associated resources is necessary. States should identify climate change-related vulnerabilities among children concerning the availability, quality, equity and sustainability of essential services for children, such as water and sanitation, health care, protection, nutrition and education. States should enhance the climate resilience of their legal and institutional frameworks and ensure that their national adaptation plans and existing social, environmental and budgetary policies address climate change-related risk factors by assisting children within their jurisdiction to adapt to the unavoidable effects of climate change. Examples of such measures include strengthening child protection systems in risk-prone contexts, providing adequate access to water, sanitation and health care, as well as safe school environments, and strengthening social safety nets and protection frameworks, while giving priority to children's right to life, survival and development. Healthy ecosystems and biodiversity also play an important role in supporting resilience and disaster risk reduction.

102. In adaptation measures, including disaster risk reduction, preparedness, response and recovery measures, due weight should be given to the views of children. Children should be equipped to understand the effects of climate-related decisions on their rights and have opportunities to meaningfully and effectively participate in decision-making processes. Neither the design nor the implementation of adaptation measures should discriminate against groups of children at heightened risk, such as young children, girls, children with disabilities, children in situations of migration, Indigenous children and children in situations of poverty or armed conflict. States should take additional measures to ensure that children in vulnerable situations affected by climate change enjoy their rights, including by addressing the underlying causes of vulnerability.

103. Adaptation measures should be targeted at reducing both the short-term and the long-term impacts, such as by sustaining livelihoods, protecting schools and developing sustainable water management systems. Measures that are necessary to protect children's rights to life and health from imminent threats, such as extreme weather events, include establishing early warning systems and increasing the physical safety and resilience of infrastructure, including school, water and sanitation and health infrastructure, to reduce the risk of climate change-related hazards. States should adopt emergency response plans, such as measures to provide inclusive early warning systems, humanitarian assistance and access to food and water and sanitation for all. In formulating adaptive measures, the relevant national and international standards, such as those contained in the Sendai Framework for Disaster Risk Reduction 2015–2030, should also be considered. Adaptation frameworks should address climate change-induced migration and displacement and include provisions for ensuring a child rights-based approach to these issues. In the event of imminent threats of climate change-related harm, such as extreme weather events, States should ensure the immediate dissemination of all information that would enable children and their caregivers and communities to take protective measures. States should strengthen awareness among children and their communities of disaster risk reduction and prevention measures.

C. Loss and damage

104. In the Paris Agreement, the parties addressed the importance of averting, minimizing and addressing loss and damage associated with the adverse impacts of climate change. Through a human rights lens, the adverse impacts of climate change have led to significant losses and damages, in particular for those in the developing world.

105. The manner in which climate-related loss and damage affect children and their rights may be both direct and indirect. Direct impacts include instances where both sudden-onset extreme weather events, such as floods and heavy rains, and slow-onset events, such as droughts, lead to the violation of rights under the Convention. Indirect impacts may include situations in which States, communities and parents are forced to reallocate resources away

from intended programmes, such as those for education and health care, towards addressing environmental crises.

106. In this respect, it is critical to acknowledge loss and damage as a third pillar of climate action, along with mitigation and adaptation. States are encouraged to take note that, from a human rights perspective, loss and damage are closely related to the right to remedy and the principle of reparations, including restitution, compensation and rehabilitation.[36] States should undertake measures, including through international cooperation, to provide financial and technical assistance for addressing loss and damage that have an impact on the enjoyment of the rights under the Convention.

D. Business and climate change

107. States must take all necessary, appropriate and reasonable measures to protect against harms to children's rights related to climate change that are caused or perpetuated by business enterprises, while businesses have the responsibility to respect children's rights in relation to climate change. States should ensure that businesses rapidly reduce their emissions and should require businesses, including financial institutions, to conduct environmental impact assessments and children's rights due diligence procedures to ensure that they identify, prevent, mitigate and account for how they address actual and potential adverse climate change-related impacts on children's rights, including those resulting from production-related and consumption-related activities and those connected to their value chains and global operations.[37]

108. Home States have obligations to address any harm and climate change-related risks to children's rights in the context of business enterprises' extraterritorial activities and operations, provided that there is a reasonable link between the State and the conduct concerned, and should enable access to effective remedies for rights violations. This includes cooperation to ensure the compliance of business enterprises operating transnationally with applicable environmental standards aimed at protecting children's rights from climate change-related harm and the provision of international assistance and cooperation with investigations and enforcement of proceedings in other States.[38]

109. States should incentivize sustainable investment in and use of renewable energy, energy storage and energy efficiency, in particular by State-owned or controlled enterprises and those that receive substantial support and services from State agencies. States should enforce progressive taxation schemes and adopt strict sustainability requirements for public procurement contracts.[39] States can also encourage community control over the generation, management, transmission and distribution of energy to increase access to and the affordability of renewable technology and the provision of sustainable energy products and services, in particular at the community level.

110. States should ensure that their obligations under trade or investment agreements do not impede their ability to meet their human rights obligations and that such agreements promote rapid reductions in greenhouse gas emissions and other measures to mitigate the causes and effects of climate change, including through the facilitation of investment in renewable energy.[40] The climate change-related impacts on children's rights connected to the implementation of the agreements should be regularly assessed, allowing for corrective measures, as appropriate.

[36] A/77/226, para. 26.
[37] General comment No. 16 (2013), para. 62.
[38] Ibid., paras. 43 and 44.
[39] Ibid., para. 27.
[40] Committee on Economic, Social and Cultural Rights general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 13.

E. Climate finance

111. Both international climate finance providers and recipient States should ensure that climate finance mechanisms are anchored in a child rights-based approach aligned with the Convention and the Optional Protocols thereto. States should ensure that any climate finance mechanisms uphold and do not violate children's rights, increase policy coherence between children's rights obligations and other objectives, such as economic development, and strengthen the demarcation of roles of various stakeholders in climate finance, such as Governments, financial institutions, including banks, businesses and affected communities, especially children.

112. In line with the principle of common but differentiated responsibilities and respective capabilities, States' national circumstances need to be taken into account in efforts to address climate change. Developed States should cooperate with developing States in providing climate finance for climate action that upholds children's rights, in line with the international climate-related commitments that States have made. In particular, despite the link between various financing mechanisms, including on sustainable development, climate finance provided by developed States should be transparent, additional to other financial flows that support children's rights and properly accounted for, including by avoiding tracking challenges such as double counting.

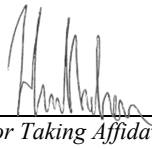
113. Developed States need to urgently and collectively address the current climate finance gap. The current distribution of climate finance, which is overly slanted towards mitigation at the cost of adaptation and loss and damage measures, has discriminatory effects on children who reside in settings where more adaptation measures are needed and children who are confronted with the limitations of adaptation. States should bridge the global climate finance gap and ensure that measures are financed in a balanced manner with consideration given to measures on adaptation, mitigation, loss and damage and broader means of implementation, such as technical assistance and capacity-building. The determination by States of the total global climate finance required should be informed by the documented needs of communities, especially to protect children and their rights. Climate finance provided to developing countries should be in the form of grants, rather than loans, to avoid negative impacts on children's rights.

114. States should ensure and facilitate access for affected communities, especially children, to information on activities supported by climate finance, including possibilities to lodge complaints alleging violations of children's rights. States should devolve decision-making on climate finance to strengthen the participation of beneficiary communities, especially children, and make the approval and execution of climate finance subject to a child rights impact assessment to prevent and address the financing of measures that could lead to the violation of children's rights.

115. Children are calling for the collective action of States. According to two children consulted for the present general comment: "The Governments of each country should cooperate to reduce climate change." "They need to acknowledge us and say, 'we hear you; here is what we are going to do about this problem'."[41]

[41] See https://childrightsenvironment.org/reports/.

This is Exhibit "57" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their

own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy

throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute

a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any

amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

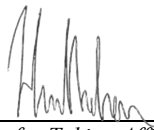
Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

This is Exhibit "58" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

BRIDGING ECONOMETRICS AND FIRST NATIONS CHILD AND FAMILY SERVICE AGENCY FUNDING: PHASE ONE REPORT

A SUMMARY OF RESEARCH NEEDED TO EXPLORE THREE FUNDING MODELS FOR FIRST NATIONS CHILD WELFARE AGENCIES

REPORT TO THE NATIONAL POLICY REVIEW
NATIONAL ADVISORY COMMITTEE

Prepared by:
John Loxley, Fred Wien and Cindy Blackstock
Vancouver, British Columbia
December, 2004

ACKNOWLEDGEMENTS

The First Nations Child and Family Caring Society of Canada expresses *its* sincere appreciation to the many people and organizations that supported this important work – their dedication to the wellbeing of First Nations children was ever present. Special thanks to the six First Nations child and family service agencies, the Joint National Advisory Committee of the NPR, and the Operational Funding Formula Committee who so generously gave of their time and wisdom. We also thank Dr. Fred Wien and Dr. John Loxley for their excellent work on this project and the Department of Indian Affairs and Northern Development for providing the funding support to make this project possible.

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FUNDING MODELS FOR FIRST NATIONS CHILD AND FAMILY SERVICE AGENCIES[1]

Introduction

There are now over 100 First Nations child and family service agencies (FNCFSA) providing child and family welfare services on reserve in Canada. With the exception of FNCFSA in Ontario that are funded under a separate funding agreement, agencies are funded by the Department of Indian Affairs according to a formula that was implemented in 1989 known as Directive 20-1, Chapter 5. However, as the Joint National Policy Review on First Nations Child and Family Services (NPR) found in June of 2000, the formula has some serious shortcomings (MacDonald & Ladd, 2000.) The NPR provided seventeen recommendations for improvements to Directive 20-1. This resulted in the establishment of the Joint National Policy Review National Advisory Committee (NAC) in 2001, composed of representatives from the Assembly of First Nations, the Department of Indian Affairs and Northern Development and First Nations child and family service agencies. The NAC established a sub-group known as the Operational Funding Formula Design Team (OFFD) which was tasked to explore how to change parts of the formula in line with the NPR recommendations. In May of 2004 the NAC, in consultation with the OFFD, requested that the First Nations Child and Family Caring Society of Canada (www.fncfcs.com) engage a skilled team of econometricians and related experts to identify at least three funding formula options for First Nations child and family service agencies and to further identify what research would be needed to run economic simulations of each option. In response to this request, the First Nations Child and Family Caring Society of Canada submitted a proposal outlining a three stage research process:

PHASE ONE: Identify three options for FNCFSA funding and the research agenda needed to run simulations of each option for the consideration of the NAC

PHASE TWO: Complete research identified for options approved by the NAC

PHASE THREE: Develop the economic models necessary to run the economic simulations on approved funding formula options.

[1] This is the written version of a "power point" presentation made to the National Policy Review National Advisory Committee in Vancouver, British Columbia, December 4, 2004.

With the funding support of the Department of Indian Affairs and Northern Development and the engagement of Dr. Fred Wien and Dr. John Loxley as principal investigators, Phase one of this work began in September of 2004 and was completed in December 2004 culminating in a presentation of the research findings to the NAC on December 4, 2004. The following presentation, and thus this report, reflects the following objectives:

- provide background on how funding formulae are developed
- how information for Phase I was collected
- outline three funding formula options
- describe the benefits and limitations of each model and
- outline a research agenda for each model

Background

The initial First Nations child and family service agencies were formed one at a time beginning in the mid-1980's. Given this early pattern of development, it was not surprising that each FNCFSA negotiated its budget individually with the regional office of INAC. This process, *while* contributing to the development of these FNCFSA, was cumbersome and there was a growing concern that a pattern of inequitable funding could emerge in the absence of some kind of common framework. Although it is likely some common principles were applied these have not been documented. This pattern of determining funding soon became untenable. This was the case both from the point of view of INAC, who would have to conclude an increasingly large number of individual negotiations, as well as from the point of view of the receiving FNCFSA.

This drove the movement toward developing a national formula which could better assure equity and fairness in both the content and amount of funding for a growing number of child welfare agencies. Despite the advantages, the task of developing a national funding formula is not a simple one given the variations that exist in the characteristics and conditions of each agency. The development of a national formula is further complicated as clear examples of existing funding methodologies for child welfare are not always apparent. For example, in some jurisdictions outside the First Nations context, it may no longer be clear how a given set of agencies or departments is funded. The original formula, if there was one, may be lost in the mists of time, and year to year funding decisions may reflect no more than a cost of living increment to a pre-existing budget (or an across-the-board cut) combined with some recognition of changing work loads. In a typical university department, for example, one can expect such across-the-board increments or reductions but otherwise the budget stays the same, unless there is a sharp increase or decline in enrolment. Furthermore, adjustments in the formula may be made at a practice level as funding officials adjust to changes in context or practice. As First Nations child welfare agencies are not funded on the basis of a determination of need but rather on population levels, there appears to have been significant regional variation in the implementation of Directive 20-1 as funding officials within the department adapted to their local context. Another approach is to fund according to a fixed budget. In this

situation, rather than completing a needs assessment and then determining funding accordingly, it is determined that a certain pot of money is available, and that sum is distributed to the agencies or departments according to some formula.

In preparing this report on funding formulae, we have reviewed some pertinent literature from Canada and abroad and conducted interviews with informed observers and participants including the Operations Formula Funding Design Team (OFFDT). Our main source of information about the existing formula and alternatives has been the meetings we have had with six First Nation child welfare agencies located in various parts of the country. These agencies have been of different sizes, and have served urban, rural and more remote communities. Some were established prior to the introduction of the DIAND funding formula, others have come later. Some operate under a block funding arrangement for their maintenance expenses and others adhere to the reimbursement plan for allowable expenses. Taken together, they have given us a very good picture of the issues involved in revising or replacing the existing funding formula.

Findings from FNCFSA Interviews

As noted above, a fundamental information source for this project were the interviews held with six First Nations child and family service agencies located in six different provinces across Canada. The agencies were selected by the research team as they represented differing agency sizes, service contexts, regions and cultural groups. The research team was extremely impressed by the cooperation and significant contribution of time and expertise made by all of the participating agencies.

The concerns and challenges expressed by the agencies reflected the seventeen recommendations made in the Joint National Policy Review of First Nations Child and Family Services completed in June of 2000. For example, lack of funding for primary, secondary and tertiary (least disruptive measures) prevention services was identified by all agencies as a significant concern as was the lack of implementation of the price adjustment (COLA) contained in Directive 20-1. Other issues such as the need for increased funding for management information systems, capital costs, culturally based program and standards design and evaluation, caregivers, and staff compensation/training were routinely identified. Inadequate cost adjustments for remoteness was also identified by agencies serving populations located in remote regions of Canada. Moreover, FNCFSA serving communities with child population sizes below 1000 expressed concerns about the inadequacy of the operations formula allotments for small agencies under the current formula.

Overall, our findings affirm that the findings and recommendations of the NPR which was completed in June of 2000 continue to be reflective of the concerns that FNCFSA are experiencing today. Both have as their objective enhancing funding levels so as to better support culturally based practices – and especially preventative and community development based approaches to child maltreatment. All agencies agreed that immediate redress of inadequate funding was necessary to support good social work practice in their communities.

Basic Principles

At its meeting in November, 2004, the OFFDT set out some basic principles that should be reflected in any new approach to funding the First Nation agencies. These principles articulate the desired elements of a new formula, including the variations in agency circumstances that need to be taken into account and the constraints faced by the funding agency. The new formula should:

- support prevention and community development
- be consistent with the UN Convention on Rights of the Child
- be responsive to the proportion of high needs children
- provide equal benefit to children under the law
- accommodate unexpected occurrences
- be responsive to remoteness and service context
- support culturally based services
- permit flexibility in the allocation of the budget
- provide automatic adjustments for changes in price (cola)
- provide adequate funds to meet the needs of children in care
- stay within DIAND's mandate

We turn now to describing three alternative approaches to providing funding for First Nation child welfare agencies.

Option 1: Redesigning the Existing Formula

The structure of the existing formula is as follows:

- Operations budget provides fixed amount for core administration. Maximum is $143,159 plus $10,714
- It also includes a variable amount of $727 per child in the 0-18 age group for staff, purchase of services, training, administration
- Adjustments take into account size of agency and remoteness factor
- There is also a maintenance component which reimburses the agency for permitted costs incurred to look after children in care
- In lieu of reimbursement of actual costs, an agency can opt for flexible (block) funding

As noted above, the existing formula was put in place in the early 1990's. At the time, certain assumptions were made:

- Formula assumes 20% of children in need, 6% of children in care

- One child care and one family support worker for every 20 children in care
- One supervisor and one support staff for every 5 workers;
- Wages based on average salaries in Ontario and Manitoba

The formula was supposed to look after the following expenditure components, although in practice agencies believe it has fallen short of providing the necessary funds:

- Salaries and benefits
- Administration including rent, equipment
- Legal costs for agency and children
- Protection services
- Prevention services including homemakers
- Therapy costs
- After hours service

While much criticism has been directed toward the formula, it also has certain strengths:

- It is a national formula that provides equity across the country
- It reimburses actual costs for allowable expenditures
- It is broadly consistent with how agencies are normally funded
- It permits a block funding option for flexibility
- It aims to provide comparable programs and services

Nevertheless, our interviews with agencies and the outcomes of the National Policy Review have also identified a number of serious shortcomings in the formula. They are:

- Lack of provision for prevention, both staff and maintenance
- Salaries, benefits and other costs that have not kept up with changes; lack of cola
- Inadequate and inappropriate remoteness formula
- Inadequate provision for legal, insurance, training costs and for cultural appropriateness
- Lack of support for less intrusive measures including kinship care and care of children in own home
- Lack of comparability to programs and services offered by provinces
- Lack of provision for extraordinary costs
- Lack of provision for capital costs
- Insufficient recognition of core administration costs of small agencies
- Lack of adjustment in operation funding for higher than assumed caseloads and high needs children
- Longer term, implications of stability or decline in 0-18 population

It may be possible to correct these shortcomings in the existing formula without necessarily throwing out the positive aspects of its basic structure. Understandably, however, DIAND and the agencies would want to know what the implications of changes

in the formula would be. The Department would want to know the impact on the Department's budget and perhaps its authorities from Treasury Board, while the agencies would be interested in the changes in revenues that could be expected at the community level. Changing the funding formula also changes the incentive structure for what agencies do, so the implications go well beyond strictly financial ones.

Thus the impact of the changes would need to be tested out in a quantitative model, and for the latter to be accomplished a solid data base is required. For this reason, we set out a research agenda involving 8 projects. The main research questions and methodology for each project are set out below:

Project 1: On Prevention

- What is best practice in preventive work in Canada and abroad?
- How should *the* funding formula incorporate this element and what is the cost?
- What are the realistic savings that could be expected through limiting or reducing children in care?

Methodology: literature review and key informant interviews.

Project 2: On Gaps in Programs and Services (Provincial Case Studies)

- What programs and services do provinces actually offer in family and child welfare? What is statutory and non-statutory, and how are they funded?
- What are their salary and benefit scales (linked to qualifications)?
- How are legal costs supported in provincial agencies (children in care; inquests)
- How are population size and caseloads taken into account?

Methodology: a province by province analysis of programs, services, wages and benefits using available data plus interviews as required.

Project 3: On Gaps in Programs and Services (First Nation Agency Case Studies)

- What core programs and services do First Nation agencies offer?
- What salary and benefits do they provide (linked to qualifications)
- What are actual costs and funding requirements to account for remoteness, insurance, training, standards development and legal costs?

Methodology: (i) 2 case studies per region (ii) development of template (iii) completion of template by all agencies.

Project 4: On Extraordinary Costs

- What is the experience of other jurisdictions with an extraordinary costs fund?
- What items should be included in an extraordinary costs fund and how large should it be?
- Who should administer such a fund and what should be the application ground rules? How should the concerns of the Auditor General be addressed?

Methodology: Key informant interviews.

Project 5: Management Information Systems

- What kind of MIS system is required? Do such models already exist?
- Should it be comparable across the country? Comparable to the province?
- Cost of development and maintenance (hardware, software, staff, training, transition)
- Implications for funding formula budget

Methodology: Engage expert on MIS systems. Key informant interviews.

Project 6: On Capital Costs

- What are the housing/space needs of First Nation agencies for their own operations and to provide care in the community?
- How should space costs be addressed in the funding formula or outside it (e.g., capital budget up front; amortization over time; an occupancy cost item that could be used for rent or capital construction, etc)

Methodology: Add this dimension to case study of 12 First Nations agencies.

Project 7: On Small Agencies

- What are the core administrative staffing and related requirements of small FNCFSA?
- How should the funding formula be adjusted to meet these requirements?
- What is the minimum size of agency and related population that is consistent with good social work practice and with economies of scale?

Methodology: Key informant interviews with a sample of small to medium sized agencies.

Project 8: Jurisdictional Disputes

- What are the issues concerning the funding of children in care with health needs?
- How do DIAND, Health Canada and the provinces see these issues?
- Is there a basis for resolving these disputes or at least finding agreement on a dispute resolution mechanism?

- What are the pros and cons of different dispute resolution mechanisms?

Methodology: Build into Projects 2 and 3, plus additional interviews with relevant persons

Option 2: The Provincial Funding Model

Another approach to funding First Nation child and family service agencies would be for DIAND to provide funding in the same manner and at the same level as is done by each of the provinces. This would not mean that the First Nation agencies would need to provide exactly the same programs and services, but their funding would be determined in relation to the funding practices of the province in which the agency is located.

This approach carries with it certain assumptions:

- There would be not one formula but 10 (more if agencies are established in the territories over time.)
- Funding of First Nation agencies would be determined according to the manner and level of provincial agencies.
- First Nations child and family service agencies would not need to provide exactly the same programs and services as the province. There is room for culturally appropriate programs and services.
- The starting point is the core programs and services provided by the province and the costs of providing them.
- Education and training levels, salaries benefits, workloads would be equivalent to the province.

This kind of approach to funding is being seriously explored by at least one First Nations agency in Alberta. Using this as the example, the funding formula would include the following components, at least in that province:

- A provision for governance costs (e.g., Board of Directors) which is enveloped.
- Core management and administration, varying by size of agency.
- Financial administration and services.
- Infrastructure costs, including capital and computer hardware and software.
- Direct delivery costs tied to number of children in caseload.
- Program services and support.

It is important to emphasize that the following summary of the strengths and weaknesses of this model are based on a summary exploration of the model in one province only – further research is required to establish the facts. Nonetheless, based on our current analysis, the strengths of the provincial funding model are the following:

- It could mean higher levels of funding for FN agencies, at least in some provinces

- It would permit a reduction of the gap in programs and services between on and off reserve status Indians within provinces
- It might permit more attention to be paid to preventative programming, kinship and home care, leading to a reduction of children in care.
- It may better provide for legal, capital and other costs

The provincial funding approach also brings with it some disadvantages:

- Regional inequalities amongst First Nations agencies located in different provinces will be difficult to control
- There is the concern that FN agencies would be drawn closer into provincial sphere and be subject to provincial fluctuations in social service investment.
- There is a lack of positive, trusting relationship in some cases between provinces and First Nations CFS agencies.
- Provincial formulae may themselves be inadequate. For example: remoteness, emergency funds, cultural development, MIS, small agencies may not be adequately addressed.
- Funding may vary by number of children in care, not by the population of children aged 0-18 years.

To establish the specific features and implications of moving to a provincial funding approach will also require some research. The main research questions to be pursued in Project 9 are as follows:

Project 9: The Provincial Funding Model

- What is the funding formula in each province?
- What results would it achieve when applied to FN agencies in each province?
- What is the difference between federal and provincial funding in terms of dollar outcomes?

Methodology: province by province analysis combined with case studies of 12 FN agencies (Project 3). Then applied to all FN agencies

Option 3: The First Nations Funding Model

A third approach to funding First Nation child and family service agencies is one that is explicitly based on community needs and assets and is rooted in the particular socio-economic and cultural characteristics of the communities and Nations which the agencies serve. The approach involves determining the core set of programs and services that First Nation agencies need to offer in their communities. This core set would be based on the unique socio-economic and demographic conditions of the communities. It would take cultural differences into account and would be rooted in best practice based on First Nation experience. Thus funding to agencies would be based on the cost of providing the

core set of programs and services, but with appropriate adjustments to take into account varying conditions, cultures, population sizes and locations.

At this point, it is less clear than it is with the other two models what such an approach to funding would look like, and what its implications would be. It also requires some research to be undertaken, a starting point for which is outlined in the following project designed to scope out the shape of a First Nations funding model.

Project 10: A First Nations Funding Model

- What are the unique conditions faced by First Nation communities in family/child welfare field?
- What is best practice in this context, taking into account First Nation cultures and perspectives?
- What are an ideal set of programs and services in this context, and the cost of delivering them?
- What adjustment factors would be needed to accommodate differences among First Nation communities?
- What is the range of funding models that could best support a "First Nations" child welfare system?
- What are the steps in implementing this scenario?

Methodology: Literature review, case studies and interviews

Summary

The contract for service required that three funding formula options be identified for First Nations Child and Family Services, that the pros and cons of each options be outlined and the research needed to run economic simulations of each option be identified.

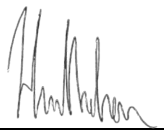
Overall our key findings are:

1. That First Nations child and family service agencies included in our research project expressed concerns regarding funding that were consistent with the findings of the Joint National Policy Review on First Nations Child and Family Services completed in June of 2000.
2. The National Advisory Committee affirmed that the basic principals identified on Page 7 of this report should apply to any new funding option that is developed.
3. Three funding formula models were identified: Fixing the current formula, the provincial funding model and the First Nations funding model.
4. After reviewing the existing literature and research, the specific research questions needed to inform all three funding models is detailed in this report along with a proposed research methodology.

The research findings and options, detailed in this report, were presented to the National Advisory Committee of the Joint National Policy Review on December 4, 2004 in Vancouver, British Columbia. Upon reviewing the information summarized in this report, the committee directed that research be conducted on all three options. Completing the research will form phase two of this project followed by phase three which will involve First Nations agencies completing a survey tool designed to better inform the National Advisory Committee, and agencies themselves, of the implications of each option.

A proposal to complete the research detailed in this report will be submitted to the Department of Indian Affairs and Northern Development in January of 2005.

This is Exhibit "59" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

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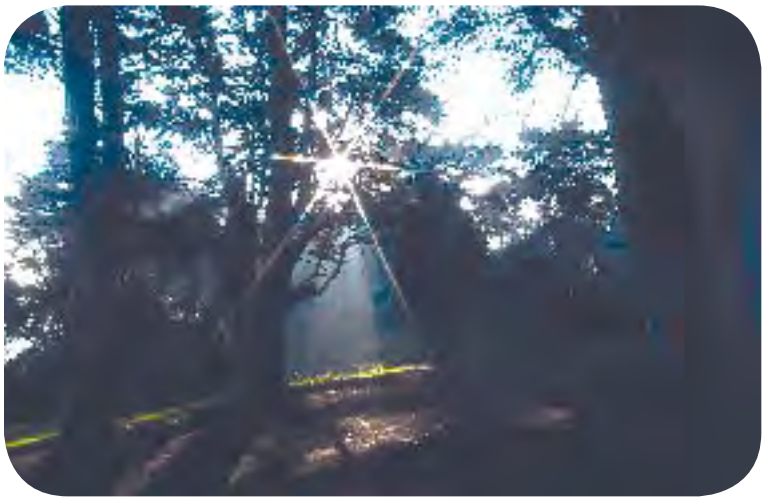
We are Coming to the Light of Day

First Nations Child & Family Caring Society of Canada

www.fncfcs.com



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We are Coming to the Light of Day

Throughout the many years of the National Policy Review, we have traveled down many paths –sometimes we have stumbled in the darkness trying to move forward in a good way. We could not see our way forward clearly.

This report provides the clear evidence needed to ensure First Nations children and families receive what is rightfully theirs – a chance to live with dignity, in the ways of their ancestors, safely at home.

The light is beginning to shine – to light our way forward. We can not turn back or stand still – generations are depending on us to go forward – now that we can.

Donald Horne, Kahnawake First Nation
Elder and First Nations Representative
to the National Policy Review (2000-2003).

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A very special note of appreciation to Jordan's family and community who bestowed a great honour and responsibility on all of us by allowing the use of the term Jordan's principle to remind us that in the end this is all about children – and they really do need to come first – all of the time.

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Dedication

In memory of Jordan

The moments of your life live strong in the hearts and minds of all who knew you and many who were inspired by you. We join hands with your loving family and community to ensure that when decisions are made for children – the child really does come first.

Honouring

The First Nations Child and Family Caring Society of Canada extends our heartfelt appreciation to Donald Horne, Elder, Kahnawake First Nation and Derald Dubois, Touchwood Child and Family Services who so honorably served as First Nations representatives on the Joint National Policy Review Management Committee giving generously of their time and expertise. Many thanks to the Assembly of First Nations, the Department of Indian Affairs, First Nations child and family service agencies, provincial child welfare organizations, the National Policy Review Funding Design Team, the National Policy Review National Advisory Committee, the Public Health Agency of Canada and the following list of talented researchers who contributed their time and expertise to benefit First Nations children and families:

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Many thanks to Michelle Nahanee for her beautiful design and layout work for this report. (***Note from designer:*** This report was printed on 80lb. text weight Environment paper by Neenah. It is made with 80% post consumer recycled fibre and 20% FSC certified fibre. FSC designates fibre from responsibly managed forests. The paper is ancient forest free and was produced without the use of elemental chlorine. Solid ink technology was used in printing this report with no ink waste entering nearby water streams during or after production. ***hoy chexca***)

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WEN:DE Coming to the Light of Day

CHAPTER 1
SUMMARY OF FINDINGS

by Cindy Blackstock, Tara Prakash, John Loxley and Fred Wien

Abstract

This multidisciplinary research project brought together experts in First Nations child welfare, community development, economics, management information systems, law, social work and management to inform the development of three funding formula options to support policy and practice in First Nations child and family service agencies in Canada. This unique research approach involved specialized research projects on the incidence and social work response to reports of child maltreatment respecting First Nations children, prevention services, jurisdictional issues, extraordinary circumstances, management information services and small agencies. These research projects were complimented by the results of twelve case studies of First Nations child and family service agencies in Canada. Findings indicate that First Nations children are over represented at every level of the child welfare decision making continuum including reports to child welfare, case substantiation rates, and admissions to child welfare care. In fact an analysis of child in care data by cultural group indicated that one in ten Status Indian children in three sample provinces were in care as of May 2005. Research results indicate that First Nations child and family service agencies are inadequately funded in almost every area of operation ranging from capital costs, prevention programs, standards and evaluation, staff salaries and child in care programs. The disproportionate need for services amongst First Nations children and families coupled with the under-funding of the First Nations child and family service agencies that serve them has resulted in an untenable situation. Recommendations for policy change and future research are discussed.

Project Overview

[The Committee] is equally encouraged by the establishment of First Nations child and family service providing culturally sensitive services to Aboriginal children within their communities. United Nations Committee on the Rights of the Child Concluding Observations Canada, 2003, Observation 26.

There are approximately three times the numbers of First Nations children in state care than there were at the height of residential schools in the 1940's (Blackstock, 2003). Taken together the 9000 First Nations children in care who are resident on reserve in Canada will spend over two million nights away from their families this year (McKenzie, 2002). Through the years, many have dreamed of making a difference for these children – to allow them to stay safely at home. This research project is dedicated to those children, their families and to making the dream of keeping them safely at home a reality. The most encouraging and important finding of this research project is that there really are things we could be doing for this generation of First Nations children to improve their well being – and in most cases it is as simple as providing them access to the resources enjoyed by other Canadians – but in a manner that reflects their distinct identity.

Recent research has confirmed that First Nations children are removed at disproportionate rates due to neglect (Blackstock, Trocme, & Bennett, 2004). When neglect is unpacked – poverty, poor housing and substance misuse are identified as key drivers (Trocme, Knoke, & Blackstock, 2004). This report is as much about redefining social work to better respond to the needs of First Nations families as it is about providing an evidence base for a renewed, and hopefully, equitable funding regime for First Nations child welfare. The researchers involved in this project represent some of the most renowned experts in Canada. We are honoured they are sharing their knowledge in this report – we know they did it because they believed it would make a difference. However, no report alone can do that – at the end of the day it is up to all those who read this report to mobilize this knowledge into beneficial action that First Nations children can experience – not just hear.

Building on the 17 recommendations of the Joint National Policy Review of First Nations Child and Family Services (NPR) (MacDonald and Ladd, 2000), the National Advisory Committee of the Joint National Policy Review (NAC) requested that the First Nations Child and Family Caring Society of Canada (FNCFCS) undertake research to respond to the research questions identified in Phase One[1] of the research project to inform three possible funding options for First Nations child and family services:

1) **Integrating recommendations of the NPR into the current funding formula, Directive 20-1, Chapter 5 (hereinafter called the Directive or Directive 20-1)**

2) **Linking First Nations child and family service agency funding with provincial child welfare funding levels**

3) **A new First Nations based funding formula.**

The first two possible funding models are relatively well defined with the first having benefited from the recommendations of the Joint National Policy Review on First Nations Child and Family Services completed in 2000 and the second based on standardized provincial funding formulae where they exist. In terms of the restructuring of Directive 20-1, the seventeen recommendations improve funding for First Nations child and family services contained in the National Policy Review were validated in Phase One and formed the primary frame of reference for analysis of this option in Phase Two (excluding the recommendation for a review of the funding arrangement in Ontario which will need to be done under a separate process).

The provincial option is also reasonably well defined although it is not always clear how specific child welfare services are funded within universal provincial social services funding pools. Moreover, as detailed later in this report there were instances where provinces had lost sight of the original funding formula over time and had simply adjusted the rate according to volume and

cost of living indices. Nonetheless, three provinces were identified for further research – Alberta, Nova Scotia and Manitoba and should provide a reasonable basis for determining if linking First Nations child and family service funding to the level of funding provided by the province in their respective area is a viable option.

The First Nations model is potentially the most promising although it is undoubtedly the most difficult to develop as there are no pre-existing funding template models to refer to. The potential lies in the possibility of re-conceptualizing the pedagogy, policy and practice in First Nations child welfare in a way that better supports sustained positive outcomes for First Nations children. There are several theme related studies in Phase Two which will contribute to this model – such as the secondary analysis of the First Nations data set in the Canadian Incidence Study of Reported Child Abuse and Neglect (CIS) and the Management Information System report. Although other study methodologies will inform this model, these two studies are particularly important given that any new funding regime should be founded on evidence based research and data – not speculation.

In terms of the CIS, this study describes the characteristics of children and their families who came into contact with the child welfare system over a three month period in 2003 (eight First Nations child and family service agencies participated.) As this is the second cycle of the CIS it is possible to compare results respecting Aboriginal children collected and analyzed as a part of the 1998 study.

The review of management information systems will also be a critical report in that will describe the current capacity of First Nations agencies to collect and report data that could potentially inform a First Nations funding formula model. The MIS review includes key informant interviews with First Nations child and family service agencies using a variety of data management systems ranging from pen and paper to agency based MIS systems.

The research for Phase Two began in January 2005 when FNCFCSA identified an interdisciplinary research team including experts in economics, First Nations child and family services, sociology, substance misuse, community development, management, public administration, management information systems, psychology and law. Methodological approaches for research projects were designed in accordance to the requirements of each research question identified in Phase One. A key method was to conduct detailed case studies of 12 First Nations child and family service agencies and the provinces using standardized questionnaires administered by regional researchers. The surveys include questions describing the range of services currently provided as well as to map out optimal levels of service and the costs associated with ensuring an equitable and culturally based funding formula going forward.

Selected First Nations child and family service agencies were also contacted by experts in management information systems, jurisdictional disputes and child maltreatment prevention services in order to inform the funding formula research. culminating in a report on the findings in June of 2005. These tight time frames have impacted the ability of our research team to fully analyze all aspects of the project. Nonetheless, results suggest that given the variety of research methodologies, the expertise of the research team and the cooperation of First Nations child and family service agencies and the federal and provincial governments have yielded substantial information to guide the National Advisory Committee in its efforts to develop a new funding formula.

This chapter provides an overview of the findings of all research projects and describes the implications of these findings for three funding formula options. In the spirit of transparency, full research reports on specific research areas are published in subsequent chapters in this report except in instances where publication of the report would reveal the identity of research participants.

Guiding Principles

The following set of guiding principles was established by the National Advisory Committee to guide the development of a new funding formula for First Nations child and family services:

- Supports culturally based services
- Consistent with the United Nations Convention on the Rights of the Child
- Ensures equal benefit to children under the law
- Supports preventative services and community development in relation to child maltreatment
- Responsive to the proportion of high needs children
- Accommodates unexpected occurrences
- Responsive to remoteness and service context
- Permits flexibility in allocation of budget
- Provides automatic price adjustments
- Provides adequate funds to meet needs of children in care
- Reflects the mandate of INAC

Research Questions and Methodology Summary

Table One on the following page summarizes the research questions identified in Phase One to inform each of the funding options and the methodology used to respond to each question.

Once all the data was retrieved from the various projects, the principal investigators reviewed the projects to identify how the research findings linked together to inform the three funding formula options. This analysis was presented to the National Advisory Committee for their review and the final report was prepared after having considered their comments.

Table 1: Summary of Research Questions

Funding Formula Option	Research Question	Methodology
Redesign of Directive 20-1	• Prevention • Identifying gaps in the current formula • Extraordinary Costs • Management Information Systems (MIS) • Capital Costs • Implications for small agencies • Jurisdictional disputes	• Principal methodology for all topic areas involves conducting literature reviews and key informant interviews. • Key informant interviews with 12 sample FNCFSA representing diversity in cultures, operating contexts and sizes will inform the development of a questionnaire to be administered to all FNCFSA in the Phase III of the research. • MIS and legal experts conducted independent studies for the MIS and jurisdictional dispute analysis. • Secondary analysis of the Aboriginal sample of the Canadian Incidence Study on Reported Child Abuse and Neglect (2003) informed prevention and gaps research topics. • Focus group conducted for prevention services
Tying the Formula to Provincial Standards	• Identification of funding formulas used by each province/territory • What results would be achieved if provincial formulas were applied to FNCFSA? • Comparative analysis of provincial formula versus Directive 20-1	• Literature review • Key informant interviews with each province/territory to identify funding formula • Key informant interviews with FNCFSA (using sample of 12 agencies) • Analysis of three provincial funding formulas • Analysis of all information by econometrician and policy experts
First Nations Based Formula	• Identification of unique conditions faced by FN communities in CFS. • Best Practices in FNCFSA and conditions that support best practice • Ideal set of programs and services in this context and the cost of delivering them • What adjustment factors would be needed to accommodate different communities • What is the range of funding formula options that could best support a First Nation child welfare system • Implementation steps	• Literature reviews to describe the unique conditions and best practices in FNCFSA and economic formula options. • Key informant interviews with a diversity of First Nations Child and Family Service Agencies (utilizing 12 case studies proposed for option one) • Identification of specific data sets and concordant infrastructure needed to further develop this option. • Canadian Incidence Study on Child Abuse and Neglect

Research Team

FNCFCS was honoured to work with the following esteemed researchers, many of whom are broadly recognized as being amongst the best in their field of research, both nationally and internationally:

Table 2: Researchers for each Research Project

Research Project	Researchers
Canadian Incidence Study on Child Abuse and Neglect-2003 Cycle *	Dr. Nico Trocme, Della Knoke, Corbin Shangreaux, Dr. Barbara Fallon and Bruce MacLaurin
Management Information Systems **	Stanley Loo
Prevention Services ***	Dr. Fred Wien, Dr. John Loxley and Linda DeRiviere
Jurisdictional Disputes ****	Kelly MacDonald, Dr. Gerry Cradock
Extraordinary Circumstances *****	Dr. Gerry Cradock
Remoteness Factor	Tara Prakash and Dr. John Loxley
Capital Costs	Lloyd Levan Hall
Small Agencies ******	Dr. John Loxley, Tara Prakash, Valerie Lannon and Judy Levi
First Nations and Provincial Case Studies	Fred Wien, John Loxley, Cindy Blackstock, Valerie Lannon, Kathryn Irvine, Shelley Thomas-Prokop, Corbin Shangreaux, Melanie Vincent, Judy Levi, Tara Prakash, Justin Julien, Sarah Clarke, Kathryn Minichiello, Rachel Levasseur
Project Coordination	Dr. Fred Wien and Cindy Blackstock
Report Design and Layout	Michelle Nahanee

Research Project Chapter Locater

Research Project Title	Chapter and Page Number
The Experience of First Nations Children Coming into Contact with the Child Welfare System in Canada: The Canadian Incidence Study on Reported Abuse and Neglect *	Ch. 2, page 60
Management Information Systems **	Ch. 5, page 146
Promoting Community & Family Wellness Least Disruptive Measures and Prevention ***	Ch. 4, page 113
Jordan's Principle: A Child First Approach to Jurisdictional Issues ****	Ch. 3, page 87
Extraordinary Costs and Jurisdictional Disputes *****	Ch. 6, page 178
Small Agencies ******	Ch. 7, page 208

Summary of Research Project Findings

1. TheExperience Of First Nations Children Coming Into Contact With The Child Welfare System In Canada: THE CANADIAN INCIDENCE STUDY ON REPORTED ABUSE AND NEGLECT

The profiles of Aboriginal families differ dramatically from the profile of non-Aboriginal families. Aboriginal cases predominantly involve situations of neglect where poverty, inadequate housing and parent substance abuse are a toxic combination of risk factors.
(Trocme, MacLaurin, Shangreaux & Fallon, 2005)

Study Design and Methodology

Despite the graphic over-representation of Aboriginal children in the child welfare system in Canada, until 1998 there was no information available on why these children were coming into child welfare care. The 1998 Canadian Incidence Study on Reported Child Abuse and Neglect (Trocme, et. al., 2001) (hereinafter called CIS-98) included Aboriginal children in the study sample, as well as three First Nations child welfare agencies. This national study documents the assessments of social workers on reported cases of child abuse and neglect that came to their attention during a three month period. The study captures information on why the child was reported to child welfare, report substantiation rates, child functioning items, caregiver functioning items and case disposition. This study was replicated in 2003 including eight First Nations child and family service agencies in the sample. The CIS -2003 Aboriginal data sample reflects the experiences of 2,328 investigations involving Aboriginal children: 304 First Nations children served by a First Nation's agency, 1,244 First Nations children served by mainstream agencies and 476 Métis, Inuit, and other Aboriginal children. A new feature of the CIS 2003 analysis is that the sample size of substantiated cases was large enough in some cases to compare the experiences of First Nations children on reserve with First Nations children off reserve, other Aboriginal children and non Aboriginal children. To follow is a brief summary of the secondary analysis of the 2003 CIS data respecting Aboriginal children with the full report appearing in Chapter 2.

Building on the Findings of CIS-98

Secondary analysis of the Aboriginal data in CIS-98 revealed that although Aboriginal children were less likely to be reported to child welfare authorities for physical or sexual violence they were twice as likely to experience neglect (Blackstock, Trocme & Bennett, 2004). When researchers unpacked neglect by controlling for various care giver functioning and socio-demographic factors – they determined that the key drivers of neglect for First Nations children were poverty, poor housing, and substance misuse (Trocme, Knoke & Blackstock, 2004). It is important to note that two of these three factors are arguably outside of the domain of parental influence – poverty and poor housing. As they are outside of the locus of control of parents is unlikely that parents will be able to redress these risks in the absence of social investments targeted to poverty reduction and housing improvement. The limited ability for parents to influence the risk factors can mean that their children are more likely to stay in care for prolonged periods of time. This is particularly a concern in regions where statutory limits on the length of time a child is being put in care are being introduced. If parents alone can not influence the risk and there are inadequate social investments to reduce the risk – children can be removed permanently. The third factor, substance misuse, is within the personal domain for change but requires access to services. Overall, CIS- 98 results suggest that targeted and sustained investments in neglect focused services that specifically consider

substance misuse, poverty and poor housing would likely have a positive impact on the safety and well being of these children.

Providing an adequate range of neglect focused services is likely more complicated on reserve than off reserve due to existing service deficits within the government and voluntary sector. A study conducted by the First Nations Child and Family Caring Society in 2003 found that First Nations children and families receive very limited benefit from the over 90 billion dollars in voluntary sector services provided to other Canadians annually. Moreover, there are far fewer provincial or municipal government services than off reserve. This means that First Nations families are less able to access child and family support services including addictions services than their non Aboriginal counterparts (Nadjiwan & Blackstock, 2003). Deficits in support services funding were also found in the federal government allotment for First Nations child and family services (MacDonald & Ladd, 2000.) This report found that the federal government funding for least disruptive measures (a range of services intended to safely keep First Nations children who are experiencing or at risk of experiencing child maltreatment safely at home) is inadequately funded. When one considers the key drivers resulting in First Nations children entering care (substance misuse, poverty and poor housing) and couples that with the dearth in support services, unfavorable conditions to support First Nations families to care for their children emerges.

Although there has been no longitudinal studies exploring the experiences of Aboriginal children in care throughout the care continuum (from report to continuing custody[2]), data suggests that Aboriginal children are much more likely to be admitted into care, stay in care and become continuing custody wards. It is possible that the over representation of Aboriginal children in child welfare care is a result of the structural risk factors (poverty, poor housing and substance misuse) not being adequately addressed through the provision of targeted least disruptive measures at both the level of the family and community. The lack of service provision may result in minimal changes to home conditions over the period of time the child remains in care and thus it is more likely the child will not return home. This is an area for further study.

Findings of CIS 2003

Consistent with the findings of CIS-98, neglect continues to be the primary reason why Aboriginal children are reported to child welfare authorities. Amongst the various forms of neglect, physical neglect and failure to supervise were the most frequently reported. Physical neglect relates to the caregivers failure to provide adequately for the child's needs such as nutrition, clothing, hygienic living conditions. CIS requires that the social worker suspect or believe that the parent is at least partially responsible for the situation.

CIS -03 data suggests that First Nations children on and off reserve have higher rates of child functioning concerns than their non Aboriginal peers. First Nations children on reserve were more likely to be reported as having depression/anxiety, negative peer involvement, misuse substances, irregular school attendance, and to experience a learning disability than their First Nations peers resident off reserve, other Aboriginal children and non Aboriginal children. On the positive front, First Nations children on reserve were less likely to experience ADD, ADHD, inappropriate sexual behaviour, to have a positive toxicology at birth or young offender involvement than their peers off reserve.

In terms of caregiver functioning, it is clear that First Nations caregivers are facing more pressures than their non Aboriginal counterparts. Although First Nations caregivers on reserve are less likely to be single parents than their non Aboriginal peers, they are more likely to rely on benefits for income and to live in public housing, in unsafe housing, and overcrowded conditions. Alcohol abuse continues to be a key factor affecting 44% of First Nations caregivers on reserve versus 58% for First Nations off reserve, 43% for other Aboriginal caregivers and 11% for non Aboriginal caregivers. First Nations caregivers were more likely to experience drug and solvent abuse (44%) versus 10% for non Aboriginal caregivers. However, the

rates for drug and solvent abuse amongst First Nations caregivers resident off reserve were higher at 58% than amongst other Aboriginal caregivers (43%).

In terms of social worker response, cases involving Aboriginal families were two and one half times more likely to be substantiated (49 per thousand) than non Aboriginal families (19.8 per thousand.) In terms of investigative outcomes, cases involving First Nations children were more likely to remain open for services (68%) versus their non Aboriginal peers (41%). Court applications were also more likely for First Nations children on reserve occurring in 10% of cases versus 6% of cases involving non Aboriginal children. Rates for court applications were slightly higher at 13% for both First Nations off reserve and other Aboriginal peoples. When it came to placement First Nations children on reserve were two and a half times more likely to be placed in child welfare care than non Aboriginal children. Specifically, First Nations children on reserve experienced placement rates of 15% as compared to 6% for non Aboriginal children. First Nations children off reserve were placed in child welfare placements in 16% of cases.

CIS -03 compared where Aboriginal children on and off reserve were being placed once admitted to child welfare care. Overall, children on reserve were three times more likely to be placed in either informal kinship care, kinship care or with a family foster home than their non Aboriginal counterparts.

Conclusions

The following concluding statement is taken directly from the CIS report completed for the First Nations Child and Family Caring Society by Trocme et.al. (2005) which appears in full in Chapter 2 of this report:

A number of striking differences emerge from this preliminary comparative analysis of child welfare investigations of Aboriginal and non-Aboriginal children. **From the very outset, Aboriginal children are more than twice as likely to be investigated compared to non-Aboriginal children. Once investigated, cases involving Aboriginal children are more likely to be substantiated, more likely to require on-going child welfare services, more than twice as likely to be placed in out of home care, and more likely to be brought to child welfare court.** The profiles of Aboriginal families differ dramatically from the profile of non-Aboriginal families. Aboriginal cases predominantly involve situations of neglect where poverty, inadequate housing and parent substance abuse are a toxic combination of risk factors. Surprisingly, fewer differences were noted at the level of the children themselves.

The most systematic pattern to emerge from this first analysis highlights the differences between Aboriginal and non-Aboriginal children. It would be helpful to discuss with Aboriginal service providers any on/off-reserve differences that have not been highlighted by this statistical analysis.

Multivariate analyses controlling for some of the differences between Aboriginal and non-Aboriginal families should be undertaken to better understand the factors underlying the differences in service response. **Regardless of these possible explanations, it is apparent that one should expect the cost of providing services to Aboriginal children to be significantly higher given that these cases involve a significantly higher rate of intervention at every point of contact.**

2. JORDAN'S PRINCIPLE: A CHILD FIRST APPROACH TO JURISDICTIONAL ISSUES

Every individual is equal before and under the law and has the right to equal protection and benefit under the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability
Canadian Charter of Rights and Freedoms, Section 15

The spirit of the Canadian Charter of Rights and Freedoms (hereinafter called the Charter) is reaffirmed by Canada signing the United Nations Convention on the Rights of the Child where non-discrimination is a key principle. These principles in domestic and international law provide a foundation for First Nations children to receive equal benefit under the law and should provide adequate incentive for all levels of government to coordinate their policies and programs respecting First Nations children. Unfortunately, as the United Nations Committee on the Rights of the Child (2003) suggests, the lack of coordination between federal, provincial and territorial governments has left open the possibility of uneven implementation of the objects of the Convention.

This report, completed by Kelly A. MacDonald, a Tsimshian lawyer and child rights expert with the assistance of Kylie Walman provides a synopsis of how case law, international law and inquest findings come together to inform the development of a new funding formula that better reflects the non discrimination provisions of the Charter and the United Nations Convention on the Rights of the Child. Ms. MacDonald uses a combined methodology of literature reviews (both for case law and inquests) supplemented by over 20 key informant interviews.

Findings

The research finds that jurisdictional disputes continue to have significant impacts on the lived experiences of First Nations children – particularly those with special needs. Although both the federal and provincial governments embrace the principle that the safety and well being of the child is a paramount consideration, in practice jurisdictional disputes often supersede the interests of children. **The lived experience of this situation is saliently outlined in the case of Jordan, a young child, in Manitoba who remained in hospital for a prolonged period of time due to jurisdictional wrangling between federal government departments as to which department was responsible for paying at home care costs. A sad update is that Jordan passed away before the jurisdictional dispute could be resolved and never had a chance to live in a family environment – the only home he ever knew was a hospital (Lavalee, 2005).**

As key informants contributing to this research confirm, Jordan's experience with jurisdictional disputes is not unique. Efforts to clarify the responsibilities of the federal and provincial governments have been attempted using the court system but as Ms. MacDonald found, existing case law does little to clarify government roles and responsibilities. Lower court decisions such as the decision by Justice MacInnes of the Manitoba Queens Bench find that there is not a clear fiduciary obligation on behalf of the federal government to fund First Nations child and family services. Additionally, a Manitoba provincial court decision found that the provinces have an obligation to ensure equal benefit under the child welfare law for every child within the province irrespective of their views of federal government responsibilities to First Nations children. This suggests that where there is a gap between what

the federal government will fund on reserve and what the provincial statute requires, the province must step in and fund the service. These lower court decisions, however, must be taken within the broader context of Canada's obligations under the Charter of Rights and Freedoms and the United Nations Convention on the Rights of the Child. Ms. MacDonald notes that although there is no existing case law that specifically explores the implications of federal government under funding of child welfare services, perpetuating inequities in child welfare services through inequitable funding regimes is likely inconsistent with Section 15 of the Charter.

As this report notes, the lack of non judicial forums for the resolution of jurisdictional disputes is a problem. This is also evident in the First Nations agency survey responses which indicated that the **12 agencies had experienced 393 jurisdictional disputes this past year requiring an average of 54.25 person hours to resolve each incident.** The most frequent types of disputes were between federal government departments (36%), between two provincial departments (27%) and between federal and provincial governments (14%). Examples of the most problematic disputes were with regard to children with complex medical and educational needs, reimbursement of maintenance, and lack of recognition of First Nations jurisdiction. There were variations in the responses with some regions reporting higher incidents than others which may reflect the uneven development of dispute resolution mechanisms. Although tripartite tables have been established in some regions with INAC, the province and First Nations child and family service agencies, the efficacy and authority of these tables to resolve jurisdictional disputes is unclear and inconsistent. Moreover, as some jurisdictional disputes involve federal, provincial or tribal authorities outside of these core participants it is critical that mechanisms for engaging these groups are integrated into a dispute resolution process. Importantly, dispute resolution mechanisms must be reflective of cultural values and processes of the participating First Nation child and family service agency.

Conclusion: Jordan's Principle to Jurisdictional Dispute Resolution

There is no way to know if implementing recommendation number 4 of the National Policy Review calling for the clarification of jurisdictional disputes involving special needs children would have prevented Jordan's death, but putting Jordan first would have at least provided him with the best opportunity to live in a family environment. Despite the stated intentions by governments, including Canada, the predominant strategy for resolving jurisdictional disputes affecting First Nations children has been to put the needs of the child on the back burner while governments sort out who is going to assume the costs. In far too many cases the government puts its needs before the needs of the child. The predominance of the child second solution in managing jurisdictional disputes is fundamentally inconsistent with our national values, social norms, laws and international commitments. **The well being and safety of the child must be the paramount consideration in resolving jurisdictional disputes – the child must come first in all instances.**

We recommend that a child first principle be adopted whereby the government (provincial or federal) who first receives a request for payment of services for a First Nations child will pay without disruption or delay when these services are otherwise available to non Aboriginal children in similiar circumstances. The government then has the option of referring the matter to a jurisdictional dispute resolution process. Consistent with recommendations made by the Baby Andy inquest we recommend that jurisdictional dispute resolution tables be established to resolve funding disputes between and within federal, provincial and First Nations child and family service agencies. These tables will receive complaints by parties and recommend a resolution.

In Jordan's memory we recommend that this new child first approach to resolving jurisdictional disputes be called Jordan's Principle and be implemented without delay.

3. LEAST DISRUPTIVE MEASURES AND PREVENTION

Our calculations on the cost of child maltreatment in Canada are as follows:

Judicial	$616,685,247
Social Services	$11,780,062,222
Education	$ 23,882,994
Health	$ 222,570,517
Employment	$11,299,601,363
Personal	$ 2,365,107,683
TOTAL	$15, 705,910, 047

This total reflects a minimum [annual] cost to society…The investment of Canadian governments at all levels in social services directed at this serious problem [child maltreatment] represents only a small fraction of billions of dollars lost every year (Bowlus, McKenna, Day & Wright, 2003 P. v)

The projected cost of child maltreatment respecting First Nations children has not been researched in detail. However, considering that Aboriginal children compose approximately 30-40% of all children in child welfare care and the vast majority of those are First Nations, the annual economic costs in Canada are likely in the billions of dollars per annum. The staggering costs noted in the Bowlus e. al. 2003 study are consistent with data from the United States. According to the World Health Organization (2004) **the estimated costs of child maltreatment in the United States in 2001 are reportedly 94 billion dollars or a full 1% of the GDP for the United States.** Alexander Butchart, WHO Coordinator for Violence Prevention notes that "The good news from this report on the economic dimensions of violence is that, according to cost-benefit studies that have been conducted, violence prevention is cost-effective…. Providing graduation incentives for high risk youth and parents or new parents are, respectively, between seven and five times more cost-effective in preventing violence than investing in increased legal enforcement and incarceration." (WHO, 2003 P. 2).

The 1998 Canadian Incidence Study of Reported Child Maltreatment documented an overrepresentation of Aboriginal children in foster care placements and other institutional settings compared to non-Aboriginal children. Although socioeconomic hardship can account for much of this phenomenon, it has been suggested that funding arrangements may also create perverse incentive effects that work against family-based approaches. **In light of this present situation, more suitable alternatives for ensuring the well-being of Aboriginal children are a priority. Prevention constitutes a significant component of the general holistic philosophy of care in First Nations communities and a number of studies have illustrated that setting priorities in prevention is not only fiscally prudent, but also a humanitarian response to child maltreatment.**

The purpose of this study was to identify best practices and least disruptive measures in primary, secondary and tertiary child maltreatment prevention. For the purposes of this study, primary prevention is defined as the range of population based or community development services provided to prevent child maltreatment. Secondary prevention is the range of services provided to children at risk of experiencing child maltreatment. Tertiary prevention is responding to children who are at significant risk or are experiencing child maltreatment. In child welfare legislation in all provinces tertiary prevention services (often termed least disruptive measures) must be exhausted prior to considering the removal of the child from her/his family.

A secondary goal of this study was to identify a realistic level of cost that can be expected by reducing the number of children in care by filling identified prevention funding gaps in Directive 20-1.

Study Design and Methodology

The conclusions of these reports are informed by a literature review on prevention services which was complemented by a one day focus group of

child welfare practitioners, policy makers and researchers. An additional economic cost benefit analysis utilizing data from West Region Child and Family Services Agency in Manitoba was completed in order to inform what savings could reasonably be expected with investments in prevention services over time. It is important to recognize that as the current funding formula inadequately funds prevention services we were limited as to the number of agencies that this type of cost savings analysis could be conducted on. It is important to note that West Region CFS is a large agency which has been in operation for over two decades meaning it was in an ideal position to optimize benefits of block funding. As Dr. McKenzie (2002) notes there are very few other agencies that could benefit from block funding as their economies of scale are too small or they continue to experience fluctuations in costs year over year making setting the base amount for the block a difficult exercise. However, for the purposes of this costing analysis, West Region provides a good indication as to what would be possible if all agencies had access to a holistic and community based range of prevention and least disruptive measures services.

Summary of Findings

There is a general consensus in the literature that child removal should really be the last resort in responding to child maltreatment. This can only be fully realized if there is a focused investment in all three levels of prevention services (primary, secondary and tertiary.) The NPR (MacDonald & Ladd, 2000) found that the current funding formula inadequately invests in prevention and least disruptive measures. Meanwhile the formula does reimburse for services once a child is removed from their family home. **This means that, in practice, there are more resources available to children who are removed from their homes than for children to stay safely in their homes.** Focus group participants echoed this finding and urged strategic and sustained investments in prevention services which would provide families the best opportunity to have their children remain safely in their homes. These services, however, must be reflective of local culture and context and also consider the broader structural risks that impact on child safety such as community poverty, lack of infrastructure and inadequate or overcrowded housing.

Many First Nations child and family service agencies work with families where the children are experiencing, or are at significant risk for, child maltreatment. Focus group participants see a direct relationship between the lack of primary and secondary prevention options that could mitigate family crisis and the high proportion of families who experience family crisis and child maltreatment. If social workers do not effectively respond to early symptoms of child maltreatment and/or family crisis then problems can escalate both in terms of degree and scope creating conditions where removal of the child is the only option. It is suggested that providing a diversity of primary and secondary prevention services would reduce the scale of crisis-related interventions. Currently these services, if offered, are fragmented and poorly funded. Also the Directive does not allow flexibility to work with other departments to jointly undertake prevention projects – funding agreements are structured in such a fashion that stove piping of services is the end result. This needs to be changed to promote more interdisciplinary and holistic prevention interventions (i.e: development and implementation of programs in partnership with addictions services, health or band schools.)

The classification of prevention in terms of primary, secondary and tertiary as used in the literature is to some extent, incongruent with the notion of holism in Aboriginal terms where program strategies often entail a continuum of overlapping and interlocking child welfare services comprising all three levels of prevention. The new funding formula should encourage a seamless continuum of prevention services that allow children and their families to transition easily between programs.

Overall focus group participants echoed the findings of the literature review. There was general consensus that the current funding formula works against a comprehensive prevention agenda for

First Nations agencies. Participants emphasized the need for an increased investment in all aspects of culturally based prevention programs whilst ensuring the maintenance of prevention programs that agencies have been able to establish. The major outcomes of the focus group were as follows:

- Prevention is conceptualized as a front-end investment in people and should be reflected in prevention oriented legislation and funding arrangements.
- The need for a multidisciplinary collaborative approach to intervention.
- There is a need for a contextual framework encompassing broader community related environmental factors and socio-demographic issues.
- Flexibility and sustainability in funding is needed to support prevention programs which respond to the range of risk factors affecting child safety including structural risk.
- There is a need for adequate funding to build infrastructure and human resource capacity to design, deliver and evaluate prevention programs. This is particularly acute in remote communities.
- Building the FNCFSA human resource base and community volunteer capacity in First Nations communities for prevention programs is identified as a priority.
- The need for development of a comprehensive plan relating to capital requirements such as office space, vehicles and computer systems needed to operate prevention programs needs to be addressed.

Cost-benefit Analysis

A cost-benefit analysis was conducted to determine the realistic savings that can be expected by reducing the numbers of children in care using West Region Child and Family Services as an example. **Consistent with the findings of Bowlus et. al. (2003) and the World Health Organization (2003), the calculations demonstrate substantial returns on spending geared toward prevention. It is important to emphasize that reductions in children in care should be conceptualized as an outcome of programs intended to strengthen families and communities.** It is equally important that artificial means of reducing children in care be avoided. For example, in some mainstream regions reduction in child in care numbers have been achieved by reducing the maximum age children can be in care to 16 years. This approach to reducing children in care is not only poor practice, it is inconsistent with federal age of majority (age 18) and the age of majority set out in the Convention on the Rights of the Child (age 18.) Reductions of children in care need to be conceptualized as a positive long term outcome of supporting healthy families. To achieve this there is a need to re-direct policy in favor of primary and secondary services as a principal component of the casework model, while continuing adequate responses to more complex cases of high risk and family conflicts. The cost-benefit analysis confirms that a shift in focus must be directed to family preservation and reunification wherever possible. **A detailed analysis of the cost benefits of West Regions investment in a continuum of primary, secondary and tertiary prevention services revealed that 1.5 million dollars was saved each year as more children were able to stay safely at home versus being placed in child welfare care. This clearly demonstrates that doing the best thing for children and their families can, over the longer term, result in economic benefits as well.**

Gaps In Formula

Analyzing the current national funding formula from the perspective of the general holistic philosophy of care recommended by First Nations experts reveals a number of significant gaps. One of the key gaps is that the cost of living adjustment in the current formula has not been implemented since 1995. Focus group participants felt that this had resulted in a reduction in overall funding for First Nations child and family service agencies across all service areas including prevention as they could not keep pace with inflation. Their opinion was later validated by the Dr. Loxley's analysis of the cost of living that appears later in this chapter.

Although prevention is a significant aspiration of First Nations agency programming, the funding provided by the current formula is insufficient

to meet needs in primary, secondary or tertiary (least disruptive measures) prevention services. Another complication is that agencies have been disallowed prevention based expenditures that they have billed as a part of the child maintenance. It is an expectation of all child welfare statutes in the country that once a child is admitted to care; the child welfare authority has to provide services to the family and the child to optimize conditions for the child's safe return. In many cases, agencies find themselves in a catch 22 situation – they have inadequate funds in the operations pool to pay for these services and then regional INAC staff would disallow the expenditure if it was billed under maintenance. This means that agencies in this situation effectively have no money to comply with the statutory requirement to provide families with a meaningful opportunity to redress the risk that resulted in their child being removed. More importantly, the children they serve are denied an equitable chance to stay safely at home due to the structure and amount of funding under the Directive. In this way the Directive really does shape practice – instead of supporting good practice. There is a clear need to amend INAC policy, or interpretation of policy, to recognize the need to provide family and child supports to children in care.

The issue of compulsory services under provincial statues versus discretionary programs is also an area requiring further attention. There are several categories of discretionary costs consistent with Aboriginal values such as preventative community development expenditures which are not uniformly reflected under statutory legislative standards and therefore are not funded.

Three broad funding recommendations with the goal of suitably redistributing funds to reflect lower maintenance costs and an increased percentage of funds for prevention and community development or family healing support initiatives are:
1) a multidisciplinary team approach to funding, 2) linking prevention funding to children in care and/or families receiving services and 3) linking prevention to agency capacity to implement and evaluate programs.

Conclusion

Many **First Nations child and family service agencies work with families who could avoid experiencing significant family crisis or child maltreatment if they had received primary or secondary prevention services**. Providing an adequate and sustained amount of funding for the development of a holistic and culturally based continuum of primary, secondary and tertiary prevention services would go a long way to ensuring that child removal is a last resort for First Nations children. This finding is consistent with recommendations made in both the NPR and in CIS-98.

There are strong social work and economic cases for making prevention a priority with substantial fiscal and societal savings. Unfortunately, the current funding formula does not adequately provide for prevention programming and may in fact, discourage prevention by under funding the continuum of services that the operations formula was intended to support. Still, some First Nations agencies have been able to implement successful prevention programs through the diversion of maintenance dollars under a block funding arrangement. As the use of maintenance funds in this manner is subject to uncertainty, it is not an option exercised by all agencies.

A separate budgetary provision is recommended for both primary and secondary prevention. In addition to this a separate budget for least disruptive measures which would include services to children in care so that they can safely return home needs to be established. The efficacy of these programs could be supported by incorporating flexibility in funding use to promote interdisciplinary approaches.

4. MANAGEMENT INFORMATION SYSTEMS

The December 2002 Report of the Auditor General of Canada concluded that First Nations agencies must rely on computer technology to manage currently cumbersome and excessive federal

> **reporting requirements. All agencies agree with this totally and want to have their own information system tailored to their needs for a variety of reasons, but absence of technology funding has been the most major problem. Currently, very few agencies have their own system, and they can barely afford it or keep it working smoothly due to constant lack of funds. (Loo, 2005, P.28)**

Study Design and Methodology

This research report was completed by Stanley Loo who is broadly acknowledged as a leading expert in child welfare information systems having been retained by the Provincial and Territorial Directors of Child Welfare and the University of Toronto, Faculty of Social Work to complete a national child welfare outcomes data project. The specific research questions in the Phase One study were:

1. What kinds of MIS systems are currently in use by FNCFSA and how do they compare with provincial systems?
2. What kind of MIS system is required to meet agency requirements and ensure adequate interfaces with provincial and national data systems?
3. What are the costs of developing and maintaining such a system?
4. What are the implications for a funding formula budget?

Methodological approaches included key informant interviews with eight First Nations child and family service agencies representing all regions except Alberta where we were referred to the province as all agencies use the provincial data base system. Provincial government staff were interviewed from all regions except Quebec and British Columbia where MIS contacts were either unavailable or unknown. Additionally, three external MIS experts who provided services to First Nations child and family service agencies were interviewed.

Summary of Findings

The Auditor General of Canada (December, 2002) has recommended that First Nations make greater use of information management technology to manage federal reporting requirements. FNCFCSA interviewed for this research project are supportive of this recommendation but are unable to implement it due to inadequate funding for MIS in the current funding formula. . Findings indicate a diversity in terms of existing MIS capacity. Additionally, Mr. Loo argues that MIS funding should be linked to agency office structure, location, data collection and management needs and capacity. There is no support for linking MIS to child population as in the current operations formula.

Additionally, findings of this report indicate that, despite the recommendations of the Auditor General of Canada (December, 2002) to streamline reporting requirements using information systems as a tool whenever possible, there is a broad variation in the data management systems being used by First Nations child and family service agencies in Canada. Additionally, most agencies expressed a desire to develop their own data management systems which would facilitate data collection for policy making and evaluation purposes and support the reporting needs of tribal governments, INAC and the provinces. A very small number of agencies have developed these systems and in some cases have licensed the resulting product for use in other First Nations communities. Agency based MIS systems, however, are still the rare exception with the vast majority of agencies having inadequate MIS capability. Currently there is broad variation in MIS capacity within First Nations agencies ranging from pen and paper operations to agency developed information systems. There are also a number of agencies who are using the provincial government's case management system but operate separate data collection regimes to collect reporting data required by INAC. It is likely that variation in MIS capacity is related to the amount of operational funding available to the agency – in general large agencies were in a better position to fund MIS services than small agencies.

Moreover, the structure of agencies varies from single office operations to multiple site structures as do the distribution of agencies in rural, remote and urban centers. Both of these factors – agency structure and location influence the MIS needs of agencies.

Another complicating variable is that First Nations child and family service agencies are often required to report to the provinces and tribal leadership on service quality whereas they need to report to the Department of Indian Affairs in order to sustain funding. Although most provincial governments invite agencies to use their data systems (at no cost or on a fee for service basis) agencies must have adequate computer systems/ staff to take advantage of this option. Moreover the provincial computer system option is limited as the systems are designed with the human resources and MIS capacity of the province in mind and are intended to achieve provincial government data collection and reporting requirements. We have not identified an example where a province involved First Nations child and family service agencies in key design elements of the provincial data collection system. Taken together these issues have resulted in many First Nations identifying concerns with the use of provincial systems. For example, there is no harmonization between provincial data systems and INAC data systems thus agencies experience redundancies in data entry – increasing personnel costs. Additionally, agencies reported navigation problems in provincial systems or with province imposed restricted access to systems modules.

In order to analyze the computer hardware needs of diverse agencies – Mr. Loo proposes linking MIS costs to agency structure, location, data collection and reporting needs according to the following agency typologies:

1. Single agency office less than 75 computers
2. Single agency office more than 75 computers
3. Multiple locations (head office and other branches.

The shortcomings in information management systems impact the ability of First Nations child and family service agencies to collect data that would inform promising policy and practice solutions. As noted by the Nico Trocme (2003) collecting consistent data on children and families coming into contact with the child welfare system is critical to being able to understand what practices are effective in child welfare and which are not. In terms of First Nations child and family service agencies there is limited capacity to collect data on outcomes measures. Current data collection is often restricted to that required by INAC and child welfare regulatory agencies. INAC reporting requirements for FNCFSA vary depending on the funding methodology used but as the Auditor General of Canada (December, 2002) reports, information collected by INAC generally consists of a Child Care Notification Form which is submitted by the FNCFSA on the 10th day of every month in order to receive reimbursement of expenses. The form is completed when the child is removed from the home and requires the following information:

- Child information (name, date of birth, address and health insurance number)
- Date of removal and residence of the child at time of removal
- Legal status of the child pursuant to provincial statute
- Parental information including information on legal custody and Indian status
- Identity of the caregiver if someone other than the birth parent
- Identify of fiscally responsible entity (i.e: provincial child welfare, INAC, health, justice, etc.)

Consistent with the concluding remarks to Canada made by the United Nations Committee on the Rights of the Child (2003) disaggregated data would provide some guidance to First Nations child and family service agencies on children in care but the data INAC currently collects was not designed to inform policy and practice decisions on critical factors such as why the children are coming into care, services provided to children at risk while living in the family home, longitudinal experiences of children post removal. It is important to note that although INAC collects some child welfare

data for its financial reporting purposes, it is not consistently reported in public documents at a regional or national level. This limits the policy impact of even the limited amount of data that is currently collected. The further development of MIS capacity in First Nations child and family service agencies will augment their capacity to collect outcomes measures on children and families coming into contact with child welfare thereby informing evidence based policy and practice solutions.

Conclusions:

We recommend that each agency be assessed for capital MIS equipment and infrastructure needs in order to bring them to the minimum standard recommended by Stanley Loo in his report. Moreover, the new formula should include adequate funds for MIS staff training, system upgrades and maintenance.

In addition to these recommendations, Stanley Loo offers the following conclusions taken directly from the report completed for the First Nations Child and Family Caring Society:

1) How to determine how much an agency needs to acquire an information system is a critically important but exceedingly complex issue. Determining technology costs goes way beyond, for example, counting number of workers or cases served, or size of on-reserve child population. The kind of computer equipment needed, hence the cost, is mainly determined by:

- The type of information system an agency needs and the features desired.
- Adequacy of computer equipment in use, i.e., which existing computer hardware and software items need to be upgraded or replaced, and what additional equipment is needed.
- Geographical spread (number of locations) of the organization.
- Size of the organization.

The third and fourth conditions also influence the design of a technological infrastructure needed to support an agency's information system. These four factors are the key determinants of technology costs in the case of FNCFSAs.

2) The report also shows that the cost of an information system or database application itself is actually quite small, compared to the cost of the technological infrastructure required. However, it is extremely important that the right database application is used otherwise serious usability problems will surface sooner or later.

3) In making decisions concerning selecting an information system, identifying the types of computer hardware, software and related requirements, and estimating costs, it is always useful, and actually important, that agencies follow a consistent framework. Otherwise agencies could easily lose sight of the purpose of an information system and/or end up acquiring inappropriate technology. For this reason, the report includes a number of checklists or sets of criteria for, respectively:

- Helping an agency to determine the adequacy of its existing hardware and software, as per requirements of a typical agency-level information system,
- Helping an agency currently without its own information system to decide whether to develop its own system or to lease a commercial system.
- Showing an agency how to select a commercial information system.
- Helping an agency to identify the "typical" mix of computer hardware, software, peripherals, remote access options and associated considerations needed to build a technological infrastructure based on agency size and geographical spread. (Suggestions for technology refresh are also included.)

In addition, two other sets of information are included:

- Information system or database features deemed essential for meeting expectations regarding outcomes measures, program performance monitoring, electronic data exchange, ad hoc data or report requests, etc.

These are above and beyond day-to-day agency service delivery and management requirements.

- Prevailing cost (regular price as well as special discounted price for charitable organizations, where available) of each hardware, software, or service item. Most of the hardware and software prices are standard across Canada, although service charges may vary between regions and/or suppliers.

4) Given the high degree of complexity of the subject, it is important to treat this framework of information or checklists as educated guidelines, which may require adjustment when they are applied to individual agencies. Situational needs and other factors hitherto unknown or that may surface later, as well as constant technological advances necessitate periodic adjustment to this set of information to ensure currency and continual applicability. It is also suggested that agencies engage a technical consultant to help identify the specific technology they need to match agency characteristics, using the checklists as a reference guide. This person should be familiar with Microsoft server products, database development, computer hardware, and infrastructure design and implementation.

5. EXTRAORDINARY COSTS AND JURISDICTIONAL DISPUTES

Under the current formula, First Nations child and family service agencies are reimbursed for child welfare services provided to Status Indian children on reserve. Unlike the provinces, First Nations child and family service agencies operate on a budget that should theoretically zero out at the end of each fiscal year –there is no process in the Directive to deal with cost overruns or unexpected costs. As Dr. Cradock notes the problem is that the costs of child welfare are not predictable enough to respond to this rigid zero based funding structure in the formula. Provinces also typically receive an annual fixed budget, but they can also appeal to the provincial treasury board or a similar structure for additional funding should an unexpected event occur. First Nations child and family service agencies do not have this type of safeguard.

Additionally the overall under-funding of First Nations child and family service agencies mitigates their ability to respond effectively to what would be "normal" circumstances in provincial child welfare systems (e.g: changes in legislation or special protocol investigations (such as investigating child welfare staff) and thus the realm of what is considered an extraordinary expense expands.

Community infrastructure also impacts conceptions of what is, and what is not, extraordinary. The fact that First Nations have varying degrees of community infrastructure influences their ability to respond within and across community services to extraordinary events. This report reviews the nature of extraordinary circumstances whilst providing recommendations for response.

Study Design and Methodology

The information for this study was gathered from a review of literature, a review of policies from nine provinces (British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia, New Brunswick and Newfoundland) and survey data from 12 First Nations Child and Family Service Agencies.

Findings

The report begins by outlining two primary challenges when examining extraordinary circumstances:

1) the boundary between extraordinary costs and jurisdictional disputes is not always clear
2) The conceptualization of what is an ordinary or extraordinary event is significantly linked to the First Nations community context in which the event occurs. Thus it is critical to understand the community context in order to

judge whether or not something is extraordinary or not.

In terms of interface between extraordinary costs and jurisdictional disputes, aggregated survey results from First Nations child and family service agencies indicates that eleven of twelve agencies in the sample experienced jurisdictional disputes. Taken together they reported 393 jurisdictional disputes this past year. The frequency of these disputes varied widely with agencies reporting anywhere from 1 to as many as 165 disputes within a year. The amount of time and human resources taken to resolve these disputes was in itself extraordinary. Over the duration of one year, the resolution of each dispute took an average of 54.25 person hours with some disputes taking up to 200 hours of staff time to sort out. The human resource costs related to resolving jurisdictional disputes make them an extraordinary cost for agencies which is not covered in the formula.

Although it is fair to say that provincial child welfare agencies also experience jurisdictional disputes, FNCFSA face the additional burden of sorting out the federal/provincial jurisdictional disputes arising from Section 88 of the Indian Act or disputes between different federal government departments over the funding of services to Status Indian children that are not likely to occur at the same rate or in the same form for provincial governments. This is typified in the FNCFSA survey responses with six of the nine responding agencies reporting persistent disputes between the federal government Departments of Indian and Northern Affairs Canada (INAC) and Health Canada over funding for non-insurable medical costs. Problems with jurisdictional disputes between federal departments are more likely to occur for agencies responsible for remote communities. These types of disputes delay or withhold necessary non-insured health benefits. Children with complex developmental, mental health and physical health issues are particularly impacted by the resulting delays in service.

The second type of jurisdictional dispute, reported by four agencies, is between the federal government and provincial child welfare agencies. The principle disputes in this area revolve around figuring out which government (federal or provincial) is responsible to fund child welfare services which are required by provincial statute or policy but are not funded by INAC within current authorities. This type of dispute was reported by a third of agency respondents who indicated that these disputes consume a considerable amount of agency time.

Consistent with the findings of Irvine (2004), this report found that the unique context of First Nations communities directly influences the definition of what is and what is not an extraordinary circumstance. Given the variance in geography, community size, access to services and degree of community social development there are vast differences in conceptions of extraordinary amongst First Nations and between First Nations and the rest of Canada.

In comparison with other Canadians, the high levels of socio economic need, the experience of colonization and the comparative lack of service infrastructure means that many events that would be described as extraordinary in the overall Canadian context are ordinary in the First Nations experience. For example, best estimates indicate that one in ten Aboriginal children are removed by child welfare authorities whereas the rate for non Aboriginal children in one in four hundred; graduation rates for non Aboriginal children are three to four times higher than for First Nations children. This boundary between extraordinary and ordinary is complicated. The assignment of "ordinary" to circumstances experienced by First Nations children and families which would be extraordinary by other Canadians can serve to normalize the perception of the risk and moderate the type of urgent response one would expect from all levels of government.

Similarly, First Nations also have diversity in contexts, cultures, community development and history that impact on their definitions of what is extraordinary and their ability to respond thereto. For example, what may be described as ordinary in a remote First Nations community may constitute the extraordinary in an urban First Nation. For example, one remote community described how social workers had to pass by bears and travel

over partially thawed ice to get to a community in the spring time. Although dodging the bears is an everyday activity for a remote community it would likely be an extraordinary circumstance in an urban community. The reverse is also true, what may be considered ordinary in an urban First Nation may be extraordinary in an isolated community. For example for one urban First Nation in this sample reports that it has no less than four types of transportation lines cutting through their reserve lands creating hazards for children and adults alike.

A community capacity assessment is proposed as a means to gage community context and ability to respond to extraordinary circumstances and to help distinguish between ordinary and extraordinary local events

Incidents of extraordinary costs were reported by six agencies in the FNCFSA survey. Agencies reporting extraordinary costs reflect the concerns expressed with jurisdictional disputes in the sense that extraordinary costs are associated with isolated and high needs communities. Reported costs are primarily related to travel associated with providing services in extraordinary circumstances or due to costs linked with lack of specialized services and resources and costs.

Events that are unanticipated, unforeseen or outside normal risks are not reflected in the First Nations survey data on extraordinary costs although key informant interviews identified incidence such as a series of youth suicides as being an extraordinary event. The survey data suggests that what is considered extraordinary is a body of predictable and repetitive events for which agencies are currently unable to respond due to funding issues or established jurisdictions cannot or will not take responsibility.

Conclusions

Much of what is considered within the parameters of jurisdictional disputes and extraordinary costs are in fact neither. Instead, in approximately half the cases these disputes and costs are actually problems related with under funding. More specifically, lack of funding for the particular circumstances of certain agencies. Degree of community isolation appears to be a variable in both jurisdictional disputes and extraordinary costs and agencies serving isolated communities are particularly impacted. In addition to the following recommendations proposed by Dr. Cradock, the research team endorses the recommendation by Kathryn Irvine (2004) that funds be set aside to promote inter-agency cooperation in extraordinary circumstance reports such as investigations of staff members or incidents of multiple abuse.

The recommendations based on the findings of this study are:

1. Community Capacity Assessments:

Community capacity assessments are recommended as a means of distinguishing between ordinary and extraordinary local events and as a means of assessing the particular needs of communities serviced by agencies. These assessments would also include an inventory of existing resources and infrastructure that could be activated to respond to exceptional circumstances. This assessment would provide a baseline for the assessment of First Nations child and family service agency requests for extraordinary circumstance funding.

Prevention is, of course, the best strategy for avoiding jurisdictional disputes and community capacity assessments may be instrumental in this regard. It is strongly recommend that a change in the current federal funding to First Nations child welfare agencies must include a provision for community capacity assessments.

2. Committee Structure

From the perspective of jurisdictional disputes and extraordinary costs, a major recommendation is for improved relationships between Health Canada and INAC. Increased cooperation between these agencies would save considerable effort and expenditure agencies are currently taking on. The establishment of interagency committees with an independent discretionary budget for family and children's services may be instrumental in helping to resolve disputes and sustain the process of networking and cooperation

between staff and government departments.

3. Funding For Mediation

A funding mechanism to provide mediation services for jurisdictional disputes where applicable is suggested. This would provide a separate budget which agencies could utilize to engage a mediator in the resolution of jurisdictional disputes.

4. Increased Funds For Travel

Increased funding for travel is required particularly for agencies serving remote communities even for day to day operations let alone extraordinary circumstance response. The formula for operational funding must reflect actual demands placed on agencies by various provincial legislative requirements. As agencies do not have control over shifts in provincial legislation and policy, the operational formula will require regular scheduled reviews to monitor changes in provincial requirements.

5. Establishment Of A Central Extraordinary Circumstances Budget

Establishment of a central budget administered either by INAC or by a committee system to ensure adequate funding for agencies on an as-needed basis. Extra costs generated by special institutional care, is one example of where these funds would be directed. As well, the funding formula for maintenance should be adjusted to recognize the real incidents of complex special needs amongst on reserve children in care. The formula should take into account both residential costs and costs for the purchase of necessary professional support. The research team recommends that this amount be set at an initial, and minimum, value of 2 million dollars to be adjusted annually according to volume and price.

6. Consideration Of Legal Liability

Considerations must be made for the potential extraordinary costs related to liability exposure stemming from the discrepancy between agency's legal responsibility to protect children and level of resources to fill this legal mandate. This is of particular concern for agencies serving isolated communities where there is a gap between the agencies legal responsibility to protect children and the actual resources available to do the job.

7. Independent Advocate

A formal independent advocate representing First Nations children would ensure the voices of First Nations children are heard and that resources designated for the maintenance of these children are not diverted elsewhere such as to the resolution of jurisdictional disputes. The advocate must have an investigatory mandate and access to federal decision-making processes.

6. FIRST NATIONS CHILD AND FAMILY SERVICE AGENCY SURVEY RESULTS

A key research methodology used in this report was to conduct a detailed survey of 12 First Nations child and family service agencies. These agencies were selected on the basis of the following criteria:

1) Balance of urban, rural and remote locations
2) Francophone and Anglophone agencies in Quebec
3) Balance of small, medium and large agency sizes
4) Fully delegated and partially delegated agencies in British Columbia
5) Two agencies in each of six regions (BC, Alberta, Saskatchewan, Manitoba, Quebec, Atlantic (New Brunswick and Nova Scotia)

All agencies were compared against these criteria and a sample of 12 agencies was selected and presented to the National Policy Review Funding Design Team who finalized the selections. Taken together the agencies broadly reflect the diversity of First Nations child and family service agencies.

The surveys were completed by the First Nations child and family service agencies with the assistance of a researcher in each region. All regional researchers received training on the use of the standardized survey instrument and were also supported by a researchers guide to ensure standardization of process and ability to compare results across surveys. Confidentiality of survey responses is ensured through the presentation of findings in aggregate form only.

Findings

To follow is a summary of the aggregate agency survey responses by major research category. Please be advised that in some cases agency surveys were considered along side the findings of a separate research project to inform the conclusions and recommendations regarding the funding formula options.

Please also be advised that the number of responses for some questions is more or less than the sample size of 12 agencies. For example, some agencies may have multiple offices so in questions relating to office space there may be more than 12 responses or if the question relates to remoteness not all agencies will be in remote locations so the number of responses will be reduced.

In reviewing the findings and consulting with the regional researchers it was clear that many agencies had difficulty estimating the costs of services that they would like to provide but do not currently provide. This is not surprising given that accurate program costing would entail knowing the design of the program, the setting in which it is being implemented and then costing out the budget associated with this program.

A. General Background Question

The vast majority of agencies in the sample were fully delegated (91.7%) and were therefore delivering the full range of child welfare services. Only one agency was operating under the partially delegated model providing guardianship, voluntary care agreements and family support services.

First Nations agencies report a misalignment between what the Directive funds and what the needs of the community are. The developmental approach contained in the Directive for the development of new agencies requires a community needs assessment but does not in any way link funding to it. First Nations agencies in the sample were asked if they had ever conducted a needs assessment of the community in relation to child welfare services. Three quarters of the agencies had completed such an assessment suggesting that if a more needs based approach was undertaken many FNCFSA have at least a baseline for knowing what the community needs are.

Records management requirements and mechanisms have evolved significantly over the fifteen years the Directive has been in place. This is in tune with an increased public and legal sensibility related to confidentiality and client access to records. 91.7% of the agencies stated that they have a records management policy for child-in-care files which were guided by laws or

Table 3: Cultural Placement Match For Children In Care Of First Nations Child And Family Service Agencies

Placement Type	Number of Responses for Placement Type	Number of Children in Placement Type	Number of Responses for Cultural Match	Cultural Match (%)
Kinship Care / Family Placement 'restricted'	8	257	8	99.75%
Non-relative foster home	7	127	7	63%
Respite care home	10	0	10	100%
Group home	5	48	2 (10 children)	20%
Institution	7	49	7	17.85%

regulations covering the storage of child-in-care records in their agency. There is currently no specific funding in the formula to account for statutory or regulatory requirements regarding records management.

B. Children in Care

When asked if the amount of funding provided under the funding formula is adequate to meet the need of children in care, only 33.3% of the agencies said yes. Of the 33.3% of the agencies which responded yes, 8.7% indicated that the formula is adequate to meet the needs of the children in care, so long as that funding that is provided in a block funding arrangement – the other 25% of the agencies did not indicate why they felt funding was sufficient. An overwhelming 66.7% of the agencies indicated that there was inadequate funding in the formula for children in care particularly in relation to prevention services and in home supports.

Many First Nations child and family service agencies have indicated that one of their primary objectives was to place First Nations children in care in culturally matched placements. As Table 3 indicates, First Nations child and family service agencies have to their great credit, largely achieved that goal. Please note that the number of responses to individual questions varied thus we have indicated the number of responses for each placement type identified in Table 3.

The provinces do not uniformly collect information on cultural match so comparative statistics are difficult to access. The British Columbia Children's Commissioner found in 1998 that only 2.5% of Aboriginal children in the care of that province were placed in culturally matched homes despite a statutory obligation to give preference to Aboriginal homes (British Columbia Children's Commission, 1998).

When asked what, if any, impact increased investment in prevention and least disruptive measures services would have on children in care numbers over time, most agencies felt that over time the numbers of children in care would decrease. Estimates of the reduction of children in care over ten years averaged at about 50% but some agencies noted that there might be shifts in categories of care with fewer children entering care by court order and more by agreement as parents increasingly access support services.

The agencies were unanimous in their belief that increased investments in prevention and least disruptive measures services would benefit children in continuing custody (in care under court order until the child reaches the age of majority.) A response by one agency was echoed in the responses of the others:

"Children in care would emotionally/ psychologically improve because their family or

caregivers would be functioning better – their placements in foster care would be more stable. Since many children are placed in their communities with extended family members, these children would have more access to their natural family through increased visits. In some cases, permanent orders of guardianship could be rescinded after a successful trial reunification and these children could be discharged from care and returned to their natural families"

Other expected benefits include:

- Support the child in reestablishing family and community relationships
- Programs to support the cultural identity of the child
- Assistance with preparing the child for independence by creating a holistic continuum of support around the child.
- It may be possible to return some children to their parents with support.
- Quality of life supports such as personal and family counseling

Key informants advise that the degree to which INAC allows for reimbursement of prevention services related to children in care varies widely between regions. Prevention and least disruptive measures clearly have benefits for both children at risk living at home, children in temporary forms of care and children in permanent care. INAC Treasury Board authorities should be reviewed to ensure that an adequate and equitable full range of prevention and least disruptive measures are available across the country.

C. Board Costs (Incorporated Boards and Advisory Boards / Committees)

Incorporated Non Profit Agencies

Among the 12 agencies surveyed a large proportion (75%) are registered non profit organizations with a board of directors. Of these nine agencies, 58.3% of the non profit agencies indicated that they have a special honourarium or travel cost policies for Elders who are members of the board of directors. Board members were paid honourariums for service in addition to reimbursement for travel costs for service in 66.7% of the cases.

In addition to operating a board of directors, 56% of the 9 non profit agencies had community advisory board/ committee (s). When asked if advisory board members receive an honourarium for sitting on the advisory boards, 20% of the agencies said yes, yet 40% said no and 40% did not provide an answer. The survey also asked if the advisory board members receive reimbursement for travel expenses related to their duties as advisory board members, and though 20% of the agencies responded yes, 60% answered no and 20% of the agencies did not respond. Special honourarium and travel policies were in place for Elders in 20% of these agencies - another 40% did not have this policy and the remaining 40% did not provide an answer.

When the survey inquired if the amount of funding provided under the funding formula is adequate to meet the needs of non profit board governance 44% indicated that funds were not sufficient and 56% did not provide an answer.

Agencies Operating under other Governance Models

For those agencies operating under a different governance model (i.e: reporting directly to Chiefs and Council or to the Tribal Council), the survey asked about the existence and costs associated with advisory committees. Amongst the 25% of agencies that used a governance model other than an incorporated non profit, 66.7% indicated they had community advisory committees, whereas 33.3% indicated they did not. Further, when the not registered non profit agencies were asked if their advisory board members receive reimbursement for travel expenses related to their duties as advisory board members, 33.3% replied yes, 33.3% replied no, while 33.3% did not provide a response. Also, 33.3% of the agencies indicated that they have special honourarium or travel cost policies for Elders who are members of the advisory board, however, 33.3% said no, while 33.3% did not provide an answer.

When asked if the amount of funding provided under the funding formula is adequate to support their governance needs, 66.7% of the agencies replied no, while 33.3% did not respond – none of the agencies replied yes.

D. Legal, Capital Costs and Insurance Costs

First Nations child and family service agencies incur a number of capital costs ranging from office space, staff housing, vehicles, and equipment costs. Legal costs for an agency range from corporate legal costs (maintaining incorporations, human resources, liability insurance) to child in care legal costs. Insurance for a FNCFSA should include policies typical of corporate insurance (fire, theft, "household" liability) but should also include liability insurance related to child welfare itself. Agencies were asked about all three of these issues in the survey.

In terms of capital costs, the NPR indicated that there was no money in the formula that was specifically targeted for capital costs. Although there were funds included for office rent, costs associated with renovations, staff housing, capital investments in technology were not included. The FNCFSA survey results below indicate that although agencies have tried to make do with the current allotment there are deficits in accessibility and adequacy of both office space and staff housing costs (for remote communities).

In terms of staff housing, 25% indicated that their agency provided housing for staff, while 66.7% of agencies revealed that their agency did not and 8.3% of agencies did not respond. Remote communities were more likely to provide staff housing than agencies in rural or urban areas. Among the 25% of agencies who provide staff housing, 33.3% indicated that their agency charges for staff housing that the agency provides, while 66.7% of the agencies indicated that they do not. Accessibility of staff housing for disabled persons was a concern as 67% of agency housing is not accessible.

The survey also asked agencies if the amount of funding provided under the funding formula is adequate to meet the housing needs of staff. 75% answered no and 16.7% did not supply a response and 8.3% stated that this question was not applicable. Of the 75% who answered no, 16.7% revealed that between $900,000.00 and $1,650,00.00 is needed to either repair existing staff housing or to build new housing for staff.

Accessibility of agency office space was also a problem. The National Building Code of Canada contains the following two articles specific to building accessibility for disabled persons

A1 - Barrier-Free Path of Travel

An objective of this Code is to limit the probability that, as a result of the design or construction of the building, a person with a physical or sensory limitation will be unacceptably impeded from accessing the building or circulating within it.

A2 - Barrier-Free Facilities

An objective of this Code is to limit the probability that, as a result of the design or construction of the building, a person with a physical or sensory limitation will be unacceptably impeded from using the building's facilities."[3]

Despite the requirements of the National Building Code of Canada, one third of the agencies indicated that their buildings were not accessible to persons with disabilities (31.2%). It is important to note that if the building is not accessible for persons with disabilities it is likely that the building is also inaccessible to persons with child strollers thus limiting access to the very children the agencies are attempting to service. Amongst those who responded that their buildings were not accessible to the disabled, lack of funding to do the needed renovations was identified as the key reason why the buildings were inaccessible. To our knowledge, First Nations child and family service agencies have not been given specific and targeted funds to ensure their space is accessible for persons with disabilities.

When asked if agencies felt their office space provided a safe and child and youth friendly environment, 71.4% of agencies answered yes and 28.6% answered no. One agency is operating in a building that is beyond repair. Overall, the overwhelming majority of agencies (91.7%) felt that they did not have adequate funding in the current formula to meet their office space requirements.

It was clear from these respondents that First Nations were providing significant support to the agencies in terms of providing or supplementing office space costs. Specifically, 25% of agencies indicated they received their office space free of charge whereas 8.3% responded that a partial subsidy was provided.

It is recognized that proper maintenance of workplace vehicles is critical for reducing employee injury and in the case of social workers transporting clients, injury to community members as well. Despite the need for proper workplace vehicle maintenance, FNCFSA indicate that capital travel costs are a critical need. The agencies that provided company vehicles were asked to indicate if they have sufficient funds within the current travel amount provided in the funding formula to ensure their company vehicles are properly maintained and safe for road conditions, only 8.3% of the agencies said yes, while 41.7% said no, 25% specified that this question was not applicable and 25% did not respond.

When it came to staff using their own vehicles for business purposes, 66.7% of agencies agreed that the transportation allowance in the current funding formula intended to cover staff costs for the use of personal vehicles was inadequate. Although agencies were not specifically asked what mileage rates they provide to staff, comparable benchmarks are the rates set by the American Automobile Association and the Treasury Board of Canada. The American Automobile Association estimates that it costs 56.2 cents per mile US to operate a new vehicle in 2005 (Internet Auto Guide, 2005). Treasury Board of Canada mileage reimbursement rates vary from a low of 41 cents per km in Saskatchewan to a high of 52.0 cents per km for the Yukon, the mean rate is 45.8 cents per km (Treasury Board of Canada, 2005.) The under funding of workplace vehicle travel is a critical issue given that workplace safety regulations frequently require employers to ensure proper vehicle maintenance with an increasing number of provinces passing laws to ensure the safe transportation of children (e.g.: baby/toddler car seat requirements). The failure to provide adequate funding not only has implications for workplace safety it also introduces the possibility of children in care and their families being in harms way when transported in vehicles which are not road worthy.

Finally, when the agencies were asked if they felt they had adequate funds for other types of capital expenses (i.e. computers, photocopies, office furniture, office equipment), 75% of the agencies that answered no and 25% responded affirmatively. The need was particularly critical for information technology related capital expenses with some agencies reporting there was no funding to support purchase and upgrades for information technology equipment.

Overall, agencies in the sample report significant difficulty funding capital expenditures within the current formula. Moreover, a review of workplace safety regulations and federal building code standards indicate that the under funding of capital expenses may place agencies in a position where they are out of step with workplace safety and accessibility legislation/standards.

E. Management Information Systems

Consistent with Stanley Loo's report, the Auditor General of Canada (December, 2002) has called for significant investments in management information technology for First Nations to assist them in adhering to federal reporting requirements whilst introducing efficiencies in how reports are produced. The current funding formula was developed in 1989, prior to there being any significant use of information systems amongst First Nations child and family service agencies hence information technology costs (capital, maintenance or training) were not included in the original formula. Reports from agencies indicate that they have drawn from the

already stretched operations funding to pay for information technology needs. **Survey results indicate that 66.7% of agencies have some form of management information system whereas 33.3% indicated that they did not. This means that a full one third of agencies surveyed had no computer information management systems.**

When asked if the current funding formula adequately covers costs for MIS, 58.3% said no, 16.7% said yes, and 25% of the agencies did not respond to this question. The agencies who answered no indicated that additional funding was absolutely necessary for services such as, technical support, IT personnel, hardware upgrades, links between an agency's main office and its satellites offices and the creation of an information system for case management. The cost of these services was estimated to be between $60,000.00 and $600,000.00 per agency.

F. Programs and Services

This section of the questionnaire described the child population served by First Nations child and family service agencies. In addition, questions were asked regarding the range of services each agency provided and what services each agency would like to provide in optimal circumstances.

In terms of who is receiving services from the agencies, in addition to serving Status Indian children on reserve, survey results indicate that (83.4%) of agencies provide services to non status First Nations children on reserve. 8.3% of the agencies offer partial services and the remainder provide no service. Agency responses indicate that reimbursement from the provinces is not adequate in one third of cases (33.3%) whereas 53.3% did receive adequate funding and the remainder indicated the question was not applicable to their agency.

Furthermore, 58.4% of the agencies indicated that they provide services to non Aboriginal children resident on reserve, while 33.3% of the agencies revealed that they do not offer these services and 8.3% of agencies did not respond to this question. Agencies reported that under-funding for services provided to these children by the provinces was even a more serious concern than with non Status First Nations children with only 33.3% reporting adequate funding, 8.3% of the agencies did not respond to this question and a majority (58.4%) indicating inadequate funding by the province to provide these services.

G. Remoteness Factor

First Nations child and family service agencies operate throughout the country including in remote areas. This section of the questionnaire focused on exploring the adequacy of the current funding formula in covering the costs of providing child and family services in remote First Nations. Issues such as remoteness related salary; capital and operational costs were explored.

At the beginning of the survey 33.3% of agencies stated that their agency services remote communities. Of the 33.3% of agencies that service remote agencies, 25% indicated that they offer a salary incentive for staff working in remote locations, while 75% revealed that they do not provide salary incentive. Further, when these agencies were asked if they covered any exceptional moving costs associated with new staff being posted in a remote location, 50% responded yes and 50% responded no.

Agencies were asked to estimate the costs associated for remoteness in five areas, the number of respondents (N) varies with each question and thus it is indicated in each situation.

1) Estimated annual shipping costs for goods and services related to remoteness. N=3 Average cost: 155,233.33
2) Estimated annual cost for buildings and utilities related to remoteness. N=2 Average cost: 13,570.
3) Estimated annual travel costs to government services. N=3 Average cost: 66,666.66
4) Estimated additional staff travel costs per year related to remoteness that are not covered by the maintenance budget. N=3 Average cost 36,666.66

Table 4: Minimal Educational Requirement By Staff Position In FNCFSA

Occupation	Minimum Reported	Maximum Reported	Most Frequent Requirement
Executive Director	College Diploma	Master Degree	Bachelor/Master Degree (78%)
Clinical Supervisor	Technical Training (non diploma)	Master Degree	Bachelor of Social Work (72.7%)
Direct Protection Workers	High School	Bachelor of Social Work	Bachelor of Social Work (BSW) (54.5%)
Prevention Workers	High School	Bachelor of Social Work	High School (18.2%) and BSW (18.2%)
Permanency Planning Workers	High School	Bachelor of Social Work	College Diploma (18.2%), University Degree (non BSW) 18.2% and BSW (18.2%)
Foster Home Workers	High School	Bachelor of Social Work	BSW (45.5%)

* These 2 agencies receive delegation training that is partially subsidized by the province.

5) Estimated annual cost of transporting children in care related to remoteness not covered by the maintenance budget. N=2 Average cost 33,500.00

Finally, of the 33.3% of agencies which stated that they serve remote communities, 75% answered no when asked if the current remoteness factor in the funding formula is adequate to offset any additional costs to the agency, while 25% did not provide an answer.

H. Staff Salary and Benefit Levels

Throughout the National Policy Review process, First Nations child and family service agency representatives have consistently raised concerns regarding the adequacy of funding in the Directive for staff salaries and benefits. This section of the survey explored adherence to human resources standards/laws, comparability of salaries and benefits to the province and the overall adequacy of funding in the Directive to support human resources costs.

The survey asked questions about the minimal education qualifications of staff in various positions. Table 4 contains a brief summary of the results in key occupations.

Agencies were then asked how many of their staff actually have the minimal educational qualifications in various positions. Table 5 on the next page is a brief summary of results in key occupations, please note ten agencies responded to this question:

Agencies noted that social workers require additional non academic training to work effectively in their communities. Survey responses indicate that the types of training are diverse (there were 38 different types of training identified by the 10 agencies who completed this section.) Table 6 lists the most frequent types of training and the associated cost per worker.

The survey asked agencies if the FNCFSA had a human resource manual that includes salary levels and benefits, 75% of the agencies reported having a human resource manual, whereas 25% of agencies do not. The survey went on to ask if agencies were confident that their human resources policies and procedures met applicable labor laws and regulations. One half of agencies said that their human resource manuals were in compliance whereas, 25% said no, 16.7% responded 'partially'

Table 5: Percentage Of Staff Meeting Minimal Educational Requirements Of FNCFSA

Occupation	Percentage of Staff Meeting Qualifications	Percentage of Staff not Meeting Qualifications
Executive Director	77.8%	22.2%
Clinical Supervisor	100%	Nil
Direct Protection Workers	77.8%	22.2%
Prevention Workers	66.7%	33.3%
Permanency Planning Workers	88.9%	11.1%
Foster Home Workers	77.8%	22.2%

Table 6: Training Costs by Staffing Position

Training Program	Number of Agencies Reporting Need for this Training	Cost per Worker
Delegation Training	5	$1500-2000* (2 agencies) $1500-9000 (3 agencies)
Cultural Education	4	$100-500 (2 agencies) $1000 (1 agency) Unknown (1 agency)
Sexual Abuse Training	3	$100-300 (1 agency) $1000 (1 agency) $1500 (1 agency)
Computer Training	2	$1000 (1 agency) $24,000 (1 agency)
Child Abuse Investigations	2	$2500 (1 agency) $10,000 (1 agency)
Family Conferencing	2	$100-300 (1 agency) $420 (1 agency)
Suicide Intervention	2	$1000 (1 agency) $1,200 (1 agency)

and 8.3% indicated that this question was not applicable.

Feedback from key informants during the survey development process indicated that overtime compensation for staff working after hours on child protection matters was a critical area of concern, thus a question specific to over time compensation was included in the survey. When agencies were asked if their overtime compensation policies complied with applicable labor regulations, 50% of the agencies answered yes, 41.7% answered no and 8.3% stated that this question was not applicable. Overtime compensation rates varied widely from a flat rate of $50.00 per call to a flat rate per week on call plus time and a half for hours worked. After hours provisions would apply to social workers as well as staff providing clinical supervision. Survey responses indicate that the clinical supervisor is often on call (75%) to provide advice to social workers and in their absence executive directors, contracted supervisors and senior social workers fulfill this role.

In terms of the degree to which the agency can assure social worker safety after hours, 2 agencies said they cannot currently ensure staff safety; the majority relied on local police or the RCMP. Other approaches included employing a buddy system to make sure no worker went out alone, to using community contacts, providing cell phones and workplace safety training. Social workers have to

intervene in some of the most difficult of family circumstances, including situations where adults and youth are impaired – provision of funding within the human resources envelope to ensure their safety is critical.

Predictably there was some variation in caseload size and case composition according to the structure of the agency. In some agencies social workers perform all duties whereas others have adopted a more specialized approach with targeted investigation, family support and permanency planning and intake workers. Specialized workers in agencies are often taking up some of the workload for other specializations (e.g. intake workers also managing child in care files.) Given the range of responses and the fact that several agencies could not respond to this question due to the holistic approach to their work it is not possible to adequately gauge the caseloads across all functions. From the 7 agencies who did respond to the question the data suggests the following:

- Intake workers carry an average of 2 family service files, 2 children in care and 20 investigations
- Family service workers on average carried no family service files, 17 children in care and 10 investigations
- Permanency planning workers on average carried no family service files, 22 children in care and 25 investigations
- Foster home workers carried one investigation, 5 children in care, 20 foster homes and 2 adoption homes.

Caution should be used in basing a formula solely on caseload alone as it is typical for First Nations child and family service agencies social workers to assume duties which would typically be dealt with by specialized divisions within provincial governments. For example, the Directive does not currently fund policy positions for First Nations child and family service agencies so social workers often take that up as a function above and beyond their child welfare duties whereas provincial child welfare workers can rely on policy divisions to do this work. Moreover, the workload involved with managing a case varies according to severity and as the CIS-03 findings noted, First Nations children and families require more service and thus more staff resources.

There is an increasing trend in child protection in Canada toward certification of professional staff and thus a question specific to this issue was included in the survey. One half of agency respondents (50%) indicated that there is a professional certification/registration (i.e. registration with association of social workers) requirement for agency staff, whereas 41.7% said no and 8.3% noted that this question was not applicable. When asked if agencies pay for professional certification and registration the staff require, 50% said yes, 25% said no, 8.3% said 'partially', while 16.7% indicated that this question was not applicable.

In terms of salary and benefits comparability, two thirds (66.7%) of agencies felt their salary and benefits rates were not competitive whereas 25% felt they were and 8.3% stated that this question was not applicable. In terms of staff turnover related to salary and benefits levels, 16.7% of the agencies revealed that in the past three years, they have had staff leave to join another child welfare organization where the primary reason for their transfer was to get better benefits and salaries yet 83.3% indicated that this had not occurred. Turnover rates are generally low between 1-10% over three years and the primary reasons staff leave the agency are work related stress (related to doing the job but not to workplace safety and morale) (63.6%) and personal and family stress (36.4%) followed by moving to get better salary and benefits (27%.)

Overall, the vast majority of agencies (83.3%) felt that the current formula did not provide adequate funds for human resources costs. This is obviously an area for more focused review in the development of the new formula and will need to be considered in regards to annual costs of living adjustment considerations within the new formula as well.

I. Standards and Cultural Appropriateness

One of the key reasons for developing First Nations child and family service agencies was so

that First Nations children and families could receive culturally based child and family services. The development of culturally based standards and policies for agency operations is a key element in the delivery of culturally based services yet there is no funding in the current formula to support policy development. This section of the questionnaire asked agencies about their ability to develop culturally based services and programs.

The agencies involved in the survey were asked if the funds provided in the formula were adequate to ensure culturally appropriate services. An alarming 83.4% responded no with a further 8.3% responding yes and the remainder indicated that this question was not applicable.

Amongst those agencies who have developed their own standards, 33.3% of the agencies were required to get approval from the province; 25% required partial approval and 25% said no – the remaining 16.7% of agencies did not respond.

Consistent with recommendation number one of the NPR indicating that the future funding formula should be responsive to tribal legislation and governance, survey responses indicate that 41.7% of the agencies were developing their own child welfare laws while 50% replied no, and 8.3% maintained that this question was not applicable.

In terms of community development planning, 58.3% of agencies indicated that the First Nation communities they serve have developed a community development plan that integrates responses to child maltreatment, whereas 25% answered no and 16.7% indicated that this question was not applicable.

Survey responses indicate a clear and critical need for upgrading funding to support culturally based standards and practice in First Nations child and family service agencies. Moreover, the fact that 41.7% of agencies in the sample are in the process of developing their own child welfare laws indicates a need to seriously consider implementing recommendation one of the NPR to expand the range of fundable child welfare authority beyond provincial delegation.

J. Jurisdictional Issues

First Nations child and family service agencies have long reported that jurisdictional disputes between government departments and levels of government (provincial/federal) have resulted in children unnecessarily being denied services or experiencing delays in service. Moreover, agencies indicated that resolving these disputes was taking an inordinate amount of staff time. This section of the survey explored the nature of these disputes, the incidence of the disputes and the time required by agency staff to resolve the disputes.

Survey responses from the 12 agencies indicated that they experienced a staggering **393 jurisdictional disputes this past year** requiring an average of **54.25 person hours to resolve each incident** or 21,320 person hours each year. If this is typical then agencies across the country are dedicating over 200,000 person hours per year resolving these disputes – and this does not include the time of government officials. **If one assumes an average salary of 45K per annum – then jurisdictional disputes cost agencies, and by extension INAC close to five million dollars per year**. The most frequent types of disputes were between federal government departments (36%), between two provincial departments (27%) and between federal and provincial governments (14%). Examples of the most problematic disputes were with regard to children with complex medical and educational needs, reimbursement of maintenance, and the lack of recognition of First Nations jurisdiction. There were variations in the responses with some regions reporting a higher number of incidents than others which may reflect the uneven development of dispute resolution mechanisms. Although tripartite tables have been established in some regions with INAC, the province and First Nations child and family service agencies, the efficacy and authority of these tables to resolve jurisdictional disputes is unclear and inconsistent. Moreover, as some jurisdictional disputes involve federal, provincial or tribal authorities outside of these core participants, it is critical that mechanisms for engaging these groups are integrated into a dispute resolution process. Additionally, dispute resolution mechanisms must be reflective of cultural values and processes of the

participating First Nation child and family service agency.

K. Negotiation of Agreements with the Provinces and Federal Government

Directive 20-1 requires agencies to operate pursuant to provincial legislation and thus agreements must be negotiated between the First Nations child and family service agency and the province to enable the agency social workers to carry out duties pursuant to the child welfare statute. In addition to delegation agreements, agencies must also negotiate funding arrangements with the federal government in order to receive funding for on reserve services. This section describes how these negotiations impact on FNCFSA.

Directive 20-1 allows for the negotiation of tripartite agreements (the province, INAC and the First Nation, Tribal Council or non profit FNCFSA) or complementary bilateral negotiations (agency negotiates one agreement with the province and another with INAC.) Survey results suggested that seven agencies in this sample were using multi-year tripartite agreements. Three others operated under a community and provincial delegation model and one other had delegated authority pursuant to a specific piece of legislation. The most typical period for renewals of these arrangements was within the 1-5 year time frame.

There was wide variation in the amount of legal costs agencies reported as being linked to negotiation of delegation agreements. Three agencies noting that no legal expenses were incurred, three others did not answer the question, 4 estimated their costs to be between $20,000 and $40,000 and one agency reported spending in excess of $300,000 on delegation arrangements. This is likely a reflection of the wide variety of delegation processes throughout the country with some provinces having more detailed and prolonged processes for delegation.

In terms of the provinces, the survey asked agencies if the province provides any financial assistance to the agency for the purposes of reaching a delegation agreement, or renewing a delegation agreement. 91.7% of agencies received no funding from the province to negotiate these agreements with 8.3% indicating that this was not applicable.

Agencies had a variety of suggestions on how to make the delegation negotiation and funding agreement negotiation processes more efficient. To follow is a sample of the recommendations:

1) Greater time to discuss and negotiate (two respondents indicated having received the agreement with only days to review it and sign or have their funding allotment delayed.)
2) Ensure consistency of people at the table
3) Governments should fund the negotiations
4) Government should not dictate criteria to the community
5) Governments should honour their responsibilities
6) Bilateral agreements are needed.

Once negotiated, agencies indicated a wide variation in the amount of staff time needed to maintain the delegation agreements. Six respondents indicated that it took 1-10 days; and there was one agency for each of the following levels 11-20 days; 81-90 days and 141-150 days. For agencies where delegation arrangements take a significant amount of time, the fact that they receive no reimbursement from the provinces to maintain these agreements results in a significant tax on limited resources

Agencies were also asked if their staff provided consultation services to the province and whether or not these were reimbursed by the province. 8 agencies in the sample indicated that they do provide consultation services to the province. Of these 8 agencies, 6 estimated the number of staff days per year to be up to 50 days per annum with the other two estimating 201-250 days per year. In none of the cases did the province provide a fee for service to compensate the agency for its personnel costs or expertise and only 4 respondents indicated that they received compensation for travel costs associated with the consultation.

The survey inquired about agency agreements and consultation services with INAC.

The most frequent period for renewal of funding arrangements with INAC was one year (6 agencies) with two others reporting renewal periods of 1-5 years, another was on a flexible funding arrangement and one respondent indicated the question was not applicable.

Similar to results with the provinces, agencies report wide variation on the amount of staff time taken to negotiate and maintain these agreements from minimal (3 agencies), 1-5 days (4 agencies), 20 days (2 agencies), 30 days (1) agency and 165-200 days (1 agency.) Moreover, some agencies who reported minimal negotiation times indicated that this was due to a "take it or leave it" approach used by INAC – in that the funding agreements were not in practice negotiable. Legal costs associated with the negotiation of funding agreements with INAC varied with 3 agencies reporting no costs, 2 indicating costs ranged between $1-$1000;1 respondent indicated costs of $30,000 and one agency at $100,000; two other agencies noted this was not applicable.

Survey responses indicate that the federal government, like their provincial counterparts, benefit from consultation services provided by agencies. Of the agencies in the sample, four agencies had provided consultation to INAC. In terms of staff time, two agencies indicated that 5-15 days per year were dedicated to INAC consultation services; one agency reported 16-25 days and the other did not specify. Like the provinces, INAC does not provide any compensation for human resource time provided and provided travel costs in 50% of the circumstances.

L. Other Sources of Agency Financial Support

Mainstream child welfare organizations draw upon services and funding provided by the voluntary sector and other government bodies. This section of the survey is intended to identify the degree to which FNCFSA receive financial support or gifts in kind from First Nations or other sources (i.e.: voluntary sector funders).

The agencies were asked to indicate if their agency receives any services from the band council or tribal council as gifts in kind (e.g.: bookkeeping services, funding for prevention services). 16.7% of the agencies responded yes, 75% of the agencies responded no, while 8.3% stated that this question was not applicable. Of those responding yes, one agency received 25,000 for agency staff and another 100,000 for legal costs from their band or tribal council.

41.7% of agencies indicated that they received funding from sources other than INAC, the First Nation or Tribal Council, yet 50% of the agencies responded no and 8.3% indicated that this question was not applicable. Two agencies had received funds from the Aboriginal Healing Foundation, another from a community foundation, one from the province, one from a federal government department (not INAC) and one unspecified source. Funding allotments ranged from $50 to $250,000.

The limited number of agencies accessing external funding sources may be due to the fact that one third of those surveyed (33.3%) indicated that there were barriers to their applying for provincial or voluntary sector grants while 25% indicated that this question was not applicable. Specifically, 33.3% of agencies in the sample indicated that the key barrier to accessing outside funding was the stacking provision contained in INAC funding arrangements.

As noted in a study conducted by FNCFCS in 2003, voluntary sector supports for children and families are virtually non-existent on reserves and thus agencies must do more than what would be required of a mainstream agency which can refer families to local voluntary sector supports (Nadjiwan and Blackstock, 2003.)

Conclusions

Overall, First Nations child and family service agencies report that current funding levels are inadequate in the following areas: prevention services (including least disruptive measures),

human resources, capital costs, standards/ evaluation, culturally appropriate services, records management and information technology. Human resources funding was identified as a critical need to support current operations and the anticipated expansion of prevention services in the new formula. Two thirds of agencies in the sample feel there are inadequate funds to pay staff equitable salary and benefits packages.

Jurisdictional disputes are a key problem and need to be resolved in order to ensure that Status Indian children on reserve do not face discriminatory allocation of services. In addition, there is likely to be substantial savings in human resources costs should a meaningful dispute resolution mechanism be put in place instead of the current case by case approach that too often places the needs of the child second while governments scramble to see who will pay for the service. Adoption of Jordan's principle where the needs of the child come first in the resolution of all jurisdictional disputes is very strongly recommended.

There is a trend toward FNCFSA developing their own legislation to ensure culturally based services. This suggests that the new generation funding formula should allow for both tribal based and provincially delegated child welfare legislation. In the meantime, delegation and funding agreement negotiations need to be standardized to create efficiencies in negotiations whilst still allowing for adaptation to reflect community specific needs. First Nations child and family service agencies indicated that there should be a move away from the "take it or leave it" negotiation approach by some provinces and in some situations, by INAC.

FNCFSA provide significant gifts in kind to both the provincial and federal governments in terms of consultation services. Although both governments appear to value this input neither is prepared to pay for it – meaning that this service is an additional drain on agencies.

Although some agencies were receiving additional funding from other sources, there is clearly a need to clarify the application of the stacking provision in INAC funding agreements with agencies in order to ensure that they can benefit from voluntary sector funding sources and other types of government funding to enhance the range of services provided outside of INAC funding.

8. PROVINCIAL CHILD and FAMILY SURVEY RESULTS

Regional researchers contacted the following provinces to request that they complete a comprehensive survey designed to identify the range of child welfare services provided, number of First Nations children and families serviced, nature of the funding formula in use in each region, including adjustments for remoteness, capital costs and extraordinary costs:

- British Columbia
- Alberta
- Saskatchewan
- Manitoba
- Quebec
- Nova Scotia
- New Brunswick

Two provinces completed the full survey, with an additional three provinces partially completing the survey. The remaining provinces either chose not to participate or were only able/ willing to provide a very limited amount of information. The low response rate coupled with the inconsistency in questions answered between provinces makes it very difficult to determine with any reliability the range of services typically offered by the provinces or the costing formulas to support such works. However, information provided by the provinces on the numbers of children in care and their funding methodologies is very valuable. Consistent with our approach with the First Nations child and family service agencies, provincial information is presented in aggregate form only to respect the confidentiality of each informant.

Findings

The range of services provided by respondents was linked to provincial statute and legislation in

each area – no province as able to provide specific descriptions of the range of services or the costs of said services. One province noted that the budget is allocated provincially to regions which then have some discretion on how to allocate the budget based on community needs.

Consistent with the findings in the Canadian Incidence Study on Reported Child Abuse and Neglect, the provinces that completed the survey reported disproportionate numbers of Aboriginal children in care. Unfortunately there was wide variation in the degree to which provinces recorded information regarding Aboriginal children and their families. Some regions could only approximate a percentage; others could report numbers of children in care of the province and not of First Nations agencies. However, there were three provinces that maintained excellent data records on Aboriginal children and disaggregated that data by First Nations status. To follow is a summary of the numbers of children in care as reported by these three jurisdictions:

As Table 7 demonstrates, Aboriginal children are over-represented amongst children in care from a low of 350% in Province C to highs of approximately 600% in Provinces A and B.

As indicated in Table 8, overall, the data from these three sample provinces indicates that First Nations children are vastly over-represented amongst both children in care and Aboriginal children in care. Table 7 also provides some indication as to what this over-representation looks like as compared to non Aboriginal children in Canada. Table 8 shows the differences in child in care numbers for First Nations, Metis and Inuit children whilst indicating the percentage of the population that these three groups represent. Pay particular attention to the difference between the cultural groups by child population as compared to the percentage of children in care for the provinces.

Statistics Canada (2001) data indicates that status First Nations children under 14 years compose 6.2% of the overall child population in the 3 sample provinces while Métis and other children representing 3.1% and 90.6% of the child population respectively. As shown in Table 9, when it comes to children in care, the proportion of Status First Nations and Metis in child welfare care compared to other Canadian children, the figures are astounding. **10.23% of all First Nations Status Indian children in these three provinces are in child welfare care as compared to 3.31% for Métis children and less than one percent of other children (0.67%).** This means that approximately one in ten Status Indian children in these three provinces was in care as of May 2005. Considering that a portion of these children in care are likely to transition out of care at some point, **it would not be unrealistic to estimate that about 20% of Status First Nations children will have been in child welfare care at some point of their childhoods.** This staggering statistic affirms First Nations community reports of mass removals of children. This finding also suggests that pan Aboriginal policy and practice

Table 7: Proportion of Aboriginal and non Aboriginal Children in Care in Three Sample Provinces contrasted with population of Aboriginal children

Cultural Identity/Status	Province A		Province B		Province C	
Aboriginal CIC	4,197	52%	4,379	48%	4,803	83%
Non Aboriginal CIC	3,751	48%	4,715	52%	979	17%
Aboriginal Children as percentage of total child population*	8.7%		7.3%		23.1%	

* Statistics Canada (2001) Aboriginal children 0-14 as a percentage of total child population by province

Table 8: Children in Care by Aboriginal Status in Three Sample Provinces

Aboriginal Identity of Child	Province A		Province B		Province C		Total	
Métis	492	11.7%	622	14.2%	510	10.6%	1,624	12.1%
Inuit	26	0.6%	22	.5%	9	.2%	57	.4%
First Nations (status)	3,317	79%	2,592*	59.2%	4,022	83.7%	9,931	74.2%
First Nations (non status)	362	8.6%	1143	26.1%	262	5.5%	1,767	13.2%
TOTAL	4,197		4,379		4,803		13,379	

*includes children who registered and are eligible to be registered with applications pending

Table 9: Percentage of Children in Care by Cultural Group in Three Sample Provinces

Cultural Group	Population of Specific Cultural Group in 3 Sample Provinces*	Percentage of overall Child Population in 3 Sample Provinces	Number of Children in Care (3 Provinces)	Percentage of Children in Child Welfare care by Cultural Group in 3 Sample Provinces***
First Nations Status children	97,065	6.2%	9931	10.23%
Métis children	49,040	3.1%	1624	3.31%
Other children**	1,411,280	90.6%	9445	0.67%

*note that child population data represents children 0-14 years in Canada in the 2001 census. Statistics Canada data indicated that the overall child population (0-14 years in all three provinces was 1,557,385 in the 2001 census)

**note that population of other children includes non status First Nations, Inuit and non Aboriginal children

***note that the proportion of Status Indian children in child welfare care by provinces A, B and C are Province A (11.06%), Province B (8.34%) and Province C (11.1%)

approaches may not be advised given the disproportionate representation of status First Nations children in child welfare care and calls for an enhanced investment in services to Status Indian children.

In terms of funding formulas, two provinces provided details regarding their funding formulas – one in very specific terms and another provided a less detailed formula. The remaining provinces reported that the details regarding the original funding formula for provincial child welfare had been lost over time and was now simply adjusted on an annual basis according to price, volume or changes in circumstances. Several of the respondents indicated that although they operate under a fixed amount of funding they have the option to appeal to the provincial treasury for additional funds in cases of extraordinary circumstances including significant organizational or practice change.

Three provinces report basing human resource needs on caseload or workload models. One province uses a complicated workload formula involving over 1700 pieces of data which has a built in adjustment for changes in social work practice. This model has been in place since 1997 and is subject to a union collective agreement. This particular province did not comment on whether its salary ranges are similar or different from FNCFSA in the area. Another province using a caseload model, noted that when it reimburses agencies for services it assumes funding for one worker for every 7228 days of care provided by the agency – no funding is provided for community services, or executive core funding and only partial reimbursement is provided for protection services. The third province used a caseload model funding one social worker for every 20 cases and noted that the FNCFSA match the salary levels provided by the province. The other regions were unable to respond to this question.

Conclusions

Despite the limited response rate, the provincial surveys revealed some important data:

1) First Nations children are over-represented in child welfare care and compose the largest group within the Aboriginal category. Data from three provinces indicates that First Nations Status Indian children are over 15 times more likely to be placed in child welfare care than other children in the provinces.
2) Ranges of services are based on provincial legislation, regulations and standards, but no province was able to specifically identify the range of services they provide, noting in at least one case, that this was due to the flexibility given to regions to allocate funding based on community need.
3) Caseload or workload appears to be the most significant variable in shaping provincial human resource needs.
4) The good example set by the three provinces in the sample that collect information on Aboriginal children disaggregated by cultural group should be made uniform throughout all provinces. Collecting disaggregated data allows for a more targeted understanding and response to the needs of Aboriginal children from diverse cultures and contexts.

Further analysis of provincial funding formulas where they exist will occur in Phase Three of the research program.

9. REMOTENESS FACTOR

The National Policy Review (MacDonald & Ladd, 2000) found that the remoteness factor in Directive 20-1 required review in order to ensure it adequately reflected the additional costs to child and family service agencies related to remoteness. In addition to the analysis of remoteness questions in the First Nations child and family service agency survey, Dr. John Loxley analyzed the current remoteness factor and compared it with two other formulas (one used by a provincial government and the other by a corporation.)

Findings

The current remoteness factor classifies agencies in accordance with their distance from the service centre, degrees latitude, and year round road access. It contains three separate adjustments– one on the per band amount, one on the per child

amount and another on the per agency amount. These adjustments vary and no documented rationale exists to support the varying amounts. So changing the adjustment factors may correct the concern by remote agencies that the current formula is inadequate to meet costs. However it is unclear whether this type of adjustment would address the primary concern expressed by remote agencies which was that the current service centre used to calculate the remoteness factor for the agencies does not necessarily reflect the place where agencies go to access the specialized range of services and products related to child welfare.

A more promising option is to run analysis of the current remoteness factor replacing the current service centres with the city centres used to calculate remoteness for other INAC programs. Preliminary analysis of the city centers indicates that these locations seem to correlate more closely with the locations from which agencies are likely to access their services and products.

The current remoteness factor formula was compared to two other remoteness factors – one used by a province and another by a corporation. In each case the remoteness formula was applied to First Nations child and family services in the province were these two formulas were derived. Neither formula proved to be an improvement over the current remoteness factor as they were not designed with the unique needs and economies of scale of First Nations child and family service agencies in mind.

Conclusions

Replacing the service centre used in the current formula with the city centre used for some other INAC programs appears to be the most promising resolution to ensure First Nations child and family service agencies operating in remote area have adequate funding. Further analysis of this option will be conducted in Phase 3 of the research program. Importantly a question asking agencies to identify the centre where they go to access specialized child welfare services and products will be included and these results will be compared to the service centers and city centers identified in the INAC remoteness factor.

10. How Much has INAC's Failure to Adjust the Operating Formula for Inflation COST FIRST NATIONS CHILD AND FAMILY AGENCIES?

Although Directive 20-1 does contain a cost of living adjustment it has not been implemented since 1995. This is considered by many to be a major weakness in the formula, one which leads to both under-funding of services and to distortion in the services funded since some expenses subject to inflation must be covered, while others may be more optional. How much has this failure to adjust for inflation cost First Nations Agencies since the last adjustment in 1995?

Table 10 shows that the Consumer Price Index, the most widely accepted indicator of cost of living increases, rose from 104.2 in 1995 to 126.3 in 2005 (May). If the starting point in 1995 is expressed as 100, then the index in 2005 rises to 121.21, i.e. prices increased by 21.21% over this ten year period, when no adjustments were made for inflation by INAC.

Table 10: Increases in the Consumer Price Index (1995-2005)

CPI	Year	CPI set at 100
104.20	1995	100.00
105.90	1996	101.63
107.60	1997	103.26
108.60	1998	104.22
110.50	1999	106.05
112.50	2000	107.97
116.40	2001	111.71
119.00	2002	114.20
122.30	2003	117.37
124.60	2004	119.58
126.30	2005	121.21

Source: Statistics Canada

Table 11: Inflation Adjustments by Region (1999-2005)

INAC Region	Formula Funding	Adjusted for Inflation	Difference
British Columbia	$80,992,151	$92,059,053	$11,516,902
Alberta	$144,061,110	$164,650,535	$20,589,425
Saskatchewan	$151,445,637	$173,138152	$21,692,514
Manitoba	$191,591,040	$218,703,956	$27,112,916
Ontario	$123,427,998	$140,728,620	$17,300,623
Quebec	$59,956,671	$65,154,656	$8,197,985
Atlantic	$39,705,067	$45,312, 751	$5,607,684

We know, therefore, that had cost of living adjustments been made annually since 1995, then funding would have been higher in 2005 than in 1995 by 21.21% purely on account of inflation, i.e., ignoring any increase in the number of children, number of agencies etcetera. Although we do not, have access to data for funding levels in 1995.

We do have data for 1999 to 2005. If we adjust the funding data for each year by the cost of living index in Table 10, we can calculate what funding would have been available over this six year period had inflation protection been available in each region (please see Appendix 2 for tabulation per year in each region). Table 11 shows what this would have been for each INAC region from 1999 to 2005 and the difference between this and actual funding, representing lost revenues from INAC for operations.

Table 12 shows what that total would have been the national operations funding with inflation adjustment and what the difference is in total for all regions. It shows that **between 1999 and 2005, cumulative operations funding would have been larger by $112 million, at $900 million instead of the $788 million which was provided in actuality**.

This represents a loss of 14% of funds over the period. For the year 2005, operations funding would have been $142 million instead of $117 million, or $24.8 million higher than funding actually provided. This amount is roughly the additional monies the government has promised to make available to First Nations Agencies this year, one time only!! To fully compensate for inflation losses over this period, this $25 million, and more, would need to be made available every year from now on. This helps to situate the additional money in the broader context of historical under funding.

11. SMALL AGENCIES

Small agencies (those serving child populations of less than 1,000) represent 55% of the total number of First Nations child and family service agencies in Canada, excluding the province of Ontario. It is critical to understand the needs and challenges of these agencies in order to promote optimal support and functioning.

Study Design and Methodology

The objective of this study is to describe the challenges faced by small agencies and ensure the needs of these organizations are considered in the development of an alternative funding formula for First Nations child and family service agencies.

The data for this study was gathered using a structured interview conducted with fourteen executive directors of small First Nations child and family service agencies. Information was gathered using a standardized questionairre and was administered either on site or by telephone.

Table 12: Losses on INAC Operations Funding Due to Lack of Inflation Adjustment (All INAC Regions)

Year	Formula Funding	Adjusted for Inflation	Difference
1999	$105,053,015	$111,404,589	$6,351,574
2000	$108,573,428	$117,221791	$8,648,363
2001	$110,959,054	$123,950,421	$12,991,367
2002	$113,702,424	$129,852,097	$16,149,673
2003	$114,848,709	$134,798,437	$19,949,728
2004	$117,895,263	$140,976,486	$23,081,222
2005	$117,147,781	$141,993,903	$24,846,122
Total	$788,179,674	$900,197,723	$24,846,122

Agencies were selected from the provinces of British Columbia and New Brunswick due to the high distribution of small agencies in these regions. Quebec, the only other region with a significant number of such agencies was not included due to resource limitations. The primary areas of inquiry for this report are:

1. **What are the core administrative staffing and related requirements of small agencies?**
2. **How should the funding formula be adjusted to meet these requirements?**
3. **What is the minimum size of agency and related population consistent with good social work practice and economies of scale?**

It is important to note that maintenance in British Columbia is not reimbursed at actual costs but rather on the basis of an "average actual cost" that is set by the province each year for foster and group care. This amount may exceed the actual costs for maintenance for some children in First Nations child and family service agency care and in these instances, the INAC region has allowed agencies to keep the maintenance surplus and apply it against expense shortfalls under the operations formula. This has worked to the benefit of First Nations agencies in British Columbia as most of the agencies in that province are small agencies and thus do not receive the full operations allotment.

Summary of Findings

In addition to child protective services, provided by fully mandated agencies, the agencies in the study provide a diverse range of services which include, but are not limited to, family and child supportive services, foster care, family reunification, prevention and community development. There are, however, a number of services which agencies indicated they would like to provide but are unable to due to limitations of the current funding formula. Virtually all respondents stated that in order to provide the full range of services needed by the community, additional full time staff would be needed. The most commonly identified staffing need was for social workers and prevention workers.

The findings indicate that small agencies face a number of challenges in the areas of core administrative and staffing related requirements with 75% of respondents indicating that their salary and benefit levels are not comparable to other child welfare organizations.

The most frequently cited non-staffing cost that would be incurred if agencies provided their preferred range of services is associated with capital costs for office buildings, space or renovations. New Brunswick agencies placed equal priority on costs for information technology software and hardware. **There is a substantial gap, with an average differential of $320,000, between the funds required to run an agency with the preferred full range of services and the amount of funds agencies currently receive.**

To optimize services, most agencies share resources with other reserve based programs. Examples include joint funding of staff positions, cosponsoring training or community events and sharing costs to bring in specialized services. Due to the high level of needs in their communities, none of the respondents stated that there should be a minimum population size to ensure good social work and economies of scale.

The pressure on First Nations child and family services to deliver services comparable to the provincial government child welfare agencies is a challenge for small agencies. In regards to cost-effectiveness, participants were unanimous in the position that their services were more cost-effective as compared to provincial counterparts due to the broader scope and extensive nature of the services provided. Cost differences are also due to lower maintenance costs and non-unionization. The demands on staff in small agencies are high with virtually all respondents agreeing that staff members perform duties not expected by employees in larger agencies.

In order to meet some the challenges small agencies face in providing a full range of services, the option of centralizing some agency functions was explored. While this was a favored approach by most agencies, notably all New Brunswick participants, it was not accepted by all due to issues regarding geographic isolation and/or high travel costs.

Directive 20-1, the use of surplus funds and alternatives for maintenance funding formed the basis of inquiry regarding alternative funding approaches. The majority of respondents believed that an entirely new formula was required incorporating prevention and out of care options, an increased rate for remoteness, a mechanism for block funding and consideration of the total population - whether status or non status.

The population policy threshold in Directive 20-1 was considered to be an inadequate means of benchmarking operations funding levels by all participants in the study. Approximately half of the respondents stated that funding should be based on community needs not child population counts. Another 25% of participants stated that population counts should reflect the entire population, not just children as it is the entire family which needs support when a child is unsafe or at risk in the home.

Policy directing the use of surplus funds differs by region and accounts for the variances in agency possession and use of these funds. Surplus funding was reported by British Columbia agencies only due to their maintenance per diem arrangement. While agencies in New Brunswick must return surplus funds, British Columbia agencies are able to use these funds for child and family services.

British Columbia is unique in using the per diem arrangement to pay for maintenance costs. In terms of the allocation of funding for maintenance based on actual costs or by per diem, all New Brunswick agencies expressed preference for payments based on actual costs, while most British Columbia agencies preferred the per diem arrangement. The positions expressed by both regions appear to be motivated by fear. New Brunswick agencies feared per diem arrangements would result in a budget deficit or reduced service delivery while British Columbia agencies feared that removing the per diem arrangement and associated surpluses would mean reduced funds for staff and prevention programs.

Conclusions

While small agencies remain viable and cost-effective resources, they face significant challenges in terms of administrative and core staffing requirements. The average cost actual system in BC has appeared to have partially compensated for the

low operational funding. Cuts or changes to this funding arrangement would likely substantially decrease the ability of these agencies to provide the current range of services.

There is a substantial disparity in salary and benefit levels as compared to other child welfare organizations as well as a significant gap in what is required to run an agency with the preferred full range of services and what agencies currently receive. Although agencies had different perspectives on the used of surplus funds and maintenance funding alternatives, dissatisfaction with the current Directive 20-1 population threshold policy was unanimous.

Recommendations for alternative funding approaches include:

1. Funding for prevention and out of care options
2. An increased rate of funding for remoteness
3. Development of a mechanism for block funding
4. Consideration of the total population, whether status or non-status.

Similar to their larger counterparts, small agencies maintain a holistic approach to child and family welfare which includes an emphasis on prevention and community development. These are proactive services which function to reduce the incidence of child abuse over time. Small agencies do face some unique challenges and as these agencies constitute the majority of First Nations child and family services in operation, it is evident that more focused study is required.

LIMITATIONS OF THE RESEARCH

In every research project there are important limitations and this is true of the works undertaken for this Phase Two project. Overall, we are very pleased with the quantity and quality of the data but it is important to acknowledge the limitations in the research and analysis. This phase of the project had to be completed in its entirety in less than five months and thus, time was definitely a factor which limited our ability to collect and validate data. This was particularly true for the provincial surveys. Although all provinces were contacted for the research (except Ontario, PEI and Newfoundland) the researchers did not always have the time needed to negotiate consent to participate and collect the data within the defined time frame. We, and the individual researchers, have made every effort to identify limitations in the research whenever possible.

As noted before, this research does not include Ontario (as it is funded under a separate funding arrangement), nor has it specifically focused on foster care costs or the proposed block funding methodology. Dr. Brad McKenzie (2002) prepared a report to inform block funding and cautions that this approach, whilst having benefits of increased flexibility, is not appropriate for all First Nations child and family service agencies (i.e. small agencies, new agencies, agencies lacking a long term track record that allows for accurate prediction of future costs (thus setting a reasonable base amount for the block.)

An additional limitation is that given the short time frames for the research to be completed, there is an incomplete analysis of the costs related to children in care and it strongly recommended that future research be undertaken to define the range of services provided to children and care and the relative costs thereof.

We have also not accounted for unpredictable changes INAC may make to current funding levels or arrangements. We would hope that any such changes would be put in abeyance until adequate analysis of how these proposed changes would interface with any new formula were fully considered in partnership with First Nations.

IMPLICATIONS FOR THE THREE FUNDING FORMULA OPTIONS

Redesigning Directive 20-1

Overview of Directive 20-1

The current funding formula was designed in 1989 in an effort to standardize funding levels

amongst First Nations child and family service agencies in Canada and promote their further development. The Directive requires that agencies follow the provincial child welfare legislation in each province but includes no adjustment for the content of said statutes. It includes a guiding principle that services should be comparable to those provided to children in similar circumstances off reserve. but contains no mechanisms to ensure this is achieved.

In addition to a calculation for remoteness, Directive 20-1 provides funding pursuant to two broad categories of funding:

1. **Operations**: Based on the Status Indian child population resident on reserve this pot of funds is intended to support the administrative functioning of the agency and includes a small amount for prevention services and legal fees.
2. **Maintenance:** Provided on a reimbursement basis for placing Status Indian children resident on reserve into out of home care.

The Directive also includes an allotment for a cost of living adjustment although this has not been implemented since 1995. Additionally, the Directive included funds for agencies to conduct evaluations at years three and six of operations but as the Auditor General of Canada (December, 2002) has noted First Nations child and family service agencies consider evaluation as a key management tool to inform best practices and would like to see ongoing funding for evaluation.

Although it is broadly acknowledged that the Directive achieved the goal of increasing the numbers of First Nations child and family service agencies in Canada, there were significant concerns being expressed by First Nations child welfare agencies about insufficient levels and flexibility in funding arrangements – particularly with regard to providing primary, secondary and tertiary prevention services.

In response to these concerns, the Assembly of First Nations and the Department of Indian Affairs and Northern Development undertook a review of the Directive in partnership with a panel of First Nations child and family service agency staff and departmental officials. The resulting report, the Joint National Policy Review on First Nations Child and Family Services (MacDonald & Ladd, 2000) contained seventeen recommendations for change. As more than four years had passed between the time of that report and the commencement of this research project, the research team checked the validity of the NPR recommendations in Phase One and found that participating First Nations child and family service agencies continued to believe the recommendations were valid and had application in a 2005 context.

Implications of Research Findings for Directive 20-1 Option

Based on the research findings **the Directive would need substantial alteration in order to meet the requirements of First Nations child and family services and ensure equitable child welfare services for First Nations children resident on reserve.** From the outset, ongoing separate pools of funding outside of the current operations and maintenance budgets are being recommended for inclusion in the new formula to cover the following expenses:

1) Community Development (primary prevention)
2) Least Disruptive Measures
3) MIS system maintenance and training
4) Standards and evaluation funding
5) Exceptional circumstances funding pool (2 million dollars as a minimum value to be adjusted annually) to be held nationally.

Additionally separate funding is recommended for one time or exceptional expenses:

1) Community assessments relating to extraordinary circumstances
2) Capital costs to bring MIS systems up to minimum standards and to develop national and regional data collection frameworks to inform policy and practice.
3) Capital costs for the development of culturally based standards.
4) Capital costs to allow for accessibility of offices for disabled persons.
5) Capital cost to allow for adequate office space

for agency operations and to ensure that office space meets building code standards.

6) Funds for research and development at a national, regional and agency level.

7) Funds to adjust funding when changes in provincial legislation are introduced.

In addition to these costs, we recommend the reintroduction of the cost of living adjustment. **The failure to implement the cost of living provision in the current formula has resulted in a 112 million dollar loss of funding in the national operations budgets for the years 1999-2005**. This means that the 24.8 million dollars is needed to meet the cost of living requirements for 2005 alone, if the loss of purchasing power since 1995 is to be restored.

Adjustments to the remoteness factor are required so that it better reflects the costs associated with child welfare and providing adequate funds for staff salary and benefits are required.

Importantly, the research recommends the adoption of Jordan's Principle. In circumstances where a service would normally be available to non Aboriginal children, the provincial or federal government department which first receives a request to pay for services for a First Nations child should fund the service without delay or disruption. The government of first pay then has the option of referring the payment to a jurisdictional dispute table for review. Consistent with the Convention on the Rights of the Child Jordan's principle would ensure that child's needs come before the needs of governments – all the time.

It is also clear that **a number of agencies are moving toward the development and implementation of their own child welfare laws and thus the implementation of recommendation one of the NPR which encourages that the new funding policy support First Nations based jurisdiction and governance** is becoming increasingly important. This would simply mean expanding the eligibility range for jurisdiction to include First Nations child welfare legislation.

Recommendations

That the research team move forward with a full survey of First Nations child and family service agencies in order to quantify the implications of these modifications to the funding formula for both First Nations agencies and INAC. This will be accomplished through the development, implementation and analysis of results of a survey to be administered to all First Nations child and family service agencies in Canada (except in Ontario where a separate funding agreement exists.) This survey would be informed by the results of Phase Two and will include specific questions on the areas where modifications to the current formula are being considered. It is anticipated that the survey will be administered over the summer of 2005. This timing is not ideal as agency staff often take their vacations during this time, but unfortunately deferring this to the fall is not an option as INAC needs to develop the Memorandum to Cabinet requesting the new funding authority no later than September of 2005.

In addition to this agency survey, specific focused research is recommended in the following areas:

1) Research on the minimum economy of scale for operation of a First Nations child and family service agency.

2) Legal review of tort law relevant to First Nations child and family service agencies to determine a minimal level of liability coverage.

3) Research on the implications of substituting the city centre for the current service centre in the remoteness factor.

4) Obtain population trend data on the status Indian children in care in order to understand how the current definition of eligible child impacts FNCFSA funding over time.

5) Analyze the interface between Directive 20-1 and the funding instruments used by INAC (e.g.: contribution funding agreements.)

Overall, a blending of this option and the First Nations formula appears to be the most promising option emerging from the research. The additional information provided by the universal First Nations child and family service

agency survey and the recommended focused research projects will help better define the practice and economic implications of the proposed modifications to Directive 20-1.

LINKING FNCFSA FUNDING TO PROVINCIAL FUNDING LEVELS

This option involved identifying the funding formulas used by each province and then applying it to the First Nations child and family service agencies in the respective province to see what the implications were. **Although at first glance this option may suggest that there would be "provincial comparability" if the formulas were applied to First Nations child and family service agencies further analysis immediately identifies complications.** From the outset there were several complications regarding this approach: 1) application of provincial formulas could result in no fewer than 10 different funding formulas thereby creating potential for inequities between regions 2) provincial funding formulas are developed with provincial economies of scale and service contexts in mind – application to FNCFSA that serve smaller communities with greater service needs was questionable and 3) provincial child and family service authorities may draw upon the resources of other provincial ministries to support delivery of child welfare (i.e.: for capital building costs, legal costs) – if these services were funded outside of the provincial formula then the formula would need to be adjusted to reflect these costs and 4) provincial funding formulas are developed by provincial staff and have not included First Nations or the federal government thus pursuing this option would mean locating the control of funding strictly within the ambit of the provinces and 5) consistent with the findings of CIS-03, provinces typically serve a population with lower needs for child welfare services than First Nations child and family service agencies.

Despite the initial complications of this approach, the NAC directed that further analysis of this option be conducted in phase three of the research program. The research team had initially hoped to conduct an economic analysis of three provincial funding formulas, but as two of three of the provinces identified for analysis turned out to not know what their formula was, a detailed analysis could only be completed for one province.

Description of Provincial Models

Several provinces interviewed report that they no longer have any record as to what the original structure of the funding formula for child and family service deliver was in their area. They have simply adjusted the amount provided annually by price and volume. This creates an obvious complication as the intent was to apply the provincial formulas to First Nations child and family service agencies in each jurisdiction.

As noted above, the research team had initially planned to identify the funding formulas for three provinces and then apply them to the First Nations child and family service agencies in each province to see what the results would be. However, two of the provinces identified for study did not have any record of how their funding formulas were derived. Therefore, analysis of the implications of the applying a provincial funding formula to First Nations child and family service agencies in that province was only conducted in one region.

This province indicated that their province unilaterally applies a funding formula based on the Universal Cost of a Direct Service Worker. The formula provides a Direct Service Worker for each 7228 days of care provided by the agency. Unlike their provincial agency counterparts:

- The FNCFS Agencies do not receive Services to Community funding.
- The FNCFS Agencies do not receive Executive Core funding.
- The FNCFS Agencies receive partial funding for Protection Services.

When the provincial funding formula was applied to First Nations child and family service agencies in this province the majority of agencies would receive less funding than under the Directive.

Provincial surveys indicate that workload and caseload are primary determinants of human resource needs in at least three provinces. One province uses a complicated workload formula involving over 1700 pieces of data which has a built in adjustment for changes in social work practice. This model has been in place since 1997 and is subject to a union collective agreement. This particular province did not comment on whether its salary ranges are similar or different from FNCFSA in the area. Another province, using a caseload model, noted that when it reimburses agencies for services it assumes funding for one worker for every 7228 days of care provided by the agency – no funding is provided for community services or executive core funding and only partial reimbursement is provided for protection services. The third province used a caseload model funding one social worker for every 20 cases and noted that the FNCFSA match the salary levels provided by the province. The other regions were unable to respond to this question.

Implications of Research Findings for Provincial Funding Level Option

An analysis of this funding option indicates that this is the least promising of all three funding formula options in that even if the funding formulas could be identified for all ten provinces, there is no indication that the formulas were developed to be responsive to the unique service needs or economies of scale for First Nations child and family service agencies.

Moreover, selection of this option would be inconsistent with the recommendations of the National Policy Review which sought to reduce inequities in funding levels between regions – if the provincial option were selected there would be, in effect, ten funding formulas for First Nations child and family services.

Recommendations

1) **Given the short time frame for the analysis of all three formulas and the need to focus on the most promising alternative for the survey of all FNCFSA, we recommend not pursuing the option of applying provincial funding formulas to FNCFSA.**

2) **Analysis of the existing provincial funding formulas should, however, continue to identify possible best practices for integration into the new formula for FNCFSA.**

3) **If possible within the time frame for Phase Three the research team will attempt to identify another provincial funding model and apply it to First Nations child and family service agencies in the region to see what the results would be.**

THE FIRST NATIONS BASED FUNDING MODEL

Description of First Nations Model

There is no preexisting template for this model – it would be an entirely new funding formula which, taking into account the recommendations of the NPR, would respond to the unique needs of First Nations child and family service agencies. **In principle, this approach would be the most community based and reflect the findings of the research conducted by Cornell and Kalt (2002) which indicated that community based decision making accompanied by adequate resources creates optimal conditions for sustained socio-economic improvements.** It would involve comprehensively researching the needs of children and families serviced by the diversity of First Nations agencies and then, with the involvement of the FNCFSA, develop a funding model that best equips them with the tools needed to support families in their communities taking into full account the current status and evolution of child welfare legislation, standards and best practice (provincial and First Nations) Integration of outcomes and evaluation mechanisms would be key as agencies measure the efficacy of various approaches to enhancing child safety and well being.

The range of tools available to First Nations agencies would include the ability to draw upon the resources and expertise of neighboring First

Nations agencies to respond to exceptional circumstances such as the admission of large numbers of children in care or a child maltreatment investigation involving a staff member. Regional and national research, policy and networking non government organizations would further support agencies in their regions. The mandates of these organizations would reflect local needs, but may include the design of training programs for staff, development of standards templates, information management systems, and research on key regional basis. Consistent with the NPR the establishment of national NGOs to support FNCFSA through the provision of policy, research and networking functions that may include monitoring the implementation of the Convention on the Rights of the Child respecting First Nations children, conducting national research projects, information sharing on promising practices and linkages to promising practices amongst Indigenous peoples worldwide.

The development of such a model would require having broad based information on the longitudinal experiences of First Nations children and families coming to the attention of child welfare and the range of community based responses currently provided by First Nations child and family service agencies. Once this is determined a costing exercise would need to be designed to be undertaken and a funding formula developed. Unfortunately, much of the baseline data needed to develop a fully First Nations formula is currently unavailable. However, the research conducted for Phase Two did reveal some important findings relevant for the development of this option over time.

Implications of Research Findings for First Nations Model

The Canadian Incidence Study on Reported Child Abuse and Neglect is the first national data set that describes the experiences of First Nations children coming into contact with the child welfare system. Although this study is limited to reported cases of child maltreatment, it has the benefit of running in five year cycles allowing researchers to mark changes over time. The 2003 study, the second cycle of CIS, finds that Aboriginal children continue to be over-represented at every decision making point from reporting to admission into care. It also confirms findings of the 1998 study that First Nations children are by far the largest group of children comprising the Aboriginal sample, accounting for over 67% of all investigations.

The most important finding of 2003 is that it affirms the findings of the 1998 cycle indicating that Aboriginal children are twice as likely to come into contact with child welfare authorities for neglect than their non Aboriginal peers. Physical neglect (failure to provide for a child's basic needs such as clothing, shelter, nutrition) is the most frequent form of neglect experienced by Aboriginal children. This is important as the ability to provide for a child's needs is correlated with income and Aboriginal parents continue to be more likely to rely on financial assistance or part time employment than their non Aboriginal counterparts.

The CIS data signals that investments in family support services that account for poverty, poor housing and addictions could maximize the standard of family care and avoid the current over-representation of First Nations children in child welfare care.

An interesting finding is regarding the placement of Aboriginal children in care. **When the child is on reserve they are three times more likely to be placed in the range of extended family and kinship placements than their off reserve counterparts**.

First Nations child and family service experts have routinely advocated that social work approaches in families must balance assessment of risk with the recognition and leveraging of protective factors (strengths) (Foxcroft & Blackstock, 2003; Blackstock, 2003). **As Dr. Helen Jones (2003) notes this approach has been integrated into child protection services in the UK in what is known as the Integrated Children's System (ICS.) This system relies on three inter-related components: 1) an assessment model framework that considers**

the child's developmental needs, the family and environmental factors and parenting capacity 2) developing information requirements and 3) sample formats for producing and generating reports. This system relies heavily on information management because one must have a holistic data management system that can be used for child and family case planning and policy making. The ICS system collects data to inform five over arching goals: healthy children, staying safe, enjoying and achieving, making a positive contribution and economic wellbeing. The data management system was designed to be attuned to social workers motivations for using a system and thus maximized their use of the system. The primary motivating factors for social workers to use the system were better outcomes for the children they served and more efficient use of their time. It also provided ample staff training time and opportunities for feedback into the process. Results of pilots of the ICS system are very encouraging with the following positive outcomes having been reported:

- Better descriptions of children and their families provide a stronger foundation for the development of effective service plans at the family level.
- More comprehensive information allows for more effective targeting, and coordination of resources to meet needs of children.
- Provides a basis for mapping trends of child need and identification of service gaps.

A model such as ICS would have important applications in a First Nations context as it accounts for the structural risk factors identified in the CIS -98 (Trocme, Knoke & Blackstock, 2004) study and puts in play a system that better describes the strengths and risks experienced by children and families allowing for a more effective and efficient use of resources over time. A caution must be raised about importing the ICS model without accounting for the cultural differences in, and between, First Nations but the integration of a holistic and strength based approach holds significant promise.

As Stanley Loo notes, **augmenting information systems would greatly increase reporting efficiencies as recommended by the Auditor General of Canada and would have the added benefit of supporting First Nations child and family service agencies to better identify changes in community needs and measure the efficacy of service outcomes.**

In terms of jurisdiction disputes, the new formula would entrench Jordan's principle of putting the needs of the child first and the resolution of the jurisdictional dispute second. This does not mean that jurisdictional disputes would go unresolved. Ideally, a First Nations funding formula would include an arms length dispute resolutions system that involves relevant stakeholders and, whenever possible, the integration of cultural approaches to resolving disputes.

Additionally, **a separate pool of funds needs to be established to respond to exceptional circumstances and communities in crisis that supports community based solutions and allows for cooperative resource sharing with neighboring First Nations child and family service agencies when necessary.** Consistent with the findings of Irvine (2004) the definition of a community in crisis or an extraordinary circumstance is contingent on the context of the community, available resources, degree of crisis response planning and resources and the precipitating event.

To set a baseline for understanding what is, or is not, extraordinary in each community, Dr. Cradock recommends that a community capacity assessment be completed on each community. This assessment will also identify existing community capacity to respond to exceptional circumstances and identify gaps in capacity. This assessment should account with the following continuum of extraordinary circumstances response as recommended by Irvine (2004):

- Recognize that First Nations child and family service agencies are often the first responders to community crisis and thus need to have equitable funding bases in order to meet the additional demands of crisis situations.
- Building community capacity to respond to crisis situations including the development of

crisis response procedures, protocol agreements and by providing training to First Nations child and family service agency staff.

- Moving to prevention as a mechanism to avoid as many crisis situations as possible – this means further investment in prevention services and the coordination of said services
- Building relationships within the First Nation, with neighboring First Nations child and family service agencies, non profits and levels of government to augment the range of resources available and engage the broadest available skill set in community crisis plan planning, immediate response and after crisis care.

Improving staff salary, benefits and training resources would be an important validation of the skills and expertise of FNCFSA staff would ensure that agencies are able to recruit and maintain qualified staff. It is important to keep in mind that professional development options should include a balance of academic and non academic pursuits allowing staff to upgrade their skills and knowledge. Adequate funding should also be provided to cover off costs related to workplace safety.

Recommendations

Implementation of the following recommendations would significantly advance the development of a First Nations based formula in the future:

1) Implement targeted funding for community development and least disruptive measures and include funds for ongoing evaluation of new programs.
2) Implement funding for adequate culturally based policy and standards development and maintenance that includes ongoing evaluation and maintenance.
3) Ensure that human resources funds are sufficient for FNCFCSA to offer competitive salaries and benefits whilst ensuring workplace safety and professional development (academic and non academic)
4) New treasury board authorities should provide funds for INAC to support national and regional research projects such as the CIS that significantly inform policy and practice for FNCFSA.
5) Increased investment in research to describe promising practices in FNCFSA management, policy and practice whilst identifying the conditions that made the promising practice possible.
6) Implement recommendation one of the National Policy Review by increasing the scope of child welfare authority eligible for funding to include First Nations based legislation.
7) Introduce a financial review and adjustment to account for changes to provincial child welfare legislation.

Conclusion

This report is dedicated to Jordan and to all First Nations children and families. In reading the statistics and the findings it is their images that should guide our interpretation and inspire our action.

This research presented a unique opportunity to bring together a multi-disciplinary team of experts whilst balancing academic and community expertise. To date, research on First Nations child and family services has been limited in Canada despite the over-representation of First Nations children in care and the development of First Nations child and family service agencies. This report represents the most comprehensive overview of First Nations child and family services completed to date. The findings, whilst having their limitations, affirm the calls by First Nations child and family service agencies for greater emphasis on prevention and least disruptive measures services in order to support family well being and over time reduce the numbers of children in child welfare care.

To follow is a highlight of some of the most important findings of this research report:

1) Status First Nations children are drastically over-represented amongst both children in care and Aboriginal children in care. In three sample provinces First Nations children are 15 times more likely than other children to enter

child welfare care. One in ten Status Indian children in these provinces was in care as of May 2005.

2) The most common reason why First Nations children come to the attention of child welfare authorities is neglect.

3) First Nations children are twice as likely as their non Aboriginal peers to have their cases substantiated and to be admitted into child welfare care. Funding levels should reflect the increased costs associated with these increased levels of service

4) The cost of living increment has not been provided to First Nations child and family service agencies since 1995. What this means is that for the time period where we have data (1999-2005) the loss of funds due to inflation for the operations portion of the funding formula was 112 million dollars.

5) Funds for prevention and least disruptive measures are not adequate either in terms of program development, program delivery and evaluation or staffing requirements.

6) First Nations child and family service agencies are having significant success in placing children in culturally based placements.

7) Two thirds of First Nations agencies report that funding for salaries and benefits was not sufficient in the current formula.

8) A large majority (84%) of agencies felt that current funding levels were insufficient to provide for adequate culturally based services.

9) The First Nations child and family service agencies in the sample reported an aggregate of 393 jurisdictional disputes that took an average of 54.25 person hours each to resolve.

10) First Nations child and family service agencies provide significant gift in kind consultation service to the provinces and federal governments.

11) Management information systems vary widely ranging from pen and paper to agency developed systems. In the vast majority of cases MIS systems do not meet minimum standards.

12) There is currently no adjustment to account for changes in provincial legislation resulting in reported gaps in services provided on and off reserve.

The ongoing research will help refine these findings and determine the costs of standing still and going forward with modifications to the funding formula.

In the end the value of this research will be judged by the actions that are taken in its spirit. Knowing what the problems are and knowing what the solutions are is simply not enough. If we do not act courageously and without compromise to ensure that First Nations have as Elder Donald Horne says *"what is rightfully theirs- a chance to live with dignity, in the ways of their ancestors, safely at home."*

(family photo by Michelle Nahanee in Alert Bay B.C.)

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(Footnotes)

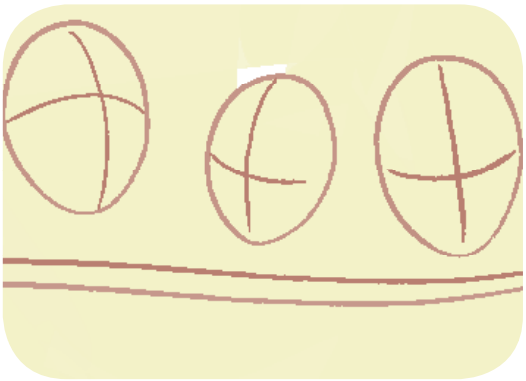
[1] Note: This study did not include Ontario as child welfare is funded under a separate funding arrangement known as the Indian Child Welfare Agreement (AKA the 1965 Child Welfare Agreement)

[2] Continuing custody is meant to describe those children in the child welfare care who by court order are in care until the age of majority.

[3] Canada (2005) National Building Code of Canada. Retrieved 8 July 2005 at http://www.nationalcodes.ca/nbc/index_e.shtml#

THE EXPERIENCE OF FIRST NATIONS CHILDREN

Coming into Contact with the Child Welfare System in Canada: *The Canadian Incidence Study on Reported Abuse and Neglect*



CHAPTER 2

based on the
Canadian Incidence Study of Reported Child Abuse and Neglect-2003
(CIS-2003)

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Introduction

This report presents a comparison of Aboriginal and non-Aboriginal children investigated for maltreatment in Canada in 2003. The analyses are based on the preliminary findings from the ***2003 Canadian Incidence Study of Reported Child Abuse and Neglect*** (***CIS-2003***) (Trocmé, Fallon, et al., to be released in October 2005). Analyses were conducted under contract for the First Nations Child and Family Caring Society to support the Caring Society's review of the Federal Government's child welfare funding framework. The purpose of the analyses was to examine differences in profiles of and service responses to Aboriginal children compared to non-Aboriginal children. The CIS 2003 study was made possible by a grant from the Public Health Agency of Canada.

Methodology

The ***CIS-2003*** is the second nation-wide study to examine the incidence of reported child maltreatment and the characteristics of the children and families investigated by Canadian child welfare services. The estimates presented in this report are primarily based on information collected from child welfare investigators on a representative sample of over 11,000 child welfare investigations conducted across Canada, excluding Quebec.

Specifically, the CIS–2003 is designed to

1. Examine rates of investigated and substantiated physical abuse, sexual abuse, neglect, emotional maltreatment and exposure to domestic violence as well as multiple forms of maltreatment;
2. Examine the severity of maltreatment as measured by forms of maltreatment, duration, and physical and emotional harm;
3. Examine selected determinants of health for investigated children and their families;
4. Monitor short-term investigation outcomes, including substantiation rates, out-of-home placement, use of child welfare court, and criminal prosecution, and
5. Compare 1998 and 2003 rates of substantiated physical abuse, sexual abuse, neglect, emotional maltreatment and exposure to domestic violence; the severity of maltreatment and short-term investigation outcomes

Sample

The ***CIS-2003*** captured information about children and their families as they came into contact with child welfare services over a three-month sampling period. Maltreated children who were not reported to child welfare services, screened-out reports, or new allegations on cases currently open at the time of case selection were not included in the ***CIS-2003***. A multi-stage sampling design was used, first to select a representative sample of child welfare offices across Canada, and then to sample cases within these offices. Information was collected directly from the investigating child welfare workers. The core sample of 11,562 child investigations was used to derive estimates of the annual rates and characteristics of investigated child maltreatment in Canada, outside of Québec[1].

A stratified cluster design was used to select maltreatment investigations for the ***CIS-2003***. Because of variations in the organization of child welfare service systems across Canada, a four-stage sampling process was required to select a nationally representative sample of children investigated because of suspected maltreatment. Fifty-five sites were selected from a pool of 327 child welfare service areas in Canada, outside of Québec.[2] Five sites declined to be involved because of their particular circumstances, and five replacement sites were randomly selected from the remaining pool.

A total of eight Aboriginal agencies were involved in the ***CIS-2003***. Five Aboriginal agencies were contacted for recruitment but were unable to participate as a result of external demands on the organization, organizational change, or existing service demands. Multiple presentations were made to agencies in an effort to recruit them and to establish trust between the agency and members of the study team. Two agencies initially agreed to

participate in the study and then were unable to due to capacity issues. Although the intention was to have ten aboriginal agencies participate in the study, only eight aboriginal agencies are included in the final sample.

The second sampling stage involved selecting cases opened in each site over a three-month period between October 1, 2003 and December 31, 2003.[3] Three months was considered to be the optimum period to ensure high participation rates and good compliance with study procedures. Consultation with service providers indicated that case activity from October to December is considered to be typical of the whole year.

The third sampling stage involved screening opened cases to identify those cases that met ***CIS-2003*** definitions of suspected maltreatment. The Intake Face Sheet of the CIS Maltreatment Assessment Form was completed on all open cases. Investigating workers then evaluated each case to determine whether maltreatment was alleged by the referral source or suspected at any point in the investigation process. In cases where maltreatment was suspected, the remainder of the CIS Maltreatment Assessment form was completed.

The final case selection stage involved identification of the specific children who had been investigated. In many jurisdictions, cases are classified on the basis of family units, while in others each investigated child is counted as a case. In jurisdictions using family-based case counts, children who had been specifically investigated because of suspected maltreatment were identified, yielding a final sample of 11,562 investigated children.

The sample includes 2,328 investigations involving Aboriginal: 304 First Nations children served by a First Nation's agency, 1,244 First Nations children served by mainstream agencies and 476 Métis, Inuit, and other Aboriginal children.

As with any sample survey, estimates must be understood within the constraints of the survey instruments, the sampling design, and the estimation procedures used. Please refer to the Canadian Incidence Study of Reported Child Abuse and Neglect Major Findings Report (***CIS-2003***) for a full discussion about the ***CIS-2003*** methodology and a discussion of the strengths, limitations, and impact on interpreting the ***CIS-2003*** estimates. [4]

Aboriginal Definition

The Aboriginal population figure was derived from Census 2001 data.[5] According to Census documents, the Aboriginal identity population figures refer to "North American Indian, Métis or Inuit (Eskimo), and/or those who reported being a Treaty Indian or a Registered Indian as defined by the Indian Act of Canada and/or who were members of an Indian Band or First Nation." The Census population figures may differ from those calculated by INAC because of methodological and conceptual differences.

Aboriginal Analyses

For the purposes of this comparative report, First Nation status children and First Nation non-status children were combined and then categorized as living on or off reserve[6a]. Other Aboriginal children included Métis, Inuit and other Aboriginal children. Non-Aboriginal children were those children for whom the worker did not categorize as Aboriginal.

Most tables are limited to estimated counts of the number children in each Aboriginal category because we were unable to obtain reliable population estimates for on and off reserve children. **Tables 1a and 2a** provide population based incidence estimates by collapsing the three Aboriginal categories. Caution should be used in comparing the investigation statistics in the other tables because counts of number of investigations and differences in the distribution of these cases do not reflect the significant base-rate difference in incidence rates between Aboriginal and non Aboriginal children. For example, in **Table 2a** 13% of substantiated cases of maltreatment involving Aboriginal children involved physical abuse, compared to 29% for non-Aboriginal children. However, since Aboriginal children

were nearly 2.5 times more likely to be reported and substantiated, the incidence of substantiated physical abuse was in fact higher for Aboriginal children: 6.4 per thousand compared to 5.7 per thousand for non-Aboriginal children.

Given that the purpose of the report was to explore differences in profiles of and service responses to Aboriginal children compared to non-Aboriginal children, the statistical analyses in this report examine the differences in distribution of key characteristics of both groups. In most cases this is done using a Chi-square analysis[6b] of these distributions. Thus the significant difference reported in **Table 2a** means that there is a significant difference in the distribution of categories of maltreatment (13% physical abuse vs. 29%). However, this statistical analysis does not examine the difference in incidence rates (6.4 vs. 5.7)

Child Maltreatment Investigations by Level of Substantiation

Tables 1a and 1b describe investigations of maltreatment in terms of the three levels of substantiation specified by child protection workers involved in the *CIS-2003*:

A case is considered substantiated if the balance of evidence indicates that abuse or neglect has occurred.

A case is suspected if you do not have enough evidence to substantiate maltreatment, but you also are not sure that maltreatment can be ruled out.

A case is unsubstantiated if the balance of evidence indicates that abuse or neglect has not occurred.

Table 1a describes incidence rates for Aboriginal and non-Aboriginal children. Nearly 10% of Aboriginal children in Canada (95.3 per thousand Aboriginal children) are estimated to have been investigated in 2003 because of alleged maltreatment, over double the rate for non-Aboriginal children (42.2 per thousand). The rate of substantiated maltreatment was 2.5 times higher: 49 substantiated victims per thousand Aboriginal children compared to 19.8 per thousand non-Aboriginal children.

Table 1b provides the breakdown in substantiation rates by Aboriginal group. A higher proportion of child maltreatment investigations were substantiated for First Nations on reserve (51%), First Nations off reserve (51%), and other Aboriginal (55%) compared to non-Aboriginal (47%). In addition, a higher percentage of child investigations for First Nations off reserve and other Aboriginal were determined to be suspected following the completion of the initial investigation period.

Table 1a: Incidence of Child Maltreatment Investigations by Level of Substantiation in Canada in 2003, (Quebec Excluded)

	Aboriginal			Non-Aboriginal			Total
	%	# of Child Investigations	Rate per 1000	%	# of Child Investigations	Rate per 1000	
Substantiated	52	15,273	49.0	47	88,025	19.8	103,098
Suspected	15	4,506	14.6	12	23,574	5.3	28,053
Unsubstantiated	33	9,715	31.4	41	76,254	17.1	85,969
Total Maltreatment Investigations		29,494	95.3		187,826	42.2	217,320
Estimates- abor registered pop=309, 388; non-abor pop =4,757,845-309,388=4,448,457							
Analysis is based upon a sample of 11, 562 child maltreatment investigations with information about substantiation							

Table 1b: Child Maltreatment Investigations by Level of Substantiation in Canda in 2003 (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Substantiated	51	3,473	51	8,496	55	3,299	47	88,025	103,298
Suspected	12	822	15	2,506	20	1,178	12	23,574	28,053
Unsubstantiated	37	2,480	34	5,696	25	1,539	41	76,254	85,969
Total Maltreatment Investigations	100	6,780	100	16,698	100	6,016	100	187,826	217,320

Canadian Study of Reported Child Abuse and Neglect 2003 $X^2=50.16$ $p<0.001$

Analysis is based upon a sample of 11, 562 child maltreatment investigations with information about substantiation

Categories of Substantiated Maltreatment

Investigating child protection workers could identify up to three types of maltreatment for each investigation. Workers could choose from a list of twenty-five forms of maltreatment, under five categories of maltreatment (physical abuse, sexual abuse, neglect, emotional maltreatment and exposure to domestic violence). Note that because a case could include more than one form of maltreatment the columns in **Tables 2a to 3f** add up to more than the total number of substantiated cases. Estimates are not presented when there are insufficient cases sampled to provide a reliable estimate. In such cases, two dashes (--) appear in the table cell.

Incidence Rates: **Table 2a** shows that rates of substantiated maltreatment were similar or higher for Aboriginal children for all categories of maltreatment compared to non-Aboriginal children.

Physical Abuse: Significant differences were seen in the proportion of investigations that identified substantiated physical abuse for the four groups (First Nations on reserve, First Nations off reserve, other Aboriginal and non-Aboriginal). Twenty-nine percent of non-Aboriginal investigations indicated that physical abuse had been substantiated compared to 10% for First Nations off reserve and 11% for other Aboriginal.

Sexual Abuse: A higher proportion of non-Aboriginal investigations involved substantiated sexual abuse than for First Nations and other aboriginal categories.

Neglect: A much higher proportion of First Nations and Aboriginal investigations involved substantiated neglect compared to non-Aboriginal investigations. This ranged from 51% for First Nations on reserve to 65% for other Aboriginal.

Emotional Maltreatment: Seventeen percent of substantiated maltreatment investigations for First Nations off reserve noted emotional maltreatment. This proportion was higher for First Nation on reserve (27%), other Aboriginal (26%) and non-Aboriginal (24%).

Exposure to Domestic Violence: The proportion of substantiated child maltreatment investigations involving exposure to domestic violence ranged from 28% for other Aboriginal to 38% for First Nations on reserve.

Forms of Substantiated Physical Abuse

For the purposes of the *CIS-2003*, cases of investigated maltreatment were classified as physical abuse if the investigated child was suspected to have suffered or to be at substantial risk of suffering physical harm at the hands of his or her caregiver. The physical abuse category includes five forms of abuse:

Table 2a: Incidence of Categories of Substantiated Maltreatment in 2003 in Canada (Quebec Excluded)

	Aboriginal			Non-aboriginal			Total
	%	# of Child Investigations	Rate per 1,000 children	%	# of Child Investigations	Rate per 1,000 children	
Physical Abuse	13	1,982	6.4	29	25,454	5.7	27,436
Sexual Abuse	2	259	0.8	3	2,944	0.7	3,203
Neglect	60	9,211	29.5	30	26,631	6.0	35,842
Emotional Maltreatment	21	3,227	10.4	24	20,808	4.7	24,035
Exposure to Domestic Violence	31	4,656	15.0	35	30,461	6.8	35,117
Total investigations involving substantiated maltreatment	100	15,273	49	100	88,025	19.8	103,298

Estimates- abor registered pop=309, 388; non-abor pop =4,757,845-309,388=4,448,457

Analyses are based upon a sample of 5,660 child maltreatment investigations with information about substantiation

Table 2b: Category of Substantiated Maltreatment in Canada in 2003 (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Physical Abuse	21	720	10	894	11	368	29	25,454	27,436
Sexual Abuse	(--)	(--)	2	178	(--)	(--)	3	2,944	3,202
Neglect	51	1,787	62	5,275	65	2,149	30	26,631	35,842
Emotional Maltreatment	27	944	17	1,423	26	860	24	20,808	24,035
Exposure to Domestic Violence	38	1,329	29	2,415	28	912	35	30,461	35,117
Total investigations involving substantiated maltreatment	51	3,478	51	8,496	55	3,299	47	88,025	103,298

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<.05$

Analysis is based upon a sample of 5,660 child maltreatment investigations with information about substantiation

Shake, Push, Grab Or Throw: include pulling or dragging a child as well as shaking an infant.

Hit With Hand: include slapping and spanking but not punching.

Punch, Kick, Or Bite: include as well any other hitting with other parts of the body (e.g.: elbow or head).

Hit With Object: includes hitting with a stick, a belt or other object, throwing an object at a child, but does not include stabbing with a knife.

Other Physical Abuse: Any other form of physical abuse including choking, strangling, stabbing, burning, shooting, poisoning, and the abusive use of restraints.

Table 3a describes the proportion of substantiated physical abuse cases indicating each of the five forms of physical abuse by Aboriginal status. As noted in the previous section, investigating workers could identify up to three types of maltreatment for each investigation from a list of twenty-five forms of maltreatment. Note that because a case could include more than one form of maltreatment the columns in **Tables 2a to 3f** add up to more than the total number of substantiated cases. Estimates are not presented when there are insufficient cases sampled to provide a reliable estimate. In such cases, two dashes (--) appear in the table cell.

Table 3a indicates that the proportion of substantiated investigations involving at least one form of physical abuse was highest for non-Aboriginal investigations (29%). The proportion of substantiated physical abuse cases that involved shaking, pushing, grabbing or throwing was highest for other Aboriginal (48%), compared to non-Aboriginal physical abuse investigations (23%). A higher percentage of substantiated physical abuse investigations for First Nations off reserve (57%) involved hitting with a hand compared to other Aboriginal and non-Aboriginal (47%), and First Nations on reserve (30%). First Nations off reserve indicated the highest proportion of substantiated physical abuse cases involving a punch, kick or bite, while non-Aboriginal substantiated physical abuse investigations involved a higher percentage involving hitting with an object. Other forms of physical abuse were noted most frequently in

Table 3a: Forms of Substantiated Physical Abuse (% of substantiated PA), (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Shake, Push, Grab Or Throw	44	314	33	296	48	175	23	5,947	6,732
Hit With Hand	30	218	57	506	47	173	47	11,878	12,775
Punch, Kick, Or Bite:	(--)	(--)	15	133	(--)	(--)	9	2,207	2,419
Hit With Object	(--)	(--)	16	143	(--)	(--)	22	5,615	5,930
Other Physical Abuse	21	152	18	161	(--)	(--)	13	3,305	3,631
At least One Form of Substantiated Physical Abuse*	21	720	10	894	11	368	29	25,454	27,436

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<.001$

Analyses are based upon a sample of 1, 410 child maltreatment investigations with substantiated physical abuse

substantiated physical abuse investigations for First Nations on reserve.

Forms of Substantiated Sexual Abuse

It should be noted that the *CIS-2003* identified only cases reported to child welfare services; many cases of child sexual abuse that do not involve parents or relatives in the home are investigated only by the police, and child welfare services usually become involved in extra-familial sexual abuse cases only if there are concerns about the parents' ability to protect the child. The *CIS-2003* used eight forms to classify cases of sexual abuse:

Penetration: penile, digital or object penetration of vagina or anus.

Attempted Penetration: attempted penile, digital or object penetration of vagina or anus.

Oral Sex: oral contact with genitals by either perpetrator or by the child.

Fondling: touching or fondling of genitals for sexual purpose.

Sex Talk: verbal or written proposition, encouragement, or suggestion of a sexual nature (include face to face, phone, written and internet contact, as well as exposing the child to pornographic material).

Voyeurism: Included activities where the alleged perpetrator observes the child for the perpetrator's sexual gratification.

Exhibitionism: Included activities where the perpetrator is alleged to have exhibited himself/herself for his/her own sexual gratification.

Exploitation: Included situations where an adult sexually exploits a child for purposes of financial gain or other profit, including pornography and prostitution.

Table 3b describes the proportion of substantiated sexual abuse cases that involved each of the eight forms of sexual abuse by Aboriginal status. It is important to remember that estimates are not presented when there are insufficient cases sampled to provide a reliable estimate. In such cases, two dashes (--) appear in the table cell. The proportion of substantiated investigations involving at least

Table 3b: Forms of Substantiated Sexual Abuse (% of substantiated sexual abuse), (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Penetration	(--)	(--)	(--)	(--)	(--)	(--)	11	314	355
Attempted Penetration			(--)	(--)	(--)	(--)	4	130	144
Oral Sex			(--)	(--)			14	406	436
Fondling	(--)	(--)	86	153	(--)	(--)	66	1,958	2,177
Sex Talk			(--)	(--)	(--)	(--)	9	271	281
Voyeurism							(--)	(--)	24
Exhibitionism							8	251	251
Exploitation			(--)	(--)			8	236	269
At least One Form of Substantiated Sexual Abuse*	(--)	(--)	2	178	(--)	(--)	29	2,944	3,202

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.0$

Analyses are based upon a sample of 170 child maltreatment investigations with substantiated sexual abuse

one form of sexual abuse was highest for non-Aboriginal child investigations. Fondling was the form of sexual abuse indicated most frequently in substantiated sexual abuse investigations for all categories.

Forms of Substantiated Neglect

Child neglect includes situations in which children have suffered harm, or their safety or development has been endangered as a result of the caregiver's failure to provide for or protect them. Unlike abuse, which is usually incident-specific, neglect often involves chronic situations that are not as easily identified as specific incidents. Nevertheless, all provincial and territorial statutes include neglect or some type of reference to acts of omission, such as failure to supervise or protect, as grounds for investigating maltreatment. The *CIS-2003* examines eight forms of neglect:

Failure To Supervise - Physical Harm: The child suffered or was at substantial risk of suffering physical harm because of the caregiver's failure to supervise and protect the child adequately. Failure to supervise included situations in which a child was harmed or endangered as a result of a caregiver's actions (e.g. drunk driving with a child, or engaging in dangerous criminal activities with a child).

Failure To Supervise - Sexual Abuse: The child has been or was at substantial risk of being sexually molested or sexually exploited, and the caregiver knew or should have known of the possibility of sexual molestation and failed to protect the child adequately.

Permitting Criminal Behaviour: A child has committed a criminal offence (e.g. theft, vandalism or assault) with the encouragement of the child's caregiver, or because of the caregiver's failure or inability to supervise the child adequately.

Physical Neglect: The child has suffered or was at substantial risk of suffering physical harm caused by the caregiver(s)' failure to care and provide for the child adequately. This includes inadequate nutrition/clothing, and unhygienic dangerous living conditions. There must be evidence or suspicion that the caregiver is at least partially responsible for the situation.

Medical Neglect: The child required medical treatment to cure, prevent, or alleviate physical harm or suffering, and the child's caregiver did not provide, refused, or was unavailable or unable to consent to the treatment. This included dental services where funding was available.

Failure To Provide Psych. Treatment: The child was at substantial risk of suffering from emotional harm as demonstrated by severe anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or a mental, emotional, or developmental condition that could seriously impair the child's development. The child's caregiver did not provide, or refused, or was unavailable or unable to consent to treatment to remedy or alleviate the harm. This category includes failing to provide treatment for school-related problems such as learning and behaviour problems, as well as treatment for infant development problems such as non-organic failure to thrive. Parents awaiting service were not included in this category.

Abandonment: The child's parent has died or was unable to exercise custodial rights and did not make adequate provisions for care and custody, or the child was in a placement and the caregiver refused or was unable to take custody.

Educational Neglect: Caregivers knowingly allowed chronic truancy (five or more days a month), or failed to enroll the child, or repeatedly kept the child at home. If the child had been experiencing mental, emotional, or developmental problems associated with school, and treatment had been offered but caregivers did not cooperate with treatment, the case was classified under failure to provide treatment as well.

Table 3c describes the proportion of substantiated neglect investigations that involved each of the eight forms of neglect by Aboriginal status. The proportion of substantiated investigations involving at least one form of neglect was higher for each of the three First Nations or other Aboriginal groups compared to non-Aboriginal. This ranged from 51% for First Nations on reserve, 62% for First Nations off reserve to 65% for other Aboriginal. Thirty percent of Non Aboriginal substantiated investigations involved at least one type of substantiated neglect.

Table 3c: Forms of Substantiated Neglect (% of substantiated neglect), (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Physical*	38	673	31	1,637	38	805	43	11,428	14,543
Sexual*	(--)	(--)	2	122	(--)	(--)	5	1,447	1,642
Physical Neglect*	45	811	36	1,882	53	1,142	35	9,263	13,098
Medical Neglect*	(--)	(--)	6	337	11	237	7	1,750	2,346
Failure to Provide Psych. Treatment			(--)	(--)	(--)	(--)	3	795	854
Behaviour*	(--)	(--)	6	303	(--)	(--)	2	574	1,000
Abandonment*	13	235	18	975	9	192	12	3,306	4,708
Educational Neglect*	8	139	11	585	30	636	7	1,829	3,189
At least One Form of Substantiated Neglect*	51	1,788	62	5,275	65	2,149	30	26,631	35,842

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.05$

Analyses are based upon a sample of 2,077 child maltreatment investigations with substantiated neglect

A higher proportion of non-Aboriginal investigations involving substantiated neglect indicated failure to supervise leading to physical harm or failure to supervise leading to sexual harm, compared to First Nations (on or off reserve) or other Aboriginal. In contrast, a higher proportion of substantiated neglect cases for First Nations (on or off reserve) and other Aboriginal indicated physical neglect or educational neglect.

Forms of Substantiated Emotional Maltreatment

Three forms of emotional maltreatment were designed to be tracked by the *CIS-2003*. A fourth form, exposure to non-intimate partner violence, was added after the start of the study to deal with the relatively large number of such investigations.

Emotional Abuse: The child has suffered or was at substantial risk of suffering from mental, emotional, or developmental problems caused by overtly hostile, punitive treatment, or habitual or extreme verbal abuse (threatening, belittling, etc.).[8]

Non-organic Failure To Thrive: A child under 3 has suffered a marked retardation or cessation of growth for which no organic reasons can be identified. Failure to thrive cases where inadequate nutrition was the identified cause were classified as physical neglect. Non-organic failure to thrive is generally considered to be a form of psychological maltreatment; it has been classified as a separate category because of its particular characteristics.

Emotional Neglect: The child has suffered or is at substantial risk of suffering from mental, emotional, or developmental problems caused by inadequate nurturance/affection. If treatment was offered but caregivers were not cooperation, cases were classified under failure to provide treatment as well.

Exposure To Violence Between Adults Other Than Caregivers: A child has been a witness to violence occurring between adults in the child's home environment (for example the child's father and an acquaintance), excluding exposure to domestic violence.

Table 3d presents the proportion of substantiated emotional maltreatment cases that involved each of the four forms of emotional maltreatment by Aboriginal status. The proportion of substantiated investigations involving at least one form of emotional maltreatment was fairly

similar for First Nations on reserve (27%), First Nations off reserve (17%), other Aboriginal (26%), and non-Aboriginal groups (24%). A higher percentage of substantiated emotional maltreatment investigations for non-Aboriginal children (74%) noted emotional abuse, while First Nations on reserve (60%) noted a higher proportion of emotional neglect.

Substantiated Exposure to Domestic Violence

Although exposure to domestic violence is often categorized as a form of emotional maltreatment, most Canadian jurisdictions have developed policies and practices specific to exposure to domestic violence. To facilitate the analysis of this rapidly expanding form of maltreatment it is described in this report as its own category.

Exposed To Domestic Violence: A child has been a witness to violence occurring between the caregivers (or a caregiver and his/her partner). This would include situations where the child indirectly witnessed the violence (e.g. saw the physical injuries on his/her caregiver the next day or overheard the violence).

Table 3e describes the proportion of all substantiated investigations that indicated exposure to domestic violence. The proportion of substantiated investigations involving at exposure to domestic violence was highest for First Nations on reserve (38%), followed by non-Aboriginal (35%), First Nations off reserve (29%) and other Aboriginal (28%).

Single and Multiple Forms of Substantiated Child Maltreatment

Table 3f presents the number of substantiated investigations involving single and multiple forms of maltreatment. Because most jurisdictions currently track single forms of maltreatment, it is likely that the investigating workers who completed ***CIS-2003*** forms were unaccustomed to classifying cases under more than one form, and that the ***CIS-2003*** may therefore underestimate the actual incidence of multiple maltreatment.

The proportion of substantiated maltreatment investigations indicating a single substantiated form was highest for First Nations off reserve (82%) followed by non-Aboriginal (81%), other

Table 3d: Forms of Substantiated Emotional Maltreatment (% of substantiated emotional maltreatment), (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Emotional Abuse	63	597	64	909	65	558	74	15,457	17,521
Non-organic Failure to Thrive							<1	124	124
Emotional Neglect*	60	567	42	594	32	273	22	4,660	6,094
Exposure to Non-intimate Violence*	(--)	(--)	(--)	(--)	(--)	(--)	7	1,542	1,617
At least One Form of Substantiated Emotional Maltreatment*	27	944	17	1,423	26	860	24	20,808	24,035

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.001$

Analyses are based upon a sample of 1, 385 child maltreatment investigations with substantiated neglect

Table 3e: Substantiated Exposure to Domestic Violence (% of substantiated maltreatment), (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Exposure to Domestic Violence*	38	1,329	29	2,415	28	912	35	30,461	35,117

Canadian Study of Reported Child Abuse and Neglect 2003 * X^2, p<.05

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Table 3f: Single and Multiple Forms of Substantiated Child Maltreatment, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Single Forms of Substantiated Maltreatment									
Physical Abuse Only*	8	263	7	606	7	234	19	17,114	18,217
Sexual Abuse Only	(--)	(--)	2	153	(--)	(--)	3	2,298	2,517
Neglect Only*	29	1,001	48	4,088	44	1,468	22	18,977	25,554
Emotional Maltreatment Only*	6	205	7	555	5	167	12	10,568	11,495
Exposure to Domestic Violence Only*	24	825	19	1,597	19	616	26	22,617	25,655
One Substantiated Form*	67	2,335	82	6,998	76	2,510	81	71,594	83,437
Multiple Forms of Substantiated Maltreatment [1]									
Physical Abuse & Neglect	6	198	2	184	(--)	(--)	2	1,398	1,828
Physical Abuse & Emotional Abuse*	(--)	(--)	(--)	(--)	(--)	(--)	4	3,182	3,278
Physical Abuse & Exposure to Domestic Violence*	(--)	(--)			(--)	(--)	3	2,249	2,274
Neglect & Emotional Maltreatment*	10	366	5	421	12	382	3	2,774	3,943
Neglect & Exposure to Domestic Violence*	4	128	5	402	(--)	(--)	2	1,933	2,484
Emotional Maltreatment & Exposure to Domestic Violence	5	189	3	234	(--)	(--)	3	2,483	2,978
More than One Substantiated Form of Maltreatment*	33	1,143	18	1,497	24	789	19	16,432	19,861

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, p<.01

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

[1] *forms combined with sexual abuse not included since Ns very small*

Aboriginal (76%), and First Nations on reserve (67%). The percentage of substantiated child investigations involving substantiated physical abuse only, sexual abuse only and emotional maltreatment only was higher for non-Aboriginal child investigations than for First Nations or other Aboriginal child investigations. The proportion of substantiated cases involving neglect only was consistently higher for the three First Nations (on or off reserve) and other Aboriginal groups.

Multiple forms of substantiated maltreatment was noted in 33% of substantiated investigations for First Nations on reserve, 24% of other Aboriginal, 19% of non-Aboriginal, and 18% of First Nations off reserve. The percentage of substantiated cases involving multiple forms of maltreatment was fairly low for all groups.

Child Age in Substantiated Maltreatment Investigations

Table 4 presents child age categories in substantiated child maltreatment investigations by Aboriginal status. The proportion of substantiated investigations involving children less than one year of age was highest for other Aboriginal (18%). In contrast, only seven percent of substantiated investigations for the First Nations on reserve category involved children less than one year of age. Fifteen percent of substantiated investigations involving First Nations on reserve children concerned children 2-3 years of age, while 10 percent of substantiated investigations involving non-Aboriginal children concerned children 2-3 years of age.

Child Risk Factors For Substantiated Child Maltreatment Investigations

Child functioning was documented on the basis of a checklist of problems that child welfare workers were likely to be aware of as a result of their investigation. The child functioning checklist (see Maltreatment Assessment Form) was developed in consultation with child welfare workers and researchers to reflect the types of concerns that may be identified during an investigation. The checklist is not a validated measurement instrument for which population norms have been established.[9] The checklist documents only problems that child welfare workers became aware of during their investigation and therefore undercounts the occurrence of child functioning problems.[10] Nevertheless, it provides an important estimate of the types of concerns that are identified during child maltreatment investigations.

Table 4: Child Age in Substantiated Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
0-1 Years	7	229	16	1,335	18	584	11	9,479	11,627
2-3 Years	15	529	14	1,193	12	388	10	9,072	11,182
4-7 Years	21	739	25	2,118	24	802	24	21,392	25,052
8-11 Years	32	1,099	25	2,171	25	827	29	25,423	29,520
12-15 Years	25	882	20	1,679	21	698	26	22,659	25,918
Total Substantiated Maltreatment Investigations	100	3,478	100	8,496	100	3,299	100	88,025	103,298

Canadian Study of Reported Child Abuse and Neglect 2003 $X^2=39.13$, $p<0.001$

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Investigating workers were asked to indicate problems that had been confirmed by a formal diagnosis and/or directly observed, as well as issues that they suspected were problems but could not fully verify at the time of the investigation.[11] The six-month period before the investigation was used as a reference point where applicable. Child functioning classifications that reflect physical, emotional, cognitive, and behavioural issues were documented with a checklist that included the following categories:

Depression Or Anxiety: Feelings of depression or anxiety that persist for most of every day for two weeks or longer, and interfere with the child's ability to manage at home and at school.

ADD/ADHD: Attention Deficit Disorder/ Attention Deficit Hyperactivity Disorder included: distractibility; impulsivity; hyperactivity. These behaviours are very noticeable, occur over a long period of time in many situations, and are troublesome to others.

Negative Peer Involvement: Child has been involved in high-risk peer activities, such as gang activities, graffiti or vandalism.

Alcohol Abuse: problematic consumption of alcohol (consider age, frequency and severity).

Drug/solvent Abuse: included prescription drugs, illegal drugs and solvents.

Self-harming Behaviour: Child has engaged in high-risk or life-threatening behaviour such as suicide attempts, physical mutilation or cutting.

Violence Towards Others: Child has displayed aggression and violence toward other children or adults.

Running (One Incident): Child has run away from home (or other residence) on one occasion, for at least one overnight period.

Running (Multiple Incidents): Child has run away from home (or other residence) on more than one occasion for at least one overnight period.

Inappropriate Sexual Behaviour: Child has been involved in inappropriate sexual behaviour.

Other Emotional Or Behvaioural Problem: The child has significant emotional or behavioural problems other than those describes above.

Learning Disability: A child has identified learning deficits in one or more areas of mental functioning (e.g. language usage, numbers, speech, reading, word comprehension).

Specialized Education Services: Child has been involved in special education program for learning disability, special needs, or behaviour problems.

Irregular School Attendance: Child has shown irregular attendance and truancy (more than 5 days/month).

Developmental Delay: Child has delayed intellectual development. Typically it is diagnosed when a child does not reach his/her developmental milestones at expected times. It includes speech and language development, fine and gross motor skills and or personal and social skills.

Physical Disability: The child has a long-lasting condition that substantially limits one or more basic physical activities such as walking, climbing stairs, reaching, lifting or carrying. This includes sensory disability conditions such as blindness, deafness or a severe vision or hearing impairment that noticeably affects activities of daily living.

Substance Abuse Related Birth Defect: Child has a diagnosis or indication of birth defect(s) related to substance abuse by the biological parent (e.g. Fetal Alcohol Syndrome (FAS)/Fetal Alcohol Effect (FAE), cocaine addiction or solvent abuse).

Positive Toxicology At Birth: The child, at birth, tests positive for the presence of drugs or alcohol.

Other Health Condition: Child has ongoing physical health condition (e.g. chronic disease, and frequent hospitalization).

Psychiatric Disorder: Child has diagnosis of psychiatric disorder by a psychiatrist (e.g. conduct disorder, anxiety disorder).

Youth Criminal Justice Act Involvement: Child has been involved in charges, incarceration, or alternative measures with the youth justice system.

Other: Any other child or family focused referral

Table 5 presents child functioning characteristics that affect the physical, emotional, and cognitive health of children for substantiated child maltreatment investigations. Overall, for substantiated maltreatment investigations, First

Table 5: Child Risk Factors for Substantiated Child Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal	
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations
Depression/Anxiety*	24	834	13	1,116	16	545	18	15,473
ADD/ADHD*	8	263	14	1,156	8	260	13	11,448
Negative Peer Involvement*	26	904	16	1,387	12	403	12	11,021
Alcohol Abuse*	11	376	8	656	6	189	3	2,811
Drug/Solvent Abuse*	11	378	11	919	6	208	3	3,116
Self-Harm Behaviour	5	170	4	332	6	185	4	3,852
Violence Toward Others	11	397	12	1,011	8	254	11	10,058
Running Away Once	(--)	(--)	2	173	(--)	(--)	4	3,403
Running Away Multiple Times*	7	244	5	426	6	213	3	2,748
Inappropriate Sexual Behaviour	4	149	6	491	4	126	5	4,235
Other Beh/Emot Problems*	42	1,461	26	2,181	18	582	27	23,538
Learning Disability	20	696	18	1,510	15	486	15	12,969
Special Education	13	436	10	853	11	378	12	10,415
Irregular School Attendance*	31	1,069	23	1,949	28	916	11	9,719
Developmental Delay*	17	584	13	1,120	12	408	9	8,290
Physical Disability	(--)	(--)	1	123	(--)	(--)	2	1,824
Substance Abuse Birth Defects*	9	312	8	696	6	197	2	1,671
Positive Toxicology at Birth*	(--)	(--)	2	189	5	163	1	743
Other Health Conditions	(--)	(--)	5	432	4	117	4	3,871
Psychiatric Disorder	4	140	3	263	(--)	(--)	4	3,464
YOA Involvement*	(--)	(--)	4	315	6	200	2	1,695

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.05$

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Nations on reserve children, First Nations off reserve children and other Aboriginal children had higher rates of child functioning issues than substantiated investigations involving non-Aboriginal children.

Twenty-four percent of substantiated investigations involving First Nations on reserve children noted depression or anxiety, 18% of substantiated investigations involving non-Aboriginal children noted depression or anxiety, 16% of substantiated investigations of other Aboriginal children noted depression or anxiety and 13% of substantiated investigations involving First Nation off reserve children noted depression or anxiety.

Forty-two percent of substantiated investigations involving First Nations on reserve children noted other behavioural or emotional problems. In comparison, 18% of substantiated investigations for other Aboriginal children noted other behavioural or emotional problems. Irregular school attendance was noted in 31 % of substantiated investigations involving First Nations on reserve children, 28 % involving other Aboriginal children and 23 % involving First Nations off reserve children. In comparison, 11 % of substantiated investigations involving non-Aboriginal children noted irregular school attendance. Thirty-one percent of substantiated investigations involving First Nations on reserve children noted a developmental delay. Eleven percent of substantiated investigations involving non-Aboriginal children noted a developmental delay.

Nine percent of substantiated investigations involving First Nations on reserve children, 8 percent of First Nations off reserve children and 6 percent of other Aboriginal noted substance abuse related birth defects. In comparison, 2 percent of substantiated investigations involving non-aboriginal children noted substance abuse related birth defects. Five percent of substantiated investigations involving other Aboriginal children noted positive toxicology at birth compared to 2% First Nations off reserve children, and 1% non-Aboriginal children).

Physical and Emotional Harm in Substantiated Child Maltreatment Investigations

The ***CIS-2003*** tracked physical harm suspected or known to be caused by the investigated maltreatment. Information on physical harm was collected using two scales, one describing severity of harm as measured by medical treatment need and one describing the nature of harm.

Information on emotional harm was collected using a series of questions asking child welfare workers to describe emotional harm that had occurred after the maltreatment incidents. Workers were asked to include changes in the child's development (regression, withdrawal), self-regulation (sleep patterns, elimination), or emotions (child crying, clinging, or anxious) that they had observed or that had been described to them. These maltreatment-specific descriptions of emotional harm are not to be confused with the general child functioning ratings noted in **Table 5**.

Table 6 presents physical and emotional harm in substantiated child maltreatment investigations by Aboriginal group. At least one type of physical harm was noted in 10% of substantiated investigations involving non-Aboriginal children. For Aboriginal children, physical harm was note in 9 % of substantiated investigations involving First Nations off reserve children, 6 % involving First Nations on Reserve children and 5% involving other Aboriginal children.

First Nations on reserve children had the highest rates of noted emotional harm. Thirty-three percent of substantiated investigations involving First Nations on reserve children noted emotional harm during the course of the maltreatment investigations. Rates of emotional harm were lower for other groups. Twenty-one percent of substantiated investigations involving First Nations off reserve children noted emotional harm and 14% of substantiated investigations involving other Aboriginal children noted emotional harm. In 20% of substantiated investigations involving non-Aboriginal children emotional harm was noted.

Table 6: Physical and Emotional Harm in Substantiated Child Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
At least one physical harm*	6	222	9	794	5	151	10	9,056	10,223
Any emotional harm*	33	1,141	21	1,797	14	447	20	17,574	20,959

Canadian Study of Reported Child Abuse and Neglect 2003 * X^2, $p<.05$

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Family Risk Factors for Substantiated Child Maltreatment Investigations

Table 7 presents information on a number of family risk factors in substantiated child maltreatment investigations, including single parent status, housing accommodation, housing safety and overcrowding, source of income and recent family moves.

The *CIS-2003* gathered information on up to two of the child's parents or caregivers.[12] For each listed caregiver, investigating workers were asked to choose the category that best described the relationship between the caregiver and the children in the home. If a caregiver was a biological parent to one child and a step-parent to another child in the family, workers were asked to use "step-parent" to describe that caregiver.[13] If recent household changes had occurred, investigating workers were asked to describe the situation at the time the referral was made.

Investigating workers were asked to select the housing accommodation category that best described the investigated child's household living situation. The types of housing included:

Own Home: A purchased house, condominium, or townhouse.

Rental Accommodation: A private rental house, townhouse or apartment.

Public Housing: A rental unit in a public housing complex (i.e. rent-subsidized, government-owned housing), a house, townhouse or apartment on a military base, or band housing.

Shelter/Hotel: A homeless or family shelter, SRO hotel (single room occupancy), or motel accommodation.

Unknown: Housing accommodation was unknown.

Other: Any other form of shelter.

In addition to housing type, investigating workers were asked to indicate whether the investigated child lived in unsafe housing conditions where children were at risk of injury or impairment from their living situation (e.g. broken windows, insufficient heat, parents and children sharing single room). Workers also noted if the family had moves within the past year.

Investigating workers were requested to choose the income source that best described the primary source of the household income. Income source was designated by investigating workers in terms of five possible classifications:

Full Time Employment: A caregiver is employed in a permanent, full-time position.

Employment Insurance (EI)/Social Assistance/ Other Benefit: Family income is derived primarily from employment insurance, social assistance or other benefits (e.g. long-term disability, pension, or child support).

Table 7 indicates that substantiated investigations involving First Nations off reserve children noted the highest proportion of single parents (53%). Substantiated investigations involving First Nations on reserve children noted the lowest proportion of single parents (38%).

Aboriginal families had the lowest rates of home ownership. In 14% of substantiated investigations involving First Nations on reserve children workers indicated that the family owned their own home. Nine percent of substantiated investigations involving First Nations off reserve children noted home ownership and 7% of investigations involving other Aboriginal children noted home ownership. In comparison, 36% of substantiated investigations involving non-Aboriginal children noted home ownership.

Thirty-two percent of substantiated investigations involving other Aboriginal children noted unsafe housing conditions, compared to 20% of investigations involving First Nations on reserve children and 21% involving First Nations off reserve children. In comparison, 7% of substantiated investigations involving non-Aboriginal children noted unsafe housing conditions.

Overcrowding was noted as an issue in 24% of substantiated investigations involving First Nations on reserve children, in 25% of substantiated investigations involving other Aboriginal children and in 14% of substantiated investigations involving First Nations off reserve children. In comparison, 7% of substantiated investigations involving non-Aboriginal children noted overcrowding.

Aboriginal caregivers were less likely to have full time employment than non-Aboriginal caregivers. Twenty-six percent of substantiated investigations involving First Nations on reserve children noted full time employment, 27 percent of substantiated investigations involving First Nations off reserve children noted full time employment and 22 % of substantiated investigations involving other Aboriginal children noted full time-employment. In comparison, 62% of substantiated investigations involving non-Aboriginal caregiver noted full time employment.

Table 7: Family Risk Factors for Substantiated Child Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Single Parent Status*	38	1,331	53	4,517	45	1,501	43	37,820	45,169
Housing Accomodations*									
Own Home	14	496	9	746	7	241	36	31,532	33,015
Public Housing	54	1,859	24	2,018	24	790	9	8,338	13,005
Unsafe Housing *	20	697	21	1,797	32	1,089	7	5,915	9,498
Over crowding *	24	843	14	1,176	25	825	7	5,907	8,751
Primary Source of Income *									
Full-time employment	26	914	27	2,315	22	720	62	54,789	58,738
Unemployment/ other benefits	30	1,043	53	4,534	48	1,596	20	17,731	24,904
> 1 move in prior year* (if known)	14	390	31	1,885	44	965	12	8,245	11,485

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.001$

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Substantiated investigations involving other Aboriginal children had the highest proportion of moves within the past year (45%), followed by investigations involving First Nations off reserve children (31%).

Caregiver Risk Factors for Substantiated Child Maltreatment Investigations

Concerns related to caregiver functioning and family stressors were examined by investigating workers using a checklist of 10 items that were asked about each caregiver. Where applicable, the reference point for identifying concerns about caregiver functioning was the previous six months.[14] The checklist included

Alcohol Abuse: the use of alcohol poses a problem for the household.

Drug/solvent Abuse: at least one caregiver abuses prescription drugs, illegal drugs or solvents.

Criminal Activity: At least one caregiver is absent due to incarceration, or is involved in criminal activity (drug dealing, theft or prostitution). This did not include a criminal history for domestic violence.

Cognitive Impairment: The cognitive ability of at least one caregiver is known to or suspected to have an impact on the quality of care giving provided in the household.

Mental Health Issues: At least one caregiver is known or suspected to have mental health problems.

Physical Health Issues: At least one caregiver is known or suspected to have a chronic illness, frequent hospitalizations, or a physical disability.

Few Social Supports: At least one caregiver is known or suspected to be socially isolated or lacking in social supports.

Maltreated As A Child: Either caregiver is known or suspected to have suffered maltreatment as a child.

Victim Of Domestic Violence: during the past six months the caregiver was a victim of domestic violence including physical, sexual or verbal assault.

Other: Any other issue/concern describing caregiver functioning.

Table 8a and b represent the caregiver risk factors that the worker noted for the female and male caregiver respectively. The average number of female caregiver risk factors was highest for substantiated investigations involving First Nations off reserve children (3.4 average risk factors) and First Nations on and off reserve children for male caregivers (2.1 average risk factors). Substantiated investigations involving non- Aboriginal children were lowest for both female (1.8 average risk factors) and male caregivers (0.9 risk factors).

High rates of alcohol abuse for female caregivers were noted in substantiated investigations involving First Nations off reserve children (58%), First Nations on reserve (44%) and other Aboriginals (43%). High rates of alcohol abuse in male caregivers were noted in investigations involving First Nations children on reserve (42%), other Aboriginal (33%) and First Nations off reserve (31%).

Few social supports were noted as significant risk factors in both female and male caregivers. Sixty- one percent of female caregivers involving other Aboriginal children noted few social supports followed by First Nations off reserve (50%) and First Nations on reserve (49%). For male caregivers, few social supports were noted in investigations of First Nations children on reserve (23%), other Aboriginal (22%) and First Nations off reserve (19%).

Table 8a also indicates 64% of investigations involving female caregivers of First Nations children on reserve were victims of domestic violence, 59% of First Nations off reserve, 49% other Aboriginal and 47% for non- Aboriginal child investigations.

Recurrence and Duration of Maltreatment in Substantiated Child Maltreatment Investigations

Table 9 presents information on the recurrence and duration of maltreatment in substantiated

child maltreatment investigations by Aboriginal group. Eighty percent of substantiated investigations involving First Nations on reserve children noted that the family had been previously identified to child welfare services. Eight-four percent of substantiated investigations involving First Nations off reserve children noted a previous family opening and 75% of investigations involving other Aboriginal children noted a previous family opening. Fifty-nine percent of substantiated investigations involving non-Aboriginal children noted a previous child welfare opening.

Substantiated investigations involving First Nations on reserve children had the highest proportion of cases involving the duration of the maltreatment lasting more than 6 months (56%). Forty-one percent of substantiated investigations involving non-Aboriginal children noted maltreatment lasting more than 6 months.

Investigation Outcomes for Substantiated Child Maltreatment Investigations

Table 10 presents the short-term investigation outcomes related to whether the case remains open for ongoing services, an application is made to child welfare court, there was a police investigation and charges laid. Investigating workers were asked whether the investigated case would remain open for ongoing child welfare services after the initial investigation. Workers completed these questions on the basis of the information available at that time or upon completion of the intake investigation.

Application to child welfare court can be made for an order of supervision (child remaining in the home), temporary wardship (for a set time period), or permanent wardship. The ***CIS-2003*** tracked

Table 8a: Female Caregiver Risk Factors for Substantiated Child Maltreatment Investigations (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Alcohol Abuse *	44	1,529	58	4,948	43	1,406	11	9,849	17,732
Drug/Solvent Abuse *	27	931	35	2,954	40	1,310	10	8,377	13,572
Criminal Activity *	10	338	19	1,642	21	691	6	4,904	7,575
Cognitive Impairment *	20	714	15	1,283	36	1,194	8	6,806	9,997
Mental Health Issues	34	1,181	25	2,124	34	1,056	25	21,882	26,243
Physical Health Issues	10	332	15	1,264	8	263	10	8,440	10,299
Few Social Supports *	49	1,710	50	4,265	61	2,016	36	31,623	39,614
Maltreated as Child *	40	1,391	37	3,179	51	1,673	21	18,155	24,398
Victim of Domestic Violence*	64	2,233	59	5,005	49	1,626	47	41,622	50,486
Average # of Caregiver Risk Factors**		3.0		3.4		3.3		1.8	
Total Substantiated Investigations		3,478		8,496		3,299		88,025	103,298

Canadian Study of Reported Child Abuse and Neglect 2003 *X2, p<0.01 ** ANOVA: (3, 5656)=193.1, p<.001

Analyses are based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatme

Table 8b: Male Caregiver Risk Factors for Substantiated Child Maltreatment Investigations (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Alcohol Abuse *	42	1, 448	31	2,657	33	1,078	14	12,115	17,298
Drug/Solvent Abuse *	34	1,165	20	1,696	24	789	7	6,389	10,039
Criminal Activity *	21	745	17	1,445	23	759	7	6,460	9,409
Cognitive Impairment *	12	428	9	790	3	97	3	2,967	4,282
Mental Health Issues	13	441	9	784	14	461	10	8,844	10,530
Physical Health Issues	2	67	4	340	5	154	5	4,138	4,699
Few Social Supports *	23	790	19	1,609	22	721	18	16,163	19,283
Maltreated as Child *	17	602	14	1,185	13	430	9	8,086	10,303
Victim of Domestic Violence*	11	392	8	715	14	462	7	6,287	7,856
Average # of Caregiver Risk Factors**		2.1		2.1		2.0		0.9	
Total Substantiated Investigations		3,478		8,496		3,299		88,025	103,298

Canadian Study of Reported Child Abuse and Neglect 2003 *X2, p≤0.01 ** ANOVA: F(3, 5656)=128.3, p<.001

Analyses are based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatme

Table 9: Recurrence and Duration of Maltreatment in Substantiated Child Malreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Previous Family Opening* (if known)	80	2,676	84	6,872	75	2,419	59	51,622	63,629
Previous Subst Child Invest (if known)	47	1,564	40	3,290	33	746	29	24,629	30,229
Duration of Maltreatment* (if known)									
Single Incident	29	790	37	2,614	22	531	39	28,738	32,673
Multiple Incident < 6 months	15	412	19	1,356	45	1,075	20	14,950	17,793
Multiple Incident > 6 months	56	1,551	44	3,173	33	783	41	30,820	36,327

Canadian Study of Reported Child Abuse and Neglect 2003 $X^{2,}$ p<0.001

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

the number of applications made or being considered during the initial investigation, but did not track the types of applications. Workers were also asked to report on whether or not they had made a referral to a mediation or alternative response. Because applications may have been made at a point following the *CIS-2003* study period, the *CIS-2003* court involvement figures should be treated as underestimates of the true rate of court involvement. Court status was tracked in terms of three possible worker responses:

Application Made: An application to child welfare court was submitted.

Application Considered: The child welfare worker was considering whether or not to submit an application to child welfare court.

No Application Considered: Court involvement was not considered.

In many jurisdictions in Canada there are detailed protocols between child welfare and police services, resulting in rising levels of co-operation. This co-operation includes cases of physical and sexual abuse as well as cases of domestic violence. Most jurisdictions require police to report adult domestic violence cases to the child welfare authorities if children are living in the family. The CIS–2003 captured information about police involvement in adult domestic violence cases as well as in all other child maltreatment investigations.

As with the other interventions during investigations described in this chapter, the *CIS-2003* tracked only events that occurred during the initial child welfare investigation; it is therefore possible that police decided to lay charges or became involved in some cases after the *CIS-2003* information forms had been completed. It should be noted further that the police also investigate many non-familial child maltreatment cases that do not involve child welfare services.15

As illustrated in **Table 10**, 68% of substantiated investigations involving First Nations on reserve children received ongoing services at the conclusion of the child maltreatment investigation. In comparison, 41 percent of substantiated investigations involving non-Aboriginal children received ongoing services.

Substantiated investigations involving aboriginal families had the highest rates of child welfare court application. In thirteen percent of substantiated investigations involving both First Nations off reserve children and other Aboriginal children an application to child welfare court was made. In ten percent of substantiated investigations involving First Nations on reserve children an application to child welfare court was made and in 6 percent of investigations involving non-Aboriginal children an application to child welfare court was made.

Placement for Substantiated Child Maltreatment Investigations

Admissions to out-of-home care at any time during the investigation were tracked. If there were multiple placements, workers were asked to indicate the setting where the child had spent the most time. The following placement classifications were used:

No Placement Required: No placement was required following the investigation.

Placement Is Being Considered: At this point of the investigation, an out-of home placement is still being considered.

Informal Kinship Care: An informal placement has been arranged within the family support network (kinship care, extended family, traditional care), the child welfare authority does not have temporary custody.

Kinship Foster Care: A formal placement has been arranged within the family support network (kinship care, extended family, customary care), the child welfare authority has temporary or full custody and is paying for the placement.

Other Family Foster Care: Includes any family based care, including foster homes, specialized treatment foster homes, and assessment homes.

Group Home Placement: An out-of-home placement required in a structured group living setting.

Residential/Secure Treatment: Placement required in a therapeutic residential treatment centre to address the needs of the child.

Table 10: Physical and Emotional Harm in Substantiated Child Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Case to stay open for ongoing services*	68	2,378	59	5,014	69	2,284	41	36,208	45,884
Child welfare court application*	10	333	13	1,068	13	429	6	5,430	7,260
Police Investigation	17	604	18	1,567	17	543	19	16,710	19,424
Charges Laid	4	125	4	356	(--)	(--)	5	4,448	4,963

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.001$

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Table 11 presents information on the placement decisions that occurred at the end of the child protection investigation. Placement was considered in 8% of substantiated investigations involving First Nations on reserve children, compared to 3% of investigations involving First nations off reserve children, 3% of investigations involving other Aboriginal children and 4% of investigations involving non-Aboriginal children. Informal kinship care was noted in 17% of substantiated investigations involving First Nations on reserve children. Other Aboriginal children had the highest rate of informal kinship care (22% of substantiated investigations). In comparison, for substantiated investigations involving non-Aboriginal children, 4% resulted in informal kinship care. Seven percent of substantiated investigations involving First Nations on reserve children resulted in kinship care, compared to 4% involving First Nations off reserve children, 3% other Aboriginal children and 1% non-Aboriginal Children. Sixteen percent of substantiated investigations involving other Aboriginal children resulted in other family foster care compared to 4% for First Nations on reserve children, 7 percent First Nations off reserve children and 4% non-Aboriginal children.

Referral Sources for Substantiated Child Maltreatment Investigations

Each independent contact with the child welfare agency or office regarding a child/children or family was counted as a separate referral. The person who actually contacted the child welfare agency/office was identified as the referral source. For example, if a child disclosed an incident of abuse to a schoolteacher, who made a report to child welfare services, the school was counted as a referral source. However, if both the schoolteacher and the child's parent called, both would be counted as referral sources.

The Maltreatment Assessment Form included 18 pre-coded referral source categories and an open "other" category. Referral categories were collapsed into professionals, family, relatives or acquaintances and other sources of referral.

Non-Professional Referral Sources:

Parent: This includes parents involved as a caregiver to the reported child, as well as non-custodial parents.

Child: A self-referral by any child listed on the Intake Face Sheet of the ***CIS-2003*** Maltreatment Assessment Form.

Relative: Any relative of the child in question. Workers were asked to code "other" for situations in which a child was living with a foster parent and a relative of the foster parent reported maltreatment.

Neighbour/Friend: This category includes any neighbour or friend of the children or his/her family.

Table 11: Placement for Substantiated Child Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Out-of-home Placement*									
No Placement Required	60	2,082	76	6,423	54	1,761	86	75,466	85,731
Placement Considered	8	295	3	272	(--)	(--)	4	3,323	3,983
Informal Kinship Care	17	587	5	432	22	732	4	3,498	5,249
Kinship Foster Care	7	248	4	345	(--)	(--)	1	593	1,275
Other Family Foster Care	4	152	7	586	16	529	4	3,709	4,976
Group Home	(--)	(--)	5	403	(--)	(--)	1	866	1,410
Residential/ Secure Treatment	(--)	(--)	(--)	(--)	(--)	(--)	1	497	602
Any Child Welfare Placement*	15	514	16	1,368		713	6	5,668	8,263

Canadian Study of Reported Child Abuse and Neglect 2003 *X^2, $p<0.001$

Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment

Other Referral Source: Any other source of referral.

Professional Referral Sources:

Community Agencies: This includes social assistance worker (involved with the household), crisis service/shelter worker (includes any shelter or crisis services worker) for domestic violence or homelessness, community recreation centre staff (refers to any person from a recreation or community activity programs), day care centre staff (refers to a childcare or day care provider), and community agency staff.

Health Professional: This includes hospital referrals that originate from a hospital made by either a doctor, nurse or social worker rather than a family physician's office, public health nurse (nurses involved in services such as family support, family visitation programs and community medical outreach), and physician (any family physician with a single or ongoing contact with the child and/or family).

School: Any school personnel (teacher, principal, teacher's aide etc.)

Mental Health Professional/agency: Includes family service agencies, mental health centres (other than hospital psychiatric wards), and private mental health practitioners (psychologists, social workers, other therapists) working outside of a school/hospital/child welfare/Youth Justice Act setting.

Other Child Welfare Services: Includes referrals from mandated Child Welfare service providers from other jurisdictions or provinces.

Police: Any member of a Police Force, including municipal, provincial/territorial or RCMP.

Table 12: Referral Sources for Substantiated Child Maltreatment Investigations, (Quebec Excluded)

	First Nations On Reserve		First Nations Off Reserve		Other Aboriginal		Non-Aboriginal		Total
	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	%	# of Child Investigations	
Professionals	54	1,879	59	4,978	75	2,474	73	64,542	73,873
Family, Relatives or Acquaintances	38	1,305	23	1,989	23	764	19	16,851	20,909
Other Referral	8	294	18	1,528	(--)	(--)	8	6,633	8,516
Total Substantiated Investigations	100	3,478	100	8,495	100	3,299	100	88,025	103,298
Canadian Study of Reported Child Abuse and Neglect 2003						X^2=115.2, p<0.001			
Analysis is based upon a sample of 5,660 child maltreatment investigations with substantiated maltreatment									

Table 12 presents information on the referral sources for substantiated child maltreatment investigations by Aboriginal group. Substantiated investigations for First Nations on reserve children had the lowest rate of referral by professionals (54%), compared to 59% for First Nations off reserve children, 75% for other Aboriginal children and 73% for non-Aboriginal children. Conversely, substantiated investigations for First Nations on reserve children had the highest rates of referrals from family, relatives or acquaintances, 38%, compared to 23% for First Nations off reserve children, 23% for other Aboriginal children and 19% for non-Aboriginal children.

Conclusions

A number of striking differences emerge from this preliminary comparative analysis of child welfare investigations of Aboriginal and non-Aboriginal children. From the very outset, Aboriginal children are more than twice as likely to be investigated compared to non-aboriginal children. Once investigated, cases involving Aboriginal children are more likely to be substantiated, more likely to require on-going child welfare services, more than twice as likely to be placed in out of home care, and more likely to be brought to child welfare court. The profiles of Aboriginal families differ dramatically from the profile of non-Aboriginal families. Aboriginal cases predominantly involve situations of neglect where poverty, inadequate housing and parent substance abuse are a toxic combination of risk factors. Surprisingly, fewer differences were noted at the level of the children themselves.

The most systematic pattern to emerge from this first analysis highlights the differences between Aboriginal and non-Aboriginal children. It would be helpful to discuss with Aboriginal service providers any on/off-reserve differences that have not been highlighted by this statistical analysis.

Multivariate analyses controlling for some of the differences between Aboriginal and non-Aboriginal families should be undertaken to better understand the factors underlying the differences in service response. Regardless of these possible explanations, it is apparent that one should expect the cost of providing services to Aboriginal children to be significantly higher given that these cases involve a significantly higher rate of intervention at every point of contact.

(Footnotes)

1 Québec is excluded from the estimates in this report because of differences in the way data were collected in Québec.

2 A list of 327 provincial and territorial child welfare service areas (CWSAs) was drawn up on the basis of information received from each province and territory. A similar search developed a list of Aboriginal agencies providing child protection services. Eight Aboriginal sites participated in the study. CWSAs varied greatly in size. For example, three agencies made up one CWSA for the City of Toronto, with a total of 11 offices.

3 Due to later recruitment 5 sites collected data from November 1, 2003 – January 31, 2004. Quebec used two different data collection periods to create the sample of three months.

4 Nico Trocmé, Barbara Fallon, Bruce MacLaurin, Joanne Daciuk, Caroline Felstiner, Tara Black, Cindy Blackstock, Ken Barter, Daniel Turcotte, Richard Cloutier, Canadian incidence study of reported child abuse and neglect, CIS-2003: Major Findings Report. Ottawa: Public Health Agency of Canada, Government of Canada, 2005.

5 Canada. Statistics Canada. Census of Canada, 2001: Aboriginal Identity Population, Registered Indian Status, Age Groups, Sex and Area of Resident for Population, for Canada, Provinces and Territories, 2001 Census – 20% Sample Data [computer file]. Ottawa: Ont.: Statistics Canada [producer and distributor], October 22, 2002 (97F0011XCB01005).

6a. Information was not collected on whether Aboriginal children resided on or off reserve. This information was collected for Aboriginal caregivers and thus, categories were derived from caregiver variables.

6b To avoid having weights inflate the Chi-squares, the weighted estimates were weighted down to the original sample size.

7 Some CIS reports only use the primary category, in this report primary and secondary categories are counted.

8 Instances in which children were displaying severe emotional problems requiring treatment and parents refused or did not cooperate with offered treatment were classified as neglect cases under failure to provide treatment.

9A Number of child functioning measures with established norms exist; however, these are not consistently used in child welfare settings and could not be feasibly used in the context of the CIS.

10 Although child welfare workers assess the safety of children, they do not routinely conduct a detailed assessment of child functioning. Items on the checklist included only issues that workers happened to become aware of during their investigation. A more systematic assessment would therefore likely lead to the identification of more issues than noted by workers during the CIS.

11 This report refers to both confirmed and suspected problems as "indicated".

12 The two-caregiver limit was required to accommodate the form length restrictions set for the Household Information Sheet. The caregiver information usually corresponded to the parents and/or step-parent living in the home; if there was only one caregiver living in the home and a second living outside the home, information was gathered on both of these, but is not reported here.

13 This compromise was needed because the Household Information Sheet served as a common information source for all the children in the family. A much more extensive set of questions would have been required had the CIS-2003 gathered child-specific caregiver information, leading to a significantly longer form. Child-specific information on the caregiver-child relationship is available for caregivers who were investigated as alleged perpetrators (see chapter 4).

14 Most items were rated on a 4-point scale differentiating "confirmed", "suspected", "no" and "unknown" caregiver functioning issues. A caregiver functioning or family stressor was classified as confirmed if a problem had been diagnosed, observed by the investigating

worker or another worker, or disclosed by the caregiver. An issue was classified as suspected if investigating workers` suspicions were sufficient to include the concern in their written assessment of the family or in transfer summary to a colleague. For the purposes of the present report, the categories of confirmed and suspected have been collapsed. A comparison of the ratings will be completed in subsequent analyses.

15 See for example Trocmé N, Brison R. Homicide and injuries due to assault and to abuse and neglect. In: Beaulne G (ed) For the safety of Canadian children and youth: from data to prevention measures. Ottawa: Public Health Agency of Canada, 1998.

Jordan's Principle: A Child First Approach to Jurisdictional Issues

CHAPTER 3

Prepared on behalf of:
First Nations Child & Family Caring Society Canada

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I. INTRODUCTION

> *As the federal and provincial/territorial governments sort out their respective jurisdictional and funding responsibilities, the urgent needs of children and families are falling through government jurisdictional cracks. This is particularly the case for families that move on and off reserve, who and [sic] experience dramatic changes in the range and access to culturally based services. Funding formulas and jurisdictional arrangements must put the needs of children and families first.* [1]

This research paper was contracted by the First Nations Child and Family Caring Society of Canada, to examine:

a) The implications of laws pertinent to child welfare and law relevant to jurisdictional disputes between federal government departments and between provinces and the federal government for the development of policy/procedure to manage jurisdictional disputes in First Nations Child Welfare.

b) The legal considerations in developing processes to resolve jurisdictional disputes (with a particular focus on whether or not the current approach of having no uniform process for resolving such disputes is acceptable).

A comprehensive review of literature and case law was completed. As well, approximately 20 key informants were interviewed, in order to assess the current state of First Nations child and family service delivery with regards to jurisdiction. Please note that the names of key informants are not noted in order to ensure confidentiality.

This paper is organised beginning with an overview of jurisdictional issues – including (Section II) an examination of federal/provincial/territorial and inter-ministerial (federal) jurisdictional issues. A case law review and analysis is provided, with a synopsis of the international rights of children. In addition, a discussion of the Social Union Framework Agreement is included.

Section III provides a discussion of dispute mechanisms and Section IV sets out recommendations culled from the literature and developed for the purposes of this paper.

The issues surrounding jurisdictional responsibilities and funding for First Nations Child and Family Services have been long-standing. This paper contributes to the work of the First Nations Child and Family Caring Society of Canada (FNCFCS) in seeking some positive resolution to these issues. The FNCFCS is committed to working with other stakeholder groups in order to ensure that First Nations children receive the care that they require and that they are entitled to. Developing mechanisms to resolve the "adult"/government issues that affect First Nations children, and in many cases disadvantage them, are of an urgent and pressing concern. Our children are our future.

II. JURISDICTIONAL OVERVIEW

> *…special status of Indian people has been used as a justification for providing them with services inferior to those available to Whites who established residence in this country, which was once theirs.*[2]

As identified by Hawthorne (above) almost 40 years ago, the "jurisdictional dispute" between the federal and provincial/territorial governments, regarding who has the ultimate legislative, constitutional, fiscal, and moral responsibility for First Nations people (children) has had an impact on the availability of services and programs for First Nations children.

Despite the breadth of research and literature concerning the impact of this "dispute" on services for Aboriginal children and despite the federal government's own expressions of commitment to this issue, the jurisdictional debate continues. The literature canvassed highlights the impact of this dispute, not only on child and family services but also on the delivery of other social services such as health. Moreover, the discussion has expanded to include concerns and problems/issues with inter-ministerial jurisdictional disputes.

An *ad hoc* coalition comprised of: the Atlantic Policy Congress of First Nations Chiefs, the Commission on Peace and Justice (Canadian Council of Churches), First Nations Child and Family Caring Society of Canada, KAIROS (Canadian Ecumenical Justice Initiative) and the Southern Chiefs Organisation (Manitoba) – expressed concern, in their NGO submission to the United Nations, in relation to the impact of jurisdictional disputes:

> …Canada is not, based on its second report to the UN sufficiently aware of the deficiencies inherent in existing initiatives and funding practices. Too often, current programs targeted at Aboriginal peoples respond to immediate needs, without focusing on the undercurrents that shaped them. Child maltreatment is one example.[3]

This continual jurisdictional wrangling results in program fragmentation, problems with co-ordinating programs and reporting mechanisms, gaps in service delivery - thereby leaving First Nations children to fall through the cracks. In short, neither the federal or provincial/territorial governments have effectively addressed the community needs of First Nations despite awareness of the impact of "policies of avoidance". Proper consultation with First Nations and co-operation on initiatives such as the National Policy Review and this project will hopefully assist in alleviating some of these problems.

Clearly something needs to be done to resolve this situation and to bring the standards of care for First Nations children up to internationally acceptable levels. The reality is that:

> The average Canadian gets services from federal, provincial and municipal governments at an amount that is almost two-and-a-half times greater than that received by First Nations citizens. [4]

> Adding additional resources and providing flexibility in funding to ensure our most vulnerable are provided with the services they require should not be barred due to fiscal concerns. As pointed out by British Columbia's former Children's Commissioner:

> The federal and provincial governments and bands do not yet share a clear vision of how best to meet the needs of Aboriginal children on and off reserve…. in the meantime funding formulas and lack of clarity about roles and responsibilities, continue to place Aboriginal children at risk on reserves. **Only when communities are given adequate resources for health, education and child welfare supports will we see healthier and safer Aboriginal children… This must be top priority of all governments and child serving agencies in the years to come.** [5] [*emphasis added*]

1. Federal/Provincial Jurisdiction

Compared with other jurisdictions, services and infrastructure provided on reserve are substandard by almost every measurable outcome. No government appears to want to be accountable for this. At present, reserves are so under-financed that virtually every dollar received must be used to meet pressing social needs.[6]

The federal/provincial/territorial "dispute" can be summarised as follows. The federal government's position is that the provincial government has constitutional authority, pursuant to section 92 of the *Constitution Act, 1867*[7] for the delivery of child and family services under the headings "property and civil rights" and "all matters of a local or private nature". The federal government funds on-reserve child and family service agencies pursuant to a policy directive (20.1) – not, according to them, as a result of a fiduciary obligation but as a matter of administration. Steadfast in their claims, the federal Government asserts that their provision of programs and services to First Nations, whether on or off reserve, is discretionary.[8] Specifically the Department of Indian and Northern Affairs (DIAND) has stated that:

> DIAND's perspective is that provinces delegate authority to agencies and are thus responsible to ensure that the agency operates pursuant to the established standards. Where deficiencies are observed it is the role of the province, as the substantive legislative

> authority for Child and Family Services, to work with the agency to address the needed improvements. The department's role is limited to funding the provision of services delivered by agencies authorised by the province. [9]

The provincial government contends that the federal government is responsible for "Indians" on reserve pursuant to section 91(24) of the *Constitution Act*, which they argue includes the delivery of child welfare services to ""Indians"". The provincial and territorial governments have expressed concern regarding the federal off-loading of responsibility for Aboriginal peoples and argue:

> …that the federal government has a constitutional, historical, fiduciary and Treaty responsibility for/and to Aboriginal peoples, both on reserve and off. [10]

The lack of services, opportunities and deplorable living conditions characterizing many of Canada's reserves has led to mass urbanization of Aboriginal peoples. The provinces claim that federally imposed limitations on the provision of services on reserve has led to urbanization and has transferred the "economic and social costs of inadequate on-reserve conditions to other levels of government".[11] Some provincial governments point out that as far back as the *Penner Report*[12] it was recognized that the federal government remains responsible for Aboriginal peoples living off-reserve and rights to special federal programs must be accorded to those living both on and off reserve. However, 22 years later there continues to be a lack of clarity and, as articulated in a Provincial/Territorial options paper:

- Aboriginal peoples and the provincial and territorial governments regard the federal government as responsible.
- Aboriginal peoples suffer from the lack of clear and consistent federal responsibility and accountability.
- The federal government's practice of withdrawing funding has meant reductions in services for Aboriginal peoples and increasing costs for provincial and territorial governments.[13]

The position of First Nations is set out clearly in the following guiding principle, endorsed by resolution, by the Chiefs in Assembly:

> The federal government must maintain its trust responsibility and fiduciary obligation to First Nations including, child, family and community services.[14]

Chiefs have drawn a link between the federal government's fiduciary responsibility to ""Indians"" and their financial responsibility:

> An issue clearly linked to funding is the fiduciary responsibilities of the federal government toward the First Nations.[15]

The responsibility of the Federal government has been argued at various times from a constitutional, treaty and fiduciary standpoint. [16] Similar to the argument put forth by the provinces, First Nations have asserted that the federal government's obligation to provide adequate funding for child welfare arises from ss. 91(24) and 35 of the *Constitution*; and that the federal government's fiduciary responsibility extends to child welfare and obliges the federal government to ensure the well-being and health of First Nations children.

With regard to s.35, the federal government argues that the right to funding for child welfare services is not an aboriginal right protected under s.35 and therefore the fiduciary relationship is not engaged. The possibility of a fiduciary obligation will be discussed further in relation to case law. Treaty arguments have likewise been rejected by the federal government. Unfortunately treaties have not been clear as to specific obligations in the area of social programs and services and therefore the dispute is left to differences of interpretation.[17] Although First Nations maintain that child welfare is a treaty right this ambiguity would make litigation, on this basis, difficult.

a) Funding

First Nations have made a direct connection between the state of children's health and the colonization and attempted assimilation of Aboriginal peoples:

- The legacy of dependency, cultural and language impotence, dispossession and helplessness created by residential schools and **poorly thought out federal policies** continue to have a lasting effect.
- Substandard infrastructure and **services have been made worse by federal-provincial disagreements over responsibility.**[18] [*emphasis added*]

The most profound impact of the lack of clarity relating to jurisdiction results in what many commentators have suggested are gaps in services and funding –resulting in the suffering of First Nations children. As articulated by McDonald and Ladd in their comprehensive Joint Policy Review (prepared for the Assembly of First Nations and DIAND):

> First Nations agencies are expected through their delegation of authority from the provinces, the expectation of their communities, and by DIAND, to provide a comparable range of services on reserve with the funding they receive through Directive 20.1. The formula, however, provides the same level of funding to agencies regardless of how broad, intense or costly, the range of services is. [19]

This is further underscored in the recent Manitoba Aboriginal Justice Implementation Commission, which summarised a number of problems inherent with the delivery of First Nations child and family service delivery, notably [from the relevant literature]:

> Aboriginal agencies have had to operate with inadequate financial resources even when compared to non-Aboriginal agencies. They have had to do more with less money. This has meant that essential services have consumed the bulk of available resources and that other areas such as prevention and public education have received a low priority. In addition some Aboriginal agencies have experienced serious backlogs in key program areas such as foster and adoption placements.[20]

The federal funding formula provides for two categories of funding; operations and maintenance. Agencies receive operations funds based on the number of children within the agency's jurisdiction. Alternatively, maintenance funds are intended to cover the cost of maintenance for each child. These funds, however, are only provided for **children in care**. Small agencies, therefore, have difficulty finding funding for family assistance or prevention services. The result is that children have been placed in care simply to receive funding. [21]

A comment that was consistently repeated by First Nations Child and Family Service [FNCFS] providers and highlighted by the National Policy Review is the lack of focus, within the current funding formula, on the diverse needs of FNCFS agencies. An example of where this creates great difficulty is with FNCFS agencies located in rural locations. Service providers in these agencies are required to do a great deal of travelling, however, travel costs are only provided for **children in care**. Therefore, small agencies receiving minimal operational funds are hard pressed to cover travel costs needed to visit families who require assistance to ensure the continued health and safety of their children.

These comments are directly related to the most common issue that has been raised in regard to the funding of FNCFS agencies, the lack of funding for preventative services. Despite the fact that preventative services are provided for in most provincial child and family statutes, under which mandated FNCFS agencies operate, they are not funded adequately by Indian and Northern Affairs Canada [INAC]. For example, a FN agency key informant, noted that ss.5 and 14 of the *Child and Family Services Act* [22] provide for family services to enable agencies to assist families and keep children with their parents. However, FNCFS agencies in Saskatchewan are unable to provide these legislatively mandated services due to the removal of funding for preventative care.

These difficulties are felt in most provinces, however, the unfortunate result of having to place children in care in order to receive funding is further complicated in some provinces where the funded care options are limited. For example, B.C.'s *Child, Family and Community Services Act*[23] provides for numerous out of care options such as kith and kin agreements, assisted adoption and transfer of custody. These options, however, are not funded under directive 20-1 and therefore Aboriginal children may be denied options which are provided to other non-Aboriginal children or off-reserve. As pointed out by a First Nations agency director:

> Flexible funding does provide for agencies to meet the criteria to fund children in these types of placements [out of care]. However, the formula is still based on numbers of children in care and the fear is that at the end of the 5 year block there could be significant cuts to funding if children have been placed through an out of care option. [24]

The result is that agencies are forced to effectively ignore the best interests of the child in order to ensure continued funding.

A similar situation exists in Saskatchewan where recent amendments to *The Child and Family Services Act* [25] have been introduced to ensure that the first placement option is with the child's extended family or friends. The funding formula, however, does not allow FNCFS to fully implement these options in First Nations communities. [26] Therefore, children under the care of a FNCFS agency are not given the same level of service as children under provincial jurisdiction.

The difficult decisions made by agencies in order to ensure continued funding are further exacerbated by the fact that agencies must maintain both provincial and their own Nation's standards. An informant commented on the absurdity of criteria put in place by INAC.[27] For instance, one Aboriginal child and family service agency reports that INAC advised them that they would only be funded for one hour of service per child. The agency currently employs two social workers, each of whom carry approximately 65 files, more than doubling the provincial standard of 24. These social workers frequently travel long distances to visit clients, making it impossible to maintain a one hour per child standard.

Moreover, the informant pointed out that the agencies not only have to meet provincial standards to ensure continued operation, but also the standards of their own communities. She stated that often these community standards are far stricter than those of the provinces or the federal government and require a level of attention to the best interests of the child physically, spiritually and culturally that is often not possible due to the funding limitations. This issue was also raised by a review panel, established to inquire into services provided to an Aboriginal infant in Saskatchewan.[28] In their report, the panel noted that:

> …FNCFS agencies are expected to provide services according to Provincial legislation and program standards with funding criteria that does not recognize all of the provisions in the *The Child and Family Services Act* or its accompanying program standards. [29]

In addition, in her report on the funding of FNCFS agencies, Elsie Flette notes that:

> The requirement to use provincial/territorial child welfare statutes poses a significant challenge for First Nation agencies which must try to adapt to expectations of First Nation governments whose services reflect the holistic, interdependent and communal rights framework of the cultural communities they serve with the individual rights based child welfare statutes. [30]

A final issue that was repeated by service providers is the lack of funding for legal services. Approximately two years ago the federal government halted payment of legal fees under maintenance funding.[31] Therefore, small agencies with limited operational funds are again forced to either deny service or transfer cases to other jurisdictions. In either scenario, costs are likely to be offloaded to the province and children are moved from agency to agency and social worker to social worker with their best interests lost in fiscal conservatism.

The issues raised by FNCFS providers demonstrate the tangible effects of funding limitations on the ability of agencies to address the needs of children. Without funding for provision of preventative services many children are not given the service they require or are unnecessarily removed from their homes and families. In some provinces the option of removal is even more drastic as children are not funded if placed in the care of family members. The limitations placed on agencies quite clearly jeopardize the well-being of their clients, Aboriginal children and families. As a society we have become increasingly aware of the social devastation of First Nations communities and have discussed at length the importance of healing and cultural revitalization. Despite this knowledge, however, we maintain policies which perpetuate the suffering of First Nations communities and greatly disadvantage the ability of the next generation to effect the necessary change.

2. Case Law Review

There is a paucity of case law specifically on the issue of jurisdiction and child and family services, and very little on jurisdiction generally, *vis-a-vis* social service delivery. No case law was found challenging various inter-ministerial (federal departments) jurisdictional responsibilities.

A review of the case law is set out below beginning with a discussion of federal/provincial jurisdictional issues and fiduciary responsibility. In addition a review of section 35 of the *Constitution*, section 15 and 7 of the *Charter* and international law is provided.

In summary the state of the law is uncertain. Although there are strong arguments to be made, no decisions have yet been rendered on the obligations of the Crown to provide adequate and equal funding for child welfare, as either a constitutional or fiduciary obligation.

a) Federal/Provincial

In a 1997 decision the Manitoba Queens Bench cast doubt on the argument that Canada's decision to unilaterally discontinue discretionary funding for preventative services was a breach of their fiduciary obligation. In his judgement, MacInnes J. stated that:

> In my view, there is nothing that obligates Canada to provide services to family funding. There is no aboriginal or treaty right which so provides. While clearly there is a fiduciary relationship between Canada and aboriginal people which creates certain obligations upon Canada with respect to Indian children and families, this fiduciary relationship does not obligate Canada to pay any specific amount of funding for any specific purposes. [32]

MacInnes J.'s decision in *Southeast* suggests that although there is a general fiduciary relationship between the federal government and Aboriginal peoples [children] it is unlikely that this relationship equates to a fiduciary duty to provide funding for child welfare services. The scope of the Crown's fiduciary obligation in relation to its dealings with First Nations is a relatively new area of law and therefore it is difficult to assess the probability of success with this type of argument. However, the following provides a brief discussion of recent case law with regard to the Crown's fiduciary duty.

In *Wewaykum Indian Band v. Canada*[33], Binnie J., for the court, held that the fiduciary duty is not a general concept and doesn't cover all aspects of the fiduciary relationship[34]. Therefore, not all dealings between parties to a fiduciary relationship will give rise to a fiduciary obligation.

> It is necessary then to focus on the particular obligation or interest that is the subject matter of the particular dispute and whether or not the Crown had assumed discretionary control in relation thereto, sufficient to ground a fiduciary obligation. [35]

The courts have repeatedly stated that a fiduciary duty will not generally attach to a public law duty. In *Squamish Indian Band v. Canada* [36] the court held that in matters of public law the Crown is not acting with the benefit of one party in mind, therefore, Crown discretion and vulnerability of those to whom the Crown maintains a fiduciary relationship can exist "without triggering a

fiduciary standard"[37]. Similarly in *Guerin v. Canada*[38] Dickson C.J. stated that:

> Public law duties, the performance of which requires the exercise of discretion, do not typically give rise to a fiduciary relationship. The Crown is not normally viewed as a fiduciary in the exercise of its legislative or administrative function.[39]

However, it was further noted by Binnie J. in *Wewaykum* that a public law duty does not necessarily negate the possibility of a fiduciary relationship.

> The latter depends on identification of a cognizable Indian interest and the Crown's undertaking of discretionary control in relation thereto in a way that invokes responsibility "in the nature of a private law duty." [40]

Moreover, Binnie J. held that the fiduciary duty:

> …where it exists, is called into existence to facilitate supervision of the high degree of discretionary control gradually assumed by the Crown over the lives of Aboriginal peoples. [41]

Finally, in *R. v. Adams*[42], Lamer C.J. for the majority, warned against the implementation of "unstructured discretionary administrative regimes" [43] and stated:

> In light of the Crown's fiduciary obligations towards Aboriginal peoples Parliament may not simply adopt an unstructured discretionary administrative regime which risks infringing aboriginal rights in a substantial number of applications in the absence of some explicit guidance.[44]

Therefore, the existence of a fiduciary duty seems to hinge on the type of interest in question and whether due to the sui generis nature of the relationship between the Crown and Aboriginal peoples, a traditional public law duty will be subject to a fiduciary duty. An example of where a fiduciary obligation was found to exist in what would generally be deemed a public law area is provided by the Ontario Court of Appeal in *Bonaparte v. Canada (Attorney General)*.[45] The court held that the federal government, in implementing residential school policy, "assumed a duty to act in a fiduciary capacity with respect to the education of Aboriginal peoples." [46]

The appellants in *Bonaparte* were the descendants of residential school survivors and claimed that they had been denied transmission of their culture and "the opportunity to achieve a full and normal family, social and economic life" [47] due to the imposition of the residential school system. Unfortunately, the issue of whether the fiduciary duty had been breached was not decided at either the trial or appeal level. The claim was struck out at the trial level on the grounds that descendants of victims are not owed a fiduciary duty and although the court of appeal ruled that this was an error, the primary issue of breach was not decided.

Nonetheless, the fact that a fiduciary obligation was found to exist in relation to the administration of education significantly strengthens the argument that the same obligation should be extended to other social services, such as child welfare.

With regard to the obligation of the provincial government to step in and provide services, where federal funding is lacking, a Manitoba Provincial Court Judge held that the province has a legal obligation to ensure that First Nations have comparable services to those off-reserve:

> … irrespective of any views, that the provincial government may have as to the historical, political, financial or moral responsibility of the federal government to provincial health and social care, it is now absolutely clear that it is the legal responsibility and duty of the province to supply child welfare services in accordance with the *Child Welfare Act* [48]

In some cases provinces have provided piece-meal funding. For instance in B.C. the Squamish First Nation was provided with funding for a cultural worker. This was done after the Nation brought a complaint to the former Children's Tribunal alleging that Squamish children were being denied their right to receive guidance and encouragement to maintain their cultural heritage pursuant to section 70 of the *British Columbia Child, Family and*

Community Services Act. They argued, successfully, that the federal funding, pursuant to Directive 20.1, was inadequate to comply with the changes to the provincial legislation (specifically s. 70 – rights of children in care).

Unfortunately, the law remains unclear. The *Director of Manitoba v. B* was decided by a lower court, never appealed, and is now almost 25 years old. Much has changed since then (and much has stayed the same). Moreover, there has yet to be a clear decision on whether the Crown could be held to a fiduciary obligation to provide child welfare services. *Southeast* was unsuccessful on appeal and the primary issue, regarding the existence of a fiduciary obligation to provide funding for preventative services, has yet to be argued. Therefore in the absence of any further judicial inquiries, the state of the law is as set out in *Southeast* – in short, the jurisdictional conundrum continues.

b) Section 35

Aboriginal peoples have been recognised in *Constitution Act, 1982,*[49] pursuant to section 35, which reads as follows:

> *s. 35 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognised and affirmed.*

Case law to date has not recognised the governance of child and family services as an Aboriginal right. For example, a lower court in British Columbia found that section 35 did not include the right to govern child and family services, in *Re Child and Family Services Act of B.C.*:

> Within any society there can be only one source of ultimate power or authority. Within modern democracies that is the properly constituted government. The right to determine if children are abandoned, or neglected or abused to the extent of being in need of protection, and the power to implement the appropriate remedies is an authority vested in every viable society. It is not something exclusive to aboriginal in general or to aboriginal of Canada in particular. Being a feature common to all

> viable societies, I am satisfied it is not an aboriginal right as referred to in section 35 of *Constitution Act*, 1982[50]

In contrast, the B.C. Court of Appeal held in *Casimel,*[51] that customary adoption is a right protected by section 35 of the *Constitution*. Thus embracing the notion that the traditional practices of caring for children by extended family and other community members is an inherent right. By analogy, and logical extension, section 35 should apply to First Nations child and family services. If accepted as a right under s.35, the case law would suggest that a fiduciary duty argument would be significantly strengthened and it could be argued that the federal government has a fiduciary responsibility to ensure that the right is not extinguished by provincial laws of general application.

c) Charter

The Canadian *Charter of Rights and Freedoms* outlines, in section 15, that:

> *Every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*

The provincial and federal government's jurisdictional debate could be characterised as a shirking of responsibilities that amounts to inequitable treatment of First Nations and is therefore in violation of section 15 of the *Charter*. Arguably child protection laws are applied differently on reserve (due to lack of adequate

funding) than off which constitutes inequitable treatment based on race and residence. On its face, this amounts to a denial of equality before the law (equality of application) and equal benefit (unequal provision of generally available services). The Supreme Court of Canada held in *Eldridge v. British Columbia* [52] that once a state provides a benefit, it must do so in a non-discriminatory manner, and must take special measures to ensure that disadvantaged groups are able to benefit equally from government services.

In *Corbiere*[53], the Supreme Court of Canada unanimously held that "Aboriginality-residence" is an analogous ground of discrimination under s.15[54]. McLachlin and Bastarache JJ., for the majority, held that distinctions based on reserve residency touch on personal, immutable characteristics and are therefore automatically suspect of being discriminatory. The reasoning of the court was based on the fact that living on or off reserve may not involve choice for many, and for others is a very personal decision.

> The ordinary "residence" decisions faced by the average Canadians should not be confused with the profound decisions Aboriginal band members make to live on or off their reserves, assuming choice is possible. The reality of their situation is unique and complex.

An alternative argument is that the inequalities in child welfare funding are based on race. This argument is bolstered by the fact that services are not only unavailable on reserve but may also be denied off reserve due to jurisdictional disputes. Therefore, a government argument based on the proposition that the inequality arises out of the difficulty of providing and funding services in remote communities [on-reserve] would be unconvincing. The lack of services off-reserve or the unwillingness of the federal government to provide for services off-reserve, lends credibility to the argument that the inequality is based on race (as well as residence).

It may also be argued that the lack of adequate funding and resources on reserve constitutes a breach of s.7 of the *Charter*. s. 7 provides that:

> *Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.*

The lack of adequate funding and resources on-reserve has led to the placement of children in care and removal of children from reserves. It could be asserted that this is a clear infringement of children's right to liberty in relation to the ability to remain in their homes and communities. In *Godbout v. Longueuil*, La Forest J. held that:

> …the autonomy protected by the s. 7 right to liberty encompasses only those matters that can properly be characterized as fundamentally or inherently personal such that, by their very nature, they implicate basic choices going to the core of what it means to enjoy individual dignity and independence… choosing where to establish one's home is, likewise, a quintessentially private decision going to the very heart of personal or individual autonomy. [57]

Although the liberty to choose where one resides is clearly not an inalienable right, it may be considered a strong argument that children should only be forced to leave their family homes in the most extreme circumstances. This is not the case here as Aboriginal children are removed from their homes in far greater numbers than non-Aboriginal children for the purposes of receiving services.

Alternatively, it may be argued that placement of children in care, due to lack of services, amounts to an infringement of the parent's right to security of the person, under s.7. According to the Supreme Court of Canada in *New Brunswick v. G.(J.)* [58] the right to security of the person encompasses psychological integrity and may be infringed by state action which causes significant emotional distress. Moreover, it was held that the loss of a child constitutes the kind of psychological harm which may found a claim for breach of s.7. Lamer J., for the majority, held:

> I have little doubt that state removal of a child from parental custody pursuant to the state's parens patriae jurisdiction constitutes a serious interference with the psychological

> integrity of the parent…As an individual's status as a parent is often fundamental to personal identity, the stigma and distress resulting from a loss of parental status is a particularly serious consequence of the state's conduct.[59]

The court went on to state that there are circumstances where loss of a child will not found a prima facie breach of s.7, including when a child is sent to prison or conscripted into the army. [60] Clearly, these circumstances can be distinguished from the removal of a child from his/her home due to the government's failure to provide adequate funding and services.

The federal funding formula, directive 20-1, impacts a very vulnerable segment of our society, Aboriginal children. The protection of these children from state action, infringing on their most fundamental rights and freedoms, is clearly in line with the spirit of ss.7 and 15 of the Charter. Research conducted on the issue of child welfare plainly shows differentiation in the quality of services provided on and off reserve and to aboriginal and non-aboriginal children. This type of differentiation is unacceptable in a society that prides itself on protection of the vulnerable.

d) International

In 1990, Canada signed on, as a signatory, to the United Nations *Convention on the Rights of the Child* [61]. The Convention sets out the rights of children and the corresponding responsibilities of state governments. In particular, the *Convention* includes:

> Article 23 – Right of a child with a disability to special care and assistance – ***which may be violated due to lack of funding as a result of jurisdictional issues.***
>
> Article 24 – Right to highest attainable standard of health – ***which may be violated due to lack of funding as a result of jurisdictional issues.***

As a means to honour the *Convention*, Canada has set out an "Action Plan" in response to the 2002 United Nations Special Session on Children. Canada's Action Plan commits to the following:

> No. 44: The Government of Canada is working together with Aboriginal communities, leaders and Elders, as well as provincial and territorial governments **to improve the health and well-being of Aboriginal children and their families**.
>
> No. 83: **Canadians believe that children with disabilities should have equality of access to programs and services** that allow them to reach their full potential and participate as they wish in society… [*emphasis added*]

Arguably, in light of the continued "jurisdictional disputes" Canada is in breach of their international obligations, pursuant to the *Covenant*, in particular Articles 23 and 24. Canada's commitments in their Action Plan (especially 44 and 83) are compromised by the continued failure of all governments to effect adequate dispute mechanisms that would place First Nations children at the centre of the 'dispute', as opposed to "falling through the cracks" because of gaps in services created by the continuing lack of clarity. Although the Convention does not contain any specific remedies for a breach of the Convention – International attention regarding continued violation of the convention would not be looked favourably upon by the international community.

3. Inter-Jurisdictional

> *Despite persistent pleas from Aboriginal people that their interdependent needs be served by holistic services, the service environment continues to be fragmented between federal and provincial levels of government, between departments and ministries, and among service agencies in community.* [63]

The vision document *A National Children's Agenda: Developing a Shared Vision* sets out four goals for a National Children's Agenda:

- Healthy physically and emotionally,
- Safe and secure,
- Successful at learning, and
- Socially engaged and responsible.[64]

Aboriginal children fair poorly in meeting any of the goals presented in the National Children's Agenda (or Canada's Action Plan). As discussed previously (above) and reiterated in a report on *The National Child Benefit*[65] many Aboriginal children live in poverty and suffer because of the lack of clarity around jurisdictional roles and responsibilities not only of the of the Federal/Provincial/Territorial governments, but also between ministries/departments (inter-jurisdictional):

> Another barrier to the provision of holistic services is the lack of integration between government departments, programs and agencies. Communities that are trying to develop new strategies are overwhelmed and frustrated by having to deal with far too many different government departments. Others indicated that there was more rhetoric than reality about partnership building. [66]

The Aboriginal Nurses Association of Canada poignantly illustrate how this impacts on their work with Aboriginal people:

> Aboriginal nurses see the jurisdictional problems between the federal, provincial/territorial, and First Nations governments and agencies from a clients perspective. They spend many hours attempting to explain the complexity and the relevant policies and procedures to clients and their family members that require access to the wide array of programs and services offered at the various levels of government and non-government agencies.

Following is a specific example of problems that arise for children with special needs/disabilities.

a) Children with Disabilities/Special Needs

> Aboriginal people receive health services through a unique combination of federal, provincial and Aboriginal-run services, as well as other programs and services. Responsibility for delivery of health care to Aboriginal people in Canada has been the subject of considerable debate regarding jurisdictional responsibility. For many years, the lack of co-ordination between various levels of government and Aboriginal community agencies has resulted in fragmented services or a lack of services for Aboriginal people… Historically the federal government of Canada has recognised that a special relationship exists between it and Status "Indians" with respect to the provision of health care. However this responsibility is largely defined as a matter of policy and goodwill and is not considered by the courts to be a legal obligation.[68]

The Assembly of First Nations, in a recent newsletter, highlighted the circumstances of the case of four year old Jordan, a First Nations boy in Winnipeg as a poignant and sad example of how First Nations children fall through the cracks as a result of federal/provincial/territorial and inter-ministerial jurisdictional squabbles.[69] Jordan was removed from his home at birth and placed in hospital under the care of a FNCFS agency. The agency developed a plan to place the child in a foster home with the necessary support for his medical condition. However, implementation of the plan has been impossible, as INAC, Health Canada and the provincial government are not willing to take responsibility for the costs involved in moving the child from hospital. The newsletter states:

> *This is unnecessary. This situation is unacceptable and it is a violation of this child's basic human rights. Every child has the right to be raised in a family, to have their needs met and to receive quality care. And sadly, this young boy is only one example.*[70]

As the article points out, Jordan's experience is but one example. According to statistics:

> Almost one-third of Aboriginal Canadians age 15 and over reported having a disability in 1991 – more than double the national rate (15%). The difference was particularly pronounced among younger age groups, where Aboriginal people were three times as likely to have a disability. [71]

A key informant offered numerous examples of children with complex medical needs, suffering on-reserve due to the lack of resources. However, she/he quickly noted that those who are transferred

off reserve, for provision of services, do not have a much brighter future. Children who are removed from their homes are primarily transferred to hospitals and institutions where it is cheaper to meet their needs. Therefore, due to jurisdictional disputes, Aboriginal children with special medical needs are not only taken out of their own homes but are rarely ever offered the chance to once again live in a family environment.[72]

She/he also noted that INAC recently discontinued the funding of travel costs for parents to visit their children in hospital. Although INAC still covers the cost of travel for a child to return home for a visit, due their unique medical needs, these children are generally not able to travel. [73] Therefore, in light of the poverty suffered by many of the families involved with child welfare system, INAC's policy essentially keeps these families from maintaining contact.

Inadequate funding and poor inter-jurisdictional cooperation has resulted in a situation where children with complex medical needs are either left to suffer on reserve, without the proper resources, or alternatively are institutionalized with little likelihood of ever having the opportunity to live in a home environment. Surely neither of these options can be seen to be in the best interests of the child.

Great concern has also arisen in relation to children who have special medical and emotional needs but do not require the type of equipment and resources as those who are institutionalized, for example, children with FAS/FAE. Unfortunately, these concerns have largely been brought to public attention through extensive inquests into the circumstances of the deaths of children in care.

Two recent inquests out of Manitoba underscore the impact of inadequate funding and the lack of cooperation and communication between the different levels of government and agencies.[74] Both children, Patrick Norman Redhead and Susan Redhead (unrelated), committed suicide by hanging after being bounced from home to home and institution to institution. Both children had emotional and behavioural issues that were left unaddressed and likely suffered from FAS/FAE although neither was ever officially diagnosed.

The inquest into the death of Patrick Norman Redhead was held by Provincial Court Justice Geisbrecht and lasted over thirty days. A number of recommendations were produced in regard to the care of children with special needs. Giesbrecht J. particularly noted that jurisdictional issues have resulted in children being "moved or pushed from one agency to another for purely economic reasons"[75] resulting in a disconnect between the needs of the child and what occurs due to fiscal restraints. Moreover, Geisbrecht J. focused a great deal on the impact of the virtual absence of funding for preventative programming:

> It is self-evident in my view that at this time existing resources cannot be diverted from the high-needs children who are currently in the system. . . At the same time if funding at the front end of the system is not increased, if we do not become proactive rather than reactive than we are simply creating greater and ultimately much more expensive problems down the road.[76]

In her testimony before the Inquest, Janet Mirwaldt, Manitoba Child Advocate, discussed the possibility of a multi-disciplinary approach to provide adequate services for high-needs children. In commenting on the policies of avoidance, practiced by both the federal and provincial governments, she stated:

> Even in a world of limited resources the narrow approach should be avoided…More resources might be found, not by creating new resources but by sharing existing resources…Resources can be developed interdepartmentally within those limited resources.[77]

The recommendations set out by Geisbrecht J. in relation to resource and funding issues are reproduced in Section IV, of this report.

The inquests of both Patrick Redhead and Susan Redhead paid additional attention to the lack of training for service and foster care providers regarding the needs of children with FAS/FAE. Again this was linked to a lack of funding for preventative services and programs.

Recommendations for improvement in training are also reproduced later in this report.

This, therefore, raises a systemic issue that arguably has not, but must be, addressed:

> Lack of disability-related services available on-reserve often forces Aboriginal peoples to abandon their communities in search of supports. Once off-reserve, Aboriginal peoples face jurisdictional barriers in accessing these supports and services. This sub-committee also heard that many Aboriginal children with disabilities are placed in child welfare services in order to access supports which are not available to their biological families.[78]

A similar refrain was articulated, on March 30, 2001, by the Social Services Ministers, who released *In Unison 2000: Persons with Disabilities in Canada*[79]. This paper included input from Aboriginal peoples and provided a profile of Aboriginal Canadians with disabilities. One of the main concerns raised regarding Aboriginal peoples, was the jurisdictional debate/conundrum that enters almost any discussion about Aboriginal peoples (children) and social policy:

> The lack of disability-related services available on reserve often forces Aboriginal peoples to abandon their communities in search of these supports; however, once off-reserve, Aboriginal peoples with disabilities face jurisdictional barriers in accessing these supports and services. [80]

The report outlined actions to be taken which included the establishment of an Aboriginal Technical Committee on Social Policy.

Finally, Commissioner Roy Romanow, in his *Interim Report* on health care in Canada, underscored that the responsibility for Aboriginal health and health care programs demands resolution.

> … is an area surrounded by uncertainties that have had serious consequences to the health and health care of Aboriginal peoples. [read children] [81]

This issue is currently under review by both Health Canada and INAC. According to an informant from the First Nations and Inuit Health Branch, the two federal departments are in discussions regarding who will fund the necessary services for Aboriginal children with complex medical needs. She/he acknowledged that there was significant concern in regard to the gaps in service for these children and the consequences of ongoing jurisdictional disputes.

Another informant agreed that the present situation is intolerable. However, she/he stated that the current situation is due primarily to Health Canada's refusal to cover the medical costs of children in care under non-insured health benefits. She/he stated that Health Canada has signed numerous agreements with various FNCFS agencies promising to provide funding for children with special medical needs. She/he stated that these agreements have rarely been upheld and Health Canada has cited interpretational misunderstandings as the reason to pull out of agreements. The existence of these agreements was not confirmed by Health Canada.

While the discussions are ongoing between federal departments some provinces are taking independent action. For example, Alberta has recently enacted new legislation, *The Family Support for Children With Disabilities Act*[82], which extends services to children with disabilities on reserve. Unfortunately, it seems that most First Nations children will be unable to take advantage of this program. As pointed out by an informant, the new legislation consists of a reimbursement program and the majority of First Nations families on reserve will be unable to pay for services upfront[83]. Therefore, the same situation arises where families are forced to put their children into care in order to ensure funding.

4. SUFA

The Social Union Framework Agreement (SUFA) was entered into, in 1999, between the Federal/Provincial/Territorial governments. SUFA sets out some broad principles for a new era of social policy and co-operation in the areas of health, children, post-secondary education and other social programs. In particular the agreement

is aimed at enabling the Federal/Provincial/Territorial governments to work together:

> … and with Canadians, to strengthen our health care system, eliminate barriers to mobility for Canadians, involve Canadians in the development of social programs, and strengthen partnership among governments.[84]

The general principles outlined in the agreement, to guide social programs for Canadians, were identified as:

- Equality of opportunity;
- Access to all Canadians to comparable programs;
- Medicare principles;
- Help for those in need.[85]

The government of Quebec did not sign the agreement, nor were Aboriginal peoples included as signatories to the agreement. National Chief of the Assembly of First Nations, Chief Phil Fontaine, prior to the signing of SUFA, recommended the inclusion of First Nations as full and equal partners in the Social Union process and urged the Prime Minister to "enfold the First Peoples of Canada in this historic process of nation-building" [86]. Yet leaders from National Aboriginal Organisations (NAO's) were not direct parties to the negotiations.[87] Fontaine underscored the importance of Aboriginal involvement in light of the unique relationship of First Nations with the federal government and the fact that:

> Social Union reform directly affects the **jurisdictions** of First Nations' governments, the current and future relationships between First Nations and the federal and provincial/territorial governments **and the nature and quality of social programs** available to First Nations citizens. [88] *[emphasis added]*

SUFA does, however, include a provision which states that:

> Governments will work with the Aboriginal peoples of Canada to find practical solutions to address their pressing needs.[89]

Although the SUFA agreement acknowledges Aboriginal peoples it does not, by implication, recognise them as contemporaries to the other signatories. One commentator has suggested that the exclusion of Aboriginal peoples as signatories would suggest:

> … that they are analogous to municipal governments, which are also bystanders to the SUFA process. This could be seen as a further retreat from the 1992 high-water mark of Aboriginal influence, when the text of the Charlottetown Accord wove a significant Aboriginal presence into virtually every institutional warp and woof of the Canadian federal state.[90]

Unfortunately, the rationale provided to justify Aboriginal exclusion was, as identified by Prince, a Professor at the University of Victoria, because the agreement dealt with "administrative matters":

> The reasons given for the exclusion of Aboriginal national leaders were that the talks involved administrative arrangements, not constitutional proposals, and that the delivery of social programs continues to be a provincial responsibility.[91]

First Nations are, unfortunately, all too aware of the fact that because of jurisdictional issues, and other matters of pressing urgency, SUFA represented not merely the negotiation of "administrative arrangements" but enfolded discussions regarding matters that relate to their very survival – access to social programs i.e. especially with regards children and youth.

Furthermore, Professor Margot Young argues that the text of SUFA seems to support a notion of formal rather than substantive equality. [92]As illustrated by Young, substantive equality takes into account individual or group differences in recognition of the fact that "same treatment is not always equal treatment"[93]. This is of special concern for Aboriginal people [read children] who are historically disadvantaged because of their race and often times due to their place of residence. As Young points out, the difference between models of substantive and formal equality can be very important:

> Without consideration of individual's real social and economic conditions and absent program design that addresses systemic

> inequalities, state action will do little to effect substantive amelioration of the pre-existing conditions of deprivation and disadvantage that currently deny social citizenship to large groups of Canadians.[94]

One of the areas highlighted in the SUFA agreement is "Funding Predictability". This section is meant to provide direction for the funding relationship between the Federal/Provincial/Territorial governments - but has obvious far-reaching implications for Aboriginal peoples. Jurisdictional "issues", have yet to be reconciled and clearly affects "funding predictability". Aboriginal peoples survive, in many cases, on piece-meal or inadequate funding for necessary social services. SUFA does nothing to address this far-reaching problem in particular with Aboriginal peoples. One of the goals of SUFA should be funding predictability for Aboriginal peoples, Aboriginal Nations, governments, and National Aboriginal representative groups.

In a Treasury Board, SUFA analysis of the First Nations Child and Family Services programs they note that there are no "residency-based barriers in this program"[95]. Furthermore, the Social Union web-site notes that:

> There was a broad consensus between the signatory governments that the first priorities should be children in poverty and persons with disabilities[96].

Clearly there are residence-based barriers and clearly if the first priority of the SUFA signatories is children living in poverty and people with disabilities – issues affecting access to services for First Nations children with special needs/disabilities must be given the greatest priority.

5. Summary

Jurisdictional issues remain the subject of lively debate. Case law does not provide much guidance in clarifying the issue. Complicating the "debate" are the jurisdictional issues that manifest inter-ministerially, in addition to the federal/provincial/territorial conundrum.

One avenue that could have ameliorated and potentially have assisted stakeholders would have been the inclusion of First Nations as full and equal partners in the negotiation, signing, and discussions of SUFA.

In the interim, as a result of the lack of clarity in the law and policy it is important that dispute mechanisms be designed to ensure that First Nations children are provided with the services that best meet their needs and that Canada has committed to providing in order to meet their international obligations pursuant to the *Convention on the Rights of the Child*.

Following is an examination of dispute mechanisms.

III. DISPUTE MECHANISMS

> *No. 18: Under Canada's Constitution, federal, provincial and territorial governments are responsible for many areas that touch on the lives of children. It is clear that if children are to benefit co-operation among jurisdictions is essential. Federal, provincial and territorial co-operation with respect to children has been significantly enhanced over the past decade…*[97]

McDonald and Ladd, in their comprehensive policy review of First Nations Child and Family Services provide an overview of Dispute Mechanisms as of March 31, 2000, which set out arrangements to resolve differences in interpretation and legislation and standards between provinces, DIAND, and First Nations Child and Family Services (FNCFS). As McDonald and Ladd point out, in nearly all cases there are no formal mechanisms in place resulting in informal methods being deployed to address various contentious issues. This was identified in 1995 by INAC, despite the fact that Directive 20.1 requires the establishment of tri-partite panels/committees:

All regions have created tripartite mechanisms, though not always a formal panel or committee. These mechanisms have been useful, but their effectiveness tends to depend on the relationship developed between the parties and their intended purpose.

McDonald and Ladd proposed the following recommendation:

> Recommendation 5: **A national framework is needed** that includes fundamental principles of supporting FNCFS agencies, that is sensitive to provincial/territorial variances, and has mechanisms to ensure communications, accountability and dispute resolution mechanisms. This will include evaluation of the roles and capacities of all parties. [100] *[emphasis added]*

As well they recommended:

> **A regional table process** is needed to discuss this issue and come up with an action plan. [101] *[emphasis added]*

It seems clear, from the previous discussion in this paper that the development of dispute mechanisms are of paramount importance to ensure that everyone keeps their commitments to protect and provide services to the most vulnerable of our population – First Nations children and youth.

The inability of FNCFS agencies to utilize the processes put in place was noted by the Saskatchewan review panel in the *Baby Andy Report*. According to the panel, agreements between FNCFS agencies and INAC provide for a forum to discuss and analyse mutual program and policy concerns. However, the capacity of agencies to further this agenda is/limited by experience, financial resources and systematic supports. [102]

The panel suggested a starting point for cooperation:

> In order to proceed to the next level of FNCFS agency development, a focused and systematic framework for joint service improvement and accountability is required. This level of development requires a comprehensive plan that includes FNCFS agencies, the Department and INAC.[103]

The Nova Scotia government provides one example of a "dispute resolution" mechanism designed to enhance services to children, however, it is not clear whether First Nations are involved in this process. The province has set up a Child and Youth Action Committee that works as an inter-departmental working group of senior officials for co-ordination of cross-jurisdictional initiatives affecting children and youth.[104]

The Provincial/Territorial governments put forward a number of options to attempt to address this problem. One of the approaches enunciated in a 1997 paper, was described as the "comprehensive approach" which would be a cross-sector action plan to identify strategic ways of improving the social, economic and environmental conditions for Aboriginal peoples. [105] That was 7 years ago?

In the 2001 *Progress Report to Premiers No. 6* a number of recommendations are set out, including:

- Premiers called on the federal government to recognise its treaty, fiduciary, and constitutional responsibilities for the health, education, and well-being of Aboriginal Canadians and to work with provinces, territories and Aboriginal peoples on more effective delivery and financing of health, education and social services for Aboriginal peoples;
- Premiers stressed the importance of continued Aboriginal involvement to ensure that the needs of Aboriginal children are a priority as work on the National Children's Agenda proceeds.
- Premiers encouraged continued co-operation between governments and Aboriginal organisations toward addressing the education, skills development and labour market needs of Aboriginal people. [106]

Where dispute resolution processes are unavailable or ineffective decisions are being made without any recourse or involvement - negative feelings and backlash can occur between the parties involved. Arguably, this is the current situation between First Nations agencies and INAC. Service providers stressed the difficulty in achieving direct communication with INAC. Communication between the two parties generally occurs through letters; a number of agencies reported having made numerous attempts to set up meetings, with no success. [107] Anecdotally, it could be argued that agencies generally feel that INAC is

in a defensive position and that communication is strained.

Current communications between the provincial and federal governments, inter-departmentally and with the agencies seem to be grounded in a power or rights-based approach as opposed to an interests-based approach. In their study of dispute resolution systems, the Institute on Governance notes that:

> Benefits for reducing the reliance on power and rights based approaches include reduced costs; better quality decisions; greater satisfaction levels among disputants and the preservation of long-term relationships. There appears to be considerable convergence in the literature on Aboriginal justice to move in a similar direction, that is, to place greater reliance on interest-based approaches, often referred to as alternative dispute resolution (ADR).[108]

The federal and provincial governments' present approach of jurisdictional finger-pointing and avoidance has cost a great deal for all involved – especially children. The current state of First Nations Child and Family services is creating a myriad of related problems in the health and well-being of Aboriginal peoples [read children] which clearly affects all areas of social policy. Therefore, it is obviously in the interest of both the federal and provincial governments to work together with First Nations agencies to create an effective funding arrangement.

In their report, the Institute on Governance discussed possible models for a successful dispute resolution process as a component of a new inter-governmental fiscal relationship between the Federation of Saskatchewan Indian Nations, the Government of Canada and the Government of Saskatchewan. The report notes that the central issue facing First Nations, in fiscal negotiations with government, is how to avoid a sovereignty based approach on the part of government. The report notes that governments are reluctant to allow a third party to act in the role of mediator, as this negates their ability to determine budget allocation. Although a third party mediator may not be necessary, it is crucial that the government is aware of the fiscal consequences of inaction and the importance of cooperation between the levels of government, the agencies and inter-departmentally.

FNCFS providers expressed great frustration at the lack of processes in place for the resolution of issues. Suggestions made by providers as to effective processes for the future, were as diverse as the issues they face. However, a common thread throughout the responses was the concept of putting a small cross-sectional group in place to deal with the issues of FNCFS agencies. A key informant suggested that a standing committee be established, comprised of representatives of the province, INAC, FNCFS agencies and AFN. She/he noted that "in B.C. with the number of agencies and their varied size it is difficult to meet effectively as a larger group to conduct business. This was reiterated by another informant, who further stated that the process undertaken by any specified body should reflect cultural values. She noted that:

> The process may be a circle as it embodies the cyclical nature of life and has become an acceptable means of resolving disputes in this province. Regardless of the actual resolution process chosen, the critical elements of the process are respect for treaty, respect for differences and inclusiveness. [109]

This sentiment was reiterated by MacDonald and Sayers:

> The understanding of culture in the development of dispute resolution process is key to successful outcomes. Any examination of First Nations issues in Canada has to respect the cultural diversity that exists within First Nations.[110]

Moreover, a standing committee, apprised of the current issues facing FNCFS agencies and comprised of representatives from the various Stakeholders, may circumvent the government's reluctance regarding the use of a third party mediation process and yet achieve the same results. Any process, however, must be grounded in the idea that:

> …no one jurisdiction – let alone one federal department – can control decisions, resources and activities. Success depends on developing and sustaining a common vision of outcomes, objectives and lines of accountability.[111]

IV. RECOMMENDATIONS

A myriad of recommendations can be found in the literature. The 17 recommendations found in the Joint Policy Review are the most contemporary and provide a call for clarifying the jurisdictional issues:

> Recommendation 4: DIAND, Health Canada, the provinces/territories and First Nation agencies must give priority to clarifying jurisdiction and resourcing issues related to responsibility for programming and funding for children with complex needs, such as handicapped children and children with emotional and/or medical needs. Services provided to these children must incorporate the importance of cultural heritage and identity.[112]

The Ad Hoc Coalition in their submission to the United Nations recommended that:

> Recommendation 10: In the short term, implement recommendations of the Joint Policy Review on First Nations Child and Family Services, and launch a review of off-reserve funding methodologies, to ensure equitable access to sustained and culturally –based targeted prevention services.113

In order to achieve Canada's commitment, as articulated in their *Action Plan*, to honour the international rights of children – jurisdictional issues need to be remedied and/or dispute mechanisms need to be developed in order to make the following a reality:

> No. 82: Together we will strive to build supportive environments to improve the healthy development of Aboriginal children through safe, affordable housing, access to quality and culturally specific health services, child care and schools, as well as improved supports for parents, families and communities… Continued efforts should be directed at toward the development of partnerships and co-ordination among all sectors to promote and support indigenous, holistic responses. [114]

Geisbrecht J., in the inquiry into the death of Patrick Norman Redhead, provided the following recommendations in relation to funding and resource provision:

- **It is recommended that the parties** to the AJI-CWI [Aboriginal Justice Inquiry-Child Welfare Initiative] ensure that adequate funding and resources are provided in the restructured child and family services system for early intervention and preventive programming.
- It is recommended that in providing funding to child and family services agencies the provincial and federal governments specifically allocate separate funds for prevention programs and initiatives.
- It is recommended that adequate funding for professional training and development be built into the funding formulas of family services agencies.
- It is recommended that funding formulas for family services agencies not be based on population but on a model that reflects the needs and capacities of particular communities.
- It is recommended that additional specialized group homes and foster homes be developed in the province to ensure that all children who require such level 4 and level 5 resources need not wait for months for an appropriate placement.
- It is recommended that agencies be encouraged to develop specialized foster placements and residential care facilities in communities in northern Manitoba

> so that children from those areas need not be removed from their home communities in order to have their needs addressed.[115]

Further recommendations were provided in the inquest into the death of Susan Redhead, in relation to the lack of funding for adequate training of service and foster care providers:

- Based on the above recommendations, it is of critical importance that adequate funding for professional training and development be built into the funding provided to a child care agency.
- There should not only be funding provided to the Agency for training itself, but there should be provision to access provincial programs which have the expertise and are already in place to provide the kind of training required.
- There must be a rationalization of the method of funding to the Agency in order to allow for services to families and prevention programs.[116]

In summary, it is of the utmost importance that all stakeholders, provincial, federal, and First Nations governments/departments/ministries must find some way to resolve the long-standing jurisdictional disputes that have caused and continue to cause such unnecessary harm to First Nations children and youth.

V. CONCLUSION

> *It seems inconsistent with a modern Western industrial democracy that the welfare of hundreds of thousands of people is a matter of intergovernmental avoidance.* [117]

The impact of ongoing jurisdictional disputes on Aboriginal children has been well documented. Both the federal and provincial governments are aware of the effects of policies of avoidance and yet cooperation has yet to occur, and the current situation persists.

The federal government persistently contends that the provision of social services is within provincial jurisdiction and therefore any federal services and programmes are merely provided on a humanitarian basis.

> The federal approach is a defensive one, predicated on the notion that Parliament cannot be compelled to legislatively take responsibility, even if not doing so causes Indians harm. [118]

Alternatively, the provincial government and First Nations assert that the federal government has a constitutional, treaty and fiduciary obligation to provide adequate social services, including child welfare, to Aboriginal peoples in Canada.

Clarification of jurisdictional authority may be attempted through litigation. This, however, would be a long and costly process during which the pressing needs of Aboriginal children would continue to be unmet. The needs of these children cannot be placed on a shelf while the various levels of government and departments argue over budgetary constraints and differences in the interpretation of existing agreements.

There are no legal jurisdictional issues that bar governments from working together to improve the services and programs provided to First Nations children. The only bar appears to be that governments are more willing to dig in their heels, as a means of protecting their budgets, than to recognize and move forward in finding a solution to the appalling state of First Nations children.

Lack of will to find solutions is exacerbated by the lack of processes to discuss, analyze and resolve the issues. FNCFS agencies are faced daily with the effects of inadequate funding and resources and are deprived of a forum for expressing their frustrations. Effective and accessible dispute resolution processes are critical to the resolution of issues in First Nations child welfare. Any changes to the current funding formula will undoubtedly raise new issues and concerns for FNCFS agencies and the ability to express these concerns and find solutions will be crucial to the success of a new fiscal relationship.

The success of any dispute resolution process hinges on the recognition, by all parties involved, of the commonality of interests. Governments, ministries and FNCFS agencies must realize that improving/enhancing the health and well-being of First Nations children is in the interest of every Canadian. Further, it must be recognized that neither the simple addition of funds nor a simple change of policy will resolve the issues faced by FNCFS agencies. What we do know to be true is that this debate has gone on for too long and as a result First Nations children have and continue to suffer. It is of paramount importance that dispute mechanisms be implemented as soon as possible. Our children are our future.

In keeping with the United Nations Convention on the Rights of the Child, we recommend that a child first principle be adopted in the resolution of inter-governmental jurisdictional disputes. Under this procedure the government (provincial or federal) that first receives a request to pay for services for a Status Indian child where that service is available to other children, the government will pay for the service without delay or disruption. The paying party then has the option to refer the matter to a jurisdictional dispute resolution table. In this way the rights of the child come first whilst still allowing for the resolution of jurisdictional issues. In honor and memory of Jordan we recommend the child first principle to resolving jurisdictional disputes be termed Jordan's principle and be implemented without delay.

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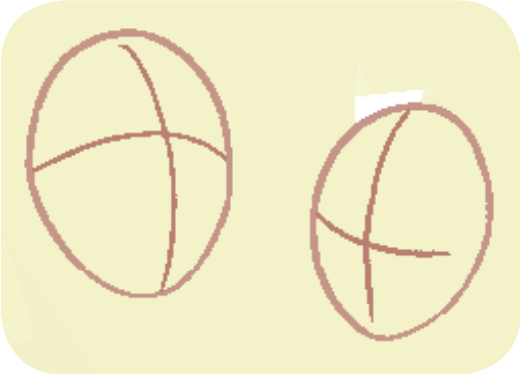
Promoting Community & Family Wellness

Least Disruptive Measures and Prevention



CHAPTER 4

Prepared on behalf of:
First Nations Child & Family Caring Society Canada

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THE COST OF DOING NOTHING

Recent economic analyses on the costs of child abuse offer much evidence that the fiscal and societal outcomes of child maltreatment are staggering. Bowlus et al. (2002) calculate that $15.7 billion in societal costs can be avoided by preventing abuse and by allowing children to reach their full potential as contributors to society (p.104). The relationship between child abuse and later involvement with the justice system has also been captured by Hepworth (2001) in ***Jack's Troubled Career: The Costs to Society of a Young Person in Trouble***. The analyst has estimated the intergenerational effects of child abuse on the criminal justice system and other social services at roughly $511,500 per child. Other analysis has been conducted in the area of the health outcomes related to child abuse. A Saskatoon study found that adult female survivors of sexual abuse used 4.1 times more costly health services than the average population (Burgess et al. 2003). These are only a few of the fiscal and social consequences that make the rationale for prevention evident.

Analysts argue that the solution to mediating the incidence of child maltreatment lies partly in tackling the dire economic state of First Nations communities. Socio-economic factors, such as poverty, create many stressors in daily life that lead to family violence, addictions and youth detachments from formal schooling. The Royal Commission on Aboriginal Peoples (RCAP 1996) estimated that the lost productivity to aboriginal people in terms of unemployment and forgone earnings, in part from lack of education, as well as lower wages relative to other Canadians, totaled $2.9 billion in 1996 dollars. Another $4.6 billion was lost to the government from forgone tax revenues and other direct fiscal expenditures[1] above the average for the general population. Analysts calculated that "the cost of the status quo will rise from $7.5 billion in 1996 to $11.0 billion in 2016" (cited in McCallum 1999:124), a 47% increase.

These studies illustrate that the case for setting priorities in prevention is convincing, as it is not only fiscally prudent, but it is a humanitarian approach to averting child maltreatment. There is plenty of evidence that the fiscal commitment towards direct child protection will continue to rise in future if policymakers and society in general choose not to address these issues. In this chapter we present further compelling evidence, which illustrates that the costs of preventive interventions are minimal in comparison with the limitless costs of the alternative – doing nothing.

To begin with, the present funding formula provides more incentives for taking children into care than it provides support for preventive, early intervention and least intrusive measures. The 1998 Canadian Incidence Study of Reported Child Maltreatment (CIS-98) has documented an overrepresentation of Aboriginal children in foster care placements and other institutional settings compared to non-Aboriginal children. Socio-economic hardships, such as poverty and substandard housing, intergenerational child maltreatment, as well as addictions are key contributors to this phenomenon (Trocme, Knoke and Blackstock 2004). However, funding arrangements may also create perverse incentive effects that work against family-based approaches, which may be in the best interests of a child's well-being. Flette (2004) argues:

> "Current funding of FNCFS provides money for children only when they are in foster care or group care. No money is available for services to neglected and/or abused children in their own home. Services/funding to work with families to return children home have come under attack and are no longer available. In the mid 90's, DIAND eliminated completely the funding to agencies in Manitoba for Services to Families. This remains a service that agencies are required to provide in legislation, and the Province provides funding for this service to its agencies, separate and apart from Operations. DIAND policies result in on reserve children who are suffering from abuse and neglect not having access to comparable services in their own homes" (p.3).

In addition, though Aboriginal youth represent a high proportion of Canadian children in care,

the funding that is committed to this group is disproportionately lower than what is allocated to non-Aboriginal children (Flette 2004). It is estimated that, of the Canadian children living in out-of-home placements, 30-40% is Aboriginal children (Blackstock et al. 2004), while only 5.6% of children in the Canadian population are Aboriginal (Statistics Canada: Census 2001) [2]. Over the period 1995-2001, out-of-home placements for registered Indian children on reserve increased by 71.5% at a national level (McKenzie 2002), yet the latter's population (below age 15 and between 1996-2001) fell by 1% (Statistics Canada 2001, cited in Blackstock et al. 2004: 157). It is also known that welfare costs are rising at a rate of 6% per annum, while additional funding directed to Aboriginal children is not forthcoming[3]. Moreover, DIAND's financial support to First Nations child and family services agencies is roughly 22% lower than the average provincial funding (based on 1999 dollars) (National Policy Review June 2000, cited in Blackstock et al. 2004; Flette 2004).

The purpose of this chapter is to identify what is best practice in this area, for the information of agencies, but also in order to document the case for a change in the national funding formula. We also want to determine how a more preventive family well-being model should be included in the funding formula, as well as what the net cost implications would be. The latter involves not only estimating the costs of preventive measures, but also the savings that might accrue through limiting or reducing the number of out-of-home placements, as a result of alternative measures being undertaken. An estimate can be derived by examining the experience of agencies that have made the transition to emphasizing more preventive measures, such as the West Region Child and Family Services agency.

This chapter summarizes how a strengthened prevention agenda can be used to generate social and economic change in First Nations communities. The structure of information gathering for this project involved addressing three key components, including:

1. A review of the relevant literature and participants' feedback from a workshop on prevention informed the question of what is best practice as it pertains to preventive and least disruptive measures in primary, secondary and tertiary prevention.
2. An economic cost-benefit analysis addressed the question of what are the realistic fiscal savings that could be expected by reducing the numbers of children in care.
3. Gaps in the current national funding formula are identified. Recommendations are put forth on new areas of required programming and different possible approaches to funding them. We address the question of how a funding formula might incorporate this range of services, but at this stage, cost implications are dealt with only in a very preliminary fashion.

LITERATURE REVIEW

To begin with, the review of a significant child welfare literature informed the process by identifying what is deemed to be the best practices in primary, secondary and tertiary prevention work, including least disruptive measures (see Appendix 1). There is general consensus that the traditional practice of placing greater emphasis on child protection through the removal of children from their home or the cultural environment of a kinship system is immobilizing, in terms of building healthy First Nations communities. Many authors point out that such practices often result in a revolving door between foster care placements and returning home. Not only does this process endanger the child's sense of well-being, but it is more costly from a fiscal viewpoint, as the child's needs become even more complex. Indeed, the risks of child maltreatment are not necessarily reduced from a placement strategy outside the child's cultural setting[4]. The traditional approach to custodial care often defeats the intended purpose of a child well-being model of service delivery.

In contrast, a family-centered and family-preserving approach within a community-building framework and with much cultural content is perceived as a high-need area in the efforts related to child protection. Many analysts propose that a

prevention agenda, which keeps children in their home or, in more complex cases, within the kinship system is seen as integral to the child protection function. Family functioning itself needs mending with cultural healing strategies, in contrast to a heavy reliance on external custodial care. There is general consensus that incorporating a more proactive family-centered component to a child well-being model requires more appropriate levels of financial resources to carry out this work. But the current measures lean heavily toward a reactive level of tertiary intervention only. The major work that needs to be done in First Nations communities is in the area of primary and secondary level strategies in order to reduce the enormity of crisis-related interventions that emerge from a lack of services to begin with.

From this viewpoint, analysts in the field suggest that the solution is partly in a diversity of primary and secondary prevention services, which would redress some of the systemic or socio-economic issues in these communities. A comprehensive inventory of such services is listed in the appended literature review. The current situation is that these services, if offered at all, are often fragmented and poorly funded. They do not always serve the complexities of a family's dynamics very well. Thus, a general lack of proactive and multi-faceted preventive programs can be endangering to child and family outcomes.

Though the analysis in the literature review conceptualizes prevention in terms of primary, secondary and tertiary classifications, to some extent, this is incongruent with the notion of holism in Aboriginal terms. Program strategies often entail a continuum of overlapping and interlocking child welfare services that comprise all three levels of prevention. As described in the literature, preventive actions are often effective on several levels. The demarcation into separate levels of prevention stems from a public health model of prevention, in which such categorizations are distinguished by the level of risk exposure for the child or family. In some ways, this is in contrast to the meaning of prevention within a social work context.

Nevertheless, a regimented distinction between the different categorizations of preventive activities does permit the conduct of a review of the multi-level range of potential preventive services compared to the current services under the existing funding arrangements. It also allows us to identify the new financial commitments, which would appropriately serve families in First Nations communities. In other words, through such distinctions, the financial needs can be tied to specific preventive services. Consequently, the demarcation into various levels of prevention is not intended to create fragmented and inflexible services where it concerns program development and delivery.

To sum, the current reality is that many First Nations Child and Family Services agencies deal with high-risk families in which services typically fall into the category of tertiary intervention or, at a minimum, secondary prevention in terms of risk intensity. But current funding levels need to be reworked in order to make funding resources available so that agencies can address the issues of family dysfunction long before high-risk conflict situations surface. Funding is also needed to begin the process of strengthening social capital in these communities, which has potential for improving the chances of fostering First Nations independence. An appropriate response requires a multi-faceted approach in contrast to the current situation in which programs often deal with a narrow range of child protection issues only.

CONSULTATIONS WITH SERVICE PROVIDERS

The range of preventive programs identified in the literature review were also confirmed via a consultation process with analysts and service providers in the area of child welfare who were brought together in a one-day workshop on April 29 2005, at the Fort Garry Hotel in Winnipeg. Participants came to share their thoughts and experiences on child welfare issues and outcomes. Presentations by the workshop participants illuminated a variety of perspectives on the meaning of prevention in child and family

services. From the discussions, we assembled a list of challenges and program needs that were identified during the workshop. The meeting also drew on notes on an earlier consultation with representatives of the West Region Child and Family Services agency and a consultant with extensive experience in this area.

There was general consensus that the current funding arrangement works against having a comprehensive preventive agenda in First Nations Child and Family Services agencies. Heavy emphasis must be directed at a traditional or cultural component to family healing. More sustained funding is required in order to maintain the few existing preventive programs, in contrast to the current practice of relying heavily on grant dollars. Presenters spoke about the fact that there is room to do alternative programming given the current child welfare legislation, but the problem is with freeing up the funding in order to do this programming appropriately.

During the workshop, seven major highlights were identified by the presenters:

1. **Prevention is an investment in people upfront.** Legislation and the consequent funding arrangements must be prevention-oriented. There is critical need in the area of prevention, as only this type of approach permits the incorporation of Aboriginal values of holism. How much the government invests in families upfront, via primary and secondary prevention, is a good indicator of how many families and children will end up at a tertiary or reactive intervention level. The damaging effects from many children's past negative experiences in foster care placements provides evidence that agencies must be involved with families long before crisis ensues.

The current problem is one of access to a 'seamless continuum of care' in preventive services in order to decrease the number of children from entering formal care situations. Prevention involves plenty of focus on parenting capacity and other services that are likely to lead to purposive changes, but a key theme is that agencies can not always fit people into preventive models. Conversely, programming models have to fit to people's needs. Therefore, multifaceted and flexible interventions are needed in First Nations communities.

2. **A multidisciplinary and collaborating model of intervention is needed.** Service provision to children and their families should reflect a coordinated approach to better deal with many co-existing risk factors. For instance, the child and family services team must have the ability to collaborate with schools and other organizations, such as Child Find, on personal safety issues. Agencies need to partner with employers in the area and the leadership in the community via community task forces. For example, task forces could deal with issues of violence, sports and recreation for young people, as well as parental involvement in behavioral issues. Agencies need to work collaboratively with the health sector, other community-based organizations, and the kinship system.

A multidisciplinary service approach is critically important to prevention in child welfare outcomes, since there is evidence that the physical and mental health issues of Aboriginal children can be very complex. Child welfare agencies can not be self-sustaining, and they must use the human resource base of the community.

3. **Environmental issues – poverty, substandard housing and sanitation, and low educational and employment status –** matters very much where it concerns addictions, abuse and intergenerational family dysfunction. Current strategies are equally lacking the necessary preventive work from a community economic development approach. Indeed, the experience of daily living with these socio-economic issues and all of their consequent problems has left a legacy of developmental disarray in First Nations communities. For example, the literature review indicated that First Nations communities are beset by high suicide rates among youth, as well as disturbing levels of drug and alcohol misuse. Such phenomena are symptomatic of the multitude of stressors that young people encounter on a daily basis, and which are rooted in a very alarming rate of developmental erosion. There are enormous risks associated with the

expansion of child welfare services without allocating financial resources to some of the bigger developmental issues.

4. **Flexibility in funding to do multi-dimensional or multi-faceted programming** is viewed as being a best practice in preventive work. Curriculum-based programming has proven effective in many initiatives (e.g. Vision Seekers in the Skownan First Nation), but this is not necessarily the experience of all participants. Not all individuals can fit into a particular curriculum. For instance, two people may be affected differently by the same parental training program, with one individual needing a more intense intervention. Programs must bend in many directions to serve the needs of particular individuals and family healing strategies. Home visitation programs may involve lower caseloads for social workers and other agency service providers. Indeed, the challenge is for funding levels to adequately meet the enormity of this task.

A human development perspective to meeting the needs of children means that specific community problems are approached with a customized service delivery model from a variety of overlapping perspectives. Multi-generational family dysfunction means that multifaceted interventions are needed. These issues are not solvable with single dimensional program provision. It requires a different way of thinking around programming, such as restoring the relationship between child and community. The workshop participants pointed out that programming can always be done differently, that is, with flexibility as a key component. One size fits all types of services are not always proven effective.

5. **Service infrastructures are lacking in remote communities.** There is a need to secure adequate levels of funding, which will allow remote communities to build up their physical infrastructures, as well as the capacity of human expertise internally. This would permit more services to be offered within isolated communities as opposed to sending people outside the community, in particular, as it relates to youth with disabilities or special needs. There is a lack of physical resources and respite services needed to keep special needs children at home in such communities. This is a big issue in the North. Agencies can not continue to rely on outside expertise brought into the community, as it creates discontinuity in service provision from the comings and goings of professional staff. There needs to be a base of case workers with internal obligations or connections to these communities so that they can establish trusting relationships and continuity with families.

Funders also have to recognize that it may be less expensive to pay a psychiatric nurse to go into the home and to spend time there than to take the family out of the community to receive services in a larger center. Developing the human resource base of professionally trained people is important in terms of staff understanding the internal dynamics of a community, that is, how the community perceives and internalizes the healing process, as opposed to imposing it from the outside.

6. **Building a human resource base and community volunteer capacity** in First Nations communities must be a priority. Agency staff must be trained to take a broader community development perspective. The issues extend well beyond simply training professionals via a university degree. A trait of flexibility in prevention workers is an essential component of the work. Approaches that help to build social capital include:

   - A holistic outlook to community roles and responsibilities by building a volunteer base of peer support. Community volunteerism must be the new way of thinking. For example, a community mentoring program could place individuals who have successes as parents in a mentoring role to other families with parenting challenges;
   - Intensive training for foster parents; - A supervisor training program within agencies in order to foster a preventive mindset;
   - Training specialized staff to work in rural areas through the Bachelor of Social Work (BSW) training program;
   - Developing agency staff's skill set in order

to expand their comfort level with adult education, teaching and group facilitation.

7. **Capital investments are lacking in First Nations communities.** In most First Nations communities, there is also a need for a comprehensive plan relating to the capital requirements that would build up the physical infrastructure. Funding needs to address the ability of agencies to secure buildings and facilities and to have control over them. For example, internally-managed therapeutic foster care treatment units are crucial capital investments that will ensure stability and consistency for long-term placements, such as high needs/high medical needs children in foster care. Maintaining residential programs is essential to ensuring an Aboriginal content to programming.

From the presentations and the literature review, we devise specific recommendations for a revised funding formula. But first, we summarize the results of our investigation into the potential cost savings from a variety of alternative preventive strategies.

COST-BENEFIT ANALYSIS

In the current analysis, we were also asked to focus on answering a further question, as follows: **What are the realistic savings that can be expected by reducing the numbers of children in care?**

A brief economic cost-benefit study of a handful of the West Region Child and Family Services agency's programs, in the Province of Manitoba, informs the analysis with plenty of tangible evidence that the monetary cost savings and cost avoidance from prevention are substantial. Though this agency could rely on a substantive human resource base and an operational infrastructure in place, which allowed the staff to implement such programs, most agencies do not have the capacity to carry out such preventive initiatives within their existing funding levels. Nevertheless, the calculations demonstrate a critical need to re-direct policy costs in favor of primary and secondary

preventive services as a principal component of the casework model, while still adequately reacting to more complex cases of high-risk family conflicts. The highlights of the cost-benefit calculations for only a few programs offered by one community-based child and family services agency are summarized in the following:

- The fiscal savings from the Vision Seekers program, which has been operating in the Skownan First Nation Community in Manitoba for around five years, totals in excess **$25 million**. The program takes a human development approach to its residents' needs on the matter of education and employment. It offers life skills workshops, adult education, a community-centered therapy program, a career-trek program for young adolescents and their parents, all from a holistic Aboriginal family and community healing perspective. This is a fine example of preventive work that fully engages a community at all levels – children, adolescents, youth, parents and Elders. It appears to return $6.2 in savings in present value terms to the WRCFS for every $1 spent. When savings to other agencies are include, notably social assistance savings, a benefit to cost ratio of 16.5 appears to be returned, which is huge.
- The Gaa Gii Kweng (GGK) therapeutic foster care program has also demonstrated substantial economic cost savings for twenty-five special needs children in the federal children in care program. The net present value of the cost savings in custodial care for these 25 children (in 2005 dollars) from internally-managing

a therapeutic foster care service totals **$2.0 million**. At times, for more complex and high-needs child welfare cases, out-of-home 24-hour care is absolutely required. However, this comparative review with other residential care facilities located within the mainstream system has illustrated that First Nations Child and Family Services agencies need to ensure that therapeutic support services are provided within their own communities so that they can guarantee an appropriate cultural component.

- The Reclaiming Our Voices Project involves a three-day retreat for individuals who have significant issues with addictions and maintaining sobriety. Roughly 900 participants over a six-year period have received services from this initiative. Over this period of time, the savings in foster care from preventing children from entering formal care, as well as returning some children home, have exceeded **$14 million**. Furthermore, another **$63 million** in savings is expected to materialize in future from the prevention of FAS/E afflicted children, due to their mothers' maintaining sobriety during a pregnancy. The intergenerational outcomes and costs savings, though difficult to measure, are expected to be substantial. In short, this program appears to return $60 in present value terms to WRCFS for every dollar spent by the agency.
- The Treatment Support Unit, which involves intensive family preservation and reunification services, has prevented roughly 212 medium-to-high risk children from entering formal care. The net savings in foster care over a nine-month period exceed **$2.9 million or $3.9 million over a full year.** Keeping children in their homes, or at the very least within their kinship system in the community, is not only a preferred alternative which is best practice from a least disruptive approach, but the cost avoidance effects prove it to be cost efficient and effective, as well. Theis project appears to yield $12.8 in benefits to WRCFS (in present value terms) for every dollar expended.

While one should be cautious in using these ratios of benefit to cost, the bottom line is that returns to spending on prevention are huge and hence spending more on prevention makes sound fiscal sense.

Another way of approaching the issue is to take an aggregate view of the dollars saved by WRCFS by investing in prevention, in terms of NOT putting children into care. Estimates are over $1.5 million per annum after allowing for the cost of prevention programs. The case for paying more attention to prevention is, therefore, an extremely strong one, not just in human terms (which, after all, is really what counts), but also in fiscal terms.

No one questions that there is a need to sustain the existing reactive or tertiary system, which addresses high-risk family environments in which children face a high probability of abusive situations. The cost-benefit analysis illustrates, however, that a shift in focus must be directed to family preservation and reunification whenever possible. A key component in this is that agencies may be able to better provide their own therapeutic foster care residential facilities. Further, community capacity building efforts, such as the Vision Seekers and Reclaiming Our Voices projects, demonstrate that there are substantial fiscal benefits to providing First Nations agencies the adequate resources so that they can offer a continuum of high-quality primary and secondary preventive services. There is a high probability that such services will consistently meet the challenge of optimizing the government's investment dollars in fiscally sound ways.

THE UNDERFUNDING OF PREVENTION AND MAINTENANCE IN THE CURRENT FEDERAL FUNDING FORMULA

The final question is posed: **How should a funding formula incorporate this range of services and at what cost?** Put differently, what amount of funding would adequately equip First Nations communities with the vital financial resources needed to carry out the prevention task in order to respond to their needs of their residents? The starting point is that the current

INAC funding formula for Operations makes inadequate provision for prevention services.

Since the early 1990s, the INAC formula has been based on child population figures (0-18 years). Analysts and service providers in the field generally agree that most First Nations Child and Family Services agencies are precluded from implementing prevention programs due to a lack of funding within the current formula. More dollars would reduce the current heavy workload situation, and it would release some staff time so that they can focus on a preventive agenda. In this section, we identify gaps in the current federal formula based on the general philosophy of care in First Nations communities, which involves an ecological or holistic approach. In this general overview, we also include a discussion of the treatment of prevention in the current funding formula.

The existing Operations Funding Formula of INAC is discussed at length elsewhere in this report. In essence, operations funding is driven by two main variables and a few other less important variables. The main variables are the number of children in the 0-18 age group and a fixed amount per child, $727. These account for by far the greatest proportion of funding. In addition, there is a fixed amount per agency, which also depends upon number of children in the population being served, and which can reach a maximum of $143,000 and a fixed amount per band of $10,700. The three fixed amounts (per child, per agency and per band) are then adjusted by the INAC remoteness factor. These are the only variables determining funding.

In notes accompanying the formula, INAC explains that the fixed amount per agency is intended to cover the cost of a Director's salary, benefits and travel; a secretary, a financial officer, audit, evaluation, legal costs, ongoing organizational development and training of placement resources.

The fixed amount per band is intended to cover the costs of boards of directors, and of local and elders' committees, including travel and training.

The amount per child is intended to cover the costs of direct protection, resource development and prevention services, professional supervision, special services purchases, off-hours services, staff salaries, benefits and travel and overheads (rent, telephone, office supplies and utilities).

The formula is said to be based on the following assumptions: 20% of families need services; 6% of children are in care; the need for core positions in all agencies; supervisors at a rate of 1 to 5 staff; child care workers and family support workers at a ratio of 1:20 children: support staff workers at a ratio of 1:5 workers: wages based on average salary scales in Manitoba and Ontario.

The basic problem with the formula is that there is no periodic reconciliation between the amount of money calculated under the formula and the cost of the services those funds are supposed to purchase. It is not clear, therefore, that agencies can actually purchase the services they are supposed to. In fact, there is very good reason to suppose that in many cases, they cannot. Thus, there has been no adjustment for salary increases or other increases in the cost of purchasing services since the formula was introduced some 15 years ago. Any increase in funding has come, therefore, from increases in the number of children. In the circumstances, **either** the quality of services must have declined if child and family needs grew proportionately with population **or,** increases in costs of services can have been covered, if at all, only from a reduction in the proportion of children or families receiving services.

The consensus among First Nation agencies is that the funding formula makes inadequate provision not only for inflation but also for travel, legal costs, insurance, front-line workers, staff benefits, program evaluation, accounting and janitorial staff, staff meetings, Health and Safety Committee meetings, security systems, human resource staff for large agencies, quality assurance specialists and management information systems. Funding has not reflected the significant technology changes in computer hardware and software. Liability insurance premiums have increased substancially over the past decade. Agencies are expected to allocate these costs to

the operational funding category ($143,000), which has not kept pace with inflation since the mid 1990s. Regional Tables were formed across Canada in response to the National Policy Review in 2002. The Manitoba Regional Table (MRST 2002) participants have argued, "If agencies are unable to purchase liability insurance, they are in breach of their legislative responsibility" (p.6). And if they do find the money for the liability insurance, from which other operating item will it come?

There are also a number of expenditures currently charged to the Operating Budget which might be better charged to the Maintenance Budget. The Manitoba Regional Table (MRST 2002) has identified a number of concerns relating to expenditure categories, which INAC considers as falling within the operating budget, when in fact these costs are directed associated with child protection activities [5]. These include:

- The operational budget base of $143,000 is inadequate to cover the high legal costs for bringing children into care, such as attending court proceedings and preparing case plans for the courts. These and other extraordinary or unavoidable expenditures, such as the costs of inquests and medical examiner's recommendations, can easily consume a large portion of the operational budget in any given year. Frequently, these items are directly associated with having the child in care.
- Psychological assessments, subsidized adoptions, repatriation and unification costs (in-home support services when a child has been reunited with their family), and homemaker services are all related to providing for the needs of a child. There is also government funding disputes with respect to mental health therapies for children, which can be disruptive to a child's emotional well-being. Operational funds should not have to accommodate these costs.
- Some travel costs should also be billable under the maintenance budget, for example, if a worker has to escort a child to a major centre to receive services. From a service perspective, it is less traumatizing to a child if a worker who is familiar with the child accompanies him/her to a major centre in the situation where psychological or treatment services are not accessible in a community. However, travel costs that are not recoverable through FNIHB should be billable under maintenance, since they are directly associated with having the child in care.

These are only some of the purchased services that are directly related to the child care function. But agencies are mandated to offer such services under provincial legislative statutes. Hence, all these costs should be billable under maintenance budgets. They do not belong in an operations formula, since the expenditures are directly associated with child protection activities.

Often the issue is one of disallowed expenditures, which surfaces during the periodic compliance reviews. Consequently, maintenance billings are disqualified due to mismatched policy interpretations. For example, INAC is known to disqualify emergency services on reserve (INAC 2003). Flette (2004) argues "DIAND maintains that money for services to abused and neglected children in their own homes is found in agency operations budgets while at the same time they acknowledge that these are unfunded items in the operations budget" (p.3). Thus, there are plenty of inconsistencies in approved funding, which do not reflect the agencies' legal obligations under provincial legislative statutes. At other times, expenditures are disqualified due to jurisdictional payment disputes, as INAC argues that it is not the "first payer" for certain costs. An example involves government jurisdictional disputes with respect to providing services to children with complex medical needs.

More importantly, for the purposes of the issue under discussion, the formula provides insufficiently for prevention services. This shortfall has a number of dimensions. Firstly, if overall funding is inadequate, direct front-line services to children and families will receive priority and preventive services will be neglected, simply because of the urgency factor. Secondly, while the $727 per child notionally includes funding for two prevention workers per agency, provision for one prevention worker per band might be more reasonable. Moreover, remote communities may need more prevention workers. West Region

Child and Family Services agency in Manitoba would argue that the number of child care workers and the number of Family Support/Protection workers should both be increased from 1 to every 20 children in care to 1 to every 15. The $727 also provides for one resource worker per agency, but again, WRCFS argues this should be increased to 1 for every 20 foster homes. If all these adjustments were to be made, WRCFS would need an additional 17 staff to undertake prevention work appropriately, at a cost of approximately $1 million, or of about 45% of its existing INAC budget. The main drivers here are the additional prevention staff per band and the additional Resource Workers.

Access to prevention funding is also undermined by jurisdictional payment disputes. For instance, INAC does not pay for day care services to foster children on reserve, which is known to promote healthy child development in the early formative years (MRST 2002). The CFS Act requires First Nations child welfare agencies to provide such services. To date, HRDC has been providing minimal funding for day cares on reserve and, consequently, there are a limited number of spaces available.

Much of what WRCFS has achieved in the area of prevention has been funded not through the Operations Budget, but through the Maintenance Budget, via the block funding or Flexible Funding Option for Maintenance (FFOM) approach (previously known as block funding). Though FFOM does provide a solution that has achieved some successes in various agencies, the workshop participants pointed out that there are many reservations associated with block funding, including:

- Such a funding arrangement may not be suitable for all agencies, since it requires a level of management maturity and sophistication.
- The West Region Child and Family Services agency currently runs a deficit under the flexible funding option for the reasons that were discussed earlier (funding levels not keeping pace with inflation, etc.). While there is much emphasis on WRCFS as a model of flexibility in the use of funded dollars, this detracts from the key problem that there are too few dollars being allocated to agencies. It is imperative that the initial funding level for a FFOM be appropriate and that cost of living increases for prevention programs be included in the adjustment factors.
- Furthermore, a flexible funding option must be truly flexible on the programming side if services are to be tailored to specific community needs. Agencies should not have restrictions placed on the type of child welfare delivery model that they can offer in their respective communities.
- A flexible funding agreement must allow for unforeseen circumstances since certain crises or emergencies may cause maintenance costs to increase substantially. This would force an agency to reallocate basic maintenance dollars that were initially targeted to prevention initiatives. There is an exceptional circumstance review process within the existing policy; however, it has many gaps.

The consensus was that too much uncertainty is generated when an agency has to rely on their block maintenance budget to do preventive work. The effects can be devastating if things go wrong. Cash flow problems are immediate if an agency has one high medical needs child that comes into care unexpectedly. So there is a need to investigate other solutions to the funding of prevention programs.

Finally, it is also noted that the issue of compulsory services under provincial statutes versus discretionary programming needs to be addressed further. Although direct child protection expenditures are mandated under provincial legislation, there are several other categories of discretionary costs that should be provided by law in order to maintain consistency with Aboriginal values. For example, many preventive community development expenditures do not fall under the statutory legislative standards, even though these items contribute to family healing strategies, which should be funded.

As a further example, in all provinces, child welfare agencies are required to remove children from the home only after initial attempts are made

toward family preservation with least disruptive measures (i.e. keeping the child at home) [6]. But according to the Joint National Policy Review, this legislative standard is not funded consistently from one province to the next (Blackstock et al. 2004: 167-8). The fact that the groups of services which constitute the different levels of prevention/ least disruptive measures are not always clearly defined in the CFS legislation, and thus they are not necessarily funded, also undermines the ability of FNCFS agencies to provide appropriate programming (Shangreaux 2004). There needs to be more discussion about the levels of prevention – primary, secondary and tertiary – that could be legislated consistently across jurisdictions, as well as funded universally, in order to ensure that programs are based on a more holistic community development social planning process.

Blackstock et al. (2004) have argued a "disconnect between the funding and the jurisdiction as resulting in inequity of services to Status Indian children in Canada" (p.160). The Auditor General of Canada (1998) has stated:

> "14.76 Arrangements [funding arrangements] vary by province, and in some provinces Indians are not entitled to a whole range of services that may be available to Indians in another province. In Saskatchewan, for example, no preventive services, which Indians view as the most valuable, are available to Indians because they are not part of that province's service package. This is a direct result of federal recognition of provincial jurisdiction and of adhering to provincial standards for child welfare. In addition, because child welfare agreements with individual bands within a province vary, all bands in that province may not be entitled to the same range of services or the same level of funding" (Auditor General of Canada, 1998: Section 14.76 cited in Blackstock et al. 2004).

To conclude this discussion, there is little uniformity between the federal policies versus provincial standards around child maintenance funds, which is discriminatory. For instance, the Manitoba provincial legislation provides for three additional years of extended care to permanent wards beyond their 18th birthday, particularly, if the youth is participating in an education and training program. The same policy is not applied to federal children in care, as it is assumed that they will be covered under adult services. However, adult services are generally absent on reserve. Flette (2004) argues that the current practice of the treasury board authorities is to flag these funding disputes as "anomalies" to "bring agencies in line with Dir 20-1, rather than moving ahead to implement the NPR [National Policy Review] recommendations" (p.4) [7]. It has the effect of "creating a discriminatory two tier system for First Nation children and families, when compared to provincial systems" (ibid, p.4). Funding gaps lead to a lower standard of service in First Nations communities.

FUNDING RECOMMENDATIONS

This final section presents broad funding recommendations, which characterize a shift of emphasis to preventive and intensive family work. The workshop participants identified three broad funding options. Ongoing cost of living adjustment would be incorporated into all three approaches. In addition, as an interim measure, funding formulas could be adjusted to the current levels in terms of salary and benefits adjustments. This option would suffice as a temporary solution.

The goal of all three options is to eventually have a lower proportion of funding allocated to maintenance costs for children in care, and a much higher percentage of the funding formula being given to preventive programs and community development or family healing initiatives. In other words, the shift in emphasis is from out-of-home child protection to intensive family services, as well as primary and secondary prevention.

Option #1 A Multidisciplinary Team Approach to Funding.

For instance, for every 'X' number of statutory workers, the team must include 'X' funded prevention or community development worker

positions. Staffing can be broken down into various groupings. This is a multidisciplinary team approach. The prevention worker must be offered a similar salary scale to other professional staff on the team. Finally, a funding formula has to consider that a multidisciplinary team approach takes up more staff time to get the job done, due to ongoing collaboration.

This approach would include the following budget categories:

(1) **A maintenance line.** This would not differ substantially from the current practice, though its funding levels should recognize provincial legislative differences in programming, as opposed to trying create national uniformity in its funding practices. The problems identified above with respect to billable direct child protection expenditures should be addressed (legal, travel, homemakers, psychological, counseling, etc.). Presumably, as a shift takes place towards fewer out-of-home placements from the traditional child protection function, the required funding in this budget category should decline over time.

(2) **An operating line,** which could depend on the number of staff, as opposed to a population formula. Nevertheless, this line should include the appropriate adjustments for salaries (with inflation adjustments) and benefits (an increase to 15%), adjustments for high insurance costs and other identified gaps and inequities in the earlier discussion. The resource worker who recruits and support placement resources (foster care component) is included under this budget line.

(3) **A prevention line** tied into the number of staff or some notion of children in care/ family files opened. These would be specific positions, such as prevention and community development workers (1 per band suggested earlier to focus on primary and secondary level strategies), child care workers at the rate of one for every 15 children in care in order to provide intensive family support (tertiary level intervention), family support/protection workers (i.e. in home visitation) also at the rate of one for every 15 multi-problem families (tertiary level intervention). In addition, there also has to be specific positions to do outreach, advocacy and funding proposals (1 position for each agency).

Operating costs and staffing must also increase as the maintenance and prevention budget lines increase (i.e. accounting staff, administrative support). Moreover, for every five supervisors or administrative office staff, there should be one additional manager added to oversee their activities.

Teams would have to work with communities to design prevention programs appropriate to the ability of the agency to implement them and according to the absorptive capacity of the community being served.

Option #2 – Link Prevention Funding to Children in Care and/or Families Receiving Services.

The idea is that funding for prevention should be based explicitly on in-care days, families receiving services or some notion of the caseload. Prevention would be built into the caseload formula. This would borrow some of the features of those Provincial Funding Formulae which are driven by service rather than by number of children in the community. There would be a separate budget line for prevention, arrived at by applying a formula, perhaps along the lines suggested earlier; viz, 1 prevention worker per band above a certain size, depending also on remoteness; 1 Family Support/ Protection worker and 1 child care worker to every 15 children in care; and 1 resource worker for every 20 foster homes. This budget would be separate from and in addition to the Operating Budget.

A variation on this would be would be to base the provision for prevention only on the number of families receiving services, on the grounds that working with families is the way to prevent having to take children into care.

In either case, the proposal deals only with a way of determining funding. Staff and the communities

concerned would need to determine how that funding is used, although the successful practical experiences outlined earlier might act as a guide..

Option #3 – Link Prevention to an Accreditation System

This funding arrangement is based on an incentive system. It also integrates a system of accountability and transparency at different stages of capacity or levels of funding. Concerning the base funding to agencies, INAC's current funding formula would be applied in principle at all levels of capacity, but it would be enhanced (or replaced) to account for some of the concerns expressed in the earlier section and elsewhere on existing gaps in current financing. However, the government would also invest developmental dollars for preventive programming, but they would only be required to sustain the funding if tangible (and intangible) outcomes were achieved. The formula is expected to be more complex, but it permits the development of an array of diversified and flexible services that are tailored to the specific needs of child and family services agencies across Canada.. Funding would be tied to four levels in terms of "capacity to implement". There would be national overview of the program, but it would be managed by existing local authorities that set their own standards.

Under this program, First Nations Child and Welfare Services agencies are given funding options, as follows:

Level One: Agencies have the opportunity to apply for special developmental funds in order to complete a needs assessment in their communities, and to prepare a strategic plan and budget around the different levels of preventive programming. Staff at the local managing authority would assist in giving advice during the planning process, as well as providing some training of the workforce in order to implement a preventive agenda. Non-participating agencies remain at Level One, but they would be encouraged to raise their capacity level. Scale of operations is also a significant concern. Even with the financial incentive of developmental funds, some agencies with smaller scale operations will have difficulty in moving forward to the next capacity level of implementing preventive programs. These agencies will likely require extra funding, which is specifically dedicated to improving their scale capacity.

Level Two: Following the use of a developmental grant, the agency receives additional pilot funding, which makes possible the implementation of the preventive services and programs that were outlined in the strategic plan. Agencies would not be required to implement programs all at once. Pilot funding could be allocated incrementally based on a priority list of service needs, as outlined in the strategic plan. This recognizes that agencies have diverse needs in terms of programming, as well as priorities in execution. Implementation would have to be successfully achieved before receiving sustained program funding. For instance, is the agency doing what it said it would do? A quick evaluation by staff at the managing authority could determine whether the agency has earned the next stage of sustained funding for the implemented programs. Subsequently, formal evaluations would take place every 3-5 years, as is the current practice.

Level Three: The agency receives a sustained increase in their funding level based on preventive programming initiatives that were implemented in Level Two and as proposed in the strategic plan. The preventive services are funded over and above the minimum statutory services in the funding formula. Presumably, the maintenance budget should be declining for agencies that operate at Level Three. In addition, there is an option to access further developmental funding for any innovative projects that the agency wishes to explore. This would be done through a similar proposal process and pilot funding.

Level Four: An exceptional amount of programs/services are provided in First Nations communities, based on a five-year plan. A type of award system, with financial compensation or non-pecuniary rewards to management and staff would be implemented for those agencies who achieve a Level Four capacity to implement.

While this option is less easily translated into a dollar figure for prevention, the idea is that different bundles of prevention programs would be accessed by agencies at different development

levels. If there were interest in this approach, the bundles could be more clearly specified and dollar amounts attached.

CONCLUDING REMARKS

Drawing on the above, we can make the following statements;

1. **There is a strong case for putting resources into prevention**
2. **There is a significant literature on the types of preventive measures that have been attempted and there is knowledge of what might or might not work in different circumstances.**
3. **The returns to successful prevention programs are huge, both in terms of savings in agency costs but also in terms of broader societal savings.**
4. **The current INAC approach to funding does not adequately provide for prevention and, may even systematically discourage it by underfunding basic operational activities.**
5. **Some First Nations agencies have, nonetheless, managed to implement a variety of preventive programs with remarkable success. Sometimes this has been accomplished through the diversion of Maintenance dollars under a block funding arrangement.**
6. **The use of maintenance dollars for this purpose is subject to uncertainty, and block funding is, as well, not for all agencies.**
7. **Separate provision should be made for prevention funding.**
8. **This could be based on a team building approach, linked to children in care and/or families receiving treatment, or it could be based on a progressive accreditation process using the services of the First Nations Child and Family Caring Society or some other First Nation central agency set up for this purpose.**
9. **Whatever the funding approach, prevention activities must be encouraged and there is much successful First Nation experience to draw upon.**

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(Footnotes)

[1] The determinants of these expenditures include social assistance, the justice system, health and other social services, such as family services and substance abuse programs (RCAP1996).

[2] Available online at: www12.statcan.ca/English/census01/products/analytic/companion/abor/Canada.cfm.

[3] Flette (2004) has reported that, in Manitoba, 2004-5 funding cuts to FNCFS are roughly 8%, which amounts to a loss of one month's worth of funding, even though the number of children entering formal care is on the rise. The analyst proposes that the occurrence of reduced funding to First Nations agencies is a countrywide phenomenon (p.4).

[4] Placements are generally made based on mainstream rules and requirements as determined by provincial legislation.

[5] Many of these issues were also raised in the minutes of the meeting (entitled "Parking Lot Issues") of Executive Directors at First Nations Child and Family Services agencies in Manitoba, in September 2002. Flette (2004) also identified several of these funding challenges, which are often based on narrow interpretations of the treasury board authorities, as to which costs are considered "anomalies" from the approved expenditures in the policy manual. A further source is the "Overview of Social Anomalies", which is prepared by the treasury board authorities of Indian and Northern Affairs Canada (INAC 2003).

[6] See Shangreaux (2004) for a comprehensive discussion of least disruptive measures statements that are found in Provincial and Territorial Legislation. The analyst states, "The concept of "least disruptive measures" not only reflects best practice in social work it is also embedded in provincial and territorial child welfare legislation". However, the types of services constituting least disruptive measures are not always clearly identified in the various provincial legislations.

[7] The treasury board authorities keep track of expenditure variances between the national policy manual and actual agency practices, but to date such anomalies have not been funded.

APPENDIX A: DEFINITIONS OF COST-BENEFIT TERMS

Cost-benefit analysis (CBA) has been a widely utilized evaluative tool for a variety of public projects. In Canada, the first cost-benefit guide was developed for the government in 1961[1]. Later, a revised Treasury Board publication outlined the principles of CBA in the following:

"Benefit-cost analysis is a method of evaluating the relative merits of alternative public investment projects in order to achieve efficient allocation of resources. It is a way of identifying, portraying and assessing the factors which need to be considered in making rational economic choices. It is not a new technique. In principle, it entails little more than adjusting conventional business profit-and-loss calculations to reflect social instead of private objectives, criteria and constraints in evaluating investment projects" (Canada, Treasury Board, Benefit-Cost Analysis Guide, March 1976).

There have been several approaches to CBA in recent decades, from both program evaluation and countrywide societal perspectives. One of the major differences in the many published cost-benefit studies is how they vary in their points of view for placing money values on society's resources. Some studies estimate exclusively the fiscal impact to the government or, alternatively, the private costs to individuals. Other studies examine costs to the whole of society, including those costs that are imposed on the community. The current analysis considers the impact of a variety of program alternatives on fiscal expenditures. Therefore, it takes a program evaluation perspective.

The underlying principle in cost-benefit analysis is the notion of economic costs as opportunity costs. All of society's resources may be used in other most highly valued alternative ways. When society makes a choice about the uses of its scarce resources or its delivery of services, it also sacrifices the positive benefits or opportunities obtained by using the resources in some other way. For example, society's expenditures on police investigations and law enforcement, including human efforts in these activities, pulls resources away from preventive activities, such public education about drinking and driving or speeding. The latter alternatives may have resulted in other valuable and gainful societal outcomes. This notion of giving up one thing to get something else underlies economic cost analysis and, in economic terms, it is defined as an 'opportunity cost' (Levin and McEwan 2001).

Inflation, Net Present Value and the Discount Rate

Inflation factor: this is an adjusting factor to economic cost analysis because the value of money fluctuates over time due to increases (and sometimes decreases) in the general price level of goods and services in the economy, as well as wages in the labour force. These periodic adjustments to the value of money are referred to as nominal dollar changes (i.e. costs unadjusted for inflation). An inflation adjustment removes the price level effects by converting economic values into real dollar units, in other words, constant purchasing power over time. The costs of all future years are adjusted to the price level of a specific base year. The most widely used measure of inflation is the Consumer Price Index (CPI) (Levin and McEwan 2001).

Net Present Value (NPV): when comparing costs versus benefits over a period of time, a dollar's worth of expenditures today is worth more than the value of a dollar at some future date. This is because an invested dollar today will earn interest income. Put differently, any deferred program costs to future years involves lower real resource costs to society. If the costs and benefits extend over a number of years, the time value of money is adjusted together with the inflation factor (constant purchasing power). A present value calculation accomplishes this task by using a discount rate. It converts the value of program benefits and costs in the future to a present value, in order to compare them to the current or present costs (Levin and McEwan 2001; Nas 1996).

Discount rate: this is a type of interest rate that is used for the net present value calculation, and its value depends on the viewpoint under examination. For private outcomes, a standard

approach is to use the market interest rate because it reflects a return to private savings or a bank loan, in other words, the consumer's opportunity costs of consumption versus savings. From the state's narrow viewpoint, the cost of government borrowing is an appropriate discount rate. Broader societal effects are adjusted using a social discount rate which, in Canada, has been specified by the government's Treasury Board to be approximately 10%, a rate that reflects private firms' opportunity costs of investment (Levin and McEwan 2001; Canada: Treasury Board of Canada 1998).

(Footnotes)

[1] Published in 1965 as Sewell, W.R.D, John Davis, A.D. Scott, and D.W.Ross, Guide to Benefit-Cost Analysis, Queen's Printer, Ottawa.

APPENDIX 1

Best Practices In Primary, Secondary And Tertiary Prevention Work (Including Least Disruptive Measures)

Introduction

This paper reviews the literature on best practices in primary, secondary and tertiary prevention work, including least disruptive measures in preventing a child from coming into formal care. Much of the existing body of Canadian research in the area of child welfare proposes that First Nations Child and Family Services agencies are increasingly aware of a need for alternative ways of conceptualizing the delivery of services to families in their communities. For instance, more holistic, family-centered and family-preserving approaches within a community-building framework and which protect the integrity of cultural traditions are seen as integral to the provision of child welfare services (McKenzie and Flette 2003; Blackstock 2003).

Despite these common understandings, First Nations communities encounter significant challenges in supporting family-centered approaches, as well as targeting proactive preventive initiatives, in the face of substantial inequities in access to the critical financial resources which would redress a multitude of issues in service delivery needs (Blackstock 2003; Shangreaux 2004). The relevance of inadequate funding is that programming practices in child welfare are often informed by reactive policy responses to an enormity of crises-related interventions and, thus, reflect incongruency with the key goals of redressing some of the systemic issues. This includes the need for early intervention and preventive measures, the lack of which thwarts capacity building and family wellness in First Nations communities (Kufeldt 2003; McKenzie 2002; Shangreaux 2004). Consequently, most of the research included in this review identifies glaring gaps in proactive preventive service provision within the majority of First Nations communities.

Primary, Secondary and Tertiary Prevention

Analysts generally concede that the notion of prevention implies a continuum of child welfare services that promote healthy community living and, ultimately, fewer children from coming into formal care. However, the continuum of care is formally defined as falling into the three broad classifications of prevention: primary, secondary and tertiary. Preventive measures can include participation from the community (Elders), institutional (medical or educational systems) or social strategies involving family and individual, or any blend of these approaches. For example, a program aimed at decreasing the risk of FAS/E for the children of pregnant adolescents who smoke, drink or engage in substance misuse might combine medical services, health education in a school program, elder counseling, and participation in a support group (Health Canada 1997).

Prevention actions are often effective on several levels. For instance, consider the case of family training in behavioural management techniques for a special needs child in the home. The tools acquired by parents will likely apply to other children in the family. There may be intergenerational effects, as older adolescent children learn how to deal with the behavioural and learning issues of younger siblings, thus providing them general parenting tools to deal with their own children in future. In this way, a secondary prevention effort that is dealing with a specific risk factor overlaps with a primary prevention effort aimed at future generations.

Though there is interplay of the various types of prevention and the members of the population who benefit from such strategies, the current review is framed in terms of delineating into separate classifications the primary, secondary and tertiary prevention initiatives that are given attention in the literature.

There is also much discussion in the research regarding a "resource gap" in the area of prevention (McKenzie 2002). However, it is also proposed that none of the three levels of prevention can achieve maximum effectiveness unless key social issues are addressed through development-enhancing programming and funding directed at strengthening the physical and social infrastructures of the First Nations Child and Family Services agencies and their communities (Shangreaux 2004). Only through adequate financial resources and a community-building approach can general developmental strategies dealing with poverty, inadequate housing, addictions and violence be redressed.

The current literature review is structured to provide discussion of the range of prevention services that are considered necessary by service providers and other analysts in the social work field, in terms of best practices from a least disruptive measures approach. Tables 1-4 summarize an array of program categories that are aspired to in the current research within four broad classifications – primary, secondary and tertiary prevention initiatives, as well as general developmental strategies. Several of the programs listed in these tables, which range from an emphasis on wellness at one end to intervention measures for existing child maltreatment at the other end, have been proven effective in some First Nations communities and, thus, constitute best practices in child welfare service delivery (McKenzie and Flette 2003; MacLeod and Nelson 2003).

Primary Prevention

Primary prevention, sometimes referred to as "universal prevention", is delivered to the general population as opposed to an identified high risk group. As a proactive measure, it is focused on lessening the incidence of child abuse in a society by preventing risk factors which bring about family violence to begin with (MacLeod and Nelson 2003; Shangreaux 2004). Progress in primary prevention initiatives would include the substantial reduction or the eradication of the significant factors that lead to child maltreatment.

A program that is directed at preventing prenatal alcohol consumption is an example of primary prevention and it substantially reduces or eliminates any risk of birth effects, such as FAS/E. As further example of primary prevention from a culturally-based perspective, previous research has observed that what is considered necessary in

family wellness initiatives is a focus on teaching traditional parenting styles within a culturally-appropriate framework (which may also vary by band/tribe) (Cross 1986; Coleman et al 2001), in particular, as it pertains to the engagement of Elders in the process, the oral tradition and the use of the medicine wheel. Parents who are offered such services would learn what their culture tells them about how to be an effective parent. Examples may include a non-coercive styles and little emphasis on developmental timing. Traditional practices often avoid physical punishment and domineering or "take charge" parenting styles, which are superceded by hugging, praising and being emotionally available to the children (Coleman et al. 2001; Cross 1986).

Table 1 lists a review of various literature sources in the child welfare research, which identify recurring themes in what are best practices in primary prevention, as well as some of the existing innovative initiatives in community-based strategies.

**All of the literature emphasizes that such programming, which supplements the child welfare system, must integrate cultural practices and collaborative working relationships with the communities.*

Table 1: Literature Review of Best Practices in Primary Prevention

Type of Primary Prevention Program* *(proactive support, education and resources directed at the general population)*	**Literature Sources or Existing Programs** *(which are considered effective as best practices)*
Building parenting capacity: Public education campaigns that promote effective parenting, healthy pregnancies (avoiding alcohol, etc.); use media interventions, speaking engagements; **Resource materials development related to parenting:** Newsletters promoting Aboriginal spirituality and an oral tradition in child-rearing practices;	Blackstock (2003); Cross (1986); Kufeldt (2003); MacLeod and Nelson (2003); McKenzie and Flette (2003): medicine wheel framework; Resource example: *Parents* magazine; Shangreaux (2004);
Outreach and prevention services related to parenting capacity: Parent education programs and support groups; family planning programs; referral services; prenatal classes and home visits; Developing parenting training methods on the basis of traditional practices and using Elders in these processes of "self-conscious traditionalism";	Blackstock (2003); Brown et al. (2002); Cross (1986); Fairholm (1997): Canadian Red Cross workshop -- "Walking the Prevention Circle"; McKenzie (2002); MacLeod and Nelson (2003) – emphasis on multi-component programming; Shangreaux (2004); WRCFS 2005-6 Service Plan: Welcome Baby Programs;
Males and parenting: Programs that engage males in the parenting process e.g. group therapy interventions that incorporate traditional Aboriginal practices, ceremonies and, in particular, child-rearing values; Elder involvement;	Dion Stout (1997); Dion Stout and Kipling (1999); McTimoney (1993);
Public awareness campaigns – FAS prevention: Fetal Alcohol Effects/Syndrome (FAE/FAS) prevention using an integrated approach which also addresses some of the social issues in the communities;	Bennett (2002); Dion Stout (1997); Health Canada (1997); McKenzie (2002); WRCFS 2005-6 Service Plan: Addictions Education Workshops;

Table 1: Literature Review of Best Practices in Primary Prevention

Public awareness campaigns – How to report suspected child abuse/neglect; Public awareness re: domestic violence; Awareness around risk factors re: child offending behaviors; Child abuse and neglect awareness;	Dion (1999); Health Canada and Assembly of First Nations (2003); Longclaws et al. (1994); Shangreaux (2004); WRCFS 2005-6 Service Plan: Family Violence Education Workshops; Child Abuse and Neglect Awareness Week activities;
Public awareness: Community meetings; workshops on community needs (this overlaps with a developmental strategy);	McKenzie (2002);
Resource materials development: Relating to suicide prevention; Culturally sensitive resources re: FAS/E	Royal Commission on Aboriginal Peoples (1995); Health Canada and Assembly of First Nations (2003): suicide prevention; Health Canada (1997) – FAS/E;
Family Support Initiatives: Family resource centers intended to strengthen the ability of families to access existing supports and resources; life skills (budgeting, taking care of a home, self-care, etc.); marriage preparation workshops; family activity nights; family camps;	Shangreaux (2004); WRCFS: 2005-6 Service Plan;
Family Support Initiatives - **Education:** School-based prevention efforts around child maltreatment; Availability of pre-school programs and resources; **Parents:** Engaging parents in the education system and prevention issues early in the formative years (e.g. parent volunteer initiatives) re: substance/alcohol use; **Children:** Prevention/intervention in the primary school years (the formative years) re: substance abuse, sexual abuse, self-esteem/confidence building, etc.; Babysitting training courses for adolescents;	Budgell and Robertson (2003): Aboriginal Head Start Program; First Nations Education Steering Committee (2001): "A Handbook for Parents" resource; Gfellner (1991); MacLeod and Nelson (2003); Pancer et al. (2003): Highfield Community Enrichment Program in Ontario (includes a home visiting program) – annual per child cost $1,300; Resolve and CS/Resors (2004): Ndaawin coloring and activity book as a resource for the prevention of sexual abuse;
Nutrition programs in which traditional foods are included; **Smoking Cessation** programs;	Wright et al (2005)
Building youth capacity through prevention efforts targeting children and adolescents (healthy activities): Recreation programs, summer programs, sports, camps, etc. for children, including those with special needs; "Back to the Land" outings; Culture and language programs; life skills;	First Nations Center (2004); Durst et al.(1995); Trocme et al. (1998); Shangreaux (2004); Wright et al. (2005); WRCFS: 2005-6 Service Plan: Summer Program for Youth (workshop and activity-based);
Culture: programs related to the development of cultural identity, also taking account of the diversity in Aboriginal culture; youth awareness of traditional values;	Wright et al. (2005);

Secondary Prevention

Secondary prevention, often referred to as "selective prevention", is also a proactive strategy which more selectively targets an existing risk factor or high-risk families, and it takes measures to lessen the threats of child maltreatment with early intervention. Such initiatives are focused on bringing under control any harm or distress that may have been done before the secondary intervention started, thus, the onset of any negative effects may be reduced rather than being completely prevented (MacLeod and Nelson 2003; Shangreaux 2004).

For instance, a child who at risk for neglect or abuse can go to a neighborhood drop-in center and have access to an individualized support network of youth workers, in particular, given her dysfunctional home circumstances. Aside from being a safe place to go, the idea behind the prevention agenda (i.e. the drop-in center) is to change the youth's reference group, to provide positive role modeling and to deal with the social circumstances that make the youth more apt to eventually engage in drug and alcohol misuse or to become an offender (Resolve and CS/Resors 2004).

Other proactive secondary level strategies that have been proven effective include home visitation, which begins in the prenatal period or at birth. In their study, McLeod and Nelson (2003) found encouraging results from this type of early intervention, the positive effects of which superseded other crisis-focused intensive home-based programs that intervene in existing child

Table 2: Literature Review of Best Practices in Secondary Prevention

Type of Secondary Prevention Program* (resources, support and education directed at high-risk families and youth*)	Literature Sources or Existing Programs (which are considered effective as best practices)
Building parenting capacity: parent education programs/ workshops and support groups for at-risk groups: e.g. adolescent lone-parent mothers in high schools or in addictions treatment programs; **Programs for parents with special needs children;** **Smoking cessation programs;** **Family strengthening** programs that deal with challenges of parenting: parent education workshops to develop skills around the needs of their children; **Household management** workshops;	Bopp (1985); Public Health Agency of Canada -- Nobody's Perfect Program & Resource Kit; Shangreaux (2004); Wright et al. (2005); WRCFS 2005-6 Service Plan: Teen Parenting courses; Early Identification, intervention and support for pregnant women who are affected by alcohol or family violence; Parenting Training programs (Positive Indian Parenting; How to Talk So Kids Will Listen); Child Development Training Workshops; Household Management Skills Training;
Family support: Day Care, Parent aide, respite services to families at risk (lone-parents, multiple children, etc.); Support groups for men and women (co-ed adult groups);	WRCFS 2005-6 Service Plan: Healing and Sharing Circles; Women's Circles: Survivors of Sexual Abuse;
Family support: Resource centers where information is disseminated: families can access books, pamphlets, videos on family issues, etc.; **Community drop-in centers** for families where they can engage in healthy family activities; **Ongoing seminars/workshops** on issues, such as child abuse, sexual abuse, historical grief; colonization and residential schools, family violence;	Shangreaux (2004); WRCFS: 2005-6 Service Plan: 12-week healing program for women who were child victims;

* *All of the literature emphasizes that such programming, which supplements the child welfare system, must integrate cultural practices and collaborative working relationships with the communities.*

Table 2: Literature Review of Best Practices in Secondary Prevention

Type of Secondary Prevention Program* (resources, support and education directed at high-risk families and youth*)	Literature Sources or Existing Programs (which are considered effective as best practices)
Home visiting programs for families with children at risk: Support and assistance to women in the pre-and-postnatal periods; prenatal nutrition; in-home support for children and other family members;	MacLeod and Nelson (2003); Shangreaux (2004); WRCFS: 2005-6 Service Plan;
FASD prevention for at risk women/teens	Health Canada (1997); WRCFS: 2005-6 Service Plan: Reclaiming our Voices Project and Annual Conference (Health Canada);
FASD intervention: Early diagnosis and intervention services as it pertains to child developmental issues (special needs; FAE, etc.)	Bennett (2002); Health Canada (1997); Wright et al. (2005); WRCFS: 2005-6 Service Plan;
Support for children with special needs (FASD intervention): **Respite and other child care services**, as well as better financial support for families, including foster families with special needs children (recreation, lessons); (E.g. behavioral and learning disabilities; FAS); **Community-based therapeutic services** (child development counselors, etc.) **Specialized resources for youth with greater needs;** training sessions for teachers and other community helpers;	Dion Stout (1997); Health Canada (1997); McKenzie (2002); Shangreaux (2004); WRCFS: 2005-6 Service Plan: Training sessions for teachers with FAS/E children in the classroom; training for community helpers; Wright et al. (2005);
Intervention services for youth with disabilities (special needs) or complex needs when they reach adulthood;	Health Canada (1997); Wright et al. (2005);
Building youth capacity: Neighborhood drop-in centers where children can go when home circumstances are difficult; children's groups; **Pre-school programs** for at risk children; training teachers in schools;	Budgell and Robertson (2003): Aboriginal Head Start Initiative; Second Step Program (training for teachers and parents); Resolve and CS/Resors (2004) – Ndaawin Program, Winnipeg; WRCFS: 2005-6 Service Plan: Children's Group;
Support to girls who have been sexually abused; Suicide prevention;	Health Canada and Assembly of First Nations (2003); Royal Commission on Aboriginal Peoples (1995); WRCFS: 2005-6 Service Plan: 13-week adolescent girls – survivors of sexual abuse group; Suicide Prevention Workshops for Teens;
Youth employment and life skills programs	WRCFS: 2005-6 Service Plan: Vision Seekers (for youth – ages 19-25);
Anger management workshops for youth	WRCFS: 2005-6 Service Plan: Anger Management Training for Teens;
Risk assessment tools development re: suicide prevention for youth;	Health Canada and Assembly of First Nations (2003); Royal Commission on Aboriginal Peoples (1995);

* *All of the literature emphasizes that such programming, which supplements the child welfare system, must integrate cultural practices and collaborative working relationships with the communities.*

maltreatment cases (i.e. tertiary prevention). Their results suggested that, while tertiary prevention is a crucial service, "the earlier the intervention the better" as it pertains to positive child outcomes (p.141).

A further secondary prevention example of family support and parenting education measures for at-risk families is the Nobody's Perfect Program, a Health Canada developed and funded parenting program (usually 5-6 weeks long) and resource series for parents of children from birth to five years of age. The program is also offered on an individualized basis. The resource kit of five user friendly books -- Safety, Parents, Behavior, Body, Mind -- covers family violence and abuse related topics, such as children's behavioral issues, parent's self-care and injury prevention. This resource is distributed through an array of other community-based programs, such as the Aboriginal Head Start Programs. This strategy's effectiveness as a best practice in prevention is evident in evaluation and impact studies, as well as the continuing high demand for the program and its resources since its inception in 1987 (Public Health Agency of Canada: Online. Available at: www.phac-aspc.gc.ca).

Tertiary Prevention

Tertiary services in a least disruptive framework, often referred to as "indicated prevention", encompass family support and family preservation or rehabilitative services that enable at risk children to remain at home (Trocme et al. 1998; Shangreaux 2004). Tertiary prevention is implemented when the conditions of child maltreatment already exist (i.e. there is demonstrated evidence), therefore, such interventions are viewed as reactive measures (MacLeod and Nelson 2003; Shangreaux 2004). The idea is to minimize the adverse conditions of serious harm to the child while stressing the preservation of the family. Heavy emphasis is placed on tertiary prevention services in most of the literature. For example, tertiary intervention in the case of a maltreated special needs child would entail a range of overlapping services to help minimize the adverse effects of these circumstances. Programs may include medical procedures, social supports for the child and guardians, as well as educational efforts.

The most cited example of family-centered tertiary services is the Homebuilders' Model,

Table 3: Literature Review of Best Practices in Tertiary Prevention –

In the context of family-centered preservation and stabilizing services, such as the Homebuilders (HB) and Wrap-Around Models (WA)

Type of Tertiary Prevention Program* *(this often involves rehabilitative services directed at families where maltreatment has occurred: case management, counseling, education, etc.)*	**Literature Sources or Existing Programs** *(which are considered effective as best practices)*
HB: Home-based intensive support services: Shorter term intensive family preservation and stabilization protective services with 24-hour availability of trained mental health staff; crisis counseling services; Multidisciplinary case planning/assessments with the family, including regular visitation programs; **A coordinated team approach** to service provision through integrated services, including after hour services, in more complex cases when the removal of a child is possible – a network of services: social workers, foster parents, health professionals, teachers, kinship system, etc.;	Blackstock (2003); MacLeod and Nelson (2003); McKenzie (2002); Shangreaux (2004); Trocme et al. (1998); WRCFS: 2005-6 Service Plan: Homemaker and Parent Aide Services; case planning with families; McKenzie and Flette (2003); Kufeldt (2003): the idea of "corporate parenting" – *Looking After Children* was designed in this way.
HB: Rehabilitative services that build parenting capacity: More highly intensive parental support – in-home, groups and training that focuses on alternative techniques from current negative practices for effective parenting; child management skills, etc.	Blackstock (2003); Coleman et al. (2001); MacLeod and Nelson (2003); Shangreaux (2004); Trocme et al. (1998);
HB: Rehabilitative services: Parent mentor programs, e.g. non-abusive families could act as role models and provide support (community helpers social support system); family violence treatment programs;	Flette (1999); Green (1996); MacLeod and Nelson (2003); McTimoney (1993); Shangreaux (2004);

Table 3: Literature Review of Best Practices in Tertiary Prevention –

In the context of family-centered preservation and stabilizing services, such as the Homebuilders (HB) and Wrap-Around Models (WA)

HB: Rehabilitative services: Family supervision services; mental health intervention services for children who have been abused, instilling cultural and spiritual practices;	Blackstock (2003); Shangreaux (2004); Trocme et al. (1998); Wright et al. (2005); New Directions, Winnipeg: Families Affected by Sexual Assault Program (FASA);
Respite services (child care) to reduce family stress; emergency care; recreational support;	Shangreaux (2004); Wright et al. (2005); WRCFS: 2005-6 Service Plan;
WA: Family reunification services: Strengthen the wider family network (grandparents, non-relative community helpers, etc.); keep children in their own communities and culture approach; support to children who are reuniting with extended family; Preventing discontinuity in placements and workers assigned to cases; Intensive and long-term support to families/children that are reuniting after children have been placed in care;	Blackstock (2003); Brown et al. (2002); Fox-Decent (1993); Jones (2003); Kufeldt (2003) – notion of a "seamless continuum and continuity of care"; McKenzie (1999); Shangreaux (2004); Trocme et al. (1998); WRCFS: 2005-6 Service Plan: comprehensive transition case planning (team approach), in-home family/ individual counseling; one-to-one parental skill development, etc. Elder services to youth returning to their kinship systems;
Family Support: Services that help remove an abusing parent from the home (and support them in other ways, e.g. addictions services), not the child, in particular, if there is a non-abusing parent in the home; Drug and alcohol treatment referral; Treatment Support Services: individual, family, group counseling and family conferencing; life skills training; (wo)men's/co-ed groups dealing with family stressors; post-treatment support; Programs in dealing with sexual abuse (holistic healing models); women's support groups;	Blackstock (2003): Hollow Water First Nation; McKenzie (2002): Miikanaa Centre for male sexual offenders; Daily (1987): Awareness Wheel approach for victims and perpetrators of sexual abuse; Green (1996) ; McKenzie and Flette (2003); WRCFS: 2005-6 Service Plan: Men's Group to deal with issues of family violence (26-week program for men who batter); Anger Management workshops; Men's Healing Circle; Women's Sharing Circle; Survivors of Sexual Abuse/Domestic Violence groups;
Culturally specific addictions recovery programs for parents, including residential treatment and post treatment support (e.g. treatment for men who batter);	Wright et al. (2005); WRCFS: 2005-6 Service Plan: Women and Addictions recovery circles; Mandatory treatment for men who batter;
Youth Services	
Treatment centers or special schooling programs for children with behavioural issues, also located in the local communities;	Health Canada (1997); Wright et al. (2005);
School partnerships: in-school counseling support for at risk children; Programs dealing with child sexual abuse; anger management; treatment for adolescent boys who are at risk for sexually offending;	WRCFS: 2005-6 Service Plan: 13-week adolescent girls – survivors of sexual abuse group; Anger Management Training for Teens; Miikaana program (sexually offenders);
Services relating to out-of-home placements: wrap around perspective involving extended family, elders, leaders and other community members; loss and grief counseling; access to trained counselors for child and foster families;	Brown et al. (2002); Carrier-Laboucan (1997); Cross (1986); McKenzie (2002); WRCFS: 2005-6 Service Plan;

Table 3: Literature Review of Best Practices in Tertiary Prevention –

In the context of family-centered preservation and stabilizing services, such as the Homebuilders (HB) and Wrap-Around Models (WA)

Therapeutic Foster Home Program	WRCFS: 2005-6 Service Plan: GGK program;
Residential prenatal and postnatal programs for adolescent mothers; adolescent pregnancy supports; short-term emergency receiving services on reserve (placement beds, etc);	Ma Mawi Wi Chi Itata Centre (Winnipeg): residential program for teens; McKenzie (2002) & WRCFS: 2005-6 Service Plan: Oshki-ikwe facility; Piikaanijii home;
Independent living programs for youth leaving care (> age 18), i.e. transition services related to life skills; employment counseling; training; support to prevent youth from becoming offenders; healthy recreation opportunities;	Biehal et al. (1995) study in England of treatment and control groups showed mixed results in terms of differences in the outcomes for the youth (cited in Davies 2003); Kufeldt (2003); McKenzie (1999);
Programs dealing with youth addictions	WRCFS: 2005-6 Service Plan: Youth Addictions – Co-ed Gym nights;

* *All of the literature emphasizes that such programming must integrate cultural practices and collaborative working relationships with the communities and kinship systems.*

which is the main family preservation approach, as it pertains to mainstream approaches. Such a model targets families in which the children are at risk of being placed in formal care arrangements, and it tailors home-based services to their specific needs. Traditionally, in this model, social workers and family support workers have smaller but more intensive caseloads (Shangreaux 2004; MacLeod and Nelson 2003). However, this model is not without criticisms in the literature (Kufeldt 2003: 276-7), and Coleman et al. (2001) propose that Aboriginal ways of helping can remedy several of the issues that result in the diminished effectiveness of these programs as it pertains to evaluative outcomes.

For instance, the concept of a normal and healthy family in Aboriginal culture, which includes a support network of extended family and community members, is inherently incompatible with the mainstream paradigm of the nuclear family structure (Blackstock 2003; Cross 1986). Coleman et al. (2001) argue that, in Aboriginal culture, the notion of an in-law may be nonexistent and elders or neighbors might be considered a part of one's family (p.55). Likewise, a child whose biological parents die is not perceived as an orphan (Cross 1986). Thus, family-centered services when seeking options in child placements entail working with relatives who have had successes as parents (i.e. aunties or grandparents) and who parent from a cultural appropriate perspective (Coleman et al. 2001).

There are also many tensions resulting from the fast-moving pace of Homebuilders programming as it pertains to expectations of results from the intervention. Brown et al. (2002) refers to this as a "drive-through" approach (p.143). One suggested remedy is that funding has to be adapted to looser time constraints, in other words, slowed down and focused on building relationships from a client-directed perspective. In their meta-analysis of child welfare programs, MacLeod and Nelson (2003) argue that "program intensity and longer program duration" are key success factors in home visitation programs (p.141).

Hence, from this viewpoint, agency workers should not be expected to enter a home and resolve the family's issues in any meaningful way within one month's time. Services must be slower-paced, client-directed and flexible to building relationships, as well as not interfering in a huge way in order to ensure congruency with the family's culture and belief system (MacLeod and Nelson 2003). One cited example of family empowerment in the literature is that culture may determine how a family resolves its disagreements;

hence, respect must be given to these traditions (Coleman et al. 2001).

Since children are viewed as a gift to the community, as opposed to individuals or couples, the literature emphasizes the notion of forming a circle around the family in case planning, which includes relatives in foster care placements, Elders and other community members (Blackstock 2003; Coleman et al. 2001; Cross 1986). One example of a natural helping system which must be reflected in programming initiatives is the Wrap Around model, in which a multidisciplinary team approach to problem-solving combines formal and informal services, including collaborative "community-based services; individualized services; cultural respect; families are partners; flexibility in funding…" (Shangreaux 2004: 18). Coleman et al. (2001) argues that the "helping process involves multiple layers" of working relationships (p.65), with a key objective being to enhance the capacity of a natural helping mechanism or network. There is much emphasis in the community-based research that a continuum of services, as opposed to a single-worker approach, is considered necessary to carry out a family centered services approach with a least disruptive measures perspective (Coleman et al. 2001; Shangreaux 2004), Coleman et al. (2001) also propose that programs offered must involve spirituality interventions, such as sweats, smudges and pipe ceremonies, as a few examples.

In sum, there is general consensus in the research that family preservation services can only really work effectively as a collaborative effort between formal services and community partners: Aboriginal healers, Elders, other community-based services and extended family. The single-worker approach within rigid time frames simply does not work (Brown et al. 2002).

Developmental Programming

Best practices in developmental programming would support the design and service delivery (and evaluation) of community-based healing strategies, also tailored to the specific needs and cultural heterogeneity or identity of each community (McKenzie and Flette 2003; Shangreaux 2004; Durst et al. 1995). The basis for this model of practice is the notion that residents in the communities are in the best position to actively participate in dialogue on which solutions are in the best interests of their own communities (Brown et al. 2002; Fox-Decent 1993: 72).

Moreover, analysts argue that many underlying social issues in Aboriginal communities must be addressed on several levels if any type of prevention initiative relating children coming into care is expected to be effective (Shangreaux 2004; Kufeldt 2003; MacLeod and Nelson 2003). The underlying principle in developmental programming is to reinstate natural systems by developing culturally relevant practices in seeking to protect children with a further goal of strengthening the infrastructure of First Nations communities (Blackstock 2003; Cross 1986). Cross (1986) argues that formal child welfare services, including tertiary prevention services, have become the primary model of practice only because "natural systems became less able to protect children" over time (p.286). Development strategies would also improve income and social status by taking account of the wider systemic issues in the community at large.

The types of developmental strategies listed Table 4 are fuelled by deeper and more complex social issues – poverty, unemployment, racism, violence, sexual abuse, addictions and the growing prevalence of fetal alcohol birth effects. Combating

Table 4: Developmental programming directed at strengthening the infrastructure of the First Nations Child and Family Services agencies and their communities (i.e. a community-building approach)	**Literature Sources or Existing Programs**
Socio-economic issues around income and employment and the future of the youth: Community economic development projects to combat poverty; Life-skills training for at-risk children; vocational assessments; Create part-time jobs and job placement training for at-risk adolescents in order to nurture connections to the labour market/schooling; Work towards a long-term goal of training youth in various professions, such as psychology, speech therapy, family violence support workers, social work, etc.	Chapman (1991): family violence worker training program at the Vancouver Native Education Centre; Early labour market connections programming, such as the Urban Green Team, in Winnipeg (which is a culturally-based strategy); Charter et al. (1994): Career counseling for Aboriginal youth pilot program; Durst et al.(1995); McKenzie and Flette (2003): Vision Seekers Program; the Mino-Bimaadizi Project; McLeod and Nelson (2003); Wright et al. (2005);
An ecological approach, which considers other socio-economic issues that create stressors in family functioning – lack of housing and overcrowding in existing housing; lack of food banks; addictions; Unsafe drinking water and sewage treatment; Lack of women's shelters, culturally-based domestic violence counseling and victim/perpetrator support programs; need for better policies re: domestic violence that acknowledge the issues and integrate men in proactive initiatives;	Aboriginal Justice Implementation Commission (2001); Chapman (1991); Dion Stout and Kipling (1999); Dion Stout (1997); Health Canada (1997); Durst et al.(1995); Kufeldt (2003); Longclaws et al. (1994); McTimoney (1993); Canadian Incidence Study on Reported Child Abuse and Neglect (Trocme et al. 1998, p.41); Wright et al. (2005);
Cost-of-living recovery on expenditures which targets the problem that some goods and services may be more expensive to transport into remote communities	Blackstock (2003); Wright et al. (2005);
Developmental approach/resources to address the need for better service infrastructures and relevant programming in First Nations communities/remote areas: Create advisory committees, which would form community-based linkages in terms of the voluntary sector; emphasizing a collaborative service provision focus that builds local capacity and support networks – working with health services, band controlled programs, local schools, etc. (idea is to keep youth in the community); Special focus on the problems of isolation of reserve communities from outside community-based services and coordinating/networking of service provision;	Blackstock (2003); Coleman et al. (2001); Irvine (2004); McKenzie and Flette (2003); McKenzie (2002); Nadjiwan and Blackstock (2003); Wright et al. (2005);
Developmental approach/resources for youth capacity building: Create advisory committees of Elders and young members of the community, which would develop strategies to involve youth in working on solutions to broader social issues in their communities – adolescent drug and alcohol misuse, community-driven approaches to suicide prevention; ways of implementing traditional teachings, healing, ceremonies, drumming, etc.; mentoring programs; healthy recreation activities; Coordinated community responses to child maltreatment issues;	Bennett (2002); Bopp (1985); Coleman et al. (2001); Durst (2000); Durst et al.(1995); Health Canada and the Assembly of First Nations (2003): suicide prevention; Royal Commission on Aboriginal Peoples (1995): suicide prevention; Shangreaux (2004); WRCFS: 2005-6 Service Plan;

Developmental approach/resources to build volunteer capacity in communities: Ongoing work on expanding a community-based volunteer sector within reserve communities, perhaps even promoting youth and parents' participation in local capacity building, community helpers volunteer initiatives, etc., also taking account of geographic isolation;	McKenzie (2002);
Developmental approach/resources for internal agency infrastructure: User-friendly training manuals; ongoing funds for staff training and professional development so that an adequate human resource base of culturally-sensitive staff can be realized/maintained; Ongoing re-evaluation of casework techniques and case loads, i.e. planning/assessments/ consultation; Training of more specialized social workers (emphasizing a collaborative approach) and focused training for families/foster families in childhood cognitive learning disabilities and behavioral issues (FAS/E issues);	Caring for First Nations Children Society (2002); Cross (1986); Green (1996); McKenzie (2002, 1999); McKenzie and Flette (2003): Children with Special Needs Coordinator position developed a parent support network, educational resources, etc.; WRCFS: 2005-6 Service Plan; Wright et al. (2005);
Adequate resources allocated to the supervision and ongoing support of front-line staff: Parent aides, child support workers, community helpers, teaching homemakers, etc. **Bureaucratic systems:** findings ways to reduce the front-line staff's paperwork needed to fulfill the obligations under the Child and Family Services Act, which create times pressures with regards to casework;	Coleman et al. (2001); WRCFS: 2005-6 Service Plan: sharing circles for community helpers; specialized training for caregivers; Caring for Caregiver Training; Training community helpers to facilitate groups; Training support and respite workers; volunteer recognition activities; McKenzie (1999);
Physical infrastructure issues: wheelchair accessibility; Equipment and supplies for children with disabilities;	Wright et al. (2005); WRCFS: 2005-6 Service Plan;
Targeted funds for the management and administrative structures to support primary, secondary and tertiary prevention initiatives, e.g. MIS systems to reduce staff workloads and expedite information sharing; agency governance issues, such as strategic planning of priorities and regular service plans that involve the community;	Bennett (2002); Durst (2000): Kahnawake Shakotiia'takehnhas (PQ) & Nog-Da-Win-Da-Min Family (Ont.) and Community Services: community consultation projects for social service delivery; Flette (1995); McKenzie and Flette (2003); McKenzie (2002, 1999); WRCFS: 2005-6 Service Plan;
Developing **clear definitions of disability**, for example to include behavioral issues and cognitive learning disabilities; Develop a culturally sensitive resource base and public awareness around issues of disabilities (FAS/E, etc.).	Health Canada (1997); Wright et al. (2005);
Funding research advisory groups and ongoing research, which helps to inform evidence-based policy and practices around prevention (e.g. with a child outcomes focus); Policy development: e.g. take measures to create consistency/ coordination in the practices of FNCFS agencies (within reasonable parameters since activities/teams are decentralized); Standardized data collection (comparative statistics) and reporting for research and evaluation purposes;	Davies (2003) – research that is linked into the policy process (p.384); Fox-Decent (1993); Jones (2003) – Looking After Children Model in England – policy rooted in evidence drives and supports the required changes in practices (p.374); McKenzie (1999); Nutter et al. (1995);

many of these systemic issues which impact the entire community is apt to have a more positive impact on prevention strategies, but the enormity of the task is costly to implement and vulnerable to unsustainable financing from government sources.

Conclusion

This paper reviewed the literature on best practices in prevention work, from a standpoint of least disruptive measures in preventing a child from coming into formal care. At the risk of oversimplifying the multifaceted continuum of care in child welfare service delivery, in this analysis, prevention initiatives are distinguished separately into four classifications: Primary, Secondary and Tertiary prevention, as well as Developmental Strategies. Though there has been action on a variety of preventive initiatives within several First Nations Child and Family Services agencies, the glaring obstacle is that financial resources are rarely made available to develop an appropriate inventory of services. Such strategies would better match the philosophy of service delivery which puts the responsibility back on the community by emphasizing intensive family support and cultural connections.

Furthermore, this literature review investigates a range of critical developmental issues in First Nations communities, which are at the core of much child maltreatment – poverty, unemployment, racism, violence, sexual abuse, addictions and the growing prevalence of fetal alcohol birth effects. It highlights the issue that families in distress, as well as the consequent intergenerational outcomes and costs to society, ought to make prevention measures a concern for all Canadians, and not just the responsibility of the First Nations Child and Family Services agencies acting in isolation. In light of these issues, a recurring theme in the literature is that, while reactive or tertiary prevention programs are absolutely needed for families who are presently in distress, it is of paramount importance that the question of sustained financial support be addressed so that proactive primary and second preventive activities, as well as community development initiatives are undertaken in First Nations communities.

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Management Information Systems

CHAPTER 5

Prepared on behalf of:
First Nations Child & Family Caring Society Canada

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Background

This review of information systems used by FNCFSAs (First Nations Child and Family Service Agencies) is part of the funding formula development project. Costs related to acquiring and maintaining information systems can be substantial and are important data needed for testing the three funding formula options identified in Phase One of the project. It should also be recognized that since information systems cannot be implemented without a viable technological infrastructure in place, accurate cost estimates must be based on all aspects of technology deployed, not just those specific to information systems or databases.

Although FNCFAs vary in their present levels of use of computer technology and information systems, they, like all other organizations across Canada mandated to deliver child protection services, must ultimately have a uniform capability, by means of appropriate computer technology, to operate efficiently, manage and monitor delivery of child protection services, report on service or program outcomes, facilitate service planning, and meet various accountability expectations and standards.[1] Specifically, they must strive to use technology to achieve the following core functions of child welfare agencies:

1. Managing day-to-day office operation, e.g., word processing, accounting, payrolls, newsletters, etc.
2. Managing caseloads, service delivery, and resources.
3. Meeting performance expectations and legislated requirements for accountability management, i.e., ability to quickly generate accurate and current financial reports, caseload reports, and other types of status or ad hoc statistical reports for government departments or regional authorities.
4. Producing performance feedback information for management, and contributing child protection outcomes data to the national project currently underway.[2]
5. Exchanging electronic datasets with external

organizations, such as university research centers, government agencies, and the proposed First Nations Statistical Institute.

The Auditor General of Canada usefully pointed out in their December 2002 report[3] that deploying appropriate computer technology is the only way for First Nations organizations to meet the demanding reporting requirements imposed by federal government departments and to ensure that the data is accurate. Authors of the report were "concerned about the burden associated with the federal reporting requirements." In reviewing the experiences of four First Nations and two tribal councils in Saskatchewan, the report authors estimated that the total number of financial and non-financial reports that a community was required to compile annually for INAC, Health Canada, HRDC and CMHC was between 168 and 202. The federal government acknowledged that the current reporting requirements must be made less cumbersome and less excessive. Among the strategies proposed to streamline reporting requirements were:

- "…make full and efficient use of available technology".
- Building on the positive results of the Government on Line (GOL) initiative, "promote electronic data exchange as a way of doing business with First Nations".

Purpose of Review

This review aims to answer the four questions pertaining to information systems listed in the project proposal, and they are:

1. "What kinds of MIS systems are currently in use by FNCFSA and how do they compare with provincial systems?"
2. "What kind of MIS system is required to meet agency requirements and ensure adequate interfaces with provincial and national data systems?"
3. "What are the costs of developing and maintaining such a system?"
4. "What are the implications for funding formula budget?"

In order to identify practicable computer technology options that would allow FNCFSAs to build the kinds of operational and data capability described above, and to estimate costs, we need to know the present situations, efforts, and technology deployment plans in the agencies. In addition, since FNCFSAs are accountable to their respective provincial governments for service delivery as per provincial child welfare legislation, policies and standards, and, as part of this legislative arrangement, are required to use or contribute case data to provincial information systems, it is equally important to understand the kinds of provincial-agency arrangement in place and the extent to which such arrangements help FNCFSAs to meet their day-to-day operational and management needs. Recommendations regarding suitable information systems must be made on the basis of a balanced understanding of specific situations, needs, issues, and the larger context in which agencies operate.

Methodology

Scope of the Review

Currently there are 119 FNCFSAs in nine Canadian provinces[4], according to FNCCSC (First Nations Child and Caring Society of Canada). Since the 11 Ontario agencies are not included in this project due to a different funding arrangement the Ontario government has with First Nations agencies in that province, a total of 108 FNCFSAs constituted the population for this review. However, we knew that time and budget limitations would not allow us to interview too many agencies. It was therefore concluded that, given the specific purpose and focus of this review, our data collection priority should be to include those agencies that have their own information system. Should resources allow, we would also interview agencies that use provincial systems exclusively as well as those that wanted to contribute information or discuss operational or funding issues related to office automation or information systems. We also decided that, to the extent possible, information should be collected from all nine target provinces so that we would have a more complete picture of issues across Canada.

Data Collection

The following data gathering approach was adopted for this review:

1. FNCCSC identified agencies that used a uniform computerized information system and invited them to participate in the review.[5]
2. The researcher called the designated contact, explained the purpose of the interview, named the types of information to be collected,[6] and set up a time for the interview. Email confirmations were sent out.
3. The researcher conducted phone interviews with the designated persons(s)[7] at the pre-arranged time.
4. At the end of the interview, the researcher asked, where warranted, for the name of the system developer and/or the name of a provincial contact for information on the provincial system.
5. Where more information needed to be collected from the system developer or the provincial contact, steps 2 and 3 were followed. On a number of occasions, additional provincial officials had to be identified and interviewed because the original contact did not have full answers to our questions, and steps 2 and 3 were repeated. HRDC also gave us with the names of provincial officials who were members of the National Child Protection Outcomes Working Group, and encouraged us to contact them where needed.

Information was collected from agencies, government officials, and/or system developers in all eight target provinces. Specifically, eleven agency officials representing eight FNCFSAs were interviewed. Detailed technical information was gathered from three external consultants or technology suppliers related to systems installed in three of the agencies. We also interviewed ten provincial officials having direct knowledge of or responsibility for implementing provincial systems. The following table provides the breakdown.

Number of People Interviewed

Province	Agency Officials (FNCFSAs)	Provincial Government Officials	Developers /System Suppliers
British Columbia	2+ (2 agencies)	0	0
Alberta	0	3	0
Saskatchewan	2 (2 agencies)	1	2
Manitoba ++	3 (1 agency)	3	0
Quebec	1 (1 agency)	0	0
New Brunswick +++	2 (1 agency)	1	1++++
Nova Scotia	1 (1 agency)	1	0
Newfoundland and Labrador	0	1	0
Total	11 (8 agencies)	10	3

\+ 1 was an in-house developer

++ 1 manager in a First Nations regional authority became unavailable at the prearranged interview time, and did not return phone message.

+++ 1 technical manager became unavailable at the prearranged interview time, and did not return phone message.

++++ Same person who supplied the same system to the Quebec agency interviewed.

The researcher received very good cooperation from all respondents, and successfully completed all interviews, despite their lengths. The interviews, guided by a set of standard questions, were conversational in style and exhaustive in nature, involving frequent probing for details. All respondents provided frank, factual and useful information. The average time to complete a phone interview was 1 hour and 30 minutes. Two agencies also shared materials or reports with the researcher as supplementary information. A number of respondents were re-contacted for additional information.

Types Of Information Collected

Depending on the role of the respondent, the kinds of questions varied.

The main emphasis in interviewing government officials was on understanding the current features of the provincial information system, including specific technical changes made to the system since the nationwide review conducted in 2001-2002, availability of child protection outcomes data in the current system, and arrangement between the government and FNCFSAs regarding use of the provincial system.

Interviews with FNCFSA officials and their technology suppliers focused on the following areas:

- Types of technology deployed
- Technical features of agency information system or database
- Data sharing capacity
- Interface with provincial system
- Ability to generate reports for INAC and government departments
- Availability of child protection outcomes data
- Arrangement with province regarding using the provincial system
- Technical support
- Technology costs
- Technology funding
- Future plans

The timeframe and budget of this project did not allow site visits or hands-on verification of the information provided. For example, we did not have an opportunity to extract data from agency databases for testing.[8] Probing for technical details during the interviews was the only way to allow us to assess the technical capability of an information system.

Findings

This review of office automation and information systems used in FNCFSAs employs a case study approach, arguably the most appropriate one given the purpose of the review and the complex issues involved. The nationwide scope, inclusion of all major types of organizations, collection of detailed information from the most knowledgeable respondents,[9] and vigorous efforts to gather frank and accurate information from both agency and government sources allow us to form a good and balanced understanding of specific situations, needs, issues, and the larger context in which agencies operate. The findings of the review, issues identified, suggested solutions, and costs are presented in the following sections.

Using Provincial Child Protection Information Systems

In the majority of provinces, most, but not all, FNCFAs have some sort of computer technology, and many of them are connected to the respective provincial information systems in one way or another.[10] As provincially mandated child welfare organizations, all FNCFSAs are required to contribute to the provincial system information or data pertaining to all off-reserve cases (on-reserve cases as well in some provinces) they serve. Agencies do so by means of an online system, paper reports, or document/spreadsheet files. Other than this requirement, the government does not stipulate the kinds of systems agencies must use to manage their day-to-day operation, including service delivery.

Although very few FNCFSAs outside Ontario[11] have their own child protection information system, it appears that the majority do use computers for basic office functions. Those agencies without their own information system use either the provincial system or a paper file system to manage service delivery. It also seems that all provinces prefer FNCFSAs to use some aspects of the government system, and some have rolled out a deliberate plan to sign up agencies. Provincial recruitment strategies typically involve offer of free ISP service. One province also gives out free computer hardware and installation service if the agency does not have and cannot afford suitable computer equipment. Building a province-wide broadband infrastructure of fiber optic lines to allow remote agencies to have high speed connection to the provincial system is a project underway in one province. At least two

are considering using satellite ISP service to speed up data transfer for remote locations where dialup connection is currently the only option. At the same time, it is interesting to note that, according to one agency, they have to pay the government $4,000 a month for using the provincial system. All other provinces offer free access to the government information system.

Provinces seem to vary not only in terms of level of enthusiasm and strategies with respect to signing up FNCFSAs for the provincial information system; how an agency accesses the government system is also different. Depending on the provincial plan, there are generally two different ways. One setup involves installing thin client remote access and security software on the computer of each worker mandated by the province to provide child protection service. [12] (Note: non-mandated workers are not allowed to use the provincial system.) The other arrangement is for the province to install in the agency a "provincial" computer and a printer dedicated to the government information system. Only the provincial worker on location or a government-authorized agency employee is allowed to operate the equipment. It should also be noted that access by agency staff to the provincial system is restricted to certain service delivery and management modules only. Financial modules are, without exception, not available to agency users. Security concern is the reason cited for restricted access.[13]

Private Information Systems Installed

Outside Ontario, there are at least four different private systems in use by a handful of FNCFSAs in Canada. The following paragraphs summarize their features and capacity, as per information provided by their respective respondents.[14]

What appears to be the most advanced system of the four is a Sybase client/server application produced with PowerBuilder. It was first developed in 1995. The main modules include Basic Case Management, Payment, Support, Prevention, and Outside Service. A noteworthy feature of this particular system is a case audit module developed to meet government audit standards. According to the respondent, this system is properly designed, incorporating adequate data integrity enforcement features, and has the ability to store various types of historical data and to output electronic data files. However, only a limited set of data needed for the national child protection outcomes measurement project is currently available. Enhancement plan includes incorporating a case tracking capability among agencies. Six or seven agencies in the province are also using this system under a lease agreement.

The second private system is a SQL Server client/server application being written in Visual Basic. Mainly for reasons of lack of sustainable funding, this system is still under development after 10 years.[15] According to agency respondents, this system, when completed, will allow them to easily manipulate data to meet various statistical reporting requirements, to exchange data with other agencies, to interface with government systems, to contribute to internal and external planning and evaluation processes, to efficiently manage service delivery and human resources, and to achieve a high level of operational and financial accountability. This system will also have program performance indicators for inputs, outputs and outcomes, a recommendation or requirement under INAC's new Results-Based Management and Accountability Framework. The types of information available will include: core information on child-in-care and protection cases, information on foster parents, homemakers and parent aides workers/supervisors, financial information to facilitate payments to foster parents and service providers, and police and Abuse Registry Information. A cursory review of the work produced to-date suggests that this project has the potential to evolve into a comprehensive and capable system, if the database structure is properly designed and the application competently written to take care of complex data linking, among other technical challenges. The agency producing the system has been using Excel to manage service delivery. Because of incongruence in structure between their Excel spreadsheets and the SQL Server database under development, most of the existing data cannot be salvaged. However, being a system under development, opportunities to include historical outcomes data should be reasonably good.

The third private system, installed in two agencies in two different provinces, is supplied by a firm in Toronto, Ontario. It is a 4th Dimension client/server database application probably written in Visual Basic. The modules available are Agency Resources, Clients (demographics, education, employment, etc.), Cases (intake, placements, and services provided), and Payment. According to the company's technical salesperson, the database design, including data integrity enforcement, is adequate and the database has all sorts of historical data that can be unloaded for external use. We were also told that all the data needed to measure child protection outcomes are available. Each module can be customized for or by the client. Features customizable include pick lists, reports, data extraction, and other things. This application seems to rely extensively on templates to achieve customization. Service planning is a main feature: it allows the worker to pick service objectives and associated outcome indicators, identify service providers (workers/agencies), set target dates, review results, etc. Built into this system are the standard assessment tools used in the agency's province. The two agencies that have this system also use AccPac for accounting functions, but software interface between this system and AccPac is not available, according to one of the respondents.

The fourth private information system, reported by one FNCFSA included in this review, is actually an off-the-shelf contact management software package customized for that agency. This package is a Pervasive SQL database application, but it is unclear which language is used to develop it. Although this system is not a specially developed database application in the traditional sense, its usefulness might still be appreciated by the user because the supplier is able to customize, within limits of the database structure, to suit existing, new or changed requirements. According to the supplier of this system, producing reports for INAC is not a problem. Most of the data needed for child protection outcomes measurement is not in the system, likely due to the particular original purpose and database structure of this software package.

Computer Equipment Deployed

FNCFSAs that have computers use various versions of Microsoft operating systems, enabling system software, and office suites. Microsoft Publisher, Project and Visio are also used by at least one agency. PCAnywhere and NetSupport Manager are the most popular remote support tools, which, along with Citrix, are also used for remote access to database servers. In addition, many of the agencies, whether they use a private information system or the provincial system, also use an off-the-shelf accounting software package, and AccPac is the dominant choice in this category. However, in all situations, because of absence of software to connect the accounting package to either the provincial or the private information system, staff needs to enter data twice. A common practice is to enter data into one system first, print out a hard copy of the information, and manually key the copy data into the second system.

In terms of computer hardware in use, there is an even greater variety, perhaps a reflection of different affordability levels and history. Computers range from Pentium I or II workstations with 64MB RAM running Windows 95 to dual-Xeon class server computers powered by Microsoft Server 2003. While all the agencies interviewed have a Windows local area network in place (some also implement messaging function), we are certain that workstations in many of the small agencies not interviewed are mostly older standalone computers.[16] Depending on the operating system of the provincial information system, the workstations of mandated workers permitted to access the government system may or may not have 3270 emulation software installed.

Remote access is mainly via broadband or dialup connection. However, satellite is being considered by a large agency as a substitute for the much slower dialup option. Thin client remote access software and firewall software are often used. VPNs are also deployed to achieve secure communications for remote users who directly connect to agency networks or servers. Generally, both governments and agencies have a similar setup for remote access, although it is most likely that government systems deploy more

functionality servers, enforce stronger firewalls, and implement tightly coded secure services portals.

Technical support in the largest agencies is provided onsite typically by agency staff along with offsite consultants. Small agencies rely on offsite support personnel. Government technical support is available only to agencies that have a direct connection to the provincial system.

Mainly because of lack of money, many agencies are still using computer equipment that should have been retired years ago. For example, two provincial sources mentioned that they had come across agencies still using very old and slow computers running Windows 95. We assume they were referring to Pentium I, 486 or even 386 computers. Using obsolete hardware and operating systems usually gives rise to the following problems:

- Efficiency is compromised due to inability to deploy newer software that is not only easier to use but also has better features. In addition, older equipment takes more time to process commands, and cannot use new hardware devices due to lack of software drivers.
- Networking older computers running obsolete versions of Windows or DOS is always technically difficult. The operation is slow, and unstable or failed performance is a common complaint.
- It is expensive to maintain old equipment because it has a higher than normal rate of hardware failure. Certain replacement parts are sometimes hard to find and costly.
- Downtime due to hardware problems further reduces worker efficiency. Need to redo things because of lost or damaged work also directly wastes staff time and causes frustration.
- Information systems cannot be deployed using obsolete or inadequate hardware and software. (Details are presented in later sections of this report.)

In the case of one agency, old technology has already created problem for them to work or liaise with the government. They have had difficulty exchanging electronic files with the province since the time the government upgraded their operating system and office software. According to the respondents, they need to upgrade their office automation software from Microsoft Office 97 to Office 2003 and the operating system to Windows XP Professional in order to comply with the current software standards of the province. Software upgrades often entail hardware upgrades too which, in this case, mainly involve, fortunately, installing more main memory in the computers.

Provincial Child Protection Information Systems[17]

Since the time the characteristics and capacity[18] of provincial/territorial child protection information systems were assessed in 2001-2002, improvements have been made to a number of these systems. Although reviewing government systems is not a focus for this review, it is useful to briefly mention the main characteristics of these systems, especially with respect to technology deployment and availability of data for the measurement of child protection outcomes. Both aspects have implications for technology planning on the part of FNCFSAs.

The 2001-2002 review showed that enterprise-scale client/server computing had been very widely implemented to add flexibility and power to mainframe computing. Using industrial-strength RDBMSs (Relational Database Management Systems) to develop child protection information systems across the nation was another distinct development. A number of the provinces, including a number of mainframe-centric operations, were hoping that enterprise-level applications developed with RDBMSs and deployed on a client/server computing architecture would allow them to have a unified information system for sharing data across departmental programs and services. We also noted that, although client/server computing has been very popular since early 1990s and true RDBMSs were first introduced in early 1980s, mainframe-centric government organizations had been slow in adopting such new technology.

Four years later, both trends continue to dominate. Availability of 64-bit computing will

expectedly solidify these trends and give rise to more and better design options. In addition, there is a significant emerging development: web applications. Both Nova Scotia and Manitoba have produced viable applications deployed on the Internet. The Manitoba system may also the first Linus-based child protection system in Canada. It is very likely that other provinces are also pursuing the web option, which particularly suits users with high bandwidth communication lines and equipment. Security should not be an issue with the deployment of VPN or tightly coded secure internet services portals. Despite what appears to be a rapid adoption of cutting edge technology by the majority of provinces, a small number of them are still mainframe-centric, working in a predominately UNIX environment where terminals or workstations running 3270 emulation are in widespread use.

Other than using better technology to improve performance, facilitate users anywhere to access the information system, and reduce costs, a number of provinces have also been working to enhance their data ability to support national efforts to measure child protection outcomes. Among the eight provinces included in this review, British Columbia, Alberta, Manitoba, Newfoundland and Labrador, and New Brunswick are taking a lead role in this area. In at least three provinces, data not previously available is being added to their databases. The following table summarizes progress made to-date by the eight provinces included in this review, regarding availability of data needed for outcomes measurement in their information systems.

Data Needed for Outcomes Measurement	Alberta	British Columbia +	Manitoba	New Brunswick +	Newfoundland and Labrador	Nova Scotia	Quebec /CJLPJ +	Saskatchewan +
Child's DOB	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Child's sex	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Child's Ethno-cultural background	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Date case closes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Number of minor children in family when case opens	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Number of minor children in family when case closes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Date case opens	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New opening/reopening marker	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Reason for opening/reopening	Yes	Yes	Yes	Yes	Yes?	Yes	Yes	Yes?
Maltreatment								
· Date	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
· Type of maltreatment	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
· Level of substantiation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Address change								
· Date	Yes	No	No	Yes	Yes	Yes	No	Yes
· Address or postal code	Yes	No	No	No	Yes	Yes	No	Yes
Injuries/deaths								
· Date	No	No	Yes	Yes	No	No	No	No
· Type	Yes?	No	Yes	Yes	No	No	No	No
· Severity	No	No	Yes	No	No	No	No	No
· Intentionality	No	No	Yes	No	No	No	No	No
School grade/graduation								
· Date	No	No	Yes	Yes	No	No	No	Yes?
· Grade	No	No	Yes	Yes	No	No	No	Yes?
· Graduation (Diploma)	No	No	Yes	No	No	No	No	No
Child's behaviour								
· Date	No	No	Yes	No	No	No	No	No
· Rating	No	No	Yes	No	No	No	No	No
Placement								
· Date	Yes	Yes	Yes	Yes	Yes	Yes	Part[19]	Yes
· Type	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
· Reason for placement/move	Yes	Yes	Yes	Yes	Yes	No	No	No
Parenting capacity								
· Date	No	No	No	No	No	No	No	No
· Rating	No	No	No	No	No	No	No	No
Ethno-cultural matching								
· Date	Yes	Yes	Yes	Yes	Yes	No	No	Yes
· Placement inclusiveness	No	No	No	No	No	No	No	No
· Match	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Legal authority								
· Date	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
· Type	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

+ Current information not collected. Most likely no change since 2002.

Information System Costs to Agencies

Office automation and information system technology can be costly to acquire, maintain, upgrade and support. This review discovered that many of the computer-using agencies have not upgraded their systems for a long time and are finding themselves having problem using newer releases of software, operating their private information systems, or even exchanging electronic files with the government. A few managed to find money in their budgets to upgrade or replace some of their computer equipment to avoid failed operation.

This review uncovered a wide range of cost figures related to technology deployment, and some of these figures, representing either an agency's current year estimates, or expenditures actually incurred in the agency's current or last fiscal year, are presented below.

The primary reason for the big variance has a lot to do with the specific needs and size of the respective agencies. A larger agency has more computers to upgrade and/or replace, and the cost is naturally much higher than that of a small agency. How much something costs also greatly depends on what is acquired or gets replaced.

Agency	Computer Hardware (LAN included)	Computer Software	Information System	Others (Tech support, training)	Total[20]	Notes
A	$251,220	$69,375	$85,000 (System development work)		$405,595	Of this total, cost to upgrade hardware and software to allow for compliance with provincial requirements = $220,040
B	$25,000	$5,000	$48,000 (Fee paid to province for use of system)		$78,000	User of government system exclusively
C	$26,000	$3,200	$5,000 (RDBMS license fee)	$2,350	$36,550	
D	$52,500	$1,200			$53,700	User of government system exclusively
E			$41,500		$41,500	Recently acquired own information system
F	$45,000		$4,430		$49,430	¨ Need $45,000 annually to replace 25 of the 125 computers each year, but this allocation has not happened. (Expected life span of a computer is 5 years) ¨ Budget for software upgrades also does not exist
G		Will soon have to install Windows XP Professional on all 17 computers			?	No budget information was received
H	$49,000	$1,000			$50,000	¨ User of government system exclusively ¨ Agency tries to allocate $30,000 each year for office automation

For example, the cost to replace a functionality server is many times more than that to replace a desktop computer. Another example: buying Microsoft Exchange Server CALs (Client Access Licenses) alone for 125 workers costs $14,000[21], whereas buying a copy of PCAnywhere only costs $200. Similarly, an agency having to replace all its 30 obsolete computers for the first time in 12 years has to pay significantly more than another same size agency just needing to add 256 MB memory in each of its 30 computers acquired, say, only three years ago. Furthermore, developing information systems is always expensive, and the costs to develop and maintain the application and to acquire the necessary hardware and system software to support the information system must be included in technology deployment planning and budgets.

Although the wide range of these cost figures is the direct result of situational and needs factors unique to the individual agencies, these figures together do give us a glimpse of certain key aspects of the reality, and they are as follows.

- Office automation and information systems can be expensive to acquire, maintain, and support.
- Computers, especially servers, in an organization need to be upgraded (where possible) or replaced every four to seven years.
- Whether an agency uses the government system or its own system, it still has to find money to buy all the hardware and software, to maintain and upgrade them, and to pay for support and training.
- A viable technological infrastructure must exist in the agency first for an information system to operate. Therefore, in estimating costs of an information system, all aspects of technology deployment in the agency, not just those specific to the information system.
- A uniform method to plan office automation and information system work is needed.

A subsequent section of this report suggests one common and equitable framework for estimating costs related to deploying office automation and information systems.

Issues Regarding Agency Use of Provincial Information Systems

As mandated provincial child protection organizations, all FNCFSAs are required to supply data concerning cases they serve to their respective provincial governments. As a result, all agencies do interface, in one way or another, with the provincial system, but it seems that a large percentage of them are reluctant to use the government system unless they feel they do not have a choice. In addition, despite invitations extended by a number of provinces to FNCFSAs to use the government system, many agencies are still using a paper file system. There are a number of reasons for this phenomenon.

Technology Funding

Although provincial governments, with the exception of one, do not require agencies to pay an access fee, using the provincial system is not really for free. Agencies must have a viable technological setup (adequate computers, current operating systems, networks, and, in many situations, useful communication links) before they can connect to the government system. Most agencies do not have the necessary technology simply because they cannot afford it. Provinces do want agencies to contribute data to and use the government system, but do not seem to want to give out or pay for the needed equipment. Since FNCFSAs are federally funded agencies performing provincially mandated reimbursable child protection services, provinces see that INAC, not them, have that direct responsibility although they all know INAC does not provide technology funding. The only kind of offer provinces are willing to consider is paying for external communication links, i.e., Internet Service Provider service charges. This combined government position has also hampered the efforts of provincial officials in charge of rolling out a provincial system.

We also know that only a handful of FNCFSAs across Canada use a private information system -- either their own creation or one leased from an external source. According to the respondents, the main reason for the paucity of FNCFSA-specific information systems is lack of funding, definitely not lack of needs. All agencies realize

the importance to have a viable information system to allow them to efficiently manage day-to-day service delivery and generate reports or information for INAC and other government departments, among other things. They also very much like to have a system that allows agencies to exchange data electronically with government departments, a direction advocated by the Attorney General of Canada. Achieving these objectives requires computer technology, but both levels of government are silent on who would pay for what.

The story of one large agency is worth noting because this is a good example of how the current funding system can directly prevent agencies from getting things done right, a real dilemma especially for accountability- and efficiency-conscious organizations. Since there was and still is no information system that can meet the needs of First Nation agencies having to satisfy the dual reporting requirements of both federal and provincial governments, this agency began to develop a database application in 1994 that would eliminate double data entries, thus resulting in saving tremendous amount of staff time and producing more accurate reports. Their goal was to have a cost-effective, user-friendly and unified data system that could interface with the provincial system and INAC for better communication and timely sharing of information, based on consistent and standardized data collection and reporting. To-date, 10 years later, work is still incomplete due to absence of INAC funding and government support. Struggling to find money outside the agency to complete the project has apparently consumed a great deal of staff time and caused much frustration over the years. Recent refusal by the province to pay for hardware and software upgrades to allow them to continue exchanging files with the provincial government has added another layer of frustration.

Absence of INAC and provincial funding for technology is a main concern among agencies across the nation. However, it appears that not all provinces are equally firm on their position with regard to paying for certain computer equipment. For example, if a province is very anxious to get agencies use a newly rolled out provincial system, it might consider exception.

However, the problem remains that there is no government policy or even a consistent and clear understanding regarding who pays for what.

Perceptions of Usefulness of Provincial Systems

Most respondents believe that the reason why the province is anxious in getting them to use the government system is because the province needs their data. A number of ways are used by agencies to supply data: facsimile reports, spreadsheet files, document files, or direct remote data entry (for agencies that have suitable equipment). Stationing a provincial worker in the agency to collect data concerning specific types of cases using dedicated provincial computer equipment is not an unusual arrangement. Some provinces collect off-reserve cases only, but others want both off- and on-reserve cases.

Most agencies on the government system are dissatisfied. A general perception is that the province wants agencies to contribute data, but in return is not interested in giving them the tools they need. Their complaints are quite consistent and some respondents said they were certain that other agencies would have shared the same views. The common reasons cited for their unhappiness are as follows:

- Use of the provincial system is presented as a condition for service agreement. Agencies are not given a choice.
- Agencies are not permitted to access the financial module of the government system, for stated security reasons. As a result, they use a separate accounting package to manage financial data. Lack of software connectivity between the accounting package and the government system requires double data entry. In addition, computing child-based or service-based cost statistics is not possible or is very difficult.
- Provincial information systems are designed for government users exclusively. There is no special version for FNCFSAs with interface features and the kinds of information they need. Another consistent main complaint is that the reports available do not meet INAC requirements, and the province has no plan

to customize any features of the government system for FNCFSAs. Agencies must compile INAC in a labour intensive way.

- A few provinces, as mentioned above, still use a UNIX system. For people familiar with the Windows environment, using a text-based information system developed long time ago is counterproductive. Finding simple information often requires extensive and tedious navigation, a difficult, time-consuming and frustrating process. The kinds of reports available are difficult to read and some span rows or screen pages.

INAC Reporting

The Auditor General of Canada report[22] identified the following financial and non-financial reports (reformatted for inclusion here) that First Nations child and family services authorities are required to submit.

Financial Reports

Indian Child and Family Services Child Specific Invoice Summary (10th day of the month for CFA)	This report is submitted to INAC by the agency providing the service to request reimbursement. It includes a summary for the month containing the following: - Child information (such as name, member number, and date of birth). - Date of admission into care, type of care, and most recent placement date. - Start and end pay date, basic maintenance total, skill fee or fee for service, special needs description, and total, and total amount invoiced.

Non-Financial Reports

Child Care Notification Form (Monthly on the 10th day for services funded by the Comprehensive Funding Arrangement)	This form is completed when a child is removed from its home and placed under child protection in alternative care facilities. It includes the following: - Child information (name, gender, birth date, address, health insurance number). - Where child was apprehended from, reason that a Notification is being completed. - Type of care being provided, type of action taken under the Child and Family Services (CFS) Act, date action was taken. - Information on both parents indicating who is the care-giving parent with Indian Status and who is the custodial parent. - Information on person providing care if the birth parent is no longer doing so, and entity that is financially responsible for the child (for example, INAC, Provincial Social Services, or provincial Justice Department).
Special Needs Greater Than $2,000 Report (Monthly on the 10th day for CFA fund)	Special Needs Greater Than $2,000 requests need approval annually by INAC and state the special need requirement for each child including estimated yearly cost over $2,000.
CFS Operational Report (Twice yearly on Oct 15 and April 15)	This report for INAC operations funding is to reflect services to residents who are normally resident on the agencies' member reserves and includes the following: - Information on Prevention Services (list of specific services provided; number of families and children served by each; number of local CFS committees active; number of elder committees; number of Public Information and Education workshops) - Information on Protection Services (list of specific services provided; numbers of families served with/without placement; number of trained/approved foster care homes and parent aides contracts; number of children placed in off-reserve resources; number of children having status under the CFS Act; and number of adoption homes)

Domain	Indicator	Variable
Safety	Recurrence of maltreatment (rate & incidence)	· Reopening date · Reopening closing date · Reason case reopened · Type of maltreatment · Type of substantiation
	Serious injuries/deaths (rate & incidence)	· Date of injury · Injury severity · Injury type · Injury intentionality
Well-being	Grade level/Graduation	· Date of grade level/graduation report · Grade level/graduation
	Child behaviour	· Date of child behaviour rating · Child behaviour rating
Permanence	Placement rate	· Placement date · Placement type · Discharge date · Discharge type
	Moves in care [Placement changes] (rate & incidence)	· Placement date · Placement type · Reason for move/placement
	Time to achieving permanent placement	· Placement date · Placement type · Reason for move/placement
Family & Community Support	Family moves (rate & incidence)	· Date of address · Address or Postal Code
	Parenting capacity	· Date of parenting capacity assessment · Parenting capacity assessment
	Ethno-cultural placement matching	· Date of placement · Ethno-cultural matching · Placement inclusiveness

Although the number of reports is not large, compiling the kinds of information needed for these reports can be a difficult recurrent task for agencies without an information system, and the degree of hardship is proportionate to caseload size or agency size. In addition, it is easy to introduce errors into manual reports. Since no provincial system includes INAC reports, it is not difficult to understand why all agencies want to have their own automated information system to allow them to not only handle reporting with ease, but also manage day-to-day service delivery in a way directly relevant to their particular needs, and assess performance, among many other benefits.

Performance Measurements

As mentioned before, a national child protection outcomes measurement project is underway under the auspices of HRDC. Given the significance of this concerted effort, we have included a summary of the Outcome Indicator Matrix in the appendix. For the purpose of this review, it is useful to know what data is needed to measure what outcomes as per the conceptual framework of the matrix. The following table identifies this data requirement.

Historical or time-series data is needed. All required data is deemed to be basic and should exist in provincial child protection information systems.[23]

The section on provincial child protection information systems above includes information on current availability of outcomes data in the eight provinces of interest to this review. It appears that, currently, measuring Recurrence of Maltreatment, Placement Rates, Moves in Care, Time to Achieving Permanent Placement appear to be possible. Provinces leading the national project are working hard to modify their databases to include data for as many indicators as possible. One provincial contact informed that he was confident that his province would have, within the near future, data for 8 of the 10 outcome measures. However, there is no known timeline set by the provinces for achieving this data objective.

The Ontario Incidence Study[24] and the Canadian Incidence Study[25] reveal that disproportionately

large numbers of First Nations children are served in the home or in care across Canada. For First Nations child protection authorities, ability to measure the complete spectrum of outcomes of child protection services and to report on outcomes periodically should be of particular importance. Unfortunately, the current provincial information systems, main sources of First Nations child protection case data in Canada, are short of this capability, and it is unclear how long it will take before we see real improvement.

According to information shared by an agency, INAC recently introduced a "Results-Based Management and Accountability Framework". One requirement under this initiative concerns program performance measurement. Indicators for resource inputs (what was spent), activities (what was done), outputs (what was produced), and outcomes (what benefits or impacts resulted) will need to be developed for each program as per its goals and objectives. A very important prerequisite for successful measurement is availability of data needed to support the various indicators. Because the measures are specific to First Nations programs, the kinds of data required mostly likely do not exist in provincial information systems. This means that First Nations agencies will have to have their own data systems to allow them to meet such emerging accountability requirements.

Implementing Information Systems in FNCFSAs

The Attorney General of Canada, focusing on the issue of federal reporting requirements, decried the situation two years ago, and concluded that First Nations agencies must have capable computerized information systems to deal with cumbersome and excessive reporting requirements. Unfortunately, due to lack of technology funding, the majority of FNCFSAs still does not have any or are not given a suitable information system. Not only do they have to continue to endure hardship in connection with reporting, they also cannot, among other things, efficiently manage service delivery, meet their accountability requirements, work collaboratively with each other and with government departments by means of data exchange, or participate in important national or regional performance measurement endeavours. In order not to remain in a helpless state, a couple of large agencies decided to develop their own systems a few years ago. We have also seen medium size agencies beginning to use a leased system, although they can barely afford it. It appears that most agencies across Canada are anxious to have a suitable information system.

Selecting an Information System

Basic Considerations

The purpose of any information system, regardless of type of organization and nature of business, is to support efficient and effective operation[26] of the organization as per its mandate, vision, mission, goals, and objectives. For an information system to be and remain useful, it must be properly designed and managed. Meeting the following design principles is very important:

- The kind of RDBMS deployed must be an industrial-strength system[27] with a robust engine designed to handle very large data volume. Multi-CPU support is an advantage.
- The database and applications must be designed to exactly mimic the operational model or processes of the organization, and comply with provincial legislation, policies and standards.
- The database structure must have the ability to allow quick modification to accommodate sudden changes in the organization's operational processes, or new requirements externally introduced[28].
- The data in the database must be valid and complete to support the agency's needs, via tight data integrity enforcement at the structure level, form level, and code level.
- The applications must be designed with the user in mind, including features like logical and user-friendly graphical interface, familiar terminology, flexible searching for information using user-defined criteria, easy navigation, and attractive graphics.
- The data in the database must be available for SQL manipulation behind the scenes to facilitate managers to perform quick queries,

computations or other reports, above and beyond what the standard menus provide, and to allow live connection to external data sources.

- The database system must support local as well as remote access.

Specific to FNCFSAs, the following additional features are important, and each has implications for the database and application design:

- Financial data related to the child and/or the child's family must be captured and stored in the same database. This is the best way to facilitate accurate and convenient computations of costs, especially unit costs using child, family, or service event as the unit. Cost comparisons across categories, e.g., type of abuse, type of placement resource, etc., are possible only with cost data totally integrated and linked to the child or the family.
- All standard detail and summary reports required by INAC must be efficiently designed, exploiting the power of SQL, and temporary views and tables, for example. Using any of the report should be a one-button operation. The same design approach should be applied to all other reports.
- The application must include a "one-button" feature to automatically upload or supply selected data to external organizations, e.g., daily case data to the province, daily case data to a regional or national tracking system, monthly summary data or statistics to the national outcomes data pool, monthly report data to INAC, etc. Design specifications must be worked out with the parties or dataset recipients involved. This is the level of data exchange advocated by the Auditor General of Canada.
- The data in the database must be selectively retrievable for sharing with external groups on an as-required basis, like INAC, First Nations Statistical Institute, and university research institutes.
- The database must incorporate all the data and measurement scales needed to support the national outcomes measurement project.
- All data, especially events data, in the database must be historical and date-specific to permit meaningful statistical analysis, case audits, child protection outcome measurements, and other types of performance measurements.

Costs of Information Systems

Ten years ago, when very few relevant child protection information systems were commercially available, agencies in need of one usually ended up developing their own. They hired external consultants to do that if they did not have qualified developers on staff. For example, in late 1960s, the Children's Aid Society of Metropolitan Toronto used internal staff to produce the very first child protection information system in Canada. The Catholic Children's Aid Society of Metropolitan Toronto did the same a few years later, followed by the Ottawa Children's Aid Society and one or two others. These were and still are among the largest child protection agencies in Canada and could afford developing their own information systems. However, since early 1980s, leasing a commercial system has been the trend. Currently, all the remaining 48 children's aid societies and close to 10 First Nations child protection agencies in Ontario use a leased system.

In the field of First Nations child welfare in Canada, a similar trend took place. West Region Child & Family Services, Inc. in Manitoba, one of the largest FNCFSAs in Canada, decided to develop its own system in 1994. Lalum'utul'smun'eem Child & Family Services in British Columbia did the same a year later. However, the current trend is to lease, although the number of agencies which can afford their own system, leased or otherwise, are still far few and in between, as described above.

To lease or to develop is always a difficult decision, and there are no specific rules. However, the following factors should be taken into consideration in making such a decision:

- Which way is less expensive in the next 5 years? (Initial cost, license and software costs, support cost, modification cost, etc. Warning : it is not uncommon to see cost overrun in application development projects.)
- Who (vendor or developer in mind) is more

familiar with the child welfare service delivery system, operational and reporting requirements, legislation, etc.? (Content knowledge impacts relevance, quality, delivery timeframe, cost, time of agency liaison, etc.)

- Who (vendor or developer in mind) is more technically competent? (Knowing the person's track record, clients' satisfaction, similar work completed, etc., is very important. Can this person deliver the expectations listed under "Basic Considerations" above?).
- How long does it take to have the system installed and staff trained? (Leased systems are by definition in a far more favorable position on this count.)
- Who (vendor or developer in mind) can provide better support?
- How long is the person (vendor or developer in mind) going to be in business? (How long has this person been in business?)

Assuming the decision is to lease, deciding which vendor to use is also not easy. Given wide variations between vendors in price, features, product quality, and technical support ability, it is extremely important that the agency sees a live demonstration, asks in-depth questions before, during and after a demonstration, and talks to current users of the system under consideration. The agency must also assess the real technical ability of the vendor, among other things. Making promises is totally different from getting things done or successfully resolving problems. In addition to the expectations list under "Basic Considerations" above, the questions included in the table below should be useful to agencies choosing a commercial information system.

Technological Infrastructure Required to support an Information System and Costs

Information systems cannot be implemented without a viable technological infrastructure in place. It is equally important to realize that computer technology in the office deemed adequate for office automation is not necessarily capable to support the operation of an information system. The technology required for implementing information systems is far more demanding. However, a technological infrastructure good enough for supporting an information system is always able to host office automation, including demanding features like imaging, voice-over-Internet, collaboration, remote computing, etc. The paragraphs below identify the types of technology needed to operate a typical information system in voluntary child protection agencies, and suggest a common framework for estimating the costs of such technology.

Minimum Computer Hardware Needed

What kinds of computer hardware and software agencies need to build an adequate technological infrastructure to support an information system, leased or otherwise, is quite a complex matter. Our observation is that, in the case of FNCFSAs, organization size, whether or not an organization has one or more locations/branches, and adequacy of current computer equipment in use are together key determinants of the kinds of technology an agency needs to allow them to set up an information system. For example, the types of system software and hardware and support structure needed by a small self-contained agency with, say, only 5 workers are quite different from those required for an agency that has a head office and two branches and whose workers, regardless of where they are located, have to access the agency information system in head office. Variations in technological requirements directly affect costs as well.

Other than size and geographical spread of an agency, adequacy of computer technology in use creates another level of complexity. Information systems require fast servers, desktop computers and communication links on a functioning network. In addition, suitable operating system software for the servers and desktop computers must be properly installed and configured. For this reason, agencies currently using 386 or 486 standalone computers or slow servers will need to replace what they have.

Generally speaking, the following types of computer hardware are considered as minimum for operating a typical agency-level child protection system:

Subject	Questions to ask
Cost (Initial)	Leasing a commercial system costs between $30,000 and $45,000 in the outset. This fee generally includes customization to suit agency needs and onsite training time. In addition, there is a monthly or annual charge for phone support, software upgrades, and in some cases, user group membership. However, there is no standard for this type of charge. If the system is the client/server or web version, then number of locations in the organization should not affect the price. It is useful to remember that familiarity with operation and needs of child protection agencies, work quality, technical ability, relevance of the system, and professionalism are far more important considerations than price. A wrong decision in the beginning can cause very serious problems for the agency and will cost a lot to fix the problems. Examples are plenty. Ask the following questions: ¨ What modules are included in the price? What are their specific features? ¨ How many users are included in the license? How much extra does it cost to add users? ¨ What additional modules are available? What are their specific features? What are their prices? ¨ How much does it cost to transfer existing data to the system? ¨ Is onsite training included in the price? ¨ Can you provide references (current First Nations agency users)?
Cost (Annual)	Vendors charge between $2,000 and $15,000 a year for support and software upgrades. Ask the following questions: ¨ How much is the annual or monthly charge? ¨ What is covered by this fee? ¨ Are there additional charges?
Support	Technical support is usually included in the annual or monthly fee. Ask the following questions: ¨ Is there a limit on the number of support calls? ¨ How is remote support (remote connection to the system by vendor to solve problems) managed?
Features modification	Enhancement work is usually billable. Ask the following questions: ¨ What does it cost to add or change features in the application? ¨ How is the cost determined? What is the fee structure? (Ask for examples and details.)
Data extraction or exchange	It may be treated as enhancement work or one-time service. Usually billable. Ask the following questions: ¨ What does it cost to extract data from the database? ¨ What does it cost to add to the application ability to periodic exchange (upload and download) data with external organizations? ¨ How is the cost determined? What is the rate? (Ask for examples and details.)
Others	Ask the following questions: ¨ Can agency staff go into the actual database to use the data directly? Are there restrictions? ¨ Does the vendor have a web version for deployment on the Internet? ¨ How long has the information system been on the market? What is the current install base? How many First Nations child protection agencies are using the system? (Ask for references.) ¨ Does the vendor have a users group? What is the purpose of the users group? How does it work together with the vendor?

- Workstation: Pentium-class computer with 1 GHz processor, 512 MB main memory, 8 GB hard drive, 100 mbps network adapter, CD ROM drive, and 1024x768 video resolution operating under Windows XP Professional.
- Application/Database Server: Single Xeon server computer with 2.8 GHz processor, 4 GB main memory, two 40 GB SCSI hard drives (RAID-1), 100 mbps network adapter, CD ROM drive, and 40 GB tape drive.
- Network Server: Pentium 4 class server computer with 2.8 GHz processor, 1 GB main memory, 20 GB SCSI hard drives, 100 mbps network adapter, and CD ROM drive.
- Terminal Services Server: Pentium 4 class server computer with 2.8 GHz processor, 2 GB main memory, 20 GB SCSI hard drives, 100 mbps network adapter, and CD ROM drive.
- Local Area Network: Category-5 cables, and 100 mbps switch.

If an agency's computer equipment falls short of these minimum features, then, for the purpose of hosting a typical agency-level information system, their equipment may be considered as inadequate and needs to be upgraded or replaced.

Recommended Hardware, Software and Related Requirements, and Costs

This section contains detailed information on recommended hardware, software and related requirements and cost estimates for agencies categorized by size and geographical spread. The technical information is produced to the best of our knowledge based on what is available and feasible to do today regarding implementing a technological infrastructure in voluntary child protections agencies.[30] All cost figures are close estimates, reflecting current market pricing, which can vary somewhat between regions. In addition, we expect to see the prices of certain types of computer hardware products come down in the near future as their quality, reliability and features increase at the same time: something to keep in mind when planning to refresh technology a few years later.[31] Given the high degree of complexity of the subject, it is important to treat our suggestions as educated guidelines, which may require adjustment when an agency applies them. Situational, needs and other factors hitherto unknown or that may surface later make it extremely difficult to have just one set of recommendations for all agencies across Canada. In addition, technological advances necessitate periodic adjustment to this set of information to ensure currency and applicability.

The information involved is complex and detailed. The full package of this information and associated costs can be found in the appendix. The table on the next page presents information for three main categories of agencies. To avoid tedious repetition, only references to the applicable details are included in the table. The reader can easily locate the referenced details (equipment, costs, and related information) in the appendix. The reader will also be interested in knowing that charitable organizations, i.e., holders of a Charitable Organization Number issued by the federal government, are eligible for drastic discounts on all Microsoft[32] software products. Discounted prices under this arrangement are also included to allow us to form a more complete picture of costs and to do more accurate cost projections.

As we can see, the final cost strictly depends on the types and amount of hardware, software and service required, which in turn are determined by number of locations, preferred features and number of computers in the entire organization. If an agency already has some of the recommended items, then they will not need to include them in the calculation. However, if some or all existing equipment is of marginal performance, then the agency will need to decide to replace or to keep them. In making decisions of this nature, it is always important to seek input from technical experts who are in a position to make objective informed assessments. Using these guidelines, any agency should be able to estimate in a standard way the cost to build a viable technological infrastructure not only for operating an information system, but also for hosting office automation. Finally, it must be realized that technology budgets must be based on actual hardware and software required, not caseload size. For this reason, INAC's traditional formula based

Hardware and Software Required by Agencies to Operate a Typical Agency-level Information System

Agency Type		Recommended Hardware, Software, and Related items[33]	Notes
Type A	¨ One location only ¨ Less than 75 computers ¨	Option 1 - Software: A1; (A2); (A3); (A5); (A7); A8; A9; A10 Computers: C1; (C2); C4; C5 Others: B; D1-D3; E1-E4; F1-F3; G1-G2.	¨ Bracketed items are optional for small agencies (less than 10 computers) ¨ Software and hardware installation and configuration expenses do not apply to agencies having required expertise on staff. ¨ Only one A10 is needed
		Option 2 - Software: A1; A4; (A5); (A7); A8; A9; A10 Computers: C1; (C2); C4; C5 Others: B; D1-D3; E1-E4; F1-F3; G1-G2.	¨ Small Business Server 2003 can support up to 75 devices or users, as per the number of CALs purchased. ¨ Bracketed items are optional ¨ Software and hardware installation and configuration expenses do not apply to agencies having required expertise on staff. ¨ Only one A10 is needed
Type B	¨ One location only ¨ 75 or more computers	Software: A1; A2; A3; (A5); (A7); A8; A9; A10 Computers: C1; C2; C4; C5 Others: B; D1-D3; E1-E4; F1-F3; G1-G2.	¨ Bracketed items are optional ¨ Software and hardware installation and configuration expenses do not apply to agencies having required expertise on staff. ¨ Only one A10 is needed
Type C	Multiple locations (head office plus one or more branches)	Software: A1; A2; A3; (A5); (A6); (A7); A8; A9; A10 Computers: C1; C2; C3; C4; C5 Others: B; D1-D3; E1-E4; F1-F3; G1-G2.	¨ Bracketed items are optional ¨ Software and hardware installation and configuration expenses do not apply to agencies having required expertise on staff. ¨ Item A10 is needed for head office and each branch ¨ Item B is needed for head office and each branch ¨ Items C1, C2 and C3 are needed for head office only ¨ Item C2 may also be needed in certain large branches

please see pages 169 to 174 for component (A#) explanations

on number of on-reserve children cannot be used to fund technology.

APPENDIX A

The following section is adapted from the original Outcome Indicator Matrix document[34]

Recurrence of Maltreatment

Child protection is the core function and primary focus of the child welfare system with the ultimate goal of preventing future maltreatment. Recurrence of maltreatment includes all confirmed cases of child abuse or neglect known to a child protection system in which a subsequent confirmed incident of maltreatment occurs and becomes known to child protective services. Reported rates of recurrence range from under 10% to over 60%. The best study to date reported 24% of families experienced at least one repeat incident of confirmed maltreatment within 12 months of the first incident, 43% repeated within 5 years.[35] Recurrence is measured over a set interval. For example the 12 month recurrence rate is the proportion of children identified by child welfare services as maltreated who are maltreated again within 12 months.

Serious Injuries and Deaths

Protection from serious harm is a key priority for all child protection services and such cases require priority intervention and tacking. While the majority of investigated maltreatment cases do not involve serious injuries or fatalities, every effort must be made to prevent such tragic outcomes. The Canadian Incidence Study of Reported Child Abuse and Neglect found that 4% of substantiated investigations documented physical harm severe enough to require medical attention[36]. While injuries associated with suspected maltreatment and all serious injuries (intentional and non-intentional) to children in child welfare placements (e.g., foster care, group care, & residential care) are documented in child welfare case notes, most Child Welfare Information Systems (CWISs) do not track injury information.

Grade level/graduation

Maltreatment is a significant risk factor for developmental, cognitive, and academic delays. Enhancing child well-being is a paramount objective of the child welfare system. Improvements in cognitive functioning is a key outcome indicator. This is not the exclusive domain of the child welfare system, but it represents a service priority that should be well documented. Research consistently shows that children receiving child welfare services are behind their peers in all aspects of cognitive development and school performance. A community survey in upper New York State found that maltreated children were 2.5 times more likely to repeat a grade than were a matched group of non-maltreated children[37]. Performance can be measured as age to grade ratio, achievement on standardized tests (e.g. Math & English), placement in special education classes, school attendance, and assessed risk of failure. While test scores may more accurately measure specific skills, age to grade ratio is the most feasible indicator for child welfare services to collect, especially for children receiving home based services. For out of school older youth, graduation rates are a simple and appropriate measure. Outcome monitoring for pre-school children depends on the extent to which child welfare authorities use developmental assessments.

Child Behaviour

Maltreated children are higher risk for behavioural problems at home and in school, delinquency, and criminal activity. Preliminary findings from the Looking After Children in Canada Project were that 39% of maltreated youth reported having difficulties with anger, and 32% reported often getting into trouble for defiance[38]. Similarly, a recent American study using the Teacher report from the Child Behaviour Checklist found that over 40% of children in the child welfare system were rated as having problem behaviours compared to 20% in a matched sample[39]. Standardized measures of child behaviour are not generally used in child welfare settings. However, some jurisdictions have started to use instruments that include some behavioural information, either in risk assessment tools or in assessment records for children in long-term care.

Placement Rate

Placement of children in out-of-home care is a consistently documented indicator for child welfare services. Placement in care is necessary for children who cannot be adequately protected at home or whose needs cannot be met at home. The Canadian Incidence Study of Reported Child Abuse and Neglect found that 8% investigations lead to a placement in care within the first two-months of the investigations[40]. An Illinois study of over 10,000 child welfare investigations found that placement rates increase as a function of the time a case is kept open. At one month after referral 7% of children had been placed in care compared to 21% within one year of the initial referral[41]. Interpretation of placement statistics is complex. An increase in placement rates is not necessarily a negative outcome; it could mean that child welfare authorities are doing a better job at identifying and protecting children who would have been severely harmed if left at home. This is further complicated by the fact that placement decisions are affected by the availability of placement resources. In some jurisdictions official placement rates may significantly under represent children who are placed in non-traditional child welfare settings, such as customary care or informal community placements. Runaway youth should also be carefully tracked in placement statistics.

Moves in Care

Social stability is essential for children to develop a sense of belonging and identity as they cope with separation from their families. Some placement changes can be beneficial, but multiple unplanned moves can have seriously negative short and long-term consequences for children. Moves in care tracks admissions, re-admissions, and significant placement changes. A four year longitudinal study of 717 children who entered foster care in Saskatchewan found that 71% of children experienced only one out-of-home placement. The average number of moves for children who experienced more than one out-of-home placement was 2.3, and only 10% of these had more than 4[42]. The simplest way to measure moves in care is to count the number of moves experienced by children when they are discharged from care. This method measures moves during a specific spell in

care. The moves in care indicator should only track significant placement changes, not respite placements or home visits.

Time to Achieving Permanent Placement

Most children brought into care return home after relatively short periods of time. Rosenbluth (1995) found that children entering care in Saskatchewan spent an average of one year in foster care, although the majority of children returned home in less than six months. Placement drift is a concern for children who remain in care. The challenge in measuring time to achieving permanence is deciding which placements can appropriately be categorized as permanent. The simplest definition of permanent placement is one that is intended to be permanent, such as returning a child home (reunification), placement in an adoptive home, or a permanent foster home placement. Using time to achieving permanence as an outcome measure is complicated by the fact that hasty placements may be more likely to break down. Reunification breakdown rates have been as high as 30%. Courtney (1995) found that foster children reunified within three months were more likely to be taken into care again than children reunified between three and six months.

Family Moves

Frequent moves lead to loss of peer and social support networks for children and parents. For children, frequent moves and multiple school changes may prevent the formation of constructive social support networks. Housing instability is caused by many factors including lack of affordable good quality housing, employment changes, lifestyle, and other family crises. While

child welfare services are not responsible for providing housing, many child welfare social workers advocate for better affordable housing for their clients and also work with families to adopt lifestyles that will increase their likelihood of enjoying housing stability. The Canadian Incidence Study of Reported Child Abuse and Neglect found that more than 23% of investigated families had experienced at least one address in change in the previous six months (Trocmé, MacLaurin , Fallon, et al. 2001). A recent survey conducted a the Children's Aid Society of Toronto found that 21% of respondents noted that housing was a factor in the decision to place children in out of home care (Chau, Fitzpatrick, Hulchanski, Leslie & Schatia, 2001)

Parenting Capacity

Parenting capacity is a major concern in many cases of child maltreatment. Most home based child welfare services target parents' ability to meet the emotional, cognitive, physical, and behavioural needs of their children. Improved parenting is a good outcome for children. Better parenting translates into better long-term child outcomes. Parenting is targeted by many child welfare interventions and tools have been developed to assess parenting and family functioning. However, standardized parenting measures are not commonly used to assess families or track outcomes in child welfare. Most risk assessment tools also include a number of potentially useful parenting measures, although their interpretation as outcome measures has yet to be tested.

Ethno-Cultural Placement Matching

When children and youth must be removed from their homes, efforts should be made to place them within their geographic community with extended family, a family with similar ethno-cultural background, or in foster care that is very inclusive of their family and friends. There is well-founded concern that many minority children (e.g. Aboriginal, Black, Muslim, etc.) are not placed in matched foster homes or homes easily accessible to their family and friends. For example, although 64% of children in care in Saskatchewan in March 1990 were of Aboriginal ancestry, and these children spent on average more time in foster care than did non-Native children, less than 10% of these Native children were in matched foster homes. Placement matching data must be interpreted with caution in individual cases because ethno-cultural matching is only one of the factors to be considered in finding the most appropriate placement for a child. Nonetheless, ethno-cultural matching provides a strong indicator of community engagement in recruiting foster homes and finding the most appropriate out-of-home placements for children in their communities.

Interpretation Issues

Many of the indicators selected for the Child Welfare Outcome Indicator Matrix are proxy measures that will need to be interpreted with caution. A narrow focus on any one indicator could have unintended effects on delivery of services. Reducing placements, for example, without ensuring safety and supporting child well-being, could simply result is a loss of services leaving more children at risk of further maltreatment. Proxy indicators that reflect system events can nevertheless provide a meaningful measurement framework if the selection of indicators covers a broad set of domains, as proposed in the Child Welfare Outcome Indicator Matrix.

APPENDIX B

Recommended computer hardware, software and other requirements for building a viable technological infrastructure to support a typical

GROUP A = Software				
	System Software	**Price**	**Special Price for Charitable Organizations**	**Notes**
A1	**Microsoft Windows XP Professional** (Upgrade version) Each workstation computer Main uses in a self-contained office, branch office or headoffice: ¨ Networking ¨ Messaging ¨ Accessing database remotely located in head office	$260	$100	¨ Upgrade version is for upgrading any version of Windows since Windows 98 ¨ OEM version (preinstalled full version) is supplied by computer manufacturer, and is not usually available for retail sale. ¨ Windows XP Home, lacking important security and communication features, is not suitable ¨ Should include Windows XP Professional when ordering new computers
A2	**Microsoft Server 2003** (Standard edition) Main uses: ¨ Domain networking ¨ Setting up application/database server ¨ Setting up Terminal Services Server (Both Application and Administration modes of Terminal Services are available in Server 2003)	$1,000	$190	¨ Only 1 package is needed for setting up in head office: • Network server • Application server • Terminal Services server ¨ Certain offices with less than 75 computers may find this version more cost-effective than Small Business Server 2003 with additional CALs, depending on agency size and features needed.
	Each Server 2003 CAL (device or user)	$40	$10	
	Each Terminal Services CAL (device or user)	$112	$60	
A3	**Microsoft Exchange Server 2003** (Standard edition) Main uses: ¨ Emailing (using Outlook)	$980	$600	¨ Can be installed in Network Server, if preferred.
A4	**Microsoft Small Business Server 2003** (Standard edition) Main uses: ¨ Setting up application/database server ¨ Networking	$733	$314	¨ Suitable for self-contained office. License for up to 5 users/devices is included. ¨ Additional licenses can be purchased to increase the number of users/devices up to a maximum of 75 ¨ Only 1 package is needed for setting up: • Domain network • Application/database server ¨ Only 1 server computer is needed to host the application and database and to control network
	Each Exchange Services CAL	$94	$6	

GROUP A = Software				
	System Software	**Price**	**Special Price for Charitable Organizations**	**Notes**
A5	System software and network configurations (Small job)	$1,350	$1,350	¨ Up to 3 hours @ $450 – each location ¨ Rate varies between $200 and $450 an hour, depending on region and qualifications
A6	System software and network configurations (Big job)	$7,200	$7,200	¨ 12-16 hours @ $450 – main location ¨ Work includes setting up: • Domain network • Exchange Server • Application server • Terminal Services Server • VPN ¨ Rate varies between $200 and $450 an hour, depending on region and qualifications
	Software Upgrades			
A7	Microsoft's Software Assurance Program subscription	Add 50% to each system software price	Add 50% to each system software price	¨ Optional ¨ Subscribers receive free upgrades for two years of all insured server software
	Office Suite			
A8	Microsoft Office 2003 (Standard edition) – Each workstation computer	$518	$77	¨ Includes Word, Excel, and PowerPoint ¨ Should include Office 2003 (Standard edition) when ordering new computers
	Utility Software			
A9	Norton SystemWorks 2005	$100	$100	¨ Protects against virus and intrusion, keeps files in good working order, manages bad sectors, etc. ¨ One per computer
A10	PCAnywhere version 11 (Host and Client)	$200 (one per location)	$200 (one per location)	¨ For remote support ¨ GoToMyPC or NetSupport Manager is equally appropriate

GROUP B = Internet Service Provider				
agency-level information system:		Cost (One-time)	Monthly Cost	Notes
	One of the following options:			¨ Prices vary between regions. All prices are approximate only. ¨ Add to monthly cost extra charges for static IP addresses needed for remote computers connecting to head office Terminal Services Servers to access central databases. Charges can vary greatly between carrier types and vendors. ¨ Add to monthly cost extra charges for additional email addresses, where needed.
	Cable ISP (Best option)		$50	¨ Modem always included ¨ Usually free installation
	DSL ISP (Second best option)		$40	¨ Modem extra ¨ Self installation
	DSL Modem	$150		
	Dedicated phone line		$28	If all the phones in the small office and the DSL modem have to share one phone line, then telephone filters (one per phone) are needed. One time cost is $5 per filter.
	Satellite ISP (Third best option)		$400	¨ Charges can vary greatly between vendors. ¨ Upload and download speeds greatly affected by number of concurrent users. Practical maximum is 2-3 concurrent users. ¨ Signal problems in bad weather condition
	Dish, materials, and installation	$7,000		¨ Prices vary greatly between vendors. ¨ Installation cost also depends on location.
	Dialup ISP (Last option)		$30	Should use thin client software to help offset speed problem.
	Dedicated phone line		$28	

GROUP C = Computer Hardware (Very important to use high quality equipment)			
		Price	Notes
C1	Computer for managing application and database (Application Tower Server) ¨ Intel server grade motherboard ¨ Dual Xeon, 3.2 GHz ¨ 4 GB RAM ¨ Redundant power supply ¨ 2 SCSI 73 GB Seagate hard drives (RAID-1 implementation) ¨ CD ROM drive ¨ 72 GB DAT Seagate tape drive ¨ Onboard video, 100 mbps NIC ¨ Keyboard ¨ Optical mouse ¨ 17" LCD monitor (16ms) ¨ No OS, but Microsoft ready ¨ 3 years onsite next business day service	$5,700	Needed for each agency regardless of number of branches ¨ One dual processor server per 40-50 concurrent users. ¨ Small self-contained agencies with 10 or fewer users may use a single processor server instead ¨ Size of main memory depends on specific application. Upgrade memory if performance is slow. ¨ Price estimate based on Dell's PowerEdge line ¨ Price will change

GROUP C = Computer Hardware (Very important to use high quality equipment)			
		Price	**Notes**
C2	Computer for managing large network in head office (Network Tower Server) ¨ Intel server grade motherboard ¨ Pentium 4, 3.2 GHz ¨ 1 GB RAM ¨ 80 GB, 7200 rpm SATA Seagate hard drive ¨ CD ROM drive ¨ Onboard video, 10/100/1 GB mbps NIC ¨ Keyboard ¨ Optical mouse ¨ 17" LCD monitor (16ms) ¨ No OS, but Microsoft ready ¨ 3 years onsite next business day service	$1,850	¨ Not needed for a small self-contained office running Microsoft Small Business Server 2003 ¨ Not needed for a small branch office running Windows XP Professional workgroup network. ¨ Price estimate based on Dell's PowerEdge line ¨ Price will change
C3	Computer for managing Terminal Services (Terminal Services Tower Server) ¨ Intel server grade motherboard ¨ Pentium 4, 3.2 GHz ¨ 2 GB RAM ¨ 80 GB, 7200 rpm SATA Seagate hard drive ¨ CD ROM drive ¨ Onboard video, 10/100/1 GB mbps NIC ¨ Keyboard ¨ Optical mouse ¨ 17" LCD monitor (16ms) ¨ No OS, but Microsoft ready ¨ 3 years onsite next business day service	$2,430	¨ Install in head office for remote computers to access head office databases. ¨ Key consideration is RAM size. Calculated as 100 Megabyte per user. 4 Gigabyte is needed for 40-50 concurrent users. Adjust RAM size accordingly. ¨ Elaborate VPN setup may require Xeon-class server. ¨ Price estimate based on Dell's PowerEdge line ¨ Price will change
C4	Mini-tower Workstation – Each staff person ¨ Intel motherboard ¨ Pentium 4, 3GHz ¨ 512 MB RAM ¨ IDE 80 GB, 7200 rpm hard drive ¨ CD ROM ¨ Onboard video, 100 mbps NIC ¨ Keyboard ¨ Optical mouse ¨ 17" LCD monitor (16ms) ¨ Windows XP Professional ¨ Office 2003 (Standard edition: Word, Excel, PowerPoint) ¨ 3 years onsite next business day service	$1,270	¨ One for each staff person in agency. ¨ Price estimate based on Dell's Dimension line
C5	Laser printer – Each location ¨ Monochrome ¨ 1200 x 1200 dpi ¨ Networked ¨ 25 pages per minute ¨ 15,000 pages per month duty cycle ¨ 3 years onsite next business day service	$500	¨ Offices with less than 20 workers may need a printer with a higher duty cycle rating ¨ Price estimate based on Dell's 1700n model ¨ Price will change

GROUP D = Technology Refresh Planning (Every 4 to 7 years, depending on equipment) Also applies to technology currently in use in agencies			
		Price	**Notes**
D1	Server replacement	80-85% of original price for servers with similar features	The average useful service life span of servers is between 4 and 5 years. However, replacing or upgrading components may extend the life span for another 3 to 4 years. Decisions to retire or upgrade should be made within the context of performance too vis a vis the current system software, not just economy.
D2	Workstation replacement	60-75% of original price for desktop computers with similar features	The average useful service life span of desktop computers is between 5 to 7 years. Although replacing or upgrading components may extend the life span for another 3 to 4 years, the usually small cost differential might make better sense to replace the whole computer.
D3	Laser printer replacement	70-75% of original price for laser printers with similar features	Laser printers are normally not worth fixing. In addition, the cost to replace the drum could be as high as the cost of a new printer.

GROUP E = Local Area Networks (Very important to use high quality equipment) (One-time cost for each location currently without a viable LAN setup)			
		Price	**Notes**
E1	16-port switch	$80	For locations with more than 16 devices, purchase either a switch with more ports OR multiple units.
E2	Firewall and VPN router	$400	Must be compatible with the broadband service. Important to ask service provider to recommend suitable brands and models. Price is approximate for a good quality router.
E3	Regular Category 5 cable	$30 (For each workstation located within 30 feet of switch)	¨ Assuming 30 feet of cable for each computer. ¨ Fire retardant grade cables cost many times more.
E4	Installation labor	$75 an hour	Rate varies between regions.

GROUP F = Computer Accessories and Other Office Equipment			
		Price	Notes
F1	Uninterrupted Power Supply (980 Watts, 25 minutes) – Each server computer	$800	One for each server
F2	Replacement battery of Uninterrupted Power Supply	$600	Approximately every 3 years
F3	Laser printer toner	$120 per cartridge	Should belong to the supplies budget

GROUP G = Annual Computer Hardware Maintenance and Support			
		Price	Notes
G1	External computer hardware services (on-site)	Approximately 5% of first time total equipment cost	¨ Some vendors may charge as high as 10% ¨ Best is to include onsite service plan in all computer purchases to cover labor and parts. 3-year protection is probably most cost-sensible.
G2	Replacement parts	$1,000	"Quesstimate"

(Footnotes)

[1] See Nico Trocme, Stanley Loo, Butch Nutter and Barbara Fallon, *Client Outcomes in Child Welfare: Phase II*, Centre of Excellence for Child Welfare, University of Toronto, April 5, 2002. (This report focused on measuring child protection service outcomes, and recommended steps for removing data problems in provincial/territorial government information systems found to hinder national outcomes measurement efforts.)

2 Subsequent to the release of the University of Toronto report, HRDC set up a national child protection outcomes working group to launch a pilot project. Five provinces (British Columbia, Alberta, Manitoba, Prince Edward Island, and Newfoundland and Labrador) will be contributing test data, in accordance with the definitional intent and requirements of the University of Toronto's *Child Welfare Outcome Indicator Matrix*.

3 *Streamlining First Nations Reporting to Federal Organizations*, Report of the Auditor General of Canada, December 2002 (Internet version at: http://www.oag-bvg.gc.ca/domino/reports.nsf/html/20021201ce.html)

4 18 in Alberta, 25 in British Columbia, 15 in Manitoba, 9 in New Brunswick, 1 in Newfoundland and Labrador, 1 in Nova Scotia, 11 in Ontario, 24 in Quebec, and 15 in Saskatchewan. Northwest Territories, Yukon, Nunavut and Prince Edward Island have none.

5 Since a list of agencies that have their own information system did not exist, the only way to identify them was asking FNCCSC's regional contacts to find these agencies. The names of those agencies willing to be interviewed were given to the researcher, along with contact information. The same approach was used to recruit agencies that used a provincial system exclusively.

6 If the respondent wanted to be more prepared, the researcher would email a list of questions to him/her well ahead of time.

7 On four occasions, the contact invited one or more colleagues to sit in at the interview, in order to be able to readily provide more accurate or technically complete answers. This arrangement helped to produce better responses and save time.

8 The reader might be interested in knowing that running tests on database data, a strong and technically involved design feature of the recent nationwide review of provincial/territorial child protection information systems, allowed us to uncover many technical shortcomings in a number of government systems.

9 They were key agency officials, government officials directly responsible for implementing or managing provincial child protection information systems, and suppliers of technology to FNCFSAs.

10 Compared to other provinces, New Brunswick may have the highest number and proportion (9 out of 11, or about 80%, according to a government contact) of agencies that still use a paper file system and are not connected to the provincial system at all. The actual situation in Quebec is difficult to determine, and usage figures for that province are not available.

11 Ontario does not have a provincial child protection information system, although this situation will change when the government introduces an integrated system, perhaps a few years later. This data system project is in the planning stage, and a request for proposals will be issued shortly, according to a government source. Absence of a government information system has given rise to a proliferation of private systems in the province. Currently, most of the 53 CASs (Children's Aid Societies) use a system supplied by one of two consulting firms. Eight First Nations agencies in Ontario use *Frontline*, a dedicated child welfare information system also installed in 60% of the CASs. The other system is *CWIS (Child Welfare Information System)*. The four largest CASs in the province use a private system developed in-house years ago.

12 Criteria used by the government for worker certification varies somewhat between provinces, but level of former social work education and training is an important one.

13 It is likely that access to certain non-financial modules is also denied.

14 The real capacity of these systems cannot be ascertained because we did not have an opportunity to analyze the database structures, the applications, and the database data, among other things.

15 Development work started in 1994.

16 It is also possible that some agencies still use 486 computers or Microsoft DOS.

17 See the University of Toronto final report for details. Advantages of client/server computing and RDBMSs were described in an interim report of that project.

18 Characteristics of the information system: Information gathered included details about the database management system used to build the database and drive the application; types of computer technology deployed; languages used to develop the application; history of application development; main functions of the application; user training; and plans for further development. Capacity of the information system: Information gathered included types and amount of data stored in the database; availability of data needed to measure outcomes; database structure; data integrity enforcement; and coding scheme. An important part of that review involved extracting large datasets from each information system and running extensive usability tests on the data to uncover problems and pinpoint errors.

19 Child in care is noted, but not number of placements nor placement change dates.

20 Salaries and benefits of agency technical support staff are extra.

21 According to Microsoft's current price. Federally registered charitable organizations are eligible for drastic discounts.

22 See footnote #3.

23 An earlier study of Ontario information systems revealed that only one commercial information system had all the data needed, which could be retrieved easily.

24 Trocme, Nico, McPhee, D, et al., *Ontario Incidence Study of Reported Child Abuse and Neglect*. Toronto: Institute for the Prevention of Child Abuse, 1944.

25 Trocme, Nico, et al., *Canadian Incidence Study of Reported Child Abuse and Neglect*. Ottawa: Health Canada, 2001.

26 It is difficult to specify what features should be included in an information system. The usefulness of a system must be decided by the user. However, we should advise that, although inclusion of enterprise level features like human resource management, payrolls, and fleet management is important from the point of view of a comprehensive information management system, these additional features should be managed separately given their specific nature and purposes. As a general design principle, a good database should include only modules intrinsically related to each other and whose data need to be linked to each other. Since a child protection information system is child-based and family-based, only those modules directly or indirectly linkable to a child or a family should be included.

27 If the application is for web or local deployment, it does not matter whether the RDBMS is a client/server system or a file server system. 32-bit engines should be adequate for FNCFSAs.

28 Such flexibility would also take care of what the Auditor General of Canada called "report creep", where the introduction of a new program invariably adds to reporting requirements.

29 The amount of memory is a function of the number of concurrent Terminal Services clients. 2 GB should be able to handle up to 20 clients.

30 The same idea applies to complex organizations and governments as well, although enterprise versions of system software are needed and elaborate security measures are usually involved. In addition, mainframe computers and high-end servers may be deployed, especially in a government computing environment.

31 Items D1, D2 and D3 in the table below and in Appendix B concern technology refresh planning.

32 Most, if not all agencies use Microsoft software products. Therefore, the hardware and software we recommend support this strong tendency.

33 See Appendix B for details and costs.

34 Trocmé, N, Nutter, B, MacLaurin B, Fallon, Barbara (1999), *Child Welfare Outcome Indicator Ma*trix Toronto, Bell Canada Child Welfare Research Unit, Faculty of Social Work, University of Toronto.

35 DePanfilis, D., & Zuravin, S. J. (1999). Epidemiology of Child Maltreatment Recurrences. *Social Services Review*, 73(2), 218-239.

36 Trocmé, MacLaurin, Fallon, et.al. (2001) *The Canadian Incidence Study of Reported Child Abuse and Neglect (CIS): Final Report*, Ottawa, Ontario: Minister of Public Works and Government Services Canada.

37 Eckenrode, J., Laird, M., & Doris, J. (1993). The Effect of Neglect on Academic Achievement and Disciplinary Problem: A Developmental Perspective. *Developmental Psychology*, 29, 53-62

38 Kufeldt, K., Baker, J., Bennett, L., & Tite, R. (1998). Looking After Children in Canada: Interim Report . Fredericton, New Brunswick: University of New Brunswick.

39 Howing, P. T., Wodarski, J. S., Kurtz, P. D., & Gaudin, J. M. (1993). Maltreatment of the school-age child: Developmental outcomes and system issues. New York, NY: Haworth Press.

40 see footnote 36.

41 Schuerman, J. R., Rzepnicki, T. L., & Littell, J. H. (1994). *Putting Families First: An Experiment in Family Preservation*. New York, NY: Aldine De Gruyter

42 Rosenbluth, D. (1995). Moving In and Out of Foster Care. In J. H. a. B. Galaway (Ed.), *Child Welfare in Canada: Research and Policy Implications* (pp. 233-244). Toronto: Thompson Educational Publishing, Inc

Extraordinary Costs and Jurisdictional Disputes

CHAPTER 6

Prepared on behalf of:
First Nations Child & Family Caring Society Canada

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Executive Summary

Jurisdictional disputes and extraordinary costs are endemic to all bureaucratic apparatuses. However, it is not always clear where the boundary between the two terms lies. For the purposes of this analysis, a distinction is made between extraordinary events that are unanticipated, unforeseen, or outside normal risks, from events that appear extraordinary because they lie outside or between established jurisdictions.

Since Directive 20-1 is a national formula, it is not surprising events classified as extraordinary for many First Nations agencies are in fact quite ordinary for some agencies. This is particularly true where agencies are responsible for remote communities with their high incidence of community dysfunction and high travel costs.

Distinguishing between extraordinary and ordinary local events can only be done through the application of community capacity studies, which will provide a guide to the particular needs of the communities serviced by agencies.

The data from this study suggest there are two primary types of jurisdictional disputes plaguing First Nations agencies. First, persistent disputation between INAC and Health Canada over funding for non-insurable medical costs leads to denial or unnecessary delay in the provision of services to children in the care of agencies. In particular, children with complex developmental, mental health, and physical health issues suffer from these delays. Second, some agencies report disputes between themselves and provincial counterparts due to insufficient funding to cover provincially mandated services, demands by provincial actors for agencies to take responsibility for children not recognized by INAC, and disputes over appropriate case practice.

The effect of jurisdictional disputes is to divert staff effort and agency funding from targeted activities and toward dispute resolution. Moreover, the incidence of jurisdictional disputes is highly variable across agencies suggesting some agencies find themselves in a disputing environment in which there appears to be a minimum of cross-agency cooperation. Further, data shows a rough correlation between frequency of disputes and the degree to which agencies service remote communities.

Suggested mechanisms for preventing or resolving jurisdictional disputes include; conducting community capacity studies, establishing interagency committees at local, regional, and provincial levels (with adequate funding for necessary travel), funding for mediation between disputing parties as necessary, and establishing an officer responsible for advocating on behalf of on reserve children.

Data on extraordinary costs does not reflect events that are unanticipated, unforeseen, or outside normal risks. Rather, the data is very similar to that considered under jurisdictional disputes and suggests that much of what is considered 'extraordinary' is, in fact, a body of predictable and repetitive events for which no established jurisdiction can or will take responsibility. For example, complex medical needs are mentioned both as jurisdictional disputes and as extraordinary costs. Yet, the incidence of complex medical needs is calculable and therefore not unexpected.

That said, some agencies report the periodic outbreak of community crises related to sudden high rates of suicide, substance abuse, or other socially destructive behavior. These crises are sudden in the sense they depart from community norms and therefore constitute a major drain for agencies already overstretched by their ordinary commitments. It is important to recognize that these kinds of crises cannot be managed by casework insofar as the dysfunctional unit appears to be the community as a whole, rather than its individual members.

Further, while not noted by agencies surveyed, there are a range of possible extraordinary costs that have been experienced by other child welfare jurisdictions. These include exposure to legal liability, required involvement in public inquiries, and social consequences of natural disasters. The two former types of extraordinary costs are in the nature of moral hazards insofar as while their occurrence is random they are nevertheless

intrinsic to the child welfare enterprise.

It is also evident that little attention has been paid to the cost implications of making reserve communities accessible for disabled children. These costs are not restricted to individual residences, although that is an issue, but also to general civic improvements.

From the perspective of jurisdictional disputes and extraordinary costs a major requirement is a better relationship between Health Canada and INAC. Cooperation between these two federal agencies would save considerable effort and expenditure currently falling to agencies. Some of the cost issues can be addressed by re-jigging Directive 20-1 to more accurately reflect the actual costs of delivering child welfare services. In particular, recognition of the enormous costs of travel for agencies servicing remote communities and a graduated maintenance schedule recognizing the existence of complex needs and the guardianship responsibilities they entail. Similarly, the formula must provide for recognition of the differing responsibilities created by varied provincial legislative regimes.

Finally, it is significant that the on reserve population of children do not have a designated minister or officer dedicated to advancing their interests. This is unique in Canada. In particular, the lack of an ombudsman or advocate for First Nations children places them out of step with the U.N. Declaration of the Rights of the Child and many provincial jurisdictions. It is the position of the author that jurisdictional disputes and the extraordinary costs they generate are likely to persist so long as there is no government supported independent voice dedicated to solely to advancing First Nations children's interests.

Introduction:

The following paper is organized into four parts. First, I provide an overall discussion of how we might think about extraordinary costs and their relationship to jurisdictional disputes. In the second section I turn to surveyed agencies' responses and consider the types of jurisdictional

disputes which are so common as to not meet the test of 'extraordinary' since these disputes are not unanticipated, unforeseen, or outside normal risks. However, I also underline that that which is ordinary for some jurisdictions is abnormal for others – and this is particularly true of travel costs to remote communities and the kind of services which, at present, are legally mandated yet practically impossible to deliver. I follow this with a section concerned with extraordinary costs as described by agencies. Again, I try to distinguish costs which are truly extraordinary from those that ordinary but not addressed by current funding and staffing arrangements. Each of the second and third sections includes a summation of the issues raised and observations about how to address them.

I conclude the paper with a distillation of the paper's findings into recommendations with respect to improving funding under Directive 20-1 and a call for budget lines not contemplated by the Directive. I recognize it is a preferred strategy to improve rather than eliminate the conditions of Directive 20-1 but the reader will realize that the subjects of extraordinary costs and jurisdictional disputes presuppose failings or gaps in the present formula. While some of these problems can be addressed by tinkering with present budgetary procedures, there are issues which have arisen for First Nations agencies which clearly were not contemplated by the authors of the Directive and cannot be addressed by an adjustment to current structural arrangements. However, I hope the reader will appreciate that where possible I have suggested changes which could be addressed under the current structural regime; the rest is perhaps a longer-term project but, I hope, worth the effort.

Locating the Extraordinary:

The past several decades have seen an explosion of "assessment" tools and an accompanying theoretical literature on what should be assessed, how assessments should be constructed, and what purposes assessments should serve. In general, assessments are constructed around one or more of three concepts: risk, needs, and capacity (sometimes called strengths). However, no matter which concept is predominant, all assessment tools work from a normative base. Sometimes this normative base is constructed from expert opinion, other times it is constructed from specific and local research designed to create a baseline of present conditions. Participatory Action Research seeks to combine baseline research with a political agenda of change.

The majority of tools utilized by child protection systems use as their object either parents, children, or some combination of the two. This is true whether the central concept utilized by the assessment is risk or needs. Where community appears in these types of assessments, it is not, in and of itself, subject to assessment. Rather, community appears as a given and what is measured is not community functioning but the child's or parents' involvement in this assumed community. Effectively, this approach conceives of parents and children as more or less defective liberal citizens situated within interchangeable healthy communities.[1]

INAC recognizes at least one distinction between reserve communities – degrees of isolation. Its basic departmental data utilizes four categories (urban, rural, remote, and special access) based upon geographic distance from a 'service center' (INAC 2003, 94). While not overtly stated, this classification system appears to assume quality of life is related to accessing services contained within a service center. However, there is no reason to assume this single dimension is an adequate measure of quality of life or that it is capable of distinguishing between healthy and toxic communities.[2]

The significance of this observation is central to the conception of extraordinary costs. An assessment scale designed to assess only parents, or only children, without taking account of community functioning will necessarily create distortions. It is reasonable to suggest that a child presenting objective extraordinary challenges (for example, autism, F.A.S.) will be much more likely to become a child in care if the challenges occur within a community with low child welfare capacity. On the other hand, if the community contains high capacity the child's objective challenges may present less difficulty and, hence, not be extraordinary.

Further, the conception 'child welfare capacity' is not limited to professional assistance or intervention. In theory, a healthy community would not require professional assistance or intervention because it would have its own internal capacity to address problems and issues as they arose. Within the First Nations context, the frequently cited importance of extended family indicates Nations composed of healthy extended families would not require professional intervention – or at least not an alternate care system – since healthy extended families would tend to care for their own.

In contrast to child welfare literature, a significant body of community assessment tools has emerged in the population health area (Granner and Sharpe 2004). As well, a variety of needs assessment tools have emerged in the U.K. in response to various central government initiatives designed to ensure local authorities are responsive to the needs of local jurisdictions (for example, see Browne 1996). The examples provided by Percy-Smith (1996) include assessments of community care, community needs, housing needs, access to legal services, and labor market and training needs. Others, such as Oetting et al (2001) have attempted to create a theoretical and methodological base for needs assessment. Meanwhile, Family Support America (Samuels et al 1998) has developed a step-by-step guide for assessing community needs and Christakopoulou et al (2001) have reported an initial international test of reliability and validity for a community well-being questionnaire.

Of urban Europe, Christopoulou et al write:

> *The need for a comprehensive profile of community wellbeing arises from the multiple nature of the problems themselves that many urban neighbourhoods face. Although disadvantaged neighbourhoods are often classified as low income areas, it is a mixture of environmental, social and economic problems that undermine investments and residents' commitment to these areas often encourage social exclusion.* (ibid, 322)

The significance of this understanding of multiple causes of lack of community wellbeing is reflected in the data collected by Trocme et al (n.d.). Here, substantiated child protection investigations on reserve reflect the presence of an average of 4.1 risk factors as opposed to an average of 2.5 risk factors for non-aboriginal children (ibid, 23). Moreover, amongst these risk factors mental health issues occur in 40% of all cases yet the Joint National Policy Review notes that of fifty First Nations child welfare agencies surveyed only eight had contact with mental health agencies (McDonald et al 69). In other words, given the prevalence of mental health concerns in child protection matters it astonishes that in five of nine provinces First Nations agencies had no contact with mental health services at all.

From the point-of-view of extraordinary costs the presence of mental health risk factors for on-reserve child abuse investigations is not extraordinary at all. It is, like alcohol abuse (73% occurrence) and solvent abuse (54% occurrence), virtually normative despite being far in excess of normal occurrence rates in non-aboriginal communities. Given these facts it is unreasonable to assume that on-reserve child welfare services should simply match usual provincial service levels because by this standard all aboriginal communities have extraordinary needs in comparison to non-aboriginal needs. Further, despite the usefulness of national figures, the reported Trocme et al (n.d.) data is not fine grained enough to suggest the distribution of risk factors across the on-reserve population. It is reasonable to suppose that risk factors are, in fact, unevenly distributed across nations and localities.

A funding formula for child welfare agencies must take into account not only the demonstrably greater needs of on-reserve populations, but must also discern differences between First Nations since the determination of what constitutes an extraordinary event or problem cannot be uniform across localities. More precisely, it is not possible to determine which individual cases are extraordinary without reference to local and particular norms.

Risks and Strengths:

Returning to the need for a calculus of risks and strengths within communities, and the question of what appropriate level of funding is required. We might put this graphically in this way:

Statutory Requirements

Risks ----------		---------- funding
	Capacity	
Strengths --------		----available resources

Fig. 1

Higher levels of risk indicate an increased necessity for funding. However, funding does not, in itself, create healthy communities. Therefore, while strengths would presumably positively correlate with available resources this is not a simple equation of more resources equal more strengths. For the present, 'available resources' is meant to reflect expertise and wisdom, the presence of appropriate jurisdictions to address issues impinging upon child welfare, and, perhaps most importantly, adequate networking of available resources distributed across jurisdictional boundaries. In short, available resources are not simply additive; resources become strengths when they knowledgeable and sufficiently networked to create meaningful responses to social challenges.

Required or Preferred?

Despite much effort, there is, as yet, no generally accepted agreement as to what constitutes the minimum number or type of satisfiers of human needs upon which citizens have a universal claim

within a welfare state (Percy-Smith 1996, 143). As outlined in the National Policy Review, there are at least three conceptions of required services under which First Nations agencies must operate: statutory, contractual, and audit formats. In other words, First Nations agencies must comply with applicable statutes, with the conditions of their bipartite and tripartite contractual arrangements, and the financial, record-keeping, and case practices formally reviewed through audit systems. While these requirements vary in their details, the National Policy Review indicates they exist across provincial jurisdictions. In particular, statutes generally agree on broad definitions of child abuse. We make take these requirements as providing for the minimum number of satisfiers required to meet human needs.

The large number of on-reserve children in care indicates a discrepancy between reserve capacity and reserve needs. Clearly, in the judgment of child welfare agencies a high proportion of on-reserve children face an unacceptable level of risk of child abuse. The vast majority of funding directed at alleviating these risk conditions is predicated upon child removal. However, it is not immediately clear whether this strategy is based upon any given reserve's lack of strengths (in which case it is not individual parents who are the source of risk but the community as a whole), a lack of resources (understood as networked expertise and practice), or a lack of funding to operationalize latent strengths and resources already extant. Alternatively, even if sufficient funding for a specific function (say psychiatric care) were available it is not immediately obvious that there would be anywhere to spend it. One can easily imagine a perversity of funding arrangements in which adequate funding for psychiatric care was available but accompanied by insufficient travel funding to get the client to the psychiatrist (or the psychiatrist to the client).

There seems little point in rehearsing the reasons why on-reserve children are taken into care more often than non-aboriginal children. The question that needs to be addressed is what to do about the problem. I suggest that any policy which seeks equivalency between on-reserve services and non-aboriginal services misses the point. It is not the equivalency of services that is required but an equivalency of community capacity to create the minimum number of satisfiers to meet human needs. However, the distinction between required and preferred satisfiers is blurred by what Ian Hacking calls a "looping effect" (Hacking 1995). As an example, it was not so long ago that high school graduation was preferred but not required for the purposes of employment. As more people become aware that high school graduation is possible (and as employment standards come to recognize the possibility) more people come to define themselves as either graduates or drop-outs[3] and this self-definition is colored by the generally held belief that high school graduation is not preferred but necessary.

Consider also something as simple as indoor plumbing. Even in Canada's urban areas indoor plumbing is a relatively recent adaptation. Nevertheless, indoor plumbing has rapidly become a necessity where before it was only preferred. Now consider requirements for foster parents to possess "adequate housing". Presumably, "adequate" in this context would take as its normative referent the provision of indoor plumbing because this is a national norm even though it may not be a local norm. Yet, this national norm is a relatively recent occurrence. This means that an architectural innovation rapidly became a norm beyond the realm of architecture and into the realm of (amongst other things) child neglect. A child raised without indoor plumbing falls below the national norm and, more importantly, comes to be viewed both by him/herself and others as living in inadequate housing.

From this perspective, a major difficulty for reserve populations is the impossibility of "catching up" to ever-evolving national norms. Put another way, reserve populations can never achieve normative community capacity if the resources available to them are predicated upon an assumption of an already achieved normative state. As the colloquialism goes, "it's hard to soar with eagles when you're swimming with alligators".

To the extent that on-reserve populations have failed to realize a normative level of community capacity they are exceptional. Yet, if the entire

on-reserve population has exceptional needs it follows that no on-reserve person has exceptional needs. I suggest this is a major reason why INAC has shown a remarkable reluctance to fund exceptional costs. It may be useful here to acknowledge that this is not a problem restricted to reserve populations. The Windsor-Essex County Children's Aid Society ran into a similar problem when they classified all children in their care as "special needs" (personal communication, April 2005).

Extraordinary Review

The National Policy Review (McDonald et al 2000) noted that there is no uniformity across provincial jurisdictions with respect to reporting and audit functions. This is a problem in itself, but it is also the case that no child welfare jurisdictions are immune to child fatalities or critical incidents. While many of these fatalities and incidents follow a routine form of review (either internal or external to child welfare agencies), it is also the case that occasionally such incidents are brought into the public view (typically through press coverage) and become objects of public inquiries[4]. For present purposes, the importance of these events are a) the impossibility of predicting when and where they will happen, and b) whether the event will remain within normative review processes or will create a public inquiry requiring large amounts of agency time and effort.

First Nations child welfare agencies have not been immune to these sorts of inquiries. The "Baby Andy" case involved both a review panel and a "fact finding" project conducted by the Children's Advocate of Saskatchewan. While not as massive as some inquiries, this review demanded considerable agency time and resources.

The Children's Advocate Office completed independent fact finding by holding interviews with 23 persons from 11 agencies and reviewing documentation from all relevant files and records. This information was compiled and provided to the review panel in February 2003 for thorough analysis. (Saskatchewan 2003, 7)

An inquiry into the 1998 deaths of Constance Jacobs and Tyundanaikah Jacobs at the Tsuu T'ina Nation, Alberta does not give an account of how many people were consulted, however some twenty legal counsel representing various parties participated in the inquiry's activities (Goodson 2000).

Some jurisdictions – notably British Columbia – have experimented with mandatory reviews of child fatalities and critical incidents by independent or quasi-independent bodies[5]. These policies tend to depend for their longevity on the vagaries of press coverage and provincial government's political problems. In any case, for present purposes the main point is that inquiry involvement is largely unpredictable, outside First Nations control and, most importantly, expensive in terms of both funding and time. Social workers and administrators who participate in inquiries are taken away from their normal tasks in order to service the requirements of inquiries. Additionally, such inquiries typically occur within very public and highly charged emotional situations. Staff moral is almost always adversely affected resulting in loss of productivity.

Concluding Remarks

The foregoing section has attempted to highlight the difficulty in conceptualizing what the category 'extraordinary' contains in the context of child welfare. A principle difficulty is the high level of need demonstrated by many First Nations communities. Many events that might be described as extraordinary in the overall Canadian context are, in fact, quite ordinary in First Nations' experience. That said, it remains to be seen how uniformly such events are distributed across the universe of First Nations. In any case, the argument has been made that it is impossible to identify extraordinary events without an assessment of the overall capacity of communities using available tools.

This analysis has been necessary in order to distinguish the projected greater needs of First Nations' communities from their off reserve counterparts. If, as is indicated by available

research, First Nations communities are generally high needs then the prospect of simply matching services available off reserve will always leave First Nations resource poor. In turn, the discrepancy will generate extraordinary costs due to predictable jurisdictional (service) gaps. What is needed is a philosophy of matching services to particular needs, rather than matching services to a presumed provincial average. In any case, matching service provision to provincial equivalents must result in varied service provision across provincial boundaries where those services are subject to differing legislative, policy, and audit regimes.

Moreover, as discussed in the final section, extraordinary events such as child fatalities can rapidly lead to expenditures of time and funds for activities demanded by inquiries. These inquiries are impossible to predict because they tend to be struck in response to the passing interests of parties normally outside the child welfare universe. This is particular true of the press whose interest in any particular case is dependent upon a variety of commercial pressures (i.e. competing stories) but nevertheless can exercise considerable public pressure. This point will be further argued below, but for the moment it is important to recall that it is not child mortality per se that is extraordinary – rather it is the public reaction to specific children's deaths that is extraordinary.

Anyone familiar with public inquiries into child welfare recognizes the repetitive plea for better communication and better coordination across jurisdictions. Conceivably, most extraordinary events are, in fact, not extraordinary at all. Rather, they are events for which bureaucratic and service responses are lacking. The following section takes up this theme in greater detail. It will argue that many events characterized as extraordinary are quite common occurrences. What makes them extraordinary is the degree to which jurisdictional disputes hamper, delay, or prevent appropriate service delivery.

If we can locate persistent jurisdictional disputes in the same terrain as persistent extraordinary costs then it ought to be possible to identify service gaps. Such service gaps are distinguished from extraordinary events because they meet none of the criteria defining extraordinary. That is, they are not unanticipated, unforeseen, nor outside normal risks.

Jurisdictional Disputes

Frequency

Aggregate data indicates all but one of the study agencies experienced jurisdictional disputes. The frequency of these disputes varied from 1 to as many as 165. Over a year, resolution of each dispute took anywhere up to 200 hours of staff time with half the reporting agencies dedicating 10 to 150 hours as usual.

Frequency of jurisdictional disputes is not reflected in the amount of staff time required. For example, one agency reported only one jurisdictional dispute but this engaged four staff members for an estimated total of 150 hours. The lowest estimate of staff time per dispute is two hours. By far the largest estimate of staff time dedicated to jurisdictional disputes was 200 hours per dispute of a total of 32 disputes, necessitating a total staff commitment of 6,400 person hours. The highest estimated total number of disputes per year was 165 at an estimated 20 hours per dispute totaling 3,300 hours.

Data from the studied agencies did not specify time per occupational classification. Therefore, it is not possible to give an overall dollar cost for staff time although it is possible to calculate costs for reporting agencies in terms of Full Time Equivalents (FTEs). Based on a 35 hour week, agencies reported a low of 0 FTEs to a high of 3.5 FTEs required for resolving jurisdictional disputes.

Types of Disputes:

One agency reported only disputes between the federal and provincial governments. These disputes are reported to be over "kinship care". It is not clear what the exact nature of this dispute was, but it may be that there is no provincial equivalent to the federal Guardianship for Aid (GFA) program or possibly traditional adoption. Insofar as the GFA does not require child protection authorities to take custody of children this may be better phrased

as a dispute over preventative services rather than funding for children in care's residential or clinical requirements.

Six of nine studied agencies reported jurisdictional disputes between federal ministries/departments primarily due to disputes between the Ministry of Health and INAC over Non-Insured Health Benefits. By contrast, only one agency reported disputes internal to provincial governments (5 disputes).

Four of nine agencies report disputes between the agencies and provincial programs. Significantly, two of these agencies report from the same province (British Columbia). Further, where jurisdictional disputes between agencies and provincial governments occur, they comprise the largest proportion of disputes (although in two instances, frequencies of disputes between federal agencies/ministries and disputes between agencies and provincial governments are reported as identical.)

Three agencies report internal jurisdictional disputes i.e. between different First Nation programs, but the total number of disputes is minor in comparison to disputes between federal agencies and agency disputes with provincial governments.

Four agencies report disputes between themselves and the federal government. Again, in general these disputes are relatively minor in terms of the proportion of total jurisdictional disputes.

Overall Observations

Where jurisdictional disputes occur, the overwhelming incidence is concentrated in two areas. First, disputes between (a) federal agencies and second (b) disputes between First Nations' agencies and provincial governments.

a) For disputes between federal agencies, examples provided by reporting agencies show disputes are largely concerned with funding disputes between Health Canada's First Nations and Inuit Health Branch (FNIHB) and the Indian Affairs Department of INAC. The general impression is that First Nations agencies find these disputes particularly frustrating since while they are not party to the dispute, they are responsible for the health and care of the children in question. One can easily infer that because neither FNIHB nor INAC have direct responsibilities for children they do not experience the sense of urgency felt by First Nations agencies.

The problem of disputes between federal ministries may also be related to location. Problems of jurisdictional disputes between federal ministries are more likely to occur for agencies responsible for remote communities. One might infer, therefore, that problems of transportation and communication play a part in creating and extending jurisdictional disputes. For example, where there is a pressing need for diagnostic services in remote communities, and where this need is associated with lack of local resources, the dispute is likely to revolve around both large transportation costs and the scale of the demand. In other words, remote communities tend to have large numbers of undiagnosed disabilities (particularly FAS) which, at the very least, must create an enormous backlog of referrals.

b) Jurisdictional disputes between First Nations agencies and provincial governments are not widespread – occurring in only three of nine provinces. However, where they do occur, they consume a considerable amount agency time. Comments accompanying the survey suggest several sources of conflict. First, inadequate funding for First Nations' agencies to absorb the influx of responsibility associated with agencies receiving delegation. Second, disputes over the limits of First Nations' agencies capacity – what one agency described as provincial governments' "dumping cases". Provinces seem to expect First Nations' agencies to take responsibility for all band members irrespective of whether the members are recognized by INAC as reserve residents and therefore eligible for federal funding.

That said, a major source of jurisdictional disputation does not involve money, but practice. That is, First Nations' agencies report their provincial counterparts either do not keep them informed as to members' involvement with

provincial systems (and if they do, they assume First Nations' consent for provincial protective action) or do not employ 'least intrusive' strategies and tactics such as variations of kinship care.

Of course, while these latter types of dispute do not entail direct maintenance costs to First Nations' agencies, they do absorb a considerable amount of staff time (from a low of 10 hours per case to a high of 200 hours). Funding for staff time is presumably drawn from maintenance budgets for children in care of agencies and therefore the cost of these disputes is effectively transferred from children in the care of agencies and to provincial social work and judicial apparatuses.

Disputing Cultures?

It is remarkable that some First Nations' agencies report an enormous resource drain due to jurisdictional disputes while one reports no disputes whatsoever. Moreover, of the nine agencies surveyed, four identify only one type of dispute and three of those concern disputes between federal ministries, not disputes between the agency and some other entity. Further, of these latter agencies the number of disputes is significantly lower (to a maximum of 5 per year). By contrast, agencies reporting multiple sites of jurisdictional disputes report between 17 and 30 disputes per year except for one agency reporting a staggering 165 disputes[6].

The frequency and distribution of jurisdictional disputes has no correlation with either the number of children in care or the educational attainment of social workers. Instead, the best predictors of high rates of jurisdictional disputes are a) disputes between FNIHB and INAC and b) agencies and provincial jurisdictions where provincial policy and/or statute requires agencies to undertake tasks not funded by INAC. Related to the latter are disputes over best practices. On the one hand, agencies are not funded to perform tasks mandated by provincial legislation, while on the other hand agencies view provincial authorities as failing to encourage least intrusive strategies or to utilize traditional forms of alternate care.

In short, First Nations agencies reporting multiple jurisdictional disputes seem to be engaged with a wide range of disputes leading one to suspect either a) a general breakdown between all levels of government – including to some extent internal band government, or b) some agencies have not been able to create a non-disputing persona. This is not to suggest such agencies engage in disputes without substance, but rather certain characteristics of their particular situation either induce disputes or prevent dispute resolution[7].

It is possible that variation in reported jurisdictional disputes is not so much a measure of actual disputes but a measure of whether agencies create either a trust relationship or a bureaucratic routine with federal departments. For example, an agency reporting no jurisdictional disputes makes the following comment:

INAC and Health Canada fight, but agency sends bill to INAC and gets reimbursed. INAC then sorts it out with Health Canada. Almost anything with a medical component triggers a dispute. Agency is protected by a clause in its agreement.

Whatever the clause in the agreement is, it is clearly not a national clause because this is the only agency which considers disputes between INAC and Health Canada to be of no consequence to the agency itself. Hence, because the dispute is contained within federal departments no agency effort is directed at resolving the dispute.

The principle disputes at issue then are as follows.

1) Disputes between FNIHB and INAC which delay or withhold necessary non-insured health benefits to children.
2) Disputes between agencies and provincial authorities over the provision of services demanded by provincial legislation and/or policy but which is not reimbursed or contemplated by INAC policy.
3) Boundary disputes over which authority is responsible for particular children. Frequently these disputes are rooted in whether children or their parents are 'resident' on reserve

and the funding issues that flow from that determination. One agency reported these disputes can include the question of whether a child's parent died on or off reserve. These disputes include provincial authorities 'dumping' cases.

4) Disputes over appropriate practice. This is related to above insofar as agencies may view the range of provincial legislative or policy requirements as too limiting of culturally appropriate solutions. On the other hand, these disputes may also be based upon differing conceptions of safety thresholds and family strengths – that is to say, case management practice.

Structures for Resolving Jurisdictional Disputes:

Jurisdictional disputes may be solved through a continuum of strategies ranging from the informal to the formal. The best strategy depends upon the interests of the disputing parties, the relationship between the parties, the nature of the dispute, and whether the solution to any particular dispute ought to be general and binding on all similar disputes. The Province of Quebec identified a section of the responsible ministry (MSSSQ) whose task was negotiating intergovernmental issues. However, the Quebec based First Nation agency did not identify this division as resolving jurisdictional disputes. It seems the division is less a forum for resolving disputes than an arm of the provincial government specializing in negotiating with other governments on behalf of the Province of Quebec. While it is certainly useful to identify a specific part of government responsible for resolving disputes, this should not be confused with the actual resolution process itself[8]. Below I outline several possible processes and suggest the kinds of disputes they are best suited for.

Avoiding Disputes: Community Assessments:

The best way to resolve disputes is to try to prevent them from arising in the first place. There are several ways in which jurisdictional disputes might be avoided.

No policy initiative or shift in governmental responsibilities can anticipate all possible jurisdictional difficulties; however disputes often arise because of poor planning[9]. Above I alluded to the importance of conducting community capacity assessments. Indeed, it is striking that of the agencies surveyed, a community assessment was completed by only one agency apparently due to its block funding arrangement. By contrast, FNIHB insists that the first task of local delivery of health services is to conduct a needs assessment study and has created a handbook to guide local actors. The handbook's first paragraph makes the following point:

> Identifying home and community care priorities and needs through a community needs assessment is an important activity that needs to be conducted at the beginning of program development. Whereas word-of-mouth can be helpful for getting the idea for the program going, a needs assessment study provides a comprehensive and unbiased documentation of the needs in the whole community. (emph. in original) (Health Canada, [3])

The importance attached to community needs assessments by Health Canada is not surprising given the entrenchment of the population health paradigm within public health programs. However, it is also striking that children are almost entirely absent from FNIHB program strategies and goals. Indeed, with the exception of the Aboriginal Head Start program, and a brief flurry of training around FAS, children are entirely absent from FNIHB's literature. More precisely, the particular health needs of children are subsumed within general categories such as dental, vision; medical supplies and equipment, and so forth.

The absence of children as a category from FNIHB's literature is significant because it blinds medical practitioners to the physical and emotional consequences of child abuse and neglect. More precisely, it suggests abuse and its consequences are not FNIHB's responsibility. Since disputes between FNIHB and INAC over health funding for children in care are a major problem, it may be

that the genesis of these disputes is to be found in the lack of attention paid to child abuse and children in care by community needs assessments conducted within the population health paradigm.

The value of community assessments does not solely lie in their identification of community needs. Literature concerned with community assessments suggests that community assessments are themselves a mechanism for building community strength because they rely on the identification, mobilization and networking of key community members (Kelly et al 2003; Oetting et al 2001). Thus, community assessments not only collect objective information but they also play a part in establishing a shared mission and philosophy which is then widely distributed throughout the community. A community assessment that takes into account the social sphere as well as the medical sphere ought to result in both a clearer understanding of the health needs of parents and their children, but should also assist in developing cooperation between health care and social service providers. In turn, this ought to result in fewer jurisdictional disputes and therefore less time required for servicing disputes.

For all its emphasis on competition, business literature recognizes the central place of trust in economic relationships. This is because it would clearly be too expensive and too time consuming to litigate every dispute. Further, many business disputes arising from professional activities are too difficult to specify in terms of end product and therefore are virtually non-justiciable. The variable rates of jurisdictional disputes reported by agencies may well be a reflection of the presence or absence of trust. The comment by one agency (referred to above) that it trusts FNIHB and INAC to work out their funding arrangements – albeit with contractual support – indicates the importance of inter-agency trust. Note also this trust works both ways; presumably in this instance INAC trusts the agency not to bill for frivolous or unnecessary medical services. A major benefit of community assessments then is the opportunities they create for building trust relationships.

Managing Disputes: Committees:

Bureaucracies are ever faced with the task of imposing rational order upon the disorderly nature of lived experience. Bureaucratic rationalism requires the bounding of human experience within specified categories of action and under the domain of specified areas of expertise. It is perhaps the great irony of bureaucracies that in order for them to function at all they must divide experience into manageable parts. As Nikolas Rose (1999) has remarked, this results in rational bureaucracies resembling Tinguely's fantastic machines filled with independent and often borrowed parts that while seemingly randomly connected nevertheless get things done.

Bureaucratic classifications of experience and expertise tend to create departmental isolates. For one department a client is a set of teeth, for another a problem to be transported, and for a third a risk of child abuse. As each department attempts to sustain its own isolated rationality it may find itself at cross-purposes with other departments where the overall result is either nullification of action or the misuse of extant programs in order to address a service vacuum created by another department's policies.[10]

The usual response of bureaucracies to identifying, preventing, or resolving bureaucratic jurisdictional disputes is the committee. In theory, a committee is capable of reassembling the bureaucratic whole through representatives of departments and expert domains. A standing committee recognizes that some jurisdictional disputes are likely never entirely resolved at least in part because every bureaucratic system must cope with anomalies and exceptions on a case-by-case basis.

Committees are successful when they are a) fully attended by their members and b) based upon high trust between their members. Both of these factors have costs associated with them. Full attendance requires adequate funding for time and travel costs. Where time commitments are large this will have a 'knock-on' effect in terms of back-fill. Travel costs require a recognition that funding is directed at abstract goals – that is to

say, it is unlikely that 'trust' can be conceived as a measurable good and therefore would be opaque to value-for-money audits. Further, these costs will be higher for agencies servicing remote communities since travel will be both more extensive and more difficult. However, the reader will recall that frequency of disputes seems to be positively correlated with degree of isolation. If we can accept that trust relationships are more likely to occur in face-to-face relation than through communication technologies located in isolated areas, then a standing committee structure is likely to enhance trust relations and therefore reduce jurisdictional disputes. [11]

As we have seen, the bulk of jurisdictional disputes concern either disputes between INAC and FNIHB (in which agencies are caught in the middle) or disputes between provincial governments and agencies often due to lack of INAC funding for provincial legislative and policy requirements and exacerbated by a lack of understanding of these limitations on the part of provincial officials. Hence, a standing committee structured to require attendance by these three bureaucratic spheres ought to lessen at least some jurisdictional disputes. I have in mind an hierarchical structure composed of local, regional, provincial, and possibly national committees in which disputes that cannot be resolved at one level may be raised to a higher table.[12]

It is possible to build in an incentive to standing committee's effectiveness by attaching a budget line. That is, a separate discretionary budget for family and children's services accessible solely through the committee and requiring some form of quorum or consensus. I will address this further under the heading of 'Extraordinary Costs' since as I have argued above many extraordinary costs are not in and of themselves extraordinary but, rather, costs outside established jurisdictions and budget lines. That is to say, they are often boundary cases because they partially fit many budget lines but wholly fit within none.

Resolving Disputes: Alternative Dispute Mechanisms

In the movie "Cool Hand Luke" the prison warden explains his brutalization of a prisoner with the phrase: "What we have here is a failure to communicate." Alternate Dispute Resolution mechanisms (ADR) are predicated upon the belief that most disputes are rooted in failures to communicate resulting in a perception by at least one of the disputing parties that they have not been heard – if not brutalized. ADR can take several different forms with arbitration, mediation, and their several sub-forms being predominate. There are two main advantages of ADR over litigation. First, ADR tends to be informal and therefore has more discretion as to what factors (particularly emotional factors) are important and tends to be less expensive than litigation. Second, ADR seeks to create win-win situations through creative solutions where litigation creates win-lose solutions defined within legal parameters and procedures.

However, there are some important negative characteristics of ADR that ought to be kept in mind. First, ADR works best when it is voluntary. Parties who engage in coerced ADR have no stake in the process and therefore the whole philosophy of ADR is undermined. Second, informal procedures provide little protection where the parties enter ADR from unequal power positions. The formality of judicial procedures does provide a hedge against bullying or extortive behavior. As well, ADR can lead to solutions that are less advantageous than legal precedent expects. Third, ADR is often time limited, meaning there can be unreasonable time pressure on parties to reach an agreement irrespective of whether or not it is fair. Fourth, ADR tends to lead to "split-the-difference" solutions on the theory that half a loaf is better than no loaf. However, for the sorts of disputes under consideration here, half a prosthetic device or half a counseling regime (for example) is no solution at all.

Finally, mediators and arbitrators are typically selected by consent of both parties. Since some parties (i.e. insurance companies) frequently find themselves in ADR they tend to hire many more mediators and arbitrators than the other disputant.

In turn, mediators and arbitrators operate within an economy of ADR and it is only natural for them to either consciously or unconsciously attempt to please their primary customers.

Nevertheless, ADR can be a useful mechanism for resolving persistent jurisdictional disputes because of its emphasis on win-win solutions. And, the cost savings over litigation or the persistent drain of staff time due to unresolved disputes may make ADR an attractive alternative to both disputing parties. Nevertheless, while ADR may be cheaper it is not free. Nor does it necessarily save on legal fees insofar as many parties engaging in ADR are wise to engage the services of a solicitor to ensure both the process and settlement are fair. The extent to which agencies can expect to engage in ADR is dependent upon their current dispute frequency and their anticipation of further disputes arising due to government policy changes[13].

From a budgetary perspective, it is unlikely that ADR could be planned for on a global basis since, as we have seen, the frequency of jurisdictional disputes are highly variable. It seems more reasonable that agencies with a history of disputes would need to create a separate budget line (or claim against INAC) based upon their particular situation. From the perspective given here, what is important is that such a budget line be created for those agencies able to demonstrate the need.

Some may argue that to create such a budget line would be to encourage disputes rather than the smooth operation of jurisdictional cooperation. While I certainly allow for the possibility, I find this concern unfounded because it fails to take account of a secondary byproduct of ADR. Pavlich (1996) points out that a major goal of ADR is to teach participants how to resolve their own conflicts – what he calls the creation of non-disputing selves. The reader will recall that I have speculated above that the extraordinarily high number of disputes reported by a minority of agencies seems to suggest a culture of dispute. If Pavlich is right, then a major reason for this culture may not be the objective conditions under dispute but the lack of skills and trust available to the disputing parties. In theory, ADR provides a forum for disputing organizations to acquire a non-disputing persona by gaining skills and enhancing future trust relations based upon the increased likelihood of win-win solutions. At the very least, a skilled mediator ought to be able to increase the level of trust due to their practice goal of having each party hear and understand the position of the other party.

Formal Advocates and (Child) Rights Approaches

The United Nations Convention on the Rights of the Child, ratified by Canada in 1991, is generally accepted as a watershed moment in defining the relationship between the state and children. In its wake, the Convention has created a number of reporting requirements and advocacy apparatuses designed to monitor and report on states' compliance with the Convention's requirements. According to Canada's Second Report on the Convention of the Rights of the Child (Canadian Heritage 2003) there were five Canadian provinces with some form of advocate, commission, or ombudsman dedicated to insuring governments act in accordance with the Convention[14]. Other provinces identified a specific minister designated to act on behalf of children's rights.

The federal government does not have a single ombudsman although a number of ministries and departments have their own internal ombudsman. (Interestingly, the staff of INAC has recourse to an internal ombudsman.) Since Canada's constitution assigns governmental responsibility for social services and children to the provinces, the federal government does not ordinarily have any requirement for a child advocate to monitor its own policies and procedures. However, the situation of First Nations children is different since the federal government retains a fiduciary duty toward them. This anomaly means that First Nations children on reserve are the only children in Canada for whom no authority is designated as responsible for them, and they are among that proportion of children who cannot call upon an independent body dedicated to speaking on their behalf. Given that a significant number of jurisdictional disputes concern disputes within the

federal government the absence of an independent voice effectively means there is no way to leverage policy and procedural change for the benefit of aboriginal children.

By contrast, the recent example of children in care of Ontario Children's Aid Societies due to the government's decision not to fund Special Care Agreements and its subsequent reversal of that policy was largely due to the activities and report of the Ombudsman of Ontario (2005). Similarly, in British Columbia, pressure to change child protection legislation in the early 1990s came in no small part from the release of two provincial Ombudsman's reports (1990; 1991)[15]. Hence, while Ombudsman and other Advocates have no authority to make governments change their policies, the ability of these officers to embarrass government through their public reports can provide an important and effective incentive for change.

The importance of independent voices speaking on behalf of children has been noted by UNICEF:

> …without independent institutions focusing entirely on the rights of children, these rights will rarely receive the priority they deserve. While children are among the heaviest users of public services, they remain the people who are least able to influence the actions of governments. The main task of such institutions is to close the gap between the rights rhetoric and the realities of children's lives, ensuring that rights are translated into law, *policy and practice*. *(emph. added.) (UNICEF 2001, 1)*

Thus, while the Convention explicitly requires states to "strive to ensure that no child is deprived of his or her right of access to such health care services" (Article 24) the reported jurisdictional disputes between INAC and FNIHB seem to amount to such a deprivation. Further, Article 12 requires states to take into account the views of children but in the absence of a designated voice representing the interests of First Nations children this right is more rhetorical than substantive.

The federal government has introduced Bill C-257 titled "An Act to establish a First Nations

Ombudsman and a First Nations Auditor to assist with administrative and financial problems"[16]. However, while Section 2 (a) (iii) contemplates this Ombudsman investigating problems arising "between one or more First Nations communities and the Government of Canada", it is clear the Bill's principle concern is with financial irregularities within First Nations' governments. The Ombudsman's task will not be, as law professor Larry Chartrand has noted, to "monitor non-aboriginal governments' accountability to aboriginal peoples". Further, the First Nations Ombudsman does not have responsibility for investigating difficulties involving individuals – its concern is between First Nations governments and INAC – unless that difficulty is between a band member and his or her First Nation government.

Disputes within the federal bureaucracy are unquestionably the responsibility of the federal government. However, as we have noted, jurisdictional disputes are as likely to occur with provincial authorities. Would a federally constituted ombudsman or child advocate have the authority to intervene in these kinds of disputes? In principle, there seems to be no objection. As has been frequently noted, just because the federal government has not legislated on behalf of First Nations children on reserve does not mean it cannot. This is a choice of the federal government. A federally constituted child advocate would not be inherently restricted to federal government programs since the office's task would be to represent First Nations children – no matter where their concerns lie.

Moreover, as noted above, ombudsmen and child advocates normally do not have authority to make government – in this case either federal or provincial – change law or policy. Rather, their role

is to investigate, report, and, if need be, embarrass governments into action. Further, provincial ombudsmen and child advocates share certain general characteristics. There is no reason to suppose a federally appointed advocate could not participate in a cooperative network of advocates composed of both provincial and federal officers charged with resolving jurisdictional disputes of mutual interest.

Linking Mediation and Advocacy:

In the previous section I argued for a separate budget line that agencies could call on for the purpose of engaging a mediator for jurisdictional disputes. If a federal child advocate were appointed it is possible this advocate could either a) fulfill this role directly, or b) hold the mediation budget line, thus ensuring independence from INAC and provincial governments in the distribution of funding.

Such an arrangement would, of course, be outside the current activities funded by Directive 20-1. However, as I hope to have demonstrated, the present arrangement does little or nothing with respect to providing resources for the resolution of jurisdictional disputes. Instead, if the agency sample is at all representative of general conditions facing agencies, it is clear a substantial amount of funding supposed to used for the maintenance of First Nations children is in fact being directed at resolving jurisdictional disputes.

Furthermore, the repetition within reported disputes (as noted above) indicates one-off resolution of disputes is inefficient if the real issue is a policy gap. That is, if the jurisdictional dispute is general – and the disputes between INAC and FNIHB certainly appear so – then it is clearly a policy problem. What First Nations need, then, is a way into the policy-making domain; a way to influence internal government organization and policy. An ombudsman or child advocate ought to be able to perform precisely this function.

In Conclusion:

The most effective way of dealing with jurisdictional disputes is to prevent them. For this reason, I strongly believe that a change to current federal funding of First Nations child welfare agencies must include a provision for community assessment. The precedent has already been set by Health Canada due to their reliance on the population health paradigm. There is every reason to suppose a similar approach toward the incidence of child abuse and neglect is equally necessary. As noted, a significant byproduct of community assessments is the creation of networks of cooperation and trust. In turn, this ought to lessen the incidence of jurisdictional disputes.

Cooperation between staff and government departments is not a given. If community assessments begin the process of networking and cooperation then it is standing committees that sustain them. A committee structure presents significant difficulties for agencies in remote areas. Ideally, then, travel budgets of remote and rural agencies must recognize the importance of face-to-face contact amongst agents because it is only in this way the trust necessary for cooperative action can be initiated and sustained. Furthermore, a committee structure with access to its own budget line may provide a mechanism for dealing with disbursement of funds for extraordinary costs. I will pursue this recommendation in the following section.

Despite the best efforts of individuals, jurisdictional disputes are unlikely to be eliminated. They are simply a fact of life in complex bureaucracies. At present, there is no formal mechanism for outside mediation of disputes. Thus, it appears that in some instances disputes multiply due to an increasing mistrust and a belief by one or more parties that their position is neither heard nor understood. A funding mechanism is required to provide mediation services where they are appropriate. Mediation is not without its problems; however it can be a very useful resource under the right circumstances. Certainly, mediation services would be cheaper, less time-consuming, and more efficient than the current situation in which staff time is drained

out of direct service and into dispute engagement. Moreover, one supposes that persistent jurisdictional disputes might eventually lead to expensive and drawn out litigation.

Finally, the lack of an independent voice representing First Nations children's voices suggests the honoring of the Convention on the Rights of the Child is more rhetorical than actual; if INAC staff have the opportunity to call upon an ombudsman, why not children? Ideally, a First Nations child advocate would be entirely independent of government structures through its institution as an Officer of Parliament. In any case, any sort of quasi-independent voice would be better than the current situation.

Again, the logic of an independent advocate is based upon the observation that, at present, many resources supposedly destined for the maintenance of First Nations children are currently being directed towards the resolution of jurisdictional disputes which are all too predictable and repetitive. If, for example, an advocate was able to convince FNIBH and INAC to mesh their policies almost half of all serious jurisdictional disputes would be resolved. That Health Canada and INAC have been able to do this in one province suggests it can be done in all provinces. Of course, for First Nations the frustrating part of this problem is that without an advocate with access to federal government decision-making processes, it cannot be known why the problem persists. An advocate with an investigatory mandate could fulfill this function.

Extraordinary Costs

Six agencies reported incidences of extraordinary costs. Of the agencies reporting no incidences, two were from the same province (Alberta), while the third had a block funding agreement. In the latter case, it may be that the agency did not consider any expense 'extraordinary' insofar as block funding implies funding for everything – including extraordinary costs. Thus, this agency may experience extraordinary costs but does not perceive them as extraordinary because of the nature of their funding arrangement.

Agencies reporting extraordinary costs tend to mirror the concerns expressed with jurisdictional disputes. That is to say, extraordinary costs are associated with isolated and high needs communities due in the main to the travel costs incurred for providing service; costs associated with a lack of specialized care/resources such as psychiatric care for suicide, homicide, substance abuse, and so forth; and costs incurred due to delays caused by jurisdictional disputes.

Agencies servicing remote communities note the high cost of staff travel as well as travel for clients for diagnostic or remedial services. Two agencies noted the high costs of travel associated with calling a staff meeting (up to $50,000), but also the inherent danger of winter travel in sparsely populated districts. This danger is to be understood as twofold; a) danger associated with seasonal weather conditions and b) danger associated with child protection workers (and foster parents) co-resident with dangerous and potentially life-threatening clients in isolated and non-policed communities.

Children with complex health issues are a major feature of agencies' reports because these problems are widespread yet random in occurrence. That said, agencies servicing isolated communities report it is impossible to know the incidence of complex medical needs because travel costs preclude diagnostic services[17]. Related to the problem of complex medical needs are those children with complex developmental disabilities. The average cost of developmental disabilities of the four agencies reporting is $115,000. However, developmental disabilities often require extensive capital investment in accessibility technology but these costs do not appear to be part of agencies' calculations.

Like complex medical and developmental issues, complex mental health needs present extraordinary management challenges. Assuming they have been diagnosed, and there is little reason to believe the incidence of mental health difficulties amongst First Nations children has been adequately surveyed through appropriate diagnostic tools, then the average cost per agency of servicing such children is $500,000. It is unclear from the

data whether this includes special residential arrangements such as Special Needs homes. If it does not, an agency's reporting special needs foster care requires $12,500 per day is in addition to this initial $500,000. On the other hand, both agencies and provincial governments report specialized (and out-of-province) institutional placement as a major budgetary problem. Presumably this is because such institutions are inherently expensive but also because of the difficulty of predicting both the number of children requiring such care and the length of time the children would require intensive institutionalization.

One agency reported as an extraordinary cost the expenses involved with terminating an agency employee. A second agency reported as an extraordinary cost provision of post-majority care provided for by provincial statute.

The employment example is the only example of extraordinary costs if 'extraordinary' is understood to mean random, unforeseen, and unique. The vast majority of costs identified are not extraordinary by local standards. In other words, one agency reports the costs of helicopter transportation; a cost unique amongst surveyed agencies. However, there is nothing extraordinary about this form of transportation in the local area. Hence, what makes this cost extraordinary in the mind of the agency is a lack of adequate transportation funds covered by Directive 20-1[18].

In addition to the problem of medically fragile children and out-of-province institutional care, the Nova Scotia case study mentions "legal and settlement costs" in which "[settlements] can cost hundreds of thousands, while legal costs can be around millions". It is unclear from the response what sorts of settlements or legal procedures are referenced however it seems likely to include historical abuse settlements, class action lawsuits pertaining to institutional care, or serious abuse within other forms of care. This would be consistent with other jurisdictions; For example, British Columbia has been to the Supreme Court of Canada to appeal liability judgments in all these categories. According to the Nova Scotia case study there is no settled formula for dealing with such cases. Instead the government:

> Tend[s] to absorb it centrally after a review of all other alternatives and justification of the expense. Sometimes an agency can handle the cost, especially if their normal case load has dropped. The central office doesn't have a contingency budget for this either – the request needs to go to the Deputy Minister and sometimes to Cabinet. (N.S. case study)

In this description one detects a hierarchy of claims. First, local agencies are expected to cover costs through internal budgetary adjustments. Where this is not possible, the problem rises to provincial ministry which presumably pays for settlements though cost savings in other areas. If the cost is not only extraordinary in terms of type, but also in the amount of monies required then a Deputy Ministerial decision is required, which would presumably involve informing the responsible Minister and possibly making a special request to Treasury Board. Finally, where the cost is very large (millions) then Cabinet becomes involved as the cost may well involve reallocation of government budgetary resources involving other ministries.[19]

It should also be noted that the case study implies extraordinary expenses only involve one-time settlements and litigation. This would be consistent with the general legal practice of calculating "future care costs" as a lump sum transferred to the victim. However, it is possible that costs such as future counseling could be rendered "in kind" rather than as a lump sum settlement. In isolated communities where counseling services are sparse such an arrangement may be the only practical alternative. In any case, this may be a situation where an extraordinary cost is not as simple as a one-time payment consequent to a judicial decision. [20]

Since First Nations agencies are relatively new, legal and settlement costs associated with historical abuse may appear relatively remote. However, it should be kept in mind that, to my knowledge, no child welfare system has eliminated moral hazards from their activities. Unfortunate as it may be, no fostering system can prevent the problem of foster parents abusing children in their care. Moreover, given the progressive expansion

of behaviors considered abusive no child welfare system can be sure that its current practices will always be approved at a later date – although the Supreme Court of Canada has indicated the standard for such determinations depends on the usual practices and state of knowledge at the time of the any infractions (K.L.B.). On the other hand, the U.K. experience of the Cleveland Affair indicates that where child welfare personnel utilize novel technologies to determine the occurrence of abuse considerable legal and political effort can be engaged to both attack and defend child protection decisions.

Furthermore, children-in-care are almost by definition a challenging population. For example, in June of 2005 a child pled guilty to murdering a group home worker at his residential resource in Alberta. According to news reports the worker's parents are planning to sue the Alberta government for $75,000 (Harding 2005, A8). Rare as it may be, children-in-care do commit crimes – sometimes violent crimes – both against those that care for them and members of the public. Under such circumstances, agencies and governments may be liable for the crimes of the children. Many of these liabilities are settled out of court and therefore it is difficult to predict potential settlement costs. However, as an example, in 1987 the British Columbia government negotiated a $40,000 out of court settlement to a woman sexually assaulted by a child in a government psychiatric facility for adolescents (Vancouver Sun 1987, G.8).

Of particular concern for agencies serving isolated communities is the gap between the agencies legal responsibility to protect children and the actual resources available to do the job. One agency describes child protection workers in isolated communities taking children into their own homes but without any local police protection. In a worst case scenario, if the person posing a danger to the child were to enter the worker's home and assault its inhabitants one can imagine a resulting plethora of lawsuits. First, the child(ren) may sue the agency for failing to protect them. Second, employees may sue the agency for failing to ensure their safety 'in the workplace'. Third, others present in the employees' home – whether family, friends, or acquaintances – may sue the agency for any harms they or their family members' experience as a consequence of the agency's enterprise. Of course, not taking the child into custody would also present its own potential liabilities.

Calculating extraordinary costs is, then, not a simple or straightforward matter. For agencies servicing isolated communities or challenging clients, lack of sufficient funding for travel or adequate residential resources may transform ordinary travel costs into extraordinary legal costs. That is to say, the inability to monitor resources for potential moral hazards, travel and diagnostic barriers preventing agencies from fulfilling their statutory mandates, the dangers associated with potentially volatile clients, and reliance on ad hoc travel technologies may save money in the short run but extraordinary expenses in the form of agency liability seem inevitable.

Forms of Extraordinary Costs:

In general, the most significant costs reported by agencies can be divided into three types; a) those that are extraordinary due to jurisdictional disputes or obviously insufficient funding; b) costs associated with the unexpected and random distribution of moral hazards found in any child welfare system; and c) costs experienced by other jurisdictions but not mentioned in the agency survey.

Type (a):

1) Agencies servicing isolated communities face extraordinary staff travel costs, communities with widespread and largely undiagnosed problems associated with community-wide dysfunctions, and an inability to transport clients to needed services. In addition, child and staff safety is compromised due to a lack of adequate police protection and safe forms of transportation. These costs are only extraordinary insofar as they are costs not ordinarily faced by most child welfare agencies. They are not however extraordinary for these particular agencies. Rather, they are simply costs associated with providing child welfare to

isolated and often dysfunctional communities. These problems are not amenable to 'one off' solutions but instead demonstrate an ongoing need for adequate funding if child welfare responsibility is to be practiced in isolated communities. Reported under-funding is difficult to judge since agencies responsible for isolated communities are, in a sense, "bottomless pits" of problems and therefore funding requirements are potentially without end. I suggest that establishing the necessary budgetary commitment can only be calculated in the context of an adequate community capacity assessment. As it stands, funding estimates are at best guesses and at worst wildly divergent from actual needs.

2) Children with complex medical needs create extraordinary costs. It should be kept in mind that this issue is also significant for jurisdictional disputes. These kinds of extraordinary costs may be considerably alleviated if funding and responsibility disputes between FNIHB and INAC are resolved. Put another way, funding for complex medical needs is not necessarily an agency problem; it becomes an agency problem when federal departments dispute responsibility amongst themselves. That said, there remain additional travel costs agencies can expect to absorb. In-person case management and consultation, costs associated with accompanying children to medical services, and family visitation for children unable to live in their home communities are not, strictly speaking, medical costs. Such visitation is, of course, necessary for best practice reasons. Therefore, staff and family travel costs are rightly an agency responsibility. However, they are not, in and of themselves, extraordinary costs insofar as the population of children with complex medical needs is calculable. For that matter, if FNIHB's recommended community needs surveys have been completed then the demand ought to be largely known.

3) From both agency data, and the FNIHB policies available to me, it is difficult to judge the boundary between FNIHB responsibility and agency responsibility for children with complex developmental disabilities. Judging by the information available it seems likely FNIHB would limit its responsibility to direct medical care and provision of prosthetic devices. However, the general movement toward de-institutionalizing the physically and mentally disabled has revealed considerable cost considerations with respect to the provision and/or monitoring of daily care as well as the need to retrofit public buildings, roadways, vehicles, and housing. In the absence of other sources of funding, it seems likely many of these costs will fall to agencies. Again, it is useful to remember these issues are not unique to First Nations except that many First Nations have considerably further to catch up to standards still developing within the non-aboriginal world. Research is clearly required to establish the incidence of children with complex developmental delays resident on reserve. Furthermore, as de-institutionalization becomes entrenched, such a determination will need to take into account both the possibility of disabled persons returning to their home reserves and the difficulty of establishing a baseline when past practice was to remove disabled children from their homes and place them in institutions.

4) As with (3) above, the jurisdictional boundaries and incidence of complex mental health needs are difficult to determine. As mentioned above, addressing mental health issues on reserve is something of a novel initiative since historically it seems to have been ignored. The knowledge vacuum is exacerbated by the lack of diagnostic services available to remote communities. It is worth noting however that where complex mental health needs are mentioned by the survey they are far and away the most expensive needs to service – likely due to the extraordinary supervision and residential requirements associated with mental health needs.

Type (b)

1) The only purely random extraordinary cost reported by agencies concerned costs involved with terminating an employee. The cost was estimated at $25,000.

2) As alluded to in Type (a) (1), widespread community dysfunction is reported by agencies concerned with isolated communities. However, one agency drew attention to "communities in crisis". Examples of such crises include sudden jumps in suicide rates (referred to in suicide literature as "clustering") and periodic outbreaks of substance or solvent abuse. Responding to such crises places an enormous drain on both ordinary travel budgets (already overstretched) and staff time with the usual problems of back-fill this creates. Additionally, such crises and the sudden demands they generate, tend to make great demands on whatever counseling services are available. [21]

Type (c)

1) No agencies reported extraordinary legal costs for liability exposure. However, while this may be a function of First Nations agencies effectiveness, I would suggest it is more likely due to agencies' relative novelty. It is also worth noting that lawsuits directed at government child welfare policies and practices are still in their relative infancy, which suggests jurisprudence in the area is still unsettled. For example, The Critchley judgment of the British Columbia Court of Appeal that established important principles of government liability was rendered in 1998. The next year, the Supreme Court of Canada rendered its decision in Bazely where it was found the Children's Foundation was vicariously liable for the torts of a group home parent. Significantly, the Children's Foundation had no insurance coverage for this type of liability. Had the British Columbia government not underwritten the damages accrued, the Foundation (a non-profit organization) would likely have gone bankrupt.

   Given the potential for large damage quanta, it is unlikely First Nations agencies could afford insurance for global liability – especially since according to H.L.A. Hart (1994, 132) liability can only be determined after-the-fact. Exposure to liability may not constitute the most common form of extraordinary expense experienced by agencies, but in light of the comments of the Nova Scotia official it may turn out to be the most expensive. Clearly, protection from liability exposure, and a means of ensuring damages do not bankrupt First Nations agencies are crucial to the First Nations child welfare project. First Nations agencies do not share the economies of scale enjoyed by government nor do they have the kind of deep pockets self-insurance requires.

2) As with the example from Alberta given above, agency liability is not limited to the actions of its staff or contracted representatives toward clientele. Liability exposure must also take into account agency exposure to liability for the conduct of its clientele toward its staff. Given the safety and policing concerns expressed by agencies responsible for isolated communities this form of liability exposure deserves further attention.

3) Type (b) 2 concerns the effects of periodic crises on service delivery to communities – these are understood as located within the community as a whole rather than crises located within individual behavior. However, communities are also subject, from time to time, to crises consequent to natural disasters. The precise boundary between natural and human causation can be fuzzy with respect to natural disasters (i.e. is a dam bursting, or an oil tanker sinking a natural disaster?). Moreover, disasters can be sudden (i.e. an earthquake) or cumulative over extended periods of time. The Minimata effect at Grassy Narrows and Whitedog reserves is an example of a cumulative health and social disaster.

There are three aspects to disasters that need to be kept in mind. First, disasters need a coordinating body. Second, disasters require immediate response. Third, disaster response is usually followed by a period of reconstruction. In off-reserve Canada, governments have established a number of emergency plans and protocols to clarify what body is responsible for declaring an event a disaster and to ensure coordination and quick response. Whether these plans and protocols are binding on reserve is a legal question, however it seems reasonable to assume that First Nations might choose to develop their own emergency

response either because the community is of a sufficient size to warrant independent plans, the community is sufficiently isolated that it is effectively self-responsible, or the community makes a political decision to take care of its own.

In the case of a disaster in the form of an epidemic, it is now well appreciated from the African AIDS experience that a large number of orphans can be created by age opportunistic diseases. Were such an epidemic to break out on reserve it would be up to agencies to try to cope with the social consequences of a lethal epidemic. Moreover, Canada's experience with SARS suggests that it is not just the objective dangers of a given disease, but subjective risk perceptions that define whether or not an event is classified as a disaster.[22]

The implication of natural disasters is the need for a disaster planning body. The federal government provides for a source of funding for such planning through its Public Safety and Emergency Preparedness program. Of First Nations, the programs website states:

> Under the legislation of Alberta, Prince Edward Island and the Northwest Territories, the band council of an Indian band or a settlement council, as the case may be, is given the same power and responsibility as a local authority with regards to preventing, responding to, and recovering from an emergency. In British Columbia, the Minister of Indian Affairs is the local authority for a reserve. Alberta allows reserves to be considered municipalities under the Disaster Services Act. Manitoba supports First Nations initiatives such as an Assembly of Manitoba Chiefs for emergency preparedness activities and the Manitoba Association of Native Fire Fighters.

The Department of Indian and Northern Affairs is required, under the federal Emergency Preparedness Act, to co-ordinate emergency response measures on all reserves. The INAC works to ensure "contingency plans are in place in First Nation communities on reserve lands and in communities on federal lands north of 60 degrees." It attempts to provide "prompt, coordinated responses…that are community based and supported by the local population." (INAC, Administration Manual, Foreward, 1994.)

It is beyond the purview of the present work to examine this arrangement in detail however it is clear that responsibilities vary from province to province and the likelihood of INAC creating a comprehensive, nation-wide, emergency preparedness plan for all First Nations' reserves is highly unlikely. It seems reasonable then to suppose First Nations governments, child welfare agencies, and health organizations have an interest in establishing their own disaster responses and that INAC should be the conduit for funding that activity. [23]

Finally, the Public Safety and Emergency Preparedness program has a role to play in post-disaster reconstruction. First Nations child welfare agencies need to feel confident the interests of their clients are reflected within any reconstruction effort. This may be accomplished through on-reserve consortiums of interests (government, child welfare, health, education, etc.) and, in the case of children, underwritten by the either the committee system and/or the children's ombudsman/advocate as proposed in the jurisdictional disputes section of this paper.

4) No agency specifically reported involvement with public inquiries as an extraordinary cost. However, as discussed in the introductory section of this paper, public inquiries into child welfare are the quintessential extraordinary cost. This is so because a) such inquiries are impossible to predict when so often they are a consequence of press interest and transient political pressures; and b) because the kinds of events leading to public inquiries are usually not, in themselves, extraordinary. Rather, attention is attracted to such events due to their unusual and unforeseen consequences. This is particularly true for child homicides where the belief that a child died as a consequence of child abuse, and that the consequence of that child abuse was obvious, is widespread but erroneous.[24]

I will not belabor the obvious problems inquiries

present with respect to drains on staff time, the need for back-fill of positions, impact on staff morale, requirements for travel and the problem of attending inquiries of uncertain duration. I will simply reiterate that I have discovered no budget line specifically set aside as a contingency fund for such activities. Rather, governments tend to absorb these costs through economies of scale, specific requests to cabinet and Treasury Board, or through an entirely separate inquiry budget. Clearly, Directive 20-1 did not anticipate the possibility of extensive resource commitment to such inquiries despite the fact First Nations have no control over their establishment or the degree of participation required of First Nations.

Budget Strategies:

Funding provision under Directive 20-1 is primarily divided into two forms; operational costs and maintenance costs for children in care. Operational costs are adjusted according to on reserve child populations and degree of remoteness. So far as I've been able to ascertain, if there was an initial logic to the division of funding and the amount of funding, that logic has been lost over the intervening years. As a general observation, it seems clear that agencies' subsequent experience has demonstrated Directive 20-1 severely underestimated both the types of agency activities and the funding required for supporting those activities. Hence, a theme of agencies surveyed is the universal practice of 'robbing Peter to pay Paul'. In particular, a general problem is the diversion of maintenance funding away from children in care and towards subsidizing large travel or administrative costs.

This paper has argued that a good deal of what is considered under the general rubric of jurisdictional disputes and extraordinary costs is, in fact, neither. Rather, for approximately half the cases, jurisdictional disputes and extraordinary costs are actually problems associated with under-funding. More precisely, lack of funding for the particular circumstances of particular agencies. The theme to which this paper has consistently returned – the need for the kind of community assessment already entrenched in FNIHB policy – attempts to suggest that funding quantum needs to be tailored to each agency's particular circumstances.

Operational funding:

Operational costs are clearly inadequate to cover travel expenses conceived as 'extraordinary' from a national perspective but 'ordinary' from the perspective of agencies faced with delivering statutory services to remote locations. As well, a national funding formula cannot take account of the differing operational costs associated with provincial legislative and policy demands. These demands range from the purely bureaucratic (i.e. audit and reporting policies) resulting from administrative requirements built into contracting arrangements required by provincial governments, to legal responsibilities pursuant to the delegation process. For example, responsibility for mediation, repatriation and post-majority services varies with each province's legislative regime. Hence, one operational formula cannot be sensitive to each of these varied demands.

With respect to contracting, it is significant that one agency reporting no jurisdictional disputes mentions disputes between FNIHB and INAC over medical funding; but not as a problem for the agency. This is due to the contractual relationship the agency has with the federal government. By inference, if this contractual relationship were replicated across the country a significant number of jurisdictional disputes would be eliminated. Of course, it would be simpler if the two branches of the federal government could resolve this problem in Ottawa, but a clause within agency contracts could protect agencies from the periodic reallocation of funding responsibilities between federal departments.

Travel costs ought not to be limited simply to the costs associated with adequate transportation technologies. As noted above, transportation problems have significant knock-on effects for both the safety of children and staff. Thus, savings realized from inadequate travel budgets may well reappear as extraordinary costs in the form of legal liability.

Assuming the distinction presently made by Directive 20-1 between operational and maintenance funding remains in place, the most crucial improvement needed for operational funding is the inclusion of a requirement and funding support for community capacity assessments. As discussed above, this is a requirement for health funding and it seems curious child welfare has not hitherto been subject to a similar requirement. Much of the difficulties coded as jurisdictional disputes and extraordinary funding could be alleviated with this relatively inexpensive investment.

In addition, increased funding for travel is required, particularly where this is directed at agencies responsible for remote communities. Similarly, the formula for operational funding must reflect the actual demands placed on agencies by various provincial legislative requirements. Hence, the formula probably needs to be tweaked by provincial jurisdiction. Further, given that agencies have no control over shifts in provincial legislative and policy regimes, the operational funding formula will require regularly scheduled reviews (say, every 3 to 5 years) of changes in provincial requirements.

Maintenance funding:

In one form or another, all surveyed agencies report a significant proportion of children in care, or children likely to enter care, as possessing significant special needs. The actual demand is unknown largely due to the difficulty of accessing appropriate diagnostic resources. Again, this problem grows more acute the more remote the community served. While an adequate community assessment would help to reveal the extent of the problem for any particular community, the problem of diagnostic, treatment, and supervision costs remains to be calculated. As noted above, by far the most expensive type of client are those with complex mental health concerns, however costs associated with complex developmental delay and complex acute medical needs are equally urgent.

By and large, provincial jurisdictions solve the problem of varied special needs by creating graduated care regimes. That is to say, the cost of maintaining a child in care varies according to the degree of care the child requires. This approach would seem to be self-evident; however the approach seems to have no application within Directive 20-1. Of course, recognition of the principle of special needs does not necessarily imply agreement upon where the boundary between 'special' and 'regular' lies, nor how much funding should be attached to 'special care'. Some argue all children in care have special needs, but this seems unhelpful given the broad range of potential disabilities, their relative severity, and variable access to support services.

As well, while special needs children require attentive and professional care, their needs are also understood to include specialized support (i.e. psychiatry, counseling, etc. with their associated travel requirements) and capital costs associated with renovating modest housing to accommodate children with special needs (i.e. wheelchair ramps, accessible vehicles, additional staff associated with twenty-four hour care of the medically fragile, etc.)

From the perspective of the federal government, the difficulty with recognizing children's special needs is that, at present, it is almost impossible to predict the global costs associated with a graduated maintenance regime. Largely, this is because there is, as yet, no reliable mechanism to calculate the actual incidence of children with special needs on reserve. The best source of such information may be FNIHB but it seems likely to be incomplete. Nevertheless, a survey of community needs assessments undertaken under the auspices of FNIHB policy may give a rough approximation of the number of children with complex special needs.

It is further worth noting that special institutional care is noted as a large expense by the Nova Scotia case study. All child welfare jurisdictions are faced with such costs and recognize they are sufficiently beyond the means of the usual formula for maintenance that they are often paid out of centralized budgets. Here, provincial authorities rely on their economies of scale to absorb extra costs which are extraordinary in the sense of being outside the usual requirements of residential care but ordinary

in the sense of being regular and predictable in their incidence. It seems likely, then, that a central budget – either managed by INAC itself or managed by the committee system proposed above – will be a requisite to ensure adequate funding on an as-needed basis.

The funding formula for maintenance must be adjusted to create a tiered system of payments capable of recognizing the real incidence of complex special needs amongst on reserve children in care. The hierarchy must not be limited solely to residential costs but must be inclusive of the purchase of necessary professional support. The system needs to be augmented by a central budget line capable of releasing funds on an as-needed basis for institutional care or unexpected demands for exceptional costs.

Directive 20-1 seems not to have contemplated the need for capital costs associated with accessibility and the disabled. These costs are of two types; housing and vehicle renovation targeted at particular children and community based renovation such as installation of sidewalks, access to public buildings, traffic control, and the like. I raise this issue of public accessibility here because there seems little point in ensuring disabled children in care are located in accessible housing if they are unable to leave the residence due to lack of public amenities.

Funding External to Directive 20-1

Within the limitations of Directive 20-1 significant improvements can be made with a more nuanced and expansive use of the categories of operational and maintenance costs. However, the problem of extraordinary costs – that is, costs which come, as it were, 'out of the blue' remains. Similarly, the drain on agency resources caused by jurisdictional disputes which are often replicated across the country needs to be addressed through alternative funding structures. What follows, then, constitutes something of a wish list for a comprehensive on reserve child welfare system.

As noted above, at present First Nations children are the only children without a designated independent officer responsible for representing their interests. I regard it as crucial such an officer be appointed under the title of advocate or ombudsman. This officer would be a federal functionary (but ideally appointed through a consensus of the Assembly of First Nations or its designate, and Parliament) but independent of government and particularly INAC. Attached to this office may be either in-house mediators or a budget line for engaging mediators on an as-needed basis for jurisdictional disputes. As noted above, the frequency of jurisdictional disputes, and the costs associated with those disputes, varies wildly between agencies. Hence, it seems reasonable to centralize this aspect of advocacy work so that it is available to those jurisdictions where it is most needed as opposed to including small amounts of funding for each agency.

A similar economy of scale applies to the proposal for multi-jurisdictional committees. A separate budget line is required both to ensure adequate travel funds for their membership but also to allow for committee control of a budget line designated to address extraordinary costs as they arise[25]. Funds controlled by these committees would constitute a kind of insurance against extraordinary costs (such as inquiry participation or sudden community crises) requiring deeper pockets than any single agency could afford. They may also be able to coordinate back-fill for sudden events resulting from sudden drains on agency personnel resources. It is possible the committee controlled budget line could be established through a surcharge on funding for each agency (which would make it an insurance function), or funds could be disbursed from INAC to provincial committees which, in turn, would disburse a portion of those funds to regional and local committees. In any case, it is clear that no child welfare jurisdiction is immune to unexpected costs sometimes counted "in the millions". What is needed is a replication of the economies of scale the federal and provincial governments are able to call on.

Also outside the purview of Directive 20-1 are funds necessary to address the possibility of natural disasters and capital costs associated with community accessibility for the disabled.

As alluded to above, it is probable these costs are not likely to be seen as child welfare costs per se. However, an advantage of a children's advocate or ombudsman would be the ability to put these issues 'on the table' as children's issues. Whether agencies become the lead agencies responsible for addressing these shortcomings is, I suspect, for individual First Nations to determine. However, disaster response and accessibility is not the exclusive domain of the adult world. Therefore, funding for operational costs must reflect demands on agency resources for addressing these issues. Again, this may be incorporated directly into operational costs, or constitute a surcharge on contracted funding. In either case, recognition of children as full citizens also means recognition within all policies that affect them.

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Footnotes

[1] See (HRDSC n.d.) for a list by province of risk assessments in use in Canada.

[2] But see O'Sullivan and McHardy (2004) for a

national measurement using a Community Well-Being Index. The analysis provided gives regional comparisons, but not comparisons by type of community.

[3] And, of course, this self-categorization has implications for self-esteem and all the possible social problems low self-esteem is associated with.

[4] I have written on this elsewhere. See Cradock (2003) for a fuller account. In the U.K. similar inquiries have been sparked largely due to press coverage (see Nava 1995 for a media analysis of the Cleveland Affair and Franklin and Parton (1991) for a more general account of the relationship between social work and the press).

[5] British Columbia established the Children's Commission to conduct such inquiries in the wake of the Gove Inquiry. The Commission was disbanded in 2001 with the election of a new government.

[6] This number cannot be explained solely by the size of population served. Similar populations served by other agencies do not produce anywhere close to this number of disputes. It is possible the data was skewed insofar as the survey describes disputes between two parties. Perhaps this particular agency is double reporting tripartite disputes and therefore the survey double counts. Even so, the minimum number of disputes would still be on the order of 80, significantly higher than any other agency.

[7] See below for the construction of the 'non-disputing' self in the context of mediation. As an aside, variations between numbers of disputes may also indicate cultural differences towards disputes across First Nations in general. Further, see Cruise (1986) for rumination on contemporary aboriginal socialization and its relation to assertiveness. Briefly, Cruise argues part of aboriginal subjectivity depends upon creating an oppositional stance toward dominant social values. Lemert (1954) made a similar observation about 'outlaw' social groups within the nascent Catholic Indian State of late 19th century British Columbia.

[8] The Province of British Columbia has also experimented with specialist First Nations negotiators. When B.C. had a Ministry of Aboriginal Affairs it was supposed to liaise with designated persons within all other ministries within government to ensure First Nations issues were incorporated into all government initiatives. The Ministry was disbanded in 2001 and has recently (June) been resuscitated. The B.C. experience is a reminder that the priority given to negotiations between First Nations and other governments can radically change and therefore is always, to some extent, at the pleasure of sitting governments.

[9] Poorly planned social initiatives are not limited to aboriginal issues. See the withering critique of the Ombudsman of Ontario (2004) with respect to insufficient research, poor administrative planning, lack of funding and the consequent inflation of public expectations created by the Ontario government's attempt to establish services for autistic children.

[10] For example, previous research has identified aboriginal children entering care because of medical needs which parents cannot afford to meet. The recent scandal in Ontario over just this issue demonstrates this not unique to aboriginal children. (Windsor-Essex C.A.S. personal communication; Ombudsman of Ontario 2005)

[11] What I have in mind here is drawn from my own experience servicing remote communities in British Columbia. For example, to contact one band meant radio-telephoning (through an exchange) a luxury fishing camp who would then have an employee get into a boat, round the point to the band's location, and bring back a band member to the telephone. Needless to say, any telephone conversation was a very public communication. Similarly, in that area, cel phones were useless because there were no relay stations. It is possible face-to-face meetings might be replaced with new video conferencing and satellite communication (which might also have the benefit of being relatively independent of prevailing weather conditions) but if this medium is preferred it will obviously have capital cost implications.

[12] This model is loosely based upon the old Inter-

Ministerial Children's Committees (IMCC) utilized in British Columbia during the 1980s. These committees ranged from local committees of what amounted to interested persons, through regional committees, and up to a committee composed of Deputy Ministers.

[13] I have in mind here unexpected consequences for First Nations of policy changes directed at more global issues. As in the above example from Ontario re: special needs children in care. Of course, it is possible agencies may change their own policies and spark a dispute with provincial and federal agencies.

[14] Since the report was issued, British Columbia has abolished its Child and Youth Advocate.

[15] At the time, British Columbia had no independent body designated to advocate on behalf of children. However, these reports were authored by a deputy ombudsman who fulfilled that role within the larger mandate of the Ombudsman.

[16] The Act seems to have died on the order paper at least three times. In any case, it has never got past first reading.

[17] Presumably, many undiagnosed complex medical needs would eventually be counted as child mortality.

[18] Unusual forms of transportation (i.e. snowmobiles and other local forms of transportation from pick-ups to herring skiffs) are not solely used by protection workers but also by children if removal from isolated communities is the only way to ensure children's safety. If, as one agency reported, "no normal person would do it" then one might speculate that transportation risks are perceived as 'ordinary' if undertaken by workers but 'extraordinary' if undertaken by children. One can imagine a child taken into care to protect their safety but subsequently drowning if the snowmobile transporting them falls through the ice. The cause of death would, no doubt, be extraordinary while still not unexpected. The cost of dealing with the liability issues would however be both unusual and extraordinary.

[19] I have examined the line budgets of several provinces and INAC. I have not been able to identify any targeted contingency budget addressing such extraordinary costs.

[20] Historical institutional abuse arbitrated through an ADR process is another such situation. In this case, economies of scale and expertise might suggest a dedicated budget line for counseling services directed at a class of persons over a period of years; perhaps decades.

[21] My own experience as a child protection worker provides an example. An on-reserve school introduced the C.A.R.E kit for sexual abuse prevention. For a number of weeks nothing happened and then on a Friday afternoon my office received 17 allegations of sexual abuse all requiring immediate investigation. Of a total staff of six social workers, two were pulled off their usual duties to deal with the crisis. These workers' usual duties were taken on by auxiliary staff brought in for the occasion. However, costs were not limited to investigations. Prior to the introduction of the kit, and in the certain knowledge it would generate numerous investigations, the Province of British Columbia provided funding for the training and employing of four support workers. Even then, a professional counselor was also provided through Victims Compensation funding for personal counseling of the children. It is difficult to estimate the total cost because of the varied budget lines concerned. Suffice to say, dealing with that crisis was not cheap.

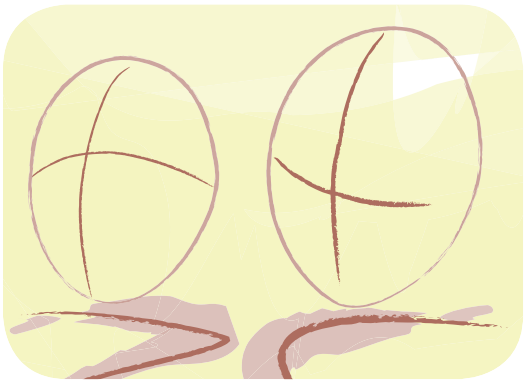
[22] Risk assessment theorists are well aware of the role of subjectivity. A favorite example is the varying perceptions of the dangers of nuclear power. Subjectively, nuclear power becomes more dangerous the closer one lives to a nuclear power plant.

[23] The preparedness program is comprehensive in its scope. It includes, for instance, privately owned dams, computing failure, storage of important documents, and anti-terrorism responses. A First Nations presence within the program may add issues of particular interest to First Nations to the program's rather eclectic list of concerns.

[24] I have written on this subject before so I will not belabor the subject here. See Cradock (2003; 2004) for a more detailed account.

[25] This is not to imply that the federal government would also be responsible for the participation of provincial representative, or that these provincial representatives would 'control' the disbursal of funds. What I have in mind is more the possibility of the committees accessing funds that could be used for such arrangements as matched funding or the purchase of, for example, institutional care in provincial resources.

Small Agencies



CHAPTER 7

Prepared on behalf of:
First Nations Child & Family Caring Society Canada

Prepared by:
Valerie Lannon & Associates Inc.

May 10, 2005

Introduction

1.0 - Background

The First Nations Child and Family Caring Society of Canada (FNCFCS) has been engaged to work with the National Advisory Committee (on the National Policy Review) to provide research which can be used to develop alternative funding formulae for First Nations child and family service agencies.

A multidisciplinary team is using a number of approaches to accomplish this research task, and part of the project entails a review of small agencies, those who serve child populations of less than 1,000. There are 51 small agencies out of a total of 93 agencies in Canada, excluding Ontario. (source: Summary report by FNCFCS presented February 2005 to a meeting of the Operational Funding Formula Design Team, Vancouver BC)

The three areas of inquiry are:

- What are the core administrative staffing and related requirements of small agencies?
- How should the funding formula be adjusted to meet these requirements?
- What is the minimum size of agency and related population that is consistent with good social work practice and economies of scale?

1.1 - Methodology

The FNCFCS engaged the services of Valerie Lannon & Associates Inc. to complete the research and prepare a report on small agencies. Ms. Lannon completed the research on agencies in British Columbia, and Ms. Judy Levi, an agency director in New Brunswick, completed the research on agencies in that province.

A structured interview was conducted with fourteen agency directors either on site or by telephone, using the questionnaire included as Appendix A.

1.2 - Agency information

The description of these fourteen agencies by child population is as follows:

Region	Less than 250*	Less than 500	Less than 800
B.C.	0	5	2
New Brunswick	4	3	0

** Note: these New Brunswick agencies came into existence prior to the establishment of Directive 20-1.*

The only other region with a significant number of small agencies is Quebec (12 out of 15 agencies); however, due to resource limitations, the Quebec agencies were not included in this aspect of the research project.

1.3 - Range of services provided

In addition to child protection services (by fully delegated agencies), the fourteen small agencies who took part in this research project also provide the following services:

Type of service	
Family preservation (child out of care)	11
Child support services (child out of care)	13
Respite care	11
Family reunification (child in care)	12
Support services for temporary or voluntary care	12
Adoption services	6 (in NB only)
Reunification (adults)	4
Prevention services	13
Community development	9
Foster home services	13

Other services provided by individual agencies included:

- Head Start
- Pilot Program For Youth At Risk
- Counselling
- Supervised Visits
- Recreation
- Early Childhood Development
- "Healthy Food" Programs
- Youth Advocacy
- Family Relations Act Advocacy
- Family Resource Centre
- Court Counselling And Intervention.

1.4 - Additional services required

When asked to identify services the agencies would like to provide but are unable to do so because of the limits of current funding, the respondents named the following services (costs noted where provided by respondents):

- Family Enhancement (In-home Parenting)
- Youth Enhancement
- Family Nights
- More Family Support Services
- Support For Two-spirited Youth
- Child And Youth Care - $80,000
- In-service Training - $50,000
- Foster Parent Facilitation $30,000
- Youth Activities (Share Costs With Other Service Providers)
- Services Off-reserve
- Family Counselling
- Services For Children With Special Needs
- On-call Services
- Adoption (Bc)
- Courtworker - $50,000
- Family Treatment Centre - $120,000
- Early Childhood Intervention - $60,000
- Mentors, Youth Summer Camp, Social Worker In Schools, Family Support - $205,000.

Characteristics of Small Agencies – some Regional Differences

2.0 - Regional differences

While agencies in both BC and New Brunswick are funded through Directive 20-1, and offer a somewhat comparable range of services, there are differences between the agencies in these two regions. There were also some regional differences in the responses to the questionnaire.

Delegation

BC is the only region in Canada where agencies assume delegated authority in a three-stage process, namely:

- Voluntary services – voluntary care agreements, special needs agreements, approval and support of residential resources, plus prevention and community development
- Guardianship – legal guardianship of children in care on temporary or continuing basis
- Child protection (or "full" delegation) – receipt and assessment of reports of child abuse and neglect, investigations, decisions regarding safety of child and, if necessary, removal of child.

Typically, it takes an agency 5-6 years to reach full delegation.

The composition of the agencies in BC is as follows:

	Voluntary Services	Guardian-ship	Full Delegation
Total # agencies*	2	10	7
# research partici-pants**	1	2	3

*Note: There are two additional agencies in BC; however they do not receive their funding through 20-1. These include the Nisga'a, which is funded under its treaty, and the Spallumcheen Band funded separately and created through a by-law, pre-dating Directive 20-1.

** Note: One of the research participants is an agency in the Start-up stage, not yet delivering delegated services.

Child population size

The Atlantic region is unique in Canada for having agencies whose child population count is less than the 250 required under 20-1. This is because all the agencies in New Brunswick existed prior to 20-1, except one, which received an exemption on size.

Treaties

BC is largely unceded land, and most First Nations in BC are involved in treaty discussions with the federal and provincial governments. These First Nations consider delegation enabling agreements as a preliminary, government-to-government step, prior to the execution of a treaty.

Agency age

Two of the Atlantic Region's thirteen agencies began operating after Directive 20-1 was established, whereas only one of BC's eighteen agencies began operating prior to 1989.

Almost all of the Atlantic Region's agencies began operating in the 1983-85 period and are, therefore, over twenty years old. In BC, most agencies have been in operation for twelve years or less.

Agency surplus

The BC Region of INAC has arranged for BC agencies to receive maintenance payments on a per diem basis, as opposed to payment based on actual expenditures. This arrangement is unique in Canada and provides a sort of "mini-block funding" to agencies.

The current per diem rate is $52.44. It was developed through bilateral negotiations with the provincial government, excluding First Nations. The figure is meant to reflect the average rate of payments for all family-type residential resources, from "restricted" (extended family member) to "level three" homes for children with special needs.

This arrangement can and does result in agencies accruing savings, as long as their actual care costs are less than the per diem rates. Such savings are used for other child and family service program costs.

Regional size and population diversity

BC is much larger in size than New Brunswick. BC has 199 First Nations communities made up of 30-40 major ethnic groups (shared territory, language and culture) and at least eight language families. New Brunswick has far fewer differences among its First Nations groupings.

Key differences in findings:

Respondents from New Brunswick were more likely than their BC counterparts to:

- want to have maintenance payments based on actual costs, rather than on a per diem basis;
- be open to centralizing some functions of their operations;
- identify a need for increased capital expenditures for office buildings and for information technology (hardware and software).

Core Requirements of Small Agencies

3.0 - Introduction

The first area of inquiry for this report is:

What are the core administrative staffing and related requirements of small agencies?

To explore the issues related to this question, agencies were asked to describe, among other

things:

- Current staffing levels
- Current costs for salaries and benefits
- Ideal staffing compliment
- Comparability with other child welfare organizations
- Types and amounts of non-staffing costs, and current funding gaps.

3.1 - Current Staffing Levels, Costs, And Comparability

All respondents indicated that current staffing levels include:

- A full-time program director (in three cases, this position is combined with a social work position)
- Social workers, full-time, varying in number from one to six (presumably depending on funding availability), with the average number being 2.5
- Administrative staff, varying in number from one (the most common number) to five full-time positions.

Annual costs for salaries and benefits range from a low of $64,000 to a high of $608,638. The average agency cost is approximately $250,000.00.

Nine of the twelve agencies that responded to this question indicated that their salary and benefit levels are not comparable to other child welfare organizations. It would take approximately $10,000 - $15,000 more per position annually to be more competitive.

To provide the full range of services needed by the community, virtually all respondents indicated that they would need additional full time staff. Typically this involved one to two more social workers, for an additional cost of up to $170,000 per year per agency. The other most commonly identified need was for prevention workers, at an average annual cost of $35,000 per agency.

Other required staffing, identified by individual respondents, included:

- Early home visitor (new mothers) – requiring a diploma, at a cost of $40,000
- Reconnection worker – requiring a diploma, at a cost of $40,000
- Policy analysts – requiring a BSW, for a total cost for two FTEs $140,000
- Child and youth counsellor/general counsellor – average cost of $78,000.

One agency stated it would need a home economist, a psychologist, an additional social worker, and a courtworker, for a total cost of $340,000 annually.

In an earlier report prepared by the New Brunswick agencies, it was noted that additional funding is needed to ensure adequate levels of training for staff. No dollar amount was specified.

3.2 - Non-staffing costs

The most frequently cited non-staffing cost that would be incurred if agencies were providing their preferred range of services is that associated with capital costs, for either a new office building or space, or office renovations. Estimated funding requirements were in the range of $15,000 to $250,000, with an average of $102,500.00.

In New Brunswick, there was an equal priority placed on costs for information technology software and hardware, at an average cost per agency of approximately $45,000.00

The gap between what is required to run an agency with the preferred full range of services and what the agencies currently receive runs from $119,000 to $524,000, with an average differential of $320,000.

Funding Formula Adjustments

4.0 - Introduction

The second area of inquiry for the research into small agencies was:

How should the funding formula be adjusted to meet these requirements?

Agencies were asked to discuss:

- aspects of the Directive 20-1
- the use of surplus funds

- preference for various forms of maintenance funding.

1.1 - Directive 20-1

While some agencies were satisfied with the separation of 20-1 funding between operational and maintenance funding (because it clarified accounting), there were no agencies that believe the population threshold policy is effective.

The overwhelming sentiment is that these thresholds do not meet the core needs of small agencies, and that funding should be based on community needs, not population size. A couple of New Brunswick respondents added that the entire community population should be taken into account, not just that of children, since it is the entire family that needs support when a child is at risk or is unsafe.

4.2 - Surplus funds

Not surprisingly, it was only BC agencies that advised that they had surpluses and, in almost all cases, the surplus came from the maintenance per diem arrangement.

The policy for use of surplus funds varied by region. In New Brunswick, the agencies noted that the policy is to return any unspent funds to INAC. In BC, however, agencies are to use surplus funds on child and family services.

4.3 - Maintenance funding alternatives

As mentioned in Chapter Two, the BC region is unique for using a per diem arrangement to pay for maintenance costs. In New Brunswick, as in the rest of Canada, maintenance costs are paid by INAC based on actual costs. The agencies were asked which of the two funding arrangements they preferred.

All of the New Brunswick agencies indicated a preference for the current payments, based on actuals. Most feared that a per diem arrangement might result in either a budget deficit or in reduced service delivery.

While two BC agencies stated that payment based on actual expenses would have the advantage of better covering the costs of children with special needs, most BC agencies feared that removing the per diem arrangement, and the removal of associated surpluses would mean less funds for staff and prevention programs.

There appears to be a trade-off, therefore, between being able to fully fund children with special needs, and having discretionary (surplus) funds for prevention and other programs.

How Small Agencies Can Ensure Good Practice and Economies of Scale

5.0 - Introduction

The third area of inquiry for this research was: What is the minimum size of agency and related population that is consistent with good social work practice and economies of scale?

Agencies were asked about:

- The particular challenges faced by small agencies in delivering services
- The volume of cases required for social workers to maintain their skills
- The allied services needed to optimize the impact of agencies' services
- Measures to achieve economies of scale
- Centralization of functions.

5.1 - Challenges facing small agencies

One of the challenges facing small agencies is the pressure to deliver comparable services to larger agencies, whether these larger agencies are First Nations or the provincial government child welfare organizations.

When asked how they thought their agencies' costs for services compared to what the provinces' costs would be for providing services in the community, the agencies were unanimous that agencies' services were more extensive and, therefore, INAC "gets more bang for the buck" from First Nations agencies. Respondents pointed out that provincial government organizations tend to focus primarily on child protection cases, whereas First Nations agencies, even small ones, provide prevention and community development programs, which act to reduce the incidence of child abuse over time.

In a sense, the question tended to combine "apples and oranges" given the differences in approaches to service delivery between provincial organizations and those of First Nations. The provinces tend to use a tertiary prevention vs. a primary prevention approach, to use the parlance of health promotion.

Some agency directors also pointed out that their costs are lower because they have lower maintenance costs (at least in BC) for foster parents, as agencies are less inclined to place children in more expensive "levelled" homes. As well, agencies are non-unionized and, therefore, are not bound to pay the higher salaries and benefits contained in collective agreements.

Virtually all respondents agreed that their staff members perform duties that would not be expected by employees in similar positions in large First Nations agencies. Examples of some of these duties include:

- community work, such as community clean-up, Christmas and children's parties, helping to furnish houses
- administrative duties
- handling non-child and family service requests (e.g. for transportation to town), mainly as a way of building up trust so that people are encouraged to use the child and family services on a voluntary basis.

In order to support the staff who are faced with carrying out extra duties, agencies have devised a number of methods, including:

- peer support
- support from the Board of Directors
- training on stress management
- use of traditional teachings.

In one case, staff members are given time off to compensate for overtime incurred due to performing "over and above" normal job requirements.

There is little in the way of support, however, when it comes to covering for staff when there are temporary absences, due to illness, vacation, training or other leave, vacations, or staff turnover. The most common response was "someone picks it (the workload) up". But in almost half the cases, directors said the routine, non-emergency work is left undone until the person gets back or the position is filled. In one case, the agency supervisor fills in, and in another case, the agency occasionally will hire a temporary worker. While there are no financial costs associated with these arrangements (because there is no funding available), the human cost can be high in terms of burn-out. The cost of temporary workers runs around $36,000 per year for the agency that uses this approach.

When asked how clinical supervision was carried out where social workers work outside the central office, the vast majority of agencies indicated this does not apply to their situation because all staff work from the same location. In one case, however, the agency responded that the supervisor visits the satellite office, and is also available by phone.

5.2 - Minimum volume of cases

The respondents were asked what volume of cases is necessary to ensure that a social worker's skills do not decrease due to lack of use. Two respondents were unsure, and two others stated that there is no minimum size, as there is always work to be done, and social workers are continually improving their skills depending on the situations they face.

Most respondents, however, believe that a minimum caseload is indeed necessary to maintain skill levels. Opinions varied as to size of the minimum caseload, as follows:

- A range of 10-15 cases for a generalized caseload
- 12-15 child protection cases
- 14 child protection cases and 6 children in care.

Another director stated that the minimum would be five to six cases a year involving a child at risk.

5.3 - Necessary allied services

When asked to identify the allied community services needed to optimize the impact of the agency's services, the majority of respondents named:

- addictions counselling;
- counselling (general);

- housing; and
- health services.

Some agencies also listed: educational supports; recreation; psychological assessment; social development/income assistance; native policing; occupational therapy/speech therapy/ physiotherapy; and employment advice and support.

In addition, the following services were identified by individual respondents:

- parental assessment
- art therapy
- Head Start
- safe house for women
- day care
- family resource centre for women
- cultural strengthening programs
- courtworker program
- transportation.

5.4 - Economies of scale

When asked whether they thought there is a minimum size of agency, and minimum size of population needed to ensure good social work and economies of scale, none of the respondents stated that there should be a minimum size of population. This is because of the high level of needs in their communities. Most respondents would not venture a minimum size of staff; however the two that did suggested a minimum of two social workers to ensure safety, back-up, and the opportunity for consultation and de-briefing.

Most respondents have taken measures to achieve some economies of scale, usually through sharing resources with other programs. Examples include:

- Sharing administrative staff, financial management, building space, and office supplies with another program (e.g. a health program)
- Shared training with other programs
- Joint organization of community events
- Sharing costs to bring specialists to the community
- Using multidisciplinary committees to assess families.

Because of the challenges small agencies face in trying to deliver a full range of services, there has been a suggestion that some agency functions be centralized, for example after hours services, clinical supervision, and administration. All of the New Brunswick agencies favoured this approach, as did the majority of BC respondents. Three BC respondents rejected this approach, however, due to the geographic isolation and/or high travel costs associated with their communities.

Conclusions

6.0 - Introduction

To conclude the investigation into small agencies, respondents were asked to:

- suggest alternative ways of funding small agencies;
- identify whether these alternatives would mean revising or rejecting the Directive 20-1; and
- provide advice to small First Nations to ensure the successful delivery of child and family services.

6.1 - Alternative funding approaches and implications for 20-1

Almost half of the respondents stated that funding should be based on community needs, not child population counts. Another quarter of the respondents (all from New Brunswick) stated that the population count should be of the total population, not just children, since it is the entire family that needs support when a child is at risk or is unsafe with her or his family.

And another quarter of the respondents indicated that a funding formula should include at least one of the following:

- funding for prevention and out of care options
- an increased rate for remoteness
- a mechanism for block funding
- consideration of the total population, whether status or non-status.

Most respondents believe that an entirely new funding formula is required, one that is based on community needs. But two of the respondents believe that adjusting Directive 20-1, by adding funds for prevention and community development, would meet their needs.

6.2 - Advice to small First Nations

All of the respondents encourage small First Nations to think positively about providing child and family services to their members. The most common messages of advice include:

- ensure funding is available for prevention services and make those the priority
- hire good staff
- set priorities
- network and share resources with other programs
- promote community involvement in service planning and reinforce the idea that the whole community is responsible for the well-being of children.

A couple of directors also advised that small First Nations consider the use of block funding although it was acknowledged that small agencies may not benefit from the economies of scale that make block funding work well.

And on an interesting philosophical note, one agency director advised, "What seems inconsequential can have huge implications. For example, just driving someone somewhere helps build trust and can mean there is a greater use of your organization's services." The message here is that agencies should have the goal of being the place that families want to come to when they need help.

APPENDIX A
QUESTIONNAIRE

A. General Background Information

A1 What is the size of the 0-18 status Indian child population served by your agency?

A2 What is the size of the non-status Indian population living on reserve?

A3 Does your agency serve non-status Indian children?
[ ] yes
[ ] no

A4 If so, how many per year?

A5 What are your arrangements for reimbursement?

A6 What is the size of the status Indian children from other First Nations living on reserve?

A7 Does your agency serve these children?

A8 If so, how many per year?

A9 What are your arrangements for reimbursement?

A10 Does your agency serve status Indian children off reserve for whom you receive no reimbursement from the Province or Federal Government (i.e. non-billable children in care?)
[ ] yes
[ ] no

A11 If so, how many?

A12 What is the average cost to your agency on an annual basis?

A13 Does your agency serve non-native children?
[ ] yes
[ ] no

A14 If so, how many?

A15 What are your arrangements for reimbursement?

A16 How many communities does your agency serve?

A17 Are there any that are not accessible by roads year-round?
[ ] yes
[ ] no

A18 If so, are the funds provided under the remoteness factor in the current formula adequate to cover the extra costs associated with remoteness?
[ ] yes
[ ] no

A19 If not, why not?

A20 What is the geographic area you serve?

A21 Do you have

[ ] full; or

[ ] partial delegation?

A22 If partial, which level?

A23 What is the governance structure of your agency?

A24 How many children are typically in care at one time?

A25 What percentage of Aboriginal children in care are placed with Aboriginal caregivers?

A26 How does this compare with when the province was providing services (pre-delegation)

A27 What services does your agency provide among the following:

[ ] Family Preservation (Child Out Of Care)

[ ] Child Support Services (Child Out Of Care)

[ ] Respite Care

[ ] Family Reunification (Child In Care)

[ ] Support Services For Temporary Or Voluntary Care

[ ] Adoption Services

[ ] Reunification Services (Adults)

[ ] Prevention Services

[ ] Community Development

[ ] Foster Home Services

[ ] Other (Specify)

A28 What services would your agency like to provide but is unable to fund under the current funding arrangement, and what are the costs of each service identified?

A29 What do you think the impacts, if any, would be on children and families if preferred range of services could be provided?
Over one year?
A30 Over three years?
A31 Over five years?
A32 Over ten years?

A33 What child welfare services, if any, are provided by another service provider (e.g. provincial social workers do child protection, use provincial after hours screening?)

A34 What is the annual estimated value of these services?

A35 What is the primary reason why the agency does not provide these services?

B What are the core administrative staffing and related requirements of small agencies?

B1 Please describe your agency's current staffing compliment :
Number and qualifications of staff in each full and part-time position
B2 Annual costs of salaries and benefits

B3 Are your agency's salary and benefits levels competitive with other child welfare organizations?
[ ] yes
[ ] no

B4 If not, please identify the amount of funding (per year) for each affected position that would be required to match other child welfare organizations

B5 Are there any situations where you are unable to meet labour standards related to staff compensation (i.e. overtime payment) and workplace safety due to the current level of funding provided under the operations formula?
[ ] yes
[ ] no

B6 If so, please describe each incident and the estimated amount of funds required per year to comply with each standard

B7 Does your agency have adequately trained staff in order to ensure quality, culturally-based services in accordance with your level of delegation?
[ ] yes
[ ] no

B8 If not, please identify the amount of funding (per year) that would be required to fill the gap

B9 Please describe the staffing compliment (including qualifications) your agency would require to provide the full range of services needed in your community(ies). Please indicate whether they are full time or part time

B10 What funding would be required to cover staffing costs each year? _____

B11 What are the types of non-staffing costs that need to be covered in order to operate a FULL service agency, and what would be required funding to cover each of these costs per year?
[ ] capital
[ ] remoteness
[ ] other

B12 What is the gap (if any) between required costs and what you currently receive under 20-1?

B13 Is the current level of funding provided to your agency adequate to develop and maintain culturally based child welfare standards?
[ ] yes
[ ] no

B12 If not, what would be the initial development cost and the annual cost for maintaining such standards?

B13 Is the current level of funding provided to your agency adequate to develop and maintain culturally based service evaluations?
[ ] yes
[ ] no

B14 If not, what would be the initial development cost of an evaluation framework?

B15 And for conducting evaluations?

B16 Has your agency developed financial policies and procedures that comply with Generally Accepted Accounting Principles (GAAAP) and reporting requirements of both the First Nation/Tribal Council/Agency Board and INAC?
[ ] yes
[ ] no

B17 If so, what were the costs associated with this? ____

B18 Were the funds provided under the operations formula adequate to cover these costs?
[ ] yes
[ ] no

B19 If not, what would be the cost of developing such standards? ____

C How should the funding formula be adjusted to meet these requirements?

C1 What are your thoughts on the current separation in 20-1 between operational and maintenance funding?

C2 The Directive currently provides operational funding pursuant to the Status Indian child population on reserve exceeding certain population thresholds (i.e. 251, 501, and 801). Do you think this policy is effective in meeting the needs of children and families on reserve?
[ ] yes
[ ] no

C3 If not, why not?

C4 Does the fact that the Directive does not have a policy to cover deficits impact the case practice in your agency?
[ ] yes
[ ] no

C5 If so, please describe

C6 Does your agency run a surplus?
[ ] yes
[ ] no

C7 If so, how was the surplus accrued?

C8 What policies are in place regarding the use of surplus funds?

C9 In many other areas of the country, maintenance costs are funded through reimbursement of actual expenses related to children in care (running surpluses under maintenance is theoretically impossible under this regime); whereas in BC, maintenance funding under the MOU is reimbursed under an average actual cost based on provincial expenditures. What impacts, if any, do you think that setting aside the MOU in favour of the reimbursement of actual expenses would have on the annual budget of your agency?

D. What is the minimum size of agency and related population that is consistent with good social work practice and economies of scale?

D1 Please describe the differences in service approaches between the Province and your agency

D2 Please describe what the impacts for children and families have been since your agency began providing services?

D3 How do you know what these impact are (i.e. independent evaluation, testimonials, personal opinion, etc.)?

D4 How do you think your costs for service compare to what the province would incur if it were providing services in your community (ies)?

D5 Do your staff perform duties that would not be expected by employees in similar positions in large First Nations agencies?
[ ] yes
[ ] no

D6 If so, what training and support are provided to help them manage this expanded range of responsibilities?

D7 How do you cover for staff when there are temporary absences (e.g. illness, vacaion, training other lave, staff turnover/vacancies)?

D8 What costs are involved?

D9 (if applicable) How do you provide clinical supervision in those cases where staff work outside the central office of the agency?

D10 What volume of cases is necessary to ensure that social work skills do not decrease due to lack of use? (e.g. investigation skills)

D11 What allied services in your community (ies) are needed to optimize services to children and families/ (e.g. counselling, substance misuse, better housing, etc…)

D12 Do you think there is a minimum size of agency and population that is needed to ensure good social work practice and some economies of scale? What size would that be and why?

D13 Please describe any measures your agency takes to achieve economies of scale? (e.g. sharing resources with another program)

D14 As small agencies face special challenges in delivering a full range of services, there has been discussion in some areas of the country of centralizing some child welfare functions (i.e. after hours, clinical supervision, administration) in a First Nations run organization that provides support to several agencies.
Do you think this approach would work in your agency?
[ ] yes
[ ] no

D15 If not, why not?

E. General

E1 Do you have any suggestions for alternative ways of funding agencies whose child populations are less than 1,000?

E2 Would this require adjusting the current 20-1 design, or creating a different funding model altogether? Please describe

E3 What advice would you give to First Nations with small child populations, in order to ensure that successful, viable child and family services can be delivered?

THANK YOU!!

WEN:DE
Appendices

Recommendations of the Joint National Policy Review on First Nations Child and Family Services

(MacDonald & Ladd, 2000)

1. The Joint Steering Committee of the National Policy Review recognizes that Directive 20-1 is based on a philosophy of delegated authority. The new policy or Directive must be supportive of the goal of First Nations to assume full jurisdiction over child welfare. The principles and goals of the new policy must enable self-governance and support First Nations leadership to that end, consistent with the policy of the Government of Canada as articulated in Gathering Strength.

The new policy or directive must support the governance mechanisms of First Nations and local agencies. Primary accountability back to community and First Nations leadership must be recognized and supported by the policy.

2. The Joint Steering Committee recognizes a need for a national process to support First Nations agencies and practitioners in delivery of services through various measures, including best practices.

3. A national framework is required that will be sensitive to the variations that exist regionally in relation to legislation and standards. Tripartite tables consisting of representatives from First Nations, [Department of Indian and Northern Affairs] DIAND, and the province/territory are required to identify issues and solutions that fit the needs of each province/territory. Some of the issues that will need to be addressed by these regional tables consist of (but are not limited to) the following:

   a. Definitions of maintenance

   b. Identification of essential statutory services and mechanisms for funding these services

   c. Definitions of target populations (as well as the roles of federal/provincial/territorial governments related to the provision of services)

   d. Adjustment factors for new provincial programs and services- processes for FNCFS agencies to adjust and accommodate the impacts of changes in programs and services.

   e. Definition of a special needs child

   f. Dispute mechanisms to address non-billable children in care

   g. Definition of range of services

   h. Definition of financial audit and compliance comparability/reciprocity between provincial and First Nations accreditation, training and qualifications requirements of staff (e.g. licensing criteria.)

4. DIAND, Health Canada [Public Health Agency of Canada] the provinces/territories and First Nations agencies must give priority to clarifying jurisdiction and resoursing issues related to responsibility for programming and funding for children with complex needs, such as handicapped children and children with emotional and/or medical needs. Services provided to these children must incorporate the importance of cultural heritage and identity.

5. A national framework is needed that includes fundamental principles of supporting FNCFS agencies, that is sensitive to provincial/territorial variances, and has mechanisms to ensure communication, accountability and dispute resolutions mechanisms. This will include evaluation of roles and capacity of all parties.

6. The funding formula in Directive 20-1 is not flexible and is outdated. The methodology for funding operations must be investigated. The new methodology should consider factors such as workload/case analysis, national demographics and the impact on large and small agencies, and economies of scale. Some of the other issues the new formula must address but not be limited to are:

a. Gaps in the operations formula. A clear definition is required.

b. Adjustment for remoteness

c. Establishment of national standards

d. Establishment of an average cost per caseload

e. Establishment of caseload/workload measurement models

f. Ways of funding a full service model of FNCFS

g. The issue of liability

h. Exploration of start up developmental costs

i. Develop and maintain information systems and technological capacity.

7. The Joint Steering Committee found that the funding formula does not provide adequate resources to allow FNCFS agencies to do legislated/targeted prevention, alternative programs, and least disruptive/intrusive measures for children at risk. It is recommended that DIAND seeks funding to support such programming as part of agency funding.

8. DIAND must pursue the necessary authorities to enable FNCFS agencies to enter into multi-year agreements and/or block funding as an option to contribution funding, in order to further enhance the ability of First Nations to deliver programs that are geared to maintaining children within their families, communities, and reuniting those children in care with their families. This requires the development of a methodology for establishing funding levels for block funding arrangements that encompass:

a. A methodology for new and second generation agreements

b. Multi-year authorities for these programs with a criteria for measurement of success [DIAND may need to go to Cabinet to get authority for these]

9. An exceptional circumstances funding methodology is required to respond to First Nations communities where large numbers of children are at risk. Best practices shall inform the development of this methodology.

10. A management information system must be developed and funded for First Nations in order to ensrue the establishment of consistent, reliable data collection, analysis and reporting procedures for all parties (First Nations, regions, provinces/territories and headquarters.)

11. Funding is required to assist First Nations CFS Agencies in the development of their computerization ability in terms of capacity, hardware and software.

12. Funding is required for all agencies for ongoing evaluation based on a national framework and guidelines to be developed.

13. DIAND and First Nations need to identify capital requirements of FNCFS agencies with a goal to develop a creative approach to finance First Nations child and family service facilities that will enhance holistic service delivery at the community level.

14. Funding is required for ongoing standards development that will allow FNCFS agencies to address change over time.

15. Priority consideration should be given to reinstating annual cost of living adjustments as soon as possible. Consideration should also be given to address the fact that there has not been an increase in cost of living since 1995-96.

16. Phased in funding is a problem in the formula and should be based on the level of delegation from the province.

17. An immediate tripartite review (Canada, Ontario and Ontario First Nations) be undertaken in Ontario due to the implications of the 1965 Indian Welfare Agreement, current changes to the funding formula, and the Ontario Child Welfare Reform.

Losses on INAC Operations Funding Due to Lack of Inflation Adjustment

Dr. John Loxley

BY REGION 1999-2005

	CPI	CPI	Manitoba			Alberta		
		set at 100						
			Formula Funding	Adjusted For Inlflation	Difference	Formula Funding	Adjusted For Inlflation	Difference
1995	104.2	100.0						
1996	105.9	101.6						
1997	107.6	103.3						
1998	108.6	104.2						
1999	110.5	106.1	$26,003,331	$27,575,509	$1,572,178	$18,696,982	$19,827,414	$1,130,432
2000	112.5	108.0	$26,894,433	$29,036,696	$2,142,263	$19,466,719	$21,017,331	$1,550,612
2001	116.4	111.7	$27,358,770	$30,562,004	$3,203,234	$20,010,414	$22,353,284	$2,342,870
2002	119.0	114.2	$27,021,542	$30,859,535	$3,837,993	$21,182,392	$24,191,023	$3,008,631
2003	122.3	117.4	$27,791,261	$32,618,726	$4,827,465	$21,220,056	$24,906,074	$3,686,017
2004	124.6	119.6	$28,074,251	$33,570,554	$5,496,303	$21,567,405	$25,789,814	$4,222,409
2005	126.3	121.2	$28,447,452	$34,480,933	$6,033,481	$21,917,142	$26,565,595	$4,648,453
	TOTAL		$191,591,040	$218,703,956	$27,112,916	$144,061,110	$164,650,535	$20,589,425

	Saskatchewan			British Columbia		
	Formula Funding	Adjusted For Inlflation	Difference	Formula Funding	Adjusted For Inlflation	Difference
1999	$19,300,739	$20,467,674	$1,166,935	$10,685,179	$11,331,212	$646,033
2000	$20,426,850	$22,053,941	$1,627,091	$11,054,960	$11,935,538	$880,577
2001	$20,933,921	$23,384,917	$2,450,997	$11,497,284	$12,843,415	$1,346,131
2002	$22,279,871	$25,444,383	$3,164,512	$11,841,517	$13,523,421	$1,681,905
2003	$22,708,946	$26,653,590	$3,944,644	$11,892,673	$13,958,482	$2,065,810
2004	$22,953,949	$27,447,812	$4,493,863	$12,143,635	$14,521,083	$2,377,449
2005	$22,841,362	$27,685,835	$4,844,473	$11,876,905	$14,395,903	$2,518,998
TOTAL	$151,445,637	$173,138,152	$21,692,515	$80,992,151	$92,509,053	$11,516,902

	Ontario		
	Formula Funding	Adjusted For Inlflation	Difference
1999	$17,357,220	$18,406,649	$1,049,429
2000	$17,510,634	$18,905,435	$1,394,801
2001	$17,884,992	$19,979,012	$2,094,020
2002	$17,947,944	$20,497,172	$2,549,228
2003	$17,790,723	$20,881,050	$3,090,327
2004	$17,587,494	$21,030,727	$3,443,233
2005	$17,348,992	$21,028,576	$3,679,585
TOTAL	$123,427,998	$140,728,620	$17,300,623

ATLANTIC			
	Formula Funding	Adjusted For Inlflation	Difference
1999	$5,442,936	$5,772,020	$329,084
2000	$5,563,863	$6,007,050	$443,187
2001	$5,614,533	$6,271,897	$657,364
2002	$5,747,217	$6,563,521	$816,303
2003	$5,745,230	$6,743,202	$997,972
2004	$5,801,238	$6,936,990	$1,135,751
2005	$5,790,049	$7,018,073	$1,228,024
TOTAL	$39,705,067	$45,312,751	$5,607,684

Well I don't want to tell you
what you can give
but give everything you can.
Conviction is not enough.

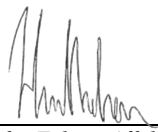
It is not enough to be
conscious of the problems
of the world;
how we involve ourselves
in their solution is
the most important thing.

So let us believe again
in children and youth.
Let us believe again
in Indigenous peoples.

Let us believe in people
who can promote dialogue
in the SEARCH FOR PEACE.

Rhigoberta Menchu Tum
INDIGENOUS RIGHTS ADVOCATE
AND NOBEL LAUREATE

This is Exhibit "60" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

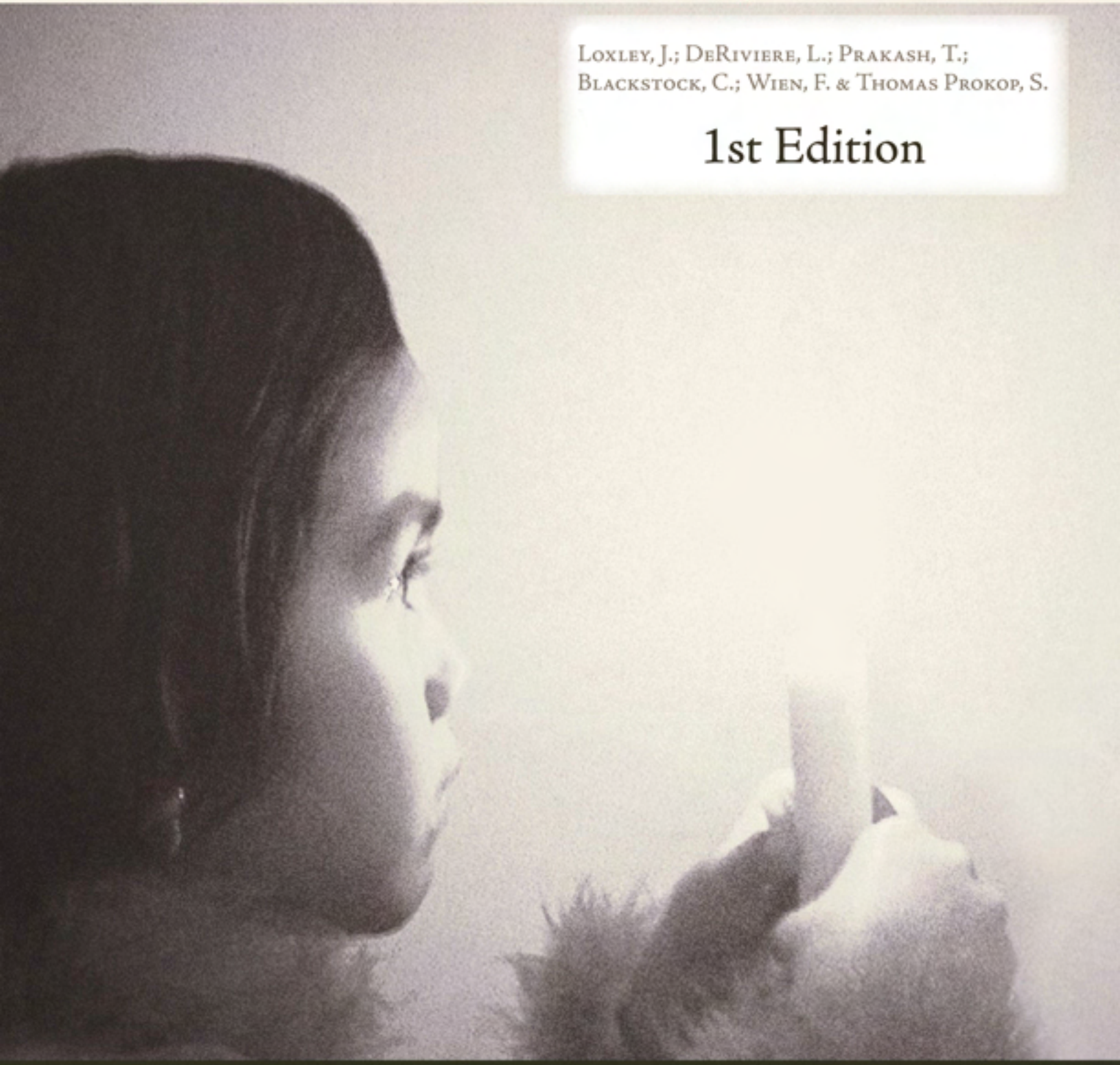
HENNA MOHAN
LSO#: 90494W

Wen: de The Journey Continues

The National Policy Review on First Nations Child and Family Services Research Project: Phase Three

Loxley, J.; DeRiviere, L.; Prakash, T.; Blackstock, C.; Wien, F. & Thomas Prokop, S.

1st Edition



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Honouring

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Dr. John Loxley

Dr. Linda DeRiviere

Dr. Fred Wien

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Eileen Vanderburgh

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WEN:DE
Coming to the Light of Day

The Journey Continues

INTRODUCTION

One in ten Status Indian children in three sample provinces were in child welfare care as of May 2005 compared to one in two hundred non Aboriginal children (Blackstock, Prakash, Loxley and Wien, 2005). National data suggests there are three times the number of Aboriginal children in care than there were at the height of residential school operations (Blackstock, 2003) and the child in care admission rates for Status Indian children resident on reserve are increasing at the staggering rate of 71% over a six year period (McKenzie, 2002). The good news is that recent research has identified the reason why so many Aboriginal children are coming into care and suggests what can be done to turn the tide. Data from the Canadian Incidence Study on Reported Child Abuse and Neglect indicate that Aboriginal children are less likely to be reported to child welfare authorities for physical or sexual abuse than non Aboriginal children but are twice as likely to experience neglect (Trocme, Knoke and Blackstock, 2004; Trocme, Fallon, McLaurin and Shangreaux, 2005). Addressing neglect involves providing a continuum of multidisciplinary services that consider risks at the level of the child, the family as well as structural risks such as poverty and poor housing. Researchers have continually identified an increase in targeted in home support services for neglected children and their families as a key step in reducing the numbers of Aboriginal children in care over time (McKenzie, 2002; Shangreaux, 2004; Blackstock and Trocme, 2005).

The Joint National Policy Review of First Nations Child and Family Services (NPR) (McDonald and Ladd, 2000) confirmed that the current funding formula, Directive 20-1 (hereinafter called the Directive), did not provide sufficient funding for First Nations Child and Family Service Agencies (FNCFSA) to deliver culturally based and statutory child welfare services on reserve to a level comparable to that provided to other Canadians. Moreover, the NPR validated First Nations child and family service agency reports that the Directive did not adequately fund in home interventions for abused and neglected children known as least

disruptive measures. These services are required by child welfare statute in order to give children the best chance to live safely at home but are not funded by the Directive.

Upon the completion of the Joint National Policy Review on First Nations Child and Family Services (McDonald and Ladd, 2000), a National Advisory Committee (NAC) was formed to implement the NPR recommendations. The NAC is co-chaired by the Assembly of First Nations (AFN) and the Department of Indian Affairs and Northern Development (INAC) and includes representatives from INAC regions and First Nations Child and Family Service Agencies (FNCFSA). In September of 2004, the NAC commissioned the First Nations Child and Family Caring Society of Canada (www.fncfcs.com) to complete a comprehensive research project aimed at providing evidence based recommendations to improve the current INAC funding formula for FNCFSA.

This report presents the final findings of a three phase research project which was designed to inform analysis of three funding formula options for First Nations child and family services. Phase One of the research project focused on the identification of three funding formula options and the identification of the research questions that needed to be addressed to inform each option. Phase 2 focused on the response to these research questions and Phase 3 involved the development, and costing of the recommended changes.

The proposed funding formula options arising from Phase One are:

1) **Redesign the Directive:** Redesigning the current INAC funding formula Directive 20-1 to reflect the recommendations of the Joint National Policy Review conducted in June 2000.

2) **The Provincial Model:** Identify the provincial funding formulas used in each region and apply the respective formula to First Nations Child and Family Service Agencies

3) **The First Nations Model:** An entirely new funding formula designed to meet the specific needs of First Nations Child and Family Service Agencies in Canada.

The researcher questions identified in Phase 1 were answered in Phase 2 of the research project with findings of the research documented in the ***Wen:de*** report completed in August of 2005. The third and final phase of the research project, Phase 3, involved conducting a national survey of First Nations Child and Family Service Agencies (excluding Ontario) and running economic analysis to develop recommendations for a new funding formula and quantify the cost implications.

This report summarizes the results of Phase 3 and is prepared for INAC to inform the development of a Memorandum to Cabinet seeking authority to implement the recommended improvements to the funding formula for First Nations Child and Family Service Agencies approved by the National Advisory Committee. The report begins by introducing research aims, the research team, method, and limitations of the research before presenting an evidenced based analysis of why the redesign of Directive 20-1 option is being recommended as compared to the other two funding formula options. Finally, recommendations for reforms to Directive 20-1 are described, supporting evidence is identified and calculations to arrive at cost implications are provided.

Research Team

Throughout the three phases of the research project, a team of researchers with expertise in a wide range of academic, policy and practice disciplines were engaged. The principal investigators for Phase 3 were:

1. Dr. Fred Wien, Dalhousie University, School of Social Work
2. Dr. John Loxley, University of Manitoba, Faculty of Economics
3. Dr. Nico Trocme, McGill University, School of Social Work
4. Cindy Blackstock, First Nations Child and Family Caring Society of Canada
5. Dr. Linda DeRiviere, University of Manitoba, Faculty of Economics
6. Tara Prakash, University of Manitoba, Faculty of Economics

The principal investigators were assisted by the following researchers:

1. Valerie Lannon, Lannon and Associates, British Columbia
2. Kathryn Irvine (Phd Candidate), Alberta
3. Shelley Thomas Prokop, consultant, Saskatchewan
4. Richard De La Ronde, FNCFCS research assistant, Manitoba
5. Melanie Vincent, Gripma consulting, Quebec
6. Judy Levi, Regional coordinator, New Brunswick
7. Dr. Barbara Fallon, University of Toronto, Faculty of Social Work
8. Bruce Maclaurin, University of Calgary
9. Raina Loxley, student, Manitoba
10. Rachel Levasseur, student, Ottawa

Methodology

In the third phase, a national survey instrument was developed for First Nations Child and Family Service Agencies in Canada (excluding Ontario). The instrument leveraged Phase 2 research results and was developed in consultation with project researchers and key informants. The phase three survey instrument was compiled as a select version of the second phase instrument, focusing on areas requiring additional information identified by agencies and/or the research team.

The purposes of the third phase survey instrument were:

1) To quantify the economic implications of introducing various changes to the funding formula for FNCFSA and what revenue needs would need to be addressed by INAC

2) To strengthen the evidence base for recommended changes to the funding formula.

Specifically, the survey instrument contained 13 sections exploring the following topics:

- Demographics of the agency
- Remoteness
- Management information systems
- Records management
- Extraordinary costs
- Legal costs
- Capital costs
- Salaries and benefits
- Jurisdictional disputes
- Standards, cultural appropriateness and program evaluation
- Least disruptive measures and prevention
- Keeping pace with provincial legislation
- Agency contributions

The survey used a mixed methods approach, employing both qualitative and quantitative questions. This approach was used to ensure FNCFSA had the opportunity to describe their particular agencies and unique situations, while allowing the researchers to analyze the information effectively. When applicable, some sections were dominantly qualitative to gage the need for specific services and the implications if such services were provided. This was the case in many questions relating to extraordinary costs, standards, cultural appropriateness and program evaluation. There were also several questions that were more quantitative in nature such as: salaries and benefits, capital costs, and legal costs, to accurately capture the current revenue needs and expenses of First Nations Child and Family Service Agencies.

The survey instruments, available in both official languages, were sent out to 93 First Nations Child and Family Service Agencies in Canada. Researchers in each province were retained to support agencies in the completion of the survey via the phone or site visits if required. Researchers contacted each agency, in the language of their preference, to ensure they received the survey, offered assistance to complete it, reviewed survey returns to ensure that as many questions as possible had been answered and returned the surveys to FNCFCS. The survey was also available in electronic form format on the FNCFCS website in both French and English. Accessibility to the web-based survey was checked using several different computer programs and access systems throughout the period the survey was being conducted in

order to ensure that agencies using different computer systems had access. Participating agencies received no financial compensation for their participation, however, notes of appreciation were sent to all respondents.

1. This methodology garnered 35 completed surveys – or 36 % of the population of FNCFSA. This is remarkable given the short time frame for completion of the surveys (one month) and the fact that the survey was administered during the summer months when many staff take holidays. An analysis of the survey response rates indicates that the sample covers 35 agencies, 32,575 children, 146 bands and $28.6 million in operating funds.
2. It is highly representative of the Atlantic region, very representative of Saskatchewan, Quebec and BC.
3. It is moderately representative of Manitoba and greatly under-represents Alberta.
4. Nationally however, (excluding Ontario) it covers 38% of all FNCFSA, 49% of all bands, 31.4% of all children 0-18 and 28.7% of all funding for operations.
5. It is a little under-representative of FNCFSA and bands in remote areas because of the over-representation of the Atlantic region.
6. For the same reason it over-represents very small FNCFSA, with under 250 children and under-represents agencies with in excess of 800 children.
7. In order to assess more systematically how representative of the total population our sample was, a number of statistical tests were performed.

In conclusion, the survey sample for Phase three is representative for most purposes and can be relied upon with confidence.

The survey results are reported in aggregate form throughout this report in order to respect the anonymity of respondents.

Consultations

In July of 2004, the Chiefs in Assembly at the Assembly of First Nations Annual General Assembly passed Resolution #23 that supported the full implementation of the recommendations of the Joint National Policy Review on First Nations Child and Family Services.

During the process of this research, the research team has incorporated consultations with national samples of First Nations Child and Family Service Agencies at each stage of the research:

Phase One: Interviews with five First Nations Child and Family Service Agencies located in Nova Scotia, Manitoba, Saskatchewan, Alberta and British Columbia

Phase Two: Case studies of 12 First Nations Child and Family Service Agencies located in New Brunswick, Nova Scotia, Quebec, Manitoba, Saskatchewan, Alberta and BC along with focused interviews on specific projects with over 50 staff members or contractors of First Nations Child and Family Service Agencies. All provinces were also invited to participate in case studies in Phase two. Academic experts were consulted for the prevention project and for the analysis of jurisdictional issues.

Phase Three: National survey instrument sent to 93 First Nations Child and Family Service Agencies in Canada and completed by 35 of them.

In addition, the National Advisory Committee and Funding Design Team as well as representatives of the Assembly of First Nations and INAC were consulted on research design, methodology and results during each phase of the research program.

The results of Phase 2 were also presented to the Assembly of First Nations Chiefs Task Force on Child Welfare, the Treaty Seven FNCFSA directors and several presentations are scheduled with FNCFSA in the coming weeks. To date the research findings have been very well received by

First Nations Child and Family Service Agencies across Canada.

Limitations to Research

This research report represents the best evidence that was possible to collect and analyze within the one year time frame for the project including the two and one half month time period for the completion Phase Three of the work.

This research project does not include Ontario (as it is funded under a separate funding arrangement), has not specifically focused on foster care costs nor has it analyzed the proposed block funding methodology. Dr. Brad McKenzie (2002) prepared a report to inform block funding and cautions that this approach, whilst having benefits of increased flexibility, is not appropriate for all First Nations Child and Family Service Agencies (i.e. small agencies, new agencies, agencies lacking a long term track record that allows for accurate prediction of future costs (thus setting a reasonable base amount for the block.)

Moreover, our research assumes that there will be no cuts affecting the current level of funding. Pursuing a reduction in the current funding envelope would require detailed analysis in partnership with First Nations child and family service agency directors and econometricians in order to ensure that proposed changes do not erode the beneficial outcomes of the funding formula recommendations outlined in this research report.

Analysis of the THREE FUNDING FORMULA OPTIONS

One of the principal objectives of Phase One was to identify three different approaches or models to funding FNCFSA – models that would fit the circumstances of multiple agencies serving different size populations and spread out across the country. Through the case studies that were carried out in Phase One, three options were identified:

(1) **Redesign of the Directive:** The existing funding formula, but with the limitations of the formula addressed

(2) **Linking to Provincial Funding Formulas:** Tying the funding of First Nation agencies to the formula used by the province in which the First Nation agency is located

(3) **First Nations Funding Formula:** Developing a new formula from scratch that is specifically geared to the cultures and circumstances of First Nation communities.

The following section outlines how the research supports our recommendation to redesign the Directive whilst providing a foundation for the development of a First Nations based formula over time.

Option One: REDESIGN OF THE DIRECTIVE

The problems with the existing funding formula have been thoroughly documented in the report on the National Policy Review (McDonald and Ladd, 2000). In addition, the critique was subsequently reaffirmed by case studies undertaken in Phases One and Two of our research.

There is very little detail on how the Directive was originally developed and what type of analysis went into its development. It was not reviewed systematically until the completion of the McDonald and Ladd (2000) report and the present research project.

At the time it was introduced, the Directive represented an improvement over the more ad hoc, agency by agency approach that had previously prevailed. However, it soon became evident that there were significant weaknesses in the formula. These weaknesses were due to a variety of causes: 1) uncertainty in what the original rationale was underlying the development of the formula 2) regional interpretations of sometimes vaguely worded guidelines, 3) a failure to implement certain elements of the formula such as the annual inflation adjustment and 4) a failure of the policy to keep pace with advances in social work evidence based practice, child welfare liability law and the evolution of management information systems and 5) the policy appeared to leave out some child welfare

expenses altogether or fund them inadequately such as the failure of the policy to support agencies to provide in home interventions to abused and neglected children to keep them safely at home as opposed to bringing them into care.

When asked about the current rendition of the Directive, First Nations child and family service agency directors, and others approached in Phase One, would often say that they believed the existing formula should be thrown out and a whole new formula more suited to their needs should be developed. Start with a clean slate, in other words. However, when pressed about what a completely new formula would look like, respondents acknowledged that a more complete analysis of FNCFSA would be needed at a national level in order to move in this direction. Over the short term, respondents would typically accept the idea of redesigning the Directive so long as the recommendations of the NPR were integrated into a new rendition and the long term objective of developing a First Nations based formula was actively pursued. Although FNCFSA respondents felt all of the NPR recommendations needed to be implemented in order to ensure equitable and culturally based child welfare services, the lack of in home intervention services for abused and neglected children at all levels of the prevention and response continuum was identified as a priority along with the urgent need to redress losses in funding due to inflation.

Further analysis of the Directive-based option also revealed that the model had some positive features despite the substantial flaws that had been identified. Perhaps the most important of these is that the formula is national in scope, has undergone two national studies, has enabled the development of FNCFSA throughout Canada, and offers a baseline for judging the impacts of possible changes to the current regime. For these and other reasons that are mentioned below when we discuss the alternatives, the research team recommended to the National Advisory Committee that "redesigning the existing formula" be the principle way forward to achieving better funding outcomes for the agencies and, most importantly, better outcomes for First Nation children, families and communities. Much of the remainder of this document is concerned with how the existing formula can be improved.

Option Two:
TYING FIRST NATION AGENCY FUNDING TO PROVINCIAL FORMULAE

Under this option, First Nation child and family service agencies would be funded according to the formula by which the province funds its child welfare agencies. However, FNCFSA would be allowed to develop a range of child welfare programs that respond to the unique needs and culture of their communities whilst respecting statutory requirements. This option would then, determine the level of funding received using provincial formulae, but not the exact shape of programs and services to be delivered

At first blush this appears to be a promising alternative to a national funding approach, especially since First Nation child and family service agencies are expected to provide family and child welfare services equivalent to what provincial agencies provide to other residents pursuant to provincial child welfare statutes. As demonstrated below, however, the evidence suggests that this is the least promising option in terms of positive outcomes, addressing the NPR recommendations and ensuring that funding respects the unique cultures, operating contexts and economies of scale for FNCFSA.

Our research and analysis leads us to the conclusion that this provincial funding approach is fraught with problems and should not be pursued. In Phase Two, we collected information from most provinces about how they fund child welfare, and we undertook an in-depth study in one province to examine in detail how First Nations Child and Family Service Agencies would fare if they were to be funded in the same manner as provincial agencies. The difficulties with the provincial funding approach are the following:

(1) In several provinces, it is not clear what their formula is. If there was an original formula determining how much money different agencies in the province would receive, it has been lost over time and the province

simply builds on its funding base by adjusting annually primarily on the basis of price and volume. Whatever the historical situation, the provincial agencies (whether private non-profit or more directly part of the provincial government) have been established for many years, personnel have changed, and no one appears to know what the original basis for funding was. Decisions about funding levels do need to be made from one year to the next, of course, and these adjustments are typically made depending on changes at the margin considering factors such as numbers of children in care, price increases, changes in statute and historical expense patterns and so forth. Several provinces, therefore, do not offer a clear alternative to the federal funding formula which, despite its flaws and vagueness is at least a documented formula.

(2) Shifting to a provincial funding model in a context where there are rich and poor provinces as well as important cultural and historical differences means that First Nations Child and Family Service Agencies would be funded at substantially different levels and in different ways across the country. This is not a desirable outcome and in fact would be perceived by First Nation child and family service agencies as a regressive step.

(3) Provincial formulae and funding traditions are based ultimately on what the province assesses its needs to be and on what it can afford. These approaches to funding, in other words, are based in large measure on the characteristics and conditions faced by families in need of services. They are not based on the particular needs and conditions faced by First Nation families living on reserve. Yet we know from the Canadian Incidence Study of Child Abuse and Neglect (CIS) that it costs more to service First Nations children and families due to their high needs levels (Trocme, Fallon, McLaurin and Shangreaux, 2005, Trocme, Knoke and Blackstock, 2004.) Specifically, at every decision making point Status Indian children are over-represented in child welfare interventions. For example, they are more likely to be reported to child welfare, experience higher rates of report substantiation, admission to child welfare care and overall require longer and more intensive interventions than non Aboriginal children and families. Furthermore, CIS notes that child maltreatment patterns in First Nations families vary significantly from those of other Canadians in that First Nations children are more likely to be reported to child welfare for structural issues (the neglect factor involving poverty, poor housing and addictions) and that this situation requires different kinds of interventions – primarily in the realm of child welfare related community development and prevention - than is the norm for provincial agencies.

Service infrastructures also differ considerably between First Nations Child and Family Service Agencies at both organizational and societal levels (Nadjiwan and Blackstock, 2003; Blackstock and Trocme, 2005; Royal Commission on Aboriginal Peoples, 1996.) We also know that First Nation communities do not have, to nearly the same degree, the infrastructure of programs, services, volunteer agencies and the like that provincial agencies and their communities have access to. Thus it would not be helpful to apply a formula rooted in one set of conditions to a population whose conditions are substantially different.

(4) Provincial governments change their family and child welfare programs and related funding mechanisms from time to time, and an examination of that experience would support the conclusion that the needs of First Nation agencies and dialogue with them are not uppermost in their minds even though the First Nations agencies are required to adjust their programs and services to the provincial changes. If First Nation agencies were required to offer programs according to provincial child welfare statutes and had their funding determined according to provincial norms, a major concern would be that they would have little or no say in the key drivers (funding and jurisdiction) shaping practice. Provinces do not have constitutional responsibility for "Indians and lands reserved for Indians", and therefore may not view First Nations Child

and Family Service Agencies located on reserve as part of their constituency nor as a major priority.

(5) If provincial funding formulas drove First Nations child and family service agency funding it is unclear what influence, if any, INAC would have over the mechanisms driving costs. It is unlikely that a model where the amount and mechanisms for funding would fall outside the realm of influence by INAC would garner the approval of the Auditor General or Treasury Board.

Of course, in practice, the situation would vary from one province to another. Certainly there are some provinces where relations between the province and First Nations are favorable but even First Nations Child and Family Service Agencies in operating in these situations express concern about the prospect of introducing funding dependence on the province. The concerns are magnified in regions where relations between the province and First Nations Child and Family Service Agencies have been difficult.

We conclude, therefore, that the provincial funding model should not be pursued for First Nation child and family service agencies.

Option Three: DEVELOPING A FIRST NATIONS FUNDING MODEL

Respondents in the earlier research phases spoke positively about the advantages that a new funding model, built from the ground up, to reflect First Nation socio-economic realities, cultural practices and child welfare experience (for example, with best practices) could provide. However, it was also recognized that this would not provide a quick fix to the problems with the existing funding formula. Rather, it would take a considerable time and much better information than is currently available to construct such a model – to document common and varying cultural beliefs and traditions, to compile the many examples of best practice, to accommodate the diversity in socio-economic conditions, and to carry this information into the design of a new funding model.

Our research did shed some light on these dimensions – see, for example, the paper on best practice in strengthening families and communities (prevention and least disruptive measures) contained in the ***Wen:de*** Phase Two report. More importantly, we believe that a number of the steps we are recommending under the heading of redesigning the existing formula will help to move the yardsticks forward in the search of a First Nations funding formula. This is the case in two respects. First, we make a number of recommendations that would, if implemented, make major improvements in the information base to which the agencies and their collective organizations would have access. This includes the recommendation to vastly improve the management information systems of the agencies not only for administrative purposes but also to provide information useful for research, evaluation and strategy development. Secondly, many other changes that we are recommending in the existing formula reflect, not surprisingly given the information sources, a First Nations sensibility and perspective. We argue, for example, that much more attention needs to be given in the formula to strengthening First Nations families and communities. We recommend that staff appointed to work in the area of least disruptive measures and community development should work in the context of a multi-disciplinary team, not only within the agency but with other agencies – hence a more holistic approach. We recommend that funding be devoted to the development of standards so that they reflect First Nation cultures, and so on.

In short, we are supportive of a First Nations formula but we are also realistic in thinking that, for the next few years at least, the best option is to make the necessary improvements in the existing formula while building a foundation to pursue this option in future years.

Overview of RECOMMENDED REFORMS TO DIRECTIVE 20-1

The recommendations for adjustments to the current funding regime for First Nations Child and Family Service Agencies contained in this report are based on the findings of a three phase research project that involved experts in economics, community development, law, sociology, social work, First Nations child and family services, management information systems, psychology, public policy and management. Research methodologies included a balance of quantitative and qualitative research methodologies. The results of specific research projects are outlined in the following two reports:

1) Wien, Loxley and Blackstock (2004). *Bridging econometrics with First Nations child and family service agency practice.* Ottawa: First Nations Child and Family Caring Society of Canada Available on line at www.fncfcs.com.

2) Blackstock, Prakash, Loxley and Wien (2005) *Wen:de: We are coming to the light of day.* Ottawa: First Nations Child and Family Caring Society of Canada. Available at www.fncfcs.com.

Although each suggested change element is presented as a separate item, it is important to understand that these elements are interdependent and adoption in a piece meal fashion would undermine the overall efficacy of the proposed changes. For example, providing least disruptive measures funding for at home child maltreatment interventions without providing the cost of living adjustment would result in agencies not having the infrastructure and staffing capacity to maximize outcomes. Similarly, these recommendations assume that there will be no reductions in the First Nations child and family service agency funding envelope. Situations where funds in one area are cut back and redirected to other funding streams in child and family services should be avoided as our research found that under funding was apparent across the current formula components.

The following recommendations are presented in two separate but vitally interconnected sections: 1) recommendations for policy change or clarification and 2) recommendations for modifications to the current formula. This research project did not specifically focus on the maintenance envelope due to time and resource restrictions so this is an area for ongoing research.

Overall the following recommendations are based on the best available evidence and provide a funding foundation that supports First Nations aspirations to culturally based and equitable child welfare services in their communities whilst incorporating mechanisms to support organizational learning and evaluation.

Policy Change or Clarification Recommendations

The following policy change or clarification recommendations are intended to support the efficacy of the proposed formula adjustments. In many cases these recommendations are cost neutral (e.g.: Jordan's principle, introducing policies to promote interdisciplinary child welfare approaches or clarification of the stacking provision) and in other cases they are adjustments to ensure that legitimate maintenance costs are recognized by INAC staff reviewing agency financial reports (e.g.: clarifying that child welfare related legal and child and family support services related to reunifying children with their families or enhancing extended family relationships for children in permanent care are services provided to other children in care and Canada).

1. Amending INAC policy to allow for interagency collaborative projects in prevention services and in response to extraordinary circumstances (including providing peer support to agencies in crisis).

Mainstream child welfare organizations have increasingly focused on the importance of interdisciplinary practice as a means of both preventing and responding to child maltreatment. This approach is particularly critical in neglect interventions where, as the CIS has indicated, substance misuse, poverty and housing are key drivers of the over-representation of First Nations children in child welfare care. The Directive does not currently support FNCFSA in developing joint

programs with other community experts and this should be changed in order to optimize the efficacy of prevention and intervention services in child maltreatment.

2. Expand the current range of jurisdictional models funded by the Directive to include First Nations legislation.

The current Directive requires FNCFSA to operate according to provincial child welfare legislation. Many First Nations view operating under provincial jurisdiction as an interim step with restoration of First Nations laws being the primary aim. A significant number of respondents in Phase 3 (18%) indicate that they are developing First Nations legislation. Phase 3 findings echo recommendation one of the Joint National Policy Review (McDonald and Ladd, 2000) which called for the expansion of jurisdictional models under the Directive to include First Nations legislation. This step is in keeping with research findings that suggest that the higher the degree of self determination in First Nations communities the more sustainable the socio-economic outcomes (Cornell and Kalt, 1998)

3. Immediate implementation of Jordan's principle for jurisdictional dispute resolution.

Jurisdictional disputes between federal government departments and between federal government departments and provinces have a significant and negative effect on the safety and well being of Status Indian children (McDonald, 2005; Lavalee, 2005). Survey results in Phases 2 and Phase 3 indicate that the number of disputes that agencies experience each year is significant. In Phase 2, where this issue was explored in more depth, the 12 FNCFSA in the sample experienced a total of 393 jurisdictional disputes in the past year alone. Each one took about 50.25 person hours to resolve resulting in a significant tax on the already limited human resources.

The most compelling reason to implement Jordan's principle is Jordan. He was a little boy who lived in a hospital instead of a home because two governments could not decide who should pay for what. Jordan died having never experienced a home environment – not because he was too ill to be in hospital. Not because there wasn't a loving and skilled home for him to live in. He died without living in a family home because two governments put themselves first and him second.

Jordan's principle asserts that governments must fund services to Status Indian children that are normally available to other Canadian children without disruption or delay. The government department (federal or provincial) that first receives the request to pay for the service must pay and then has the option of referring the matter to a jurisdictional dispute table for resolution.

4. Integration of Jordan's principle into any funding agreements between INAC and the provinces respecting federal funding for child welfare.

Provinces draw a significant amount out of the INAC First Nations Child and Family Service funding pool to support their service provision to Status Indian children on reserve. The vast majority of the provincial billings are for communities not served by FNCFSA. The provinces are also implicated in a large number of the jurisdictional disputes where children are impacted. This cost neutral recommendation calls for requiring provinces who receive INAC funds for child welfare to adopt Jordan's principle to resolving jurisdictional issues.

5. Validation for the need for research and mechanisms to share best practices at a regional and national level through the creation of knowledge transfer (conferences/ best practice forums/communications) and research budgets.

Organizational learning is essential to optimizing the efficacy of service provided by a FNCFSA. Keeping abreast of innovations in First Nations child and family service research, policy developments and practice and peer learning supports best practice. The First Nations Child and Family Caring Society of Canada estimated that in 2004 the national allocation of research monies to support First Nations investigations in child welfare was less than $400,000. INAC alone spends over 300 million on this program per year – creating an evidence base to maximize benefit of

the social and economic benefit just makes good sense and good practice. The proposed research fund would reflect a one dollar investment in research for every $300 in child welfare costs – a modest expense in light of the benefits over the short and long term.

6. Consistent with the UN Permanent Forum on Indigenous Issues, INAC commits to collecting disaggregated data by Aboriginal cultural group and encourages other federal departments to follow suit.

The United Nations Permanent Forum on Indigenous Issues (2005) has repeatedly called for the collection of disaggregated data on the experiences of Indigenous peoples. The importance of collecting disaggregated data by cultural group is borne out in the Canadian Incidence Study on Reported Child Abuse and Neglect findings. Had CIS not collected data on Aboriginal children – then the disproportionate rates of neglect would have not been identified. If CIS not collected disaggregated Aboriginal data on First Nations, Inuit and Métis children we would not have learned of the overrepresentation of First Nations children coming to the attention of the child welfare system.

Disaggregated data allows the experiences of specific populations to be told and researched further. In the case of First Nations child welfare, having available a broad base of research that specifically describes the experiences of First Nations children and families would augment understanding of reasons why First Nations children come into care and what their experiences are throughout the care continuum – with an object of better defining policies.

7. INAC to clarify the provisions of the stacking provisions in current funding arrangements with FNCFSA and make necessary amendments to ensure that FNCFSA can access voluntary sector funding sources to augment the range of resources they can provide without a financial penalty being imposed by INAC.

The voluntary sector receives approximately 90 billion dollars in revenue per annum from governments, foundations and corporate/private donors to support a broad range of services for public benefit including child, youth and family supports. A national study completed by Nadjiwan and Blackstock (2003) confirmed FNCFSA reports that there was negligible evidence that children on reserve were being serviced by the voluntary sector nor that First Nations child and family service organizations on reserve were receiving any where near sufficient benefit from the 90 billion dollars in annual revenue. Phase two survey results reported in ***Wen:de*** indicate that one of the key barriers First Nations Child and Family Service Agencies see in accessing voluntary sector funding is the lack of clarity amongst regional INAC staff in terms of whether to apply the stacking provision when FNCFSA receive voluntary sector supports or not. In mainstream society, voluntary sector supports augment, not replace, the services provided by governments. Applying the stacking provision in situations where FNCFSA receive voluntary sector funds to augment the range of services they provide is entirely inappropriate and inconsistent with national practice. It is recommended that INAC clarify in its policy that the stacking provision does not apply to voluntary sector sources of funding.

8. INAC to clarify that legal costs related to children in care are billable under maintenance.

Child welfare statutes throughout Canada require that social workers who remove a child or apply for a warrant must notify, and often appear, before the Courts. These proceedings are legal in nature and guided by provincial child welfare laws and court rules. In some provinces, child welfare costs are incurred as a part of being required to participate in inquests, or for the child him or herself to have legal representation. It is not appropriate for social workers to appear without legal counsel or to deny children in care their statutory right to have legal counsel (where it exists) nor is it an option to forego the court process. In some regions, FNCFSA have reported that regional INAC staff disallowed child welfare legal expenses under maintenance. There is no evidence to suggest these costs are covered elsewhere in the formula and they are an expense that is directly related to complying with statutory requirements to remove a child and to apply for ongoing orders. It is therefore

recommended that INAC clarify in its policy that child welfare related legal costs are eligible for reimbursement under maintenance and this would include:

- **Costs related to bringing children into care and applying for ongoing orders or warrants under child welfare statutes**
- **Costs related to mandatory participation in inquests, coroners hearings or other related processes.**
- **Costs related to providing legal counsel for children in child welfare proceedings in regions where such statutory requirements exist (i.e.: Alberta)**

9. INAC to clarify that support services related to reunifying children in care with their families or enhancing extended family relationships for children in care are billable under maintenance.

All provincial statutes require that support services be provided to children in care when they are removed or in temporary care in order to optimize their chances of returning safely home. Moreover, the provincial child welfare statutes require that social workers act as guardian to children in care – this means providing services to the child in care that they need such as counseling services, cultural and language programs, mentorship, wellness programs, specialized treatment, preparation for independent living services. These services are related to the statutory obligation of social workers to optimize the child's potential to return home and part of the due diligence of a responsible guardian.

Moreover, the guardianship responsibility extends to children in continuing custody as the social worker (acting for the agency) must provide guardianship for the child and thus make available services of any reasonable parent. Recommended increases in prevention and LDM services contained elsewhere in this report are provided to families and children living in their homes and the families of children in care. The recommended increases in funds are not intended to cover the full range of supports needed by children in care.

INAC should clarify with its staff that services provided to children in care for the purposes of optimizing their opportunity to return home or as part of the guardianship responsibilities that social workers have to ensure that children in care are provided the supports that they need to be healthy, happy, and safe are billable under maintenance.

These policy amendments are interdependent with the following reforms to the structure of the Directive. They are designed to compliment and optimize the economic reforms recommended below. Most of all they are designed to make a difference for First Nations children and their families. This is especially true of Jordan's principle – his life stands as an inspiration for governments to do better- much better -for First Nations children.

ECONOMIC REFORMS to the Funding Formula (Directive 20-1)

The economic analysis of the implications of each change in the formula is presented assuming that there are 93 First Nations Child and Family Service Agencies in Canada (exempting Ontario.) Please note that the calculations reflect a per agency cost and have not, with the exception of the small agency adjustment, capital costs, the fixed amount and prevention (by virtue of it being contingent on a proportion of the budget) been weighted to reflect varying agency costs. Weighting to account for agency size can be done at a later date and will not affect the overall cost of each adjustment.

1. Inflation Adjustment

The INAC operating formula does not give annual adjustments for cost of living increases. This is considered by many to be a major weakness in the formula, one which leads to both under-funding of services and to distortion in the services funded since some expenses subject to inflation must be covered, while others may be more optional. But how much has this failure to adjust for inflation cost First Nations Agencies since the last adjustment in 1995?

Table 1, shows that the Consumer Price Index, the most widely accepted indicator of cost of living increases, rose from 104.2 in 1995 to 126.3 in 2005 (May). If the starting point in 1995 is expressed as 100, then the index in 2005 rises to 121.21 (i.e.

Table 1: Increases in the Consumer Price Index

CPI	Year	CPI set at 100
104.20	1995	100.00
105.90	1996	101.63
107.60	1997	103.26
108.60	1998	104.22
110.50	1999	106.05
112.50	2000	107.97
116.40	2001	111.71
119.00	2002	114.20
122.30	2003	117.37
124.60	2004	119.58
126.30	2005	121.21

(1995-2005)
Source: Statistics Canada

prices increased by 21.21% over this ten year period when no adjustments were made for inflation by INAC).

We know, therefore, that had cost of living adjustments been made annually since 1995, then funding would have been higher in 2005 than in 1995 by 21.21% purely on account of inflation (i.e. ignoring any increase in the number of children, number of agencies etc.) If we adjust the funding data for each year by the cost of living index in Table 1, we can calculate what funding would have been in each year had inflation protection been available. Table 2 in Appendix A shows what this would have been for each INAC region from 1999 to 2005 and the difference between this and actual funding, representing lost revenues from INAC for child welfare operations. Table 2 also shows the total funding, what that total would have been had the inflation adjustment been provided and what the difference is in total for all regions. It shows that between 1999 and 2005, failure to adjust for inflation cost First Nations agencies (in the six INAC regions excluding Ontario) a cumulative total of $94.7 million in operations funding.

For the year 2005, operations funding would have $121 million instead of $99.8, or $21.17 million higher than funding actually provided. While the National Advisory Committee accepts, reluctantly, that losses in previous financial years are water under the bridge, it also feels strongly that this year's funding should be increased by 21.2 per cent to restore this year's purchasing power back to 1995 levels and that inflation coverage should be reinstated into the formula to avoid losses going forward. **The cost for 2005 would be $21.17 million.**

INAC has advised that it uses the Final Domestic Demand Implicit Price Index (FDIPI), however, this index does not appear to have been broadly recognized or utilized to reference cost of living adjustments nor does it appear to have relevance to child welfare related costs. Applying the FDIPI does appear to result in a lower inflationary adjustment but this is largely the result of it not being designed to offset costs actually incurred due to inflation. What brings the index down below the CPI are machinery and equipment, durable and semi-durable goods, imports and business fixed investment. Very little of this is relevant to First Nations Child and Family Service Agencies. The real price increases faced by agencies are much better reflected in the CPI.

2. In Home, and Community, Interventions for Abused and Neglected Children (Prevention and Least Disruptive Measures)

One can not fully conceive the impact that prevention, wellness and least disruptive measures can have on a Nation, community, family and child – because the federal funding formula for First Nations child and family services under funds this critical range of services. The social responsibility of giving all children chances to succeed is of a serious nature and a priority for First Nations. Caring for, and supporting, tomorrow's leaders is a major focus in the *Wen:de* report, as voiced by the First Nation's child and family agencies. A major factor in preparing these leaders is providing services that meet the needs of these children and families in their communities, and not only in crisis situations or when a problem has been identified. Instead, agencies are committed, given the appropriate

resources, to providing opportunities for the wellbeing and growth for all First Nation's children and families.

Currently First Nation's child and family agencies feel they can not fully meet the needs of the children and families due to lack of human and financial resources, and jurisdictional issues that interfere with the impact each of the agencies can have in their communities. The issues raised by FNCFSA providers demonstrate the tangible effects of funding limitations on the ability of agencies to address the needs of children. Without funding for preventative and related services many children are not given the service they require or are unnecessarily removed from their homes and families. As indicated in the ***Wen:de*** report, in some provinces the option of removal is even more drastic as children are not funded if placed in the care of family members. The limitations placed on agencies quite clearly jeopardize the well-being of Aboriginal children and families. As a society we have become increasingly aware of the social devastation of First Nations communities and have discussed at length the importance of healing and cultural revitalization. Despite this knowledge, however, we maintain policies which perpetuate the suffering of First Nations communities and greatly disadvantage the ability of the next generation to effect the necessary change. The cost savings of investing in preventative programs are huge and were indicated in a special phase two study which showed that savings of up to $1.5 million per annum in the sample agency can be achieved through investments in prevention programs.

The Joint National Policy Review of First Nations Child and Family Services (NPR) (McDonald and Ladd, 2000) confirmed that the current funding formula, Directive 20-1 (hereinafter called the Directive), did not provide sufficient funding for First Nations Child and Family Service Agencies to deliver culturally based and statutory child welfare services on reserve to a level comparable to that provided to other Canadians. The NPR confirmed First Nations child and family service agency concerns that the Directive did not adequately fund in home interventions for abused and neglected children known as least disruptive measures. These services are required by child welfare statute in order to give children the best chance to live safely at home but are not available on reserve due to deficiencies in Directive 20-1.

Certainly the issue of service differentiation comes into play, as a First Nations child will not receive the same service on and off reserve. As noted in the ***Wen:de*** document, considering the provincial and federal government's jurisdictional debate could be characterized as a shirking of responsibilities that amounts to inequitable treatment of First Nations and is therefore in violation of section 15 of the Charter. Arguably child protection laws are applied differently on reserve (due to lack of adequate funding) than off which constitutes inequitable treatment based on race and residence. Despite persistent pleas from Aboriginal people that their interdependent needs be served by holistic services, the service environment continues to be fragmented between federal and provincial levels of government, between departments and ministries, and among service agencies in community.

A shift in funding mentality is vital. An approach that invests in the community and engages the community at all levels – children, adolescents, youth, parents and Elders means directing resources at growth and development of the people rather than the breakdowns of the people in the community. This approach demonstrates long term commitment to the growth of a child and family and invests in the future of contributing members to society. Three options were presented in the ***Wen:de*** document (Chapter 4) and were presented to the National Advisory Committee on August 30, 2005. The NAC rejected option 2 outright because linking prevention services to numbers of children in care could produce a "catch 22" situation where the prevention programs are effective and thus the funds for these programs are decreased

to a point where they can no longer be offered. This could potentially mean the withdrawal of the supports that were resulting in the decrease in children in care and create conditions for the numbers of children in care to ramp up again. Option 3 was favored by some participants as they liked the accreditation format, however, as noted by some NAC participants this option would require the development of standards, and a process for assessing accreditation levels. This would likely be a long term exercise delaying benefit of funding for children and families in need. Option one was favored by the majority of NAC participants but a suggestion was made to phase in the funding over time to account for the varying levels of agency development and preparedness to implement prevention services. The research team, in consultation with the Assembly of First Nations, the First Nations child and family service representative, Donald Horne, and the Department of Indian Affairs elected to select option one whilst incorporating the NAC recommendation to phase it in over a period of seven years. The development of accreditation standards and processes can be explored over the longer term.

Option #1: A Multi-disciplinary Approach To Funding

Of the three possible approaches to promoting community and family wellness, least disruptive measures and prevention that were outlined in Chapter 4 of *Wen:de*, option #1, a multi-disciplinary approach to funding has been selected as the preferred option. Under this approach, teams would work with communities to design prevention programs appropriate to the ability of the agency to implement them and according to the absorptive capacity of the community being served. For every so many statutory workers, the team must include a number of funded prevention or community development worker positions. Staffing can be broken down into various groupings but what is being proposed is that one grouping should consist of staff working on enhancing least disruptive measures (L.D.M.'s), and another on prevention and community development. This is a multidisciplinary team approach. Communities would have inter-agency meetings to collaborate on prevention etc., and the community development and prevention workers would sit at the table, together with representatives of education, health, economic development and other agencies to help work out programming. The prevention worker must be offered a similar salary scale to other professional staff on the team. Finally, a funding formula has to consider that a multidisciplinary team approach takes up more staff time to get the job done, due to ongoing collaboration.

Assumptions:
(Related to the calculations on the spreadsheet Opt#1 Assumptions)

Option #1 in Table 3 in Appendix B calculates the incremental operational funds that are requested by First Nations Child and Family Services agencies for the implementation of comprehensive L.D.M.s and prevention programs, based on a set of assumptions listed below. This option assumes that the increased staffing needs will be phased in incrementally at a rate of 50 percent in Years 1 and 2, 90 percent in Years 3 and 4, 95 percent in Years 5 and 6, and 100 percent after Year 6. This reflects the view of the NAC of how prepared different agencies might be to design and implement these programs. The spreadsheet in Appendix B "Option #1 Assumptions" provides calculations of the increased staffing needs for each agency in Manitoba, which is then extrapolated to the national level on worksheet "Option 1".

Table 3 makes the following assumptions.

- The new staff positions for child care workers will be determined based on 0.4% of child population 0-18 and resource workers 0.2%, as opposed to a measure of the CIC. (The starting point for these ratios is, however, INAC's assumption of 6% children in care and 1 worker for every 20 children in care i.e.1 worker for 6%/20 = 0.3% of child population).
- Staffing positions related to least disruptive measures include child care workers, family support workers and resource workers. Supervisory and administration costs are calculated for these specific positions. Likewise, prevention staff includes prevention and community economic development workers,

as well as outreach and advocacy workers. Supervision and administration are separated out for the prevention workers, as well.

- Discount rate – 8% is calculated as follows: 10% recommended by the Treasury Board of Canada less 2% inflation, since inflation which affects both the costs and savings is excluded; The discount rate is used to calculate the present value (in today's dollars) of both the incremental costs of these initiatives and the incremental savings that result from them in terms of reduced maintenance costs over time.
- Travel costs – 15% of gross salaries; benefits – 15% of gross salaries;
- Assumption concerning the number of foster homes – 1.5 children for each foster home based on Manitoba rates (this is a rough approximation of northern and southern regions). The calculation of one resource worker for every 20 foster homes approximates 0.2% of the child population 0-18;
- An inflation increase for past costs is not included in this analysis;
- Prevention/Community Development Worker – currently, agencies are funded 2 workers. These staff positions are increased to 1 per band;
- Child Care Workers – adjusted the current ratio of 1 to 20 CIC to 0.4% of child population 0-18;
- Family Support Workers – adjusted the current ratio of 1 to 20 MPFs to a ratio of 1 to 15 MPFs;
- Outreach/Advocacy Workers – added one full-time staff position to each agency;
- Supervisors: one incremental supervisor for every five additional staff;
- The administrative overhead charges of 15% are for administration and accounting staff, rent, utilities and other general overhead. The rate of 15% is a commonly applied rate;
- Salaries are based on rates provided by West Region Child and Family Services;
- Projected savings: assume the child population (0-18) growth rate is 3.5% for Years 1-6, and 3.0% after Year 6; it is assumed that the investment in LDMs and prevention is recouped as the population growth (0-18 years) does not result in additional children entering formal care after a phasing in period;
- Assumed the annual cost for maintaining a child in formal care totals $20,000 (based on West Region Child and Family Services rates);

Results

The detailed calculations for Manitoba, when proportioned up to national level (six regions) show that expenditures would have to increase as follows:

Expenditure Increases over the Current Level of Funding at the National Level

	Year 1	Year 2	Year 3	Year 4
Amount	$34.7m	$34.7m	$62.5m	$62.5m
Percent increase	34.8%	34.8%	62.7%	62.7%
	Year 5	Year 6	Year 7 on	
Amount	$66.0m	$66.0m	$69.5m	
Percent increase	66.1%	66.1%	69.6%	

In year 1, **additional spending on these measures would be about $35 million, rising to $62 million two years later, to $66 million by year 5 and peaking at $69.5m by year 7.**

The spreadsheet in Appendix B assumes that savings in terms of reduced maintenance expenditures will take time to materialize but that eventually, after about 42 years, they will exceed the costs of the program in present value terms. If, as some propose, a lower rate of discount be used, say one of 3.5% rather than 8%, the savings from these programs would be much larger in present value terms and the expenditures on wellness, prevention and least disruptive measures, would pay for themselves within 29 years. This emphasizes the long-run nature of the problem

First Nation's agencies in the Phase 3 survey indicated they require on average $305,000.00 per year to adequately meet the needs of prevention and an additional $210,000/yr is needed each year for least disruptive measures, but the detailed costing in Table 3 show that this is a

gross underestimate of what a comprehensive program would cost and, no doubt, reflects modest expectations after years of under-funding.

We are living at a time when many First Nations communities are suffering from the permanent loss of their children and young people – the fabric of their communities. Culturally based programs that support community efforts to safely care for their children and families are imperative. Given the strong evidence supporting preventative and in home services provided in the *Wen:de* document and the support for further investments in this area indicated by Phase 3 survey participants, First Nation's child and family agencies, **it is recommended that initial allotments of $35 million be provided in years one and two to support agencies in developing strategic plans and program designs for the continuum of prevention programs. These funds would also support staff recruitment and development. In summation, an allocation of $62 million for years 3-4 to support the operation and evaluation of these programs is required to move forward with this recommendation.**

3. Small Agency Adjustments (Agencies with Status Indian Child Population below 801)

The FNCFS Joint National Policy Review (2000 p.13) found that "The formula does not provide a realistic amount per organization for agencies serving small on-reserve populations. To agencies serving an on-reserve 0-18 populations of less than 801, and particularly those that are serving even smaller populations, the formula did not provide realistic administrative support." This complaint, which refers to the fixed amount per agency or the provision for overhead, has been echoed by others during the formula review process. It has two separate components. The first is that no agency representing communities with a combined total of 250 or fewer children receives any overhead funding whatsoever. The second problem is that available funding is currently fixed in three large blocks viz: 25 1-500= $ 35,790; 501-800= $ 71,580 and 801 – $143,158. A slight increase or decrease in child population can result, therefore, in a huge increase

or decrease in overhead funding available to agencies.

To deal with these shortcomings, two reforms are proposed. The first is to extend overhead funding to agencies with populations of 125 and above. Using INAC's rule of thumb, this would suggest agencies dealing with 7 or more children in care and 5 multi-problem families should receive some overhead funding. It is proposed that a minimum of $20,000 be made available to the smallest agency representing 125 children.

The second proposal is to abolish the step increases and to give agencies additional funding for every 25 children in excess of 125 to a maximum of 800. This smoothing of the fixed amount is achieved by fitting a quadratic function to the data in the rage of $20,000 to $143,158 meaning that all agencies would receive enhanced funding up to the maximum but that smaller agencies would receive slightly more absolutely (and even more proportionately) than larger agencies. The results of this function (which is expressed as Y= 20,000 + 4635X – 2.7625X2) are shown in Table 4 in Appendix C. When this is fitted to small agencies, 6 agencies would still be too small to receive any fixed amount: 8 small agencies which never before received a Fixed Amount would now do so. In addition, 23 agencies of medium size would receive funding increases and 56 large agencies would receive no change in the Fixed Amount for purposes of this specific, size sensitive adjustment exercise. **The total cost of this proposal would be $1,214,000.**

We are recommending that existing small agencies continue to be supported according to the new proposed funding guidelines. In future, however, we believe that a minimum economy of scale is required to provide a basic level of child protection

and support services. We recommend that future agencies have a minimum size to support three social workers, administrative support, a supervisor and an executive director it is clear that not all communities will be in a position. In keeping with the caseload size recommendations of the Child Welfare League of America (2005), 36 active cases (intakes) per month for the three social workers with a recommended aggregated caseload of (active and inactive files) not to exceed approximately 51 family service files.

4. Operations Base Amount (Currently at 143K per annum)

In addition to the Fixed Amount not being adjusted for inflation or accessible to small agencies, there is a widespread complaint, dating back to when the formula was first introduced, that it was set at a level insufficient to cover necessary overhead costs (basic operating costs). Although it was, in theory, supposed to cover the costs of a Director, Secretary and Financial Officer, only $95,000 in total was allowed for these (Joint national Policy Review, 200, pp. 83-84). Indeed, we estimate that the costs of the items supposedly covered by $143,000 amounts to more than $250,000 today (Table 5). In addition, no provision was made for a janitor or a human resources person, both of which are needed by larger agencies. Neither was provision made for security of buildings or personnel, and inadequate amounts were provided for records management which has assumed huge proportions, for liability insurance up to $ 1,000,000, and for legal fees for routine business.

The total cost of all these items, taken together, is about $357,400, rather than the $143,159 that was provided to large agencies. However, not all of the difference needs to be funded because agencies do receive a modest amount for remoteness, about $2,500. As well, our proposals call for an inflation adjustment, a remoteness adjustment and some funds for evaluation (see Table 6). These need to be deducted from the shortfall, leaving a funding deficiency of $165, 592 for an agency with 801+ children.

TABLE 5 - Why The Fixed Amount Is Inadequate

	Base		
	Director Salary and Benefits		$88,550
	Travel		$8,500
	Secretary		$41,400
	Financial Officer		$58,650
	Audit		$8,500
	Legal Costs		$5,000
	Organization development		$20,000
	Training of Placement Resources		$10,000
	Evaluation		$10,000
			$250,600
	Adjustment		
	Janitor		$22,600
	Security		$5,000
	HR person		$45,200
	Liability Insurance		$9,000
	Records management		$10,000
	Legal	$20,000-5,000	$15,000
			$106,800
	Required		**$357,400**

TABLE 6			
Proposals			
Old Fixed Amount			$143,159
Ave Remoteness		0.276	$2,549
Inflation			$30,890
Remoteness Adj. Ave		0.0364	$5,211
Evaluation			$10,000
			$191,808
Shortfall			$165,592

Table 7 adjusts the limit of the Fixed Amount for these items to a new limit of $308,751. Adjusting this new maximum for agency size would be accomplished by applying the new weights. The minimum Fixed Amount, for the smallest eligible agency, would be the $ 20,000 referred to in section 4b increased by the proportion 308,751/143,159 = 2. 157 x 20,000 = $43,182. Agencies with children between 125 and 800 would receive steadily increasing amounts (fitted by the function Y = 43,182+100.00X-6.0784X2). The results are to be found in Appendix D. These amounts were then applied to agencies of different sizes and the incremental cost calculated. All 87 agencies representing child populations of 125 or more would receive an increase and **the total incremental cost would be $12 million.**

5. Children in Communities Not Served by FNCFSA

There are some communities that are too small or remote to operate a First Nations child and family service agency. Under the current formula they receive nothing and yet their children are just as deserving of culturally based services as First Nations children in large communities. CIS 2003 research indicates that First Nations children on reserve (and thus disproportionately served by FNCFSA) are three times more likely to be placed in a culturally based placement than First Nations children off reserve (and thus disproportionately served by non Aboriginal child welfare agencies).

We are recommending the establishment of a national pool of one million dollars per annum to which First Nations communities not served by a FNCFSA can apply to provide family support, foster home recruitment services or child and youth supports. An administrative structure such as the one described to solicit and review proposals for research could be implemented.

6. Remoteness Factor

The current remoteness adjustments in the INAC formula apply differentially to the Fixed Amount, the Band Amount and the Amount per Child. On average, they compensate more remote agencies significantly more than they do less remote agencies. This is as it should be and is the whole point of the remoteness adjustment. Table 8 shows for a sample of agencies what the remoteness adjustments amount to on average for 2005-2006 and the progressiveness of the adjustment is evident.

TABLE 8	
Average Remoteness	**% Remoteness Adjustment on Average**
0.800	0.08%
0.220	2.70%
0.850	8.60%
1.265	13.90%
1.650	19.00%

In spite of this, the remoteness adjustments suffer from a number of weaknesses. The first is that the average adjustment is considered by most agencies to be too small to compensate for the actual costs of remoteness. Over 90 per cent of those sampled complained that the adjustment was inadequate. Secondly, the remoteness index is based on accessibility of the nearest service centre but these are usually business centers which are not necessarily able to offer specialized child welfare services. Thirdly, the relative size of the remoteness adjustment varies between the three amounts to which it is applied and there seems to be no obvious logic to this. Finally, the remoteness index is an average across communities for each agency and this average is not weighted by the size of the communities involved. This leads to some communities receiving less than their population warrants and some receiving more.

Each of these problems was studied but in the end, it was decided to address only the first two. Changing the weights applied to the three amounts to which remoteness is applied would likely lead to difficulties in budget implementation because a single, uniform rate would lead to an increased rate for the Child Amount and reduced rates for the Band Amount and the Fixed Amount. It was felt this might affect the latter two significantly more than the first and cause budget implementation difficulties because specific activities are funded by these two amounts. It was also felt that weighting average remoteness by child population in each community would be a superior approach but, after applying it to a sample of agencies, it was concluded that the net effects were minimal whereas the tension caused between agencies might be significant, as some would gain and some would lose. On balance, a decision was made to continue current practice.

Two changes are being proposed to the Remoteness Adjustment. The first is to introduce an across the board increase in remoteness allowances, each component spending category being increased by the same per cent. This would then be rolled into base revenues and carried forward into subsequent years. The second component is to adjust the index from the current service centre based to a city centre base.

In arriving at the first adjustment, it was felt that the current average per cent adjustment for remoteness is too low for the most remote agencies. The costs of remoteness are closer to the 25-30 per cent range for these communities/agencies than they are to the current 19 per cent. At the same time, less remote agencies do, in reality face higher costs than urban centers. They are claiming it costs them an additional 6 per cent while agencies as a whole claim that remoteness costs them on average, an additional 18 per cent. We feel that these numbers are on the high side. Instead, we would recommend an across the board remoteness increase of 3 per cent for the least remote rising to a maximum of 8 per cent for the most remote, roughly in line with the geometric average increase requested. For agencies in between, we would again fit a quadratic function to smooth out the increases, as shown in Table 9.

In Table 10, Appendix F, these increases are allocated to each agency in each region, according to their current index of remoteness. It can be seen from this table that **the total cost of this adjustment will be $4 million per year.**

Table 11, Appendix F conducts exactly the same exercise as Table 10 with one amendment, which is that service centers are switched to city centers where appropriate (in bold letters). Most of these adjustments take place in BC, Atlantic and Alberta's and mainly affects less remote agencies. **The total cost of doing this will be $95,734 per year.** There are, however, a few caveats that need to be made about this adjustment. First of all, since no detailed distance maps exist for First Nations, the calculations are very approximate. Secondly, not all distances could be measured from the available maps, so no adjustments were made for 50 communities, out of a total of 395 (Table 12). If these communities had the same proportion of changes in remoteness as the 395 had, then the figure of $95, 734 might rise to somewhere close to $108,000.

7. MIS Capital Costs

In *Wen:de - We are Coming to the Light of Day*, the report on Phase 2 of this exercise, Chapter 5 identified the precise capital and other spending needs of First Nation agencies in the Management Information Systems (MIS) area. It laid out a

TABLE 12

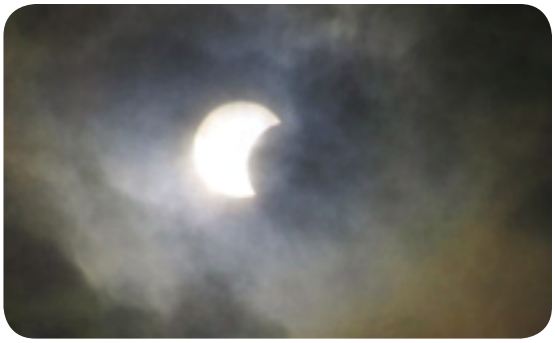
	Total Number of Communities	# of Communities with changes in Remoteness	# of Communities Not accounted for
Manitoba	57	2	0
Alberta	53	15	3
Atlantic	44	19	0
Saskatchewan	69	7	0
British Columbia	153	41	46
Quebec	19	8	1
	395	92	50

template of appropriate hard ware and software for three types of agency: Type A, which has one location only and employs less than 75 computers; Type B, which again has one location only but has 75 or more computers and Type C, which has multiple locations. Packages of appropriate equipment and supplies were proposed for each and, for Type A agencies, two options were presented, one of which involved using a Microsoft Server 2003 and one which involved using a Microsoft Business Server. These options are outlined in ***Wen:de*** Chapter 5, as are the specific equipment and supplies to which they relate and their detailed costs. That chapter makes the general point that agencies sampled are using inadequate, outdated and inappropriate systems. The question is, how much would it cost to update all agencies so that they can manage their internal data systems and their external reporting systems satisfactorily?

In this phase of the exercise, Stanley Loo's template was applied to each agency in the six regions being reviewed. It was necessary, though difficult, to do this because, as he points out in Chapter 5 of ***Wen:de***, the needs of each agency are quite specific and must be addressed individually.

The spreadsheet, Table 13, in Appendix F shows estimated capital needs related to MIS for all agencies. It begins by laying out the Stanley Loo template. One complication of that template is that we do not know which agencies have access to which form of internet service provider (Group B costs). In what follows, it was decided that less remote communities should be able to use the best option, Cable ISP or the second best option, DSL ISP, and that more remote communities would have to use the most expensive option, the satellite dish. Based on an assessment of agencies with which researchers are familiar, it was decided that all agencies with an average remoteness index of 0.22 or higher, should be considered 'more remote' and their MIS needs are budgeted on the assumption that they would require satellite dishes.

For Type A agencies it was assumed that Option 1 would be adopted, i.e. the one using the Microsoft Server 2003. It was assumed that all agencies would be eligible for the Special Prices for Charitable Agencies. It was also assumed that



minimal packages only would be used and not those involving the purchase of optional items. As it happens, there are only Type A and Type C agencies operating in the six regions under review.

In order to cost out the MIS packages it is necessary to know how many staff are working with each agency. Since that information is not available, it was estimated using the assumptions that 65 per cent of all funding of each agency would be attributable to staff costs and that, on average, each staff person would cost about $48,000 with benefits. Thus, an agency such as Attikamek-Sipi in Quebec, with an Operating Budget of $1,302,636, would be estimated to have (1,302,636 x 0.65)/48,000 = 18 staff.

Using these assumptions, the template is applied to each agency in each region and the resulting MIS costs are calculated. **The total for all regions is $5.62 million.**

This amount is calculated as a pool amount and is best understood as being the amount of money needed to outfit each agency with the recommended package of MIS hardware and software. This money would be spent as agencies verify the accuracy of these estimates and in some order of priority of need. Since important portions of spending are for items with life spans of 4 to 7 years, the pool would need to be replenished periodically. If the idea of a capital pool for MIS is not acceptable, then initially the amount needed should be drawn over 2 years so that all agencies can have systems up and running by 2008. **This would imply an annual draw of $2.81 million in each of 2006 and 2007.** Thereafter, an annual amount would be needed to continuously upgrade equipment from roughly 2010 on.

It must be stressed that the estimated costs of MIS capital are based on estimates of current staff

levels. If other recommendations in this report are accepted, such as those on inflation and Least Disruptive measures/Prevention, staff cadres would rise, and MIS costs would rise accordingly. We estimate that MIS pool costs would increase by a further $3.5 million or the annualized costs by $1.75 million.

8. Capital Costs
(Buildings, Vehicles And Office Equipment)

In the questionnaire circulated as part of this project, agencies complained about the inadequate state of repair and accessibility of their buildings. The range of responses in terms of additional dollars needed to fix their problems was quite wide so the average or mean amount requested, at $340,000 per agency, is not very meaningful. If, however, this skewness is adjusted for by calculating the geometric mean, a more meaningful, much lower, average is arrived at. In terms of fixing both head offices and other buildings, an average amount of about $111,000 per agency is indicated. This suggests that a capital fund of some 93 x $111,000 or **$10.3 million might be needed to fix up the buildings of all agencies.**

Currently, some accommodation for capital needs is supposed to be built into the funding formula, at the rate of 13 per cent of gross salaries and benefits. If the proposals to adjust the funding formula are accepted, salaries and benefits would rise and this capital/rent provision would also rise and some portion of the $10.3 million would be automatically funded from this source. To avoid double counting, this amount must be estimated and deducted from capital needs. To do this, the salary component of adjusted revenues must be calculated and 13 per cent deducted from this estimate of capital needs. This is done in Table 14, Appendix G. It shows that, if the adjustment proposals are accepted, First Nations Child and Family agencies can expect to receive an extra $55.4 million in salary and benefits funding. This would require that $7.2 million be set aside for rent etc. However, some $3.49 million of that would be funded in the amounts covered by the Adjustment proposals. This would reduce capital needs by that amount, or to $6.8 million. It is proposed that a capital pool of roughly this magnitude is established to meet the capital needs of First Nations child welfare agencies. This would be accessed by agencies according to the urgency of their need and over a period of some years. It would be available for major capital renovations, improving accessibility and acquiring new buildings.

A tentative proposal for allocating these funds (the pool of $6.8 million and the increase in funds available for capital through our salary proposals, i.e.: $3.49 million, for a total of $10.3 million) is to be found in Table 15 in Appendix G. It is proposed that the allocation be on the basis of agency size. Agencies are weighted by their child population in groups of 335 children, roughly the number needed under the current INAC formula to justify hiring 1 staff member (6% children in care (CIC) and 1 worker for every 20 CIC = 1 worker for roughly every 335 kids). Each agency is weighted by the number of children/335, so an agency with 1600 children would receive a weight of 4, one with 770 a weight of 2 etc. All the weights are summed, amounting to 392 and the $10.3 million capital allocation is divided by this number, giving the amount of money each agency would receive for each 335 children it represents. This amounts to $26, 276, which is what each agency with 335 or less would receive. An agency with 670 to 1005 children would receive $78,827 and an agency with 2,200 children would receive $183,929. The average amount would still be $111,000, but allocating by child population makes more sense than giving all agencies, large and small, the same amount of money.

In addition to these monies, the extra staff and salaries proposed under New Funding Streams would require **$3.7 million annually** in provision for rent etc, which is not included in the capital pool estimate, nor provided for in the detailed estimates of the New Funding Streams proposal. This must be provided for separately.

One possible way of making capital funds go further would be for agencies to use them to make down payments and subsequent mortgage payments for new buildings/renovations funded by credit. This would allow these funds to lever considerably more capital funding. Thus, if the whole $6.8 million were spent and used to cover a

20 per cent down payment for 20 years, $200,000 mortgages at say, even 6.5 per cent per annum, the fund could cover the down payments and the annual principal and interest payments (of $18,150 per $200,000) on many such loans in total amounting to $23 million. Alternatively, and perhaps more reasonably in this context, capital expenditures worth $6.8 million could be funded through 20 year, 6.5 per cent mortgages, with a 20 per cent deposit, for only $1.98 million per annum. Annualizing the outstanding capital needs funding would, therefore, offer a less demanding financial alternative, should this be both feasible and desired. This option is reflected in the annualized version of the cost of proposals, Appendix I, Table 17.

9. Extraordinary Costs

As Dr. Cradock notes, extraordinary costs are by definition extraordinary and thereby difficult to define. They are the range of unexpected or unanticipated events that place cost pressures on First Nations Child and Family Service Agencies which can not be absorbed into the current budget without cutting other essential services. Provincial government respondents to the Phase two survey indicate that they have the option of applying to provincial treasury boards or similar structures to offset unexpected costs but First Nations Child and Family Service Agencies do not have such a safeguard. Under the current formula they are left to manage unexpected costs within the funding envelope regardless of the scope or cost incurred.

Phase three research findings reveal a number of examples of extraordinary costs experienced by First Nations Child and Family Service Agencies such as:

- Suicide epidemics affecting children and young people
- High levels of substance misuse in communities resulting in a large number of children being at risk of abuse or neglect.
- Inquests relating to the deaths or severe injury of a child served by a First Nations child and family service agency.
- Changes in provincial child welfare legislation.

There were also a myriad of costs which would, within a mainstream system, be considered ordinary expenditures but as Dr. Cradock notes the under funding of the current child welfare system by INAC means that agency capacity to absorb even the most modest of unexpected occurrences is compromised.

The costs of extraordinary event vary by incident, but as Kathryn Irvine (2004) notes, crisis events in communities have three key components which would introduce costs to First Nations Child and Family Service Agencies: 1) Enhancing community preparedness to respond to crisis involving children and youth 2) responding to the crisis and 3) assisting children, youth and families to cope with the after effects of a crisis. Within a child welfare context such a response may include 1) developing a community suicide prevention program in concert with allied resources 2) providing immediate support services to youth who attempt suicide and prevention support to other youth and 3) assisting affected community members with the emotional turmoil associated with suicide attempts and reviewing the incident to see how it may inform future responses.

As the definition and costs of extraordinary events are unpredictable, we recommend establishing a national pool of funds in the amount of 2 million dollars to be refreshed annually and adjusted as needed.

A proposed mechanism for receiving applications from the fund would be to leverage the efficacy of the National Policy Review Project Management Committee structure which was composed of a representative from INAC headquarters, a First Nations delegate appointed by the First Nations child and family service agency representatives on the National Advisory Committee and a representative from the Assembly of First Nations. This group could develop an application process, process for the review of applications and financial and programmatic accountability frameworks that are reflective of INAC's mandate and the needs of FNCFSA. This group could leverage the models for emergency disaster relief distribution in order to ensure that funds are released in a timely manner in order to avoid undue duress on First Nations CFS agencies.

10. Liability Costs Arising from Child Welfare

Liability costs arising from child welfare interventions have become a growing concern amongst child welfare providers over the past ten years. The Supreme Court of Canada has adjudicated several cases relevant to child welfare and more specifically the degree to which child welfare organizations can be held responsible for the safety and wellbeing of children in care. As reported by Eileen Vanderburg in her report contained in Appendix H, the courts have held that child welfare organizations have a special duty to children in care that is afforded by their role as guardians and custodians. The Critchley decision in particular ruled that the state run child welfare organization had a duty to ensure that children in a child welfare placement are safely cared for.

Upon reviewing the current status of tort law regarding child welfare and surveying the damages awarded to litigants claiming negligence or maltreatment by the state, Ms. Vanderburg recommends a minimum coverage of 5 million dollars per incident.

Key informant interviews with insurance brokers indicate there is only one major insurance carrier in North America that will provide child welfare coverage up to a maximum value of one million dollars per incident. This reluctance flows from insurance risk assessments arising from the residential schools issue and an overall trend of increasing litigation in child welfare. Phase three survey results indicate that most agencies were insured to a value of 1 million dollars with one agency having received 5 million dollars in insurance from an Indigenous brokerage firm at a cost of 24,000.00 per annum.

This means that the majority of agencies in Canada are at risk of paying out as much as 4 million dollars plus legal fees should a current, or former, child in care or family receiving services successfully sue the agency. This would result in financial bankruptcy of the vast majority of agencies. The provinces are able to absorb these costs due to their large economy of scale, not unlike how the federal government is currently funding liability claims resulting from residential schools related litigation.

We are recommending that a national pool of seven million dollars be established to cover such costs and that the pool be refreshed annually and adjusted as needed. This pool could be administered in a fashion similar to that suggested for extraordinary circumstances with expert consultations from actuary experts.

11. Culturally Based Standards

Culturally based practice pivots on culturally based operational and practice standards. Therefore, having child welfare standards that meet the needs of the clients is of utmost importance to the First Nations child and family agencies. However, there is minimal funding to develop and maintain culturally appropriate child welfare standards. The child welfare standards utilized by First Nation agencies across Canada are very diverse, as are the communities they serve. This diversity requires the development and maintenance of standards that are appropriate and applicable to the people each agency serves. This request applies not only to First Nations agencies serving First Nations but also to First Nations communities being served by non- First Nations agencies.

The development of standards for First Nation's agencies is critical to the delivery of culturally based services. As one is required to follow the other, financial support is mandatory to adequately meet the needs of the First Nation's clients. The development of culturally based standards by First Nation's agencies particular to their clientele can contribute to the overall impact and success of the agency, children and families. Phase 2 researches indicated that 41.7% of the agencies are currently developing their own child welfare laws. It also indicated that 50% of the agencies that participated are not currently developing their own standards and another 8% indicated it was not applicable. There is broad based support for the development of culturally based standards but many of the agencies who have not developed them identify lack of funds as a barrier. This illustrates the need and trend to provide more resources for the agencies to develop standards to better meet the needs of their clientele.

Both the development of standards and maintenance is critical to the agencies. Standards need to be updated to reflect changes in legislation, practice or policy as well as evolutions in community needs.

Within the Phase 3 survey, agencies were asked how much more funding is required to meet the need of culturally based standards and practice. Please note, this does not solely represent the development and maintenance of standards, but also consists of such practices as employing Elders, ceremonies, and cultural events to inform such standards. Results from the survey indicate that on average agencies had a shortfall of $32,000 per annum. This number expresses a need to upgrade current funding to develop and maintain cultural standards and practice. Therefore, it is recommended that each agency receive an additional $30 000 per annum within the formula going forward, for a total increase of 2.79 million per annum.

12. Organizational Learning and Networking

As noted in the National Policy Review (McDonald and Ladd, 2003), First Nations Child and Family Service Agencies have limited opportunities to network and share information with one another. There are only two formal regional organizations to support the work of agencies at a regional level- one is located in BC and the other in Ontario. Agency directors in other regions meet informally but receive no resources for travel, to hire staff to organize the meetings or to follow up on identified tasks. Although there have been no detailed studies on the cost efficacy of these organizations we propose that the cost savings could be significant if agencies are able to identify mutual needs that can be best served by joint projects. For example, the Caring for First Nations Children Society (www.cfncs.com), which provides policy support to FNCFSA in BC, has developed a province wide training program for social workers containing a community specific field component to ensure training is linked directly to the culture/ context in which the social worker is employed. They also provide policy and secretariat support to the group of First Nations child and family service agency directors to ensure that decisions made by the collective are followed through.

At a national level, the First Nations Child and Family Caring Society of Canada (www.fncfcs.com) has developed an on line data base of over 2000 annotated resources on Aboriginal child welfare providing a one stop resource centre for agencies. It also has an on line journal to support best practices and has participated in national research projects including First Nations such as the Canadian Incidence Study on Reported Child Abuse and Neglect and, of course, the current research project.

Regional organizations will likely save money over time as they avoid the "recreating the wheel" syndrome on common issues. There are, of course, some policies and standards and training programs that should be developed on an agency by agency basis but where possible joint work on projects of mutual benefit should be encouraged.

We are recommending that each of six regions be allocated $250,000 each to establish non political research, policy and practice forums for agencies in the region. This amount represents the following expenses:

13. Research

Evidence based decision making in child welfare is vital to ensure that resources are targeted

Expense	Amount per annum	Assumptions
Coordinator (salary/benefits)	$65,000.00	Assume MSW and at least five years experience or equivalent
Administrative support with bookkeeping skills	$30,000.00	Assume certificate in office management and two years experience
Admin Fee	$20,000.00	office supplies, furniture, computers, mail, printing, phone, audit
Rent and utilities	$15,000.00	Assume 1000 square feet of space
Meeting space	$ 6000.000	Assume 750 dollars per day for two days of meetings occurring four times per year
Travel subsidies for Agency Directors to attend meetings	$72,000.00	Assumes $1200.00 per trip by 15 directors for 4 meetings
Project funds	$42,000.00	To be determined by agency directors

to the most prevalent risk factors that First Nations children and families experience and that interventions achieve intended outcomes (Trocme, 2003; Lane, 2003; Blackstock, 2003). The importance of evidence based research is embodied in the current research program where INAC required quantitative and qualitative evidence to support is application for a renewed Treasury Board authority for First Nations child welfare. As noted in the National Policy Review (McDonald and Ladd, 2000) continued investment in research specific to First Nations child welfare is critical as there is still a significant dearth of research in this area as compared to research on other Canadian children. The FNCFCS estimated that in 2003 the aggregate national investment in First Nations child welfare research was about $350,000 whereas the amount of money spent on First Nations child welfare by INAC alone is one thousand times that amount. There is no funding in the current INAC funding envelope for child and family services research of any form. If we want to ensure that the available resources are used to their maximum efficacy then research at an agency, regional and national level are required. We are recommending that a research pool of 1,210,000 be set aside annually for research. Included in this envelope is $450,000 ($15,000 per site) in funding to support the participation of 30 agencies in the third cycle of the Canadian Incidence Study of Reported Child Abuse and Neglect to be conducted in 2008. This study has been extremely important in identifying why so many First Nations children are coming into care and informing how funds can be targeted to get at identified risks. The remaining funds will be made available on a proposal basis with an independent review committee analyzing the merits of each proposal including the potential of the research project to inform practice in a number of agencies. Grant criteria and review mechanisms such as that established by the Centre of Excellence for Child Welfare for their community development grants could be used to guide the development of the grant process for these funds.

14. Evaluation and Outcomes

Evaluation is critical to gage the efficacy of programs and services provided to First Nations

children and families (Trocme, 2003). The current formula provides funding to agencies in years 3 and 6 of operation (McDonald and Ladd, 2000). Survey results from phases 2 and 3 affirm that First Nations Child and Family Service Agencies see the importance of evaluation and call for the provision of evaluation funding past year six. Survey results indicate that the average large scale evaluation costs about $28,000 – this is likely influenced by the current allotment of 30,000 for evaluations in years 3 and 6. Nonetheless, the research team recommends providing $10,000 per annum for agencies to conduct evaluations. We further recommend that agencies be given the option of deferring evaluation revenue over fiscal years to pool monies for large scale evaluations.

Summary of Proposed Reforms TO THE DIRECTIVE

Appendix I, Tables 16 and 17 contain summary overviews of the reform proposals and their cost to government.

Table 16 assumes that some expenditures, on MIS, Capital and the Liability Pool, may be pool financed i.e. provided for in a replenishable pool from which agencies would draw according to established priority need. These pools would, in total, amount to $22.6 million.

All other identified revenue needs of agencies/

costs to government are annual. In total, they amount to $89.9 million if the pooling proposal is accepted.

Two types of proposals are being made. The first constitutes **adjustments** to the existing funding formula. The second involves **new funding streams**.

Under the first, **adjustments**, there is an adjustment for inflation of $21.2 million and this would be built into base going forward, with annual adjustments being made thereafter.

The Fixed Amount per Agency adjustment, of $15.5 million, fills gaps in the current Fixed Amount by providing for services which are either not covered, such as janitorial or human relations, or inadequately covered, such as salaries, records keeping and legal.

Remoteness Allowances are adjusted by $4.2 million, first, to recognize that city centers are more appropriate for child welfare services than the 'service centers' currently used and, second, to allow for increases in remoteness funding by between 3 and 8 per cent, depending on agency remoteness.

Some small agencies will receive Fixed Amount funds for the first time, while other small agencies will receive increased amounts, totaling $1.2 million.

Under the second category, **new funding streams**, specific funding of wellness, least disruptive measures (LDM) and prevention will cost $34.7 million and this amount grows steadily thereafter to $69.4 million by year 7. This is the largest increase of all the proposals but it is one which will pay for itself over time in reduced maintenance costs.

Communities currently not served by agencies will receive $1 million to allow them to offer some basic child welfare services.

An amount of $30,000 per agency will be set aside for developing culturally appropriate standards, totaling $2.8 million and another amount of $30,000 every three years for on-going evaluations, totaling $0.93 million a year.

Provision is made for one regional study every five years at a cost of $150,000, together with an agency led study every five years costing $50,000 and a national study every five years costing $500,000. These are annualized to $1.2 million.

A $2.0 million per annum provision will be made for extraordinary circumstances and each region will receive $250,000 to establish a new regional organization to provide forums for knowledge transfer and to design and implement projects that are of mutual benefit to all agencies in the region.

The three pools would be for MIS, which would cost $5.6 million if all existing systems were replaced over time and a further $3.5 million if all the above recommendations, which would lead to staffing increases, were accepted.

The capital pool is estimated at $6.8 million, arrived at by averaging requests for more space, vehicles, repair, and accessibility improvement of $111,000 for each of the 93 agencies, or $10.3 million and deducting from that the 'rent' equivalent or 13 per cent of the salary and benefits component of funding adjustments outlined above, or about $3.5 million.

Additional capital (space) needs resulting from new funding streams will require an additional $3.7 million per annum in funding.

A liability pool for insurance claims in excess of $1.0 million will be established at a cost of $7.0 million.

Total costs are, therefore, $22.9 million for the pools and $86.4 million for annual funding needs.

Table 17 assumes no pooling of funding but instead, MIS, Capital and the Liability Insurance are funded annually. The assumptions are that MIS needs will be met over a two year period in the first instance, at a cost of $4.56 million. Thereafter, annual amounts would be between one half to one third of the annual amounts shown as systems would be replaced or fundamentally upgraded every four to six years.

The capital pool would be replaced by annual funding to permit mortgage borrowing of currently

unmet capital needs, amounting to about $1.98 million a year.

The liability pool would be replaced by annual funding over two years, at $3,500,000 per annum.

The revenue needs for First Nations Child and Family Service Agencies total $96.5 million per annum

Tables 18, 19 and 20 in Appendix I give detailed examples of how the above proposals would affect three anonymous agencies in Alberta, the Atlantic region and Manitoba, for purposes of illustration.

Anticipated Outcomes and Benefits of DOING EVERYTHING

The anticipated economic, social and cultural benefits of fully implementing the recommended reforms are substantial, benefiting First Nations children, families, Nations and Canadian society at large. **The social benefits are significant –the cost is minimal representing 1.25% of the 8 billion dollar surplus budget that Canada reported in 2004/2005**. If these recommendations are implemented in whole and without compramise:

1) Jordan would be the last child to die in a hospital because governments put themselves first.
2) First Nations children who are experiencing abuse and neglect would have an equitable chance to stay safely at home.
3) First Nations children in care would have access to the cultural, spiritual, physical and emotional supports they need and what every caring parent would want to provide.
4) First Nations social workers would receive equitable salary levels to their colleagues off reserve.
5) First Nations agencies could develop their own child welfare laws and standards.
6) Increased research and evaluation funding means we would know more about how to help First Nations children and families experiencing child maltreatment.
7) Every social worker would have access to a computer which would be able to collect information that helps them do their job better and more efficiently.
8) Persons with disabilities and children would have access to safe and friendly office spaces.
9) First Nations children living in remote areas would not receive less because things cost more.
10) First Nations agencies would be able to learn from one another, support one another and collaborate with other disciplines to ensure that children benefit from the very best that everyone has to offer.
11) First Nations agencies could respond to unexpected events or community crisis without worrying about having to cut programs to meet the costs.
12) Every First Nations child would receive culturally based child welfare supports – no matter if she/he lived in a small or large First Nation.

Doing everything could result in economic payback. Investments in wellness, prevention and least disruptive measures (LDM) would pay for themselves within 28 years. This economic payback is in child welfare terms only and does not account for the significant benefits that would result from having healthy children grow into healthy and independent adults who would be less likely to access the services of justice, health, drug and alcohol, mental health and unemployment insurance.

Most of all First Nations children would for the first time have a chance to receive equitable child welfare services and INAC would have the opportunity for the first time ever to send a message to First Nations children that they really do count – and the days of under funding and under valuing them are over.

Cost of Doing NOTHING

This is a powerful option – one that has guided INAC to date. It has chosen to stand still – but it has cost a significant price. Bowlus and McKenna (2003) estimate that the annual cost of child maltreatment to Canadian society is 16 billion dollars per annum. As increasing numbers of studies indicate that First Nations children are over represented amongst children in care and Aboriginal children in care they compose a significant portion of these economic costs (Trocme, Knoke and Blackstock, 2004; Trocme, Fallon, McLaurin and Shangreaux, 2005; McKenzie, 2002). A failure of governments to invest in a substantial way in prevention and least disruptive measures is a false economy – The choice is to either invest now and save later or save now and pay up to 6-7 times more later (World Health Organization, 2004.)

The Department of Indian Affairs currently spends over 350 million dollars per year on child welfare and the vast majority of this budget is spent on keeping First Nations children in care. The current formula provides a dearth of resources to keep abused and neglected children safely at home. These services, known as least disruptive measures, are required by statute and are available to every other Canadian child. The lack of early intervention services contributes to the large numbers of First Nations children entering care and staying in care. For the Department this means an increase in the maintenance budget of 11% per year. For First Nations children it means that the numbers of children in child welfare care increased a staggering 71.5 between 1995 and 2001 (McKenzie, 2002) At this rate there will be close to 15,000 status Indian children on reserve in care by 2011 that will collectively spend about 3.9 million days in care per year. If one assumes a very modest estimate of an average of 80.00 per day to care for these children (exempting social work and administration costs) maintenance costs alone would exceed 312 million per annum by 2011 (would need to be adjusted upwards in accordance with inflation rates).

Doing nothing could also result in Canada being found vicariously liable for discriminatory funding in child welfare knowingly resulting in harm or disadvantage to another generation of First Nations children. Regardless of opinions on the legal merits of this potential action, the political fall out would be substantial –especially on the heels of the residential school era.

Doing nothing would also erode Canada's international human rights reputation and call into question its commitment to the United Nations Convention on the Rights of the Child that require that States that know about rights violations for children, have the solutions and have the resources act- to redress the rights violation without delay. Canada knows about the problems resulting from Canada's long term under funding of First Nations child welfare (McDonald and Ladd, 2000), it has a solution that was jointly developed by First Nations and it has an 8 billion dollar surplus. **To stand still, or implement these recommendations in a piece meal fashion, when doing the right thing is possible – would be failure for all of us – but especially for the First Nations children. Surely, Canada would want to go over and above for abused and neglected children – this is its chance to at least be equal. Maybe in the future Canada will go above and beyond for First Nations children – but for now equal would be an important first s**tep.

CONCLUDING REMARKS

Supporting the healthy development and prevention of child abuse and maltreatment of First Nations children and families in First Nations communities is the premise of these recommendations. The strenth of these recommendations are sourced in the experience and wisdom of the Elders, First Nations agencies and line staff who work every day to enrich the lives of First Nations children and families. These are the people who have front line experience with the current system and see first hand the sadness, shortfalls, triumphs and successes within the communities. Their opinions, perceptions, and experiences have been expressed in the ***Wen:de*** (2005) and ***Wen:de - The Journey Continues*** reports. The message is consistent. The consequences of under funding First Nations

children and families are born out every day by children themselves and the real tragedy is that is unnecessary – especially in a country running an 8 billion dollar surplus.

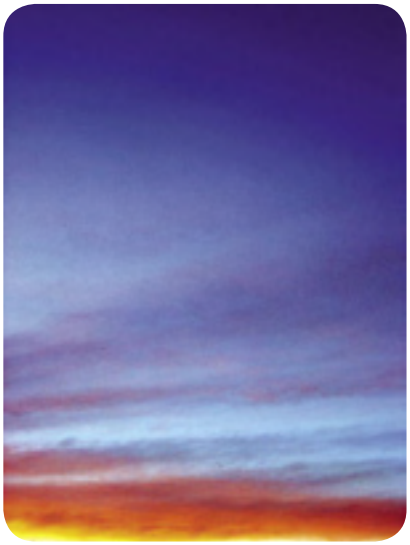
Further resources are needed to ensure First Nations children and families have the opportunity to receive care that is culturally appropriate, equitable and meets their needs. This care, as outlined throughout the document, is required before, during and after a crisis has been identified. Currently the funding is aimed at reactive measures. The recommendations in this report would introduce supports to children and families in their home to curtail crisis and reduce the need to remove children from their homes whenever possible. The merits of these preventative and least disruptive measures approaches have been well documented resulting in social and economic savings for individuals, families and governments. The proposed system would leverage the strength and resilience of First Nations families by providing them with some of the essential tools to safely care for their children.

Although each suggested change element is presented as a separate item, it is important to understand that these elements are interdependent and adoption in a piece meal fashion would undermine the overall efficacy of the proposed changes. For example, providing least disruptive measures funding for at home child maltreatment interventions without providing the cost of living adjustment would result in agencies not having the infrastructure and staffing capacity to maximize outcomes. Similarly, these recommendations assume that there will be no reductions in the First Nations child and family service agency funding envelope. Situations where funds in one area are cut back and redirected to other funding streams in child and family services should be avoided as our research found that under funding was apparent across the current formula components.

The report has presented two separate but critically interconnected sections: 1) recommendations for policy change or clarification and 2) recommendations for modifications to the current formula. This research project did not specifically focus on the maintenance envelope due to time and resource restrictions so this is an area for ongoing research.

Overall the following recommendations are based on the best available evidence and provide a funding foundation to support First Nations aspirations to culturally based and equitable child welfare services in their communities whilst incorporating mechanisms to support organizational learning and evaluation.

Together will all of our strength, communities, experts, researchers, young people and Elders – we have all done our best to tell this story – now it's Canada's turn.



In loving memory of Jordan.

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Appendix A - Inflation Worksheets

TABLE 2
Losses on INAC Operations Funding Due to Lack of Inflation Cover

By Region 1999-2005

	CPI	CPI	Manitoba			Alberta		
		set at 100						
			Formula Funding	Adjusted For Inflation	Difference	Formula Funding	Adjusted For Inflation	Difference
1995	104.2	100.0						
1996	105.9	101.6						
1997	107.6	103.3						
1998	108.6	104.2						
1999	110.5	106.1	$26,003,331	$27,575,509	$1,572,178	$18,696,982	$19,827,414	$1,130,432
2000	112.5	108.0	$26,894,433	$29,036,696	$2,142,263	$19,466,719	$21,017,331	$1,550,612
2001	116.4	111.7	$27,358,770	$30,562,004	$3,203,234	$20,010,414	$22,353,284	$2,342,870
2002	119.0	114.2	$27,021,542	$30,859,535	$3,837,993	$21,182,392	$24,191,023	$3,008,631
2003	122.3	117.4	$27,791,261	$32,618,726	$4,827,465	$21,220,056	$24,906,074	$3,686,017
2004	124.6	119.6	$28,074,251	$33,570,554	$5,496,303	$21,567,405	$25,789,814	$4,222,409
2005	126.3	121.2	$28,447,452	$34,480,933	$6,033,481	$21,917,142	$26,565,595	$4,648,453
	Cumulative Inflation Losses 1999-2005				$27,112,916			$20,589,425

continued on the next page

TABLE 2
Losses on INAC Operations Funding Due to Lack of Inflation Cover
By Region 1999-2005

	CPI	CPI	Atlantic			Saskatchewan		
		set at 100						
			Formula Funding	Adjusted For Inflation	Difference	Formula Funding	Adjusted For Inflation	Difference
1995	104.2	100.0						
1996	105.9	101.6						
1997	107.6	103.3						
1998	108.6	104.2						
1999	110.5	106.1	$5,442,936	$5,772,020	$329,084	$19,300,739	$20,467,674	$1,166,935
2000	112.5	108.0	$5,563,863	$6,007,050	$443,187	$20,426,850	$22,053,941	$1,627,091
2001	116.4	111.7	$5,614,533	$6,271,897	$657,364	$20,933,921	$23,384,917	$2,450,997
2002	119.0	114.2	$5,747,217	$6,563,521	$816,303	$22,279,871	$25,444,383	$3,164,512
2003	122.3	117.4	$5,745,230	$6,743,202	$997,972	$22,708,946	$26,653,590	$3,944,644
2004	124.6	119.6	$5,801,238	$6,936,990	$1,135,751	$22,953,949	$27,447,812	$4,493,863
2005	126.3	121.2	$5,790,049	$7,018,073	$1,228,024	$22,841,362	$27,685,835	$4,844,473
	Cumulative Inflation Losses 1999-2005				**$5,607,684**			$21,692,515
			British Columbia			**Quebec**		
			Formula Funding	Adjusted For Inflation	Difference	Formula Funding	Adjusted For Inflation	Difference
1999			$10,685,179	$11,331,212	$646,033	$7,566,628	$8,024,111	$457,483
2000			$11,054,960	$11,935,538	$880,577	$7,655,968	$8,265,800	$609,832
2001			$11,497,284	$12,843,415	$1,346,131	$7,659,141	$8,555,893	$896,752
2002			$11,841,517	$13,523,421	$1,681,905	$7,681,942	$8,773,043	$1,091,101
2003			$11,892,673	$13,958,482	$2,065,810	$7,699,821	$9,037,314	$1,337,493
2004			$12,143,635	$14,521,083	$2,377,449	$9,767,292	$11,679,506	$1,912,215
2005			$11,876,905	$14,395,903	$2,518,998	$8,925,880	$10,818,988	$1,893,109
		TOTAL			$11,516,902			$8,197,985
		Total Formula Funding	Adjusted For Inflation	Difference				
1999		$87,695,795	$92,997,940	$5,302,145				
2000		$91,062,793	$98,316,356	$7,253,562				
2001		$93,074,062	$103,971,409	$10,897,347				
2002		$95,754,481	$109,354,925	$13,600,444				
2003		$97,057,987	$113,917,388	$16,859,401				
2004		$100,307,770	$119,945,759	$19,637,989				
2005		$99,798,789	$120,965,327	$21,166,538				
				$94,717,427				

Appendix B Least Disruptive Measures And Prevention Tables

TABLE 3 a (8%)	TOTALS	Year 1	Year 2	Year 3
	Present Value	Nominal Value		
Discount rate 0.08				
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6		35,006	36,231	37,499
No Prevention: multiply population x 6% estimated CIC		2,100	2,174	2,250
Assume CIC is maintained at Year 1 rate 2,100 children		-	37	75
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$233,344,056		$735,121	$1,495,972
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	$24,186,504	$1,109,815	1,109,815	1,997,666
Family Support $5,075,507	$55,305,985	$2,537,754	2,537,754	4,567,956
Resource Workers $3,327,907	$36,263,013	$1,663,954	1,663,954	2,995,116
Supervisors $2,571,169	$28,017,109	$1,285,585	1,285,585	2,314,052
Administration $1,979,133	$21,565,905	$989,567	989,567	1,781,220
	$165,338,515	$7,586,673	$7,586,673	$13,656,011
PREVENTION				
Prevention/CD worker $2,509,362	$27,343,621	$1,254,681	1,254,681	2,258,426
Outreach/advocacy $ 716,964	$7,812,500	$358,482	358,482	645,268
Supervisors $ 797,941	$8,694,878	$398,971	398,971	718,147
Administration $ 603,640	$6,577,649	$301,820	301,820	543,276
	$50,428,648	$2,313,954	$2,313,954	$4,165,116
TOTAL OUTLAYS	$215,767,163	$9,900,626	$9,900,626	$17,821,127
Payback to INAC is approximately 42 years under Option #1	$17,576,893	$(9,900,626)	$(9,165,505)	$(16,325,155)
% increase in costs on initial Manitoba budget of $28,447,552		34.80%	34.80%	62.65%
NATIONAL				
SAVINGS extrapolated to the national level	$758,102,846	$0	$2,579,373	$5,249,023
COSTS extrapolated to the national level	$757,077,765	$34,739,039	$34,739,039	$62,530,270
Net Savings (Costs)	$1,025,081	-$34,739,039	-$32,159,666	-$57,281,246
% increase in costs		34.80%	34.80%	62.65%
Cost Breakdown: Least Disruptive Measures		$26,619,904	$26,619,904	$47,915,826
Prevention		$8,119,135	$8,119,135	$14,614,443

TABLE 3 a (8%)	Year 4	Year 5	Year 6	Year 7
Discount rate 0.08	0.08			
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	38,812	40,170	41,576	42,823
No Prevention: multiply population x 6% estimated CIC	2,329	2,410	2,495	2,569
Assume CIC is maintained at Year 1 rate 2,100 children	146	219	299	370
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$2,913,436	$4,380,512	$5,983,292	$7,405,186
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	1,997,666	2,108,648	2,108,648	2,219,629
Family Support $5,075,507	4,567,956	4,821,732	4,821,732	5,075,507
Resource Workers $3,327,907	2,995,116	3,161,512	3,161,512	3,327,907
Supervisors $2,571,169	2,314,052	2,442,611	2,442,611	2,571,169
Administration $1,979,133	1,781,220	1,880,176	1,880,176	1,979,133
	$13,656,011	$14,414,678	$14,414,678	$15,173,345
PREVENTION				
Prevention/CD worker $2,509,362	2,258,426	2,383,894	2,383,894	2,509,362
Outreach/advocacy $ 716,964	645,268	681,116	681,116	716,964
Supervisors $ 797,941	718,147	758,044	758,044	797,941
Administration $ 603,640	543,276	573,458	573,458	603,640
	$4,165,116	$4,396,512	$4,396,512	$4,627,907
TOTAL OUTLAYS	$17,821,127	$18,811,189	$18,811,189	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$(14,907,691)	$(14,430,678)	$(12,827,898)	$(12,396,066)
% increase in costs on initial Manitoba budget of $28,447,552	62.65%	66.13%	66.13%	69.61%
NATIONAL				
SAVINGS extrapolated to the national level	$10,222,582	$15,370,216	$20,994,005	$25,983,110
COSTS extrapolated to the national level	$62,530,270	$66,004,173	$66,004,173	$69,478,077
Net Savings (Costs)	-$52,307,687	-$50,633,958	-$45,010,168	-$43,494,967
% increase in costs	62.65%	66.13%	66.13%	69.61%
Cost Breakdown: Least Disruptive Measures	$47,915,826	$50,577,817	$50,577,817	$53,239,807
Prevention	$14,614,443	$15,426,357	$15,426,357	$16,238,270

Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
44,108	45,431	46,794	48,198	49,644	51,133	52,667	54,247
2,647	2,726	2,808	2,892	2,979	3,068	3,160	3,255
447	527	609	693	780	869	961	1,056
$8,946,820	$10,534,702	$12,170,221	$13,854,806	$15,589,928	$17,377,103	$19,217,894	$21,113,909
2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
716,964	716,964	716,964	716,964	716,964	716,964	716,964	716,964
797,941	797,941	797,941	797,941	797,941	797,941	797,941	797,941
603,640	603,640	603,640	603,640	603,640	603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252
$(10,854,432)	$(9,266,550)	$(7,631,031)	$(5,946,447)	$(4,211,325)	$(2,424,149)	$(583,358)	$1,312,657
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$31,392,350	$36,963,867	$42,702,530	$48,613,353	$54,701,500	$60,972,292	$67,431,207	$74,083,890
$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077
-$38,085,727	-$32,514,210	-$26,775,547	-$20,864,725	-$14,776,577	-$8,505,786	-$2,046,870	$4,605,813
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270

TABLE 3 a (8%)	Year 16	Year 17	Year 18	Year 19
Discount rate 0.08	0.08			
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	55,875	57,551	59,277	61,056
No Prevention: multiply population x 6% estimated CIC	3,353	3,453	3,557	3,663
Assume CIC is maintained at Year 1 rate 2,100 children	1,153	1,254	1,358	1,464
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$23,066,804	$25,078,286	$27,150,112	$29,284,093
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
Family Support $5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
Resource Workers $3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
Supervisors $2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
Administration $1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
	$15,173,345	$15,173,345	$15,173,345	$15,173,345
PREVENTION				
Prevention/CD worker $2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
Outreach/advocacy $ 716,964	716,964	716,964	716,964	716,964
Supervisors $ 797,941	797,941	797,941	797,941	797,941
Administration $ 603,640	603,640	603,640	603,640	603,640
	$4,627,907	$4,627,907	$4,627,907	$4,627,907
TOTAL OUTLAYS	$19,801,252	$19,801,252	$19,801,252	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$3,265,552	$5,277,034	$7,348,860	$9,482,841
% increase in costs on initial Manitoba budget of $28,447,552	69.61%	69.61%	69.61%	69.61%
NATIONAL				
SAVINGS extrapolated to the national level	$80,936,153	$87,993,985	$95,263,551	$102,751,204
COSTS extrapolated to the national level	$69,478,077	$69,478,077	$69,478,077	$69,478,077
Net Savings (Costs)	$11,458,076	$18,515,907	$25,785,474	$33,273,127
% increase in costs	69.61%	69.61%	69.61%	69.61%
Cost Breakdown: Least Disruptive Measures	$53,239,807	$53,239,807	$53,239,807	$53,239,807
Prevention	$16,238,270	$16,238,270	$16,238,270	$16,238,270

Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
62,887	64,774	66,717	68,719	70,780	72,904
3,773	3,886	4,003	4,123	4,247	4,374
1,574	1,687	1,804	1,924	2,048	2,175
$31,482,094	$33,746,034	$36,077,893	$38,479,708	$40,953,577	$43,501,662
2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
716,964	716,964	716,964	716,964	716,964	716,964
797,941	797,941	797,941	797,941	797,941	797,941
603,640	603,640	603,640	603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252
$11,680,842	$13,944,782	$16,276,641	$18,678,456	$21,152,325	$23,700,410
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$110,463,487	$118,407,138	$126,589,099	$135,016,518	$143,696,761	$152,637,410
$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077
$40,985,410	$48,929,061	$57,111,022	$65,538,441	$74,218,684	$83,159,333
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270

TABLE 3 a (8%)	Year 26	Year 27	Year 28	Year 29
Discount rate 0.08	0.08			
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	75,091	77,343	79,664	82,054
No Prevention: multiply population x 6% estimated CIC	4,505	4,641	4,780	4,923
Assume CIC is maintained at Year 1 rate 2,100 children	2,306	2,442	2,581	2,724
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$46,126,190	$48,829,453	$51,613,814	$54,481,707
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
Family Support $5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
Resource Workers $3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
Supervisors $2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
Administration $1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
	$15,173,345	$15,173,345	$15,173,345	$15,173,345
PREVENTION				
Prevention/CD worker $2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
Outreach/advocacy $ 716,964	716,964	716,964	716,964	716,964
Supervisors $ 797,941	797,941	797,941	797,941	797,941
Administration $ 603,640	603,640	603,640	603,640	603,640
	$4,627,907	$4,627,907	$4,627,907	$4,627,907
TOTAL OUTLAYS	$19,801,252	$19,801,252	$19,801,252	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$26,324,938	$29,028,201	$31,812,562	$34,680,455
% increase in costs on initial Manitoba budget of $28,447,552	69.61%	69.61%	69.61%	69.61%
NATIONAL				
SAVINGS extrapolated to the national level	$161,846,279	$171,331,414	$181,101,103	$191,163,883
COSTS extrapolated to the national level	$69,478,077	$69,478,077	$69,478,077	$69,478,077
Net Savings (Costs)	$92,368,202	$101,853,337	$111,623,026	$121,685,806
% increase in costs	69.61%	69.61%	69.61%	69.61%
Cost Breakdown: Least Disruptive Measures	$53,239,807	$53,239,807	$53,239,807	$53,239,807
Prevention	$16,238,270	$16,238,270	$16,238,270	$16,238,270

Year 30	Year 31	Year 32	Year 33	Year 34	Year 35	Year 36
84,515	87,051	89,662	92,352	95,123	97,976	100,916
5,071	5,223	5,380	5,541	5,707	5,879	6,055
2,872	3,024	3,181	3,342	3,508	3,679	3,856
$57,435,636	$60,478,183	$63,612,006	$66,839,844	$70,164,517	$73,588,930	$77,116,076
2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
716,964	716,964	716,964	716,964	716,964	716,964	716,964
797,941	797,941	797,941	797,941	797,941	797,941	797,941
603,640	603,640	603,640	603,640	603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252
$37,634,384	$40,676,931	$43,810,754	$47,038,592	$50,363,265	$53,787,678	$57,314,824
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$201,528,546	$212,204,149	$223,200,021	$234,525,768	$246,191,288	$258,206,773	$270,582,723
$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077
$132,050,469	$142,726,072	$153,721,943	$165,047,691	$176,713,210	$188,728,696	$201,104,645
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270

TABLE 3 a (8%)	Year 37	Year 38	Year 39
Discount rate	0.08		
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba			
SAVINGS in maintenance costs (33,822 children 0-18)			
All First Nations CFS agencies in Manitoba combined			
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	103,943	107,061	110,273
No Prevention: multiply population x 6% estimated CIC	6,237	6,424	6,616
Assume CIC is maintained at Year 1 rate 2,100 children	4,038	4,225	4,417
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$80,749,036	$84,490,985	$88,345,192
COSTS			
Allocation of Funding for preventive services and programs: Manitoba only			
($20 million will be drawn on gradually over the next seven years)			
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7			
LEAST DISRUPTIVE MEASURES			
Child Care Workers $2,219,629	2,219,629	2,219,629	2,219,629
Family Support $5,075,507	5,075,507	5,075,507	5,075,507
Resource Workers $3,327,907	3,327,907	3,327,907	3,327,907
Supervisors $2,571,169	2,571,169	2,571,169	2,571,169
Administration $1,979,133	1,979,133	1,979,133	1,979,133
	$15,173,345	$15,173,345	$15,173,345
PREVENTION			
Prevention/CD worker $2,509,362	2,509,362	2,509,362	2,509,362
Outreach/advocacy $ 716,964	716,964	716,964	716,964
Supervisors $ 797,941	797,941	797,941	797,941
Administration $ 603,640	603,640	603,640	603,640
	$4,627,907	$4,627,907	$4,627,907
TOTAL OUTLAYS	$19,801,252	$19,801,252	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$60,947,784	$64,689,733	$68,543,940
% increase in costs on initial Manitoba budget of $28,447,552	69.61%	69.61%	69.61%
NATIONAL			
SAVINGS extrapolated to the national level	$283,329,951	$296,459,596	$309,983,131
COSTS extrapolated to the national level	$69,478,077	$69,478,077	$69,478,077
Net Savings (Costs)	$213,851,874	$226,981,519	$240,505,054
% increase in costs	69.61%	69.61%	69.61%
Cost Breakdown: Least Disruptive Measures	$53,239,807	$53,239,807	$53,239,807
Prevention	$16,238,270	$16,238,270	$16,238,270

Year 40	Year 41	Year 42
113,581	116,989	120,499
6,815	7,019	7,230
4,616	4,820	5,031
$92,315,026	$96,403,954	$100,615,551
2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362
716,964	716,964	716,964
797,941	797,941	797,941
603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252
$72,513,774	$76,602,702	$80,814,299
69.61%	69.61%	69.61%
$323,912,371	$338,259,489	$353,037,021
$69,478,077	$69,478,077	$69,478,077
$254,434,294	$268,781,412	$283,558,943
69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270

COSTS from Option #1 recorded in rows 24-37 of Table 3a									
	CCW	Family Support	Resource Wrk	Supervi-sors	Administration	Prev/CED	Outreach	Supervisors	Administration
	124,404	328,607	163,308	147,768	114,613	179,240	59,747	59,107	44,714
	432,140	908,154	724,930	502,412	385,145	657,214	59,747	177,321	134,142
	288,093	519,799	475,984	310,314	239,129	298,734	59,747	88,660	67,071
	255,355	669,166	400,305	325,090	247,487	358,480	59,747	103,437	78,250
	52,381	167,292	33,857	59,107	46,895	59,747	59,747	29,554	22,357
	261,903	406,280	414,246	258,595	201,154	119,493	59,747	44,329	33,535
	130,952	268,862	173,266	140,380	107,019	0	59,747	14,776	11,178
	111,309	221,064	143,393	110,826	87,989	0	59,747	14,777	11,179
	85,118	343,545	101,570	132,992	99,484	0	59,747	14,776	11,178
	78,571	286,786	89,621	110,826	84,871	0	59,747	14,777	11,179
	222,618	483,951	342,549	251,206	195,049	418,227	59,747	118,214	89,428
	176,785	472,001	264,878	221,653	170,298	418,227	59,747	118,213	89,429
19,801,252	2,219,629	5,075,507	3,327,907	2,571,169	1,979,133	2,509,362	716,964	797,941	603,640

TABLE 3 b (3.5%)	TOTALS	Year 1	Year 2	Year 3
	Present Value	Nominal Value		
Discount rate 0.035	0.035			
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6		35,006	36,231	37,499
No Prevention: multiply population x 6% estimated CIC		2,100	2,174	2,250
Assume CIC is maintained at Year 1 rate 2,100 children		-	37	75
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$347,216,936		$735,121	$1,495,972
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	$37,347,051	$1,109,815	1,109,815	1,997,666
Family Support $5,075,507	$85,399,505	$2,537,754	2,537,754	4,567,956
Resource Workers $3,327,907	$55,994,723	$1,663,954	1,663,954	2,995,116
Supervisors $2,571,169	$43,261,995	$1,285,585	1,285,585	2,314,052
Administration $1,979,133	$33,300,511	$989,567	989,567	1,781,220
	$255,303,785	$7,586,673	$7,586,673	$13,656,011
PREVENTION				
Prevention/CD worker $2,509,362	$42,222,042	$1,254,681	1,254,681	2,258,426
Outreach/advocacy $ 716,964	$12,063,498	$358,482	358,482	645,268
Supervisors $ 797,941	$13,426,002	$398,971	398,971	718,147
Administration $ 603,640	$10,156,731	$301,820	301,820	543,276
	$77,868,273	$2,313,954	$2,313,954	$4,165,116
TOTAL OUTLAYS	$333,172,058	$9,900,626	$9,900,626	$17,821,127
Payback to INAC is approximately 42 years under Option #1	$14,044,879	$(9,900,626)	$(9,165,505)	$(16,325,155)
% increase in costs on initial Manitoba budget of $28,447,552		34.80%	34.80%	62.65%
NATIONAL				
SAVINGS extrapolated to the national level	$1,177,106,319	$0	$2,579,373	$5,249,023
COSTS extrapolated to the national level	$1,169,024,765	$34,739,039	$34,739,039	$62,530,270
Net Savings (Costs)	$8,081,554	-$34,739,039	-$32,159,666	-$57,281,246
% increase in costs		34.80%	34.80%	62.65%
Cost Breakdown: Least Disruptive Measures		$26,619,904	$26,619,904	$47,915,826
Prevention		$8,119,135	$8,119,135	$14,614,443

TABLE 3 b (3.5%)	Year 4	Year 5	Year 6	Year 7
Discount rate 0.035				
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	38,812	40,170	41,576	42,823
No Prevention: multiply population x 6% estimated CIC	2,329	2,410	2,495	2,569
Assume CIC is maintained at Year 1 rate 2,100 children	146	219	299	370
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$2,913,436	$4,380,512	$5,983,292	$7,405,186
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	1,997,666	2,108,648	2,108,648	2,219,629
Family Support $5,075,507	4,567,956	4,821,732	4,821,732	5,075,507
Resource Workers $3,327,907	2,995,116	3,161,512	3,161,512	3,327,907
Supervisors $2,571,169	2,314,052	2,442,611	2,442,611	2,571,169
Administration $1,979,133	1,781,220	1,880,176	1,880,176	1,979,133
	$13,656,011	$14,414,678	$14,414,678	$15,173,345
PREVENTION				
Prevention/CD worker $2,509,362	2,258,426	2,383,894	2,383,894	2,509,362
Outreach/advocacy $ 716,964	645,268	681,116	681,116	716,964
Supervisors $ 797,941	718,147	758,044	758,044	797,941
Administration $ 603,640	543,276	573,458	573,458	603,640
	$4,165,116	$4,396,512	$4,396,512	$4,627,907
TOTAL OUTLAYS	$17,821,127	$18,811,189	$18,811,189	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$(14,907,691)	$(14,430,678)	$(12,827,898)	$(12,396,066)
% increase in costs on initial Manitoba budget of $28,447,552	62.65%	66.13%	66.13%	69.61%
NATIONAL				
SAVINGS extrapolated to the national level	$10,222,582	$15,370,216	$20,994,005	$25,983,110
COSTS extrapolated to the national level	$62,530,270	$66,004,173	$66,004,173	$69,478,077
Net Savings (Costs)	-$52,307,687	-$50,633,958	-$45,010,168	-$43,494,967
% increase in costs	62.65%	66.13%	66.13%	69.61%
Cost Breakdown: Least Disruptive Measures	$47,915,826	$50,577,817	$50,577,817	$53,239,807
Prevention	$14,614,443	$15,426,357	$15,426,357	$16,238,270

Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15
44,108	45,431	46,794	48,198	49,644	51,133	52,667	54,247
2,647	2,726	2,808	2,892	2,979	3,068	3,160	3,255
447	527	609	693	780	869	961	1,056
$8,946,820	$10,534,702	$12,170,221	$13,854,806	$15,589,928	$17,377,103	$19,217,894	$21,113,909
2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
716,964	716,964	716,964	716,964	716,964	716,964	716,964	716,964
797,941	797,941	797,941	797,941	797,941	797,941	797,941	797,941
603,640	603,640	603,640	603,640	603,640	603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252
$(10,854,432)	$(9,266,550)	$(7,631,031)	$(5,946,447)	$(4,211,325)	$(2,424,149)	$(583,358)	$1,312,657
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$31,392,350	$36,963,867	$42,702,530	$48,613,353	$54,701,500	$60,972,292	$67,431,207	$74,083,890
$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077
-$38,085,727	-$32,514,210	-$26,775,547	-$20,864,725	-$14,776,577	-$8,505,786	-$2,046,870	$4,605,813
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270

TABLE 3 b (3.5%)	Year 16	Year 17	Year 18	Year 19
Discount rate 0.035				
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	55,875	57,551	59,277	61,056
No Prevention: multiply population x 6% estimated CIC	3,353	3,453	3,557	3,663
Assume CIC is maintained at Year 1 rate 2,100 children	1,153	1,254	1,358	1,464
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$23,066,804	$25,078,286	$27,150,112	$29,284,093
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
Family Support $5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
Resource Workers $3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
Supervisors $2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
Administration $1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
	$15,173,345	$15,173,345	$15,173,345	$15,173,345
PREVENTION				
Prevention/CD worker $2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
Outreach/advocacy $ 716,964	716,964	716,964	716,964	716,964
Supervisors $ 797,941	797,941	797,941	797,941	797,941
Administration $ 603,640	603,640	603,640	603,640	603,640
	$4,627,907	$4,627,907	$4,627,907	$4,627,907
TOTAL OUTLAYS	$19,801,252	$19,801,252	$19,801,252	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$3,265,552	$5,277,034	$7,348,860	$9,482,841
% increase in costs on initial Manitoba budget of $28,447,552	69.61%	69.61%	69.61%	69.61%
NATIONAL				
SAVINGS extrapolated to the national level	$80,936,153	$87,993,985	$95,263,551	$102,751,204
COSTS extrapolated to the national level	$69,478,077	$69,478,077	$69,478,077	$69,478,077
Net Savings (Costs)	$11,458,076	$18,515,907	$25,785,474	$33,273,127
% increase in costs	69.61%	69.61%	69.61%	69.61%
Cost Breakdown: Least Disruptive Measures	$53,239,807	$53,239,807	$53,239,807	$53,239,807
Prevention	$16,238,270	$16,238,270	$16,238,270	$16,238,270

Year 20	Year 21	Year 22	Year 23	Year 24	Year 25
62,887	64,774	66,717	68,719	70,780	72,904
3,773	3,886	4,003	4,123	4,247	4,374
1,574	1,687	1,804	1,924	2,048	2,175
$31,482,094	$33,746,034	$36,077,893	$38,479,708	$40,953,577	$43,501,662
2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
716,964	716,964	716,964	716,964	716,964	716,964
797,941	797,941	797,941	797,941	797,941	797,941
603,640	603,640	603,640	603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252
$11,680,842	$13,944,782	$16,276,641	$18,678,456	$21,152,325	$23,700,410
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$110,463,487	$118,407,138	$126,589,099	$135,016,518	$143,696,761	$152,637,410
$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077
$40,985,410	$48,929,061	$57,111,022	$65,538,441	$74,218,684	$83,159,333
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270

TABLE 3 b (3.5%)	Year 26	Year 27	Year 28	Year 29
Discount rate 0.035				
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba				
SAVINGS in maintenance costs (33,822 children 0-18)				
All First Nations CFS agencies in Manitoba combined				
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	75,091	77,343	79,664	82,054
No Prevention: multiply population x 6% estimated CIC	4,505	4,641	4,780	4,923
Assume CIC is maintained at Year 1 rate 2,100 children	2,306	2,442	2,581	2,724
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$46,126,190	$48,829,453	$51,613,814	$54,481,707
COSTS				
Allocation of Funding for preventive services and programs: Manitoba only				
($20 million will be drawn on gradually over the next seven years)				
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7				
LEAST DISRUPTIVE MEASURES				
Child Care Workers $2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
Family Support $5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
Resource Workers $3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
Supervisors $2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
Administration $1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
	$15,173,345	$15,173,345	$15,173,345	$15,173,345
PREVENTION				
Prevention/CD worker $2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
Outreach/advocacy $ 716,964	716,964	716,964	716,964	716,964
Supervisors $ 797,941	797,941	797,941	797,941	797,941
Administration $ 603,640	603,640	603,640	603,640	603,640
	$4,627,907	$4,627,907	$4,627,907	$4,627,907
TOTAL OUTLAYS	$19,801,252	$19,801,252	$19,801,252	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$26,324,938	$29,028,201	$31,812,562	$34,680,455
% increase in costs on initial Manitoba budget of $28,447,552	69.61%	69.61%	69.61%	69.61%
NATIONAL				
SAVINGS extrapolated to the national level	$161,846,279	$171,331,414	$181,101,103	$191,163,883
COSTS extrapolated to the national level	$69,478,077	$69,478,077	$69,478,077	$69,478,077
Net Savings (Costs)	$92,368,202	$101,853,337	$111,623,026	$121,685,806
% increase in costs	69.61%	69.61%	69.61%	69.61%
Cost Breakdown: Least Disruptive Measures	$53,239,807	$53,239,807	$53,239,807	$53,239,807
Prevention	$16,238,270	$16,238,270	$16,238,270	$16,238,270

Year 30	Year 31	Year 32	Year 33	Year 34	Year 35	Year 36
84,515	87,051	89,662	92,352	95,123	97,976	100,916
5,071	5,223	5,380	5,541	5,707	5,879	6,055
2,872	3,024	3,181	3,342	3,508	3,679	3,856
$57,435,636	$60,478,183	$63,612,006	$66,839,844	$70,164,517	$73,588,930	$77,116,076
2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362	2,509,362
716,964	716,964	716,964	716,964	716,964	716,964	716,964
797,941	797,941	797,941	797,941	797,941	797,941	797,941
603,640	603,640	603,640	603,640	603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252	$19,801,252
$37,634,384	$40,676,931	$43,810,754	$47,038,592	$50,363,265	$53,787,678	$57,314,824
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$201,528,546	$212,204,149	$223,200,021	$234,525,768	$246,191,288	$258,206,773	$270,582,723
$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077	$69,478,077
$132,050,469	$142,726,072	$153,721,943	$165,047,691	$176,713,210	$188,728,696	$201,104,645
69.61%	69.61%	69.61%	69.61%	69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270	$16,238,270

TABLE 3 b (3.5%)	Year 37	Year 38	Year 39
Discount rate 0.035			
OPTION #1: Operating and Prevention/Savings in Maintenance - Manitoba			
SAVINGS in maintenance costs (33,822 children 0-18)			
All First Nations CFS agencies in Manitoba combined			
Population (0-18): 33,822 x 3.5% increase to Year 6; 3.0% after Year 6	103,943	107,061	110,273
No Prevention: multiply population x 6% estimated CIC	6,237	6,424	6,616
Assume CIC is maintained at Year 1 rate 2,100 children	4,038	4,225	4,417
Savings in maintenance costs (33,822 children 0-18) $20,000 per child	$80,749,036	$84,490,985	$88,345,192
COSTS			
Allocation of Funding for preventive services and programs: Manitoba only			
($20 million will be drawn on gradually over the next seven years)			
Assume program costs are gradually added at 50%-Yr1&2; 90% Yr3&4; 95% Yr5&6; 100% Yr7			
LEAST DISRUPTIVE MEASURES			
Child Care Workers $2,219,629	2,219,629	2,219,629	2,219,629
Family Support $5,075,507	5,075,507	5,075,507	5,075,507
Resource Workers $3,327,907	3,327,907	3,327,907	3,327,907
Supervisors $2,571,169	2,571,169	2,571,169	2,571,169
Administration $1,979,133	1,979,133	1,979,133	1,979,133
	$15,173,345	$15,173,345	$15,173,345
PREVENTION			
Prevention/CD worker $2,509,362	2,509,362	2,509,362	2,509,362
Outreach/advocacy $ 716,964	716,964	716,964	716,964
Supervisors $ 797,941	797,941	797,941	797,941
Administration $ 603,640	603,640	603,640	603,640
	$4,627,907	$4,627,907	$4,627,907
TOTAL OUTLAYS	$19,801,252	$19,801,252	$19,801,252
Payback to INAC is approximately 42 years under Option #1	$60,947,784	$64,689,733	$68,543,940
% increase in costs on initial Manitoba budget of $28,447,552	69.61%	69.61%	69.61%
NATIONAL			
SAVINGS extrapolated to the national level	$283,329,951	$296,459,596	$309,983,131
COSTS extrapolated to the national level	$69,478,077	$69,478,077	$69,478,077
Net Savings (Costs)	$213,851,874	$226,981,519	$240,505,054
% increase in costs	69.61%	69.61%	69.61%
Cost Breakdown: Least Disruptive Measures	$53,239,807	$53,239,807	$53,239,807
Prevention	$16,238,270	$16,238,270	$16,238,270

Year 40	Year 41	Year 42
113,581	116,989	120,499
6,815	7,019	7,230
4,616	4,820	5,031
$92,315,026	$96,403,954	$100,615,551
2,219,629	2,219,629	2,219,629
5,075,507	5,075,507	5,075,507
3,327,907	3,327,907	3,327,907
2,571,169	2,571,169	2,571,169
1,979,133	1,979,133	1,979,133
$15,173,345	$15,173,345	$15,173,345
2,509,362	2,509,362	2,509,362
716,964	716,964	716,964
797,941	797,941	797,941
603,640	603,640	603,640
$4,627,907	$4,627,907	$4,627,907
$19,801,252	$19,801,252	$19,801,252
$72,513,774	$76,602,702	$80,814,299
69.61%	69.61%	69.61%
$323,912,371	$338,259,489	$353,037,021
$69,478,077	$69,478,077	$69,478,077
$254,434,294	$268,781,412	$283,558,943
69.61%	69.61%	69.61%
$53,239,807	$53,239,807	$53,239,807
$16,238,270	$16,238,270	$16,238,270

Table 3
2005-2006
Budget Calculations for Option #1
Manitoba only (extrapolation to national level is on line 194)

OPTION #1: operating and prevention		Children in Care (estimate) 6% Current INAC assumption	Current # of staff funded (1/20 CIC)	Recommended # of staff funded	ADDITIONS TO BUDGET (incremental positions) Option #1
Anishinaabe West CFS (1,855 children)	$1,586,986				
Child Care Workers (Column E addt'l staff = 0.4% of population)		112 CIC	5.6	7.5	$124,404
Family Support 332 MPF (Column E = 1/15 MPF)		332 MPF	16.6	22.1	$328,607
Resource Workers (additional staff = 0.2% of population)				3.7	$163,309
Supervision staff					$147,768
Plus admin. overhead (administrative staff/ accounting)					$114,613
Prevention/CD worker					$179,240
Outreach/advocacy					$59,747
Supervision staff					$59,107
Plus admin. overhead (administrative staff/ accounting)					$44,714
Awasis CFS (6,564 children 0-18)	$5,553,862				
Child Care Workers (Column E addt'l staff = 0.4% of population)		394 CIC	19.7	26.3	$432,140
Family Support 332 MPF (Column E = 1/15 MPF)		912 MPF	45.6	60.8	$908,154
Resource Workers (additional staff = 0.2% of population)				13.1	$724,930
Supervision staff					$502,412
Plus admin. overhead (administrative staff/ accounting)					$385,145
Prevention/CD worker					$657,214
Outreach/advocacy					$59,747
Supervision staff					$177,321
Plus admin. overhead (administrative staff/ accounting)					$134,142
Cree Nation CFS (4,479 children 0-18)	$3,586,313				
Child Care Workers (Column E addt'l staff = 0.4% of population)		269 CIC	13.5	17.9	$288,093
Family Support 332 MPF (Column E = 1/15 MPF)		524 MPF	26.2	34.9	$519,799
Resource Workers (additional staff = 0.2% of population)				9.0	$475,984
Supervision staff					$310,314
Plus admin. overhead (administrative staff/ accounting)					$239,129

CALCULATIONS/ASSUMPTIONS
$50,366 x (7.5-5.6 or 1.9 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (MPF) (current rate is 1/20 MPFs); (22.1-16.6=5.5) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency): approx. 0.2% pop=3.7 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.9+ 5.5+2.7)/5 = 2
15% re: administration for the above newly created positions
1 per band x 5 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefits + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (3.0+1.0)/5 = .8
15% re: administration for the above newly created positions
$50,366 x (26.3-19.7 or 6.6 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (60.8-45.6=15.2) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency): approx. 0.2% pop=13.1 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (6.6+15.2+12.1)/5=6.8
15% re: administration for the above positions
1 per band x 13 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefits + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (11.0+1.0)/5=2.4
15% re: administration for the above positions
$50,366 x (17.9-13.5 or 4.4 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (34.9-26.2=8.7) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=9 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (4.4+ 8.7+8)/5 =4.2
15% re: administration for the above positions

Prevention/CD worker					$298,734
Outreach/advocacy					$59,747
Supervision staff					$88,660
Plus admin. overhead (administrative staff/ accounting)					$67,071
Dakota Ojibwa CFS (3,850 children 0-18)	$3,090,212				
Child Care Workers (Column E addt'l staff = 0.4% of population)		231 CIC	11.5	15.4	$255,355
Family Support 332 MPF (Column E = 1/15 MPF)		672 MPF	33.6	44.8	$669,166
Resource Workers (additional staff = 0.2% of population)				7.7	$400,305
Supervision staff					$325,090
Plus admin. overhead (administrative staff/ accounting)					$247,487
Prevention/CD worker					$358,480
Outreach/advocacy					$59,747
Supervision staff					$103,437
Plus admin. overhead (administrative staff/ accounting)					$78,250
Intertribal CFS (783 children 0-18)	$690,344				
Child Care Workers (Column E addt'l staff = 0.4% of population)		47 CIC	2.3	3.1	$52,381
Family Support 332 MPF (Column E = 1/15 MPF)		173 MPF	8.7	11.5	$167,292
Resource Workers (additional staff = 0.2% of population)				1.6	$33,857
Supervision staff					$59,107
Plus admin. overhead (administrative staff/accounting)					$46,896
Prevention/CD worker					$59,747
Outreach/advocacy					$59,747
Supervision staff					$29,554
Plus admin. overhead (administrative staff/ accounting)					$22,357
Island Lake CFS (3,973 children 0-18)	$3,500,724				
Child Care Workers (Column E addt'l staff = 0.4% of population)		238 CIC	11.9	15.9	$261,903
Family Support 332 MPF (Column E = 1/15 MPF)		408 MPF	20.4	27.2	$406,280
Resource Workers (additional staff = 0.2% of population)				7.9	$414,246
Supervision staff					$258,595
Plus admin. overhead (administrative staff/ accounting)					$201,154
Prevention/CD worker					$119,493
Outreach/advocacy					$59,747

1 per band x 7 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (5.0+1.0)/5 =1.2
15% re: administration for the above positions
$50,366 x (15.4-11.5 or 3.9 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (44.8-33.6=11.2) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=7.7 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (3.9+11.2+6.7)/5=4.4
15% re: administration for the above positions
1 per band x 8 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (6.0+1.0)/5=1.4
15% re: administration for the above positions
$50,366 x (3.1-2.3 or 0.8 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (11.5-8.7=2.8) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=1.565 - 1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%;(0.8+2.8+0.6)/5=0.8
15% re: administration for the above positions
1 per band x 3 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%;(1.0+1.0)/5=.4
15% re: administration for the above positions
$50,366 x (15.9-11.9 or 4 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (27.2-20.4=6.8) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=7.935 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (4.0+6.8+ 6.9)/5=3.5
15% re: administration for the above positions
1 per band x 4 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefit + 15% travel costs

Supervision staff					$44,329
Plus admin. overhead (administrative staff/ accounting)					$33,535
Kinosao Sipi Minisowin (Norway House) CFS	$1,602,466				
(1,944 children 0-18)					
Child Care Workers (Column E addt'l staff = 0.4% of population)		117 CIC	5.8	7.8	$130,952
Family Support 332 MPF (Column E = 1/15 MPF)		270 MPF	13.5	18.0	$268,862
Resource Workers (additional staff = 0.2% of population)				3.9	$173,266
Supervision staff					$140,380
Plus admin. overhead (administrative staff/ accounting)					$107,019
Prevention/CD worker					$0
Outreach/advocacy					$59,747
Supervision staff					$14,776
Plus admin. overhead (administrative staff/ accounting)					$11,178
Nisichawayasihk (Nelson House) CFS	$1,431,862				
(1,699 children 0-18)					
Child Care Workers (Column E addt'l staff = 0.4% of population)		102 CIC	5.1	6.8	$111,309
Family Support 332 MPF (Column E = 1/15 MPF)		224 MPF	11.2	14.9	$221,064
Resource Workers (additional staff = 0.2% of population)				3.4	$143,393
Supervision staff					$110,826
Plus admin. overhead (administrative staff/ accounting)					$87,989
Prevention/CD worker					$0
Outreach/advocacy					$59,747
Supervision staff					$14,777
Plus admin. overhead (administrative staff/ accounting)					$11,179
Peguis CFS (1,344 children 0-18)	$1,156,599				
Child Care Workers (Column E addt'l staff = 0.4% of population)		81 CIC	4.1	5.4	$85,118
Family Support 332 MPF (Column E = 1/15 MPF)		345 MPF	17.25	23.0	$343,545
Resource Workers (additional staff = 0.2% of population)				2.7	$101,570
Supervision staff					$132,992
Plus admin. overhead (administrative staff/ accounting)					$99,484
Prevention/CD worker					$0
Outreach/advocacy					$59,747
Supervision staff					$14,776
Plus admin. overhead (administrative staff/ accounting)					$11,178

Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (2.0+1.0)/5=0.6
15% re: administration for the above positions
$50,366 x (7.8-5.8 or 2 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (18-13.5=4.5) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=3.9 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (2.0+4.5+2.9)/5= 1.9
15% re: administration for the above positions
1 per band x 1 band x $45,959 + 15% benefits + 15% travel costs (2 per agency already funded -- leave as is)
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.0)/5= 0.2
15% re: administration for the above positions
$50,366 x (6.8-5.1 or 1.7 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (14.9-11.2=3.7) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=3.4 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.7+3.7+2.4)/5=1.5
15% re: administration for the above positions
1 per band x 1 band x $45,959 + 15% benefits + 15% travel costs (2 per agency is currently funded -- leave as is)
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.0)/5=0.2
15% re: administration for the above positions
$50,366 x (5.4-4.1 or 1.3 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (23-17.25=5.75) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency);approx. 0.2% pop=2.7 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.3+5.75+1.7)/5=1.8
15% re: administration for the above positions
1 per band x 1 band x $45,959 + 15% benefits + 15% travel costs (2 per agency is currently funded -- leave as is)
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.0)/5=0.2
15% re: administration for the above positions

Sagkeeng CFS (1,245 children 0-18)	$1,083,030				
Child Care Workers (Column E addt'l staff = 0.4% of population)		75 CIC	3.8	5.0	$78,571
Family Support 332 MPF (Column E = 1/15 MPF)		286 MPF	14.3	19.1	$286,786
Resource Workers (additional staff = 0.2% of population)				2.5	$89,621
Supervision staff					$110,826
Plus admin. overhead (administrative staff/ accounting)					$84,871
Prevention/CD worker					$0
Outreach/advocacy					$59,747
Supervision staff					$14,777
Plus admin. overhead (administrative staff/ accounting)					$11,179
Southeast CFS (3,374 children 0-18)	$2,890,564				
Child Care Workers (Column E addt'l staff = 0.4% of population)		202 CIC	10.1	13.5	$222,618
Family Support 332 MPF (Column E = 1/15 MPF)		488 MPF	24.4	32.5	$483,951
Resource Workers (additional staff = 0.2% of population)				6.7	$342,549
Supervision staff					$251,206
Plus admin. overhead (administrative staff/ accounting)					$195,049
Prevention/CD worker					$418,227
Outreach/advocacy					$59,747
Supervision staff					$118,214
Plus admin. overhead (administrative staff/ accounting)					$89,428
West Region CFS (2,712 children 0-18)	$2,274,490				
Child Care Workers (Column E addt'l staff = 0.4% of population)		163 CIC	8.2	10.9	$176,785
Family Support 332 MPF (Column E = 1/15 MPF)		479 MPF	24.0	31.9	$472,001
Resource Workers (additional staff = 0.2% of population)				5.4	$264,878
Supervision staff					$221,653
Plus admin. overhead (administrative staff/ accounting)					$170,298
Prevention/CD worker					$418,227
Outreach/advocacy					$59,747
Supervision staff					$118,213
Plus admin. overhead (administrative staff/ accounting)					$89,428
	$28,447,452			TOTAL	$19,801,252
	Current Man. budget Operating Costs				69.61%
Total Budget Outlay at a National Level					**$69,478,077**

$50,366 x (5.0-3.8 or 1.2 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (19.1-14.3=4.8) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=2.5 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.2+4.8+1.5)/5=1.5
15% re: administration for the above positions
1 per band x 1 band x $45,959 + 15% benefits + 15% travel costs (2 per agency is currently funded -- leave as is)
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (1.0)/5=0.2
15% re: administration for the above positions
$50,366 x (13.5-10.1 or 3.4 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (32.5-24.4=8.1) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=6.735 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (3.4+8.1+ 5.7)/5=3.4
15% re: administration for the above positions
1 per band x 9 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (7.0+1.0)/5=1.6
15% re: administration for the above positions
$50,366 x (10.9-8.2 or 2.7 workers) + 15% benefits + 15% travel costs
1 for every 15 multi-problem families (current rate is 1/20 MPFs); (31.9-24=7.9) x $45,959 + 15% benefits + 15% travel
1 for every 20 foster homes (currently, agencies are funded '1' per agency); approx. 0.2% pop=5.44 -1 x $45,959 + 15% benefits + 15% travel
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (2.7+7.9+4.4)/5=3.0
15% re: administration for the above positions
1 per band x 9 bands x $45,959 + 15% benefits + 15% travel costs minus 2 per agency currently funded
1 per agency x $45,959 + 15% benefit + 15% travel costs
Supervisory staff @ $56,834 for the newly added positions above (1/5) plus benefits/travel costs 30%; (7.0+1.0)/5=1.6
15% re: administration for the above positions
Budget outlay would have to increase by an estimated 69.6% under Option #1
Note on Staff/Child ratio - Ratio of Staff to Population is based on INAC's current practice of assuming 6% children in care (CIC), 1 staff for every 20 Moving to 0.4% child population = 6/15 CIC/Staff ratio.

Appendix C - Small Agency Tables

TABLE 4 - Applying New Weights To Small Agencies

NEW WEIGHTS		
Child Population	New Fixed Amount $	Current Fixed Amount $
125	$20,000	
150	$24,633	
175	$29,261	
200	$33,883	
225	$38,500	
250	$43,111	$35,790
275	$47,717	
300	$52,317	
325	$56,911	
350	$61,500	
375	$66,084	
400	$70,662	
425	$75,234	
450	$79,801	
475	$84,363	
500	$88,918	$71,580
525	$93,469	
550	$98,014	
575	$102,553	
600	$107,087	
625	$111,615	
650	$116,138	
675	$120,655	
700	$125,167	
725	$129,673	
750	$134,173	
775	$138,669	
800	$143,158	$143,158

ATLANTIC

Band Name	Number of Bands	0-18	Current Fixed Amount Current	Proposed Formula	Difference
Elsipogtog First Nation	1	857	$143,159	$143,159	$0
Burnt Church	1	444	$35,790	$75,234	$39,444
Eel Ground	1	188	$0	$29,261	$29,261
Eel River Bar First Nation	1	116	$0	$0	$0
Four Directions	4	95	$0	$0	$0
Kingsclear	1	218	$0	$33,883	$33,883
Miawpukek	1	236	$0	$38,500	$38,500
Mi'kmaq	13	3,642	$143,159	$143,159	$0
Oromocto	1	109	$0	$0	$0
Metepenagiag Mi'kmaq	1	148	$0	$20,000	$20,000
St. Mary's	1	273	$35,790	$43,111	$7,321
Tobique	1	467	$35,790	$79,801	$44,011
Woodstock	1	78	$0	$0	$0
Totals	28	6,871	$393,688	$606,108	$212,420

B.C.

Band Name	Number of Bands	0-18			
Spallumcheen	1	126	$0	$20,000	$20,000
Nuu-Chah-Nulth	1	1,093	$143,159	$143,159	$0
Scw'Exmx	1	388	$35,790	$66,084	$30,294
Wet'suwet'en (Broman Lake)	1	1,179	$143,159	$143,159	$0
Ayes	1	813	$143,159	$143,159	$0
Xolhmllh	23	1,152	$143,159	$143,159	$0
Ialum	1	815	$143,159	$143,159	$0
Ktunan	5	232	$0	$38,500	$38,500
Knucwentwedw	4	391	$35,790	$66,084	$30,294
Sechelt	7	768	$71,580	$134,173	$62,593
Heiltsuk	1	324	$35,790	$52,317	$16,527
Nlhka7'Kapmx Nation	6	411	$35,790	$70,662	$34,872

NEW WEIGHTS		
Child Population	Fixed Amount $	
125	$20,000	
150	$24,633	
175	$29,261	
200	$33,883	
225	$38,500	
250	$43,111	$35,790
275	$47,717	
300	$84,363	
325	$56,911	
350	$61,500	
375	$66,084	
400	$70,662	
425	$75,234	
450	$79,801	
475	$84,363	
500	$88,918	$71,580
525	$93,469	
550	$98,014	
575	$102,553	
600	$107,087	
625	$111,615	
650	$116,138	
675	$120,655	
700	$125,167	
725	$129,673	
750	$134,173	
775	$138,669	
800	$143,158	$143,158

Metlakatla	9	1,030	$143,159	$143,159	$0	
Chemainus	9	876	$143,159	$143,159	$0	
Githsen	6	1,109	$143,159	$143,159	$0	
To'O	6	696	$71,580	$120,655	$49,075	
Sechelt	1	205	$0	$33,883	$33,883	
Nezul Betlunuyeh	2	451	$35,790	$79,801	$44,011	
Totals	**86**	**12,059**	**$1,467,382**	**$1,827,430**	**$360,048**	
Small Agencies Elsewhere						
Alberta		790	$71,580	$138,669	$67,089	
		591	$71,580	$102,553	$30,973	
		703	$71,580	$125,167	$53,587	
Manitoba						
		783	$71,580	$138,669	$67,089	
Saskatchewan						
		674	$71,580	$116,138	$44,558	
		494	$35,790	$84,363	$48,573	
Quebec						
		31	$0	$0	$0	
		206	$0	$33,883	$33,883	
		77	$0	$0	$0	
		306	$35,790	$84,363	$48,573	
		468	$35,790	$79,801	$44,011	
		678	$71,580	$120,655	$49,075	
		705	$71,580	$125,167	$53,587	
		265	$35,790	$43,111	$7,321	
		729	$71,580	$129,673	$58,093	
		401	$35,790	$70,662	$34,872	
			$751,590	$1,392,871	$641,281	
Additional Costs Of Proposals Small Agencies					$1,213,749	
Plus 46 Large Agencies Elsewhere			$6,585,314	$6,585,314		
Total Additional Costs					$1,213,749	

Appendix D - Operations Base Amount Tables

Table 7 - Applying New Weights To New Fixed Amounts

	ATLANTIC			**CURRENT FIXED AMOUNT**	**NEW FORMULA**	
	Band Name	Number of Bands	0-18	CURRENT	PROPOSED	DIFFERENCE
	Elsipogtog First Nation	1	857	$143,159	$308,751	$165,592
	Burnt Church	1	444	$35,790	$162,307	$126,517
	Eel Ground	1	188	$0	$63,158	$63,158
	Eel River Bar First Nation	1	116	$0	$0	$0
	Four Directions	4	95	$0	$0	$0
	Kingsclear	1	218	$0	$73,127	$73,127
	Miawpukek	1	236	$0	$83,085	$83,085
	Mi'kmaq	13	3642	$143,159	$308,751	$165,592
	Oromocto	1	109	$0	$0	$0
	Metepenagiag Mi'kmaq	1	148	$0	$43,182	$43,182
	St. Mary's	1	273	$35,790	$93,030	$57,240
	Tobique	1	467	$35,790	$172,155	$136,365
	Woodstock	1	78	$0	$0	$0
	Totals	28	6871	$393,688	$1,307,545	$913,857
	B.C.					
	Band Name	Number of Bands	0-18			
	Spallumcheen	1	126	$0	$43,182	$43,182
	Nuu-Chah-Nulth	1	1093	$143,159	$308,751	$165,592
	Scw'Exmx	1	388	$35,790	$142,574	$106,784
	Wet'suwet'en (Broman Lake)	1	1179	$143,159	$308,751	$165,592
	Ayes	1	813	$143,159	$308,751	$165,592
	Xolhmllh	23	1152	$143,159	$308,751	$165,592
	Ialum	1	815	$143,159	$308,751	$165,592
	Ktunan	5	232	$0	$83,085	$83,085
	Knucwentwedw	4	391	$35,790	$142,574	$106,784

New Weights			
Child Population	New Fixed Amount $		
125	$43,182		
150	$53,176		
175	$63,158		
200	$73,127		
225	$83,085		
250	$93,030		
275	$102,963		
300	$112,884		
325	$122,793		
350	$132,690		
375	$142,574		
400	$152,447		
425	$162,307		
450	$172,155		
475	$181,991		
500	$191,814		
525	$201,626		
550	$211,425		
575	$221,213		
600	$230,988		
625	$240,751		
650	$250,502		
675	$260,240		
700	$269,967		
725	$279,681		
750	$289,383		
775	$299,073		
800	$308,751		

	Sechelt	7	768	$71,580	$289,383	$217,803
	Heiltsuk	1	324	$35,790	$112,884	$77,094
	Nlhka7'Kapmx Nation	6	411	$35,790	$152,447	$116,657
	Metlakatla	9	1030	$143,159	$308,751	$165,592
	Chemainus	9	876	$143,159	$308,751	$165,592
	Githsen	6	1109	$143,159	$308,751	$165,592
	To'O	6	696	$71,580	$260,240	$188,660
	Sechelt	1	205	$0	$73,127	$73,127
	Nezul Betlunuyeh	2	451	$35,790	$172,155	$136,365
	Totals	86	12059	$1,467,382	$3,941,659	$2,474,277
	Small Agencies Elsewhere					
	Alberta		790	$71,580	$299,073	$227,493
			591	$71,580	$221,213	$149,633
			703	$71,580	$269,967	$198,387
	Manitoba					
			783	$71,580	$299,073	$227,493
	Saskatchewan					
			674	$71,580	$250,502	$178,922
			494	$35,790	$210,156	$174,366
	Quebec					
			31	$0	$0	$0
			206	$0	$84,448	$84,448
			77	$0	$0	$0
			306	$35,790	$130,279	$94,489
			468	$35,790	$181,991	$146,201
			678	$71,580	$260,240	$188,660
			705	$71,580	$269,967	$198,387
			265	$35,790	$93,030	$57,240
			729	$71,580	$279,681	$208,101
			401	$35,790	$152,447	$116,657
				$751,590	$3,002,065	$2,250,475
	Additional Costs Of Proposals Above Small Agencies					$5,638,609
Less Cost Of Extending Fixed Amount To Small Agencies Under Old Fixed Amount ($143,159)						-$1,213,749
	Plus 46 Large Agencies Elsewhere			$6,585,314	$14,202,546	$7,617,232
	Total Additional Costs					$12,042,092

New Weights			
	Proposed		
Child Population	Fixed Amount $		
125	$43,182		
150	$53,176		
175	$63,158		
200	$73,127		
225	$83,085		
250	$93,030		
275	$102,963		
300	$112,884		
325	$122,793		
350	$132,690		
375	$142,574		
400	$152,447		
425	$162,307		
450	$172,155		
475	$181,991		
500	$191,814		
525	$201,626		
550	$211,425		
575	$221,213		
600	$230,988		
625	$240,751		
650	$250,502		
675	$260,240		
700	$269,967		
725	$279,681		
750	$289,383		
775	$299,073		
800	$308,751		

TABLE 9
One Time Remoteness Adjustment

REMOTENESS FACTOR	ONE TIME % ADJUSTMENT
0.08	3.00
0.10	3.06
0.12	3.13
0.14	3.19
0.16	3.25
0.18	3.32
0.20	3.38
0.22	3.45
0.24	3.51
0.26	3.57
0.28	3.64
0.30	3.70
0.32	3.76
0.34	3.83
0.36	3.89
0.38	3.95
0.40	4.02
0.42	4.08
0.44	4.14
0.46	4.21
0.48	4.27
0.50	4.34
0.52	4.40
0.54	4.46
0.56	4.53
0.58	4.59
0.60	4.65
0.62	4.72
0.64	4.78
0.66	4.84
0.68	4.91
0.70	4.97
0.72	5.04
0.74	5.01
0.76	5.16
0.78	5.23
0.80	5.29
0.82	5.35
0.84	5.42
0.86	5.48
0.88	5.54
0.90	5.61
0.92	5.67
0.94	5.73
0.96	5.80
0.98	5.86
1.00	5.93
1.02	5.99
1.04	6.05
1.06	6.12
1.08	6.18
1.10	6.24
1.12	6.31
1.14	6.37
1.16	6.43
1.18	6.50
1.20	6.56
1.22	6.63
1.24	6.69
1.26	6.75
1.28	6.82
1.30	6.88
1.32	6.94
1.34	7.01
1.36	7.07
1.38	7.13
1.40	7.20
1.42	7.26
1.44	7.32
1.46	7.39
1.48	7.45
1.50	7.52
1.52	7.58
1.54	7.64
1.56	7.71
1.58	7.77
1.60	7.83
1.62	7.90
1.64	7.96
1.66	8.00

Remoteness Tables

TABLE 10 - Total Additional Costs			*Sept. 19, 2005*
	One Time Remoteness Adjustment		
	Manitoba	$1,171,490	
	Alberta	$838,744	
	Atlantic	$245,922	
	Saskatchewan	$861,527	
	British Columbia	$565,687	
	Quebec	$327,048	
	GRAND TOTAL	**$4,010,417**	

MANITOBA: One Time Remoteness Adjustment								
05-06 FNCFS								
06-07 FNCFS								
								Total Additional Cost
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	
Anishinaabe West	271	Lake Manitoba	0.22	379				
	272	Fairford	0.22	530				
	274	Little Saskatchewan	0.22	303				
	275	Lake St. Martin	0.22	588				
	316	Dauphin River	0.22	55				
				1855				
		Aver. Remoteness	0.22		$143,159	$53,568	$1,348,418	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,848	$46,520	$53,308
Awasis	296	God's Lake	1.35	671				
	305	Fox Lake	0.30	107				
	323	War Lake	0.60	44				
	307	Shamattawa	1.04	611				
	304	York Factory	0.60	205				
	317	Northlands	1.04	337				
	306	Split Lake	0.30	956				
	303	Sayisi Dene First Nation	1.04	105				
	308	Barren Lands	1.04	220				
	276	Cross Lake	0.22	2108				
	301	Oxford House	1.35	924				
	302	Manto Sipi (God's River)	1.35	276				
				6564				
		Aver. Remoteness	0.85		$143,159	$128,563	$4,771,437	
		Adjustment %	5.48					
		Additional Cost			$7,845	$7,045	$261,475	$276,365
Cree Nation	315	Opaskwyak	0.12	1277				
	310	Grand Rapids	0.22	395				
	312	Mosakahiken (Moose Lake)	0.22	591				
	311	Mathias Colomb	0.74	1089				
	309	Chemawawn	0.22	619				
	314	Sapotaweyak Cree Nation	0.22	426				

	324	Wuskwi Sipihk FN (Indian Birch)	0.22	82				
				4479				
		Aver. Remoteness	0.28		$143,159	$74,995	$3,255,830	
		Adjustment %	3.64					
		Additional Cost			$5,211	$2,730	$118,512	$126,453
Dakata Ojibwa	284	Birdtail Sioux	0.22	245				
	288	Dakota Plains	0.12	68				
	287	Long Plain	0.12	655				
	289	Canupawakpa Dakota (Oak Lake)	0.22	131				
	273	Roseau River	0.18	495				
	283	Sandy Bay	0.22	1595				
	290	Sioux Valley	0.08	456				
	293	Swan Lake	0.22	205				
				3850				
		Aver. Remoteness	0.17		$143,159	$85,709	$2,798,604	
		Adjustment %	3.32					
		Additional Cost			$4,753	$2,846	$92,914	$100,512
Intertribal	264	Fisher River	0.22	592				
	268	Kinonjeoshtegon (Jackhead)	0.22	135				
	295	Dakota Tipi	0.12	56				
				783				
		Aver. Remoteness	0.19		$71,579	$32,141	$569,171	
		Adjustment %	3.38					
		Additional Cost			$2,419	$1,086	$19,238	$22,744
Kinosao Sipi Minisowin	278	Norway House	0.22	1944				
		Aver. Remoteness	0.22		$143,159	$10,714	$1,413,113	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$48,752	$54,061
Nisichawaya-sihk (Nelson House)	313	Nisichawayasihk (Nelson House)	0.30	1699				
		Aver. Remoteness	0.30		$143,159	$10,714	$1,235,020	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$45,696	$51,389

Peguis	269	Peguis	0.22	1344				
		Aver. Remoteness	0.22		$143,159	$10,714	$976,967	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$33,705	$39,014
Sagkeeng	262	Fort Alexander	0.22	1245				
		Aver. Remoteness	0.22		$143,159	$10,714	$905,003	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$31,223	$36,531
SouthEast	266	Berens River	0.82	740				
	267	Bloodvein	0.63	450				
	261	Broken Head	0.22	180				
	265	Buffalo Point	0.18	19				
	263	Hollow Water	0.22	423				
	260	Little Black River	0.22	313				
	270	Little Grand Rapids	1.00	506				
	327	Pauingassi First Nation	1.00	268				
	277	Poplar River	1.00	475				
				3374				
		Aver. Remoteness	0.59		$143,159	$96,422	$2,452,594	
		Adjustment %	4.65					
		Additional Cost			$6,657	$4,484	$114,046	$125,186
West Region	279	O-Chi-chak-Ko-Sipi (Crane River)	0.22	226				
	280	Ebb & Flow	0.22	523				
	294	Gamblers	0.22	18				
	286	Keskwenin	0.22	180				
	282	Pine Creek	0.22	499				
	291	Rolling River	0.22	194				
	292	Tootinaowaziib-eeng (Valley River)	0.22	280				
	281	Skownan (Waterhen)	0.22	261				
	285	Waywayseecappo	0.22	531				
				2712				
		Aver. Remoteness	0.22		$143,159	$96,422	$1,971,380	
		Adjustment %	3.45					

		Additional Cost			$4,939	$3,327	$68,013	$76,278
Island Lake	299	Wasagmack	1.35	659				
	298	St. Theresa Point	1.18	1378				
	297	Garden Hill	1.18	1607				
	300	Red Sucker Lake	1.35	329				
				3973				
		Aver. Remoteness	1.27		$143,159	$42,854	$2,888,013	
		Adjustment %	6.82					
		Additional Cost			$9,763	$2,923	$196,963	$209,649
		Total Average					Total Additional	

ALBERTA: One Time Remoteness Adjustment								
05-06 FNCFS								
06-07 FNCFS								
								Total Additional Cost
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	
Siksika (Blackfoot)	430	Siksika (Black-foot)	0.12	1441				
		Aver. Remoteness	0.12		$143,159	$10,714	$1,047,477	
		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$32,786	$37,602
Yellowhead	438	Alexander	0.12	427				
	437	Alexis	0.22	397				
	440	Enoch	0.12	634				
	431	O'Chiese	0.22	290				
	434	Sunchild Cree	0.22	398				
				2146				
		Aver. Remoteness	0.18		$143,159	$53,568	$1,559,949	
		Adjustment %	3.32					
		Additional Cost			$4,753	$1,779	$51,790	$58,322
Lesser Slave Lake	450	Driftpile	0.3	320				
	452	Kapawe'no First Nation (Grourd)	0.2	45				
	454	Sawridge	0.2	15				

	456	Sucker Creek	0.2	285				
	457	Swan River	0.3	125				
				790				
		Aver. Remoteness	0.24		$71,579	$53,568	$574,259	
		Adjustment %	3.51					
		Additional Cost			$2,512	$1,880	$20,157	$24,549
Saddle Lake (Community 866)	462	Saddle Lake (Community 866)	0.12	1851				
		Aver. Remoteness	0.12		$143,159	$10,714	$1,345,510	
		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$42,115	$46,931
Peigan	436	Peigan	0.08	937				
		Aver. Remoteness	0.08		$143,159	$10,714	$681,115	
		Adjustment %	3.00					
		Additional Cost			$4,295	$321	$20,433	$25,050
Kainaiwa	435	Kainaiwa	0.18	2772				
		Aver. Remoteness	0.18		$143,159	$10,714	$2,014,995	
		Adjustment %	3.32					
		Additional Cost			$4,753	$356	$66,898	$72,006
Stoney (Chiniki)	433	Stoney (Chiniki)	0.12	1826				
		Aver. Remoteness	0.12		$143,159	$10,714	$1,327,338	
		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$41,546	$46,362
Tsuu T'ina (Sarcee)	432	Tsuu T'ina (Sarcee)	0.12	591				
		Aver. Remoteness	0.12		$71,579	$10,714	$429,604	
		Adjustment %	3.13					
		Additional Cost			$2,240	$335	$13,447	$16,022
Bigstone Cree	458	Bigstone Cree	0.30	1343				
		Aver. Remoteness	0.30		$143,159	$10,714	$976,240	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$36,121	$41,814

Little Red River	447	Little Red River	0.74	1937				
		Aver. Remoteness	0.74		$143,159	$10,714	$1,408,025	
		Adjustment %	5.10					
		Additional Cost			$7,301	$546	$71,809	$79,657
North Peace	445	Beaver	0.30	165				
	448	Dena Tha'	0.30	684				
	446	Tall Cree	0.30	216				
				1065				
		Aver. Remoteness	0.30		$143,159	$32,141	$774,159	
		Adjustment %	3.70					
		Additional Cost			$5,297	$1,189	$28,644	$35,130
Athabasca	461	Mikisew Cree F.N. (Miksaw)	0.95	297				
	463	Athabaska Chipewyan (Fort Chipewyan)	0.95	80				
	467	Fort Mackay	0.30	112				
	468	Fort McMurray	0.30	82				
	470	Chipewyan Prairie (Janvier)	0.30	132				
				703				
		Aver. Remoteness	0.56		$71,579	$53,568	$511,018	
		Adjustment %	4.53					
		Additional Cost			$3,243	$2,427	$23,149	$28,818
Kashkowew	444	Samson	0.12	2854				
		Aver. Remoteness	0.12		$143,159	$10,714	$2,074,601	
		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$64,935	$69,751
Akamkipatinow	439	Louis Bull	0.12	797				
	442	Montana	0.12	344				
				1141				
		Aver. Remoteness	0.12		$143,159	$21,427	$829,404	
		Adjustment %	3.13					
		Additional Cost			$4,481	$671	$25,960	$31,112

Kee Tas Now	459	Whitefish Lake	0.30	633				
	474	Woodland Cree	0.30	309				
	476	Loon River	0.30	172				
				1114				
		Aver. Remoteness	0.30		$143,159	$32,141	$809,778	
		Adjustment %	3.70					
		Additional Cost			$5,297	$1,189	$29,962	$36,448
Tribal Council Ventures East	466	Kehewin Cree Nation (Long Lake)	0.12	428				
	465	Frog Lake	0.22	829				
				1257				
		Aver. Remoteness	0.17		$143,159	$21,427	$913,726	
		Adjustment %	3.32					
		Additional Cost			$4,753	$711	$30,336	$35,800
Tribal Council Ventures West	460	Beaver Lake	0.12	164				
	N/A	Community 864 of Saddle Lake	N/A	725				
	469	Heart Lake	0.30	90				
				979				
		Aver. Remoteness	0.21		$143,159	$21,427	$711,645	
		Adjustment %	3.45					
		Additional Cost			$4,939	$739	$24,552	$30,230
Western Cree	451	Duncan's	0.30	57				
	449	Horse Lake	0.30	193				
	455	Sturgeon Lake	0.20	559				
				809				
		Aver. Remoteness	3.64		$143,159	$32,141	$588,070	
		Adjustment %	7.30					
		Additional Cost			$10,451	$2,346	$42,929	$55,726
Paul Band	441	Paul Band	0.22	582				
		Aver. Remoteness	0.22		$71,579	$10,714	$423,062	
		Adjustment %	3.45					
		Additional Cost			$2,470	$370	$14,596	$17,435
Ermineskin	443	Ermineskin	0.12	1438				
		Aver. Remoteness	0.12		$143,159	$10,714	$1,045,297	

		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$32,718	$37,534
Cold Lake	464	Cold Lake	0.12	483				
		Aver. Remoteness	0.12		$35,790	$10,714	$351,098	
		Adjustment %	3.13					
		Additional Cost			$1,120	$335	$10,989	$12,445
		Total Average					Total Additional	
		Remoteness	0.26				Cost	$838,744

ATLANTIC: One Time Remoteness Adjustment								
05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Elsipogtog	3	Elsipogtog	0.18	857				
		Aver. Remoteness	0.18		$143,159	$10,714	$622,962	
		Adjustment %	3.32					
		Additional Cost			$4,753	$356	$20,682	$25,791
Miawpukek	47	Miawpukek	0.18	236				
		Aver. Remoteness	0.18		$0	$10,714	$171,551	
		Adjustment %	3.32					
		Additional Cost			$0	$356	$5,696	$6,051
Mi' Kmaq (13)	18	Acadia	0.00	44				
	19	Paq'tnkek First Nation	0.08	147				
	20	Annapolis Valley	0.08	24				
	21	Bear River	0.00	38				
	22	Chapel Island	0.18	235				
	23	Eskasoni	0.18	1342				
	24	Pictou Landing	0.08	182				
	25	Shubenacadie	0.08	441				
	26	Membertou	0.08	326				
	27	Millbrook	0.08	288				

	28	Wagmatcook	0.18	223				
	29	Whycocomagh	0.18	328				
	30	Gloosecap (Horton)	0.08	24				
				3642				
		Aver. Remoteness	0.01		$143,159	$139,277	$2,647,406	
		Adjustment %	3.06					
		Additional Cost			$4,381	$4,262	$81,011	$89,653
North Shore (9)	5	Burnt Church	0.18	444				
	7	Eel Ground	0.08	188				
	8	Eel River Bar	0.08	116				
	13	Pabineau	0.08	25				
	04	Bouctouche	0.18	35				
	10	Indian Island	0.18	30				
	09	Fort Folly	0.08	5				
	14	Metepenagiag Mi'kmaq Nation	0.08	148				
	6	Madawaska Maliseet	0.08	29				
				1020				
		Aver. Remoteness	0.11		$143,159	$96,422	$741,448	
		Adjustment %	3.13					
		Additional Cost			$4,481	$3,018	$23,207	$30,706
St. John River Valley	16	Tobique	0.18	467				
	11	Kingsclear	0.08	218				
	12	Oromocto	0.08	109				
	15	St. Mary's	0.08	273				
	17	Woodstock	0.08	78				
				1145				
		Aver. Remoteness	0.10		$143,159	$53,568	$832,312	
		Adjustment %	3.06					
		Additional Cost			$4,381	$1,639	$25,469	$31,489
Burnt Church	5	Burnt Church	0.18	444				
		Aver. Remoteness	0.18		$35,790	$10,714	$322,748	
		Adjustment %	3.32					
		Additional Cost			$1,188	$356	$10,715	$12,259

Eel Ground	7	Eel Ground	0.08	188				
		Aver. Remoteness	0.08		$0	$10,714	$136,659	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$4,100	$4,421
Eel River	8	Eel River	0.08	116				
		Aver. Remoteness	0.08		$0	$10,714	$84,322	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$2,530	$2,851
Four Directions	13	Pabineau	0.08	25				
	04	Bouctouche	0.18	35				
	10	Indian Island	0.18	30				
	09	Fort Folly	0.08	5				
				95				
		Aver. Remoteness	0.13		$0	$42,854	$69,056	
		Adjustment %	3.19					
		Additional Cost			$0	$1,367	$2,203	$3,570
Kingsclear	11	Kingsclear	0.08	218				
		Aver. Remoteness	0.08		$0	$10,714	$158,466	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$4,754	$5,075
Oromocto	12	Oromocto	0.08	109				
		Aver. Remoteness	0.08		$0	$10,714	$79,233	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$2,377	$2,698
Metepenagiag Mi'kmaq	14	Metepenagiag Mi'kmaq	0.08	148				
		Aver. Remoteness	0.08		$0	$10,714	$107,583	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$3,228	$3,549

St. Mary's	15	St. Mary's	0.08	273				
		Aver. Remoteness	0.08		$35,790	$10,714	$198,446	
		Adjustment %	3.00					
		Additional Cost			$1,074	$321	$5,953	$7,349
Tobique	16	Tobique	0.18	467				
		Aver. Remoteness	0.18		$35,790	$10,714	$339,467	
		Adjustment %	3.32					
		Additional Cost			$1,188	$356	$11,270	$12,814
Woodstock	17	Woodstock	0.08	78				
		Aver. Remoteness	0.08		$0	$10,714	$56,699	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$1,701	$2,022
Develop-mental	1	Abegweit	0.08	76				
	2	Lennox Island	0.18	137				
				213				
		Aver. Remoteness	0.13		$0	$21,427	$154,832	
		Adjustment %	3.19					
		Additional Cost			$0	$684	$4,939	$5,623
		Total Average Remoteness	0.11				**Total Additional Cost**	$245,922

SASKATCHEWAN: One Time Remoteness Adjustment

05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Chiefs Tribal Council	404	Big River	0.22	1031				
	405	Pelican Lake	0.22	518				
	407	Witchekan Lake	0.22	225				
				1774				
		Aver. Remoteness	0.22		$143,159	$32,141	$1,289,538	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,109	$44,489	$50,537
Ahtahkakoop	406	Ahtahkakoop	0.22	674				
		Aver. Remoteness	0.22		$71,579	$10,714	$489,937	
		Adjustment %	3.45					
		Additional Cost			$2,470	$370	$16,903	$19,742
Battleford Tribal Council	340	Little Pine	0.22	338				
	341	Lucky Man	0.22	8				
	343	Mosquito-Grizzly Bear's Head	0.12	291				
	345	Poundmaker	0.22	309				
	348	Sweet Grass	0.12	250				
				1196				
		Aver. Remoteness	0.18		$143,159	$53,568	$869,384	
		Adjustment %	3.32					
		Additional Cost			$4,753	$1,779	$28,864	$35,395
Kanaweyimik	342	Moosomin	0.12	470				
	346	Red Pheasant	0.12	312				
	347	Saulteaux	0.12	298				
	349	Thunderchild	0.22	520				
				1600				
		Aver. Remoteness	0.15		$143,159	$42,854	$1,163,056	
		Adjustment %	3.25					
		Additional Cost			$4,653	$1,393	$37,799	$43,845
Lac La Ronge	353	Lac La Ronge	0.30	2380				

		Aver. Remoteness	0.30		$143,159	$10,714	$1,730,046	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$64,012	$69,705
Meadow Lake (9)	394	Canoe Lake	0.30	387				
	395	Flying Dust	0.12	210				
	396	Makwa Sahgaie-hcan	0.22	455				
	397	Island Lake	0.22	481				
	398	Buffalo River	0.30	250				
	400	English River First Nation	0.30	251				
	401	Clearwater River Dene Band (Big C)	0.60	304				
	402	Waterhen Lake	0.22	382				
	403	Birch Narrows (Turnor Lake)	0.60	169				
				2889				
		Aver. Remoteness	0.32		$143,159	$96,422	$2,100,043	
		Adjustment %	3.76					
		Additional Cost			$5,383	$3,626	$78,962	$87,970
Montreal Lake	354	Montreal Lake	0.22	962				
		Aver. Remoteness	0.22		$143,159	$10,714	$699,287	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$24,125	$29,434
Onion Lake	344	Onion Lake	0.22	1329				
		Aver. Remoteness	0.22		$143,159	$10,714	$966,063	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$33,329	$38,638
Peter Ballantyne	355	Peter Ballantyne	0.30	2524				
		Aver. Remoteness	0.30		$143,159	$10,714	$1,834,721	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$67,885	$73,578
Athabasca Denesuline	351	Fond Du Lac	1.65	391				
	352	Hatchet Lake	1.65	550				

	359	Black Lake	1.65	619				
				1560				
		Aver. Remoteness	1.65		$143,159	$32,141	$1,133,980	
		Adjustment %	8.02					
		Additional Cost			$11,481	$2,578	$90,945	$105,004
Qu'Appelle	380	Nikaneet	0.18	85				
	381	Muscowpetung	0.22	122				
	383	Pasqua	0.22	246				
	386	Standing Buffalo	0.22	178				
	388	Wood Mountain	0.18	2				
	378	Carry the Kettle	0.22	349				
				982				
		Aver. Remoteness	0.21		$143,159	$64,282	$713,826	
		Adjustment %	3.45					
		Additional Cost			$4,939	$2,218	$24,627	$31,784
Saskatoon District	371	Muskoday First Nation	0.12	184				
	372	Whitecap Dakota/Sioux First Nation	0.12	105				
	373	One Arrow	0.22	262				
	374	Mistawasis	0.22	471				
	375	Muskeg Lake	0.22	120				
	376	Yellowquill	0.22	427				
	377	Kinistin	0.22	162				
				1731				
		Aver. Remoteness	0.19		$143,159	$74,995	$1,258,281	
		Adjustment %	3.38					
		Additional Cost			$4,839	$2,535	$42,530	$49,904
Touchwood	389	Day Star	0.22	43				
	390	Fishing Lake	0.22	193				
	391	Gordon	0.22	454				
	392	Muskowekwan	0.22	161				
	393	Kawacatoose	0.22	558				
				1409				
		Aver. Remoteness	0.22		$143,159	$53,568	$1,024,216	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,848	$35,336	$42,123
Yorkton (13)	361	Cowessess	0.22	245				
	362	Kahkewistahaw	0.22	217				
	364	Sakimay	0.22	106				
	366	Cote	0.22	293				

	367	Keeseekoose	0.22	304				
	368	Key	0.22	120				
	363	Ochpowace	0.22	267				
	365	White Bear	0.18	381				
	409	Pheasant Rump Nakota	0.18	58				
	408	Ocean Man	0.18	53				
	379	Little Black Bear 01/10/02	0.22	104				
	387	Star Blanket 01/10/03	0.22	102				
	384	Peepeekisis 01/02/03	0.22	259				
				2509				
		Aver. Remoteness	0.21		$143,159	$139,277	$1,823,817	
		Adjustment %	3.45					
		Additional Cost			$4,939	$4,805	$62,922	$72,666
Kanaweyihim-itowin	369	Beardy's and Okemasis	0.22	494				
		Aver. Remoteness	0.22		$35,790	$10,714	$359,094	
		Adjustment %	3.45					
		Additional Cost			$1,235	$370	$12,389	$13,993
Nehiyaw Awasis Siceca Siceca Cistinna	358	Wahpeton	0.12	160				
	360	Sturgeon Lake	0.22	797				
				957				
		Aver. Remoteness	0.17		$143,159	$21,427	$695,653	
		Adjustment %	3.32					
		Additional Cost			$4,753	$711	$23,096	$28,560
Nicapanak Centre	350	Cumberland House Cree Nation	0.22	281				
	356	Red Earth	0.22	586				
	357	Shoal Lake of The Cree Nation	0.22	366				
				1233				
		Aver. Remoteness	0.22		$143,159	$32,141	$896,280	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,109	$30,922	$36,970

Joseph Bighead	399	Joseph Bighead	0.22	379				
		Aver. Remoteness	0.22		$35,790	$10,714	$275,499	
		Adjustment %	3.45					
		Additional Cost			$1,235	$370	$9,505	$11,109
James Smith	370	James Smith	0.12	791				
		Aver. Remoteness	0.12		$71,579	$10,714	$574,986	
		Adjustment %	3.13					
		Additional Cost			$2,240	$335	$17,997	$20,573

BRITISH COLUMBIA: One Time Remoteness Adjustment

05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Spallumcheen	600	Spallumcheen	0.12	126				
		Aver. Remoteness	0.12		$0	$10,714	$91,591	
		Adjustment %	3.13					
		Additional Cost			$0	$335	$2,867	$3,202
Nuu-Chah-Nulth	630	Mowachaht	0.18	88				
	634	Ehattesaht	0.45	46				
	638	Ka- Kyuquot	0.50	75				
	662	Ditidaht	0.18	104				
	659	Ahousaht	0.45	291				
	660	Tla-o-qui-aht First Nations	0.45	133				
	661	Hesquiaht	0.55	53				
	667	Uchucklesaht	0.18	11				
	664	Hupaasath (Opetchesaht)	0.08	52				
	665	Tseshaht (formerly Sheshaht?)	0.08	121				
	666	Toquaht	0.18	2				
	668	Ucluelet	0.18	72				

	663	Huu-ay-aht FN (formerly Ohiaht)	0.18	24				
	639	Nuchatlaht	0.45	21				
				1093				
		Aver. Remoteness	0.29		$143,159	$149,990	$794,513	
		Adjustment %	3.70					
		Additional Cost			$5,297	$5,550	$29,397	$40,244
Scw'Exmx	695	Lower Nicola	0.12	140				
	697	Upper Nicola	0.22	97				
	698	Shackan	0.12	16				
	699	Nooaitch	0.12	32				
	693	Coldwater	0.12	103				
				388				
		Aver. Remoteness	0.14		$35,790	$53,568	$282,041	
		Adjustment %	3.19					
		Additional Cost			$1,142	$1,709	$8,997	$11,848
Carrier-Sekani	725	Wet'suwet'en (Broman Lake)	0.22	42				
	726	Nee-Tahi-Buhn	0.22	15				
	729	Skin Tyee	0.22	12				
	620	Cheslatta Carrier Nation	0.22	50				
	619	Burns Lake	0.22	10				
	615	Saik'uz(Stony Creek)	0.22	193				
	608	Takla Lake	0.60	110				
	613	Stellat'en	0.22	74				
	612	Nadleh Whuten	0.22	88				
	728	Yekooche	0.22	44				
	607	Lake Babine	0.22	541				
				1179				
		Aver. Remoteness	0.25		$143,159	$117,850	$857,027	
		Adjustment %	3.57					
		Additional Cost			$5,111	$4,207	$30,596	$39,914
Ayes	555	Squamish	0.08	813				
		Aver. Remoteness	0.08		$143,159	$10,714	$590,978	
		Adjustment %	3.00					
		Additional Cost			$4,295	$321	$17,729	$22,346
Xolhmllh (23)	558	Aitchelitz	0.08	13				
	580	Kwaw-kwaw-a-pilt	0.08	13				
	579	Lakahahmen	0.08	41				

	565	Matsqui	0.08	41				
	582	Skawahlook	0.08	5				
	571	Skowkale	0.08	61				
	570	Skway	0.08	36				
	574	Squiala	0.08	31				
	588	Union Bar	0.08	1				
	584	Cheam	0.08	98				
	583	Chawathil	0.08	147				
	564	Kwantlen F.N. (formerly Langley)	0.08	30				
	585	Popkum	0.08	0				
	568	Scowlitz	0.08	28				
	581	Seabird Island	0.08	218				
	572	Soowahlie	0.08	56				
	586	Peters	0.08	18				
	576	Yakweakwioose	0.08	17				
	575	Tzeachten	0.08	90				
	573	Skwah	0.08	97				
	587	Shxw'ow'hamel FN (formerly Ohamil)	0.08	46				
	589	Yale	0.08	17				
	578	Sumas	0.08	48				
				1152				
		Aver. Remoteness	0.08		$143,159	$246,413	$837,400	
		Adjustment %	3.00					
		Additional Cost			$4,295	$7,392	$25,122	$36,809
Lalum'utul'-smun'eem	642	Cowichan	0.08	815				
		Aver. Remoteness	0.08		$143,159	$10,714	$592,432	
		Adjustment %	3.00					
		Additional Cost			$4,295	$321	$17,773	$22,389
Ktunanaxa-Kinbasket	603	Tobacco Plains	0.18	14				
	606	Lower Kootenay	0.18	53				
	602	St. Mary's	0.08	90				
	604	Columbia Lake	0.22	48				
	605	Shuswap	0.22	27				
				232				
		Aver. Remoteness	0.18		$0	$53,568	$168,643	
		Adjustment %	3.32					
		Additional Cost			$0	$1,779	$5,599	$7,377

Knucwent-wecw	723	Canoe Creek	0.22	107				
	716	Soda Creek	0.12	61				
	719	Williams Lake	0.12	68				
	713	Canim Lake	0.22	155				
				391				
		Aver. Remoteness	0.17		$35,790	$42,854	$284,222	
		Adjustment %	3.32					
		Additional Cost			$1,188	$1,423	$9,436	$12,047
Secwepemc	686	Bonaparte	0.22	73				
	687	Skeetchestn	0.22	101				
	688	Kamloops	0.12	246				
	684	Adams Lake	0.22	159				
	690	Neskonlith	0.22	97				
	691	North Thompson	0.22	76				
	702	Whispering Pines	0.22	16				
				768				
		Aver. Remoteness	0.21		$71,579	$74,995	$558,267	
		Adjustment %	3.45					
		Additional Cost			$2,470	$2,587	$19,260	$24,317
Heiltsuk	538	Heiltsuk	1.35	324				
		Aver. Remoteness	1.35		$35,790	$10,714	$235,519	
		Adjustment %	7.07					
		Additional Cost			$2,530	$758	$16,651	$19,939
Nlhka7'Kapmx Nation	705	Lytton	0.22	263				
	696	Nicomen	0.22	29				
	704	Kanaka Bar	0.22	30				
	707	Skuppah	0.22	29				
	706	Siska	0.22	42				
	694	Cook's Ferry	0.22	18				
				411				
		Aver. Remoteness	0.22		$35,790	$64,282	$298,760	
		Adjustment %	3.45					
		Additional Cost			$1,235	$2,218	$10,307	$13,760
Northwest Internation	673	Metlakatla	0.22	42				
	675	Hartley Bay	0.50	62				
	676	Kitimaat	0.12	147				
	680	Kitselas	0.12	58				
	681	Kitsumkalum	0.12	61				

	683	Iskut	0.60	130				
	672	Kitkatlia	0.50	181				
	682	Tahltan	0.60	93				
	674	Lax Kw'Alaams	0.22	256				
				1030				
		Aver. Remoteness	0.33		$143,159	$96,422	$748,717	
		Adjustment %	3.83					
		Additional Cost			$5,483	$3,693	$28,676	$37,852
Kwumut lelum	641	Chemainus	0.08	290				
	643	Lake Cowichan	0.08	5				
	647	Malahat	0.08	62				
	648	Snuneyeymuxu (Nanaimo)	0.08	222				
	649	Nanoose First Nation	0.08	48				
	651	Qualicum	0.18	27				
	646	Lyackson	0.45	16				
	645	Halalt	0.08	31				
	650	Penelakut	0.18	175				
				876				
		Aver. Remoteness	0.14		$143,159	$96,422	$636,773	
		Adjustment %	3.19					
		Additional Cost			$4,567	$3,076	$20,313	$27,956
Gitksan	531	Gitanmaax	0.30	315				
	532	Kispiox	0.30	267				
	535	Gitsegukla	0.30	154				
	536	Gitwangak	0.30	156				
	537	Gitanyow	0.30	161				
	533	Glen Vowell	0.30	56				
				1109				
		Aver. Remoteness	0.30		$143,159	$64,282	$806,143	
		Adjustment %	3.70					
		Additional Cost			$5,297	$2,378	$29,827	$37,503
NIL'TO,O	652	Pauquachin	0.08	109				
	653	Tsartlip	0.08	190				
	654	Tsawout	0.08	192				
	640	Beecher Bay	0.08	41				
	656	Songhees	0.08	120				
	658	Pacheedaht	0.08	44				
				696				
		Aver. Remoteness	0.08		$71,579	$64,282	$505,929	
		Adjustment %	3.00					
		Additional Cost			$2,147	$1,928	$15,178	$19,254

Sechelt	551	Sechelt	0.08	205				
		Aver. Remoteness	0.08		$0	$10,714	$149,017	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$4,471	$4,792
Nezul Betlunuyeh	614	Nak'azdli	0.22	216				
	617	Tl'azten Nation	0.22	235				
				451				
		Aver. Remoteness	0.22		$35,790	$21,427	$327,836	
		Adjustment %	3.45					
		Additional Cost			$1,235	$739	$11,310	$13,284
Namgis	631	Nimpkish (Namgis F.N.)	0.52	229				
	637	Tlowitsis-mum-tagila	0.52	28				
	632	Tlatlasikwala	0.52	21				
	635	Da'naxda'xa First Nation	0.52	17				
	636	(Tsawataineuk)	0.50	60				
	625	Kwicksutaineuk-ah-kwaw-ah-mish	0.50	19				
				374				
		Aver. Remoteness	0.51		$35,790	$53,568	$271,864	
		Adjustment %	4.40					
		Additional Cost			$1,575	$2,357	$11,962	$15,894
Port Hardy	633	Quatsino	0.12	85				
	724	Gwa'sala-nakwaxda'xw	0.12	238				
				323				
		Aver. Remoteness	0.12		$35,790	$21,427	$234,792	
		Adjustment %	6.30					
		Additional Cost			$2,255	$1,350	$14,792	$18,397
Lachwiltch	622	Campbell River	0.12	87				
	623	Cape Mudge	0.12	87				
	624	Comox	0.08	25				
	628	Kwiakah	0.52	2				
	629	Mamalililkulla-Qwe'Qwa'Sot'Em	0.52	17				
	553	Klahoose	0.22	12				
	552	Homalco	0.12	86				
				316				
		Aver. Remoteness	0.24		$35,790	$74,995	$229,704	
		Adjustment %	3.51					
		Additional Cost			$1,256	$2,632	$8,063	$11,951

TL'Etinqox-T'In	709	Alexandria	0.22	6				
	710	Alexis Creek	0.22	140				
	712	TL'Etinqox-T'In National Government	0.22	178				
	714	Xeni Gwet'in First Nations Government	0.52	108				
	717	Stone	0.22	106				
	718	Toosey (1)	0.22	55				
				593				
		Aver. Remoteness	0.27		$71,579	$64,282	$431,058	
		Adjustment %	3.64					
		Additional Cost			$2,606	$2,340	$15,691	$20,636
Queen Charlotte	669	Old Massett Village	0.50	247				
	670	Skidegate	0.50	233				
				480				
		Aver. Remoteness	0.50		$35,790	$21,427	$348,917	
		Adjustment %	4.34					
		Additional Cost			$1,553	$930	$15,143	$17,626
Wet-Sumet'en	530	Moricetown	0.20	259				
	534	Hagwilget	0.30	83				
				342				
		Aver. Remoteness	0.25		$35,790	$21,427	$248,603	
		Adjustment %	3.57					
		Additional Cost			$1,278	$765	$8,875	$10,918
Northeast	542	Saulteau	0.30	146				
	543	Fort Nelson	0.20	169				
	544	Denetasaa (Prophet River)	0.30	54				
	545	West Moberly	0.30	26				
	546	Halfway River	0.30	59				
	547	Blueberry River	0.30	89				
	548	Doig River	0.30	46				
				589				
		Aver. Remoteness	0.29		$71,579	$74,995	$428,150	
		Adjustment %	3.70					
		Additional Cost			$2,648	$2,775	$15,842	$21,265
Okanagan	596	Osoyoos	0.08	128				
	597	Penticton	0.08	228				
	598	Lower Similkameen	0.08	83				

	599	Upper Similkameen	0.18	20				
	616	Okanagan	0.12	275				
				734				
		Aver. Remoteness	0.11		$71,579	$53,568	$533,552	
		Adjustment %	3.13					
		Additional Cost			$2,240	$1,677	$16,700	$20,617
BC / Yukon	497	Ross River Dena Council	0.66	156				
	502	Liard River First Nation	0.66	318				
	504	Dease River First Nation	0.60	56				
	501	Taku River Tingits	0.35	93				
	609	Tsay Keh Dene	0.08	60				
	610	Kawdacha	1.35	108				
				791				
		Aver. Remoteness	0.62		$71,579	$64,282	$574,986	
		Adjustment %	4.72					
		Additional Cost			$3,379	$3,034	$27,139	$33,552
		Total Average Remoteness	0.24				**Total Additional Cost**	$565,687

QUEBEC: One Time Remoteness Adjustment								
05-06 FNCFS								
06-07 FNCFS								
								Total Additional Cost
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	
Conseil De La Nation Attikamek-Sipi	77	Weymontachie	0.18	595				
	78	Les Atikamekw De Manawan	0.18	936				
				1531				
		Aver. Remoteness	0.18		$143,159	$21,427	$1,112,899	
		Adjustment %	3.32					
		Additional Cost			$4,753	$711	$36,948	$42,413
Attikamewk d'Opiticiwan	79	Attikamewk d'Opiticiwan	0.48	861				
		Aver. Remoteness	0.48		$143,159	$10,714	$625,870	
		Adjustment %	4.27					
		Additional Cost			$6,113	$458	$26,725	$33,295
Betsiamites	85	Betsiamites	0.08	926				
		Aver. Remoteness	0.08		$143,159	$10,714	$673,119	
		Adjustment %	3.00					
		Additional Cost			$4,295	$321	$20,194	$24,810
Counseil Montagnais Essipit	86	Montagnais Essipit	0.08	31				
		Aver. Remoteness	0.08		$0	$10,714	$22,534	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$676	$997
Gesgapegiag	52	Micmacs of Gesgapegiag	0.08	206				
		Aver. Remoteness	0.08		$0	$10,714	$149,744	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$4,492	$4,814

Grand Conseil Wababaki	71	Abenakis De Wolinak	0.08	16				
	72	Odanak	0.08	61				
				77				
		Aver. Remoteness	0.08		$0	$21,427	$55,972	
		Adjustment %	3.00					
		Additional Cost			$21,427	$643	$1,679	$23,749
Nation Huronne-Wendat	50	Nation Huronne-Wendat	0.08	306				
		Aver. Remoteness	0.08		$35,790	$10,714	$222,435	
		Adjustment %	3.00					
		Additional Cost			$1,074	$321	$6,673	$8,068
Kanawake	70	Kanawake	0.08	1848				
		Aver. Remoteness	0.08		$143,159	$10,714	$1,343,330	
		Adjustment %	3.00					
		Additional Cost			$4,295	$321	$40,300	$44,916
Kitigan Zibi Amishnabeg	73	Kitigan Zibi Amishnabeg	0.08	468				
		Aver. Remoteness	0.08		$35,790	$10,714	$340,194	
		Adjustment %	3.00					
		Additional Cost			$1,074	$321	$10,206	$11,601
Montagnais Du Lac St. Jean	76	Montagnais Du Lac St. Jean	0.08	678				
		Aver. Remoteness	0.08		$71,579	$10,714	$492,845	
		Adjustment %	3.00					
		Additional Cost			$2,147	$321	$14,785	$17,254
Regroupement Mamit Innuat	82	Mingan	0.22	215				
	84	Montagmais De La Romaine	1.18	365				
	88	Montagnais De Pakua Shipi	1.35	125				
				705				
		Aver. Remoteness	0.92		$71,579	$32,141	$512,472	
		Adjustment %	5.67					
		Additional Cost			$4,059	$1,822	$29,057	$34,938

Conseil Montagnais De Shefferville	87	Montagnais De Shefferville	1.35	265				
		Aver. Remoteness	1.35		$35,790	$10,714	$192,631	
		Adjustment %	7.07					
		Additional Cost			$2,530	$758	$13,619	$16,907
Ristigouche	51	Listuguj Mi'gmaq FN Council	0.08	729				
		Aver. Remoteness	0.08		$71,579	$10,714	$529,917	
		Adjustment %	3.00					
		Additional Cost			$2,147	$321	$15,898	$18,366
Uashat/ Maliotenam	80	Uashat Mak Mani-Utenam	0.12	1109				
		Aver. Remoteness	0.12		$143,159	$10,714	$806,143	
		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$25,232	$30,049
Natashquan	83	Montagnais De Natashquan	0.52	401				
		Aver. Remoteness	0.52		$35,790	$10,714	$291,491	
		Adjustment %	4.40					
		Additional Cost			$1,575	$471	$12,826	$14,872
		Total Average Remoteness					**Total Additional Cost**	
			0.34					$327,048

TABLE 11 - Comparison Of Total Additional Costs:

Sept. 11, 2005

Service to City Centre Adjustment + One time Remoteness Adjustment Compared to One Time Remoteness Adjustment Only

SERVICE TO CITY CENTRE ADJUSTMENT AND ONE TIME REMOTENESS ADJUSTMENT		Total Average Remoteness	Total Number of Communities	No. of Comunities with changes in Remoteness	No. of Communites Not accounted for
Manitoba	$1,172,162	0.43	57	2	0
Alberta	$893,954	0.32	53	15	3
Atlantic	$255,361	0.15	44	19	0
Saskatchewan	$869,352	0.29	69	7	0
British Columbia	$568,709	0.27	153	41	46
Quebec	$346,613	0.43	19	8	1
			395	92	50
GRAND TOTAL	$4,106,150				
ONE TIME REMOTENESS ADJUSTMENT					
		Total Average Remoteness	Total Number of Communities		
Manitoba	$1,171,490	0.43	57		
Alberta	$838,744	0.26	53		
Atlantic	$245,922	0.11	44		
Saskatchewan	$861,527	0.28	69		
British Columbia	$565,687	0.24	153		
Quebec	$327,048	0.34	19		
			395		
GRAND TOTAL	$4,010,417				
DIFFERENCE	$95,734				

MANITOBA: Service to City Centre Adjustment + One Time Remoteness Adjustment								
05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Anishinaabe West	271	Lake Manitoba	0.22	379				
	272	Fairford	0.22	530				
	274	Little Saskatchewan	0.22	303				
	275	Lake St. Martin	0.22	588				
	316	Dauphin River	0.22	55				
				1855				
		Aver. Remoteness	0.22		$143,159	$53,568	$1,348,418	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,848	$46,520	$53,308
Awasis	296	God's Lake	1.35	671				
	305	Fox Lake	0.30	107				
	323	War Lake	0.60	44				
	307	Shamattawa	1.04	611				
	304	York Factory	0.60	205				
	317	Northlands	1.04	337				
	306	Split Lake	0.30	956				
	303	Sayisi Dene First Nation	1.04	105				
	308	Barren Lands	1.04	220				
	276	Cross Lake	0.22	2108				
	301	Oxford House	1.35	924				
	302	Manto Sipi (God's River)	1.35	276				
				6564				
		Aver. Remoteness	0.85		$143,159	$128,563	$4,771,437	
		Adjustment %	5.48					
		Additional Cost			$7,845	$7,045	$261,475	$276,365
Cree Nation	315	Opaskwyak	0.12	1277				
	310	Grand Rapids	0.22	395				
	312	Mosakahiken (Moose Lake)	0.22	591				
	311	Mathias Colomb	0.74	1089				
	309	Chemawawn	0.22	619				
	314	Sapotaweyak Cree Nation	0.22	426				

	324	Wuskwi Sipihk FN (Indian Birch)	0.22	82				
				4479				
		Aver. Remoteness	0.28		$143,159	$74,995	$3,255,830	
		Adjustment %	3.64					
		Additional Cost			$5,211	$2,730	$118,512	$126,453
Dakata Ojibwa	284	Birdtail Sioux	0.22	245				
	288	Dakota Plains	0.12	68				
	287	Long Plain	0.22	655				
	289	Canupawakpa Dakota (Oak Lake)	0.22	131				
	273	Roseau River	0.18	495				
	283	Sandy Bay	0.22	1595				
	290	Sioux Valley	0.08	456				
	293	Swan Lake	0.22	205				
				3850				
		Aver. Remoteness	0.19		$143,159	$85,709	$2,798,604	
		Adjustment %	3.38					
		Additional Cost			$4,839	$2,897	$94,593	$102,329
Intertribal	264	Fisher River	0.22	592				
	268	Kinonjeoshtegon (Jackhead)	0.22	135				
	295	Dakota Tipi	0.22	56				
				783				
		Aver. Remoteness	0.22		$71,579	$32,141	$569,171	
		Adjustment %	3.45					
		Additional Cost			$2,470	$1,109	$19,636	$23,215
Kinosao Sipi Minisowin	278	Norway House	0.22	1944				
		Aver. Remoteness	0.22		$143,159	$10,714	$1,413,113	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$48,752	$54,061
Nisichawayasihk (Nelson House)	313	Nisichawayasihk (Nelson House)	0.30	1699				
		Aver. Remoteness	0.30		$143,159	$10,714	$1,235,020	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$45,696	$51,389

Peguis	269	Peguis	0.22	1344				
		Aver. Remoteness	0.22		$143,159	$10,714	$976,967	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$33,705	$39,014
Sagkeeng	262	Fort Alexander	0.22	1245				
		Aver. Remoteness	0.22		$143,159	$10,714	$905,003	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$31,223	$36,531
SouthEast	266	Berens River	0.82	740				
	267	Bloodvein	0.63	450				
	261	Broken Head	0.22	180				
	265	Buffalo Point	0.18	19				
	263	Hollow Water	0.22	423				
	260	Little Black River	0.22	313				
	270	Little Grand Rapids	1.00	506				
	327	Pauingassi First Nation	1.00	268				
	277	Poplar River	1.00	475				
				3374				
		Aver. Remoteness	0.59		$143,159	$96,422	$2,452,594	
		Adjustment %	4.59					
		Additional Cost			$6,571	$4,426	$112,574	$123,571
West Region	279	O-Chi-chak-Ko-Sipi (Crane River)	0.22	226				
	280	Ebb & Flow	0.22	523				
	294	Gamblers	0.22	18				
	286	Keskwenin	0.22	180				
	282	Pine Creek	0.22	499				
	291	Rolling River	0.22	194				
	292	Tootinaowaziibeeng (Valley River)	0.22	280				
	281	Skownan(Waterhen)	0.22	261				
	285	Waywayseecappo	0.22	531				
				2712				
		Aver. Remoteness	0.22		$143,159	$96,422	$1,971,380	
		Adjustment %	3.45					
		Additional Cost			$4,939	$3,327	$68,013	$76,278
Island Lake	299	Wasagmack	1.35	659				
	298	St. Theresa Point	1.18	1378				
	297	Garden Hill	1.18	1607				

	300	Red Sucker Lake	1.35	329				
				3973				
		Aver. Remoteness	1.27		$143,159	$42,854	$2,888,013	
		Adjustment %	6.82					
		Additional Cost			$9,763	$2,923	$196,963	$209,649
							Total Additional Cost	
		Total Average Remoteness	0.43					$1,172,162

ALBERTA: Service to City Centre Adjustment + One Time Remoteness Adjustment

05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Siksika (Blackfoot)	430	Siksika (Blackfoot)	0.22	1441				
		Aver. Remoteness	0.22		$143,159	$10,714	$1,047,477	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$36,138	$41,447
Yellowhead	438	Alexander	0.12	427				
	437	Alexis	0.22	397				
	440	Enoch	0.12	634				
	431	O'Chiese	0.22	290				
	434	Sunchild Cree	0.22	398				
				2146				
		Aver. Remoteness	0.18		$143,159	$53,568	$1,559,949	
		Adjustment %	3.32					
		Additional Cost			$4,753	$1,779	$51,790	$58,322
Lesser Slave Lake	450	Driftpile	0.30	320				
	452	Kapawe'no First Nation (Grourd)	0.60	45				
	454	Sawridge	0.30	15				
	456	Sucker Creek	0.30	285				
	457	Swan River	0.30	125				
				790				

		Aver. Remoteness	0.36		$71,579	$53,568	$574,259	
		Adjustment %	3.89					
		Additional Cost			$2,784	$2,084	$22,339	$27,207
Saddle Lake (Community 866)	462	Saddle Lake (Community 866)	0.12	1851				
		Aver. Remoteness	0.12		$143,159	$10,714	$1,345,510	
		Adjustment %	6.30					
		Additional Cost			$9,019	$675	$84,767	$94,461
Peigan	436	Peigan	0.08	937				
		Aver. Remoteness	0.08		$143,159	$10,714	$681,115	
		Adjustment %	3.00					
		Additional Cost			$4,295	$321	$20,433	$25,050
Kainaiwa	435	Kainaiwa	0.18	2772				
		Aver. Remoteness	0.18		$143,159	$10,714	$2,014,995	
		Adjustment %	3.32					
		Additional Cost			$4,753	$356	$66,898	$72,006
Stoney (Chiniki)	433	Stoney (Chiniki)	0.12	1826				
		Aver. Remoteness	0.12		$143,159	$10,714	$1,327,338	
		Adjustment %	3.13					
		Additional Cost			$4,481	$335	$41,546	$46,362
Tsuu T'ina (Sarcee)	432	Tsuu T'ina (Sarcee)	0.12	591				
		Aver. Remoteness	0.12		$71,579	$10,714	$429,604	
		Adjustment %	3.13					
		Additional Cost			$2,240	$335	$13,447	$16,022
Bigstone Cree	458	Bigstone Cree	0.30	1343				
		Aver. Remoteness	0.30		$143,159	$10,714	$976,240	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$36,121	$41,814

Little Red River	447	Little Red River	0.74	1937				
		Aver. Remoteness	0.74		$143,159	$10,714	$1,408,025	
		Adjustment %	5.10					
		Additional Cost			$7,301	$546	$71,809	$79,657
North Peace	445	Beaver	0.30	165				
	448	Dena Tha'	0.30	684				
	446	Tall Cree	0.30	216				
				1065				
		Aver. Remoteness	0.30		$143,159	$32,141	$774,159	
		Adjustment %	3.70					
		Additional Cost			$5,297	$1,189	$28,644	$35,130
Athabasca	461	Mikisew Cree F.N. (Miksaw)	0.95	297				
	463	Athabaska Chipewyan (Fort Chipewyan)	0.95	80				
	467	Fort Mackay	0.30	112				
	468	Fort McMurray	0.30	82				
	470	Chipewyan Prairie (Janvier)	0.30	132				
				703				
		Aver. Remoteness	0.56		$71,579	$53,568	$511,018	
		Adjustment %	4.53					
		Additional Cost			$3,243	$2,427	$23,149	$28,818
Kashkowew	444	Samson	0.22	2854				
		Aver. Remoteness	0.22		$143,159	$10,714	$2,074,601	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$71,574	$76,882
Akamkipatinow	439	Louis Bull	0.12	797				
	442	Montana	0.22	344				
				1141				
		Aver. Remoteness	0.17		$143,159	$21,427	$829,404	
		Adjustment %	3.32					
		Additional Cost			$4,753	$711	$27,536	$33,001
Kee Tas Now	459	Whitefish Lake	0.30	633				
	474	Woodland Cree	0.60	309				
	476	Loon River	0.60	172				
				1114				

		Aver. Remoteness	0.50		$143,159	$32,141	$809,778	
		Adjustment %	4.43					
		Additional Cost			$6,342	$1,424	$35,873	$43,639
Tribal Council Ventures East	466	Kehewin Cree Nation (Long Lake)	0.22	428				
	465	Frog Lake	0.22	829				
				1257				
		Aver. Remoteness	0.22		$143,159	$21,427	$913,726	
		Adjustment %	3.45					
		Additional Cost			$4,939	$739	$31,524	$37,202
Tribal Council Ventures West	460	Beaver Lake	0.22	164				
	N/A	Community 864 of Saddle Lake	N/A	725				
	469	Heart Lake	0.30	90				
				979				
		Aver. Remoteness	0.26		$143,159	$21,427	$711,645	
		Adjustment %	3.57					
		Additional Cost			$5,111	$765	$25,406	$31,281
Western Cree	451	Duncan's	0.60	57				
	449	Horse Lake	0.60	193				
	455	Sturgeon Lake	0.30	559				
				809				
		Aver. Remoteness	0.50		$143,159	$32,141	$588,070	
		Adjustment %	4.34					
		Additional Cost			$6,213	$1,395	$25,522	$33,130
Paul Band	441	Paul Band	0.22	582				
		Aver. Remoteness	0.22		$71,579	$10,714	$423,062	
		Adjustment %	3.45					
		Additional Cost			$2,470	$370	$14,596	$17,435
Ermineskin	443	Ermineskin	0.22	1438				
		Aver. Remoteness	0.22		$143,159	$10,714	$1,045,297	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$36,063	$41,371
Cold Lake	464	Cold Lake	0.22	483				

		Aver. Remoteness	0.22		$35,790	$10,714	$351,098	
		Adjustment %	3.45					
		Additional Cost			$1,235	$370	$12,113	$13,717
		Total Average Remoteness	0.32				**Total Additional Cost**	$893,954

ATLANTIC: Service to City Centre Adjustment + One Time Remoteness Adjustment

05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Elsipogtog	3	Elsipogtog	0.18	857				
		Aver. Remoteness	0.18		$143,159	$10,714	$622,962	
		Adjustment %	3.32					
		Additional Cost			$4,753	$356	$20,682	$25,791
Miawpukek	47	Miawpukek	0.18	236				
		Aver. Remoteness	0.18		$0	$10,714	$171,551	
		Adjustment %	3.32					
		Additional Cost			$0	$356	$5,696	$6,051
Mi' Kmaq (13)	18	Acadia	0.10	44				
	19	Paq'tnkek First Nation	0.18	147				
	20	Annapolis Valley	0.18	24				
	21	Bear River	0.10	38				
	22	Chapel Island	0.18	235				
	23	Eskasoni	0.18	1342				
	24	Pictou Landing	0.18	182				
	25	Shubenacadie	0.08	441				
	26	Membertou	0.08	326				
	27	Millbrook	0.18	288				
	28	Wagmatcook	0.18	223				
	29	Whycocomagh	0.18	328				

	30	Gloosecap (Horton)	0.18	24				
				3642				
		Aver. Remoteness	0.15		$143,159	$139,277	$2,647,406	
		Adjustment %	3.25					
		Additional Cost			$4,653	$4,527	$86,041	$95,220
North Shore (9)	5	Burnt Church	0.18	444				
	7	Eel Ground	0.18	188				
	8	Eel River Bar	0.18	116				
	13	Pabineau	0.18	25				
	04	Bouctouche	0.18	35				
	10	Indian Island	0.18	30				
	09	Fort Folly	0.08	5				
	14	Metepenagiag Mi'kmaq Nation	0.18	148				
	6	Madawaska Maliseet	0.18	29				
				1020				
		Aver. Remoteness	0.17		$143,159	$96,422	$741,448	
		Adjustment %	3.32					
		Additional Cost			$4,753	$3,201	$24,616	$32,570
St. John River Valley	16	Tobique	0.18	467				
	11	Kingsclear	0.08	218				
	12	Oromocto	0.08	109				
	15	St. Mary's	0.08	273				
	17	Woodstock	0.18	78				
				1145				
		Aver. Remoteness	0.12		$143,159	$53,568	$832,312	
		Adjustment %	3.13					
		Additional Cost			$4,481	$1,677	$26,051	$32,209
Burnt Church	5	Burnt Church	0.18	444				
		Aver. Remoteness	0.18		$35,790	$10,714	$322,748	
		Adjustment %	3.32					
		Additional Cost			$1,188	$356	$10,715	$12,259
Eel Ground	7	Eel Ground	0.18	188				
		Aver. Remoteness	0.18		$0	$10,714	$136,659	
		Adjustment %	3.32					
		Additional Cost			$0	$356	$4,537	$4,893

Eel River	8	Eel River	0.18	116				
		Aver. Remoteness	0.18		$0	$10,714	$84,322	
		Adjustment %	3.32					
		Additional Cost			$0	$356	$2,800	$3,155
Four Directions	13	Pabineau	0.18	25				
	04	Bouctouche	0.18	35				
	10	Indian Island	0.18	30				
	09	Fort Folly	0.08	5				
				95				
		Aver. Remoteness	0.16		$0	$42,854	$69,056	
		Adjustment %	3.25					
		Additional Cost			$0	$1,393	$2,244	$3,637
Kingsclear	11	Kingsclear	0.08	218				
		Aver. Remoteness	0.08		$0	$10,714	$158,466	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$4,754	$5,075
Oromocto	12	Oromocto	0.08	109				
		Aver. Remoteness	0.08		$0	$10,714	$79,233	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$2,377	$2,698
Metepenagiag Mi'kmaq	14	Metepenagiag Mi'kmaq	0.18	148				
		Aver. Remoteness	0.18		$0	$10,714	$107,583	
		Adjustment %	3.00					
		Additional Cost			$0	$321	$3,228	$3,549
St. Mary's	15	St. Mary's	0.08	273				
		Aver. Remoteness	0.08		$35,790	$10,714	$198,446	
		Adjustment %	3.00					
		Additional Cost			$1,074	$321	$5,953	$7,349
Tobique	16	Tobique	0.18	467				
		Aver. Remoteness	0.18		$35,790	$10,714	$339,467	
		Adjustment %	3.32					
		Additional Cost			$1,188	$356	$11,270	$12,814

Woodstock	17	Woodstock	0.18	78				
		Aver. Remoteness	0.18		$0	$10,714	$56,699	
		Adjustment %	3.32					
		Additional Cost			$0	$356	$1,882	$2,238
Developmen-tal	1	Abegweit	0.18	76				
	2	Lennox Island	0.18	137				
				213				
		Aver. Remoteness	0.18		$0	$21,427	$154,832	
		Adjustment %	3.32					
		Additional Cost			$0	$711	$5,140	$5,852
							Total	
		Total Average Remoteness	0.15				**Additional Cost**	$255,361

SASKATCHEWAN: Service to City Centre Adjustment + One Time Remoteness Adjustment								
05-06 FNCFS								
06-07 FNCFS								
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost
Chiefs Tribal Council	404	Big River	0.22	1031				
	405	Pelican Lake	0.22	518				
	407	Witchekan Lake	0.22	225				
				1774				
		Aver. Remoteness	0.22		$143,159	$32,141	$1,289,538	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,109	$44,489	$50,537
Ahtahkakoop	406	Ahtahkakoop	0.22	674				
		Aver. Remoteness	0.22		$71,579	$10,714	$489,937	
		Adjustment %	3.45					
		Additional Cost			$2,470	$370	$16,903	$19,742
Battleford Tribal Council	340	Little Pine	0.22	338				
	341	Lucky Man	0.22	8				

	343	Mosquito-Grizzly Bear's Head	0.22	291				
	345	Poundmaker	0.22	309				
	348	Sweet Grass	0.22	250				
				1196				
		Aver. Remoteness	0.22		$143,159	$53,568	$869,384	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,848	$29,994	$36,781
Kanaweyimik	342	Moosomin	0.22	470				
	346	Red Pheasant	0.22	312				
	347	Saulteaux	0.22	298				
	349	Thunderchild	0.22	520				
				1600				
		Aver. Remoteness	0.22		$143,159	$42,854	$1,163,056	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,479	$40,125	$46,543
Lac La Ronge	353	Lac La Ronge	0.30	2380				
		Aver. Remoteness	0.30		$143,159	$10,714	$1,730,046	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$64,012	$69,705
Meadow Lake (9)	394	Canoe Lake	0.30	387				
	395	Flying Dust	0.22	210				
	396	Makwa Sahgaie-hcan	0.22	455				
	397	Island Lake	0.22	481				
	398	Buffalo River	0.30	250				
	400	English River First Nation	0.30	251				
	401	Clearwater River Dene Band (Big C)	0.60	304				
	402	Waterhen Lake	0.22	382				
	403	Birch Narrows (Turnor Lake)	0.60	169				
				2889				
		Aver. Remoteness	0.33		$143,159	$96,422	$2,100,043	
		Adjustment %	3.83					
		Additional Cost			$5,483	$3,693	$80,432	$89,608
Montreal Lake	354	Montreal Lake	0.22	962				

		Aver. Remoteness	0.22		$143,159	$10,714	$699,287	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$24,125	$29,434
Onion Lake	344	Onion Lake	0.22	1329				
		Aver. Remoteness	0.22		$143,159	$10,714	$966,063	
		Adjustment %	3.45					
		Additional Cost			$4,939	$370	$33,329	$38,638
Peter Ballantyne	355	Peter Ballantyne	0.30	2524				
		Aver. Remoteness	0.30		$143,159	$10,714	$1,834,721	
		Adjustment %	3.70					
		Additional Cost			$5,297	$396	$67,885	$73,578
Athabasca Denesuline	351	Fond Du Lac	1.65	391				
	352	Hatchet Lake	1.65	550				
	359	Black Lake	1.65	619				
				1560				
		Aver. Remoteness	1.65		$143,159	$32,141	$1,133,980	
		Adjustment %	8.02					
		Additional Cost			$11,481	$2,578	$90,945	$105,004
Qu'Appelle	380	Nikaneet	0.18	85				
	381	Muscowpetung	0.22	122				
	383	Pasqua	0.22	246				
	386	Standing Buffalo	0.22	178				
	388	Wood Mountain	0.18	2				
	378	Carry the Kettle	0.22	349				
				982				
		Aver. Remoteness	0.21		$143,159	$64,282	$713,826	
		Adjustment %	3.45					
		Additional Cost			$4,939	$2,218	$24,627	$31,784
Saskatoon District	371	Muskoday First Nation	0.12	184				
	372	Whitecap Dakota/ Sioux First Nation	0.12	105				
	373	One Arrow	0.22	262				
	374	Mistawasis	0.22	471				
	375	Muskeg Lake	0.22	120				

	376	Yellowquill	0.22	427				
	377	Kinistin	0.22	162				
				1731				
		Aver. Remoteness	0.19		$143,159	$74,995	$1,258,281	
		Adjustment %	3.38					
		Additional Cost			$4,839	$2,535	$42,530	$49,904
Touchwood	389	Day Star	0.22	43				
	390	Fishing Lake	0.22	193				
	391	Gordon	0.22	454				
	392	Muskowekwan	0.22	161				
	393	Kawacatoose	0.22	558				
				1409				
		Aver. Remoteness	0.22		$143,159	$53,568	$1,024,216	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,848	$35,336	$42,123
Yorkton (13)	361	Cowessess	0.22	245				
	362	Kahkewistahaw	0.22	217				
	364	Sakimay	0.22	106				
	366	Cote	0.22	293				
	367	Keeseekoose	0.22	304				
	368	Key	0.22	120				
	363	Ochpowace	0.22	267				
	365	White Bear	0.18	381				
	409	Pheasant Rump Nakota	0.18	58				
	408	Ocean Man	0.18	53				
	379	Little Black Bear 01/10/02	0.22	104				
	387	Star Blanket 01/10/03	0.22	102				
	384	Peepeekisis 01/02/03	0.22	259				
				2509				
		Aver. Remoteness	0.21		$143,159	$139,277	$1,823,817	
		Adjustment %	3.45					
		Additional Cost			$4,939	$4,805	$62,922	$72,666
Kanaweyihim-itowin	369	Beardy's and Okemasis	0.22	494				
		Aver. Remoteness	0.22		$35,790	$10,714	$359,094	
		Adjustment %	3.45					
		Additional Cost			$1,235	$370	$12,389	$13,993

Nehiyaw Awasis Siceca Siceca Cis-tinna	358	Wahpeton	0.12	160				
	360	Sturgeon Lake	0.22	797				
				957				
		Aver. Remoteness	0.17		$143,159	$21,427	$695,653	
		Adjustment %	3.32					
		Additional Cost			$4,753	$711	$23,096	$28,560
Nicapanak Centre	350	Cumberland House Cree Na-tion	0.22	281				
	356	Red Earth	0.22	586				
	357	Shoal Lake of The Cree Nation	0.22	366				
				1233				
		Aver. Remoteness	0.22		$143,159	$32,141	$896,280	
		Adjustment %	3.45					
		Additional Cost			$4,939	$1,109	$30,922	$36,970
Joseph Bighead	399	Joseph Bighead	0.22	379				
		Aver. Remoteness	0.22		$35,790	$10,714	$275,499	
		Adjustment %	3.45					
		Additional Cost			$1,235	$370	$9,505	$11,109
James Smith	370	James Smith	0.22	791				
		Aver. Remoteness	0.22		$71,579	$10,714	$574,986	
		Adjustment %	3.45					
		Additional Cost			$2,470	$370	$19,837	$22,676
		Total Average Remoteness					**Total Additional Cost**	
			0.29					
								$869,352

BRITISH COLUMBIA: Service to City Centre Adjustment + One Time Remoteness Adjustment									
05-06 FNCFS									
06-07 FNCFS									
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost	
Spallumcheen	600	Spallumcheen	0.22	126					
		Aver. Remoteness	0.22		$0	$10,714	$91,591		
		Adjustment %	3.45						
		Additional Cost			$0	$370	$3,160	$3,530	
Nuu-Chah-Nulth	630	Mowachaht	0.18	88					
	634	Ehattesaht	0.75	46					
	638	Ka- Kyuquot	0.50	75					
	662	Ditidaht	0.18	104					****
	659	Ahousaht	0.55	291					
	660	Tla-o-qui-aht	0.45	133					****
	661	Hesquiaht	0.55	53					
	667	Uchucklesaht	0.18	11					****
	664	Hupaasath (Opetchesaht)	0.08	52					****
	665	Tseshaht (formerly Sheshaht?)	0.08	121					****
	666	Toquaht	0.18	2					****
	668	Ucluelet	0.18	72					
	663	Huu-ay-aht (formerly Ohiaht)	0.18	24					
	639	Nuchatlaht	0.75	21					
				1093					
		Aver. Remoteness	0.34		$143,159	$149,990	$794,513		
		Adjustment %	3.83						
		Additional Cost			$5,483	$5,745	$30,430	$41,657	
Scw'Exmx	695	Lower Nicola	0.12	140					
	697	Upper Nicola	0.22	97					
	698	Shackan	0.22	16					
	699	Nooaitch	0.22	32					
	693	Coldwater	0.22	103					
				388					
		Aver. Remoteness	0.20		$35,790	$53,568	$282,041		
		Adjustment %	3.38						
		Additional Cost			$1,210	$1,811	$9,533	$12,553	

Carrier-Sekani	725	Wet'suwet'en (Broman Lake)	0.22	42					****
	726	Nee-Tahi-Buhn	0.22	15					****
	729	Skin Tyee	0.22	12					****
	620	Cheslatta Carrier Nation	0.22	50					****
	619	Burns Lake	0.22	10					
	615	Saik'uz(Stony Creek)	0.22	193					
	608	Takla Lake	0.95	110					
	613	Stellat'en	0.22	74					
	612	Nadleh Whuten	0.22	88					
	728	Yekooche	0.22	44					
	607	Lake Babine	0.22	541					
				1179					
		Aver. Remoteness	0.29		$143,159	$117,850	$857,027		
		Adjustment %	3.70						
		Additional Cost			$5,297	$4,360	$31,710	$41,367	
Ayes	555	Squamish	0.08	813					
		Aver. Remoteness	0.08		$143,159	$10,714	$590,978		
		Adjustment %	3.00						
		Additional Cost			$4,295	$321	$17,729	$22,346	
Xolhmllh (23)	558	Aitchelitz	0.18	13					
	580	Kwaw-kwaw-a-pilt	0.18	13					
	579	Lakahahmen	0.08	41					
	565	Matsqui	0.08	41					
	582	Skawahlook	0.18	5					
	571	Skowkale	0.08	61					****
	570	Skway	0.18	36					
	574	Squiala	0.18	31					
	588	Union Bar	0.18	1					
	584	Cheam	0.18	98					
	583	Chawathil	0.08	147					****
	564	Kwantlen F.N. (formerly Langley)	0.08	30					****
	585	Popkum	0.18	0					
	568	Scowlitz	0.18	28					
	581	Seabird Island	0.18	218					
	572	Soowahlie	0.18	56					
	586	Peters	0.18	18					
	576	Yakweakwioose	0.18	17					
	575	Tzeachten	0.18	90					
	573	Skwah	0.18	97					

	587	Shxw'ow'hamel FN (formerly Ohamil)	0.08	46					****
	589	Yale	0.18	17					
	578	Sumas	0.08	48					
				1152					
		Aver. Remoteness	0.15		$143,159	$246,413	$837,400		
		Adjustment %	3.25						
		Additional Cost			$4,653	$8,008	$27,216	$39,877	
Lalum'utul'-smun'eem	642	Cowichan	0.08	815					
		Aver. Remoteness	0.08		$143,159	$10,714	$592,432		
		Adjustment %	3.00						
		Additional Cost			$4,295	$321	$17,773	$22,389	
Ktunanaxa-Kinbasket	603	Tobacco Plains	0.18	14					****
	606	Lower Kootenay	0.18	53					****
	602	St. Mary's	0.08	90					****
	604	Columbia Lake	0.22	48					****
	605	Shuswap	0.22	27					****
				232					
		Aver. Remoteness	0.18		$0	$53,568	$168,643		
		Adjustment %	3.32						
		Additional Cost			$0	$1,779	$5,599	$7,377	
Knucwen-twecw	723	Canoe Creek	0.22	107					
	716	Soda Creek	0.22	61					
	719	Williams Lake	0.22	68					
	713	Canim Lake	0.22	155					
				391					
		Aver. Remoteness	0.22		$35,790	$42,854	$284,222		
		Adjustment %	3.45						
		Additional Cost			$1,235	$1,479	$9,806	$12,519	
Secwepemc	686	Bonaparte	0.22	73					
	687	Skeetchestn	0.22	101					
	688	Kamloops	0.12	246					
	684	Adams Lake	0.22	159					
	690	Neskonlith	0.22	97					
	691	North Thompson	0.22	76					
	702	Whispering Pines	0.22	16					
				768					

		Aver. Remoteness	0.21		$71,579	$74,995	$558,267		
		Adjustment %	3.45						
		Additional Cost			$2,470	$2,587	$19,260	$24,317	
Heiltsuk	538	Heiltsuk	1.35	324					
		Aver. Remoteness	1.35		$35,790	$10,714	$235,519		
		Adjustment %	7.07						
		Additional Cost			$2,530	$758	$16,651	$19,939	
Nlhka7'-Kapmx	705	Lytton	0.22	263					****
	696	Nicomen	0.22	29					
	704	Kanaka Bar	0.22	30					
	707	Skuppah	0.22	29					****
	706	Siska	0.22	42					****
	694	Cook's Ferry	0.22	18					
				411					
		Aver. Remoteness	0.22		$35,790	$64,282	$298,760		
		Adjustment %	3.45						
		Additional Cost			$1,235	$2,218	$10,307	$13,760	
Northwest Internation	673	Metlakatla	0.22	42					
	675	Hartley Bay	0.50	62					
	676	Kitimaat	0.12	147					****
	680	Kitselas	0.22	58					
	681	Kitsumkalum	0.22	61					
	683	Iskut	0.60	130					
	672	Kitkatlia	0.50	181					
	682	Tahltan	0.60	93					
	674	Lax Kw'Alaams	0.22	256					
				1030					
		Aver. Remoteness	0.36		$143,159	$96,422	$748,717		
		Adjustment %	3.89						
		Additional Cost			$5,569	$3,751	$29,125	$38,445	
Kwumut lelum	641	Chemainus	0.08	290					****
	643	Lake Cowichan	0.08	5					
	647	Malahat	0.08	62					****
	648	Snuneyeymuxu (Nanaimo)	0.08	222					****
	649	Nanoose	0.08	48					****
	651	Qualicum	0.18	27					
	646	Lyackson	0.45	16					****

	645	Halalt	0.08	31					
	650	Penelakut	0.18	175					
				876					
		Aver. Remoteness	0.14		$143,159	$96,422	$636,773		
		Adjustment %	3.19						
		Additional Cost			$4,567	$3,076	$20,313	$27,956	
Gitksan	531	Gitanmaax	0.30	315					
	532	Kispiox	0.30	267					
	535	Gitsegukla	0.30	154					****
	536	Gitwangak	0.30	156					****
	537	Gitanyow	0.30	161					****
	533	Glen Vowell	0.30	56					****
				1109					
		Aver. Remoteness	0.30		$143,159	$64,282	$806,143		
		Adjustment %	3.70						
		Additional Cost			$5,297	$2,378	$29,827	$37,503	
NIL'TO,O	652	Pauquachin	0.08	109					
	653	Tsartlip	0.08	190					
	654	Tsawout	0.08	192					
	640	Beecher Bay	0.08	41					
	656	Songhees	0.08	120					
	658	Pacheedaht	0.08	44					
				696					
		Aver. Remoteness	0.08		$71,579	$64,282	$505,929		
		Adjustment %	3.00						
		Additional Cost			$2,147	$1,928	$15,178	$19,254	
Sechelt	551	Sechelt	0.08	205					
		Aver. Remoteness	0.08		$0	$10,714	$149,017		
		Adjustment %	3.00						
		Additional Cost			$0	$321	$4,471	$4,792	
Nezul Betlunuyeh	614	Nak'azdli	0.22	216					
	617	Tl'azten Nation	0.22	235					
				451					
		Aver. Remoteness	0.22		$35,790	$21,427	$327,836		
		Adjustment %	3.45						
		Additional Cost			$1,235	$739	$11,310	$13,284	
Namgis	631	Nimpkish (Namgis F.N.)	0.52	229					****

	637	Tlowitsis-mumtagila	0.52	28					****
	632	Tlatlasikwala	0.52	21					****
	635	Da'naxda'xa First Nation	0.52	17					****
	636	(Tsawataineuk)	1.00	60					
	625	Kwicksutaineuk-ah-kwaw-ah-mish	0.82	19					
				374					
		Aver. Remoteness	0.65		$35,790	$53,568	$271,864		
		Adjustment %	4.84						
		Additional Cost			$1,732	$2,593	$13,158	$17,483	
Port Hardy	633	Quatsino	0.12	85					****
	724	Gwa'sala-nakwaxda'xw	0.12	238					****
				323					
		Aver. Remoteness	0.12		$35,790	$21,427	$234,792		
		Adjustment %	3.13						
		Additional Cost			$1,120	$671	$7,349	$9,140	
Lachwiltch	622	Campbell River	0.22	87					
	623	Cape Mudge	0.22	87					
	624	Comox	0.18	25					
	628	Kwiakah	0.18	2					
	629	Mamalililkulla-Qwe'Qwa'Sot'Em	0.52	17					
	553	Klahoose	0.63	12					
	552	Homalco	0.22	86					
				316					
		Aver. Remoteness	0.31		$35,790	$74,995	$229,704		
		Adjustment %	3.76						
		Additional Cost			$1,346	$2,820	$8,637	$12,802	
TL'Etinqox-T'In	709	Alexandria	0.22	6					
	710	Alexis Creek	0.22	140					
	712	TL'Etinqox-T'In National Government	0.22	178					****
	714	Xeni Gwet'in First Nations Government	0.52	108					****
	717	Stone	0.22	106					
	718	Toosey (1)	0.22	55					
				593					
		Aver. Remoteness	0.27		$71,579	$64,282	$431,058		
		Adjustment %	3.64						
		Additional Cost			$2,606	$2,340	$15,691	$20,636	

Queen Charlotte	669	Old Massett Village	0.50	247					
	670	Skidegate	0.63	233					
				480					
		Aver. Remoteness	0.57		$35,790	$21,427	$348,917		
		Adjustment %	4.59						
		Additional Cost			$1,643	$984	$16,015	$18,642	
Wet-Sumet'en	530	Moricetown	0.20	259					****
	534	Hagwilget	0.30	83					****
				342					
		Aver. Remoteness	0.25		$35,790	$21,427	$248,603		
		Adjustment %	3.57						
		Additional Cost			$1,278	$765	$8,875	$10,918	
Northeast	542	Saulteau	0.30	146					
	543	Fort Nelson	0.30	169					
	544	Denetasaa(Prophet River)	0.30	54					
	545	West Moberly	0.30	26					
	546	Halfway River	0.30	59					
	547	Blueberry River	0.30	89					****
	548	Doig River	0.30	46					****
				589					
		Aver. Remoteness	0.30		$71,579	$74,995	$428,150		
		Adjustment %	3.70						
		Additional Cost			$2,648	$2,775	$15,842	$21,265	
Okanagan	596	Osoyoos	0.18	128					
	597	Penticton	0.18	228					
	598	Lower Similkameen	0.08	83					****
	599	Upper Similkameen	0.18	20					****
	616	Okanagan	0.12	275					
				734					
		Aver. Remoteness	0.15		$71,579	$53,568	$533,552		
		Adjustment %	3.25						
		Additional Cost			$2,326	$1,741	$17,340	$21,408	
BC / Yukon	497	Ross River Dena Council	0.66	156					
	502	Liard River First Nation	0.66	318					
	504	Dease River First Nation	0.60	56					
	501	Taku River Tingits	0.35	93					
	609	Tsay Keh Dene	0.08	60					

	610	Kawdacha	1.35	108					
				791					
		Aver. Remoteness	0.62		$71,579	$64,282	$574,986		
		Adjustment %	4.72						
		Additional Cost			$3,379	$3,034	$27,139	$33,552	
							Total Additional Cost		
		Total Average Remoteness	0.271					$568,709	

QUEBEC: Service to City Centre Adjustment + One Time Remoteness Adjustment									
05-06 FNCFS									
06-07 FNCFS									
AGENCIES	Band No.	Bands	Remote Factor	0-18 Pop.	Fixed Amount	Amount per Band	Amount per Child	Total Additional Cost	
Conseil De La Nation Attikamek-Sipi	77	Weymontachie	0.18	595					
	78	Les Atikamekw De Manawan	0.18	936					
				1531					
		Aver. Remoteness	0.18		$143,159	$21,427	$1,112,899		
		Adjustment %	3.32						
		Additional Cost			$4,753	$711	$36,948	$42,413	
Attikamewk d'Opiticiwan	79	Attikamewk d'Opiticiwan	0.48	861					******
		Aver. Remoteness	0.48		$143,159	$10,714	$625,870		
		Adjustment %	4.27						
		Additional Cost			$6,113	$458	$26,725	$33,295	
Betsiamites	85	Betsiamites	0.18	926					
		Aver. Remoteness	0.18		$143,159	$10,714	$673,119		
		Adjustment %	3.32						
		Additional Cost			$4,753	$356	$22,348	$27,456	
Counseil Montagnais Essipit	86	Montagnais Essipit	0.18	31					

		Aver. Remoteness	0.18		$0	$10,714	$22,534		
		Adjustment %	3.32						
		Additional Cost			$0	$356	$748	$1,104	
Gesgapegiag	52	Micmacs of Gesgapegiag	0.48	206					
		Aver. Remoteness	0.48		$0	$10,714	$149,744		
		Adjustment %	4.27						
		Additional Cost			$0	$458	$6,394	$6,852	
Grand Conseil Wababaki	71	Abenakis De Wolinak	0.18	16					
	72	Odanak	0.18	61					
				77					
		Aver. Remoteness	0.18		$0	$21,427	$55,972		
		Adjustment %	3.32						
		Additional Cost			$21,427	$711	$1,858	$23,997	
Nation Huronne-Wendat	50	Nation Huronne-Wendat	0.08	306					
		Aver. Remoteness	0.08		$35,790	$10,714	$222,435		
		Adjustment %	3.00						
		Additional Cost			$1,074	$321	$6,673	$8,068	
Kanawake	70	Kanawake	0.08	1848					
		Aver. Remoteness	0.08		$143,159	$10,714	$1,343,330		
		Adjustment %	3.00						
		Additional Cost			$4,295	$321	$40,300	$44,916	
Kitigan Zibi Amishnabeg	73	*Kitigan Zibi Amishnabeg	0.48	468					
		Aver. Remoteness	0.48		$35,790	$10,714	$340,194		
		Adjustment %	4.27						
		Additional Cost			$1,528	$458	$14,526	$16,512	
Montagnais Du Lac St. Jean	76	Montagnais Du Lac St. Jean	0.18	678					
		Aver. Remoteness	0.18		$71,579	$10,714	$492,845		
		Adjustment %	3.32						
		Additional Cost			$2,376	$356	$16,363	$19,095	

Regroupement Mamit Innuat	82	Mingan	0.22	215					
	84	Montagmais De La Romaine	1.18	365					
	88	Montagnais De Pakua Shipi	1.35	125					
				705					
		Aver. Remoteness	0.92		$71,579	$32,141	$512,472		
		Adjustment %	5.67						
		Additional Cost			$4,059	$1,822	$29,057	$34,938	
Conseil Montagnais De Shefferville	87	Montagnais De Shefferville	1.35	265					
		Aver. Remoteness	1.35		$35,790	$10,714	$192,631		
		Adjustment %	7.07						
		Additional Cost			$2,530	$758	$13,619	$16,907	
Ristigouche	51	Listuguj Mi'gmaq FN Council	0.48	729					
		Aver. Remoteness	0.48		$71,579	$10,714	$529,917		
		Adjustment %	4.27						
		Additional Cost			$3,056	$458	$22,628	$26,141	
Uashat/ Maliotenam	80	Uashat Mak Mani-Utenam	0.12	1109					
		Aver. Remoteness	0.12		$143,159	$10,714	$806,143		
		Adjustment %	3.13						
		Additional Cost			$4,481	$335	$25,232	$30,049	
Natashquan	83	Montagnais De Natashquan	0.52	401					
		Aver. Remoteness	0.52		$35,790	$10,714	$291,491		
		Adjustment %	4.40						
		Additional Cost			$1,575	$471	$12,826	$14,872	
							Total Additional Cost		
		Total Average Remoteness	0.425					$346,613	

Appendix F - MIS Capital Tables

TABLE 13 - Stanley Loo Template For Management Information Systems
(Pages 165, 169-174 of Wen'De Report 2005)

	Type A					
	Option #1	Cost		**Option #2**	Cost	
	Software			**Software**		
	A1	100	(each comp)	A1	100	(each comp)
	A8	77	(each comp)	A4	314	(each comp)
	A9	100		A8	77	
	A10	200	(per location)	A9	100	
				A10	200	(per location)
	Computers					
	C1	5700		Computers		
	C4	1270	(per staff)	C1	5700	
	C5	500	(per location)	C4	1270	(per staff)
				C5	500	(per location)
	Others					
	B	7000 for agencies	with avg. remoteness	Others		
		of 0.22 or more OR	630 + 480 yearly	B	7000 for agencies	with avg. remoteness
	D1	4703			of 0.22 or more OR	630 + 480 yearly
	D2	857	(per staff)	D1	4703	
	D3	363	(per location)	D2	857	(per staff)
	E1	80		D3	363	(per location)
	E2	400		E1	80	
	E3	30	(per staff)	E2	400	
	E4	75		E3	30	(per staff)
	F1	800		E4	75	
	F2	600		F1	800	
	F3	120	(per location)	F2	600	
	G1	374		F3	120	(per location)
	G2	1000		G1	76	
	Total	17349		G2	1000	
				Total	17365	

	Type B				**Type C**		
	Software	Cost			Software	Cost	
	A1	100	(each comp)		A1	100	(each comp)
	A2	190	(each comp)		A2	190	(each comp)
	A3	600			A3	600	
	A8	77			A8	77	(each comp)
	A9	100			A9	100	
	A10	200	(per location)		A10	200	(per location)
	Computers				Computers		
	C1	5700			C1	5700	
	C2	1850			C2	1850	
	C4	1270	(per staff)		C3	2430	
	C5	500	(per location)		C4	1270	(per staff)
					C5	500	(per location)
	Others						
	B	7000 for agencies	with avg. remoteness		Others		
		of 0.22 or more OR	630 + 480 yearly		B	7000 for agencies	with avg. remoteness
	D1	6229				of 0.22 or more OR	630 + 480 yearly
	D2	857	(per staff)		D1	8234	
	D3	363	(per location)		D2	857	(per staff)
	E1	80			D3	363	(per location)
	E2	400			E1	80	
	E3	30	(per staff)		E2	400	
	E4	75			E3	30	(per staff)
	F1	800			E4	75	
	F2	600			F1	800	
	F3	120	(per location)		F2	600	
	G1	76			F3	120	(per location)
	G2	1000			G1	588	
	Total	21217			G2	1000	
					Total	26164	

MANITOBA								
Type A								
Agency				**Kinosao Sipi Minisowin (Norway House)**			**Nisichawayasihk (Nelson House)**	
Staff				22			19	
Locations				1			1	
Option #1	Cost							
Software								
A1	100	(each comp)		2200			1900	
A8	77	(each comp)		1694			1463	
A9	100			100			100	
A10	200	(per location)		200			200	
Comput-ers								
C1	5700			5700			5700	
C4	1270	(per staff)		27940			24130	
C5	500	(per location)		500			500	
Others								
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly							
				7000			7000	
D1	4703			4703	(every 4-7 years)		4703	(every 4-7 years)
D2	857	(per staff)		18854	(every 4-7 years)		16283	(every 4-7 years)
D3	363	(per location)		363	(every 4-7 years)		363	(every 4-7 years)
E1	80			80			80	
E2	400			400			400	
E3	30	(per staff)		660			570	
E4	75			75			75	
F1	800			800			800	
F2	600			600	(every 3 years)		600	(every 3 years)
F3	120	(per location)		120			120	
G1	374			1707			1517	
G2	1000			1000			1000	
Total	**17349**			**74696**			**67504**	

	Peguis			**Sagkeeng**	
	16			15	
	1			1	
	1600			1500	
	1232			1155	
	100			100	
	200			200	
	5700			5700	
	20320			19050	
	500			500	
	7000			7000	
	4703	(every 4-7 years)		4703	(every 4-7 years)
	13712	(every 4-7 years)		12855	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)
	80			80	
	400			400	
	480			450	
	75			75	
	800			800	
	600	(every 3 years)		600	(every 3 years)
	120			120	
	1326			1263	
	1000			1000	
	60311			**57914**	

Type C							
Agency			Anishinaabe West			Awasis	
Staff			21			75	
Locations			5			12	
	Cost						
Software							
A1	100	(each comp)	2100			7500	
A2	190		190			190	
A3	600		600			600	
A8	77	(each comp)	1617			5775	
A9	100		100			100	
A10	200	(per location)	1000			2400	
Computers							
C1	5700		5700			5700	
C2	1850		1850			1850	
C3	2430		2430			2430	
C4	1270	(per staff)	26670			95250	
C5	500	(per location)	2500			6000	
Others							
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly						
			7000			7000	
D1	8234		8234	(every 4-7 years)		8234	(every 4-7 years)
D2	857	(per staff)	17997	(every 4-7 years)		64275	(every 4-7 years)
D3	363	(per location)	1815	(every 4-7 years)		4356	(every 4-7 years)
E1	80		80			80	
E2	400		400			400	
E3	30	(per staff)	630			2250	
E4	75		75			75	
F1	800		800			800	
F2	600		600	(every 3 years)		600	
F3	120	(per location)	600			1440	
G1	588		1958			5562	
G2	1000		1000			1000	
Total	**26164**		**85946**			**223867**	

Cree Nation		Dakata Ojibwa		Intertribal	
49		42		9	
7		8		3	
4900		4200		900	
190		190		190	
600		600		600	
3773		3234		693	
100		100		100	
1400		1600		600	
5700		5700		5700	
1850		1850		1850	
2430		2430		2430	
62230		53340		11430	
3500		4000		1500	
7000		630	+480 yearly	630	+480 yearly
8234	(every 4-7 years)	8234	(every 4-7 years)	8234	(every 4-7 years)
41993	(every 4-7 years)	35994	(every 4-7 years)	7713	(every 4-7 years)
2541	(every 4-7 years)	2904	(every 4-7 years)	1089	(every 4-7 years)
80		80		80	
400		400		400	
1470		1260		270	
75		75		75	
800		800		800	
600	(every 3 years)	600	(every 3 years)	600	(every 3 years)
840		960		360	
3786		3366		1146	
1000		1000		1000	
155492		**133547**		**48390**	

South East		Weast Region		Island Lake	
39		31		47	
9		9		4	
3900		3100		4700	
190		190		190	
600		600		600	
3003		2387		3619	
100		100		100	
1800		1800		800	
5700		5700		5700	
1850		1850		1850	
2430		2430		2430	
49530		39370		59690	
4500		4500		2000	
7000		7000		7000	
8234	(every 4-7 years)	8234	(every 4-7 years)	8234	(every 4-7 years)
33423	(every 4-7 years)	26567	(every 4-7 years)	40279	(every 4-7 years)
3267	(every 4-7 years)	3267	(every 4-7 years)	1452	(every 4-7 years)
80		80		80	
400		400		400	
1170		270		1410	
75		75		75	
800		800		800	
600	(every 3 years)	600	(every 3 years)	600	(every 3 years)
1080		1080		480	
3221		2693		3584	
1000		1000		1000	
133953		**114093**		**147073**	

SASKATCHEWAN								
Type A								
Agency				**Cheifs Tribal**			**Ahtahkakoop**	
Staff				20			8	
Locations				1			1	
Option #1	Cost							
Software								
A1	100	(each comp)		2000			800	
A8	77	(each comp)		1540			616	
A9	100			100			100	
A10	200	(per location)		200			200	
Computers								
C1	5700			5700			5700	
C4	1270	(per staff)		25400			10160	
C5	500	(per location)		500			500	
Others								
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly							
				7000			7000	
D1	4703			4703	(every 4-7 years)		4703	(every 4-7 years)
D2	857	(per staff)		17140	(every 4-7 years)		6856	(every 4-7 years)
D3	363	(per location)		363	(every 4-7 years)		363	(every 4-7 years)
E1	80			80			80	
E2	400			400			400	
E3	30	(per staff)		600			240	
E4	75			75			75	
F1	800			800			800	
F2	600			600	(every 3 years)		600	(every 3 years)
F3	120	(per location)		120			120	
G1	374			1580			818	
G2	1000			1000			1000	
Total	**17349**			**69901**			**41131**	

	Lac La Ronge			**Montreal Lake**	
	26			12	
	1			1	
	2600			1200	
	2002			924	
	100			100	
	200			200	
	5700			5700	
	33020			15240	
	500			500	
	7000			7000	
	4703	(every 4-7 years)		4703	(every 4-7 years)
	22282	(every 4-7 years)		10284	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)
	80			80	
	400			400	
	780			360	
	75			75	
	800			800	
	600	(every 3 years)		600	(every 3 years)
	120			120	
	1961			1072	
	1000			1000	
	84286			**50721**	

	Onion Lake			**Peter Ballentyne**			**Kanaweyihim-itowin**	
	16			28			6	
	1			1			1	
	1600			2800			600	
	1232			2156			462	
	100			100			100	
	200			200			200	
	5700			5700			5700	
	20320			35560			7620	
	500			500			500	
	7000			7000			7000	
	4703	(every 4-7 years)		4703	(every 4-7 years)		4703	(every 4-7 years)
	13712	(every 4-7 years)		23996	(every 4-7 years)		5142	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)		363	(every 4-7 years)
	80			80			80	
	400			400			400	
	480			840			180	
	75			75			75	
	800			800			800	
	600	(every 3 years)		600	(every 3 years)		600	(every 3 years)
	120			120			120	
	1326			2088			691	
	1000			1000			1000	
	60311			89081			36336	

Type C								
Agency				Battleford			Nicapanak Centre CFS Inc.	
Staff				15			15	
Locations				5			3	
	Cost							
Software								
A1	100	(each comp)		1500			1500	
A2	190			190			190	
A3	600			600			600	
A8	77	(each comp)		1155			1155	
A9	100			100			100	
A10	200	(per location)		1000			600	
Computers								
C1	5700			5700			5700	
C2	1850			1850			1850	
C3	2430			2430			2430	
C4	1270	(per staff)		19050			19050	
C5	500	(per location)		2500			1500	
Others								
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly							
				630	+480 yearly		7000	
D1	8234			8234	(every 4-7 years)		8234	(every 4-7 years)
D2	857	(per staff)		12855	(every 4-7 years)		12855	(every 4-7 years)
D3	363	(per location)		1815	(every 4-7 years)		1089	(every 4-7 years)
E1	80			80			80	
E2	400			400			400	
E3	30	(per staff)		450			450	
E4	75			75			75	
F1	800			800			800	
F2	600			600	(every 3 years)		600	(every 3 years)
F3	120	(per location)		600			360	
G1	588			1577			1527	
G2	1000			1000			1000	
Total	**26164**			**65191**			**69145**	

Nehiyaw Awasis Siceca(Central)		Yorktown		Touchwood	
12		29		17	
2		13		5	
1200		2900		1700	
190		190		190	
600		600		600	
924		2233		1309	
100		100		100	
400		2600		1000	
5700		5700		5700	
1850		1850		1850	
2430		2430		2430	
15240		36830		21590	
1000		6500		2500	
630	‘+480 yearly	630	‘+480 yearly	7000	
8234	(every 4-7 years)	8234	(every 4-7 years)	8234	(every 4-7 years)
10284	(every 4-7 years)	24853	(every 4-7 years)	14569	(every 4-7 years)
726	(every 4-7 years)	4719	(every 4-7 years)	1815	(every 4-7 years)
80		80		80	
400		400		400	
360		870		510	
75		75		75	
800		800		800	
600	(every 3 years)	600	(every 3 years)	600	(every 3 years)
240		1560		600	
1311		2666		1704	
1000		1000		1000	
54374		**108420**		**76356**	

	Kanaweyimik			**Saskatoon District Tribal Council**	
	19			21	
	4			7	
	1900			2100	
	190			190	
	600			600	
	1463			1617	
	100			100	
	800			1400	
	5700			5700	
	1850			1850	
	2430			2430	
	24130			26670	
	9500				
	630	‘+480 yearly		630	‘+480 yearly
	8234	(every 4-7 years)		8234	(every 4-7 years)
	16283	(every 4-7 years)		17997	(every 4-7 years)
	1452	(every 4-7 years)		2541	(every 4-7 years)
	80			80	
	400			400	
	570			630	
	75			75	
	800			800	
	600	(every 3 years)		600	(every 3 years)
	480			840	
	2180			2008	
	1000			1000	
	81447			**78492**	

	Athabaska Denesuline			**Qu'Appelle Tribal Council**		**Meadow Lake**	
	21			13		33	
	3			6		9	
	2100			1300		3300	
	190			190		190	
	600			600		600	
	1617			1001		2541	
	100			100		100	
	600			1200		1800	
	5700			5700		5700	
	1850			1850		1850	
	2430			2430		2430	
	26670			16510		41910	
	1500			3000		4500	
	7000			630	'+480 yearly	7000	
	8234	(every 4-7 years)		8234	(every 4-7 years)	8234	(every 4-7 years)
	17997	(every 4-7 years)		11141	(every 4-7 years)	28281	(every 4-7 years)
	1089	(every 4-7 years)		2178	(every 4-7 years)	3267	(every 4-7 years)
	80			80		80	
	400			400		400	
	630			390		990	
	75			75		75	
	800			800		800	
	600	(every 3 years)		600	(every 3 years)	600	(every 3 years)
	360			480		1080	
	1908			1475		2820	
	1000			1000		1000	
	83530			**61364**		**119548**	

ALBERTA							
Type A							
Agency				**Kashkowew**			**Little Red River**
Staff				31			23
Locations				1			1
Option #1	Cost						
Software							
A1	100	(each comp)		3100			2300
A8	77	(each comp)		2541			1771
A9	100			100			100
A10	200	(per location)		200			200
Comput-ers							
C1	5700			5700			5700
C4	1270	(per staff)		41910			29210
C5	500	(per location)		500			500
Others							
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly						
				630	+480 yearly		7000
D1	4703			4703	(every 4-7 years)		4703
D2	857	(per staff)		28281	(every 4-7 years)		19711
D3	363	(per location)		363	(every 4-7 years)		363
E1	80			80			80
E2	400			400			400
E3	30	(per staff)		990			690
E4	75			75			75
F1	800			800			800
F2	600			600	(every 3 years)		600
F3	120	(per location)		120			120
G1	374			2406			1771
G2	1000			1000			1000
Total	**17349**			**94499**			**77094**

		Bigstone Cree			**Tsuu T'ina (Sarcee)**	
		16			7	
		1			1	
		1600			700	
		1232			539	
		100			100	
		200			200	
		5700			5700	
		20320			8890	
		500			500	
		7000			630	+480 yearly
(every 4-7 years)		4703	(every 4-7 years)		4703	(every 4-7 years)
(every 4-7 years)		13712	(every 4-7 years)		5999	(every 4-7 years)
(every 4-7 years)		363	(every 4-7 years)		363	(every 4-7 years)
		80			80	
		400			400	
		480			210	
		75			75	
		800			800	
(every 3 years)		600	(every 3 years)		600	(every 3 years)
		120			120	
		1326			2555	
		1000			1000	
		60311			**34164**	

	Stoney (Chiniki)			**Kainaiwa**			**Peigan**	
	20			30			11	
	1			1			1	
	2000			3000			1100	
	1540			2310			847	
	100			100			100	
	200			200			200	
	5700			5700			5700	
	25400			38100			13970	
	500			500			500	
	630	+480 yearly		630	+480 yearly		630	+480 yearly
	4703	(every 4-7 years)		4703	(every 4-7 years)		4703	(every 4-7 years)
	17140	(every 4-7 years)		25710	(every 4-7 years)		9427	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)		363	(every 4-7 years)
	80			80			80	
	400			400			400	
	600			900			330	
	75			75			75	
	800			800			800	
	600	(every 3 years)		600	(every 3 years)		600	(every 3 years)
	120			120			120	
	1580			2215			1009	
	1000			1000			1000	
	63531			87506			41954	

	Saddle Lake (community 866)			**Siksika (Blackfoot)**	
	21			16	
	1			1	
	2100			1600	
	1617			1232	
	100			100	
	200			200	
	5700			5700	
	26670			20320	
	500			500	
	630	+480 yearly		630	+480 yearly
	4703	(every 4-7 years)		4703	(every 4-7 years)
	17997	(every 4-7 years)		13712	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)
	80			80	
	400			400	
	630			480	
	75			75	
	800			800	
	600	(every 3 years)		600	(every 3 years)
	120			120	
	1644			1326	
	1000			1000	
	65929			53941	

Type C							
Agency				Yellowhead			Lesser Slave Lake
Staff				24			10
Locations				5			1
	Cost						
Software							
A1	100	(each comp)		2400			1000
A2	190			190			190
A3	600			600			600
A8	77	(each comp)		1848			770
A9	100			100			100
A10	200	(per location)		1000			2000
Computers							
C1	5700			5700			5700
C2	1850			1850			1850
C3	2430			2430			2430
C4	1270	(per staff)		30480			12700
C5	500	(per location)		2500			500
Others							
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly						
				630	+480 yearly		7000
D1	8234			4703	(every 4-7 years)		4703
D2	857	(per staff)		20568	(every 4-7 years)		8570
D3	363	(per location)		1815	(every 4-7 years)		363
E1	80			80			80
E2	400			400			400
E3	30	(per staff)		720			300
E4	75			75			75
F1	800			800			800
F2	600			600	(every 3 years)		600
F3	120	(per location)		600			120
G1	588			2148			1159
G2	1000			1000			1000
Total	26164			83237			53010

		Western Cree	
		11	
		3	
		1100	
		190	
		600	
		847	
		100	
		600	
		5700	
		1850	
		2430	
		13970	
		1500	
		7000	
(every 4-7 years)		8234	(every 4-7 years)
(every 4-7 years)		9427	(every 4-7 years)
(every 4-7 years)		1089	(every 4-7 years)
		80	
		400	
		330	
		75	
		800	
(every 3 years)		600	(every 3 years)
		360	
		1273	
		1000	
		59555	

Tribal Council Ventures East			Tribal Council Ventures West			Kee Tas Now	
15			12			14	
2			2			3	
1500			1200			1400	
190			190			190	
600			600			600	
1155			924			1078	
100			100			100	
400			400			600	
5700			5700			5700	
1850			1850			1850	
2430			2430			2430	
19050			15240			17780	
1000			1000			1500	
630	‘+480 yearly		630	‘+480 yearly		7000	
8234	(every 4-7 years)		8234	(every 4-7 years)		8234	(every 4-7 years)
12855	(every 4-7 years)		10284	(every 4-7 years)		11998	(every 4-7 years)
726	(every 4-7 years)		726	(every 4-7 years)		1089	(every 4-7 years)
80			80			80	
400			400			400	
450			360			420	
75			75			75	
800			800			800	
600	(every 3 years)		600	(every 3 years)		600	(every 3 years)
240			240			360	
1502			1311			1463	
1000			1000			1000	
61567			54374			66747	

Akamkipatinow		Athabasca		North Peace	
14		9		13	
2		5		3	
1400		900		1300	
190		190		190	
600		600		600	
1078		693		1001	
100		100		100	
400		1000		600	
5700		5700		5700	
1850		1850		1850	
2430		2430		2430	
17780		11430		16510	
1000		2500		1500	
630	‘+480 yearly	7000		7000	
8234	(every 4-7 years)	8234	(every 4-7 years)	8234	(every 4-7 years)
11998	(every 4-7 years)	7713	(every 4-7 years)	11141	(every 4-7 years)
726	(every 4-7 years)	1815	(every 4-7 years)	1089	(every 4-7 years)
80		80		80	
400		400		400	
420		270		390	
75		75		75	
800		800		800	
600	(every 3 years)	600	(every 3 years)	600	(every 3 years)
240		600		360	
1438		1196		1400	
1000		1000		1000	
59169		57176		64350	

ATLANTIC

Type A								
Agency				**Woodstock**			**Tobique**	
Staff				1			5	
Locations				1			1	
Option #1	Cost							
Software								
A1	100	(each comp)		100			500	
A8	77	(each comp)		77			385	
A9	100			100			100	
A10	200	(per location)		200			200	
Comput-ers								
C1	5700			5700			5700	
C4	1270	(per staff)		1270			6350	
C5	500	(per location)		500			500	
Others								
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly							
				630	+480 yearly		630	+480 yearly
D1	4703			4703	(every 4-7 years)		4703	(every 4-7 years)
D2	857	(per staff)		857	(every 4-7 years)		4285	(every 4-7 years)
D3	363	(per location)		363	(every 4-7 years)		363	(every 4-7 years)
E1	80			80			80	
E2	400			400			400	
E3	30	(per staff)		30			150	
E4	75			75			75	
F1	800			800			800	
F2	600			600			600	(every 3 years)
F3	120	(per location)		120			120	
G1	374			374			628	
G2	1000			1000			1000	
Total	17349			17979			27569	

St.Marys			**Metepenagiag Mi'kmaq**	
3			2	
1			1	
300			200	
231			154	
100			100	
200			200	
5700			5700	
3810			2540	
500			500	
630	+480 yearly		630	+480 yearly
4703	(every 4-7 years)		4703	(every 4-7 years)
2571	(every 4-7 years)		1714	(every 4-7 years)
363	(every 4-7 years)		363	(every 4-7 years)
80			80	
400			400	
90			60	
75			75	
800			800	
600	(every 3 years)		600	(every 3 years)
120			120	
501			437	
1000			1000	
22774			20376	

Oromocto		Miawpukek		Kingsclear	
1		3		2	
1		1		1	
100		300		200	
77		231		154	
100		100		100	
200		200		200	
5700		5700		5700	
1270		3810		2540	
500		500		500	
630	+480 yearly	630	+480 yearly	630	+480 yearly
4703	(every 4-7 years)	4703	(every 4-7 years)	4703	(every 4-7 years)
857	(every 4-7 years)	2571	(every 4-7 years)	1714	(every 4-7 years)
363	(every 4-7 years)	363	(every 4-7 years)	363	(every 4-7 years)
80		80		80	
400		400		400	
30		90		60	
75		75		75	
800		800		800	
600		600	(every 3 years)	600	(every 3 years)
120		120		120	
374		501		437	
1000		1000		1000	
17979		22774		20376	

Eel River Bar First Nations		Eel Ground		Burnt Church	
1		2		5	
1		1		1	
100		200		500	
77		154		385	
100		100		100	
200		200		200	
5700		5700		5700	
1270		2540		6350	
500		500		500	
630	+480 yearly	630	+480 yearly	630	+480 yearly
4703	(every 4-7 years)	4703	(every 4-7 years)	4703	(every 4-7 years)
857	(every 4-7 years)	1714	(every 4-7 years)	4285	(every 4-7 years)
363	(every 4-7 years)	363	(every 4-7 years)	363	(every 4-7 years)
80		80		80	
400		400		400	
30		60		150	
75		75		75	
800		800		800	
600		600	(every 3 years)	600	(every 3 years)
120		120		120	
374		437		628	
1000		1000		1000	
17979		20376		27569	

				Type C				
	Elsipogtog			Agency				**St.John River Valley**
	11			Staff				14
	1			Locations				5
					Cost			
				Software				
	1100			A1	100	(each comp)		1400
	847			A2	190			190
	100			A3	600			600
	200			A8	77	(each comp)		1078
				A9	100			100
				A10	200	(per location)		1000
	5700							
	13970			Computers				
	500			C1	5700			5700
				C2	1850			1850
				C3	2430			2430
				C4	1270	(per staff)		17780
	630	+480 yearly		C5	500	(per location)		2500
	4703	(every 4-7 years)						
	9427	(every 4-7 years)		Others				
	363	(every 4-7 years)		B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly			
	80							630
	400			D1	8234			8234
	330			D2	857	(per staff)		11998
	75			D3	363	(per location)		1815
	800			E1	80			80
	600	(every 3 years)		E2	400			400
	120			E3	30	(per staff)		420
	1009			E4	75			75
	1000			F1	800			800
				F2	600			600
	41954			F3	120	(per location)		600
				G1	588			1513
				G2	1000			1000
				Total	26164			62793

		North Shore	
		14	
		9	
		1400	
		190	
		600	
		1078	
		100	
		1800	
		5700	
		1850	
		2430	
		17780	
		4500	
‘+480 yearly		630	‘+480 yearly
(every 4-7 years)		8234	(every 4-7 years)
(every 4-7 years)		11998	(every 4-7 years)
(every 4-7 years)		3267	(every 4-7 years)
		80	
		400	
		420	
		75	
		800	
(every 3 years)		600	(every 3 years)
		1080	
		1613	
		1000	
		67625	

Mi'kmaq		Four Directions		"developmental" agency was not included.
40		2		
13		4		
40000		200		
190		190		
600		600		
3080		154		
100		100		
2600		600		
5700		5700		
1850		1850		
2430		2430		
50800		2540		
6500		1500		
630	'+480 yearly	630	'+480 yearly	
8234	(every 4-7 years)	8234	(every 4-7 years)	
34280	(every 4-7 years)	1714	(every 4-7 years)	
4719	(every 4-7 years)	1089	(every 4-7 years)	
80		80		
400		400		
1200		60		
75		75		
800		800		
600	(every 3 years)	600	(every 3 years)	
1560		360		
3364		701		
1000		1000		
170792		31607		

	BRITISH COLUMBIA							
	Type A							
	Agency				**Sechelt**		**Heiltsuk**	
	Staff				2		5	
	Locations				1		1	
	Option #1	Cost						
	Software							
	A1	100	(each comp)		200		500	
	A8	77	(each comp)		154		385	
	A9	100			100		100	
	A10	200	(per location)		200		200	
	Computers							
	C1	5700			5700		5700	
	C4	1270	(per staff)		2540		6350	
	C5	500	(per location)		500		500	
	Others							
	B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly						
					630	+480 yearly	7000	
	D1	4703			4703	(every 4-7 years)	4703	(every 4-7 years)
	D2	857	(per staff)		1714	(every 4-7 years)	4285	(every 4-7 years)
	D3	363	(per location)		363	(every 4-7 years)	363	(every 4-7 years)
	E1	80			80		80	
	E2	400			400		400	
	E3	30	(per staff)		60		150	
	E4	75			75		75	
	F1	800			800		800	
	F2	600			600	(every 3 years)	600	
	F3	120	(per location)		120		120	
	G1	374			437		628	
	G2	1000			1000		1000	
	Total	17349			20376		33939	

Lalum'utul'sumun'eem			**Ayes Men Men**			**Spallumcheen**	
10			10			1	
1			1			1	
1000			1000			100	
770			770			77	
100			100			100	
200			200			200	
5700			5700			5700	
12700			12700			1270	
500			500			500	
630	+480 yearly		630	+480 yearly		630	+480 yearly
4703	(every 4-7 years)		4703	(every 4-7 years)		4703	(every 4-7 years)
8570	(every 4-7 years)		8570	(every 4-7 years)		857	(every 4-7 years)
363	(every 4-7 years)		363	(every 4-7 years)		363	(every 4-7 years)
80			80			80	
400			400			400	
300			300			30	
75			75			75	
800			800			800	
600			600			600	
120			120			120	
945			945			374	
1000			1000			1000	
39556			39556			17979	

	Type C							
	Agency				**Carrier-Sekani**		**Scw'Exmx**	
	Staff				16		5	
	Locations				12		5	
		Cost						
	Software							
	A1	100	(each comp)		1600		500	
	A2	190			190		190	
	A3	600			600		600	
	A8	77	(each comp)		1232		385	
	A9	100			100		100	
	A10	200	(per location)		400		1000	
	Computers							
	C1	5700			5700		5700	
	C2	1850			1850		1850	
	C3	2430			2430		2430	
	C4	1270	(per staff)		20320		6350	
	C5	500	(per location)		6000		2500	
	Others							
	B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly						
					7000		630	+480 yearly
	D1	8234			4703	(every 4-7 years)	8234	(every 4-7 years)
	D2	857	(per staff)		13712	(every 4-7 years)	4285	(every 4-7 years)
	D3	363	(per location)		4356	(every 4-7 years)	1815	(every 4-7 years)
	E1	80			80		80	
	E2	400			400		400	
	E3	30	(per staff)		480		150	
	E4	75			75		75	
	F1	800			800		800	
	F2	600			600		600	
	F3	120	(per location)		1440		600	
	G1	588			1815		942	
	G2	1000			1000		1000	
	Total	26164			76883		41216	

Nuu-Chah-Nulth			**Nezul Betlunuyeh**			**Nil' To,O**	
16			5			9	
14			2			6	
1600			500			900	
190			190			190	
600			600			600	
1232			385			693	
100			100			100	
2800			400			1200	
5700			5700			5700	
1850			1850			1850	
2430			2430			2430	
20320			6350			11430	
7000			1000			3000	
7000			7000			630	'+480 yearly
4703	(every 4-7 years)		8234	(every 4-7 years)		8234	(every 4-7 years)
13712	(every 4-7 years)		4285	(every 4-7 years)		7713	(every 4-7 years)
5082	(every 4-7 years)		726	(every 4-7 years)		2178	(every 4-7 years)
80			80			80	
400			400			400	
480			150			270	
75			75			75	
800			800			800	
600			600	(every 3 years)		600	(every 3 years)
1680			240			720	
1865			867			1221	
1000			1000			1000	
81299			43962			52014	

	Gitksen			**Kwumut lelum**			**Northwest**	
	14			12			14	
	6			9			9	
	1400			1200			1400	
	190			190			190	
	600			600			600	
	1078			924			1078	
	100			100			100	
	1200			1800			1800	
	5700			5700			5700	
	1850			1850			1850	
	2430			2430			2430	
	17780			15240			17780	
	3000			4500			4500	
	7000			630	‘+480 yearly		7000	
	8234	(every 4-7 years)		8234	(every 4-7 years)		8234	(every 4-7 years)
	11998	(every 4-7 years)		10284	(every 4-7 years)		11998	(every 4-7 years)
	2178	(every 4-7 years)		3267	(every 4-7 years)		3267	(every 4-7 years)
	80			80			80	
	400			400			400	
	420			360			420	
	75			75			75	
	800			800			800	
	600	(every 3 years)		600	(every 3 years)		600	(every 3 years)
	720			1080			1080	
	1538			1486			1613	
	1000			1000			1000	
	70371			62830			73995	

	Nlhka7'Kapmx Nation			**Secwepemc**			**Knucwentwecw**	
	6			10			5	
	6			7			4	
	600			1000			500	
	190			190			190	
	600			600			600	
	462			770			385	
	100			100			100	
	1200			1400			800	
	5700			5700			5700	
	1850			1850			1850	
	2430			2430			2430	
	7620			12700			6350	
	3000			3500			2000	
	7000			630	'+480 yearly		630	'+480 yearly
	8234	(every 4-7 years)		8234	(every 4-7 years)		8234	(every 4-7 years)
	5142	(every 4-7 years)		8570	(every 4-7 years)		4285	(every 4-7 years)
	2178	(every 4-7 years)		2541	(every 4-7 years)		1452	(every 4-7 years)
	80			80			80	
	400			400			400	
	180			300			150	
	75			75			75	
	800			800			800	
	600	(every 3 years)		600	(every 3 years)		600	(every 3 years)
	720			840			480	
	1030			1309			917	
	1000			1000			1000	
	51191			55619			40008	

	Ktunanaxa-Kinbasket Tribal Council			Xolhmllh	
	3			17	
	5			23	
	300			1700	
	190			190	
	600			600	
	231			1309	
	100			100	
	1000			4600	
	5700			5700	
	1850			1850	
	2430			2430	
	3810			21590	
	2500			11500	
	630	‘+480 yearly		630	‘+480 yearly
	8234	(every 4-7 years)		8234	(every 4-7 years)
	2571	(every 4-7 years)		14569	(every 4-7 years)
	1815	(every 4-7 years)		8349	(every 4-7 years)
	80			80	
	400			400	
	90			1200	
	75			75	
	800			800	
	600	(every 3 years)		600	(every 3 years)
	600			2760	
	815			2154	
	1000			1000	
	36421			92420	

QUEBEC								
Type A								
Agency				**Natashquan**			**Uashat Maliotenam**	
Staff				5			13	
Locations				1			1	
Option #1	Cost							
Software								
A1	100	(each comp)		500			1300	
A8	77	(each comp)		385			1001	
A9	100			100			100	
A10	200	(per location)		200			200	
Computers								
C1	5700			5700			5700	
C4	1270	(per staff)		6350			16510	
C5	500	(per location)		500			500	
Others								
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly							
				7000			630	+480 yearly
D1	4703			4703	(every 4-7 years)		4703	(every 4-7 years)
D2	857	(per staff)		4285	(every 4-7 years)		11141	(every 4-7 years)
D3	363	(per location)		363	(every 4-7 years)		363	(every 4-7 years)
E1	80			80			80	
E2	400			400			400	
E3	30	(per staff)		150			390	
E4	75			75			75	
F1	800			800			800	
F2	600			600			600	
F3	120	(per location)		120			120	
G1	374			628			1136	
G2	1000			1000			1000	
Total	17349			33939			46749	

	Ristigouche			Shefferville	
	8			4	
	1			1	
	800			400	
	616			308	
	100			100	
	200			200	
	5700			5700	
	10160			5080	
	500			500	
	630	+480 yearly		7000	
	4703	(every 4-7 years)		4703	(every 4-7 years)
	6856	(every 4-7 years)		3428	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)
	80			80	
	400			400	
	240			120	
	75			75	
	800			800	
	600			600	(every 3 years)
	120			120	
	818			564	
	1000			1000	
	34761			31541	

	Lac St Jean			Kitigan	
	8			5	
	1			1	
	800			500	
	616			385	
	100			100	
	200			200	
	5700			5700	
	10160			6350	
	500			500	
	630	+480 yearly		630	+480 yearly
	4703	(every 4-7 years)		4703	(every 4-7 years)
	6856	(every 4-7 years)		4285	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)
	80			80	
	400			400	
	240			150	
	75			75	
	800			800	
	600			600	
	120			120	
	818			628	
	1000			1000	
	34761			27569	

	Kanawake			Huronne Wendat			Gesgapegiag	
	20			4			2	
	1			1			1	
	2000			400			200	
	1540			308			154	
	100			100			100	
	200			200			200	
	5700			5700			5700	
	25400			5080			2540	
	500			500			500	
	630	+480 yearly		630	+480 yearly		630	+480 yearly
	4703	(every 4-7 years)		4703	(every 4-7 years)		4703	(every 4-7 years)
	17140	(every 4-7 years)		3428	(every 4-7 years)		1714	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)		363	(every 4-7 years)
	80			80			80	
	400			400			400	
	600			120			60	
	75			75			75	
	800			800			800	
	600	(every 3 years)		600	(every 3 years)		600	(every 3 years)
	120			120			120	
	1580			564			437	
	1000			1000			1000	
	63531			25171			20376	

	Betsiamites			Attikamewk	
	11			11	
	1			1	
	1100			1100	
	847			847	
	100			100	
	200			200	
	5700			5700	
	13970			13970	
	500			500	
	630	+480 yearly		7000	
	4703	(every 4-7 years)		4703	(every 4-7 years)
	9427	(every 4-7 years)		9427	(every 4-7 years)
	363	(every 4-7 years)		363	(every 4-7 years)
	80			80	
	400			400	
	330			330	
	75			75	
	800			800	
	600	(every 3 years)		600	(every 3 years)
	120			120	
	1009			1009	
	1000			1000	
	41954			48324	

Type C								
Agency				Regroupement Mamit Innuat			Grand Conseil Wababaki	
Staff				9			1	
Locations				3			2	
	Cost							
Software								
A1	100	(each comp)		900			100	
A2	190			190			190	
A3	600			600			600	
A8	77	(each comp)		693			77	
A9	100			100			100	
A10	200	(per location)		600			400	
Computers								
C1	5700			5700			5700	
C2	1850			1850			1850	
C3	2430			2430			2430	
C4	1270	(per staff)		11430			1270	
C5	500	(per location)		1500			1000	
Others								
B	7000 for agencies with avg. remoteness of 0.22 or more OR 630 + 480 yearly							
				7000			630	'+480 yearly
D1	8234			8234	(every 4-7 years)		8234	(every 4-7 years)
D2	857	(per staff)		7713	(every 4-7 years)		857	(every 4-7 years)
D3	363	(per location)		1089	(every 4-7 years)		726	(every 4-7 years)
E1	80			80			80	
E2	400			400			400	
E3	30	(per staff)		270			30	
E4	75			75			75	
F1	800			800			800	
F2	600			600	(every 3 years)		600	(every 3 years)
F3	120	(per location)		360			240	
G1	588			1146			613	
G2	1000			1000			1000	
Total	26164			54760			28002	

	Conseil De La Nation Attikamek-Sipi Child		
	18		
	2		"Counseil Montagnais Essipit" was not included, because they can't afford any staff members at the avg. salary of $48,000.
	1800		
	190		
	600		
	1386		
	100		
	400		
	5700		
	1850		
	2430		
	22860		
	1000		
	630	'+480 yearly	
	8234	(every 4-7 years)	
	15426	(every 4-7 years)	
	726	(every 4-7 years)	
	80		
	400		
	540		
	75		
	800		
	600	(every 3 years)	
	240		
	1692		
	1000		
	68759		

	British Columbia Region	
	Agency	Total
1	Sechelt	20376
2	Heiltsuk	33939
3	Lalum'utul'sumun'eem	39556
4	Ayes Men Men	39556
5	Carrier-Sekani	76883
6	Spallumcheen	17979
7	Scw'Exmx	41216
8	Nuu-Chah-Nulth	81299
9	Nezul Betlunuyeh	43962
10	Nil' To,O	52014
11	Gitksen	70371
12	Kwumut lelum	62830
13	Northwest	73995
14	Nlhka7'Kapmx Nation	51191
15	Secwepemc	55619
16	Ktunanaxa-Kinbasket Tribal Council	36421
17	Xolhmllh	92420
18	Knucwentwecw	40008
		929,635

	Alberta Region	
	Agency	Total
1	Kashkowew	94499
2	Little Red River	77094
3	Bigstone Cree	60311
4	Tsuu T'ina (Sarcee)	34164
5	Stoney (Chiniki)	63531
6	Kainaiwa	87506
7	Peigan	41954
8	Saddle Lake	65929
9	Siksika (Blackfoot)	53941
10	Yellowhead	83237
11	Lesser Slave Lake	53010
12	Western Cree	59555
13	Tribal Council Ventures East	61567
14	Tribal Council Ventures West	54374
15	Kee Tas Now	66747
16	Athabasca	57176
17	North Peace	64350
18	Akamkipatinow	59169
		1,138,114

	Saskatchewan Region	
	Agency	Total
1	Cheifs Tribal	69901
2	Ahtahkakoop	41131
3	Lac La Ronge	84286
4	Montreal Lake	50721
5	Onion Lake	60311
6	Peter Ballentyne	89081
7	Kanaweyihimitowin	36336
8	Battleford	65191
9	Nicapanak Centre CFS Inc.	69145
10	Nehiyaw Awasis Siceca(Central)	54374
11	Yorktown	108420
12	Touchwood	76356
13	Kanaweyimik	81447
14	Saskatchewan District Tribal	78492
15	Athabaska Denesuline	83530
16	Meadow Lake	119548
17	Qu'Appelle Tribal Council	61364
		1,229,634

	Manitoba Region	
	Agency	Total
1	Kinosao Sipi Minisowin (Norway House)	74696
2	Nisichawayasihk (Nelson House)	67504
3	Peguis	60311
4	Sagkeeng	57914
5	Anishinaabe West	85946
6	Awasis	223867
7	Cree Nation	155492
8	Dakata Ojibwa	133547
9	Intertribal	48390
10	South East	133953
11	Weast Region	114093
12	Island Lake	147073
		1,302,786

	Quebec Region	
	Agency	Total
1	Natashquan	33,939
2	Uashat Maliotenam	46,749
3	Ristigouche	34,761
4	Shefferville	31,541
5	Lac St Jean	34,761
6	Kitigan	27,569
7	Kanawake	63,531
8	Huronne Wendat	25,171
9	Gesgapegiag	20,376
10	Betsiamites	41,954
11	Attikamewk	48,324
12	Regroupement Mamit Innuat	54,760
13	Grand Conseil Wababaki	28,002
14	Conseil De La Nation Attikamek-Sipi Child	68,759
	"Counseil Montagnais Essipit" was not	
	included, because they can't afford any staff	
	members at the avg. salary of $48,000.	
		560,197

	Atlantic Region	
	Agency	Total
1	Woodstock	17,979
2	Tobique	27,569
3	St.Marys	22,774
4	Metepenagiag Mi'kmaq	20,376
5	Oromocto	17,979
6	Miawpukek	22,774
7	Kingsclear	20,376
8	Eel River Bar First Nations	17,979
9	Eel Ground	20,376
10	Burnt Church	27,569
11	Elsipogtog	41,954
12	Mi'kmaq	17,0792
13	Four Directions	31,607
	("Developmental" agency	
	was not included)	
		460,104

Sum of all Provincial MIS Totals - $5,620,470

Appendix G - Capital Cost Tables

TABLE 14

STAFF AND SALARY IMPLICATIONS OF FUNDING INCREASES

	$ Million	STAFF	SALARIES
ADJUSTMENTS TO FORMULA			
Restore Inflation Erosion	21,166,538	143	13,758,250
Fixed Amount per Agency Adjustment	12,042,092	153	9,633,674
Remoteness	4,118,417	28	2,676,971
Small Agency Adjustment	1,213,749	8	788,937
Total Adjustments	38,540,796	333	26,857,831
NEW FUNDING STREAMS			
LDM/Prevention	34,739,040	543	26,054,280
Communities Not Served by Agencies	1,000,000	14	650,000
Extraordinary Costs	2,000,000	0	0
Regional Organizations	1,500,000	0	0
MIS	4,560,235	0	0
Evaluation	930,000	0	0
National and Regional Studies	1,210,000	0	0
Capital	5,957,311	0	0
Liability Pool	3,500,000	0	0

		ASSUMPTIONS		
Staff = (one half increase x 0.65) /$48,000				Salaries +0.65 x increase
Staff = 0.7 janitor and HR officer + 0.25 records administrator x 93 agencies				
Salaries = increase x 0.8				
Staff = (one half increase x 0.65) /$48,000				Salaries +0.65 x increase
Staff = (one half increase x 0.65) /$48,000				Salaries +0.65 x increase
Staff = (increase x 0.75) /$48,000				Salaries +0.75 x increase
Staff = (increase x 0.65) /$48,000				Salaries +0.65 x increase

Standards					2,790,000		38		1,813,500
Total New Funding Streams					58,186,586		594		28,517,780
TOTAL					96,727,382		927		55,375,611
Current Staff approx.					100,000,000		1354		
% increase							69%		
13% of Additional Salaries and Benefits for Rent etc									7,198,830
Less 13% of Adjustment salaries									3,491,518
Incremental Rent etc									3,707,311
For items with '0' against them, the assumption is zero salary content due to the nature of the expenditure or to outsourcing.									

Staff = (increase x 0.65) /$48,000				Salaries +0.65 x increase
Allowance for rent etc for LDM/Prevention, communities not served by agencies and standards				

TABLE 15

ALLOCATION OF $10.3M CAPITAL POOL

		Agency Size						
		Child Pop	Atlantic	Alberta	BC	Manitoba	Saskatchewan	Quebec
		335						
	1	335	9		4			5
	2	670	2	1	4		1	2
	3	1005	1	5	5	1	4	5
	4	1340		4	5	1	3	1
	5	1675		2		2	3	1
	6	2010		3		2	2	1
	7	2345		1				
	8	2680					3	
	9	3015		2		1	1	
	10	3350						
	11	3685	1			1		
	12	4020				2		
	13	4355						
	14	4690				1		
	15	5025						
	16	5360						
	17	5695						
	18	6030						
	19	6365						
	20	6700				1		

NUMBER AGENCIES	WEIGHTS	ALLOCATION PER AGENCY	TOTAL BY SIZE OF AGENCY
18	18	$26,276	$472,959
10	20	$52,551	$525,510
21	63	$78,827	$1,655,357
14	56	$105,102	$1,471,429
8	40	$131,378	$1,051,020
8	48	$157,653	$1,261,225
1	7	$183,929	$183,929
3	24	$210,204	$630,612
4	36	$236,480	$945,918
	0	$262,755	$0
2	22	$289,031	$578,061
2	24	$315,306	$630,612
	0	$341,582	$0
1	14	$367,857	$367,857
	0	$394,133	$0
	0	$420,408	$0
	0	$446,684	$0
	0	$472,959	$0
	0	$499,235	$0
1	20	$525,510	$525,510
93	392		$10,300,000

Please note: the legal opinion provided in this report should not be relied upon for any other purpose than for which it was written.

August 5, 2005

First Nations Child and Family Caring Society of Canada
Suite 1001—75 Albert Street
Ottawa, Ontario K1P 5E7

Attention: Cindy Blackstock, Executive Director

Dear Sirs/Mesdames:
Re: Liability Exposure of Child and Family Service Agencies

You have asked us to provide you with our opinion on the liability exposure of the First Nations Child and Family Service Agencies across Canada who are members of the First Nations Child and Family Caring Society of Canada ("FNCFSA"). We understand that the purpose of seeking this opinion is to provide the FNCFSA with information that will be used to obtain estimates for the limits and coverages of the liability insurance required by the FNCFSA and the member agencies in order to carry out child and family services. The estimate for the cost of liability insurance for the child and family service agencies will form one of the elements in the FNCFSA's proposal for a new funding formula between the Department of Indian Affairs and the agencies.

You have asked us to identify the areas of exposure to liability for child and family service agencies and their employees in the delivery of services and the liability of the agencies for employee claims for wrongful dismissal and human rights complaints.

Background

The First Nations Child and Family Service Agencies deliver services on reserve to status Indian children. The agencies are funded by the federal government through a national funding formula (Directive 20/1). Although the funding for the delivery of child welfare services to status Indian children on reserve is provided by the federal government, the agencies must follow provincial child welfare statutes in the delivery of services to children. The provincial child welfare statutes also provide the basis for the delegation of child welfare services from the provincial government to the agency.

The degree to which a provincial government remains liable for the negligence of any agencies or agency employees in the delivery of child welfare services depends upon the wording of the particular child welfare legislation, in particular, the ability of the province, or a provincial official, to delegate the duty owed to children in care in the province to an agency or an employee of an agency. The extent to which a provincial government or a provincial government official will be solely liable or jointly liable with a child welfare agency for negligence in the delivery of child welfare services will vary from province to province depending on the wording of the particular statute. For the purposes of this opinion, we have not analyzed the wording of each statute to provide an opinion on the ability of each province or provincial official to delegate their legal duties to children in care to an agency and thus avoid liability for any negligence in the delivery of child welfare services.

Liability to Children in Care

The particular areas of exposure to liability that relate to the delivery of services to children in care are the following:

- liability of the agency for personal injury to children and families, arising from the participation of children in activities provided by the agency, motor vehicle accidents, or

accidents that occur on property owned or managed by the agency;

- direct and vicarious liability of the agency for criminal or intentional actions of its employees, for example, abuse claims.

The exposure of the agency to liability for physical personal injury sustained by children in care is relatively straightforward. The agency is liable for any injury sustained by a child, whether or not that child is in the legal care of the agency, who participates in an activity organized by and supervised by the agency or one of its employees. For example, if the agency ran a recreational or sports program and a child was injured as a result of participating in that program, the agency would be liable for any negligence on the part of its employees in the supervision of the activities. The agency would also be liable for any injuries caused by the state of the premises on which the recreational or sporting activity was conducted. If the agency is providing programs for children on the reserve, the agency owes a duty to those children to supervise them to the standard of a careful and prudent parent. The agency therefore must provide sufficient supervision for the number and age of the children, and the level of risk involved in the activity.

The agency can also be exposed to liability where children under its supervision are being transported in motor vehicles.

With respect to the extent of any damage awards for personal injury, the awards vary widely depending on the level of injury. For the most serious injuries, which include serious brain injuries or quadriplegia, damage awards can be in excess of $5,000,000.00, which includes awards for the future income loss of the child. Where liability is shared between two or more parties, the responsibility for paying damages is also shared. However, if other responsible parties have no assets and no ability to pay, the Plaintiff is entitled to claim all of the damages from the agency on the basis of joint liability. For example, if liability for damages is equally split between an agency and an individual employee, and the employee has no assets, the Plaintiff can demand the whole amount from the agency.

The area of liability for child welfare agencies that has received the most attention in the past few years is vicarious liability of a child welfare agency for physical and sexual abuse of the children in its care and under its supervision by employees or volunteers of the agency. The most recent decision of the Supreme Court of Canada in the area of vicarious and direct liability for abuse of children is Roman Catholic Episcopal Corporation of St. Georges v. John Doe ([2004] 1 S.C.R. 436). The Plaintiffs were sexually assaulted by a Roman Catholic priest employed by the diocese in Newfoundland. The Supreme Court of Canada found the diocese to be directly liable to the Plaintiffs resulting from the failure of the diocese to prevent the assaults from continuing when they knew or ought to have known that the priest was abusing the Plaintiffs. The Supreme Court of Canada also found the diocese vicariously liable for the abuse to the Plaintiffs on the tests established in the previous decisions of Bazley v. Currie ([1999] 2 S.C.R. 534), and Jacobi v. Griffiths ([1999] 2 S.C.R. 570).

The imposition of direct liability on the diocese in the John Doe case was based on the knowledge imputed to the diocese of the abusive history of the priest. Where an agency is aware of abuse occurring, or should be aware if appropriate supervision was exercised, the agency will be found negligent in performing the duties it owes to the children in care. Direct liability for abuse committed by employees can also arise where the agency has not taken reasonable steps to ensure the employees hired do not pose a risk to children.

The Supreme Court confirmed the test first applied in Bazley for the imposition of vicarious liability on an employer for the criminal acts of its employee. The court should first determine whether there are precedents which unambiguously determine whether the facts support vicarious liability. If there is no clear precedent, vicarious liability should be imposed where

the employer and the person committing the criminal act have a sufficiently close relationship and the criminal act is sufficiently connected to the conduct authorized by the employer. In Bazley, vicarious liability was imposed on the non-profit Children's Foundation who were operating residential care facilities where a resident was sexually assaulted by a child care counsellor. The Supreme Court of Canada imposed vicarious liability on the grounds that the relationship between the employer and the child care counsellor was sufficiently close and the wrongful act was a manifestation of the risks inherent in the employer's enterprise, that is, providing residential care for children. In Jacobi, the non-profit Boys and Girls Club was found not vicariously liable for sexual assaults committed by the program director in the course of excursions relating to children's sports activities. The Supreme Court of Canada found that the connection between the enterprise of the boys and girls club and the sexual assaults had not been established given that the level of intimacy required between the employee and the children was much less than in Bazley.

In the John Doe case, the Supreme Court of Canada found a sufficiently close relationship between the diocese and the priest to satisfy the first element of the test for vicarious liability. The Supreme Court of Canada also found that the role of a parish priest was to provide special care for the catholic education of children and young people and that the priest was expected to have close involvement with children. The Supreme Court of Canada further found that the priest's wrongful acts with respect to the boys in the parish were strongly related to the psychological intimacy that was inherent in his role as a priest and encouraged by the diocese. The priest also exercised an enormous degree of power over the children, which power was conferred to the priest by the diocese.

Based on the Supreme Court of Canada case law discussed above, it is our opinion that the child welfare agencies will not be found to be vicariously liable for any acts of abuse committed by their employees in the course of providing programs and activities for children on reserves. The relationship and circumstances of an agency providing activities and programs for children on reserves is akin to the situation in Jacobi, where the Boys and Girls Club was held not to be vicariously liable for abuses of its employee in providing recreational services. However, there is a risk of vicarious liability for acts of abuse committed by child care counsellors, who are expected to develop a close relationship with children in their care. The relationship between a child care counsellor and a child in care is similar to the relationship between the priest and child described in John Doe. Where the agency encourages and requires its employees to develop close relationships with children that can be used by the employee to abuse the child, the agency may be found to be vicariously liable for the abuse.

The other area of exposure for child welfare agencies is vicarious liability for acts of abuse committed by foster parents on children placed in their care by the agency. The Supreme Court of Canada dealt with the issue of vicarious liability of governments for the abuse of children by foster parents in two cases arising out of British Columbia, KLB v. British Columbia ([2003] 2 S.C.R. 403), and MB v. British Columbia ([2003] 2 S.C.R. 477). The Supreme Court of Canada held that the relationship between the abusing foster parent and the provincial government was not sufficiently close to make the claim for vicarious liability appropriate. The Supreme Court of Canada stated that it was inherent in the nature of family-based care for children that foster parents are in important respects independent from government and that government cannot exercise sufficient control over their activities for them to be seen as acting on behalf of the government or as government agents in their daily activities with the foster children. The Supreme Court of Canada acknowledged that foster families serve an important public goal of providing children the experience of family life but that they discharge this public goal in a manner that is highly independent from government control. The decisions of the Supreme Court of Canada in KLB v. British Columbia and MB v. British Columbia do not preclude an

action against an agency for direct negligence in failing to properly screen prospective foster parents or in failing to act when the agency knows or ought to know from its supervision of the foster family relationship that the foster parent is abusing the foster children.

The claims for damages that normally accompany an allegation of sexual or physical abuse of children while in care are normally claims for emotional and psychological damage and claims for loss of future income based on the inability or reduced ability of the abused child to earn income because of the psychological and emotional damage. The quantums of these claims are variable, depending on the nature of the abuse, the expected income earning capacity of the individual in the absence of the abuse and the extent to which the individual has other unrelated problems that contribute to a reduced ability or inability to earn income. These claims are difficult for courts to quantify, particularly where the Plaintiffs are children who were already at a disadvantage based on family background. In many cases children in care have already been abused in some fashion by family members or others and therefore it is often difficult to identify the extent to which the abuse suffered in care has contributed to the child's overall loss of earning potential as an adult.

Awards for future loss of income when the Plaintiff is unable to work competitively due to the abuse can exceed $1,000,000.00.

Liability for Wrongful Dismissal and Human Rights Violations

An agency's primary risk of exposure as an employer relates to wrongful dismissal claims by former employees.

Whether or not a written employment contract exists, the relationship of employer and employee is one of contract. If the employment contract says nothing about the rights and obligations on termination of employment, then there will be implied into the contract an obligation of the employer to give reasonable notice to the employee of the termination, unless the termination is for cause. The contractual obligation will be to give working notice and immediate termination will be a breach of the employment contract. An employer providing working notice in the appropriate length will bring the employment contract to an end and no claim for breach of contract will exist. However, in most cases, the employer will want to act more quickly in terminating employment for various reasons including cost cutting, morale and ongoing business. As a result, the employer will be breaching the employment contract by not giving working notice and will be seeking to settle the claim of the employee for damages for breach of contract by providing pay in lieu of notice.

The implied contractual reasonable notice obligation is referred to as "common law" notice and is different from the minimum termination pay provisions provided by statute. Common law notice will be in addition to the statutory minimum although payments towards the minimum will be deducted in determining whether further amounts are owing in respect of common law notice.

The length of reasonable notice required to be given in each case will be based on such factors as the age of the employee, length of service with the employer, the nature of the position and availability of alternative employment. For some employees, common law notice will not entitle them to more than a statutory minimum. For middle managers and professionals with length of service between 5 to 10 years, courts often find a reasonable notice period in the range of one month per year. The upper limit of notice is generally considered to be 24 months for a long term senior employee. Where special factors aggravating the damage claim exist, the notice period will be extended, and where appropriate, beyond this upper limit.

An employee is obligated to take steps to seek alternative employment to reduce any damages they may suffer. Any amount earned by an employee during the common law notice period will

be deducted from the damages otherwise payable.

The damages awarded to an employee will be the value of the salary and benefits that the employee would have received if they had remained employed by the employer during the period of reasonable notice. In addition to these amounts, employees are entitled to receive the amount of the employer's premium towards Canada Pension Plan and Employment Insurance benefits during the period of notice. The court will also award interest on the full amount of salary and benefits, subject to mitigation, calculated from the start of the action.

An employer may also be exposed to human rights claims by potential, current or former employees.

Employers must not discriminate against a employee or potential employee on a variety of prohibited grounds, including race, religion, marital or family status, physical or mental ability, sex, sexual orientation, age, or an unrelated criminal conviction. Claims may relate to termination or to other terms and conditions of employment. Harassment complaints are most commonly litigated as human rights claims.

The remedies allowed under the various human rights legislative schemes can be more invasive than those available at common law. For example, if discrimination is proven, in addition to lost salary, wages and expenses, an employer may be ordered to reinstate the employee to their former position and/or to pay damages for injury to dignity, feelings and self respect.

Conclusion

The primary areas of exposure to liability for a child and family service agency providing services to children and family on reserve across Canada are:

1. As an agency providing services to children generally, the agency may be liable for physical injury suffered by children under its supervision;

2. The agency has an obligation to properly investigate and supervise its employees where those employees have a close relationship with children in care to ensure that the children are not exposed to abuse;

3. The Agency may be vicariously liable for intentional acts of its employees, where those employees are placed in a relationship of intimacy with children in care which provides an opportunity for the employees to physically or sexually abuse the children;

4. The Agency as an employer is exposed to claims for wrongful dismissal and human rights violations with respect to its employees.

As discussed above, the damages that can be awarded against an agency directly or vicariously vary widely depending on the nature of the injury, the particular circumstances of the Plaintiff, and whether or not there are other parties who share liability for the damages.

If you require any further information regarding this opinion, please do not hesitate to contact the writer.

Yours truly,

ALEXANDER HOLBURN BEAUDIN & LANG LLP

Per:

Eileen E. Vanderburgh
EEV/kh

Appendix I - Cost of Proposals Tables

	TABLE 16	Proposals To Reform Federal Funding Formula For First Nations Child And Family Services			
			POOL	ANNUAL	
1	**ADJUSTMENTS TO FORMULA**				
	Restore Inflation Erosion Since 1995			$21,166,538	
	Fixed Amount Per Agency Adjustments			$12,042,092	
	Adjust Remoteness				
		TO CITY CENTRES		$108,000	
		REMOTENESS PROPORTIONS		$4,010,417	
	Small Agency Adjustments			$1,213,749	
2	**NEW FUNDING STREAMS**				
	Wellness, Least Disruptive Measures And Prevention				
		OPTION 1	LEAST DISRUPTIVE MEASURES	$26,619,904	Rising to $47.9m in year 3, $53.2m year 7
			PREVENTION	$8,119,136	Rising to $14.6m in year 3, $16.2m year 7
	Communities Not Served By Agencies			$1,000,000	
	Extraordinary Costs			$2,000,000	
	Regional Organizations			$1,500,000	
	Management Information Systems		Existing $5,620,470		
		With Additional Funding	$3,500,000		
	Evaluation			$930,000	
	National And Regional Studies			$1,210,000	
	Capital		Existing $6,831,482		
		With Additional Funding		$3,707,311	
	Liability Pool	For over $1,000,000	$7,000,000		
	Standards			$2,790,000	
	GRAND TOTAL POOL AND ANNUAL REVENUE NEEDS		$22,951,952	$86,417,147	

TOTAL WITH ANNUALIZATION

	TABLE 17	Proposals To Reform Federal Funding Formula For First Nations Child And Family Services			
				ANNUAL	
1	**ADJUSTMENTS TO FORMULA**				
	Restore Inflation Erosion Since 1995			$21,166,538	
	Fixed Amount Per Agency Adjustments			$12,042,092	
	Adjust Remoteness				
		TO CITY CENTRES		$108,000	
		REMOTENESS PROPORTIONS		$4,010,417	
	Small Agency Adjustments			$1,213,749	
2	**NEW FUNDING STREAMS**				
	Wellness, Least Disruptive Measures And Prevention				
		OPTION 1	Least Disruptive Measures	$26,619,904	Rising to $47.9m in year 3, $53.2m year 7
			Prevention	$8,119,136	Rising to $14.6m in year 3, $16.2m year 7
	Communities Not Served By Agencies			$1,000,000	
	Extraordinary Costs			$2,000,000	
	Regional Organizations			$1,500,000	
	Management Information Systems			$4,560,235	
	Evaluation			$930,000	
	National And Regional Studies			$1,210,000	
	Capital			$5,687,311	
	Liability Pool	For over $1,000,000		$3,500,000	
	Standards			$2,790,000	
	GRAND TOTAL ANNUAL REVENUE NEEDS			$96,457,382	

Table 18
IMPACT OF PROPOSALS ALBERTA REGION 2005 - 2006 Allocations - January 2005

Agency:
AAA Child and Family Services Operations & Development Funding Formula

			05-06 FNCFS			Proposed	
			Dec. 2004				
		Number of Bands	Remote Factor	Population 0-18			
		1	0.3	1343			
		1	0.3	1343			
		Cost		05-06 FNCFS			
		Driver		Formula			
		Current Year		Funding			
	Total Fixed Amount			$143,159	Plus Inflation	$173,509	
					Plus Adjustment	$165,592	
	New Remoteness City v Service			No Change			
	Small Agency Adjustment			$0		$0	
	Amount per Band	$10,714		$10,714		$10,714	
					Plus Inflation	$2,271	
	Amount per Child	$727		$976,240		$976,240	
					Plus Inflation	$206,963	
	Fixed Amount Based upon Average Remoteness	$9,235		$2,771		$2,771	
					Plus Inflation	$587	
	Amount per Band Based upon Average Remoteness	$8,866		$2,660		$2,660	
					Plus Inflation	$564	
	Amount per Child Based upon Average Remoteness	$74		$29,674		$29,674	
					Plus Inflation	$6,291	
	100% FORMULA FUNDING			$1,165,217	One Time Remoteness +3.7%	$41,814	
					LDM/Prevention 34.8% total 04-05	$405,495	
					MIS	$60,311	
					Evaluation	$10,000	
					Standards	$30,000	
					Capital/Rent	$130,970	
							% Change
	OPERATIONS FUNDING			$1,165,217		$2,256,425	93.6%

Table 19
IMPACT OF PROPOSALS ATLANTIC REGION 2005 - 2006 Allocations - January 2005

Agency:
BBB Child and Family Services Operations & Development Funding Formula

		05-06 FNCFS			Proposed	
		Dec. 2004				
		Remote Factor	Population 0-18			
		0.8	188			
		0.8	188			
			05-06 FNCFS			
			Formula			
			Funding			
	Total Fixed Amount		0	Plus Inflation	$0	
				Plus Adjustment	$63,158	
	New Remoteness City v Service		0.18		$472	
	Amount per Band		$10,714		$10,714	
				Plus Inflation	$2,271	
	Amount per Child		$136,659		$136,659	
				Plus Inflation	$28,972	
	Fixed Amount Based upon Average Remoteness		$739		$739	
				Plus Inflation	$587	
	Amount per Band Based upon Average Remoteness		$709		$1,030	
				Plus Inflation	$150	
	Amount per Child Based upon Average Remoteness		$709		$5,208	
				Plus Inflation	$235	
	100% FORMULA FUNDING		$149,928	One Time Remoteness +3.7%	$4,893	
				LDM/Prevention 34.8% total 04-05	$52,175	
				MIS	$20,376	
				Evaluation	$10,000	
				Standards	$30,000	
				Capital/Rent	$23,919	
						% Change
				Proposed	$391,127	160.9%

Table 20
IMPACT OF PROPOSALS MANITOBA REGION 2005 - 2006 Allocations - January 2005

Agency:
XXX

		05-06 FNCFS			Proposed	
		Dec. 2004				
		Remote Factor	Population 0-18			
		1.265	3973			
		1.265	3973			
			05-06 FNCFS			
			Formula			
			Funding			
	Total Fixed Amount		$143,158	Plus Inflation	$143,158	
				Plus Adjustment	$30,349	
	New Remoteness City v Service	No Change			$165,593	
	Amount per Band		$42,854		$42,854	
				Plus Inflation	$9,085	
	Amount per Child		$2,888,013		$2,888,013	
				Plus Inflation	$612,259	
	Fixed Amount Based upon Average Remoteness		$11,683		$11,683	
				Plus Inflation	$2,477	
	Amount per Band Based upon Average Remoteness		$44,861		$45,182	
				Plus Inflation	$9,511	
	Amount per Child Based upon Average Remoteness		$370,153		$374,253	
				Plus Inflation	$78,472	
	100% FORMULA FUNDING		$3,500,722	One Time Remoteness +3.7%	$207,497	
				LDM/Prevention 34.8% total 04-05	$1,218,251	
				MIS	$147,073	
				Evaluation	$10,000	
				Standards	$30,000	
				Capital/Rent	$306,322	
						% Change
				Proposed	$6,188,874	76.8%

Michelle Nahanee Design

It is now time

to acknowledge the truth

and begin to rebuild

the relationship among peoples

on the basis of honesty,

mutual respect and fair sharing.

The image of Canada

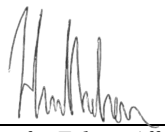
in the world and

at home demands

no less.

Royal Commission on Aboriginal Peoples, 1996

This is Exhibit "61" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Sent by e-mail

December 22, 2025

Cindy Blackstock, PhD
Executive Director
First Nations Child & Family Caring Society
E-mail: CBlackst@fncaringsociety.com

Dear Dr. Blackstock:

Re. Support for the National FNCFS Long-Term Reform Plan

I am thinking of my grandson, Quill, as I write this. He was also on my mind in October of last year when I made the difficult decision to vote against Canada's proposed final settlement agreement. I know the other Chiefs in the room that day also held special little ones in their hearts when we decided collectively that the proposed agreement would not end Canada's systemic discrimination and was not good enough for our children.

In the aftermath of that decision, my fellow Commissioners and I accepted a heavy responsibility to form a National Children's Chiefs Commission—as mandated by the First Nations-in-Assembly—and deliver a stronger resolution to the Human Rights complaint that you initiated all those years ago. None of us have undertaken this work lightly, and all of us have been deeply concerned about the consequences of failure—consequences that would fall heavily on our children. Our concern grew as Canada repeatedly refused to negotiate a new agreement or to engage with the Commission in any meaningful way.

In August, 2025 CHRT 80 provided a strong pathway forward uncoupled from Canada's willingness—or lack thereof—to work with the Commission. We quickly sought, and were granted, an expanded mandate from the First Nations-in-Assembly to work with you and your team at the Caring Society to consult with our Nations and build a plan to end Canada's discrimination in First Nations Child & Family Services.

Our technical team immediately got to work with you and your team to design and implement an engagement strategy. Together, we launched the regional engagements on October 1 and concluded them on November 14. During the engagement period, you and the Commission's technical team supported in-person and virtual engagement sessions with First Nations leaders and Rights Holders and with FNCFS experts in Prince Edward Island, New Brunswick, Quebec,

Manitoba, Saskatchewan, Alberta, British Columbia, the Yukon, and the Northwest Territories. We also welcomed submissions directly through the Commission's website. This work generated a total of 105 submissions, 64 of which were group submissions representing input from up to 90 leaders, Rights Holders and experts.

It is my understanding that, in parallel with the engagement work, you and your team were drafting the Plan, based on the research, legal orders and expert input accumulated since the start of (and even before) this Human Rights process. As the engagement work neared completion, you shared drafts of the Plan with the Commission's technical team. Our team worked closely with you and your team to edit, re-draft, and contribute new material based on their own expertise and on the input gathered through the regional engagements.

This morning, the Commission met for a final discussion prior to the submission of the Plan. As a Commission, we have reviewed the Plan and have taken advice from our technical team. We strongly support this Plan and have passed a motion by consensus to send you this letter supporting your submission to the Canadian Human Rights Tribunal today.

There is one notable area where both the engagement input and our position as a Commission reach beyond the Plan. This concerns our children and families who live off-reserve and in the Northwest Territories. As Commissioners, we understand there are limits on the Tribunal's jurisdiction in this matter. As Chiefs, however, we love and are responsible for our children and families wherever they reside. We embrace the Tribunal's decision affirming that Jordan's Principle eligibility to all our children, regardless of residency and we have seen meaningful changes in the lives of our children as a result of that decision.

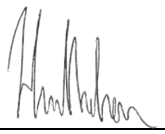
We heard very clearly from leaders, Rights Holders and experts across all regions that the on/off-reserve distinction is itself grounded in systemic discrimination and inequality. The lack of housing and services on-reserve drives so many of our families away from our communities: nearly three-quarters of all First Nations people live off-reserve or in the Northwest Territories, where they are ineligible for the services Canada is required to provide on-reserve. In establishing the reserves, Canada broke numerous treaty agreements. The courts have recognized Canada's dishonourable conduct in this regard and have ordered Canada to pay compensation to purchase new lands. Yet Canada continues to rely on the Indian Act limitation of ordinarily resident on-reserve to deny services to our children and families. The Commission does not accept the Indian Act's narrow understanding of First Nations or reserves—and neither should the Tribunal. We must pursue every avenue to achieve a world where children matter more than reserve boundaries.

The Plan you will submit to the Tribunal today is built on love for our children and respect for their rights. I can share this work proudly with my grandson because it promises to deliver Loving Justice to our children who have endured Canada's discrimination. All our children, wherever they reside, deserve that justice.

Mahsi' choo,

Chief Pauline Frost
Chair, National Children's Chiefs Commission

This is Exhibit "62" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

December 15, 2025

By Email

The Honourable Mandy Gull-Masty
Minister of Indigenous Services Canada
10 rue Wellington, Gatineau, QC K1A 0H4

Dear Minister,

Re: Next Steps to Advance Long-Term Reform of First Nations Child & Family Services

We are writing jointly on behalf of AFNQL Regional Chief Francis Verreault-Paul, Chief Pauline Frost of the National Children's Chiefs Commission (NCCC), and Dr. Cindy Blackstock of the First Nations Child & Family Caring Society. We wish to thank you for taking the time to meet recently with Chief Frost and Regional Chief Verreault-Paul in person, and for meeting virtually with Dr. Blackstock and Regional Chief Verreault-Paul. We appreciate your willingness to hear directly from First Nations leadership and advocates who have worked on this file for many years.

We are encouraged to hear that you intend to take this file in a new direction—one grounded in meaningful collaboration and focused on bringing real, lasting solutions to First Nations children, youth, and families. We welcome this shift and agree that the central task now is addressing Canada's longstanding discriminatory conduct in the First Nations Child & Family Services program and in Jordan's Principle and ensuring it does not recur.

We are writing to ensure that our common positions and expectations are clear before entering into any discussions regarding the resolution of the Canadian Human Rights Tribunal (CHRT) complaint. Ensuring that all parties have a shared understanding at the outset is essential to any good-faith engagement.

1. Our plan will be filed with the Tribunal on December 22, 2025.
As discussed, we are not in a position to share or pre-disclose our plan before it is formally filed with the CHRT on December 22, 2025. This reflects the significant contributions First Nations and their experts have made to a First Nations led plan, as well as Canada's repeated submissions before the Tribunal that it would not collaborate with the NCCC, Caring Society and AFN and would be submitting its own plan.

2. We are open to discussions with Canada after December 22, contingent on clear written commitments.
Following the filing of our plan, we would welcome discussions with Canada on next steps, conditional on receiving written confirmation from Canada that:

- It has a clear mandate to work collaboratively with the Caring Society, the NCCC, and the AFN to permanently cease its discriminatory conduct, and

- Litigation will continue concurrently to ensure First Nations children and families remain fully protected throughout any engagement.

It is also essential that Canada recognize the decisions of First Nations-in-Assembly and make every reasonable effort to implement them. These are not optional directions; they reflect the rights, priorities, and authority of First Nations.

3. Canada must recant its unilateral operational bulletins and commit to co-development of its policies in alignment with the Tribunal's orders going forward.
Canada's unilateral issuance of operational bulletins and policy directions—without co-development or consent—has harmed First Nations children and families and significantly eroded trust. To move forward, Canada must:

- Withdraw or formally recant its unilateral operational bulletins, and
- Commit to working collaboratively with the NCCC, AFN, and the Caring Society on any ISC policy, bulletin, directive, or operational change that affects First Nations children, families, or service providers.

We believe these are reasonable expectations and foundational steps to rebuilding trust. A meaningful show of good faith from Canada—particularly on the commitments described above—would demonstrate that the intent to move in a new direction is genuine.

We look forward to receiving your written confirmation of Canada's mandate and commitments and to continuing this work together in a way that upholds the rights, dignity, and safety of First Nations children and families.

Sincerely,

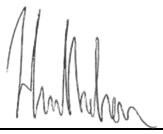
Regional Chief Francis Verreault-Paul,
AFN Portfolio Holder, FNCFS & Jordan's Principle,

Chief Pauline Frost,
Chair, National Children's Chiefs Commission

Cindy Blackstock, PhD
First Nations Child and Family Caring Society

CC: National Chief and Executive, Assembly of First Nations
National Children's Chiefs Commission
Julia Carbone, Indigenous Services Canada

This is Exhibit "63" referred to in the Affidavit of Cindy Blackstock affirmed by Cindy Blackstock of the City of Kamloops, in the Province of British Columbia, before me at the City of Ottawa, in the Province of Ontario, on December 22, 2025 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

HENNA MOHAN
LSO#: 90494W

Ministre des
Services aux Autochtones

Minister of
Indigenous Services

Ottawa, Canada K1A 0H4

December 21, 2025

Chief Pauline Frost
Chair
National Children's Chiefs Commission

Regional Chief Francis Verreault-Paul
Portfolio Holder, First Nations Child and Family Services and Jordan's Principle
Assembly of First Nations

Cindy Blackstock
Executive Director
First Nations Child and Family Caring Society of Canada

Dear Chief Pauline Frost, Regional Chief Francis Verreault-Paul, and Cindy Blackstock:

I am writing to thank you for your letter of December 15, 2025 and for taking the time to meet with me on December 4, 2025 and December 10, 2025.

I appreciated the opportunity to hear your perspectives and to discuss the ongoing work related to the reform of the First Nations Child and Family Services Program. As I shared during our discussions, it is important to me that reform be driven by First Nations and grounded in an inclusive approach—one that respects regional approaches while operating within a coherent national framework.

While I valued our dialogue and found it constructive, the decision not to share draft proposed plans or jointly speak publicly in advance of December 22 is a decision that I will respect. I have to reiterate that it would have been a great opportunity for us to demonstrate a public facing commitment and to stand together—united—for our children. My intent in raising this is not to dwell on process challenges, but to underscore the importance of transparency and shared understanding in serving communities, leadership, families, and the children who await our decisions.

…/2

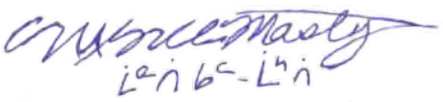
My objective remains meaningful collaboration and lasting solutions for First Nations children, youth, and families—solutions grounded in sound policy, legal obligations, and, most importantly, the lived realities of communities incorporating their unique and diverse culture and language across all First Nations. As Minister of Indigenous Services, I take this responsibility seriously. Our experience working regionally with rightsholders, including with the Chiefs of Ontario and Nishnawbe Aski Nation, has demonstrated the potential of approaches that respect First Nations' right to self-determination while building practical, durable systems. I believe our process has to be respectful of the requests from communities to determine what next step they take.

In that spirit, I want to be clear about my approach. I respect the authority and role of the Tribunal. I believe in ensuring that communities have the freedom to choose the path they wish to follow.

I am open to further discussions with the Assembly of First Nations, the Caring Society, and the National Children's Chiefs Commission following the submission to the Tribunal on December 22, 2025.

I remain committed to advancing this work in a way that respects First Nations leadership, restores confidence in the process, and delivers meaningful, lasting change for children and families.

Yours sincerely,



The Honourable Mandy Gull-Masty, P.C., M.P.